

CP-SENATE
JOURNAL

SECOND REGULAR SESSION

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JOURNAL

SESSION NO. 29

Wednesday to Friday, October 6 to 8, 1993

CALL TO ORDER

At 4:38 p.m., Wednesday, October 6, the Senate President, Honorable Edgardo J. Angara, called the session to order.

PRAYER

Senator Rodolfo G. Biazon led the prayer, to wit:

Mahal na Panginoon, naipakita Ninyo ang Inyong kapangyarihan sa pamamagitan ng ang bulag ay ginawa Ninyong makakita, na ang bingi ay makarinig, na ang pipi ay makapagsalita, na ang paralitiko ay makalakad, na ang ketongin ay luminis ang katawan.

Mahal na Panginoon, ibigay Po Ninyo sa amin ang biyaya ng Inyong kapangyarihan upang ang nabubulagan sa amin ay mamulat ang mga mata sa kahirapang dinaranas ng aming mga mamamayan, upang ang bingi sa hinaing ng aming mga dukha ay marinig ang mga hinaing ng mga mamamayang humihingi ng kalinga, upang ang napipipi sa amin ay makuhang ibulalas sa madla ang katotohanan nang walang takot sa katotohanan maging ito man ay mapait, ang hindi makakilos sa amin ay maisakatuparan ang mga hakbanging na dapat na isakatuparan, sapagkat natatakot na ang hakbanging iyon ay hindi tanggap ng mga manghahalal, na ang kalinisan ng loob upang hindi pandirihan ng aming mamamayan, sapagkat nananaig ang pangsariling kapakanan sa amin.

Ang lahat ng ito, Panginoon, ay aming hinihingi sa ngalan Mo.

Amen.

TERMINATION OF THE PERIOD
OF COMMITTEE AMENDMENTS

There being no other committee amendments, upon motion of Senator Romulo, there being no objection, the Body closed the period of committee amendments and proceeded to the period of individual amendments.

TERMINATION OF THE PERIOD
OF INDIVIDUAL AMENDMENTS

There being no individual amendments, upon motion of Senator Romulo, there being no objection, the Body closed the period of individual amendments.

APPROVAL OF SENATE BILL NO. 45
ON SECOND READING

Submitted to a vote, and there being no objection, Senate Bill No. 45 was approved on Second Reading.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 45

Upon motion of Senator Romulo, there being no objection, the Body suspended consideration of the bill.

REMINDER OF SENATOR ROMULO

At this juncture, Senator Romulo reminded the Body of the dinner at Manila Hotel at 7:30 in the evening sponsored by the Senate President in honor of the European Parliament delegation.

COMMITTEE REPORT NO. 144
ON SENATE BILL NO. 1240

Upon motion of Senator Romulo, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1240 (Committee Report No. 144), entitled

AN ACT INSTITUTING PORTABILITY SCHEME IN THE SOCIAL
INSURANCE SYSTEMS BY CREDITING WORKERS'
MEMBERSHIP CONTRIBUTIONS FROM ONE SYSTEM TO
ANOTHER.

Pursuant to Section 54, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Romulo, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

Thereupon, the Chair recognized Senator Herrera for the sponsorship speech.

SPONSORSHIP SPEECH OF SENATOR HERRERA

Senator Herrera delivered his sponsorship speech as follows:

I am pleased to submit for the Chamber's approval Senate Bill No. 1240, entitled "An Act Instituting Portability Scheme in the Social Insurance Systems by Crediting Workers' Membership Contributions from One System to Another" which Senator Blas F. Ople and I have authored. This bill was unanimously approved by the Committee on Labor, Employment and Human Resources Development, and the Committee on Civil Service and Government Reorganization, following its endorsement by the Department of Labor and Employment and the concerned institutions, the Social Security System and the GSIS.

The Social Insurance Portability Scheme being proposed under Senate Bill No. 1240 means that a member who is covered by one social insurance system carries over his or her membership to the other social insurance system should this person transfer employment from one sector to the other.

