

RECORD OF THE SENATE

THURSDAY, JUNE 6, 1991

OPENING OF THE SESSION

At 3:27 p.m., the Honorable Sotero H. Laurel, President Pro Tempore of the Senate, called the session to order.

The President Pro Tempore. Binubuksan ang pulong ng Senado.

NATIONAL ANTHEM

The President Pro Tempore. Sa pagsasara ng sesyong ito ay inaanyayahan tayong makinig sa Pambansang Awit, na pangungunahan nina G. Padilla at Bb. Manalese. Ito ay susundan ng dalawang awit, ang "Kalapating Bughaw" at "Doon po sa Amin" na kakantahin ni G. Jess Manuel Santiago at pagkatapos ay pangungunahan tayo sa panalangin ni Senador Wigberto E. Tañada.

Everybody rose for the singing of the National Anthem and other songs and remained standing for the opening prayer.

PRAYER

Senator Tañada.

Dear Lord, God Almighty of History and Hope:

On this last day of the Fourth Session of this First Congress elected under a new Constitution, we offer this prayer:

We implore You, Lord, to keep our Government and the People united by adherence to the letter and spirit of the Constitution, which reflects our historic struggles and aspirations for freedom and sovereignty, for our survival and security.

We thank You, Lord, for the good news You have inspired us to propose into laws. However few they are for the many problems of our people, may their enforcement help bring a better life for the many who are poor.

* Arrived after the roll call

** On official mission, also arrived after the roll call

We ask You, Lord, to keep us enlightened with reason and realism as we seek to end soonest the stay of foreign military bases and their stores of nuclear weapons on our soil. May the trend to reject a new military treaty become clearer so that the Senate may be well-remembered for having said "NO to war and YES to peace".

We beseech You, Lord, to strengthen our principles with pragmatism and our pragmatism with principles as we ask the soldiers of our people to humanize their armed conflict and cease their hostilities. Let them know that the violence of arms and the violation of human rights hang heavy in the hearts and minds of our people who aspire to their individual and collective rights to peace with justice.

Finally, Lord, remind our Leaders within and outside of this Senate, whatever their partisan political affiliations, that when our people ask each and every one of us to account for what we have done, we shall also be judged for what we have not done.

Lord, unworthy as we may be, make us the instruments of Your Will that in the hearts of our people peace now may ever abide.

Amen.

ROLL CALL

The President Pro Tempore. The Secretary will please call the roll.

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	**
Senator Teofisto T. Guingona, Jr.	Present
Senator Ernesto F. Herrera	Present
Senator Sotero H. Laurel	Present
Senator Jose D. Lina, Jr.	Present
Senator Ernesto M. Maceda	Present
Senator Orlando S. Mercado	Present
Senator John H. Osmeña	Present

SEC. 13. *Official Development Assistance.* - The provision of Executive Order No. 230 of 1986, on the power of the NEDA Board, and the rules and regulations governing the evaluation and authorization for the availment of Official Development Assistance notwithstanding, the privatization of the mini-hydroelectric power plants as provided for in this Act shall be eligible for foreign loans and grants without further evaluation by the NEDA Board, subject to Section 21, Article XII of the Constitution.

SEC. 13. *Reporting Requirements.* - The OEA shall submit an Annual Report to Congress of the Philippines with respect to the implementation of this Act.

SEC. 14. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations or parts thereof, inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 15. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 209/HOUSE BILL NO. 21280
(National Language Commission)
(Komisyon ng Wikang Pambansa)

Senator Guingona. Mr. President, I ask that we consider the Conference Committee on the disagreeing provisions on the National Language Commission bill. I ask that we recognize Senator Angara.

The Presiding Officer [Senator Maceda]. The distinguished Gentleman from Aurora; the unofficial Chairman of the PREFER, the Preparatory Committee for Fernan is recognized. [Laughter]

SPONSORSHIP SPEECH OF SENATOR ANGARA

Senator Angara. Mr. President, I cannot disagree with that description.

Mr. President, the Committee on Education is pleased to submit to this Body the Conference Committee Report regarding the bill creating the National Lan-

guage Commission. The Conferees have reconciled the differences between the House and Senate versions. For the sake of brevity, we would like to ask that the full text of the Conference Committee Report be inserted into the record.

About this same time, the House Panel is submitting the same Conference Committee Report to the House.

With this Conference Committee Report, we have fulfilled one of the constitutional mandates, the creation of a National Language Commission, that will now try to develop and evolve a common National Language.

Perhaps, our colleagues from Cebu would no longer oppose the use of a National Language.

With that, Mr. President, we respectfully submit, in behalf of the Senate Panel, Senators Herrera, Rasul, Mercado, Enrile, Guingona, Laurel, Maceda, Pimentel, Tamano, and Tañada, this Report of the Conference Committee.

The Presiding Officer [Senator Maceda]. Is there any objection to the approval of the Conference Committee Report on Senate Bill No. 209, na lilikha sa Komisyon ng Wikang Pambansa?

The Gentle Lady from Sulu, Tawi-Tawi, and Saudi Arabia is recognized. [Laughter]

Senator Rasul. Thank you, Mr. President.

I register an affirmative vote but with reservation. The reason being, that this bill shows a bias against Mindanao. Because, while it enumerates the ethnolinguistic groups from Luzon and Visayas, it did not mention a single ethnolinguistic group from Mindanao. This is a pattern, Mr. President, I wish it would not be reflected in this bill.

The Presiding Officer [Senator Maceda]. With that reservation, the same... The Gentleman from Cebu is recognized.

Senator Osmeña. This is just to put in the record, Mr. President, that objections arising from certain sectors in Cebu mainly centered around Administrative

Order No. 335 and their perception that what was called the National Language or Filipino was actually Tagalog. But we are happy that Senator Angara has come forward with this bill. As a matter of fact, both Senator Herrera and I, and Senator Pimentel, all voted for this bill because we are really looking forward to the development of a truly national language.

Thank you, Mr. President.

APPROVAL OF CONFERENCE COMMITTEE
REPORT ON SENATE BILL NO. 209/
HOUSE BILL NO. 21280

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

The following is the full text of the Conference Committee Report:

The Conference Committee on the disagreeing provisions of Senate Bill No. 209, entitled

AN ACT CREATING THE NATIONAL
LANGUAGE COMMISSION

and House Bill No. 21280, entitled

AN ACT CREATING THE COMMISSION ON
FILIPINO LANGUAGE IN
ACCORDANCE WITH THE PROVISION OF
THE CONSTITUTION, PRESCRIBING ITS
POWERS AND FUNCTIONS, AND FOR
OTHER PURPOSES

having met, after full and free conference, have agreed to recommend and do hereby recommend to their respective Houses that the following compromise bill entitled

AN ACT CREATING THE COMMISSION ON
THE FILIPINO LANGUAGE, PRESCRIBING
ITS POWERS, DUTIES AND
FUNCTIONS, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

be approved.

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* - This Act shall be known as the "Commission on the Filipino Language Act".

SEC. 2. *Declaration Of Policy.* - Pursuant to the mandate of the Constitution, it is hereby declared to be a policy of the government to ensure and promote the evolution, development and further enrichment of Filipino as the national language of the Philippines, on the basis of existing Philippine and other languages. To this end, the government shall take the necessary steps to carry out the said policy.

SEC. 3. *Definition Of Terms.* - As used in this Act, the following terms are defined as follows:

(a) Commission - refers to the Commission on the Filipino Language.

(b) Chairman - refers to the chairman of the Commission.

(c) Filipino - refers to the national language of the Philippines.

(d) Philippine languages - refers to the indigenous languages of the Philippines, including the national language and the regional and local languages.

(e) Regional language - refers to the lingua franca or the commonly spoken language of a region.

(f) Major language - refers to a language spoken and used by at least one-fiftieth (1/50) or two percent (2%) of all Filipinos, based on the most recent available data of the National Census Office.

(g) Auxiliary language - refers to a particular language, spoken in certain places, which supports or helps the national and/or official languages in their assigned functions.

(h) Other languages - refers to foreign languages, whether official or not, as long as they have influenced the indigenous languages and cultures to a certain degree.

(i) Ethnolinguistic regions - refers to certain geographical areas where particular groups of people speak a common language

(j) Disciplines - refers to various fields of learning.