The contributions, period of membership, and the other privileges due him or her under the system where he or she used to belong will be credited in the system covering the sector where he or she has transferred as if there had been no interruption in the continuity of the person's social security membership.

In short, the contributions and membership period under previous and current insurances shall be totalized for purposes of old age, disability and survivorship benefits. The proposal seeks to

correct a deficiency in our present social insurance system.

Under the Government Service Insurance System, public sector employees must have served the government for at least 15 years and should at least be 60 years old to qualify for retirement benefits.

In the private sector, the Social Security System requires that a member must at least be 60 years old and must have paid at least 120 monthly contributions to avail of retirement benefits. Both systems require a minimum number of contributions before a worker can avail of sickness, disability or survivorship benefits.

A worker who transfers from the private sector to the government sector or vice versa, forfeits credit for his or her accumulated years of service in the sector he or she is transferring from, and most probably his or her social insurance contribution, no matter if he had rendered thereat only a few years less than the prescribed minimum for retirement.

To illustrate, a worker may have worked five years in the private sector, transfers to the government sector and works there for another ten years under the age of 60. He or she would have had a total of 15 working years and yet, he or she would not qualify for retirement benefits under either system.

The portability scheme is not entirely new; it is already being implemented under the Home Development Mutual Fund or PAG-IBIG Program. The PAG-IBIG contributions paid by workers while in one sector is credited even if he or she moved to another sector. Since there is no distraction in membership, the worker does not lose any of the privileges he or she enjoys under the program even if he or she moved from one sector to another.

Senate Bill No. 1240 is based on the concept of social justice that pervades in our Constitution. I am confident that it has the support of this Chamber.

COAUTHORS

Senator Herrera manifested that Senators Angara, Tatad, Sotto and Romulo are coauthors of Senate Bill No. 1240.

INTERPELLATION OF SENATOR OSMENA

Senator Osmeña stated that the bill is very timely particularly because of the problems arising from a decision of the Supreme Court regarding the case of the Davao City Water District where it was ruled that a water district is a government-owned and controlled corporation. He informed the Body that before the decision of the Supreme Court, the water districts all over the country enrolled their members in the Social Security System (SSS). Upon decision of the Supreme Court, he said, the coverage had to be transferred to the GSIS which requires that the incremental difference between what was paid to the SSS and what is going to be paid to the GSIS over all the years of membership of all these employees, has to be paid by each employee to the GSIS.

He then asked whether such problem could be addressed by the present bill. Senator Herrera replied in the affirmative, citing that the years of service of the employees as members of the SSS will be counted or credited for purposes of retirement, and that the amount which the GSIS requires them to pay will actually represent their insurance.

He stated that the contributions of the SSS and the GSIS are more or less the same except on the cost of insurance which is around ₱5.00.

On whether the employees of the water districts who would like to join the GSIS will be required to contribute the incremental difference before they can join the same, Senator Herrera replied in the negative. While admitting that he has not read the decision of the Supreme Court yet,

he pointed out that if they will be treated as part of the private sector, they will start paying as of the time that they are considered government employees. He said that he would be willing to accept an amendment to this effect during the period of amendments.

Senator Osmeña suggested providing in the bill a provision to the effect that when the coverage of employees is transferred from the SSS to the GSIS, said employees will commence paying the premiums of the GSIS at the date of the transfer.

Senator Herrera opined that such could be an option but there is also a benefit of being covered from the time that they have been employed with the MWSS because of the insurance of the GSIS. However, assuming that they will not be required to pay back, he said that their membership in the SSS will be counted for purposes of determining their retirement.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no other interpellation, upon motion of Senator Romulo, there being no objection, the Body closed the period of interpellations and proceeded to the period of committee amendments.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

There being no committee amendments, upon motion of Senator Romulo, there being no objection, the Body closed the period of committee amendments and proceeded to the period of individual amendments.