SEC. 4. *Creation Of The Commission On The Filipino Language.* - There is hereby created a commission to be known as the Commission on the Filipino language, composed of representatives of various ethnolinguistic groups and different disciplines, which shall undertake, coordinate and promote researches for the development, propagation and preservation of Filipino and other Philippine languages and which shall be directly under the Office of the President.

SEC. 5. *Composition Of The Commission.* - The Commission shall be composed of eleven (11) commissioners, one of whom shall serve as chairman. The commissioners shall represent the major Philippine languages, as defined in Section Three of this Act: Tagalog, Cebuano, Ilocano, Hiligaynon and the major language of Muslim Mindanao; the Northern Cultural Communities; the Southern Cultural Communities; and such other Philippine languages or ethnolinguistic regions as the Commission may decide upon; Provided, That [these] at least four of these commissioners shall also represent various disciplines.

The chairman and two (2) of the commissioners shall serve on a full-time basis; the remaining eight (8) shall serve on a part-time basis and shall attend the regular and special meetings of the Commission.

SEC. 6. *Appointment And Qualifications Of Commissioners.* - The commissioners shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments, from the list of nominees to be submitted by the different ethnolinguistic regions in the country. The President shall appoint from the eleven (11) commissioners the chairman and the two fulltime commissioners. The President shall likewise appoint from the remaining eight (8) commissioners, four (4) commissioners who shall serve for a term of five (5) years and four (4) who shall serve for a term of three (3) years. In the absence of the chairman, the commissioners shall choose a temporary or acting chairman from the two full-time commissioners.

No one shall be appointed as commissioner unless he/she is a natural-born Filipino citizen, at least thirty (30) years old, morally upright and noted for his/her expertise in linguistics, the culture and the language of the ethnolinguistic region and the discipline he/she represents.

SEC. 7. *Term Of Office.* - The chairman and the two (2) full-time commissioners shall serve for a term of seven (7) years. Four (4) of the remaining commissioners shall serve for a term of five (5) years and the four other (4) commissioners, for a term of three (3) years. The commissioners may be reappointed for a maximum of one term by the President of the Philippines with the consent of the Commission on Appointments.

SEC. 8. *Vacancy.* - In case a vacancy occurs prior to the expiration of the term of office of a commissioner, the replacement shall serve only the unexpired portion of the term of office that was vacated. The Commission shall, within thirty (30) days from the date the vacancy occurs, recommend to the President of the Philippines a replacement from the list of nominees submitted by the particular ethnolinguistic region affected by the vacancy, subject to the confirmation of the Commission on Appointments: Provided that, in the event the Commission fails to make such a recommendation, the vacancy shall be filled up by the President of the Philippines, also from the said list of nominees and with the consent of the Commission on Appointments.

SEC. 9. *Compensation.* - The chairman and the two (2) full-time commissioners shall have the same rank, privileges, salary, allowances and other emoluments as the chairman and members, respectively, of other constitutional commissions, which shall not be decreased during their term of office. Each of the part-time commissioners shall receive his/her compensation in the form of an honorarium for every meeting he/she attends, at a rate to be determined by the Commission.

SEC. 10. *Rules Of Procedures And Meetings.* - The Commission shall adopt its own rules and procedures and shall hold sessions at least once a month or as often as the Commission deems necessary. A majority of the eleven (11) commissioners shall constitute a quorum for the transaction of business.

SEC. 11. *Organizational Structure.* - The Commission shall determine its organizational structure: Provided, That the technical personnel of the Commission shall be exempt from the rules and regulations of the Office of Compensation and/or the eligibility requirements of the Civil Service Commission.

SEC. 12. *Director-General.* - There shall be a director-general who shall be appointed by the Commission for a term of seven (7) years and who may be reappointed for a maximum of one (1) term. The Commission shall determine the powers, functions, duties and compensation of the director-general.

SEC. 13. *The Secretariat.* - There shall be a secretariat to be headed by the director-general. The functions, duties and compensation of its personnel shall be determined by the Commission, upon the recommendation of the director-general.

SEC. 14. *Powers, Functions And Duties Of The Commission.* - The Commission, pursuant to the pertinent provisions of the Constitution, shall have the following powers, functions and duties:

(a) Formulate policies, plans and programs to ensure the further development, enrichment, propagation and preservation of Filipino and other Philippine languages:

(b) Promulgate rules, regulations and guidelines to implement its policies, plans and programs:

(c) Undertake or contract research and other studies to promote the evolution, development, enrichment and eventual standardization of Filipino and other Philippine languages. This will include the collation of works for possible incorporation into a multi-lingual dictionary of words, phrases, idioms, quotations, sayings and other expressions, including words and phrases from other languages now commonly used or included in the lingua franca.

(d) Propose guidelines and standards for linguistic forms and expressions in all official communications, publications, textbooks and other reading and teaching materials;

(e) Encourage and promote, through a system of

incentives, grants and awards, the writing and publication, in Filipino and other Philippine languages, of original works, including textbooks and reference materials in various disciplines;

(f) Create and maintain within the Commission a division of translation which shall encourage through incentives, undertake and vigorously support the translation into Filipino and other Philippine languages of important historical works and cultural traditions of ethnolinguistic groups, laws, resolutions and other legislative enactments, executive issuances, government policy statements and official documents, textbooks and reference materials in various disciplines and other foreign materials which it may deem necessary for education and other purposes;

(g) Call on any department, bureau, office, agency or any instrumentality of government or on any private entity, institution or organization for cooperation and assistance in the performance of its functions, duties and responsibilities:

(h) Conduct, at the national, regional and local levels, public hearings, conferences, seminars and other group discussions to identify and help resolve problems and issues involving the development, propagation and preservation of Filipino and other Philippine languages;

(i) Formulate and adopt guidelines, standards and systems for monitoring and reporting on its performance at the national, regional and local levels; and submit to the Office of the President of the Philippines and to the Congress of the Philippines an annual progress report on the implementation of its policies, plans and programs;

(j) Appoint, subject to the provisions of existing laws, its officials and employees and such other personnel as are necessary for the effective performance of its functions, duties and responsibilities; and dismiss them for cause;

(k) Organize and reorganize the structure of the Commission, create or abolish positions, or change the designation of existing positions to meet the changing conditions or as the need therefor arises: Provided, That such changes shall not affect the employment status of the incumbents, reduce their ranks, decrease their salaries or result in their

separation from the service; and

(1) Perform such other activities which are necessary for the effective exercise of the above-mentioned powers, functions, duties and responsibilities.

SEC. 15. *Franking Privilege.* - The publications of the Commission, such as dictionaries, vocabularies, grammars, pamphlets, circulars, leaflets and all other similar printed matter shall enjoy the use of the mails free of postage.

SEC. 16. *Transfer Of Existing Agency.* - All personnel, records, assets, equipment, funds and properties belonging to the Institute of Philippine Languages under Executive Order No. 117 are hereby transferred to the Commission, which shall execute, administer, handle and dispose of such assets, properties and appropriations, in accordance with the provisions of this Act. All research, dictionaries, publications and other intellectual outputs of the Institute are likewise deemed transferred to the Commission.

The Commission shall effect the transfer herein provided in a manner that will ensure the least disruption of on-going programs of the Institute. The qualified and necessary personnel of the Institute shall be transferred to and be absorbed by the Commission: Provided, That the tenure, rank, salaries and privileges of such personnel are not reduced or adversely affected; Provided, further, That, in the period prior to the actual assumption of duties by the Commission and its functioning as such, all officers and employees of the Institute shall continue to exercise all their functions and discharge all their duties and responsibilities; Provided, finally, that the existing Institute of Philippine Languages shall be deemed abolished upon the organization of the Commission, its actual assumption of its duties and its functioning as such.

SEC. 17. *Appropriations.* - The funding requirements necessary to carry out the provisions of this Act shall be charged to the current fiscal year appropriations of the Institute of Philippine Languages. Thereafter, such sum as may be necessary is hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law.

SEC. 18. *Promulgation.* - This Act shall be promulgated in Filipino and in English and shall be translated into the regional languages of the Philippines. In case of doubt, the Filipino version shall be binding.

SEC. 19. *Separability Clause.* - In the event any provision of this Act or the application of such provision is declared invalid, the remainder of the Act or the application of the said provision shall not be affected thereby.

SEC. 20. *Repealing Clause.* - All laws, presidential decrees, executive orders or parts thereof that are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 21. *Effectivity.* - This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in one (1) newspaper of general circulation.

APPROVED.

CONFEREES ON THE PART
OF THE HOUSE

(Sgd.) HON. CARLOS M. PADILLA

(Sgd.) HON. FRANCISCO E. ANIAG, JR.

(Sgd.) HON. PABLO P. GARCIA

(Sgd.) HON. MARTIN B. ISIDRO

HON. JAIME C. LOPEZ

(Sgd.) HON. MICHAEL O. MASTURA

(Sgd.) HON. FRANCISCO S. SUMULONG

(Sgd.) HON. DAVID B. TIROL

CONFEREES ON THE PART
OF THE SENATE

(Sgd.) HON. EDGARDO J. ANGARA

(Sgd.) HON. ERNESTO F. HERRERA

(Sgd.) HON. SANTANINA T. RASUL

(Sgd.) HON. ORLANDO S. MERCADO

JON. JUAN PONCE ENRILE

(Sgd.) HON. TEOFISTO T. GUINGONA

HON. SOTERO H. LAUREL

(Sgd.) HON. ERNESTO M. MACEDA

(Sgd.) HON. AQUILINO Q. PIMENTEL

(Sgd.) HON. WIGBERTO E. TAÑADA

CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 1777/HOUSE BILL NO. 19313
(Election Synchronization)

Senator Guingona. Mr. President, I ask that we now consider the Conference Committee Report on the synchronization of elections. I ask that we recognize Senator Gonzales.

The Presiding Officer [Senator Maceda]. The distinguished Gentleman from Mandaluyong, the President of the LDP, who is neutral between Speaker Mitra and Secretary Ramos, is recognized.

SPONSORSHIP SPEECH OF SENATOR GONZALES

Senator Gonzales. Not neutral for Senator Maceda. [Laughter]

Mr. President, the Conference Committee on the disagreeing provisions of House Bill No. 19313, entitled

AN ACT PROVIDING FOR THE DATES OF THE
NATIONAL AND THE LOCAL ELECTIONS
IN 1992 AND FOR OTHER PURPOSES

and Senate Bill No. 1777, entitled

AN ACT PROVIDING FOR THE NATIONAL
AND LOCAL ELECTIONS IN 1992, PAVE
THE WAY FOR SYNCHRONIZED AND
SIMULTANEOUS ELECTIONS BEGINNING
1995 AND PROVIDE APPROPRIATIONS
THEREFOR

had met, and after extensive discussions have signed a Conference Committee Report. Copies of the report, as well as the consolidated bill, had been furnished every Member of this Chamber. One will only have a perusal of this bill to show that this is indeed the Senate bill, and the Senate bill being principally the basic bill that was used in the Conference Committee.

The whole of our bill has been approved with very minor amendments. The amendments are as follows:

On the election of provincial, city and municipal members of the *Sangguniang Panlalawigan*, *Sangguniang Panglungsod*, and *Sangguniang Bayan*, there is an amendment that beginning with the 1992 elections, the Municipalities of Malabon, Navotas, San Juan, Mandaluyong, Muntinlupa, Las Piñas and Taguig shall have 12 councilors; and Pateros, which is a small town, 10 councilors.

Another amendment is that the Commission on Elections shall apportion the number of elective councilors or members of the *Sangguniang Bayan* among the duly constituted barangays and sitios, as in the manner herein provided.

In the Senate version, we approved that each councilor district shall elect only one councilor. However, in the bicameral Conference Committee, it was agreed that a *manu-mano fight*, a *one-on-one fight*, for councilor might actually be too partisan. That is why, we agreed that each councilor district shall elect two councilors, Mr. President. In the event that there be any extra member, he shall be elected in the district with the greater number of population.

Another minor amendment, Mr. President, is the change in the campaign periods. For presidential and vice-presidential elections, it was increased to 120 days before the day of the election. For senatorial election, it remains at 90 days before the day of the election. For the Members of the House of Representatives and local elective, provincial, city and municipal officials, it shall be 45 days before the day of the election. However, in view of the differences in the campaign periods, we have made an additional provision that:

Any provision of law to the contrary