OSMENA AMENDMENT

On page 1, line 10, after the word "totalization," as proposed by Senator Osmeña and accepted by the Sponsor, there being no objection, the Body approved, subject to style, the insertion of a comma (,) and the following proviso: PROVIDED, FINALLY, THAT WHEN THE SAID TRANSFER OF EMPLOYEES FROM ONE SECTOR TO ANOTHER, RESULTS IN AN INCREMENTAL DIFFERENCE IN THE PREMIUMS COLLECTED, SAID EMPLOYEES SHALL HAVE THE OPTION OF PAYING TO THE SYSTEM TO WHICH THEY ARE TRANSFERRING THE DIFFERENTIAL, OR ENROLLING IN THE SAID SYSTEM AND PAYING THE CONTRIBUTIONS DUE FROM THE DATE OF THEIR ENROLLMENT.

SUSPENSION OF SESSION

Upon motion of Senator Romulo, the Chair suspended the session at 6:35 p.m.

RESUMPTION OF SESSION

At 6:36 p.m., the session was resumed.

MACEDA AMENDMENT

On page 2, line 20, as proposed by Senator Maceda and accepted by the Sponsor, there being no objection, the Body approved the substitution of the word and figure "thirty (30)" with the word and figure NINETY (90).

TERMINATION OF THE PERIOD
OF INDIVIDUAL AMENDMENTS

Upon motion of Senator Romulo, there being no objection, the Body closed the period of individual amendments.

APPROVAL OF SENATE BILL NO. 1240
ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 1240 was approved on Second Reading.

COAUTHORS

At this juncture, Senator Herrera manifested that Senators Maceda and Macapagal are coauthors of Senate Bill No. 1240.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1240

Upon motion of Senator Romulo, there being no objection, the Body suspended consideration of the bill.

COMMITTEE REPORT NO. 260 ON
PROPOSED SENATE RESOLUTION NO. 644

Upon call of Senator Romulo, there being no objection, the Body considered Committee Report No. 260 on Proposed Senate Resolution No. 644, entitled

RESOLUTION CONSOLIDATING THE COMMITTEE ON HEALTH AND THE COMMITTEE ON DEMOGRAPHY AND FAMILY WELFARE INTO A SINGLE COMMITTEE, TO BE KNOWN AS THE COMMITTEE ON HEALTH, DEMOGRAPHY AND FAMILY WELFARE, AMENDING FOR THE PURPOSE SECTION 11, RULE X OF THE RULES OF THE SENATE, AS AMENDED.

With the permission of the Body, upon motion of Senator Romulo, only the title of the resolution was read without prejudice to the insertion of its text into the Record of the Senate.

Thereupon, the Chair recognized Senator Romulo for the sponsorship.

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SECOND SPECIAL SESSION

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JOURNAL

SPECIAL SESSION NO. 1
Wednesday & Thursday, November 3 & 4, 1993

CALL TO ORDER

At 4:01 p.m., Wednesday, November 3, the Senate President, Honorable Edgardo J. Angara, called the Second Special Session of the Ninth Congress of the Philippines to order.

NATIONAL ANTHEM AND PRAYER

The Senate Choir led the singing of the National Anthem.

Thereafter, Senator Anna Dominique M. L. Coseteng led the Body in prayer, to wit:

Mahal naming Panginoon,

Sa pagbubukas muli nitong Special Session ng Kongreso ng Republika ng Pilipinas, kami Po ay dumudulog sa Inyong mabuting kalooban upang hingin ang aba Ninyong tulong sa aming pagsisimula ng gawain dito sa Senado.

Marami Pong salamat sa lahat ng mga Filipinong handang maglingkod at magsakripisyo sa ikabubuti at ikauunlad ng ating bayan ngayon at hindi sa panahon ng taong 2000.

Sana Po, mahal naming Panginoon, mabigyan Po Ninyo kaming mambabatas ng liwanag na ipasa lamang ang mga batas na tunay na makakatulong sa ating mahihirap na kababayan. Nawa'y huwag na naming pag-usapan ang anumang batas na magpapatay ng karagdagang buwis na patuloy na magpapabigat sa aming matagal nang nakubang mga mamamayan.

Marami Pong salamat sa lahat ng biyaya na Inyong ipinagkaloob sa aming bayan lalung-lalo na sa katatagan at lakas ng loob ng aming mamamayan na patuloy na nabubuhay sa kabila ng kakulangan ng serbisyo mula sa pamahalaan.

Providing assistance to women engaging in small business enterprises is therefore not a futile endeavor. On the contrary, it will prove to be highly productive.

I vote, Yes to Senate Bill No. 45.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor:

Alvarez	Rosul
Angara	Revilla
Aquino	Roco
Gonzales	Romulo
Herrera	Shehadi
Lina	Sotto
Macapagal	Tañada
Maceda	Tetad
Mercado	Tolentino
Ople	Webb
Osmeña	

Against

None

Abstention

None

With 21 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 45 approved on Third Reading.

APPROVAL OF SENATE BILL NO. 1240 ON THIRD READING

Upon call of Senator Romulo, there being no objection, the Chair declared in order voting, on Third Reading, on Senate Bill No. 1240, printed copies of which were distributed to the Members on October 21, 1993.

Pursuant to Section 54, Rule XXIII of the Rules of the Senate, upon motion of Senator Romulo, there being no objection, the Secretary of the Senate read only the title of the bill, to wit:

AN ACT INSTITUTING PORTABILITY SCHEME IN THE SOCIAL INSURANCE SYSTEMS BY CREDITING WORKERS' MEMBERSHIP CONTRIBUTIONS FROM ONE SYSTEM TO ANOTHER.

The Secretary of the Senate called the roll for nominal voting.

EXPLANATION OF VOTE OF SENATOR WEBB

Senator Webb explained his affirmative vote as follows:

The reality of the particular bill that mentioned of employment is that, most probably, one is employed privately or in government. Another reality is that, he may shuttle from one to the other depending on which gives him a better pay, or whether a job opening is available.

Under the present law, a government employee who transfers to a private firm stops being entitled to GSIS benefits once he gets covered by the SSS. What is unfortunate is that, he does not immediately get entitled to the SSS benefits until some months later or religiously, if he does continue to pay the SSS premiums.

The same is true with the private employee transferring to the government. The portability scheme contained in this bill will correct the injustice, even the anomaly of practically forfeiting what one has paid for because he has to change his employer or be covered by another scheme.

My affirmative vote for this bill is therefore an echo of the glee expressed by many who have benefitted and shall benefit through it.

I, therefore, vote Yes.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor

Alvarez	Revilla
Angara	Roco
Aquino	Romulo
Gonzales	Shahani
Herrera	Sotto
Maceda	Tahada
Mercado	Tated
Ople	lolentino
Osmeña	Webb
Rasul	

Against

None

Abstention

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 1240 approved on Third Reading.

APPROVAL OF HOUSE BILL NO. 564
ON THIRD READING

Upon call of Senator Romulo, there being no objection, the Chair declared in order voting, on Third Reading, on House Bill No. 564, printed copies of which were distributed to the Members on October 21, 1993.

Pursuant to Section 54, Rule XXIII of the Rules of the Senate, upon motion of Senator Romulo, there being no objection, the Secretary of the Senate read only the title of the bill, to wit:

AN ACT CONVERTING THE BULACAN COLLEGE OF ARTS AND TRADES IN THE PROVINCE OF BULACAN INTO A STATE UNIVERSITY TO BE KNOWN AS THE BULACAN STATE UNIVERSITY, AND APPROPRIATING FUNDS THEREFOR.

The Secretary of the Senate called the roll for nominal voting.

RESERVATION TO SUBMIT WRITTEN
EXPLANATION OF VOTE

Senator Maceda made a reservation to submit a written explanation of his affirmative vote.

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SENATE
Manila

SECOND REGULAR SESSION

JOURNAL

SESSION NO. 76
Wednesday and Thursday
April 27-28, 1994

CALL TO ORDER

At 10:27 a.m., Wednesday, April 27, the Senate President, Honorable Edgardo J. Angara, called the session to order.

PRAYER

Senator Santanina T. Rasul led the Body in prayer, to wit:

Bismillah Irahman Nirhahim.

Lord, as Your servant, we humbly intercede for those whose rights could have been trampled upon.

Imbue us with the wisdom to perceive that while we forge friendly relations with our neighbors, the historic and legal rights of our people in the South are not forgotten.

Make us realize, O Lord, during these trying moments, that we are the protectors of the Filipino people regardless of ethnic origin or religious persuasion.

Sharpen our judgment, give us the wisdom to see through the material offerings that have come our way that we may secure for the poor victims of forgotten trust the justice they so rightfully deserve.

Amen.

ROLL CALL

Upon direction of the Chair, the Secretary of the Senate called the roll, to which the following senators responded:

RESERVATIONS TO INTERPELLATE

Senator Romulo manifested that Senators Gonzales, Rasul, Alvarez and Lina made reservation to interpellate Senator Shahani when the Body resumes consideration of Senate Bill No. 1352.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 1240 AND
HOUSE BILL NO. 4869

Upon motion of Senator Romulo, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1240, entitled

AN ACT INSTITUTING PORTABILITY SCHEME IN THE SOCIAL INSURANCE SYSTEMS BY ACCREDITING THE WORKERS' MEMBERSHIP CONTRIBUTIONS FROM ONE SYSTEM TO ANOTHER

and House Bill No. 4869, entitled

AN ACT GRANTING PORTABILITY OF SOCIAL SECURITY BENEFITS TO WORKERS BY CREDITING THEIR CONTRIBUTIONS FROM ONE SYSTEM TO ANOTHER, AND FOR OTHER PURPOSES.

The Chair recognized Senator Herrera to sponsor the report.

SPONSORSHIP REMARKS OF SENATOR HERRERA

Senator Herrera said that the Conference Committee reconciled the conflicting provisions of Senate Bill No. 1240 and House Bill No. 4869, so that a worker from the private sector who transfers to the government sector or vice-versa can be covered under the totalization program and his tenure in both sectors will be considered in the availment of old-age, disability, survivorship and other benefits.

Senator Herrera believed that this is a landmark legislation that is preparatory to the full portability and eventual merger of the GSIS and the SSS.

Finally, Senator Herrera recommended the unanimous approval of the Conference Committee Report.

APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1240 and House Bill No. 4869 was approved by the Body.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 1198 AND
HOUSE BILL NO. 12244

Upon motion of Senator Romulo, there being no objection the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1198, entitled

AN ACT PROVIDING FOR CONCURRENT JURISDICTION
BETWEEN AND AMONG THE FIRST, SECOND, AND THIRD
DIVISIONS OF THE NATIONAL LABOR RELATIONS
COMMISSION TO FURTHER ENSURE SPEEDY
DISPOSITION OF CASES, AMENDING FOR THIS
PURPOSE ARTICLE 213 OF PRESIDENTIAL DECREE
NO. 442, AS AMENDED, AND FOR OTHER PURPOSES,

and House Bill No. 12244, entitled

AN ACT PROVIDING FOR CONCURRENT JURISDICTION
BETWEEN AND AMONG THE FIRST, SECOND, AND THIRD
DIVISIONS OF THE NATIONAL LABOR RELATIONS
COMMISSION TO FURTHER ENSURE THE SPEEDY
DISPOSITION OF CASES, AMENDING FOR THE PURPOSE
ARTICLE 213 OF THE PRESIDENTIAL DECREE
NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE
LABOR CODE OF THE PHILIPPINES.

The Chair recognized Senator Herrera to sponsor the report.

SPONSORSHIP REMARKS OF SENATOR HERRERA

In sponsoring the report, Senator Herrera stated that the Conference Committee adopted almost in toto the Senate version with a very minor amendment which reads as follows: