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OF NEW INFRASTRUCTURE OR REPAIR AND RECONSTRUCTION OF INFRASTRUCTURE DAMAGED OR DESTROYED BY THE ERUPTION OF MT. PINATUBO.

ING FUNDS THEREFOR, AND FOR OTHER PURPOSES

In case of disagreement, the House of Representatives requests for a conference on the disagreeing votes on said bill, and accordingly has designated Honorable Rolando R. Andaya, Feliciano R. Belmonte, Jr., Eduardo R. Gullas, Antonio M. Diaz, Andrea D. Domingo, Felicitio C. Payumo, Rodolfo B. Albano, Herminio S. Aquino, Emigdio L. Lingad, Katherine H. Gordon and Ramon S. Bagatsing, Jr. as its conferees.

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

Very respectfully yours,

SECTION 1. Short Title. — This Act shall be known as the "Mt. Pinatubo Aid and Development Authority Act of 1992."

(Sgd.) ROBERTO P. NAZARENO
Acting Secretary General

SEC. 2. Declaration of Policy. — It is hereby declared the policy of the State to help and assist the victims or their legal heirs in those communities adversely affected by the eruption of Mt. Pinatubo by extending to them adequate aid, relief, resettlement and rehabilitation services to the end that life may return to normal at the earliest possible time.

The Honorable
NEPTALI A. GONZALES
President of the Senate
Manila

SEC. 3. Statement of Objectives. — This Act is intended to help the victims or their legal heirs in those communities adversely affected by the eruption of Mt. Pinatubo and its after effects. While the extent of the damage cannot be compensated to the fullest, this Act aims to provide initial funds for the immediate relief of the victims or their legal heirs, to establish adequate resettlement centers, homesites and townsites for displaced families, to provide livelihood and employment opportunities, to repair and reconstruct government infrastructure damaged or destroyed by said disaster and to construct new infrastructure facilities to prevent further loss of lives or damage to property.

The President. Referred to the Committee on Rules.

The term "victims" when used for the purpose of this Act refers to inhabitants who were displaced and who sustained serious injuries or suffered death in the family as a result of the aforementioned eruption. It also includes individuals whose homes have been destroyed or rendered uninhabitable requiring aid in the form of accommodation in temporary shelters and/or food sustenance while they are rebuilding their dwelling places.

BILL ON SECOND READING
Senate Bill No. 760 — Mt. Pinatubo Aid and Development Authority

SEC. 4. Creation of the Mt. Pinatubo Aid and Development Authority. — There is hereby created a body corporate called the Mt. Pinatubo Aid and Development Authority hereinafter referred to as the Authority.

Senator Romulo. Mr. President, I move that we consider Senate Bill No. 760 as reported out under Committee Report No. 19 which consolidates House Bill No. 2505 and Senate Bill No. 744.

It shall be organized within thirty (30) days after the approval of this Act. It shall have a term of seven (7) years from its organization. Provided, That the President by proclamation may extend the period of its existence for not more than three (3) years.

The President. Consideration of Senate Bill No. 760 is now in order.

SEC. 5. Powers of the Authority. — To carry out its objectives under this Act, the Authority shall have the following powers:

With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the Record the whole text thereof.

a) To formulate policies and plans for the relief, rehabilitation, and resettlement activities of the national government;

The Secretary. Senate Bill No. 760, entitled

AN ACT CREATING THE MT. PINATUBO AID AND DEVELOPMENT AUTHORITY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

The following is the full text of Senate Bill No. 760:

AN ACT CREATING THE MT. PINATUBO AID AND DEVELOPMENT AUTHORITY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

- b) To prioritize and coordinate the various projects and programs;
- c) To succeed in its corporate name, to sue and be sued in such corporate name, and to adopt, alter and use a corporate seal which shall be judicially noticed;
- d) To enter into, make, perform and carry out contracts of every class, kind and description which are necessary or incidental to the realization of its purposes with any person, firm or corporation, private or public, and with foreign government entities;
- e) To contract loans, indebtedness, credit and issue commercial papers and bonds, in any local or convertible foreign government entities, and local or foreign private commercial banks or similar institutions under terms and conditions prescribed by law, rules and regulations;
- f) To monitor the progress of the relief, rehabilitation, and resettlement projects and programs;
- g) To coordinate with concerned local chief executives in the prioritization and prosecution of the projects and programs;
- h) To call upon any department, office, instrumentality, agency or any political subdivision of the government for such assistance necessary in the attainment of the objectives of the Authority;
- i) To promulgate rules and regulations to effectively carry out the objectives of this Act; and
- j) In general, to perform such other powers as may be necessary and proper to carry out the purpose of this Act.

SEC. 6. Board of Directors. — The Authority shall be governed by a Board of Directors of nine (9) members to be appointed by the President, four (4) coming from the Cabinet, four (4) from the private sector representing the academe, business and industry, agriculture, and non-government organizations and the Executive Director as Ex officio member. Of the eight (8) directors, three (3) shall serve for a term of six (6) years, three (3) for a term of four (4) years and two (2) for a term of two (2) years.

SEC. 7. Executive Director, Powers and Responsibilities — The President shall appoint a professional manager as the Executive Director of the Authority with a compensation to be determined by the Board, who shall serve as the Chief Executive Officer of the Authority. He shall serve until such time as the Authority is dissolved or unless sooner removed from office by the President.

He shall have the following powers and functions:

- a) Execute and administer the policies and decisions of the Board of Directors;

- b) Directly coordinate the activities of all agencies and instrumentalities of the government in the planning and implementation of projects on site;

- c) Monitor the programs and evaluate the effects of project execution by these agencies and instrumentalities and submit to the Board periodic reports relating to the development of the areas;

- d) Apply for, receive and accept grants and donation of funds, equipment, materials and services needed for the development of the area, within and outside the Philippines; and

- e) Perform such other functions as are inherently necessary in the operational management of the areas development in accordance with the policies and guidelines formulated by the Board of Directors.

SEC. 8. Preference to Local Residents. — Residents in the affected areas, especially the victims, shall be given preference in hiring or employment in the repair or reconstruction of damaged or destroyed government infrastructure and facilities.

SEC. 9. Limitation in the Use of Funds. — No money shall be released without any identified program and project nor shall it be used to pay obligations incurred before the approval of this Act.

SEC. 10. Report to Congress. — The Authority shall submit to the President and Congress a quarterly report on the funds obligated and/or disbursed under this Act, including a list of the specific projects as well as a list of individual beneficiaries and contractors, the purposes of which the fund was utilized, the progress of the work, and an evaluation of the work so far accomplished.

SEC. 11. Appropriations. — The sum of Ten billion (P10,000,000,000.00) pesos is hereby appropriated out of any funds in the National Treasury not otherwise appropriated.

Said Ten Billion (P10,000,000,000.00) pesos shall be programmed as follows:

- a) For the first year, the sum of Five billion (P5,000,000,000.00) pesos for resettlement and livelihood;

- b) For the second year, the sum of Three billion (P3,000,000,000.00) pesos; and

- c) For the third year, the sum of Two billion (P2,000,000,000.00) pesos.

Any subsequent funding as may be necessary shall be provided in the Annual General Appropriations Act.

SEC. 12. Punishable Acts. — Any persons who takes advantage of the calamity by buying and selling relief goods

intended for donation, or misrepresenting the source of relief goods, or submitting false or inflated claims shall be prosecuted, and upon conviction, suffer a fine of not less than Fifty thousand (P50,000.00) pesos nor more than Five hundred thousand (P500,000.00) or imprisonment of not less than three (3) years nor more than five (5) years, or both, in the discretion of the court. If the offender is a corporation, partnership or associations or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association, or entity responsible for the violation, and if such officer is an alien, he shall in addition to the penalties prescribed, be deported without further proceedings after service of sentence.

SEC. 13. Assistance by Other Relief Agencies. — With respect to aid, relief, resettlement and rehabilitation services to individual beneficiaries, the President may seek the assistance and use the services of the Philippine National Red Cross and other relief agencies and volunteer-organizations with proven record in providing such services.

SEC. 14. Rules and Regulations. — The President shall within fifteen (15) days from the approval of this Act issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 15. Separability Clause. — If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SEC. 16. Repealing Clause. — Any law, decree, rules and regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed.

SEC. 17. Effectivity Clause. — This Act shall take effect upon its publication in at least two (2) national newspapers of general circulation.

Senator Romulo. For the sponsorship speech, Mr. President, I ask that the Chairman, the distinguished Gentleman from Aurora and Quezon, Senator Edgardo Angara, be recognized.

The President. The Gentleman from Aurora and Quezon, Senator Angara, Chairman of the Committee on Finance, is hereby recognized.

SPONSORSHIP SPEECH OF SENATOR ANGARA

Senator Angara. Thank you Mr. President.

Mr. President, Colleagues in the Senate, ladies and gentlemen:

Tonight, I rise to speak on a tragedy; the tragedy of Central Luzon.

A little more than a year ago, Mt. Pinatubo, a relatively unknown volcano in the province of Zambales, woke up from its peaceful sleep after 400 years. The eruption of Mt. Pinatubo, was so deadly and devastating so as to remind us of the famous passage from the Hindu epic, *Bhagavad Ghita*. "Now I have become death, the destroyer of worlds." Its fury has not only redrawn the topography of Central Luzon, it has also challenged our soul and our hearts as well. For unlike the fury of a typhoon or the rumble of an earthquake, Mt. Pinatubo's wrath is here to stay, not for the next 10 days, not for the next 10 months but as we are made to believe our volcanologists, the next 10 years.

Out of the mouth of Mt. Pinatubo, mudflow, now popularly known as *lahar*, has buried villages while floodwaters rendered thousands homeless in the provinces of Pampanga, Tarlac, Zambales, and in some towns of Nueva Ecija. Portions of these provinces have become veritable swamps with many victims now languishing in evacuation centers. Never in our history of nature's fury has our government resorted to the building of "tent cities." And the end, sad to say, Mr. President, is nowhere in sight. Close to five billion cubic meters of *lahar* remains on the slopes of Mt. Pinatubo.

Certainly, we cannot predict nature's wrath. Neither can we prevent its trail of destruction. Yet, we can at least reduce the human suffering that comes in its wake.

This Senate, by responding to the President's call for a special session, would like to prove that it cares. For we are concerned not only in the immediate alleviation of the suffering but the long-range rehabilitation and resettlement of those who have been rendered homeless. The agony of Central Luzon is just too widespread, too tragic, that we cannot but respond positively. This is a tragedy which both the Executive and the Legislature must address.

On September 11, 1992, President Fidel V. Ramos issued Proclamation No. 43, calling this Congress to a special session to consider the P10 billion Mt. Pinatubo Rehabilitation Fund.

Although this proposed bill was an appropriations measure which, technically, should first be filed in the House of Representatives, four Senators, Mr. President, filed Senate Bill No. 744 on September 14, 1992, in order that a public hearing could immediately be called. And on September 16 and 17, the Senate Finance Committee conducted a hearing, not only to examine the merits of the administration bill, but also to determine what happened to the Mt. Pinatubo funds in 1991 and 1992. The Committee was also interested in the issue of the possible sourcing of funds to support the Mt. Pinatubo program.

If anything, the two-day public hearing was an *eye-opener*. Following were the main issues raised:

1. The Executive Department certifies this bill to be urgent and yet, it cannot present a concrete master plan and a complete expenditure program.

2. We are at a quandary as to the possible sources of funding for the proposed appropriations measure.

3. The Certification of Availability of Funds issued by the Bureau of Treasury was premised on the replenishment of the same amount by new revenue measures to be enacted by Congress. When the Senate Finance Committee reminded the National Treasurer that his certification was constitutionally deficient, he came up with a new certification.

4. There is an unused balance of P5 billion in the Reserve Fund for 1992. Cannot this money be used to meet the emergency needs of the victims of Mt. Pinatubo?

5. Will it not be better to spend the P10 billion fund to relocate the victims to new areas rather than rehabilitate the affected disaster areas in spite of the prevailing unstable situation?

6. The proposed appropriations measure is geared more on the infrastructure program than the social aspect of the assistance program as evidenced by the lopsided allocation of resources — P4.6 billion for the public works versus P300 million for social welfare. Will it not be better to give the P10 billion directly to the victims?

7. For the past two years, from 1991 and 1992 up to the end of August, the government has already spent P12.355 billion of public money, but our people have yet to be fully informed of its utilization. No one, to date, has yet rendered a full accounting of the public expenditure.

The Special Sessions of Congress was called to enact a supplemental appropriation for a specified purpose. Article VI, Section 25(4), of the Constitution requires that a special appropriations bill shall specify the purpose for which it is intended and shall be supported by funds actually available as certified by the National Treasurer, or to be raised by a corresponding revenue proposal therein.

Pursuant to this constitutional mandate, Mr. President, the Treasurer of the Philippines, as I already explained earlier, issued a Certification of Availability of Funds which was originally appended to the letter of President Ramos certifying to the necessity of the immediate enactment of Senate Bill No. 744 "to meet the public calamity or emergency" that is Mt. Pinatubo.

In the original Certification of Availability of Funds, Mr. President, it was stated that "these funds shall be replenished by amounts that may be generated from appropriate revenue measures

to be enacted by Congress." Subsequently, as we all know, an amended Certification of Availability of Funds was issued by the Treasurer of the Philippines, this time, without the provision of the replenishment of funds. The National Treasurer, during the public hearings, twice asserted that there were enough funds to cover the appropriated amount requested.

If only to impress upon our people that we consider how vital the enactment of the Mt. Pinatubo bill is, the Senate constituted itself into a Committee of the Whole. Another round of executive officials had to be heard.

It cannot be said, Mr. President, that this Body was satisfied by the presentation of the resource persons from the Executive Department. Many questions remain unanswered. For one, there is as yet no comprehensive or master plan for the development of the *lahar*-ravaged Central Luzon. Moreover, the financial managers have yet to satisfy us whether there is indeed money to cover the P10 billion appropriation.

But time is of the essence, Mr. President. There is a deep feeling of urgency that is hanging over all of us. If government assistance is to be given, however, it must be meaningful and lasting. It must also pave the way towards the drafting of a long-range plan. And most important, any public money expended for the purpose must satisfy all constitutional requirements.

The Senate, therefore, Mr. President, thought it wise to be more judicious in spending our people's money, and to build safeguards in its use and provide a mechanism for accountability. This is but fair and sound.

It is for these reasons, Mr. President, that the Senate, acting as a Committee of the Whole, is privileged to introduce a substitute bill, Senate Bill No. 760. This bill creates an Authority which will take care of both the short-term relief and long-range development of the entire region. It is our view that the relief, rehabilitation and development of the *lahar*-ravaged region should not be on a piecemeal basis but should be based on a strategic master plan. This bill will address the problems of Central Luzon beyond Mt. Pinatubo. We owe it to ourselves and to this ravaged region.

I therefore ask this august Body to consider and approve Senate Bill No. 760.

**MOTION OF SENATOR ANGARA
(Inclusion of Senators Herrera and Tatad as Coauthors
of Senate Bill No. 760)**

And before I end, Mr. President, may I ask that Senators Herrera and Tatad be included as coauthors of this bill.

Thank you, Mr. President.

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

Senator Tolentino. Mr. President.

The President. Senator Tolentino is recognized.

Senator Tolentino. Will the distinguished sponsor kindly yield to a few questions?

Senator Angara. With pleasure, Mr. President.

Senator Tolentino. Mr. President, I have no objection to the appropriation of P10 billion for relief, rehabilitation, and resettlement of the victims of the Mt. Pinatubo eruption. In fact, I am one of those who appealed, through the media, to the President of the Philippines to convene this special session for the purpose of passing an appropriation measure for the victims of Mt. Pinatubo.

So I would like it to be understood when I ask these questions that I have no intention whatsoever to delay the approval of an appropriation of P10 billion for Mt. Pinatubo' victims, but I would like to put all the things in what I believe should be the proper order of things. That is the intention of my interpellation.

At this point I would like to raise these questions:

Mr. President, I have just been reading the Committee Report, and according to this Committee Report, the Committee considered two bills. One is House Bill No. 2505, and the other is Senate Bill No. 744.

And after considering the same, this is what appears in the Committee Report. "Has considered the same," that means the two bills, "and has the honor to report them back," the two bills reported back to the Senate, "with the recommendation that Senate Bill No. 744 be substituted with Senate Bill No. 760, entitled

AN ACT CREATING THE MT. PINATUBO AID AND DEVELOPMENT AUTHORITY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES,

and that Senate Bill No. 760 be consolidated with House Bill No. 2505, the consolidated bill to be now entitled

AN ACT CREATING THE MT. PINATUBO AID AND DEVELOPMENT AUTHORITY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES,

and that this Bill be approved without amendment.

My question is this, Mr. President. It raises even a parliamentary issue. According to this Report, the two bills considered by the Committee were House Bill No. 2505 and Senate Bill No. 744. If the Committee has considered only these two bills, why are we going to act on Senate Bill No. 760 which was not considered by the Committee?

Senator Angara. Because Senate Bill No. 760 is the result or the end product of the study of both House and Senate bills; and our Committee, in fact, the Senate as a Committee of the Whole, including the distinguished Gentleman, has thought it wise to rewrite the bill — consolidating the two bills of both House and Senate — and the result is Senate Bill No. 760.

Senator Tolentino. Mr. President, I may be wrong, but I understand that when only two particular bills are studied by the Committee, only one or both of these bills can be recommended to the Senate as a whole, and not another bill which, in this case, is Senate Bill No. 760.

Senator Angara. The Gentleman may be right, Mr. President, but I also believe that one can amend a bill that one has studied by substitution.

Senator Tolentino. Yes, Mr. President. A bill can be amended by substitution, but not a new bill being presented for consideration of the Plenary. This is a new bill, Senate Bill No. 760.

Senator Angara. Senate Bill No. 760, Mr. President, is not a new bill. It extracted the essence of both bills, the House and the Senate. The only thing we changed is to introduce an instrumentality within the bill that will now handle the disbursement of funds and management of the project by creating an authority. We think that is a necessary and incidental feature which should be included in this appropriations bill.

Senator Tolentino. I understand, Mr. President, that if a bill is substituted, it is the text that is substituted, but not the identity of the bill.

In other words, if the two bills — Senate Bill No. 744 and House Bill No. 2505 — have been considered and both texts are not acceptable and these will be replaced by a different text, then a different text should be reported out as a substitute for the bills that have been considered by the Committee —

Senator Angara. That is exactly what....

Senator Tolentino. — but not an entirely new bill identified by its number, Senate Bill No. 760 in this case.

I raised this question only, Mr. President, because of the procedural and parliamentary aspects of this discussion. I think

there is some defect here in that we are now considering a measure that has not been considered at all by the Committee.

But let me proceed to the text of the bill itself. The main purpose of this Special Session — as I understand it from the call of the President and from the Certification of Urgency of Measures — is for appropriating funds, P10 billion, to meet the calamity caused by the eruption of Mt. Pinatubo.

The bill now creates the Mt. Pinatubo Aid and Development Authority, appropriating funds therefor, and for other purposes.

In other words, while the Certification of the President of Urgency refers to an appropriations measure, we are now considering a bill that is just creating a new office in the government.

Without going to the point of whether this bill is covered by the Certification of Urgency of the President, because we may raise that at a different time, I will go to the contents of the bill itself.

I thought, Mr. President, that the policy of this government, as announced by the President in the past, is to streamline the government's structure. Yet, we are here adding a new office in the structure of government. Will not this new office create another level of bureaucracy in the government?

Senator Angara. First of all, Mr. President, I dispute the distinguished Gentleman's statement that this Senate Bill No. 760 is a different bill from what the President has certified.

First, this bill is essentially still an appropriations bill. We have appropriated what the President has requested. Second, the feature that we added is the creation of a body that will now henceforth handle the disbursement of these funds.

I come to the distinguished Gentleman's second point. Is the creation of this new office a creation of an additional layer in the bureaucracy? No, Mr. President. It is not an additional layer in the bureaucracy. The situation is a choice between what we have now. A task force composed of several departments and agencies handling the disbursement of this tremendous amount of money or a single body, like what we are proposing here, that will be, henceforth, handling the disbursement of funds and the management of the project. It is a policy choice, Mr. President. And the Committee thought that this is a better alternative than leaving it to a loosely organized task force where we cannot even pinpoint who is accountable for what. And as we can see, we have not even had a rendering of account from this loose task force.

Senator Tolentino. Mr. President, I understand and I can perceive clearly that objective mentioned by the distinguished

sponsor. But to say that this is not a bill creating a new office is something that I can hardly accept, because the very statement of the sponsor is to the effect that we are creating this body in order to have a single organization instead of a task force now in existence.

I do not know if this bill will discard the task force created by the President. I do not see anything here. In other words, this means that there will be an Authority. What will be its relations to the task force now in existence?

Senator Angara. I am sorry if I did not express myself very clearly. I did not say that this bill will not create an office. In fact, it creates an Authority.

What I am saying is that this bill still fulfills the purpose for which this Special Session is called for, which is to appropriate money necessary for Mt. Pinatubo relief, resettlement and rehabilitation.

What is the relationship of this Authority to the task force?

The clear intent, Mr. President, is for this Authority to replace the task force.

Senator Tolentino. Can this new Authority, in the exercise of their functions, not create agencies under it? Because this Authority, in itself, with a Board of Directors of nine, cannot do this work itself.

Senator Angara. The Authority cannot create offices or agencies, Mr. President, because that is a legislative prerogative. But this Authority can designate existing agencies and departments to assist in the endeavor or undertaking. It may even set up branch offices in various parts of Central Luzon affected by the calamity. But it cannot create offices or agencies, and it is not intended to have that authority.

Senator Tolentino. But it can, of course, have employees or groups to handle the work that it is supposed to undertake, because nine directors cannot do this themselves.

Senator Angara. Yes, Mr. President. The contemplation is that the Authority will be run on a policy level by a Board composed of nine Directors, the Authority will be headed by an Executive Director who will serve on a full-time basis. He has the power to recruit employees of the Authority. With the creation of the Authority we will have a permanent set of people running a gigantic undertaking, like the rehabilitation of Central Luzon. This is in contrast with the present set-up where we have part-time people-department secretaries-people from other agencies, forming the task force disbursing hundreds of millions and even billions of pesos to various agencies. With the present system, it

is so difficult to pinpoint responsibility and it is difficult to say who spent for what project.

This, we are trying to put rhyme and reason into the present system by setting up this Authority and saying. "From now on, because this is such a serious undertaking. We do not want people working part-time to run this gigantic undertaking. We want permanent and professional staff to assist the Board of Directors."

Senator Tolentino. In the Board of Directors, composed of nine members, of course, we have four coming from the Cabinet, four from the private sector, and one Executive Director, who is appointed from the ranks of the professional managers. I suppose these people and employees will have to receive compensation. Am I correct in that?

Senator Angara. That is correct, Mr. President, the professional staff.

Senator Tolentino. Where will they get the salaries and expenses for these people?

Senator Angara. Mr. President, as the distinguished Gentleman will find from the partial reports rendered to us by the Mt. Pinatubo Task Force, there is always an item there for personal services. So that even a loosely organized task force has been able to disburse money for personnel services. And I suppose, Mr. President, that the Authority can also allocate a certain amount of the money we are allocating to it for relief, rehabilitation and resettlement.

Senator Tolentino. This is not in the bill yet.

Senator Angara. It is not expressly stated, Mr. President, but we would appreciate if...

Senator Tolentino. I was wondering because out of the P10 billion appropriated here, P5 billion for the first year is for resettlement and livelihood. How will these officials and employees go around without expenses? There is nothing here.

Senator Angara. As a matter of administration, Mr. President, when an appropriation like this is given, then the agency will, first of all, evolve a plantilla, a project, and a program. In the project and in the plantilla, they will already include already compensation for the personnel.

Senator Tolentino. That is what should be done, and it will be done, I suppose. But how will they get anything from the P5 billion for the first year, when it is very clear that it is only for resettlement and livelihood?

Senator Angara. If the Gentleman will agree, we will accept an amendment which will state that money for personnel services shall come from the of P10 billion appropriation.

Senator Tolentino. That can be taken care of, of course, during the period of amendments.

Another question I would like to ask is: Is it clear that this appropriation of P10 billion, and other appropriations that may be approved later on in addition, shall be only for the Mt. Pinatubo victims or their legal heirs?

Senator Angara. That is the intent, Mr. President, to dedicate this fund to the inhabitants of Central Luzon adversely affected by the eruption of Mt. Pinatubo and its after effects.

Senator Tolentino. Because the wording of the bill, with respect to the powers of the Authority, does not seem to indicate that these are to be exercised only in connection with the relief, rehabilitation and resettlement of the victims of Mt. Pinatubo and their legal heirs, although that is stated in the objectives and in the declaration of policy.

Senator Angara. That is true, Mr. President.

Senator Tolentino. But in the substantive provision, it is not there. What I am driving at is, it may be possible, under the provisions of Section 5 of the bill, that if a calamity occurs somewhere else, outside of Central Luzon, some of these funds may be used. Can that not be done under the provisions of this bill?

Senator Angara. No, Mr. President, because this bill is specifically and expressly dedicated to the victims of Mt. Pinatubo.

Senator Tolentino. So that is the understanding of Section 5. It is only for Mt. Pinatubo victims.

Senator Angara. Yes, Mr. President, and that is in conjunction with Section 2, the Declaration of Policy, and Section 3, the Statement of Objectives.

Senator Tolentino. I was referring to the powers that have been given here.

Senator Angara. Yes, Mr. President. I am saying that the powers, under Section 5, must be interpreted in relation to Sections 2 and 3, the Declaration of Policy and the Statement of Objectives, respectively.

Senator Tolentino. Yes. I thought so, Mr. President, by way of interpretation, but I was struck by the concluding words of the

sponsorship speech when the distinguished sponsor said: "This bill, Mr. President, will address the problem of Central Luzon beyond Mt. Pinatubo." What is meant by that?

Senator Angara. It means, Mr. President, that we are not going to resort to makeshift efforts and create ad hoc projects, in behalf of the Mt. Pinatubo vicinity. What I meant to say, Mr. President, is it has to be a lasting developmental legacy for the whole of Central Luzon.

Senator Tolentino. This cannot be lasting, I suppose, Mr. President, because the term of the Authority here is seven years only.

Senator Angara. But the effect of the efforts, Mr. President, the effect of the resettlement, the effect of the rehabilitation would go beyond seven years.

Senator Tolentino. I think the Authority would have ceased to exist.

Senator Angara. That is correct, Mr. President.

Senator Tolentino. What is going to carry on for rehabilitation and resettlement afterwards?

Senator Angara. The contemplation, Mr. President, is to leave the program at the end of seven years to the existing agencies.

Senator Tolentino. I think that is very vague, Mr. President, because we are actually abolishing the existing agencies. How can they resume after seven years?

Senator Angara. No, we are not abolishing the existing agencies.

Senator Tolentino. The task force.

Senator Angara. We are replacing only the task force on Mt. Pinatubo.

Senator Tolentino. When we replace, we eliminate.

Senator Angara. Yes, certainly, Mr. President.

Senator Tolentino. So after eliminating the task force, what will carry on after seven years?

Senator Angara. But the task force, Mr. President, is a coordinative body, and it also operates as a policy-making body. The task force is presently coordinating existing departments and agencies of government. Those departments and agencies, like

the Department of Public Works, the Department of Budget and Management, the Department of Agriculture and the Department of Environment and Natural Resources will continue to exist even after the life of this Authority. They can carry on the rehabilitation activities if still necessary at the end of seven years.

Senator Tolentino. Mr. President, if they can carry on later on, why are we replacing them with an Authority for seven years?

Senator Angara. We are only replacing the task force, Mr. President; we are not replacing the Department of Agriculture; the Department of Environment and Natural Resources, the Department of Public Works, the Technology Resource Center, the Department of Trade and Industry. They remain unaffected. But they will continue to be collaborating agencies in this rehabilitation effort.

Senator Tolentino. Mr. President, I will proceed to another point, maybe, this is the last point. Anyway, I do not want to delay too long.

I would like to refer the distinguished Sponsor to Section 6, on the Board of Directors. The Board of Directors is to be composed of nine members. And I would like to refer to their terms of office. Of the eight directors, three shall serve for a term of six years; three for a term of four years; and two for a term of two years. I suppose that the ninth, who is the Executive Director, will serve for the full seven years. Am I correct on that?

Senator Angara. That is the assumption, Mr. President.

Senator Tolentino. After two years, the two directors for a term of two years will cease to hold office. We will then have only six directors left out of the eight. After four years, three more directors will complete their terms and we will, therefore, have only three directors left.

Senator Angara. Four, Mr. President, including the Executive Director.

Senator Tolentino. I am talking about the eight.

Senator Angara. Yes.

Senator Tolentino. And after six years, we have none. Of the nine directors, we have only the Executive Director left. How can this Board of Directors meet without a possible quorum?

Senator Angara. They can be reappointed, Mr. President.

Senator Tolentino. I do not see anything here about the reappointment of a successor.

Senator Angara. There is no prohibition for the....

Senator Tolentino. If a successor is appointed, how long will the successor hold office?

Senator Angara. They will serve the unexpired portion that will ultimately end on the seventh year.

Senator Tolentino. What is the idea of the staggered terms?

Senator Angara. So that this will be a continuing body, Mr. President, like the Senate, half of us step out after three years. We want also a continuing body so that the experience accumulated by those members will not be lost if everyone serves only for a fixed term simultaneously expiring.

Therefore, the idea is to make it a continuing body. At any single time, there will be at least three directors with experience.

Senator Tolentino. But the Authority will only exist for seven years. So that means that for those whose terms will expire after two years, replacements can be made for six years, is that it?

Senator Angara. Yes, Mr. President.

Senator Tolentino. And for those expiring after four years, the successors can be appointed only for two years.

Senator Angara. Yes, Mr. President.

Senator Tolentino. Where is the continuing body?

Senator Angara. At the end of the second year when two directors step out because their two-year terms have expired, the President can appoint two replacements who will serve for four years.

Senator Tolentino. In other words, the replacements really do not serve for the original term but only for the unexpired term up to seven years?

Senator Angara. That is correct, Mr. President.

Senator Tolentino. Thank you, Mr. President.

Senator Angara. Thank you, Mr. President.

Senator Tolentino. Mr. President, I have raised these points because it is obvious that there may be some things that can be corrected here during the period of amendments, but this is without prejudice to my original position that we are approving a bill that is not embraced within the certification of urgency of the President. But this is not the time to raise that question.

Thank you, Mr. President.

Senator Angara. Thank you, Mr. President, and we welcome any amendment that will improve this bill.

The President. Are there any other interpellations?

Senator Romulo. Since there are no other interpellations, Mr. President, I move that we close the period of interpellations.

The President. Is there any objection to the said motion? [Silence] There being none, the period of interpellations is hereby terminated.

SUSPENSION OF THE SESSION

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

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

It was 9:07 p.m.

RESUMPTION OF THE SESSION

At 9:12 p.m., the session was resumed.

The President. The session is resumed.

Senator Romulo. Mr. President, we are now in the period of amendments. I ask that we recognize the Senate President Pro Tempore.

The President. Is there any Committee amendment? [Silence] This is a question to the distinguished Sponsor.

Senator Angara. No committee amendment, Mr. President.

The President. All right. The Majority Leader is recognized.

Senator Romulo. Mr. President, since there are no Committee amendments, I move that we close the period for Committee amendments.

The President. Is there any objection? [Silence] The Chair hears none; the period for Committee amendments is hereby closed.

Senator Romulo. Mr. President, we are now open to consider the individual amendments. I ask that the Senate President Pro Tempore be recognized.

The President. Senator Maceda is hereby recognized.

Senator Maceda. Mr. President, I have about five amendments. Of course, since we are working overtime on these amendments, subject to style.

The President. Yes.

Senator Maceda. On page 2, Mr. President, on the definition of the word "victims".

Senator Mercado. Mr. President, an anterior amendment.

Senator Tatad. Mr. President, an anterior amendment.

The President. All right. Let us do it page by page. Individual amendments as far as page 1 is concerned. I see the hand of the Minority Leader. We are on page 1.

Senator Guingona. Mr. President, I yield. I have to....

The President. All right. Senator Tatad, then.

Senator Tatad. Section 1, Mr. President, second line, I propose the deletion of the word "Aid", and in lieu thereof, the substitution of the word RESETTLEMENT, so that the phrase would read. "Mt. Pinatubo RESETTLEMENT and Development Authority Act of 1992."

SUSPENSION OF THE SESSION

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

It was 9:15 p.m.

RESUMPTION OF THE SESSION

At 9:18 p.m., the session was resumed.

The President. The session is resumed.

Senator Tatad. Mr. President.

The President. Senator Tatad is recognized.

Senator Tatad. May I withdraw my motion with reservation of going back to it later?

TATAD AMENDMENTS

May I propose an amendment to Section 2. *Declaration of Policy.* — beginning on line 2 of Section 2.

Senator Angara. Line 4.

The President. That is Line 4.

Senator Tatad. I do not have any lines in my text. I am sorry.

The President. How will the amendment read?

Senator Tatad. Line 4, Mr. President, after the word "victims", I propose the deletion of the words "or their legal heirs in those communities adversely affected by", and in lieu thereof, insert the word OF, and the sentence continues.

On line 6, after the word "them", insert the words OR THEIR LEGAL HEIRS, and then, on line 7, I propose the deletion of the word "and" between "resettlement" and "rehabilitation", not "rehabilitations" — and in lieu thereof, a comma, and after "rehabilitation", the phrase AND LIVELIHOOD.

On line 8, before the word "life", insert the word THEIR, and I propose the deletion of the word "life" to be replaced by the word LIVES.

And on the same line, I propose the deletion of the word "normal" and its substitution with the word NORMALCY.

So that the whole paragraph will read as follows:

"It is hereby declared the policy of the State to help and assist the victims OF the eruption of Mt. Pinatubo by extending to them OR THEIR HEIRS adequate aid, relief, resettlement, rehabilitation AND LIVELIHOOD services to the end that THEIR LIVES may return to NORMALCY at the earliest possible time."

I so move, Mr. President.

The President. What does the Sponsor say?

Senator Angara. The amendment is accepted, Mr. President.

The President. Is there any objection to the said amendment?

Senator Ople. Mr. President.

The President. Senator Ople is recognized.

Senator Ople. Will it be in order if I hold a little exchange with the distinguished Gentleman from Bicol, since this is precisely the sentence that would be the subject of my own amendment? I would like to endorse his own formulation of the amendment but for some refinement, I would like to propose, if he can adopt it.

Senator Tatad. I would like to listen to the proposed amendment to my amendment. Mr. President.

Senator Ople. After NORMALCY, can we just add AND THE DEVELOPMENT OF CENTRAL LUZON MAY BE ACCELERATED. Because we do not have the text to support the title, "THE MT. PINATUBO AID AND DEVELOPMENT AUTHORITY".

If we scan the Declaration of Policy and the Statement of Objectives, Mr. President, there is no reference to development whatsoever. And if the Gentleman agrees, I believe this is probably the most proper place to introduce this idea of development to support the title of the bill itself.

Senator Tatad. I have a proposal later, Mr. President, concerning the word "DEVELOPMENT" in the title which may affect the proposed amendment to my amendment. I should like to limit the usage to "rehabilitation" rather than "development".

Senator Ople. In that case, I will not press my amendment at this time. I will wait for my own time to be on the Floor.

Thank you, Mr. President.

Senator Tatad. Thank you very much, Mr. President.

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

Senator Ople. I object.

The President. Senator Tatad remains standing.

What is the further pleasure of the Gentleman from Bicol.

Senator Tatad. I should like to propose an amendment to Section 3.

The President. Starting from what line? Because I saw Senator Ople raising his hand. He might have an anterior amendment.

Senator Tatad. Lines 12 and 13, Mr. President.

Senator Aquino. Point of order, Mr. President.

The President. Yes.

Senator Aquino. I think Senator Ople was objecting to the motion of Senator Tatad.

The President. So I saw him raising his hand.

Senator Aquino. Precisely, he was raising his hand to object, not to propose an amendment.

The President. Is that the understanding of the Chair?

Senator Ople. Yes. May I confirm the statement just made that I am opposing the amendment.

In the context of the revelation just made by the distinguished Gentleman from Bicol that he would like to omit any mention of development in connection with the rehabilitation on purpose, and in the light of his serving notice that, precisely, he would like to strike down the very word "development" from the title of this bill, I do not know when the opportune time will come for me to express my views on this matter more fully. I do not want to stand on the way of the Gentleman from Bicol since he has the Floor now.

But I would like to request an early opportunity for this matter to be debated on the Floor, Mr. President.

Senator Tatad. Mr. President, I fully appreciate the position of my Colleague from Bulacan. And in the end, we may decide to use the word "DEVELOPMENT", I would like to restate my position on this matter. I have no difficulty with the word "DEVELOPMENT" being appended to my amendment if the sponsor has no difficulty accepting it.

Senator Angara. It is so easy to convince the sponsor, Mr. President.

The President. Mr. Majority Leader, there has been a vote already on the amendment. Is there any motion to reconsider the approval of the Tatad amendment?

Senator Romulo. Yes, Mr. President.

Senator Angara. May I suggest, Mr. President, that since the concept of development will really come up when we amend the title, the opportunity for debating the concept of development under this bill can come when we propose amendments to the Title, as well as Section I.

The President. If the Chair is asked what is the opportune time, this will be an opportune time.

Senator Ople may propose an amendment to the amendment to include the word "DEVELOPMENT". And if Senator Tatad does not accept the amendment, then it will be thrown to the Body.

Senator Ople. My impression, Mr. President, is that, Senator Tatad has just said that if the sponsor manifests his willingness to accept the refinement that I have proposed to the Tatad amendment, he will have no difficulty accepting it.

Senator Angara. Can the Gentleman please restate his amendment?

Senator Ople. May I say that I had cleared this previously with the sponsor, and he manifested at that time his willingness to accept it at the proper time.

In addition to the improvement of the text introduced by Senator Tatad, I would merely add the phrase AND THE DEVELOPMENT OF CENTRAL LUZON MAY BE ACCELERATED, which is in direct support of the text of the title of the bill.

Senator Angara. Since that will affect the amendment of Senator Tatad, if he accepts, this sponsor is more than glad to accept that, Mr. President.

The President. What is the position of Senator Tatad to the proposed amendment?

Senator Tatad. I accept, Mr. President.

The President. Will Senator Ople kindly formulate the amendment to the amendment?

Senator Ople. May I ask Senator Tatad to do that?

SUSPENSION OF THE SESSION

We ask for a minute suspension, Mr. President.

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

It was 9:29 p.m.

RESUMPTION OF THE SESSION

At 9:30 p.m., the session was resumed.

The President. The session is resumed.

Senator Romulo. Mr. President, I move that we reconsider the approval of the amendment of Senator Tatad.

The President. Is there any objection to the reconsideration of the approval of the Tatad amendment? [*Silence*] There being none, the motion is approved.

Senator Romulo. Mr. President, I ask that we recognize Senator Tatad to propose his amendments.

The President. Senator Tatad is recognized.

Senator Tatad. Mr. President, I propose to amend lines 12 to 13, Section 3. I propose the deletion of the words....

The President. I thought the Tatad amendment, as approved, concerns Section 2.

Senator Tatad. That is correct, Mr. President.

The President. But the amendment being proposed now has reference to Section 3.

Senator Tatad. I am sorry. We are still on Section 2, Mr. President. I thought we were done with it.

The President. Yes. Because the approval of the Tatad amendment has been reconsidered.

Senator Tatad. Yes. I am sorry, Mr. President.

OPLE-TATAD AMENDMENT

So the whole section as amended would read: "It is hereby declared the policy of the State to help and assist the victims OF the eruption of Mt. Pinatubo by extending to them OR THEIR LEGAL HEIRS adequate aid, relief, resettlement and rehabilitation AND LIVELIHOOD services, to the end that THEIR LIVES may return to NORMALCY at the earliest possible time AND THE DEVELOPMENT OF CENTRAL LUZON MAY BE ACCELERATED".

The President. What does the sponsor say?

Senator Angara. Accepted, Mr. President.

The President. Is there any objection to this amendment? [*Silence*] The Chair hears none; the amendment is approved.

Senator Maceda. Mr. President.

The President. The Senate President Pro Tempore is recognized.

MACEDA AMENDMENT

Senator Maceda. I have now a new amendment, also in the Declaration of Policy as a second paragraph, subject to refinement of style. The idea is to put a policy declaration on the matter of the Aetas and other members of the cultural communities in the area. IT IS HEREBY FURTHER DECLARED TO BE THE POLICY OF THE STATE TO RESTORE THE AETAS AND OTHER MEMBERS OF THE CULTURAL COMMUNITIES IN THE AREA TO THEIR PRODUCTIVE PRE-ERUPTION CONDITIONS WITH SETTLEMENT CHOSEN ACCORDING TO ITS SUITABILITY AS PERMANENT UPLAND ABODES AND TO ENSURE THE IMPROVEMENT OF THESE COMMUNITIES.

The President. It is subject to refinement of style.

Senator Angara. Accepted, Mr. President.

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

Senator Mercado. Mr. President.

The President. Senator Mercado is recognized.

MERCADO AMENDMENT

Senator Mercado. If I may, I would like to go back to Section 2, because originally when it was amended earlier by Senator Tatad, the words "or their legal heirs" was deleted. I wanted to make the same amendment. But in the second amendment that Senator Tatad proposed, the words "OR THEIR LEGAL HEIRS", were retained in Section 2. I would like to move for its deletion, Mr. President, because I believe that the matter of legal heirs is already covered by the definition of victims.

If we are going to provide assistance to all the legal heirs, we may be covering too much ground. What if the legal heirs are not in Pampanga? They may be in the United States or somewhere else. They may benefit from the assistance when this is not really the object of the law.

So I would like to move that the words "OR THEIR LEGAL HEIRS" be deleted from Section 2.

The President. In short, the Gentleman would want the aid or benefit, personal benefit.

Senator Mercado. Yes, Mr. President. Anyway, in the definition of "victims," if one's parents die or there is death in the family, he is covered as long as he is in the area. But if one is a legal heir who is not in the area, I do not think we should compensate or assist him.

The President. This now requires a reconsideration of the approval of that portion of the Tatad amendment.

Senator Mercado. Yes, Mr. President.

The President. What does the proponent of the amendment say with respect to the amendment to the amendment?

Senator Tatad. I have no objection, Mr. President. I accept the amendment.

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

Does Senator Tatad accept the amendment of Senator Mercado?

Senator Tatad. I have accepted it, Mr. President.

The President. How about the sponsor?

Senator Angara. Willingly, Mr. President.

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

TATAD AMENDMENTS

Senator Tatad. Mr. President, may I propose an amendment in Section 3, lines 12 and 13.

On line 12, I propose the deletion of the words "the extent of" between the words "While" and "the". On the same line, after the word "the", extending to line 13, I propose the deletion of the words "compensated to the fullest". In lieu of the second deletion, I propose the insertion of the words FULLY INDEMNIFIED so that part of the sentence would read: "While the damage cannot be FULLY INDEMNIFIED."

And then on line 17, I propose the deletion of the word....

The President. Let us take it one by one. There might be an amendment to this amendment.

Is there any objection to this amendment? [*Silence*] There being none, the amendment is approved.

Senator Angara. The sponsor incidentally accepts it, Mr. President. [*Laughter*]

Senator Tatad. On line 17, Mr. President, between the words "repair" and "reconstruct", I propose the deletion of the word "and" and in lieu thereof, I propose the insertion of a comma. After the word "reconstruct", I propose the insertion of the words OR REPLACE so that the line would read: "to repair, reconstruct OR REPLACE government infrastructure," et cetera.

The President. Does the sponsor accept the amendment?

Senator Angara. It is accepted, Mr. President.

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

Senator Tatad. On page 2, Mr. President....

Senator Maceda. Mr. President.

The President. Let us give an opportunity to the others. Senator Maceda is recognized.

MACEDA AMENDMENTS

Senator Maceda. Mr. President, following the Mercado amendment on his behalf, I think there might also be a necessity to delete "or their legal heirs" in this Section.

The President. Appearing on line 14.

Senator Angara. On line 10 as well as on line 14, Mr. President.

The President. Is there any objection to the amendment? Is the amendment acceptable to the distinguished sponsor?

Senator Angara. Yes, Mr. President.

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

Senator Maceda. Another amendment still on the first page, Mr. President.

The idea is, if this amendment is not put in, it might be construed that there is a mandate to repair, replace and rehabilitate every government infrastructure that has been damaged. So I would like to qualify that.

After the word "disaster", insert the following words: WHENEVER TECHNICALLY, ECONOMICALLY OR SOCIALLY ADVISABLE or words to that effect.

The President. So this is an entirely new amendment. What does the Sponsor say?

Senator Angara. It is accepted, Mr. President.

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

Senator Romulo. Mr. President.

The President. Senator Romulo is recognized.

ROMULO AMENDMENT

Senator Romulo. Also in the same sense as the amendment proposed by Senator Tatad in Section 2, I propose that we delete

line 10, Section 3, "in those communities adversely affected by" so that the entire line, starting from line 9, will read. "This Act is intended to help the victims OF the eruption of Mt. Pinatubo and its after effects."

The President. What does the sponsor say?

Senator Angara. It is accepted, Mr. President.

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

For purposes of clarity, how will now Section 3 read after incorporating all of these amendments, for the record?

Senator Romulo. Mr. President, Section 3 will now read:

"Statement of Objectives. — This Act is intended to help the victims OF the eruption of Mt. Pinatubo and its after effects. While the damage cannot be FULLY INDEMNIFIED, this Act aims to provide initial funds for the immediate relief of the victims, to establish adequate resettlement centers, homesites and townsites for displaced families, to provide livelihood and employment opportunities, to repair, reconstruct OR REPLACE government infrastructure damaged or destroyed by said disaster, and to construct new infrastructure"

Senator Angara. Mr. President, there is the Maceda amendment.

The President. There is the Maceda amendment.

Senator Angara. If I may read it, Mr. President, after the word "disaster". WHENEVER ECONOMICALLY, AND TECHNICALLY ADVISABLE.

Senator Maceda. WHENEVER TECHNICALLY, ECONOMICALLY AND SOCIALLY NECESSARY.

Senator Angara. WHENEVER ECONOMICALLY, SOCIALLY AND TECHNICALLY ADVISABLE.

The President. All right. Is that how this Section 3, as amended, will now read?

Senator Angara. Yes, Mr. President.

The President. All right. Is there any further amendment on page 1?

Senator Tatad. May I ask for a reconsideration of the Maceda amendment. I would like to propose an amendment to the amendment by asking that instead of the phrase being placed after "disaster", it be placed after "facilities" so that we also cover the construction of new infrastructure facilities.

The President. This is supposed to be an amendment to the Maceda amendment.

Senator Angara. Just a transposition, Mr. President.

The President. What does Senator Maceda say with respect to that amendment?

Senator Maceda. As long as it is clear that it refers to the repair, reconstruction or replacement because that is really what I am most interested in, I do not think that they will construct new facilities elsewhere unless they feel that it is technically, economically and socially advisable. But the idea or decision to abandon certain barangays means to say that the infrastructures in those places need not be replaced, repaired or reconstructed.

The President. Is that acceptable to the sponsor?

Senator Angara. It will change if we transpose it.

Senator Tatad. I withdraw my amendment, Mr. President.

The President. Is there any further amendment on page 1? [Silence] There being none, let us go to page 2.

Senator Ople. Mr. President, I have a proposed amendment.

The President. May we know on what line?

Senator Ople. I think it is on line 13 of Section 3 and Section 2.

The President. Are there any anterior amendments?

Senator Guingona. Anterior amendments, Mr. President.

The President. The Minority Leader is recognized.

GUINGONA AMENDMENT

Senator Guingona. On line 4 after the word "and" insert / OR so that the sentence will read: "refers to inhabitants who were displaced and/OR who sustained serious injuries or suffered death".

The President. What does the Sponsor say?

Senator Angara. It is accepted, Mr. President.

Senator Tatad. Mr. President, are we on page 2?

The President. On page 2.

Senator Tatad. I have an anterior amendment on line 1.

The President. All right.

TATAD AMENDMENTS

Senator Tatad. I propose the deletion of the words "to prevent further loss of lives or damage to property" and in lieu thereof, I would like to propose the words NEEDED BY THE COMMUNITY.

If we limit the reason for constructing new infrastructure facilities to preventing loss of lives and damage to property, we may not be able to construct anything at all in many places. That is the reason for the amendment, Mr. President.

The President. What is the position of the Sponsor?

Senator Angara. We accept that, Mr. President.

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

Senator Tatad. Mr. President, on line 4, before I propose my amendment....

The President. There is the amendment of the Minority Leader on page 4.

Senator Tatad. It is all right, Mr. President.

Senator Guingona. I will just repeat, Mr. President, on line 4, between the words "and" and "who", insert the words "slash (/) OR".

The President. What does the Sponsor say?

Senator Angara. It is accepted, Mr. President.

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

Senator Tatad. Mr. President, on the same line. Before I propose my amendment, may I ask a simple clarificatory question?

When talking of "victims", do we exclude the dead, the missing? The Authority should be concerned with people who died in certain areas, and those who have disappeared, should they not be considered among the victims?

Senator Angara. Yes, Mr. President.

Senator Tatad. If the Authority concerns itself with the dead and the missing, I would propose, Mr. President, that on line 4, we delete the word "inhabitants" and in lieu thereof, insert the words **INDIVIDUALS WHO HAVE DIED OR DISAPPEARED....**

Senator Angara. — "or sustained serious injuries."

Senator Tatad. We should delete the words "inhabitants who", and in lieu thereof the words "INDIVIDUALS WHO HAVE DIED, DISAPPEARED, were displaced and/OR who sustained"....; and on line 5, I propose the deletion of the words "serious injuries" and in lieu thereof, insert the word **INJURY.**

Senator Ople. Mr. President.

The President. Senator Ople is recognized.

Senator Ople. I thought I made a prior reservation concerning this paragraph, because I wanted to include those who lost their jobs, especially the workers in the military bases, and that is the reason I have a proposed amendment to that effect. I hope it will be indicated to me at the proper time when I can propose this amendment.

The President. There is, in effect, a reservation made by Senator Ople for an amendment to the first paragraph, page 2, of the bill. Is that the effect of the request?

Senator Ople. Yes, Mr. President.

Senator Angara. Mr. President, if I may suggest, the Tatad amendment can be placed proceed, and then the Ople amendment can be inserted in the second sentence.

The President. Before we leave, at least, page 2 and turn to page 3.

Senator Angara. Yes, Mr. President. The Ople amendment can be included in the second sentence.

The President. Will Senator Ople please prepare his amendment?

Senator Ople. Yes, it will be satisfactory. Thank you, Mr. President.

Senator Maceda. Mr. President.

The President. The Senate President Pro Tempore is recognized.

Senator Maceda. On the same question and issue, while the Tatad and the Ople amendments are in the direction of expanding the coverage, what I am concerned of is a limitation of the coverage. Meaning to say, Central Luzon, being the number one

region of the country, has a lot of rich people. And I think the idea behind this bill is to help those who cannot really rehabilitate themselves.

So I was wondering whether somewhere along the line, we could put that idea, that this applies to those who are not financially able to help or rehabilitate themselves. But if they are *hacenderos*, sugar planters, who have mansions in Forbes Park, they should not be considered victims. I just want to put that concept somewhere.

The President. I see Senator Tolentino rising for the second time. So Senator Tolentino is recognized.

Senator Tolentino. Mr. President, I would like to support the idea that has been advanced by the distinguished President Pro Tempore by putting on line 6, after the word "eruption", the words **WHO NEED ASSISTANCE.** I think that will cover the idea that has been expressed by the distinguished President Pro Tempore.

The President. Is the concept of Senator Maceda fairly embraced by the suggestion of Senator Tolentino?

Senator Maceda. As long as that is clear in the *Record.* Because even during the hearings, the Senate President heard comments that in some of the resettlements, there are four-lane paved roads, subdivisions, housing that are being put up may be questionable. And there is already a fear that just like in the BLISS, some of these resettlement areas, especially near the poblaciones, may suddenly be taken over by the richer population of the town. So I do not know whether the phrase "WHO NEED ASSISTANCE" is sufficient.

The President. Will the words "WHO NEEDS AND DESERVES ASSISTANCE".... the inclusion of the word **DESERVES....** he not only needs but he deserves assistance.

Senator Maceda. That is why, I wanted to really specify the idea of "OR WHO ARE NOT ABLE TO HELP OR REHABILITATE THEMSELVES". That is the general idea.

Senator Tolentino. I think the word "ASSISTANCE" there is broad enough to cover that idea.

Senator Maceda. As long as that is in the *Record,* Mr. President.

The President. So, what is the Tolentino amendment now?

TOLENTINO AMENDMENT

Senator Tolentino. Following up the idea of the distinguished President Pro Tempore, the amendment would be

on line 6, after the word "eruption"; change the period to a comma and add WHO NEED AND DESERVE ASSISTANCE as suggested by the Senate President.

The President. Is that acceptable to the sponsor?

Senator Angara. Yes, Mr. President.

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

Senator Ople. I do not know the parliamentary situation now, Mr. President. Since I had reserved...

Senator Angara. The parliamentary situation, Mr. President, is that the distinguished Senator wants to include in the definition of "victims" those who also lost their jobs.

I am suggesting, Mr. President, that Senator Tatad can proceed with his amendment of the first sentence, and the Ople amendment can be included in the second sentence.

Senator Ople. I have no objection, Mr. President. I will now await for the distinguished Gentleman from Bicol to complete his proposed amendment.

Senator Tatad. Mr. President, I am done with the first line. I have a proposed amendment for line 7. Would the distinguished Gentleman's amendment be an anterior one or would it follow?

Senator Ople. It would be anterior, Mr. President, in the sense that if the distinguished Gentleman will allow me, I will indicate it now. Beginning line 4, I would delete the word "and" between the words "displaced" and "who".

Senator Angara. Excuse me, Mr. President. So that we do not disturb what has already been approved, may I suggest to the distinguished proponent that we can include his amendment in the second sentence, such as: IT ALSO INCLUDES INDIVIDUALS WHO HAVE LOST THEIR JOBS OR EMPLOYMENT OR WHOSE HOMES HAVE BEEN DESTROYED, et cetera.

The President. Or probably, IT INCLUDES INDIVIDUALS WHO HAVE PERMANENTLY LOST THEIR JOBS AND THOSE WHOSE HOMES HAVE BEEN DESTROYED, et cetera.

Senator Ople. It is an equally good place for inserting it. Is it the pleasure of the Chair and the Sponsor that I should read the amendment now or wait for the anterior amendment of Senator Tatad?

Senator Angara. The Tatad amendment has been approved, Mr. President.

The President. The Senate President Pro Tempore wants to be heard.

Senator Maceda. May I just clarify the intent of the distinguished Senator from Bulacan, as far as the scope of his amendment is concerned.

Let me use one or two examples. Does this refer, for example, to the 50,000 hostesses who lost their jobs in Angeles City and Olongapo after the eruption? And supposing that they have already transferred to Bocaue or to Boracay or to Pasay City and have secured substitute employment, would they still be covered?

Senator Ople. I would not totally exclude anyone who lost his or her job. And I would not certainly consider being hostesses an occupation which would be less deserving than others, no matter how exalted their own occupational classes might be. But, as I said earlier, Mr. President, my main concerns are to include within the scope of the beneficiaries of this bill those workers in the bases that have lost their jobs.

I think on September 30, the very last batch of the Subic Base workers will lose their employment entirely. There are very considerable numbers of these workers, including those earlier displaced in Clark. And while my concern primarily are the base workers who have lost their jobs, I would not exclude those others who might also have lost their employment because of the eruption of Mt. Pinatubo.

Senator Maceda. I was going to that as a second example.

Mr. President, it could be argued validly that the Clark Air Base workers lost their jobs because of Mt. Pinatubo, because that was the immediate reason why it was immediately closed. But with regard to the Subic, especially those who will be laid off on September 30, they lost their jobs not because of Mt. Pinatubo but because of the rejection of the treaty by the Senate on September 16. If we cover even those who lost their jobs as a result of a rejection of the treaty, would we not be expanding the coverage of this particular measure?

Senator Ople. We all know that Subic Bay, Olongapo City, the Municipality of Subic, and almost all the towns of Zambales have been affected by the Mt. Pinatubo disaster. In the town of San Marcelino alone, 5,000 workers lost their jobs.

And it is true that the roots of this development are political, in the sense that the Senate terminated the Bases Treaty. But I would not exclude totally those who lost their jobs in Subic and in the other towns of Zambales, if only because the assistance that

we contemplate in this bill does not consist of cash payments to these people. This can merely include assistance from the Department of Labor, so that all those who lost their jobs in Central Luzon, with Mt. Pinatubo as the primary or the secondary cause, may be assisted to find new employment, whether in the region or outside.

I do not see why we should begrudge them the opportunity under this bill, which is an expression of concern of the Senate, and solidarity with the victims of Mt. Pinatubo, and the stricken population of a whole region, from enjoying some such modicum of concern and assistance. They are not asking for money, Mr. President.

Senator Maceda. Mr. President, what will happen in practice is, if there is an indication here that all of these people are covered — if it is decided, for example, that the whole of Camp Aquino shall become a resettlement site, all of these people will be filing claims to get a 150 square meter lot in a beautiful resettlement area. And I am afraid that those who are more in need, as a direct result of, let us say, the *lahar* flow in the villages or barangays of the area, will have to compete with people whose main reason why they have lost their jobs is not really because of the disaster but because of the closure of the bases, because of the rejection of the treaty.

The passage of the Subic Bay Development Authority, or the BCDA, and the tremendous amount that is supposed to be given to them, to this organization, by that formula embodied in the sale of the military camps, the principal purpose of that — and it is so written in the law — that it should take care of all of these displaced workers or people who lost their jobs, as a result of the closure of the bases.

We are not begrudging them anything. They have been taken care of, and should be taken care of in a separate legislation. But if we were to expand this bill, fine, then, probably, P10 billion will not be enough, Mr. President.

Senator Ople. Mr. President, the context in which victimization appears here, regardless of who they are, is the eruption of Mt. Pinatubo.

Senator Maceda. We agree with that.

Senator Ople. That is the reason I speak of Mt. Pinatubo as the primary or the secondary cause. I am not insisting that the workers of Subic be placed on the same rank with the workers of Clark, although both of them lost their jobs, because of the closure of the bases. There is a sense in which the workers of Clark, probably, are more deserving of assistance, under this bill, than the workers of Subic, where the root cause of their displacement from employment has been political rather than

nature, in this case the Mt. Pinatubo eruption. But I think we should not also begrudge the workers and their families, even a lesser ranking in the matter of entitlement to assistance under this bill, although the primary cause of their loss of jobs was political — the decision of the Senate here.

They live in towns in Zambales, in Pampanga, and in Tarlac, Mr. President. Their families have also suffered from the eruption of Mt. Pinatubo. That is the reason I say that we should not exclude them from the scope of assistance, especially if this merely means assistance from the Department of Labor so that they may find other jobs, whether here or abroad.

I am not micro-managing the choice of victims and beneficiaries, Mr. President. I am merely inserting these totally, in my opinion, valid and just ideas that those who lost jobs because of the Mt. Pinatubo disaster should be included in the enumeration of beneficiaries under this bill.

Senator Maceda. Mr. President, we have no argument with the last statement. Those who lost their jobs as a result of the Mt. Pinatubo disaster are clearly covered.

With regard to the secondary status that the Gentleman is proposing for others who lost their jobs as a secondary effect of the explosion, then we will have to wait for the actual formulation of the amendment before we can decide whether we will agree to the same or not.

Senator Ople. I am ready now to propose that amendment, Mr. President.

The President. Please do so.

Senator Ople. This is the second sentence.

The President. That is starting on line 6 of page 2.

OPLE AMENDMENT

Senator Ople. Yes, Mr. President. "It includes individuals whose homes have been destroyed or rendered uninhabitable", delete the words "aid in the form of accommodation in temporary shelters and/or food sustenance while they are rebuilding their dwelling places" and insert the words **THOSE WHO HAVE LOST THEIR EMPLOYMENT AS A RESULT OF THE DISASTER.**

Senator Angara. I wonder if the proponent would accept a refinement to this amendment — **AND THOSE WHO HAVE LOST THEIR EMPLOYMENT AS A DIRECT RESULT OF THE PINATUBO ERUPTION.**

Senator Ople. I do not mind the refinement.

Senator Angara. Then, we accept that amendment, Mr. President.

The President. Subject to refinement and style.

Senator Tolentino. Mr. President.

The President. Senator Tolentino is recognized.

Senator Tolentino. May I volunteer a suggestion about the location of the amendment. Because it could easily be accommodated in the first sentence of this paragraph 2 where we could insert on line 5 between the words "or" and "suffered" the phrase LOST THEIR MEANS OF LIVELIHOOD. So that the sentence would read:

"The term 'victims' when used for the purpose of this Act refers to inhabitants who were displaced and who sustained serious injuries or LOST THEIR MEANS OF LIVELIHOOD OR suffered death in the family"....

Senator Ople. Mr. President, as a matter of fact, if we will recall, that was the place of my first preferment for inserting this class of victims. But I complied with the request of the Sponsor to see whether this could be relocated in the second sentence. But now that I am reinforced by the wisdom of the distinguished Gentleman from Manila, may I suggest that we put it back in the first sentence in the manner that he suggested.

So this will now read: "The term 'victims' when used for the purpose of this Act refers to inhabitants who were displaced, who sustained serious injuries or suffered death in the family, OR WHO LOST THEIR EMPLOYMENT as a result of the eruption." Delete the word "aforementioned".

Senator Guingona. Mr. President.

Senator Tatad. Mr. President, may I call attention to my previous amendment.

The President. There are amendments already duly approved, the phrase "INDIVIDUALS WHO DIED, DISAPPEARED or who were displaced"; and then on line 6, there is that phrase "WHO NEEDS AND DESERVES ASSISTANCE."

At any rate, we can act upon this subject to refinement and style. What does the Sponsor say?

Senator Angara. Matter of style, Mr. President, so that we do not disturb the previous amendment, maybe, we can rewrite the two sentences just for clarity.

Senator Ople. I agree, Mr. President.

Senator Guingona. Mr. President, just for clarity, I would like to ask the distinguished proponent because the following lines show that there is a temporary remedy for the resettlement. Does this mean that this would require the government to look for permanent jobs for those who lost their jobs? Because that would unnecessarily mean expanding the coverage of this measure.

The President. It will include those who have lost their jobs permanently as a direct result of the disaster even if their homes have not been destroyed. Yet the relief granted here is. "In the form of accommodation in temporary shelters and/or food sustenance while they are rebuilding their dwelling places."

Senator Angara. No, Mr. President. The last phrase that the Chair read has been deleted as proposed by the proponent.

So that the second sentence will read: "It also includes individuals whose homes have been destroyed or rendered uninhabitable AND THOSE WHO HAVE LOST PERMANENTLY THEIR EMPLOYMENT AS A DIRECT RESULT OF THE ERUPTION." That is the amendment we accepted, Mr. President.

Senator Guingona. Mr. President.

The President. The Minority Leader is recognized.

Senator Guingona. Mr. President, may I know from the proponent what remedy is sought to be given by the government under this bill for those who lost their jobs. Does this mean looking for new jobs for them? Because that could be a gigantic task, beyond the scope of this intended bill.

Senator Ople. Mr. President, this is a service that the government is already rendering to the victims of Mt. Pinatubo. I know for a fact that the Department of Labor has held so many job fairs in the stricken towns of Central Luzon for the purpose of identifying the jobless and helping place them.

The reason for including them here is merely to formalize something that is already taking place now, so that the government will get full credit for it.

Senator Guingona. Mr. President, I have more questions, but since the Sponsor of the measure nudged me not to ask further questions, I yield to that.

Senator Angara. Nudging is with admiration.

The President. What does the Sponsor say with respect to the Ople-Tolentino amendment?

Senator Angara. We accept, Mr. President.

Senator Tatad. Mr. President.

The President. Senator Tatad is recognized.

Senator Tatad. Mr. President, are we referring to the second line? It also includes lines 6 to 9.

Senator Angara. Just to clarify, Mr. President. The first sentence from lines 3 to 6 has been amended by Senator Tatad. We have accepted it and the Body has approved that amendment. That is why I suggested to Senator Ople that his amendment can be inserted in the second sentence, and he has graciously accepted that. So I also accepted his proposal.

To repeat, the second sentence will read: "It also includes individuals whose homes have been destroyed or rendered uninhabitable AND THOSE WHO HAVE LOST PERMANENTLY THEIR EMPLOYMENT AS A DIRECT RESULT OF THE ERUPTION."

Senator Tatad. Mr. President, if that has been accepted, may I propose reconsideration of just one word?

The President. Not yet. Can Senator Tatad wait because the suggestion of the sponsor may not be acceptable to the proponent of the amendment?

Senator Ople. I have accepted, Mr. President.

The President. Obviously, the sponsor has accepted the Ople amendment.

Senator Angara. Yes, Mr. President.

The President. In which case, the question is: Is there any objection to this amendment?

Senator Tatad. Before that, Mr. President.

The President. Yes.

Senator Tatad. Just one word on line 7.

May I propose the substitution of the word INHABITABLE for the word "uninhabitable". Is not the right word "inhabitable"?

Senator Angara. No, it is "uninhabitable".

Senator Tatad. Can we check with the dictionary if it is habitable or uninhabitable?

Senator Angara. Uninhabitable.

Senator Ople. This falls out of norm.

The President. All right. Subject to checking as to what is the correct word for that purpose.

Senator Tatad. Thank you very much, Mr. President.

The President. Is there any objection to the amendment?

Senator Romulo. Mr. President, before we approve the amendment, may we just have the first sentence of that paragraph read, because it may have a relation to the approval of the amendment in the second sentence.

The President. Yes, the sponsor, please.

Senator Romulo. How would the first sentence of that paragraph read?

Senator Angara. As amended.

Senator Romulo. As amended.

Senator Angara. I think I would ask the Proponent to read the first sentence.

The President. Senator Tatad. The first sentence starting on line 3.

Senator Angara. Can the proponent please read the first sentence, as amended by him?

Senator Tatad. "The term 'victims' when used for the purpose of this Act refers to INDIVIDUALS WHO DIED, DISAPPEARED OR were displaced and/OR who sustained INJURY or"... — I did not disturb this line anymore, Mr. President — "suffered death in the family as a result of the aforementioned eruption."

The President. That is the Maceda amendment.

Senator Romulo. That is correct.

Senator Angara. The Maceda-Tolentino amendment.

The President. "WHO NEEDS AND DESERVES ASSISTANCE."

Senator Angara. Yes.

Senator Romulo. So that is how that first sentence would read, Mr. President.

Senator Tatad. "WHO NEED AND DESERVE", Mr. President.

Senator Romulo. Therefore, in the second sentence of that paragraph, is it not proper also to incorporate that idea OR WHO NEEDS AND DESERVES ASSISTANCE? Because following the concept proposed by the Senate President Pro Tempore, if the homes destroyed belong to people who own several houses in Forbes Park, then they would be included. So it may defeat the purpose of the idea conveyed in the first sentence.

The President. Experience actually in the Carmona resettlement areas demonstrates the validity of the concern expressed by the Senate Minority Leader. That those who really do not deserve, just stake a claim on a parcel of land anticipating that sometime later it will have value, although they do not deserve it or they do not intend to stay there permanently. *Iyon ang nangyari sa Carmona.*

Senator Angara. Mr. President, I think we can also add the phrasing of Senator Tolentino, WHO SIMILARLY NEED AND DESERVE ASSISTANCE at the end of the second sentence.

Senator Tolentino. That was approved already. That is the amendment of the distinguished Senate President Pro Tempore, which I just elaborated on.

The President. All right.

Senator Tolentino. But what I was going to raise, Mr. President, is, with that phrase "WHO NEED AND DESERVE ASSISTANCE", qualifying the entire sentence, how could those missing persons come in under that?

Senator Angara. Mr. President, I think the Body has a pretty good idea of what the proponents want done. As we followed in the previous Congress, as long as we say, "subject to refinement and style," we will try and capture everything that has been said and approved.

Senator Tolentino. But the point is, really, it is not a matter of style anymore. We qualified the entire sentence by saying, "WHO NEED AND DESERVE ASSISTANCE", as proposed by the distinguished Senate President Pro Tempore.

But the question is, the amendment of Senator Tatad refers to missing persons. How can missing persons need and deserve assistance? *[Laughter]*

Senator Tatad. Necessarily, they need to be assisted to come forward.

Senator Angara. So, it is understood, Mr. President, that those who need and deserve assistance are living persons.

The President. As the case may be.

Senator Angara. Yes, Mr. President. So we will incorporate that into this very complicated clause.

The President. All right.

Senator Tolentino. I raised that question because if we retain the word "missing" there, it cannot be qualified by the last clause. "WHO NEED AND DESERVE ASSISTANCE."

And I was thinking if the phrase, "who suffered or who suffered death in the family" could not include missing persons.

In other words, it is the survivor. It is the survivor who is the victim, not the one who is missing.

The President. Will the sponsor work it out with the various proponents of these amendments, so that they will have a one complete and coherent paragraph under the first paragraph of page 2?

Senator Angara. Mr. President, I suggest that we leave lines 3 to 9 in the meantime. We will come back to them later. We will try to write a clause that will capture everything that has been said and have it approved by the Body. But we will come back to them later on so that we can move on to the other sections.

The President. Is there any subsequent amendment on page 2?

Senator Tolentino. Mr. President.

The President. Senator Tolentino is recognized.

TOLENTINO AMENDMENTS

Senator Tolentino. On page 2, between lines 9 and 10, I propose that we insert by transposition the provisions of what is now Section 11, and change it to Section 4. So it will be Section 4 that will contain the appropriation; and to insert at the beginning of the sentence: "TO CARRY OUT THE OBJECTIVES OF THIS ACT, the sum of ten billion", et cetera.

The President. What is the position of the distinguished Sponsor?

Senator Angara. That is accepted, Mr. President.

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

Senator Tolentino. I was going to suggest, Mr. President, that with the transposition, we just delete the last sentence of this Section 11, to be known as Section 4. Eliminate "Any subsequent funding as may be necessary shall be provided in the Annual Appropriations Act." That will be understood...

Senator Angara. That being understood, Mr. President, we accept the deletion of lines 22 to 23 on page 5.

The President. Not necessarily, because it may be contained in a special appropriations measure, or it may be a regular item in the General Appropriations bill. The effect of this provision is like an authorization so that the amount needed will be included as regular items of appropriation in the budgets.

Senator Tolentino. We should leave that to the Congress that will provide for the appropriation, whether it is this or a subsequent Congress, whether they would like it in a special appropriation or in the General Appropriations Law.

The President. There is an amendment for the deletion of the last paragraph of Section 11, which will be transposed to somewhere between lines 9 and 10 on page 2 to be known as Section 4.

Is this acceptable to the Sponsor?

Senator Angara. Yes, Mr. President.

The President. To the whole amendment itself, is there any objection thereto? [*Silence*] There being none, the amendment is approved.

Senator Tolentino. Another amendment by transposition, Mr. President, following this new Section 4, will be to transpose the present Section 9 from page 4 at the bottom, after the new Section 4, to make it Section 5, "Limitation in the Use of Funds."

The President. What is the position of the distinguished Sponsor?

Senator Angara. The amendment is accepted, Mr. President, because it is logical.

The President. Senator Aquino is recognized.

Senator Aquino. An anterior amendment, Mr. President.

The President. Where will the anterior amendment be?

Senator Aquino. I will give the amendment after the transposition, Mr. President.

The President. So after this.

Senator Aquino. Yes, Mr. President.

The President. All right.

The second Tolentino amendment has been accepted by the Sponsor. Is there any objection to the said amendment? [*Silence*] There being none, the amendment is approved.

Senator Tolentino. I was going to propose an amendment to line 10, but if there is an anterior amendment, I would yield.

The President. Any anterior amendment?

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

Senator Aquino. The new Section 4 has to do with appropriations. I want to add one word only. This is supposed to be in the old line 16. Anyway, it is located after the phrase "five billion (P5,000,000,000.00) pesos."

"a) For the first year, the sum of five billion (P5,000,000,000.00) pesos for resettlement and livelihood".

After "pesos", Mr. President, insert the word PRIMARILY, for resettlement and livelihood.

Senator Angara. It is accepted, Mr. President.

Senator Maceda. Objection, Mr. President.

The President. Is there any objection?

Senator Maceda. Strong objection.

The President. Yes.

Senator Maceda. Mr. President, I am the proponent of this amendment — "resettlement and livelihood".

And earlier, the people from the Department of Public Works tried to convince me on the same matter that the Gentleman from Tarlac is now proposing.

If we will recall, this P5 billion to be exclusively for resettlement and livelihood is at the heart of the approval of this bill, and I think it is consonant or consistent with even public opinion on the matter.

Now, the Department of Public Works people accept the fact that starting January, they have P2 billion from the 1993 Budget. They also accept the fact that out of the reserves, as they have done

in the past, if they really need money for infrastructure, it could still be gotten from their reserves. Also, that there is still a balance of the Calamity Fund.

What we really want to preserve is the amount of P5 billion for resettlement and livelihood which by our computation is not even enough, and putting the word "PRIMARILY" there will certainly make this open-ended as to how much. Definitely, there will be a reduction of the P5 billion. How much? We do not know. It will just be left entirely to the discretion of the Authority.

To be fair with them, the Undersecretary of Public Works and Highways was saying, "Well, we need about P3.5 billion. If there is P2 billion in the 1993 Budget, we really need only about P1 billion, maybe P1.5 billion from this."

Maybe, that could be considered, Mr. President. But I would think that maybe, we should discuss this particular matter in the Conference Committee. Even without passing that particular amendment which dilute the intention of this particular purpose altogether, the needs of the Department of Public Works could be taken care of and are already taken care of, as a matter of fact.

SUSPENSION OF THE SESSION

Senator Angara. Can we have a one-minute recess, Mr. President?

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

It was 10:29 p.m.

RESUMPTION OF THE SESSION

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

The President. The session is resumed.

Senator Aquino. Mr. President, the intention of putting the word "PRIMARILY" there is so that the entire amount is not only for livelihood and resettlement, because there are some areas that absolutely need infrastructure. Meaning to say, like roads going to the resettlement and back.

However, I believe this can be taken up in the Conference Committee. So I am prepared to withdraw my amendment.

The President. The Aquino amendment is withdrawn.

Senator Romulo. Mr. President.

The President. The Majority Leader is recognized.

Senator Romulo. Mr. President, I would like to propose an amendment, with the additional phrase after the word "livelihood" in Item "a)" of Section 4 on line 17. We have already moved that to Section 4.

And the reason for this amendment, Mr. President, is precisely to give meaning to our objection to the Certification of the Availability of Funds.

As we have pointed out during the hearing this afternoon, and even in the caucus, under Section 25, item 4 of Article VI of the Constitution, the special appropriations bill has certain limitations, Mr. President. And that is, of course, the purpose for which it is intended should be specified — and we are doing that.

We also said that the Certification of Availability of Funds cannot be considered here because we are in deficit, and therefore, there are no surplus or excess funds. So it is only the other item where we can support this special appropriations bill, and that is a proposal for revenue measures to be raised.

And since there are no proposals for revenue measures to be raised contained in the bill, Mr. President, there are no provisions for an appropriation to cover the first year.

Therefore, Mr. President, I am proposing that after the phrase "For the first year, the sum of five billion (5,000,000,000.00) pesos for resettlement and livelihood", we add the phrase FROM THE OIL PRICE STABILIZATION FUND (OPSF) WHICH IS HEREBY TRANSFERRED TO THE GENERAL FUND.

This is also in consonance to a certain extent, with House Bill No. 2505 which, under its Section 4, states, "including the amount of P1 billion from the Oil Price Stabilization Fund which is hereby transferred to the General Fund." That is my proposal, Mr. President.

Senator Guingona. Mr. President.

The President. The Minority Leader is recognized.

Senator Guingona. Mr. President, I have no basic objection to the proposal except that we may have to specify that the purpose of the law that we enacted in 1988 has already been accomplished, giving P5 billion to the OPSF that has already been accomplished, served, and that we are now reverting, because this is in the nature of a special fund. We cannot just say we will transfer, without the corresponding declaration that that law that was enacted has already served this purpose, and that we are getting back the corresponding amount of P1 billion.

The President. So, what is the Gentleman's suggestion in respect thereto? Is he basically in agreement that the P5 billion

intended or earmarked for the first year be sourced from the Oil Price Stabilization Fund?

Senator Guingona. No, Mr. President, not entirely.

The President. So this is a very basic thing, and probably the Senators who have special knowledge and interest about this matter, may meet for the purpose of formulating some decisions. I do not know whether the Romulo proposal is acceptable to the sponsor. There is an objection thereto by the Minority Leader.

Senator Angara. Mr. President, I regret I cannot accept this proposal, because it introduces another set of complication into this bill. In the first place, I personally believe that we cannot just simply transfer money out of the OPSF without first amending the purpose of the OPSF.

Secondly, the matter of supporting funding, I think, is more or less resolved, precisely, by the format of this bill, as the President himself recognizes.

Thirdly, we heard from the testimony of the Department of Finance people that P5 billion is readily available, because the \$200 million loan by the Overseas Development Organization of Japan will be made available for this purpose.

So the concern of the distinguished Majority Leader that there is no supporting fund for this may not come to pass.

Therefore, for those reasons, Mr. President, I regret having to decline this amendment.

Senator Tolentino. Mr. President.

The President. Senator Tolentino is recognized.

Senator Tolentino. I just want to express that the amendment being proposed, first, may conflict with the first paragraph of that section, because the whole P10 billion is already being appropriated out of the funds in the National Treasury not otherwise appropriated. Then, if we put in paragraph (a), that this P5 billion will come from the Stabilization Fund, then that is not funds in the Treasury not otherwise appropriated. That is a special fund already.

Senator Romulo. Mr. President.

The President. The Majority Leader is recognized.

Senator Romulo. Mr. President, the phrase "is hereby appropriated out of any funds in the National Treasury not otherwise appropriated", can or may refer to item (a) or (c). But, precisely, I have proposed this amendment, because under item

(a), there is really no funds not otherwise appropriated in the National Treasury. In fact, that was very clear to us that we have a deficit. Therefore, having a deficit, it could not possibly happen that there are still funds not otherwise appropriated for 1992. That is why, I am only proposing that amendment for paragraph (a) because, conceivably, the phrase "not otherwise appropriated" could refer to paragraphs (b) and (c).

That is my problem, Mr. President. I could have let paragraph (a) go, except that it runs counter precisely to our position that there are no funds to be appropriated anymore for 1992 because we are in deficit. Therefore, if we say P5 billion for resettlement and livelihood out of any funds in the National Treasury not otherwise appropriated, we know that there is no such thing and, in effect, this is nullified.

However, as I pointed out, Mr. President, we have P9.5 billion already appropriated, but we do not have to put that here because that is already appropriated and I have enumerated the amount.

Out of Section 67 and Section 68, as implemented by Administrative Order No. 265, we have P5.9 billion there. And out of the unprogrammed appropriation for Mt. Pinatubo of P3.5 billion, we have, in fact, P9.4 billion.

But we are not speaking of that, Mr. President. We are speaking of House Bill No. 2505 and Senate Bill No. 760 which is supposed to appropriate P5 billion for 1992. That is the reason I proposed this amendment.

Of course, the sponsor does not agree with our interpretation, but if our interpretation is correct — by the way, Secretary Enriquez had agreed to this when we were interpellating him at about one o'clock. Under our interpretation, we are not, in effect, providing P5 billion for 1992.

Senator Tolentino. Mr. President, I raised that point because we will have to revise the wordings of the opening paragraph of "appropriating out of any funds not otherwise appropriated". Besides, there is a more important point.

I have very serious doubts whether we can just appropriate in this bill what is a part of a special fund.

Senator Romulo. May I answer that, Mr. President.

I proposed this amendment because in the House — at least I have that support — in their appropriation, they have precisely appropriated P1 billion from the Oil Price Stabilization Fund which is hereby transferred to the General Fund. I just used exactly the wordings of the House. They accept this amendment but, of course, they are only providing P1 billion. That is the basis for my proposal, Mr. President.

SUSPENSION OF THE SESSION

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

It was 10:43 p.m.

RESUMPTION OF THE SESSION

At 10:58 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

ROMULO AMENDMENT

Senator Romulo. Mr. President, on the second line of Section 4 on appropriation, I propose to add the word AVAILABLE between the words "any" and "funds", so that the entire sentence would read: "The sum of Ten billion (P10,000,000,000.00) pesos is hereby appropriated out of any AVAILABLE funds in the National Treasury not otherwise appropriated."

Senator Angara. It is accepted, Mr. President.

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

Senator Romulo. On line 8 of Section 4 on appropriation, after the word "livelihood", I propose that we delete the colon and add the phrase WHICH MAY BE CHARGED AGAINST THE MANDATORY RESERVES, CALAMITY AND CONTINGENT FUNDS IN THE 1992 GENERAL APPROPRIATIONS ACT.

So that item "a)" would now read: "For the first year, the sum of five billion (P5,000,000,000.00) pesos for resettlement and livelihood WHICH MAY BE CHARGED AGAINST THE MANDATORY RESERVES, CALAMITY AND CONTINGENT FUNDS CONTAINED IN THE 1992 GENERAL APPROPRIATIONS ACT."

The President. What does the Sponsor say?

Senator Angara. With one addition, Mr. President, to the effect that the charging can also be made against the Japanese commodity loan and other foreign loans.

Senator Romulo. Mr. President, I am agreeable to that. But I would just like to say that on the principle of what I believe should be the basis of the Special Appropriations bill, I am not in agreement with that. But for the sake of getting this bill, I am willing to have that phrase added.

Senator Angara. So it is accepted, Mr. President.

The President. Is there any objection?

Senator Tolentino. It is accepted already by the Committee. I was going to make an observation, Mr. President, that if we provide in the opening provision "not otherwise appropriated" and then we provide in paragraph (a) "already appropriated as contingency or calamity funds", they are inconsistent to each other.

I was just going to make that observation. But if the Committee has already accepted it, I will not say anything anymore.

Senator Guingona. Mr. President.

The President. The Minority Leader is recognized.

Senator Guingona. May I ask the distinguished Majority Leader not to include loans anymore, Mr. President, because it does not seem correct that we are even anticipating loans, especially foreign loans.

GONZALES-ROMULO AMENDMENT

The President. How about instead of foreign loans, let us say: AND ANY OTHER SAVINGS.

So the mandatory reserves, the calamity fund, the contingency fund were enumerated, and then add: ANY OTHER SAVINGS IN THE 1992 GENERAL APPROPRIATIONS ACT.

Senator Angara. It is accepted, Mr. President.

Senator Romulo. Mr. President, I am very happy with this amendment, as accepted by the distinguished Senator.

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

Senator Tolentino. Mr. President.

The President. Senator Tolentino may please continue with his amendments.

TOLENTINO AMENDMENTS

Senator Tolentino. As a consequence of the insertions of new Sections 4 and 5 between lines 9 and 10 on page 2, I propose that the next Section be numbered as Section 6, "Creation of the Mt. Pinatubo Aid and Development Authority", and amend the first line by inserting the following: FOR THE PURPOSE OF

IMPLEMENTING THIS ACT; then, "there is hereby created", et cetera.

Senator Angara. It is accepted, Mr. President.

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

The President. FOR THE PURPOSE...

Senator Tolentino. ...OF IMPLEMENTING THIS ACT; then, "there is hereby created"....

The President. The capital "T" in the word "There" should be now changed to a small letter t.

Are there any further amendments?

Senator Tolentino. The renumbering of the sections will have to be made afterwards. Because we inserted Sections 4 and 5 between lines 9 and 10, then the other sections following will have to be renumbered.

The President. All right. Let us now go to other amendments.

Senator Mercado. On the same Section, Mr. President, Section 6 now.

The President. Yes, Senator Mercado.

MERCADO AMENDMENT

Senator Mercado. The second to the last line, I would like to move that we insert the word ONCE between "existence" and "for".

The President. That is on what page?

Senator Mercado. On the second page, what used to be Section 4, which is now Section 6, the second to the last line of Section 6. So that the sentence would read: "Provided, That the President by proclamation may extend the period of its existence ONCE for not more than three (3) years".

The intent, Mr. President, is to prevent an extension more than one time.

Senator Angara. It is accepted, Mr. President.

Senator Aquino. Mr. President, how can a President extend this two times when he is not President anymore? So the President can actually extend this only once, because his term is six years and there will be no reelection.

Senator Angara. Mr. President, we are not referring to any particular President.

Senator Mercado. We are talking about the office and not the person. Even when a President's term expires, the office still exists.

The President. So, what is the amendment?

Senator Angara. The amendment, Mr. President, is the insertion of the word ONCE between "existence" and "for," so that the proviso will read: "Provided, That the President by proclamation may extend the period of its existence ONCE for not more than three (3) years." We accept this amendment.

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

Senator Maceda. Mr. President, the same paragraph.

Senator Tatad. Just an anterior amendment, Mr. President. I wonder if it is appropriate at this point to propose an amendment to line 6. The proposed amendment would modify the name of the Authority and, consequently, affect the title.

The President. Probably, once we amend the title, which will also be an amendment to Section 1, then the amendment applies to every Section where the name of the corporate body appears. It will be omnibus.

Senator Tatad. Thank you very much, Mr. President.

The President. The Senate President Pro Tempore is recognized.

MACEDA AMENDMENTS

Senator Maceda. Mr. President, firstly, in today's hearing, the master plan that was provided was for six years.

Secondly, Mr. President, by making this six years, we will make it, more or less, coterminous with the term of the incumbent President, or a little more.

Because of those two reasons, I was going to suggest an amendment that the "seven" be reduced to SIX.

Senator Angara. It is accepted, Mr. President.

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

Senator Maceda. Then, on the next line, Mr. President, I would like to insert after the word "may", WITHIN SIX MONTHS BEFORE THE EXPIRATION OF THE TERM.

Senator Angara. WITHIN SIX MONTHS PRIOR TO THE EXPIRATION OF THE TERM.

Senator Maceda. WITHIN SIX MONTHS.

Senator Angara. It is accepted, Mr. President.

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

Senator Aquino. Mr. President, it is very possible, during this time, that the President might already be campaigning. Why do we not make it one year, within one year before the expiration?

Senator Maceda. Mr. President, I really would like to leave it to the incoming President in 1998 to make that decision. That is really the intention.

The President. The Maceda amendment has been accepted by the Sponsor. Is there any objection to the said amendment? [*Silence*] The Chair hears none; the amendment is approved.

Any further amendment?

Senator Mercado. On the next Section, Mr. President.

The President. That would be page....

Senator Mercado. Page 7.

Senator Maceda. Just an anterior amendment, Mr. President. I am not so sure of this, but I would like to bring it out for consideration as a possible third paragraph in this Section 6. Considering that this is a temporary office for six years and the usual advantages that accrue to hiring noncivil service eligibles, I do not know if the Sponsor would consider an exemption from civil service coverage for the officials and employees of this particular Authority.

The President. If it can add anything to this discussion, I recall that there were, at least, two bills passed by Congress during the last session which were vetoed by the President, precisely because they provided that the personnel therein be exempted from the provisions of the Civil Service Law. And the ground for the veto by the President was that, in their view, that is unconstitutional. Because the Constitution itself is the one that describes this — who are included in the civil service and what is the scope of the civil service.

Senator Maceda. Mr. President, I am not sure whether those two bills created temporary agencies. Be that as it may, then pursuant to the earlier question of Senator Tolentino that this

agency will now hire officers and employees and, therefore, will be permanent officers and employees, the question should be asked. What happens to them after the expiration of the term of this particular Authority?

The President. In which case, their official relationship for employment will be terminated, but that is not a form of removal. It results from the abolition —

Senator Angara. From the dissolution.

The President. — resulting from the expiration of its term or its dissolution.

Senator Maceda. I will not press the point.

The President. May I suggest to the distinguished sponsor to formulate a paragraph here, the essence of which is that the Authority should harmonize whatever resettlements or whatever plans that it may have with the general economic plan or program of the government, including those of the Bases Conversion Authority. I think we express specific concern over the fact that these resettlement areas and other plans may not really jibe with or even be inconsistent with the economic program of the government, as well as of those of the Bases Conversion and Development Authority.

Senator Angara. Yes, we will do that, Mr. President, and I propose that we insert that here in this section immediately preceding Section 7, Powers of the Authority.

The President. May I inform this Body that in the telephone talks that I have had with the President, the President himself expressed concern on the same matter, that some of these plans may not have taken into consideration the plans, especially of the Bases Conversion and Development Authority.

Senator Guingona. Mr. President.

The President. The Minority Leader is recognized.

Senator Guingona. Before I introduce an amendment, Mr. President, may I ask the distinguished sponsor whether this is a public corporation.

Senator Angara. Yes, it is a public body, a public corporation.

Senator Guingona. And this has a special charter.

Senator Angara. With a special charter.

Senator Guingona. I see. In that case, Mr. President, may I introduce the amendment under the Powers of the Authority.

The President. That is now Section 6, under the Tolentino amendment.

Senator Guingona. Yes. On line 25, page 2, Mr. President, delete the word "and", put a comma after the word "prioritize"; and after the word "coordinate", insert the words AND IMPLEMENT. So that, it will read:

"To prioritize, coordinate AND IMPLEMENT the various projects and programs IN ACCORDANCE WITH THE NATIONAL ECONOMIC PROGRAMS ALREADY IN PLACE".

Senator Angara. May I suggest, Mr. President, that the proposed amendment be placed under paragraph (a) in the same manner that I proposed that the coordination and harmonization of the Authority's plans and policies with the Bases Conversion Authority be also placed under paragraph (a).

ANGARA-GUINGONA AMENDMENT

Therefore, in effect, what we are going to amend will be Section 5 (a) "To formulate policies and plans for the relief, rehabilitation, and resettlement activities of the national government IN HARMONY WITH THE OTHER PLANS AND POLICIES OF THE NATIONAL GOVERNMENT AND OTHER AGENCIES SUCH AS THE BASES CONVERSION AUTHORITY".

So that takes care of the intent of the Minority Leader.

The President. Could that capture the proposed amendment of the Gentleman?

Senator Guingona. Yes, Mr. President, except that I would like to insert the concept of implementation.

Senator Angara. Yes. Then we can say as far as paragraph (b) is concerned. "To prioritize, coordinate, AND IMPLEMENT the various projects and programs OF THE AUTHORITY".

Senator Guingona. Yes, Mr. President.

The President. So the first amendment is with respect to paragraph (a).

Senator Angara. Yes, Mr. President.

The President. Subject to refinement of style, is there any objection to the amendment?

TATAD AMENDMENT

Senator Tatad. Mr. President, before we approve that amendment, may I propose an amendment to the first part of paragraph (a), consistent with my earlier amendments.

And consistent with that, to shorten the process, may I propose that in every instance where the series recurs, AND LIVELIHOOD should be inserted except as it appears in Section 13.

The President. All right.

Senator Tatad. Thank you very much.

The President. There is in effect an omnibus amendment.

Senator Angara. The omnibus amendment is accepted, Mr. President.

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

Is there any objection to the amendment of the sponsor himself? [*Silence*] There being none, the amendment is approved.

Senator Mercado. Mr. President.

The President. Senator Mercado is recognized.

MERCADO AMENDMENT

Senator Mercado. On the same Section, Mr. President, I would like to move for the deletion of paragraph (e) on the matter allowing the Authority to contract loans, indebtedness, et cetera.

I believe that as we have appropriated a large sum of money, we should not burden the government further by allowing the same Authority to contract loans.

So I move for the deletion of this paragraph.

Senator Angara. Accepted, Mr. President.

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

Senator Maceda. Mr. President.

The President. The Senate President Pro Tempore is recognized.

MACEDA AMENDMENTS

Senator Maceda. In the preceding paragraph, paragraph (d), while this is a standard provision, I feel that there might be some

purpose to deleting it in this particular instance because of what has come out in the public hearings.

I propose to delete the words "or incidental", meaning to say that we should limit it only to those which are necessary to the realization of its purpose.

Senator Angara. Accepted, Mr. President.

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

Senator Maceda. For purposes of emphasis, again, because of the same reasons, at the end of that paragraph, add the words. SUBJECT TO THE USUAL ACCOUNTING AND AUDITING REQUIREMENTS.

Senator Angara. Accepted, Mr. President.

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

Is there any amendment to the original Section 6 with respect to the Board of Directors?

There was a very pertinent question raised by Senator Tolentino with respect to the appointments of the successors of those who are to be originally appointed.

Senator Angara. We have to make a revision here, Mr. President, because the term of the Authority has been reduced to six.

The President. How about the staggering?

Senator Angara. We can do away with the staggering, and let them hold office for six years.

The President. Unless sooner removed.

Senator Angara. Senator Tolentino is also agreeable to it.

The President. Is it for cause, or do they hold office at the pleasure of the President? Can they be removed only for cause, or do they serve at the pleasure of the President?

Senator Angara. I think it is better that they serve for six years, unless removed for cause. We must give them a sense of security so that they can perform their job objectively and fearlessly.

The President. All right.

Senator Angara. Except for the Cabinet Secretaries, of course, Mr. President.

The President. So that the sponsor would actually recast what is originally Section 6.

ANGARA AMENDMENT

Senator Angara. So if I may recast it now, replace lines 29 to 31 with the following: THE TERM OF OFFICE OF THE DIRECTOR SHALL BE SIX YEARS", or "A DIRECTOR SHALL SERVE FOR SIX YEARS UNLESS REMOVED EARLIER OR SOONER FOR CAUSE.

The President. Is there any objection to the amendment? [Silence] The Chair hears none; the amendment is approved.

We now go to page 4.

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

Senator Aquino. Before we go to page 4, since we want coordination with the Bases Conversion Development Authority or, probably, even the Subic Bay Metropolitan Authority, maybe, we can add, THE PRESIDENT MAY APPOINT THE CHAIRMEN OF THE SUBIC BAY METROPOLITAN AUTHORITY OR OTHER AGENCIES THAT MAY BE CREATED WITHIN THE REGION AS EX OFFICIO MEMBERS OF THE BOARD FOR PURPOSES OF COORDINATION.

Senator Angara. So, that will bring the membership of the Board to 11.

Senator Aquino. Actually, we can include WITHOUT ANY VOTING RIGHTS. We just want them to be members of the board for purposes of coordination.

Senator Angara. I think that is an excellent idea, Mr. President. So we include the Chairman of the Subic Bay Authority and the Chairman of the Bases Conversion Authority.

Senator Aquino. And other agencies within the region.

Senator Angara. No, it has to be the Bases Conversion Authority.

Senator Aquino. *Wala pa iyon, eh. Iyong BCDA, wala pa. Clark Field Development Authority, wala pa.* So, and other authorities or agencies that may be created within the region. It is up to the President to make them members.

Senator Angara. But there is already a Subic Bay Authority.

Senator Aquino. Yes.

Senator Angara. And there is already a Bases Conversion Authority, although it has not been constituted yet. We are certain of these two bodies.

I suggest that we make their Chairmen ex officio Directors because sooner or later they will be filled up.

Senator Aquino. That is the main idea, Mr. President.

Senator Angara. We accept the amendment, Mr. President.

The President. Including the suggestion that they are without voting rights?

Senator Angara. Without voting rights.

Senator Aquino. I have no intention to give them voting rights, unless the President....

Senator Angara. Just to achieve the coordination and harmonization we want, maybe, they can be regular members, but ex officio.

The President. I see Senator Macapagal-Arroyo.

Senator Macapagal-Arroyo. Mr. President, I would like to request a reconsideration of that amendment.

Earlier, I had wanted to introduce an amendment, but I was prevailed upon not to go ahead with it. I had wanted to include mayors — at least, six mayors of the affected towns.

I was convinced not to introduce this amendment because of the desire to keep the composition of the board depoliticized — not to politicize the composition of the board.

If we are going to, therefore, now have the Chairman of the Subic Bay Development Authority as a member of the Board and we know that he is a mayor, then it is but fair to allow other mayors also.

Senator Angara. If I may explain, Mr. President.

The reason we accepted quickly the suggestion of Senator Aquino is that, in the case of the Subic Bay Authority as well as the Bases Conversion Authority, the mandate of these two is for the development of the bases, in particular, and Central Luzon, in general.

It is only incidental that the first Chairman of the Subic Bay Authority is a mayor, because after one year, the President is required under the law to appoint a professional manager and

chairman. This is also the situation with the Bases Conversion Authority.

The reason we tried to persuade the distinguished Lady not to nominate mayors is because of, firstly, the difficulty of discriminating between mayors, governors, and congressmen of the region.

Secondly, we want a professionally run organization that will dispense this largesse objectively and fairly without partisan consideration. But if anyone of them becomes a member of this Board, I think it is understandable that they will introduce their own partisan and local interests into the deliberation of the Board. So we thought that this kind of composition makes for a fairer mode of managing this project and funding.

Senator Macapagal-Arroyo. Mr. President.

The President. Yes, Senator Macapagal-Arroyo.

Senator Macapagal-Arroyo. Not that I am insisting, but since we have introduced a new animal into the hierarchy of this Authority which is a nonvoting director, is there still the same objection to having representatives of the local governments affected even if they are nonvoting?

Senator Angara. Mr. President, we just amended the powers of the Authority precisely because of the concern of President Ramos as related to the Senate President, that we do not want this Authority's policies and plans to conflict or become inconsistent with policies of the Bases Conversion Authority or the Subic Bay Authority, or any other national organization.

It stands to reason in order to ensure harmonization and coordination of policies that the chairmen of these two bodies sit on the Board. It is only incidental — may I repeat — it is only incidental that the Mayor of Olongapo is the Chairman now. But it is only, I think, for a balance of 6 months, because after that, a professional manager must be appointed. If it is acceptable to the Gentle Lady, we can exclude the Subic Bay Authority and just include the Bases Conversion Authority. But I think that will make it incomplete, because we want all the development authorities involved in Central Luzon sitting in this Body so that the coordination of policies and projects and programs can be achieved at this level. That is the only reason we agreed easily and readily to the suggestion to include the chairmen of these two Bodies.

The President. All right. So what does....

SUSPENSION OF THE SESSION

Senator Angara. Can we have a one-minute recess, Mr. President?

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

It was 11:28 p.m.

RESUMPTION OF THE SESSION

At 11:32 p.m., the session was resumed.

The President. The session is resumed.

Senator Angara. Mr. President, may we propose this amendment.

On Section 8. "The Authority shall be governed by a Board of Directors composed of nine (9) members to be appointed by the President".

And here is the amendment: instead of "four", make it THREE coming from the Cabinet.

On line 26, instead of "four", TWO from the private sector"; and then delete the phrase beginning with the word "representing" up to "AND" on line 28, "The Executive Director", then add: THE CHAIRMEN OF THE BASES CONVERSION AUTHORITY, SUBIC BAY AUTHORITY — subject to the correct title — "AND CLARK DEVELOPMENT AUTHORITY AS ex officio memberS." So that still makes for nine members, Mr. President.

Senator Macapagal-Arroyo. Mr. President.

The President. Senator Macapagal-Arroyo is recognized.

Senator Macapagal-Arroyo. From what I have observed of the way that the task force has performed and who should be included in this type of development, I think we really do need four Cabinet members in this body. So I am afraid of having the number reduced.

The President. What is now the pleasure of the sponsor?

ANGARA AMENDMENT

Senator Angara. The amendment will be like this, Mr. President. "The Authority shall be governed by a Board of ELEVEN (11)" instead of "nine (9)" "to be appointed by the President, four (4) coming from the Cabinet, THREE (3)" instead of "four (4)" "from the private sector, the Executive Director, THE CHAIRMEN OF THE BASES CONVERSION AUTHORITY, SUBIC BAY AUTHORITY AND CLARK DEVELOPMENT AUTHORITY as ex officio members."

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

Senator Herrera. Mr. President.

The President. Senator Herrera is recognized.

HERRERA AMENDMENTS

Senator Herrera. On page 3, Mr. President, paragraph (d), under the "Powers of the Authority." After the word "entities", insert the following UPON CONSULTATION WITH THE PRESIDENT.

So that the whole sentence will read: "To enter into, make, perform and carry out contracts of every class, kind and description which are necessary to the realization of its purposes with any person, firm or corporation, private or public, and with foreign government entities UPON CONSULTATION WITH THE PRESIDENT".

The President. What does the sponsor say?

Senator Angara. The Gentleman would like, Mr. President, that the Board must consult with the President in every instance described under paragraph (d).

Senator Herrera. No, Mr. President. In regard only to contracts entered into with foreign governments.

Senator Angara. It is accepted, Mr. President. And may I suggest that the phrase UPON CONSULTATION WITH THE PRESIDENT be inserted on line 4 between the words "and" and "with" — "and UPON CONSULTATION WITH THE PRESIDENT with foreign government entities".

The President. Let us now act upon this earlier amendment which has been accepted by the Sponsor.

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

Senator Herrera. I would like to propose, Mr. President, that paragraph (d), under Section 7, "Executive Director, Powers and Responsibilities", should be transposed under the "Power of the Authority."

Let me read this paragraph, Mr. President.

"d) Apply for, receive and accept grants and donation of funds, equipment, materials and services needed for the development of the area, within and outside the Philippines";

I feel, Mr. President, that this particular paragraph should be under the "Power of the Authority" rather than under the "Executive Director, Powers and Responsibilities".

Senator Angara. It is accepted, Mr. President.

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

Senator Angara. Mr. President, may we have the transposition as paragraph (e) of Section 7, because the original paragraph (e) has been deleted.

So the power that the distinguished Gentleman has asked to be transposed will become paragraph "e)".

The President. Is there any amendment on page 4?

ANGARA AMENDMENT

Senator Angara. As a consequence of the amendment of Senator Herrera, Mr. President, on line 16, after the semicolon, add the word AND.

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

Senator Macapagal-Arroyo. Mr. President.

The President. Senator Macapagal-Arroyo is recognized.

Senator Macapagal-Arroyo. Mr. President, between lines 23 and 24 of page 4, I would like to insert a sentence: THE EXECUTIVE DIRECTOR MUST NOT BE A NATIVE OR RESIDENT OF CENTRAL LUZON.

The President. What does the sponsor say?

Senator Angara. Just for the record, can we ask for the rationale of this amendment? We have no problem with this amendment, Mr. President.

Senator Macapagal-Arroyo. Mr. President, this is the result of a very strong recommendation made by the mayors during the hearing of the Committee on Economic Affairs on the bills that have been filed by Senators Alvarez and Lina on their versions of the Central Luzon or the Mt. Pinatubo Development Authority.

The mayors have said that they believe the head of this Authority should not be from Central Luzon, because if he comes from Central Luzon, he must necessarily come from a particular town or province in Central Luzon, and there will be a strong temptation for him to favor his area over other areas.

So to insure neutrality and impartiality, they prefer that this be headed by somebody outside Central Luzon altogether.

Senator Lina. Mr. President.

The President. Senator Lina is recognized.

Senator Lina. I also come from Central Luzon, Mr. President. I do not think it will set a very good policy if a native of a place is disqualified to be the Executive Director of this Body. It is as if a citizen of Central Luzon cannot be objective and unfair in implementing a program that will redound to the benefit of the area.

The President. The Chair would first want to know whether the Macapagal-Arroyo amendment is acceptable to the Sponsor.

Senator Angara. It is a very difficult decision, Mr. President, but because it is coming from the Lady, we accept.

Senator Macapagal-Arroyo. It is not coming from the Lady, Mr. President. It is coming from the hearing of the Economic Affairs Committee and the Central Luzon Rehabilitation Committee.

The President. Is Senator Lina insisting on his objection?

Senator Lina. What if it is somebody from Nueva Ecija or Bulacan which areas were not directly as affected as those in Pampanga? The difficulty is when the one to be appointed comes from Tarlac or Pampanga, even Zambales. These are the provinces that are directly hit, although there is a town in Nueva Ecija that is directly experiencing this problem.

But it is a matter of policy, Mr. President. It should be left to the appointing authority's discretion to decide who will be the most qualified person to be appointed as Executive Director.

The President. There being an objection, the Chair will put the Macapagal-Arroyo amendment to a vote.

As many as are in favor of the amendment will please raise their right hands. [*Six Senators raised their right hands.*] As many as are against will please do the same. [*Seven Senators raised their right hands.*] With six in favor and seven against, the amendment is lost.

Senator Angara. Incidentally, Mr. President, this Section should now be denominated as Section "9."

The President. Yes, Section 9.

We will rearrange the numbering of the sections at the later portion of the amendment.

So on page 4, Section 8, Preference to Local Residents, is there any amendment? [*Silence*] There is none.

On page 5 — Insofar as Section 9, that has already been transposed.

Section 10 — Report to Congress.

Senator Lina. Mr. President.

The President. Senator Lina is recognized.

LINA AMENDMENT

Senator Lina. Mr. President, I propose that a paragraph be inserted after line 9. The paragraph is as follows:

THERE IS HEREBY CREATED A JOINT CONGRESSIONAL OVERSIGHT COMMITTEE TO MONITOR THE IMPLEMENTATION OF THIS ACT. THE COMMITTEE SHALL BE COMPOSED OF FOUR (4) SENATORS AND FOUR (4) REPRESENTATIVES APPOINTED BY THE SENATE PRESIDENT AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, RESPECTIVELY.

The President. What does the Sponsor say?

Senator Angara. It is an excellent suggestion, Mr. President, but I was wondering why it is a 4-4 composition. Why not 5-5 or some other number?

Senator Lina. It can be 5-5, Mr. President. I have no strong feeling about the number.

The President. So the composition of the Oversight Committee is 10. Five Senators and five Congressmen to be designated by the leaders of their respective Houses.

Senator Angara. To be designated by the Senate President and the Speaker of the House, respectively.

The President. Is that acceptable to the Sponsor?

Senator Angara. It is accepted, Mr. President.

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

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

AQUINO AMENDMENT

Senator Aquino. Still on the "Report to Congress," Mr. President. I would like to add at the end of Section 10 the following:

THE AUTHORITY SHALL ALSO SUBMIT A LIST OF DONORS AND THE NATURE OF THEIR DONATIONS RECEIVED FROM LOCAL AND FOREIGN SOURCES AS PROVIDED IN PARAGRAPH (d) OF SECTION 7.

Paragraph (d), I think, is paragraph (e) of another section.

Senator Angara. Paragraph (e) of Section 7, Mr. President.

Senator Aquino. Because in paragraph (d), Mr. President, it states: "Apply for, receive and accept grants and donation of funds, equipment, materials and services needed for the development of the area, within and outside the Philippines".

We just want a report of these donations and the kind of donations as a matter of transparency.

Senator Angara. It is accepted, Mr. President.

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

Section 11 has already been acted upon and has been transposed.

Senator Coseteng. Mr. President.

The President. Senator Coseteng is recognized.

COSETENG AMENDMENT

Senator Coseteng. Mr. President, may I propose an additional section to be defined as a prohibition for an officer or employee of the Authority to run for public office. Or, perhaps, to read: AN OFFICER OR EMPLOYEE OF THE AUTHORITY SHALL NOT BE QUALIFIED TO BE A CANDIDATE FOR PUBLIC OFFICE.

The President. For how long? The Chair wishes to know for how long will the disqualification last.

Senator Coseteng. The next succeeding election after his term, Mr. President.

The President. What is the pleasure of the Sponsor?

Senator Angara. It s accepted, Mr. President.

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

Section 11 has already been transposed. Section 12, "Punishable Acts".

Senator Maceda. Mr. President.

The President. The Senate President Pro Tempore is recognized.

MACEDA AMENDMENTS

Senator Maceda. Mr. President, I have three amendments. I would just like to read them all and leave them up to the sponsor to recast the section.

First, the idea of including as punishable acts, for purposes of emphasis, ENTERING OR PARTICIPATING IN CONTRACTS MANIFESTLY DISADVANTAGEOUS TO THE GOVERNMENT.

Second, the idea that IF THE OFFENDER IS A GOVERNMENT OFFICIAL OR EMPLOYEE, THE PENALTY SHALL BE IMPOSED IN ITS MAXIMUM DEGREE.

Third, that THE MAXIMUM FINE SHOULD BE RAISED TO ONE MILLION PESOS because there are a lot of contractors who are getting contracts for even P100 million or more. I do not know whether the P500,000 or even the P1 million would be a sufficient deterrent.

The President. May the Chair know the pleasure of the Sponsor.

Senator Angara. I have no problem with that, Mr. President, except that we may be duplicating the Anti-Graft and Corrupt Practices Law. The act mentioned is already punishable under the Anti-Graft and Corrupt Practices Law.

Senator Maceda. We are aware of that, Mr. President. But those who will read this specific law will immediately feel that the punishable acts are very limited, and the main complaint we have been receiving lately is the case of these contracts that are irregular or disadvantageous.

The President. The Chair wishes to know whether the penalties for the offenses described and penalized under Section 12 are lesser or higher than the penalties for the same offenses under the Anti-Graft and Corrupt Practices Act, because they might be lesser.

Senator Angara. The prison term, Mr. President, is higher. The fine could be higher or lower, depending on the amount of graft committed because, under the Anti-Graft and Corrupt Practices Law, the fine is equal to three times the property involved.

The President. Yes. I see Senator Tolentino claiming the Floor.

Senator Tolentino. Mr. President. As far as I can remember, the penalty in the Anti-Graft Law is up to 10 years.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. With the permission of Senator Tolentino, the penalties here should be put in line, at least, with the penalties in the Anti-Graft Law.

The President. So it will be recast.

Senator Maceda. Yes, Mr. President.

The President. All right. There is a suggestion of Senator Maceda that the penalties herein provided be in line with the penalties for the same offenses under the Anti-Graft and Corrupt Practices Act. In short, this will be subject to recasting.

Senator Angara. Yes, Mr. President. Can we ask Attorney Raval or Attorney Badoy to immediately check that provision of the Anti-Graft Law so we can

The President. So we defer action on this particular amendment.

Senator Angara. Yes, Mr. President. So we can insert it immediately. We accept the amendment.

The President. All right. Then on page 6 we have Section 13, "Assistance by Other Relief Agencies." Is there any amendment?

Senator Angara. Excuse me, Mr. President. Just for clarification, the Coseieng amendment will be a separate provision immediately after "Report to Congress". It will be denominated as "Prohibition Against Running for Public Office".

The President. Yes.

Senator Angara. Thank you.

The President. Then Section 13 "Assistance by Other Relief Agencies". Is there any amendment? [Silence]

Section 14, "Rules and Regulations".

Senator Guingona. Mr. President.

The President. The Minority Leader is recognized.

GUINGONA AMENDMENT

Senator Guingona. Mr. President, the Authority has now capitalization as intended, I think, because this is temporary. So may I suggest that at the end of the sentence after the word "Act" add the following: HE SHALL ALSO SET ASIDE A REASONABLE AMOUNT FROM THE APPROPRIATIONS HEREIN TO DEFRAY OPERATING COSTS OF THE AUTHORITY.

The President. ORGANIZATIONAL AND OPERATIONAL COSTS.

Senator Guingona. ORGANIZATIONAL AND OPERATIONAL COSTS OF THE AUTHORITY.

Senator Angara. Where will that fall, Mr. President?

Senator Guingona. Right after Section 14.

Senator Angara. "Assistance by Other Relief Agencies"?

Senator Guingona. No, no, Section 14.

Senator Angara. "Rules and Regulations"?

Senator Guingona. Yes, "Rules and Regulations".

Senator Angara. Can we have the amendment again, Mr. President?

Senator Guingona. HE SHALL ALSO SET ASIDE A REASONABLE AMOUNT FROM THE APPROPRIATIONS HEREIN TO DEFRAY ORGANIZING AND OPERATING COSTS OF THE AUTHORITY.

Senator Angara. We can place it either under this section or we can look for a more suitable home for this amendment, Mr. President.

Senator Guingona. Because it comes under "Rules and Regulations", so that it fixes how much will be the per diems, the operating costs.

Senator Angara. Can we place it under Section 6, "Creation of the Mt. Pinatubo Development Authority"? As a last sentence,

we say: SO MUCH OF THE APPROPRIATION HEREIN PROVIDED SHALL BE SET ASIDE FOR THE INITIAL OPERATING EXPENSE OF THE AUTHORITY. So that there is an authorization.

Senator Guingona. Instead of "SO MUCH", REASONABLE AMOUNT.

Senator Angara. SUCH AMOUNT NECESSARY TO PROVIDE FOR THE INITIAL OPERATING AND/OR ORGANIZATIONAL EXPENSE OF THE AUTHORITY SHALL BE SET ASIDE.

The President. I suggest that we place ORGANIZATIONAL first, and then comes OPERATING COSTS.

Senator Angara. Yes, Mr. President.

The President. All right, is there any objection to this amendment? [Silence] There being none, the amendment is approved.

The President. Section 15, "Separability Clause". Is there any amendment? [Silence] There being none, the amendment is approved.

Section 16, "Repealing Clause". Is there any amendment? [Silence] There being none, the amendment is approved.

Section 17, "Effectivity Clause". The usual Effectivity Clause. Is there any amendment? [Silence] There being none, the amendment is approved.

Then, let us now go to the Title of the bill.

Senator Angara. Before we go into that, Mr. President. If the Chair will recall, we reserved the phrasing of the definition of the word "victims". There is now a definition courtesy of Senator Macapagal-Arroyo.

The President. Will the Gentleman please read the amendment.

MACAPAGAL-ARROYO AMENDMENT

Senator Angara. I will read it, Mr. President. This is on page 2, lines 3 to 9.

So in lieu of lines 3 to 9, insert the following definition.

"The term 'victims' when used for the purpose of this Act refers to ANY OF THE FOLLOWING:

A. INDIVIDUALS WHO HAVE DIED OR DISAPPEARED AS A RESULT OF THE AFOREMENTIONED ERUPTION;

B. INDIVIDUALS WHO WERE DISPLACED AND/OR WHO SUSTAINED INJURY OR SUFFERED DEATH IN THE FAMILY AS A RESULT OF THE AFOREMENTIONED ERUPTION WHO NEED AND DESERVE ASSISTANCE; AND

C. INDIVIDUALS WHOSE HOMES HAVE BEEN DESTROYED OR RENDERED UNINHABITABLE AND THOSE WHO HAVE LOST PERMANENTLY THEIR LIVELIHOOD AS A DIRECT RESULT OF THE MT. PINATUBO ERUPTION WHO SIMILARLY NEED AND DESERVE ASSISTANCE."

The President. Is there any objection to the revised formulation of the second paragraph of formerly Section 3, as amended? [*Silence*] There being none, the amendment is approved.

We now come to the Title of the bill.

Senator Tatad. Mr. President.

The President. Senator Tatad is recognized.

TATAD AMENDMENT

Senator Tatad. May I move that the title be amended to read: AN ACT CREATING THE MT. PINATUBO RESETTLEMENT AND REHABILITATION AUTHORITY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES. If this is accepted, I move....

Senator Tolentino. Mr. President.

The President. Senator Tolentino is recognized.

TOLENTINO-TATAD AMENDMENT

Senator Tolentino. May I propose that the title be worded in such a way as to place the appropriation idea first and the implementing agency as a secondary part of the title. So with the permission of the distinguished Gentleman from Bicol, —

Senator Tatad. Yes, accepted.

Senator Tolentino. — I propose that his amendment be amended to read as follows: AN ACT APPROPRIATING THE SUM OF TEN BILLION PESOS FOR THE AID, RELIEF, RESETTLEMENT, REHABILITATION AND DEVELOPMENT SERVICES OF THE VICTIMS AFFECTED BY THE

ERUPTION OF MT. PINATUBO, CREATING THE MT. PINATUBO RESETTLEMENT AND DEVELOPMENT AUTHORITY FOR THE IMPLEMENTATION OF THIS ACT, AND FOR OTHER PURPOSES.

Senator Tatad. I accept the proposed amendment, but I wonder if we could change the word "DEVELOPMENT" into LIVELIHOOD in the enumeration, Mr. President.

Senator Ople. Mr. President.

The President. Senator Ople is recognized.

Senator Ople. Mr. President, I just want to manifest my objection to the elimination of the word "DEVELOPMENT" from the title of the bill.

The President. In the first place, the Chair would want to know whether or not the amendment of Senator Tatad, as amended by Senator Tolentino, is acceptable to the sponsor of this bill.

Senator Angara. Yes, Mr. President.

The President. Now, there is an objection to the said amendment, as amended, by Senator Ople. And there is no way to break this impasse except putting it to a vote.

May the Body be informed of the reasons for the objection of Senator Ople so that the same can be guided in voting properly on this question?

Senator Ople. Yes. Thank you, Mr. President.

We have just approved amendments to this bill that establish definite linkages between the existing development authorities in Central Luzon: the Base Conversion Authority, the Subic Base Authority, the Clark Field Authority; in other words, to meet some of the suggestions we have heard emanating from the Executive Branch, so that there will be no discordance in the government's programs in Central Luzon.

True, the main thrust of this bill is to rehabilitate, resettle and, otherwise, assist the stricken population in Central Luzon. But from a strategic planning point of view, there is nothing wrong if we try to reap from all of these investments in humanitarian assistance and in the development benefit, especially those of a strategic character that can derive from this exercise.

And, indeed, that is what probably some of the earlier speakers meant when they said that this program has a lasting legacy, not just a passing temporary effect on Central Luzon, to the extent that we help the people of Central Luzon rise to their feet, so that all these programs become unnecessary, so that they

can be restored to the productive capacity that will enable them to repay the generosity of the nation at this time by optimizing their contribution to the national economic and social well-being, then, all the better.

So I do not see why the strategic linkage of rehabilitation and development must be set aside. Mr. President, that is the rationale for taking this position not to disturb the existing title of the bill.

The President. May we now know the rationale for the proposed amendment, Senator Tatad, so that he will be given an equal and fair chance as the author.

Senator Tatad. I wish to reconsider my position. I accept the proposed amendment of the distinguished Gentleman from Bulacan.

The President. So, what is now the amendment?

Senator Tolentino. Mr. President, the word "DEVELOPMENT" was in my proposed amendment to the amendment of the Gentleman from Bicol. But the Gentleman from Bicol said that instead of "DEVELOPMENT", we will use LIVELIHOOD.

Perhaps, we can just put LIVELIHOOD AND DEVELOPMENT in the title.

SUSPENSION OF THE SESSION

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

It was 12:06 a.m.

RESUMPTION OF THE SESSION

At 12:07 a.m., the session was resumed.

The President. The session is resumed.

Senator Tatad is recognized.

Senator Tatad. Mr. President, after consultation with Senators Tolentino and Ople, I am now proposing the consolidated amendment to the title, to read: AN ACT APPROPRIATING TEN BILLION PESOS FOR THE RELIEF, RESETTLEMENT, REHABILITATION, AND LIVELIHOOD SERVICES TO THE VICTIMS OF THE ERUPTION OF MT. PINATUBO AND CREATING FOR THE PURPOSE THE MT. PINATUBO RESETTLEMENT AND DEVELOPMENT AUTHORITY, AND FOR OTHER PURPOSES.

Should we include FOR OTHER PURPOSES? AND FOR OTHER PURPOSES.

Senator Maceda. Mr. President.

The President. The Senate President Pro Tempore is recognized.

Senator Maceda. I am just wondering why we have all those programs in the earlier numeration, and in the end we retain only "RESETTLEMENT" without mentioning the other.

Maybe, just to solve the problem, we just call it a MT. PINATUBO AUTHORITY. Anyway, the enumeration is already there, as to all the specific programs, including development and livelihood.

Senator Ople. I would not object to that, if the word "DEVELOPMENT" is included in the first enumeration.

Senator Lina. Mr. President.

The President. Senator Lina is recognized.

Senator Lina. Just to simplify, Mr. President. In the first part, the services can be enumerated, but in the second part, all the services can be lumped together under the word "ASSISTANCE", so that the agency that will be created will be MT. PINATUBO ASSISTANCE AND DEVELOPMENT AUTHORITY, as a compromise, so that we do not repeat and we do not wonder why only resettlement was retained in the name of the Authority.

The President. May the Chair suggest that, probably, the proponents of these amendments draw largely from the title of the House Bill, adding, after the appropriation provision, and creating whatever name of the Authority may be, to administer the said funds, and for other purposes.

Senator Tatad. It is accepted, Mr. President.

The President. All right. Apparently, the name here is important. So, what is the final name that we are going to christen the Authority or to baptize the Authority we have created under this bill?

Senator Ople. I think Senator Lina's proposal sounds both workable, comprehensive, euphonious. He says it should be Mt. Pinatubo Assistance and Development Authority.

Senator Tatad. If that proposed amendment is acceptable to the Gentleman from Bulacan and to the Gentleman from Laguna, Manila and Ilocos Sur, it is acceptable to your humble servant.

The President. How about the Sponsor?

Senator Angara. Yes. I am glad the Chair remembered me. This Act shall be known as the MT. PINATUBO ASSISTANCE AND DEVELOPMENT AUTHORITY OF 1992. It is accepted, Mr. President.

The President. So we remove the word "ACT".

Senator Maceda. Mr. President, may I just be favored with an explanation on what is the difference between "aid" and "assistance", because we removed the "aid" in the first place, and now we are restoring "assistance". So there must be a difference between the two.

Senator Ople. Senator Lina is the proponent of this name, and I think it is unfair for me to speak for him.

Senator Lina. Mr. President, assistance is more dynamic; aid connotes dole out or something that is passive, it being received. Assistance conjures an image. It is something that is an initial step, but the people have to react to the way the assistance is given. When we talk of calamity, assistance is the word that is usually associated.

Another thing, Mr. President, is that, the word "aid" is close to another word which does not sound very good.

Senator Maceda. If we are going to restore "assistance", I have always insisted from the very beginning that there should be a focus on resettlement. I would insist also on retaining the word "resettlement".

Senator Lina. The difficulty, Mr. President, is that, the services are enumerated in the first part, like relief, rehabilitation and resettlement. That is why, the Gentleman from Ilocos Sur wondered why all the other services were mentioned in the first part, and then, in the name, only resettlement is the word that is left.

So that is my difficulty if we just use the word "resettlement"; but "assistance" covers all the services that are enumerated, Mr. President.

Senator Maceda. That is why, in the beginning, I understood from the Gentleman from Catanduanes, the real focus, because of the short-term emergency nature of this bill, was resettlement and rehabilitation. Once we go into the technical term, which is the broadest technical term of development, we are going into an area where we are saying after the first relief, the first aid, the first assistance, then the resettlement and rehabilitation, we have to go further on. Certainly, if we take the full concept of development as it is understood by those who are technically qualified in this field, again, it cannot be within the concept of P10 billion.

I think that was the origin of this debate. We are not quibbling about words but the implication of the same. Once we have that catch-all word "DEVELOPMENT", it includes assistance, it includes everything. That is why we do not need to put the word "assistance" anymore if the purpose is to have an all-comprehensive development authority.

Now, if we want to get away from the implication of development being a deeper, more extensive and more expensive term — that is why I said, the simplest way to go about that is remove any word and just say "MT. PINATUBO AUTHORITY" with an enumeration of everything in the title, including rehabilitation, resettlement, assistance, livelihood, and development by creating for that purpose a Mt. Pinatubo Authority. But once we go into all these definitions, we will never end, Mr. President.

Senator Ople. Mr. President, there are generic names like development, assistance, rehabilitation. It is within the power of a deliberative body like this to assign certain meanings to them, by precisely the task of explication on the *Record of the Senate*. I think I previously indicated that development in this title is used in the context of providing a strategic development orientation to the work of rehabilitation, so that the results of this program will be felt in a more enduring way.

During the hearings, I was the one who spoke of the possibility that Central Luzon can become an economic black hole, a bottomless pit for endless infusions of money unless there is a strategic framework and orientation for the expenditure of these funds. The more we are able to relate rehabilitation, resettlement expenditures to more enduring results, then to that extent, I think we are avoiding that error of which we wanted to be wary that this money will disappear after the work of mercy has been accomplished.

I think the meaning of "DEVELOPMENT" in this title is restricted to that, Mr. President. It says "strategic orientation", but the main focus is still resettlement, rehabilitation and assistance.

The President. All right. Will the proponent of the amendment now restate the amendment that he proposes, taking into consideration the amendment to his amendment made by Senator Tolentino.

TATAD-TOLENTINO AMENDMENT

Senator Tatad. The proposed amendment is as follows, Mr. President.

AN ACT APPROPRIATING TEN BILLION PESOS FOR THE RELIEF, RESETTLEMENT, REHABILITATION AND

LIVELIHOOD SERVICES TO THE VICTIMS OF THE ERUPTION OF MT. PINATUBO AND CREATING THE MT. PINATUBO ASSISTANCE AND DEVELOPMENT AUTHORITY TO ADMINISTER SUCH FUND, AND FOR OTHER PURPOSES.

Senator Maceda. Mr. President.

The President. The President Pro Tempore is recognized.

TATAD-TOLENTINO-MACEDA AMENDMENT

Senator Maceda. May I, therefore, formally propose an amendment to the amendment to include the word RESETTLEMENT in the name of the "Mt. Pinatubo Assistance and Development Authority" for one simple reason. We are appropriating P10 billion and P5 billion is being appropriated for resettlement. That is definitely the principal function of this Authority.

Senator Ople. I endorse this amendment, Mr. President.

Senator Tatad. I accept the amendment, Mr. President. It will now read: AN ACT APPROPRIATING TEN BILLION PESOS FOR THE RELIEF, RESETTLEMENT, REHABILITATION AND LIVELIHOOD SERVICES TO THE VICTIMS OF THE ERUPTION OF MT. PINATUBO, AND CREATING THE MT. PINATUBO ASSISTANCE RESETTLEMENT AND DEVELOPMENT AUTHORITY TO ADMINISTER SUCH FUNDS, AND FOR OTHER PURPOSES.

The President. Is that acceptable to the Sponsor?

Senator Angara. For the sake of unity, we accept, Mr. President.

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

Let us now make an omnibus amendment with respect to the name of the body created here to administer the funds appropriated.

Senator Tatad. May I move, Mr. President, that the name as approved be reflected in Section 1 and Section 6 of Senate Bill No. 760.

The President. There is an omnibus amendment that in any provision where "Mt. Pinatubo Aid and Development Authority" is employed, that it be amended to read: MT. PINATUBO ASSISTANCE, RESETTLEMENT AND DEVELOPMENT AUTHORITY.

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

Senator Herrera. Mr. President.

The President. Senator Herrera is recognized.

Senator Herrera. Just two points, Mr. President.

First, I wonder whether it is not important to attach or locate the Authority under the Office of the President, considering that one of the powers of the Authority is to call upon departments and other offices for the implementation of its program. I thought that, maybe, it is important that it should be attached to the Office of the President.

I cannot imagine how an Authority can be respected by a whole department, to call upon this department in order to help in the implementation of the projects and the programs of the Authority, unless it is attached to the Office of the President and take advantage of the clout and the power of the Office of the President.

Second, for purposes of coordinating closely with the President on the project of resettlement, rehabilitation and development, I feel that it should be located or attached to the Office of the President.

The other point that I would like to mention, Mr. President, is that under Section 14 of this bill on "Rules and Regulations," it is stated that within 15 days, the President shall formulate the rules and regulations. But then, under Section 4, the Authority shall be organized within 30 days.

Since this is a new office and that the Authority should be given the opportunity and the chance to participate in the formulation of the rules, I would propose that the mandate to issue the rules should be within 15 days after the organization of the Authority.

These are the two points, Mr. President.

The President. There are two points proposed here by the Gentleman from Cebu and Bohol. What does the Sponsor say?

Senator Angara. Excellent suggestion, Mr. President.

As to the first suggestion, we propose that it be placed under Section 6 as the last paragraph, and we propose the following language: FOR ADMINISTRATIVE PURPOSES, THE AUTHORITY SHALL BE ATTACHED TO THE OFFICE OF THE PRESIDENT.

For the second proposal, that is under Section 15, line 15, THE PRESIDENT SHALL WITHIN 15 DAYS AFTER THE ORGANIZATION OF THE AUTHORITY.

The President. Does the Senate President Pro Tempore have anything to say on this matter?

Senator Maceda. It is a related matter. I just notice, maybe, I missed it or there has been an oversight. There has been no Chairman of the Board designated under Section 6.

Senator Angara. Yes. I also have that in my note, Mr. President.

We propose that under Section 8, "Board of Directors", the President designate the Chairman of the Authority.

The President. All right. There are now three proposed amendments before this Body. The first is, placing the Authority as an attached agency to the Office of the President.

Is there any objection to this amendment? [Silence] The Chair hears none; the amendment is approved.

The second is, the period during which the President shall issue rules and regulations.

Is there any objection to this amendment? [Silence] The Chair hears none....

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

Senator Aquino. Mr. President, we are asking the President to issue rules and regulations 15 days after organization of the Authority. Is that not rushing the President? Maybe, we should give him, at least, 30 days.

Senator Angara. No. The idea is that the Board will have a chance to draft the rules for him which, normally, is the practice and 45 days after the passage of the law is, I think, sufficient time for the purpose. I think prolonging it

Senator Aquino. Is it 45 days, Mr. President?

Senator Angara. Yes, because the organization of the Board is 30 days after passage.

Senator Aquino. Precisely. So that if we want the Board to participate in making the rules, assuming it is convened after 15 days, then I think the President can issue the rules and regulations 30 days thereafter. There is no harm in issuing the rules earlier than that.

The President. What is 15 days between friends?

Senator Angara. Okay, Mr. President, within 30 days.

The President. All right. Is there any objection thereto? [Silence] The Chair hears none; the amendment is approved.

The third amendment is with respect to the creation of the position of Chairman of the Board of Directors.

Senator Angara. We suggest, Mr. President, that we insert it in Section 8, "Board of Directors" and the language is: THE PRESIDENT SHALL DESIGNATE FROM THE MEMBERS OF THE CABINET THE CHAIRMAN OF THE BOARD.

The President. Does the Senate President Pro Tempore have any objection?

Is there any objection to this proposed amendment? [Silence] The Chair hears none; the amendment is approved.

The Senate President Pro Tempore is recognized.

Senator Maceda. Yes, Mr. President, one last item. I think Senator Tolentino mentioned this. A separate paragraph to the effect that this Authority now absorbs the task force created under Memorandum No. 369; Memorandum Order No. 389, Memorandum Order No. 392, and all the papers, properties, et cetera, that belong to this task force.

The President. What does the Sponsor say?

Senator Angara. It is accepted, Mr. President.

Senator Guingona. Mr. President.

The President. The Minority Leader is recognized.

Senator Guingona. On the designation of the Chairman. Just to make it ex officio, because the suggestion is for a Cabinet member.

The President. There is a point being raised by the Minority Leader that the Chairman, who, under the amendment, will come from the Cabinet must hold that position only in an ex officio capacity.

What does the Sponsor say?

Senator Angara. In fact, I would ask for the reopening of this provision, Mr. President, because the opinion has been expressed that the President may designate from among the members of the Board the Chairman. It does not limit his choice to just the Cabinet members who are members of the Board.

The President. Is there any objection to the reconsideration of the approval of the first amendment, providing that the director should be a Cabinet member?

Senator Aquino. The Chairman, Mr. President.

The President. The Chairman. [Silence] The Chair hears none; the amendment is approved.

Now, on the second proposal that the Chairman should be designated....

Senator Aquino. Should come from the Board of Directors, Mr. President.

Senator Angara. The proposal, Mr. President, is....

The President. From among the members of the Board of Directors.

Senator Angara. Yes. The President shall designate from among the members of the Board of Directors the Chairman thereof.

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

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

The President. Is there any objection to this motion? [Silence] There being none, the motion is approved. The period of amendments, both Committee and individual, is hereby formally terminated.

Senator Romulo. I ask, Mr. President, that we vote on Second Reading on Senate Bill No. 760, consolidating House Bill No. 2505, entitled....

May I ask the distinguished sponsor to read the title.

Senator Angara. I will have to delegate this delicate task to Senator Tatad, Mr. President. [Laughter]

Senator Macapagal-Arroyo. I volunteer, Mr. President.

AN ACT APPROPRIATING TEN BILLION PESOS FOR THE RELIEF, RESETTLEMENT, REHABILITATION, AND LIVELIHOOD SERVICES FOR THE VICTIMS OF THE ERUPTION OF MT. PINATUBO, AND CREATING THE MT. PINATUBO ASSISTANCE, RESETTLEMENT AND

DEVELOPMENT AUTHORITY TO ADMINISTER SUCH FUND, AND FOR OTHER PURPOSES

Senator Romulo. Mr. President, I so move that we approve this very worthy and noble bill on Second Reading, as amended.

The President. Is there any objection to the approval of this bill on Second Reading, as amended? The Chair hears none; and accordingly, the bill is hereby unanimously approved.

Senator Romulo. Mr. President, it is now 12:32 a.m., Saturday, and today is the birthday of Senator Tolentino. [Applause]

SUSPENSION OF THE SESSION

Mr. President, may I ask that we suspend the session for one minute.

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

It was 12:32 a.m.

RESUMPTION OF THE SESSION

At 12:43 a.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

Senator Romulo. Mr. President, with the permission of this Chamber, I ask that we reconsider the vote on Second Reading on Senate Bill No. 760 which incorporates House Bill No. 2505.

The President. Is there any objection to this motion? [Silence] There being none, the request is approved.

APPROVAL OF SENATE BILL NO. 760 ON SECOND READING, AS AMENDED

Senator Romulo. Mr. President, I move that we vote on Senate Bill No. 760, incorporating House Bill No. 2505, as amended, on Second Reading.

May I remind our Colleagues that those who would like to explain their votes may do so when their names are called for the voting, Mr. President.

The President. We shall now vote on the bill, as amended, on Second Reading. The Secretary will please call the roll.

The Secretary called the roll and the result of the voting was as follows:

IN FAVOR

Senator Alvarez	Senator Macapagal-Arroyo
Senator Angara	Senator Maceda*
Senator Aquino	Senator Ople
Senator Coseteng	Senator Rasul*
Senator Gonzales	Senator Romulo
Senator Guingona	Senator Shahani
Senator Herrera	Senator Tataad
Senator Lina, Jr.	Senator Tolentino

AGAINST

None

ABSTENTION

None

EXPLANATION OF VOTE OF SENATOR MACEDA

Senator Maceda. Mr. President, I will explain my vote on Third Reading.

EXPLANATION OF VOTE OF SENATOR RASUL

Senator Rasul. Mr. President, I vote *Yes*. But since I may not be here on Monday for the Third Reading, I would now like, if I may, to inform this Body that I will vote *Yes* and I will leave the explanation of my vote which will be read on Monday.

Thank you, Mr. President.

EXPLANATION OF VOTE OF SENATOR SHAHANI

Senator Shahani. Mr. President, I had expected or would have preferred that we have the Third Reading this evening, but unfortunately that is not possible. So I should like to cast my *Yes* vote for this landmark piece of legislation, and I would like to congratulate the President and the other Members of the Chamber for having done such a thorough job on a very complicated subject.

I think we have been able to reconcile the short-term requirements as well as the long-term policy implications of the situations in Mt. Pinatubo. I hope that the sobriety of approach and the thoroughness with which we did our work on this Special Session, will continue to be a model in our legislative process.

I vote *Yes*, Mr. President, and I reserve my right to give a written explanation for the Third Reading when it comes.

The President. Thank you.

The President. With 16 affirmative votes, no negative vote, and no abstention having been cast, House Bill No. 2505 in consolidation with Senate Bill No. 760 is hereby approved unanimously on Second Reading, as amended. [*Applause*]

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

**MOTION OF SENATOR AQUINO
(Committee on Agriculture as the Lead Committee
on Senate Bill No. 737)**

Senator Aquino. Mr. President, yesterday, Senate Bill No. 737 which has to do with the Fisheries Code was referred to two committees, the Committee on Agriculture and the Committee on the Revision of Laws. After discussion with the Chairman of the Committee on Constitutional Amendments, Revision of Codes and Laws, to which it was referred, we agreed that the Committee on Agriculture be the lead committee. With the President's permission, I would like to request that the Committee on Agriculture be the lead committee for this bill.

The President. Is there any objection to this motion? [*Silence*] There being none, the request is granted.

Senator Romulo. Mr. President.

The President. The Majority Leader is recognized.

Senator Romulo. Mr. President, just to restate that earlier Proclamation No. 52 of the President was read, calling the Congress of the Philippines to an additional Special Session on September 21 and 22.

SUSPENSION OF THE SESSION

Mr. President, since there are no other matters to take up this morning of Saturday, I move that we suspend the session until three o'clock Monday afternoon.

The President. The session is suspended until three o'clock Monday afternoon, if there is no objection. [*There was none.*]

It was 12:50 a.m.

*With explanation of vote



**REPUBLIC OF THE PHILIPPINES
CONGRESS OF THE PHILIPPINES
SENATE**

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JULY 27 TO OCTOBER 14, 1992**

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**SPECIAL SESSION
NO. 1**

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and Senate Bill No. 667, introduced by Senator Coseteng, entitled

AN ACT DECLARING HAZING A CRIME,

recommending that Senate Bill No. 176, in consolidation with Senate Bill No. 667, be approved without amendment, with Senators Lina, Jr. and Coseteng as authors thereof.

Sponsors: Senators Lina, Jr. and Coseteng

The President. To the Calendar for Ordinary Business.

Senator Romulo. Mr. President.

The President. The Majority Leader is recognized.

BILL ON THIRD READING

Senate Bill No. 760 — Mt. Pinatubo Assistance, Resettlement and Development Authority of 1992

Senator Romulo. Mr. President, I move that we vote on Third Reading on Senate Bill No. 760. Copies of the bill were distributed to all Members of the Senate on September 19, 1992.

The President. Voting on Third Reading on Senate Bill No. 760 is now in order. The Secretary will please read only the title of the bill, if there is no objection. [There was none.]

The Secretary. Senate Bill No. 760, entitled

AN ACT APPROPRIATING TEN BILLION PESOS FOR THE RELIEF, RESETTLEMENT, REHABILITATION, AND LIVELIHOOD SERVICES FOR THE VICTIMS OF THE ERUPTION OF MT. PINATUBO, AND CREATING THE MT. PINATUBO ASSISTANCE, RESETTLEMENT AND DEVELOPMENT AUTHORITY TO ADMINISTER SUCH FUNDS, AND FOR OTHER PURPOSES.

The President. The Senate will now proceed to vote on the bill.

The Secretary will please call the roll.

Senator Alvarez. Mr. President.

The President. Senator Alvarez is recognized.

Senator Alvarez. There was a gentlemen's understanding during the last session that we would reconsider the approval of Senate Bill No. 760 on Second Reading, so that whatever alterations or further insights that we can develop over the weekend

can be reintroduced today after due reconsideration in order to amend the bill.

Before we go into voting, Mr. President, since I have here what I feel is a critical amendment, may I ask the leadership to now consider the reconsideration of this measure.

SUSPENSION OF THE SESSION

Senator Romulo. Mr. President, may I ask that we suspend the session for one minute.

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

It was 4:21 p.m.

RESUMPTION OF THE SESSION

At 4:23 p.m., the session was resumed.

The President. The session is resumed. The Majority Leader is recognized.

Senator Romulo. Mr. President, the distinguished Senator from Isabela wishes to say something.

Senator Alvarez. With the gentlemanly assurances from the Chairman of the Committee, my seatmate, my favorite Senator from the Tagalog Region, who is the spokesman of both Aurora and all of the Tagalog region, eventually of Central Visayas and Mindanao as well, and, perhaps, at some point, of the Ilocos as well, I now withdraw my proposal.

The President. The motion is withdrawn. The Majority Leader is recognized.

Senator Romulo. Mr. President, I reiterate my motion that we vote on Third Reading on Senate Bill No. 760.

The President. The Senate will now proceed to vote on the bill. The Secretary will please call the roll.

The Secretary called the roll and the result of the voting was as follows:

YES - 17

Senator Alvarez
Senator Angara
Senator Aquino *
Senator Coseteng *

Senator Maceda *
Senator Mercado *
Senator Ople *
Senator Roco *

*With explanation of vote

Senator Gonzales	Senator Romulo
Senator Guingona *	Senator Sotto *
Senator Herrera	Senator Tatad *
Senator Lina *	Senator Tolentino *
Senator Macapagal-Arroyo *	

NO - None

ABSTENTION - None

RESULT OF THE VOTING

The President. With 17 affirmative votes, and no negative vote, no abstention, Senate Bill No. 760 is unanimously approved on Third Reading.

EXPLANATION OF VOTE OF SENATOR AQUINO

Senator Aquino. Mr. President, I vote for the approval of Senate Bill No. 760.

I come from the region which was damaged by the *lahar* flows from Mt. Pinatubo. Even my own hometown, Concepcion in Tarlac, is being threatened to be wiped out of the map of Central Luzon by the seemingly unstoppable force of nature.

Recently, the Office of Civil Defense reported that for this year alone, 942 thousand people had been affected by the floods and *lahar* flows.

I need not state the statistics, Mr. President. News accounts and pictures of Tarlaqueños, Pampangueños, Zambaleños, and Nueva Ecijanons, particularly children facing unimaginable daily threats to their lives, especially during this rainy season, more than justify the need for this august Body to act decisively and compassionately. To my mind, the people of Central Luzon have shown courage.

With the approval of this bill, however, our task is not yet over — the Senate must still continuously exercise zeal in making sure that the huge sum of money appropriated will be spent wisely, for the people of Central Luzon expect us to show courage, courage to expose the turpitudes of the Executive Department and courage to make and support the necessary remedial measures. We must supplement the courage of the people of Central Luzon.

Mr. President, thank you.

EXPLANATION OF VOTE OF SENATOR COSETENG

Senator Coseteng. Mr. President, I vote Yes to Senate Bill No. 760, but reserve the right to submit a written explanation of my vote for the record.

The following is the full text of the explanation of vote of Senator Coseteng:

Mr. President,

After three days of exhaustive and exhausting hearings on this bill appropriating P10 billion for the relief, resettlement, rehabilitation and livelihood service to the victims of Mt. Pinatubo, I vote Yes.

While there have been testimonies emphasizing the importance of building infrastructure projects, there were also expert testimonies that recommend the deferment or delay in constructing them or totally abandoning such projects because these infrastructure are costly or even useless considering the magnitude of the *lahar*.

Be that as it may, I would like to congratulate the Members of this Chamber, with the leadership of the Chairman and sponsor of this bill for their innovative approach in reconciling these conflicting perceptions. I refer particularly to the safeguards provided in this bill — the creation of bodies to oversee how this money will be spent and to impose the corresponding penalties for any violation of these safeguards.

In this connection, I would like to suggest to these bodies or agencies to involve the people, through their elected representatives like the town mayors, in deciding which projects to undertake first.

A graphic presentation should be made before these representatives of the people to give them a clear picture on which to base their decision. For example, a topographical relief scale model can be prepared to show the extent of damage and/or the possibility of further damage to particular areas so they can objectively decide which places to better abandon and which should be attended to first through a particular project. This effort at consultation may remove tension between the populace and the government agencies and prevent future recrimination and fault-finding. It is tragic enough to be displaced and lose one's abode. But consulting with those adversely affected may lessen the sense of loss and rekindle hope for a new life, including a recognition and appreciation of government's concern.

I reiterate — I vote Yes.

EXPLANATION OF VOTE OF SENATOR GUINGONA

Senator Guingona. Mr. President, I vote Yes to this measure.

We understand the concerns expressed during the hearings and we have done our best to meet them to the satisfaction of all.

What is vital, Mr. President, is that we respond to the emergency. Regarding the merits of this certificate of availability

of funds, we liken it to a head of family who has an income of P10,000.00 a month, but whose liabilities comprise P12,000.00; therefore, in a sense, he is in deficit. But if one of his sons meets an accident, he has to bring that son to the hospital. If the injury costs him P3,000.00, then he will be in deficit for P5,000.00, but he must respond to that emergency. If he needs to curtail the other obligations which are not important, let him do so. If he wants to borrow, let him do so. If his mother-in-law gives him P5,000.00, well and good. If he has to sell some assets, let him do so. But he must see to it that the emergency of his son is cared for and the emergency is met.

This is similar to the situation the nation is presently facing, and we feel that all the details and the master plan should be more resolutely implemented, better met after more thorough study and experience. And we hope that in the period of six years, this emergency shall have been fully resolved.

I vote *Yes*.

EXPLANATION OF VOTE OF SENATOR LINA

Senator Lina. I vote *Yes*, Mr. President, with a reservation to submit a more extended explanation.

The following is the full text of the explanation of vote of Senator Lina:

As coauthor of Senate Bill No. 760, I cast my affirmative vote.

At this very moment, Mr. President, over a million Filipinos in the fringes of Mt. Pinatubo alone have lost their livelihood, their homes and their future buried under tons of ashes, swept by rampaging *lahar*. From where ricefields, orchards, productive yards and fishing grounds once stood, there now creeps a howling wasteland. There are children who might die due to illnesses contracted in evacuation centers, families who are fleeing from the dreaded *lahar*, and anti-*lahar* structures are being destroyed thereby wasting money of our people.

Observers say our Central Luzon families have two choices. instant death from *lahar* or slow death from the evacuation centers.

Sad to note, the Task Force created by former President Corazon C. Aquino pursuant to Memorandum Order No. 369 in June 1991 following the eruption of Mt. Pinatubo on June 9, 1991, although doing its duty of providing temporary and immediate measures to alleviate the suffering of our Central Luzon families, can no longer cope with the multifarious and complicated problems which require not ad hoc but continuing permanent attention.

For the past days, the Senate had been conducting hearings to properly appropriate P10 billion for the Mt. Pinatubo crisis. And, because of the hearings, I found out that:

(a) There is no master plan of development for the areas devastated by Mt. Pinatubo;

(b) No accounting of the more than P12 billion funds used for the crisis was ever made;

(c) Because of the continuing destruction brought by the effects of the volcanic eruption, the more important project of resettlement must be immediately undertaken;

(d) The P10 billion to be appropriated will be used not within a period of one year, but for a longer period of time; and

(e) The effects of the Mt. Pinatubo eruption will last for another 5-10 years.

Thus, I am proud to have contributed in the legislation of Senate Bill No. 760 which addresses the above concerns and problems. My bill, Senate Bill No. 421, was one of the bills considered by the Committee. The Consolidated Bill, Senate Bill No. 760, provides for the immediate funds needed in the areas continuously facing the threats of *LAHAR*. And, at the same time, it creates a Mt. Pinatubo Assistance, Resettlement and Development Authority which will formulate policies for the relief, rehabilitation, resettlement and livelihood activities in the affected areas.

I, thus, vote in favor of Senate Bill No. 760.

EXPLANATION OF VOTE OF SENATOR MACAPAGAL-ARROYO

Senator Macapagal Arroyo. Mr. President, I rise to vote in favor of Senate Bill No. 760.

I do so with an overwhelming feeling as if I were talking to my parents whom I profoundly love and respect, and to the unseen God himself who is the source of truth and wisdom.

What awes me is the impression that the measure under consideration involves an extraordinary disaster, and that, as pointed out in a *Bulletin Today* column on November 11, 1991, "extraordinary calamities reflect divine disappointment over human misdeeds that call for repentance so that good may follow to rectify and offset the evil."

I talk in distress because I come from Central Luzon in which one of the two most severely damaged provinces being threatened with virtual extinction of the livelihood and lives of numberless

people is my province, Pampanga, the other being Tarlac, the province of President Corazon C. Aquino, the President who recruited me into public service.

Pampanga is the province from which God chose the first Filipino Cardinal, His Eminence Rufino Cardinal Santos, in showing his love and concern for the only nation in Asia which is 90 percent Christian and partly Muslim.

Pampanga is also the province which, although not appurtenant to the dominant regional ethnic groups, the Tagalogs, Ilocanos and Visayans, provided the Republic a President, who, as pointed out by President Aquino, left the country in 1965 as the richest and most promising country in Asia save for Japan, before our country was ruined economically, socially, politically and morally by dictatorship from which our nation continues to suffer.

As pointed out by our hearings in the Senate, as well as the debates in the House, which has passed its counterpart bill on Third Reading, there were defects in the measure as proposed by President Ramos on the subject. But the deficiencies have largely been corrected by the collective wisdom of this august Chamber in the exercise of its prerogative, by introducing safeguards to ensure that the appropriated P10 billion will be truly used solely for the adequate rehabilitation and protection of the provinces of Central Luzon.

Indeed, four of our Colleagues, with your humble servant, filed Senate Bill No. 744 with the intention to address the defects attributed to the proposal by the administration.

It is my humble view that this bill is the most urgent and most serious need of our countrymen, in a region of our land that has so many people. And it cannot be withheld by this august Senate without opening the Body or its Members to criticisms of callousness in providing the critical need of a vast number of Filipinos, of politicking and of unconcern for the reverberating national call for unity in order to save our people.

Finally, in voting *Yes* for the bill, Mr. President, I would like to say especially that I am grateful to my Colleagues who are not from Central Luzon but who are voting *Yes* for this bill.

For those who entertain a feeling that their provinces are being deprived of the amount sought in this bill, and consequently, are voting for the bill despite their reluctance because of the feeling that their own regions may be threatened, I draw as a reminder from the letter of St. Paul to the Romans, Chapter 13, Verses 9-13.

Thou shalt love thy neighbor as thyself. Love does no evil to a neighbor. Love therefore is the fulfillment of the

Law. Let us therefore lay aside the works of darkness and put on the armor of light. Let us walk becomingly as in the day, not in revelry and drunkenness, not in debauchery and wantonness, not in strife and jealousy.

Thank you, especially to those who are not from Central Luzon who will vote *Yes* for this bill.

EXPLANATION OF VOTE OF SENATOR MACEDA

Senator Maceda. Mr. President, on June 12, 1991, at around 8:35 in the morning, when Mt. Pinatubo exploded with its biggest of the three explosions that day, and it turned out to be the biggest explosion of the so many before and after June 12, your humble Representation was on board an Air Force helicopter somewhere directly between San Fernando and Angeles City en route to Camp O'Donnel, Tarlac to look at conditions of the evacuation center.

And since that time on, I made several dozen trips to the area, one with Senator Mercado to inspect the damage in Floridablanca and another with Bishop Bacani to inspect the damage on Zambales and all over Central Luzon.

Mr. President, I feel that I have a very objective view from the very beginning of the situation. And for the record, in spite of the fact that I was one of the 12 who voted against the US Bases extension, I will tell you that I got over one million votes in Central Luzon, including being No. 6 in Nueva Ecija, being No. 5 in Pangasinan, being No. 9 in Tarlac, being No. 11 in Bataan, being No. 17 in Zambales and Olongapo in spite of the bases vote, and being No. 18 in the Province of Pampanga.

So I have no reason politically, Mr. President, to begrudge the area any assistance, not to mention that having been just reelected to a six-year term, early in the start of the second six-year term, our approach to this whole problem was totally nonpolitical and objective.

Mr. President, the Gentleman from Tarlac, Senator Aquino, has just mentioned that the updated figures for this year is 942,000 victims of *lahar* II, so to speak. That is precisely the point, Mr. President, why, from the very beginning, we were very careful in going through all the details attendant to this request. We wanted to make sure that after having misspent a big portion of about P15 billion for 1991 and early 1992, that if ever we will appropriate, this time it will go to the 942,000 victims directly, in one way or another, rather than to the 94 contractors or so who are enriching themselves at the expense of these 942,000 victims.

That is the second disaster in Central Luzon, Mr. President. The fact that people in the area, instead of helping their fellowmen and their neighbors have taken advantage with the connivance of

national, provincial, and municipal officials to see to it that a substantial amount of public funds are misspent and misappropriated. Contractors and brokers who, it seems to me, if we were to use a parallel, everytime there was a contraction, just like a baby about to be delivered, immediately suggested a caesarean operation and took advantage by billing the patient 10 times more than what was necessary for an ordinary delivery and insisted on immediate caesarean operation of the area.

Mr. President, we have been the subject of a high-pressure, high-profile, double-barrel, triple-barrel attack emanating from the leadership of the House of Representatives to the newspapers and members of media who are mouthpieces of this administration.

Only last Saturday, after we have worked up to the early hours of Saturday morning, an editorial of an administration mouthpiece again gave us a double-barrel condemnation for being hardhearted, so to speak. The Senate President was named; I was named; several Senators were named. And really, Mr. President, I think the Senate acted very courageously on this matter, pointing out deficiencies as we are obligated to point out. The Senate acted very courageously to resist any attempt to railroad, whether we call it the Pangasinan express or what not, this measure to assure that the favored contractors once again, will get the gravy and not the unfortunate victims.

Mr. President, the three days of hearing under the leadership of the distinguished Chairman of the Finance Committee, and the three days of hard work that was shown by every Member of the Senate present here today have now assured that, finally, there might be a chance that the bulk of this money will not be misspent, the bulk of this money will not be diverted, the bulk of this money will be spent for resettlement and livelihood which are really the cry of the victims in the area.

I am just surprised, Mr. President, why up to this hour the leadership of the Executive Department and the House is insisting on infrastructure all the way when it is clear from the testimony of Dr. Punongbayan and other volcanology and *lahar* experts that infrastructure, as much as possible, should be deferred if not delayed or if not totally given up in certain cases because it is going to be, as the Gentleman from Bulacan said, a "black hole" in which — if we insist on the infrastructure priority again this year — we are going to spend P10 billion, maybe P30 billion, for *Lahar II*. So next year, when for sure there will be a *Lahar III*, we are going to spend another P30 billion for infrastructure. And the year after, when there will be a *Lahar IV*, *Lahar V* and *Lahar VI*, we are going to spend again so much for infrastructure when the safer and the more direct assistance to the victims would be for resettlement and livelihood projects.

Mr. President, for the first time in the six-year history of the Senate since 1987, we hear of billions of pesos being spent

without any formal written contract. They are, admittedly, verbal contracts, the so-called unbooked contracts to contractors who just submit their claims and, on the basis of so-called confirmation by other contractors or consultants and officials, are paid so much.

Mr. President, I feel very strongly that the Senate once again has done its job against the unfair criticisms coming from all sectors. We have been able to fashion out a bill that will at least give us some measure of direction, the proper focus, accountability, the lack of which was very sadly demonstrated by Executive officials who came to this Chamber unprepared and unable to answer the most fundamental questions on where is the money coming from, how was the money being spent, and where is this money now going to be spent.

Today, Mr. President, we are able to vote for this bill confident and secure in the thought that we have done our jobs no matter how fast the procedure has been. I hope that in the Conference Committee, this Senate, through its Panel, will hold its ground against what are already announced as sure attempts of the Executive Department and the House to remove the safeguards and restrictions in this bill which will assure that the 942,000 victims mentioned by Senator Aquino and referred to by Senator Macapagal-Arroyo will finally get the assistance from this government that they are entitled to.

With all of that, Mr. President, I express the hope once more that we will continue, between the several committees of the Senate, to look into this particular problem. As already referred to by the Gentle Lady from Pampanga and Pangasinan, and the related matter referred to by the distinguished Lady from Quezon City, with the limited funds that we have, when we appropriate any amount of money for any purpose, it means a conscious decision to deny the same amount of money from so many other similarly deserving regions and from so many other similarly deserving beneficiaries.

Even now, Mr. President, the people of Baguio City, Agoo, Aringay, Caba, and the other towns of La Union, the people of Dagupan, San Fabian, Calasiao, and the other towns of Pangasinan, are still complaining that they have not been fully rehabilitated from the effects of the July 16, 1990 earthquake.

Mr. President, continuously every day, we have people from Central Luzon, Bataan and specifically Zambales who feel that they have not been given the appropriate attention that has been given to the towns of Pampanga because of a suspicion — whether it is right or wrong, and I am not saying that it is right — that the people that has run the program for the last two years have been Cabinet Members from the Province of Pampanga.

Mr. President, there is a need for a continuing monitoring and review of the expenditure of funds for calamities, whether it is

by the Department of National Defense, the Department of Public Works and Highways, the Department of Budget and Management, the Department of Social Welfare and Development, and the Technology Livelihood and Resource Center.

We have to be very careful, Mr. President, that these funds are spent properly because, as already indicated in the first attempt when this was first submitted to us, it was being used as a possible excuse or vehicle for coming to us for replenishment. And when they speak of replenishment, it means to say, a backdoor attempt to force us to legislate new tax measures to pay for the replenishment that they are claiming is necessary to restore the money to the present allocations or earmarked sources for which the money is supposed to be spent.

Even there, Mr. President, the Senate was very alert in immediately detecting this gimmick or this approach of using this P10 billion proposal and railroading it with the end in view of putting the Senate into a *cul-de-sac* where it had no choice but to agree to new tax measures to replenish the so-called P10 billion emergency measure for Central Luzon.

Mr. President, I do not think there is anybody in this Chamber who would deny assistance to Central Luzon or any other calamity area, especially from the Members of this Chamber who have been accused of being traditional politicians for traditional politicians always react positively to assistance to calamity areas.

But, be that as it may, we have tried our best to see to it that this bill, now this proposed law, is handled in the way it should be handled — that no amount of money, especially a P10 billion appropriation should be appropriated without the benefit of public hearings, without the benefit of determining whether constitutional requirements of availability of funds and constitutional requirements of requiring an appropriation for expenditure of funds is duly put into the legislation under consideration.

I would like to congratulate, Mr. President, the Chairman and Sponsor of this bill for the so many imaginative innovations he has put into this bill — the multi-year appropriation, the creation of an accountable office, the creation of a joint congressional oversight committee, the statement of an imposition of penalties for punishable acts, which we intend to even increase in the conference committee, and the limitations of the expenditure of funds.

It was very clear, for example, Mr. President, if we did not go through the hearings that, at least, one billion of this amount would be used to pay back accounts. And it was only because of the hearings that we were able to discover that shadowy intent, and we were able to put a restriction to assure that each and every peso and centavo in this would be for the present *Lahar II* emergency, and not again to enrich the pockets of the contractors

who claimed that they have already done some jobs which up to now are purely in the minds or in the imaginations of the people who are claiming the same.

For those reasons, Mr. President, I vote with some hesitation, but I vote, secure in the feeling that if this particular draft or version of the bill, as passed by the Senate, will stand firm in the Conference Committee, then we at least have some assurance that the 942,000 victims, referred to by Senators Aquino and Arroyo, will finally get their just deserts from this administration.

I vote Yes, Mr. President.

EXPLANATION OF VOTE OF SENATOR MERCADO

Senator Mercado. Mr. President, I am voting in favor of this measure.

Sometime in July 1991, while traveling to Nueva Vizcaya via the Dalton Pass, I stopped by a cluster of tents by the road. I was informed that the same tent community was the same one built after the July 16, 1990 earthquake. I inquired why it was that after one year the same evacuation center was still there, and the facilities were still wanting. I was given the same explanation that there was lack of funds. There was obviously no plan.

Mr. President, that incident is something that I have not forgotten. It shows one of the weaknesses, not only of our government, but maybe in our national thinking process. We seem to make permanent ad hoc solutions to problems that are cyclical and recurring. The matter of disaster is something that we should get used to, for typhoons visit the country every year at an average rate of about 26 a year. We are in the ring of fire. Earthquakes are common in this country. Volcanic eruptions are nothing to be surprised about. And yet one of the most difficult things to accept is that there is no general master plan to deal with the continuing problem like *lahar*, as a consequence of Mt. Pinatubo's eruption. This was obvious in the recent public hearings on the issue.

Mr. President, of all the creatures that the Lord God has created, man has been given the intellect and the capacity to plan ahead. Most animals act by instinct. They hunt as a consequence of hunger. They react to pain or to pleasure by feeling. But man was given the intellect to plan ahead, and yet unfortunately in this country we have proven ourselves lacking in that capacity to plan.

Today, as we vote on this measure, we are telling the Executive Branch. "We are not denying you the money. We believe in the rehabilitation of Central Luzon, but we would like to put science in that our efforts. We cannot just go along on an ad hoc basis."

It is on this spirit that I cast my vote, knowing that the Senate has done its job. It has conducted hearings, unearthed facts, and as a consequence restructured extensively the proposed measure before us.

This bill may not be a perfect bill, but it is an attempt to plan for the future.

I vote in favor of the measure, Mr. President.

EXPLANATION OF VOTE OF SENATOR OPLE

Senator Ople. Thank you, Mr. President.

When the announcement came of the call to a special session by the President of the Philippines early last week, I believe the reaction of the Senate was to compact among themselves that we would like a responsive law to be passed by Congress in response to that appeal but that we would not allow ourselves to be stampeded into a blind acceptance of any proposed measure from Malacañang or from the House of Representatives.

We have worked mightily since that day, Mr. President — was it Wednesday — when the Chairman of the Finance Committee, Senator Angara, started the public hearings. When we received the call from the President officially, we converted the Senate into a Committee of the Whole to continue with these public hearings. And, of course, it was during these hearings that a more or less honest picture of the situation in Central Luzon emerged for the first time.

These hearings determined, Mr. President, that it was not only P5 billion appropriated by Congress that was spent in 1991-1992 but actually P12.3 billion — the additional P7 billion came from mandatory reserves. And if all the foreign grants and donations were inputted, we are told, P15 billion would be the total already spent or obligated for the years 1991-1992.

And when we asked for a coherent explanation of all these expenditures, there were some spotty answers. But there was no systematic accounting of these funds in order to form the basis for an examination, an intelligent appraisal of the new request for P10 billion, Mr. President.

When we asked for a master plan, it turned out there was none. They asked for 24 hours to produce such a plan. And true enough, they brought one consisting of four pages to the hearings the next day which said very little about the strategic framework for the expenditure of these funds, except to say that the period has been lengthened to six years, and that instead of P10 billion, there is a request for P30 billion spread out over a period of six years.

Mr. President, these were facts determined through public hearings called by the Senate. And it was for that reason that we

were being accused of obstructing the initiative to help the people of Central Luzon. It was because of that that one highly placed person in the House of Representatives was quoted as saying, "Why is the Senate playing politics with the tragedy of Central Luzon?"

Mr. President, I think the results bear us out. It was because the Senate refused to suspend and abdicate its faculty of judgment that we have today a good and responsive bill, Senate Bill No. 760. It answers most of the doubts that we had in mind when we began examining this draft bill from the House of Representatives.

I think it corrects substantially, as Senator Maceda has pointed out, at least, the more glaring deficiencies of the original proposal. And the reason this has been done is that the Senate, under the leadership of the Senate President, under the leadership of its officers, the Senate President Pro Tempore, the Majority Leader, the Minority Leader, and, at least, the Chairman of the Committee on Finance, have seen to it that this Body will not abdicate its faculty of judgment, no matter what the circumstances. And we will hold on to our duty of examining and scrutinizing all the acts of government, not because we want to obstruct but because this is a duty that the whole nation has come to expect the Senate to perform for it.

On behalf of Congress and on behalf of the Filipino people, I vote *Yes*, Mr. President.

The President. Before the Secretary goes on, I wish to make of record that the Senate President has received a letter dated September 20, 1992 from Senator Santanina T. Rasul, the body of which reads as follows:

EXPLANATION OF VOTE OF SENATOR RASUL

The following is the full text of the written explanation of vote of Senator Rasul:

Dear Senate President Gonzales:

In view of very important commitments that I have made in the Kingdom of Saudi Arabia, I can no longer delay my departure for Riyadh. I have had to change the schedule of my activities in the Kingdom twice; to postpone yet again will already cause international embarrassment for the country as much as for myself, considering that the sponsors are members of the diplomatic community in Saudi Arabia. This trip, it must be noted, is on my personal account and will not require any government funds although I will be representing the country in all the engagements that I have accepted.

Since I will not be attending the Senate session on Monday, I beg to be allowed to cast my vote in absentia and

in writing. For the record, I vote in favor of the bill providing for government assistance to the victims of the Pinatubo disaster.

As a government official and as a Filipino, it is unconscionable to turn a deaf ear to the tragedy that has made destitute hundreds of thousands of our fellow citizens in Central Luzon. The tragedy of Pinatubo overwhelms us. Graphically, with thunderous avalanche of *lahar* and mind-stultifying billows of sulphur-laden smoke, Pinatubo seizes our imagination with great dramatic impact, with continuing impact, for the eruptions have not ended.

Thus, the suffering of our citizens cannot be easily swept under rugs of government offices. It cannot be relegated to the background as easily as other problems are. As easily as the problems of the farmers of Mindanao, victims of the drought which has turned rich soils into wastelands. As easily as the problems of the companies of the Mindanao, victims of the energy crisis which has burdened our hardworking entrepreneurs with tremendous losses in production.

The problems that burdened Mindanao did not have as much fire, as much drama, as the problems of the Pinatubo areas which we are addressing today. And yet the drought of Mindanao affected more of our citizens.

As we in Congress — and in the entire Philippine Government — move to provide speedy assistance to the victims of Pinatubo, let us not forget that our concerns for our citizens extend beyond Luzon. Let us not forget that Mindanao, too, is part of our territory. Lest we give our fellow-Mindanaoans justification for believing that they are a country apart.

May I record my expectation that we respond just as speedily to tragedies that affect any other part of the country, although God forbid that such will ever happen.

Very truly yours,

(Sgd.) SANTANINA T. RASUL
Senator

And I have read her letter, not as a vote but merely as a manifestation that, if Santanina Rasul were present, she would have cast an affirmative vote on Third Reading as she did on Second Reading of this bill, and the reasons and explanation of her vote.

EXPLANATION OF VOTE OF SENATOR ROCO

Senator Roco. Mr. President, I vote *Yes* for the measure. As Representative of Camarines Sur, we were among the first to designate half-a-million pesos to help our brothers and sisters in Central Luzon, and we shall gladly do it again.

When the special appropriation measure was, however, given to the Senate and the House of Representatives, there was valid concern shown by this Chamber that we should not allow P10 billion to be frittered away by lack of preparation; that we should not allow great wealth to be harvested from the great misery that is being inflicted by Mt. Pinatubo upon our brothers and sisters in Central Luzon.

The bill, Mr. President, gives enough safeguards, and, therefore, it is, I think, our opportunity and our pleasure to vote *Yes* for the measure, so that our brothers and sisters in Central Luzon shall truly be helped, even as we take away opportunities from the other regions which are equally poor, which are equally suffering. Our only duty is to make sure that there is proper accountability for these funds, and that these funds truly find their way to help those who really need the help.

Thank you, Mr. President. I vote in the affirmative.

Senator Romulo. Mr. President, I am submitting a written explanation of my vote. I vote *Yes*.

The President. The Chair likewise received an official communication from Senator Shahani to the effect that if she were present today on the Third Reading of this bill, she would have voted in favor of the said bill on Third Reading, in the same manner that she did so on Second Reading. She sent a written explanation of vote which she requested me to read into the *Record*.

EXPLANATION OF VOTE OF SENATOR SHAHANI

The following is the written explanation of vote of Senator Shahani:

May I at the outset convey my appreciation to my Colleagues in the Senate for having responded to the call of the President for a special session to allow consideration and enactment of the bill appropriating the sum of P10 billion for the aid, relief, rehabilitation and resettlement services to persons and areas affected by the destructive eruption of Mt. Pinatubo. The Senate President as well as Senator Angara, the Chairman of the Finance Committee have demonstrated steadfast leadership on this occasion at the height of the sufferings of our people in Central Luzon.

Senate Bill No. 760 responds to the emergency nature of the situation in Central Luzon and also addresses itself to fundamental issues such as the source of funding as well as the establishment of a mechanism which can implement the short-term as well as the long-term measures required in this recurrent crisis.

During the Committee hearings, we thoroughly investigated ways and means in which previous allocations and measures to mitigate *lahar* destruction were undertaken in Central Luzon. By looking into how Task Force Pinatubo had utilized the P12.35 billion allocation which represents the whole amount already spent in the area, we obtained a proper perspective of the extent of relief and rehabilitation efforts accomplished and the weaknesses thereof.

In the same way, the previous allocations should have been prudently utilized and fully accounted for, so should we now demand and ensure that future and necessary allocations for the same purpose be programmed and implemented with optimal result.

Mr. President, I have expressed my deep concern during the hearings that expertise in scientific technology of dealing with *lahar* may not be adequate and that, therefore, there is need to continuously improve our engineering and construction methods to further prevent the rampage and destruction of *lahar*. I hope in the implementation of the master plan and in the priorities of the proposed Mt. Pinatubo Assistance, Resettlement and Development Authority, the scientific and engineering concern will be given priority.

In solidarity with the 240,000 families already affected by the havoc of Mt. Pinatubo, and in the hope that Central Luzon will recover its position as one of the premier regions of the country, I vote *Yes*.

(Sgd.) LETICIA RAMOS SHAHANI
Senator

EXPLANATION OF VOTE OF SENATOR SOTTO

Senator Sotto. Mr. President, the grieving voices of our countrymen in Central Luzon are much louder than those who object and worry about this action. So with the proper safeguards from this august Body in place, I vote in the affirmative.

EXPLANATION OF VOTE OF SENATOR TATAD

Senator Tatad. Mr. President, may I explain my vote. This is one bill I am pleased and proud to be associated with as Coauthor. I am pleased to have had opportunity to make a small contribution during the carpentry work known as the period of amendments that ran from early evening last Friday to the first hour of Saturday. And now, it gives me great pleasure to cast my vote in favor of this worthy act of the Senate.

In the course of the hearings conducted on this bill, we learned many things that would have fully justified our not acting on it at this time. We learned that there was still enough money which the government could use to fund its present program of relief, resettlement and rehabilitation in a disaster area without

resorting to a special appropriations bill. We also learned, to our surprise, that while the need for a special appropriation of P10 billion was specific, the government did not have a specific idea on where to spend the proposed P10 billion. There had been no adequate explanation or accounting of how and where some P12 billion had been spent during the past year; no showing as to whether this was spent wisely to give aid and comfort to the victims of Mt. Pinatubo.

Finally, very few of us, if at all, could accept at face value, the certification issued by the National Treasurer in compliance with the requirements of the Constitution that funds were actually available to support the P10 billion request, given the fact that the government has had to borrow from all sources in order to continue funding its operations.

But in the end, we decided to pass with some leniency, on the defects of the Executive, and to look more kindly upon the sufferings of the victims of Mt. Pinatubo and those threatened with the flow of *lahar* in the immediate future. We also felt that it could have been embarrassing for the President who had called us for a special session, if we simply discarded the bill, he had certified as urgent, and adjourn without passing that same measure. That would have fueled all sorts of false and cruel speculations that the Senators have hearts of stone and did not care at all for the victims of Mt. Pinatubo.

But God, who knows all things, knows that we do care, and that we care deeply for the victims of Mt. Pinatubo. And that we want the government's program in the area to succeed. So with utmost prudence, we crafted a bill that would give the Mt. Pinatubo program the requested P10 billion on a staggered basis and that would put the money no longer mainly on relief which is being supported by the regular budget of the agencies in the field but rather on resettlement and livelihood which are the most pressing long-term demands and needs of the refugees.

For this purpose, we created the Mt. Pinatubo Assistance Resettlement and Development Authority to administer the funds, with an oversight committee made up of five Senators and five Congressmen to be appointed by the leaders of both Houses of Congress.

In the course of the debates, Mr. President, certain misgivings were expressed to the effect that the inhabitants of the other regions, especially the poorer ones, might feel unduly discriminated against with special attention who have chosen to give the victims of Mt. Pinatubo.

I sympathize with those who have such misgivings, but I should like to believe that our countrymen are much more understanding and generous than that.

I come from a depressed region, oftentimes described as the most depressed region in the country, where majority are born poor and die poor. I know how deeply they yearn and struggle for a better life. I know how much it would mean to them if the P10 billion for the Mt. Pinatubo victims or any part thereof were shifted to the Bicol Region and used for any number of unfunded projects. But I do not believe that they will reproach the Mt. Pinatubo victims their good fortune, if one may call "good fortune," the status of victim of a world-class natural disaster.

On the contrary, because they know what it means to suffer, they will be the first ones to tell us that the victims of Mt. Pinatubo deserve our special care at this moment.

By showing that we care for these victims, the rest of the suffering masses will have greater reason to hope and to be reassured that they, too, will be cared for and attended to if and when their turn comes.

I vote for this bill, therefore, Mr. President, with the sincere hope and belief that it will do a lot of good for Central Luzon, and that it will ultimately help to lay down the fabric of a truly humane Filipino society in which everyone has become his brother's keeper.

Thank you very much.

EXPLANATION OF VOTE OF SENATOR TOLENTINO

Senator Tolentino. Mr. President, may I briefly explain my vote.

Mr. President, when I saw the bill that was first introduced in the House where all appropriation bills should originate, I thought that the law we would pass would amount to a blank check given to the Executive amounting to P10 billion.

I was one of those who urged through the media that this Special Session be called for the purpose of appropriating money for the victims of Mt. Pinatubo's eruption. But when I saw the bill which would give a blank check to the Executive, I began to wonder whether my suggestion for a special session was well advised.

But now, the bill we are voting upon, Mr. President, is not the same bill that I saw at the beginning. I will say, Mr. President, that the bill we are voting upon this afternoon is a tribute to the sobriety and the maturity of the collective membership of the Senate. It is a bill that proves the necessity of the Senate, the wisdom of a Senate, because in the bill that we have hammered out and on which we are voting this afternoon, we have shown how the Senate — in spite of adverse criticism from media and

from the House of Representatives' membership and leadership — can maintain its poise, can maintain its dignity, can maintain its adherence to duty and devotion to the people as a whole.

There is no question in our minds, Mr. President, that the sufferers from the effects of the eruption of Mt. Pinatubo need immediate attention and they need immediate expenditures for relief, livelihood and rehabilitation. But at the same time, while we have all the sympathy for the sufferers in Central Luzon, we never lost sight of the fact that the P10 billion that we are allotting for Central Luzon did not come from the people in Central Luzon alone. They came from the people of this country, from the entire Filipino people, from the taxes of the Filipino people. And we, representing the Filipino people, with all our feeling of sympathy and desire to help, must safeguard the money coming from the contributions, the taxes of the entire people.

And I want to say I congratulate this entire Body, particularly, the Senate Committee, its Chairman, and the distinguished Senate President for all the efforts exerted to see to it that this P10 billion money coming from taxes of our people will not suffer the same fate suffered by present appropriations for Central Luzon. May I say, unwisely spent in some cases and uselessly expend in others and going to the pockets of some people in other cases without going to the people of Central Luzon.

The safeguards that have been adopted in the bill we are now considering in our vote, after intensive hearings by our Committee on Finance, reflect the wisdom of the Senate. We have placed safeguards to as much as possible, avoid what has happened to existing appropriations. We have made this appropriation prospective in effect so that it cannot be used to add to the useless expenditures that have been made in the past.

I have noted, Mr. President, one very serious thing in the matter of expenditures in the past, and that is, most of these expenses seemed to have been made with respect to infrastructure without even consulting the opinion of scientists and experts who should be heard in matters of volcanology.

I cannot see any wisdom in this use of heavy equipment to clear *lahar* from places that after being cleared will be covered again by *lahar*, cleared again, and again covered by *lahar*. Where will all that money spent go? It gives no positive benefit, it will never give any positive benefit to the people of Central Luzon.

So we have imposed limitations. Perhaps, these limitations may not even be enough because of the time constraints we had in our work. But, at least, we have succeeded in staggering the expenditures of this P10 billion. We have restricted the first Five billion to livelihood and resettlement, which we believe are most needed. And most important, we have succeeded in imposing the

requirement that these expenditures must be pursuant to programs — and I hope not the kind of programs that they have showed us during the Committee meetings — and that no amount of this appropriation shall be used for previous obligations.

But I think equally important is that we have created a new agency to administer these funds and implement this law, and, therefore, an agency that will, perhaps, have a new outlook and not the outlook of the existing agencies that as we have seen may have wasted a lot of the people's money.

Because of this, Mr. President, I feel very happy to be able to cast my vote in the affirmative for this measure. I hope that all the safeguards, the limitations contained in this bill as we approve it today, will be found in the final version of this bill after it emerges from the Conference Committee.

It is my hope that the people of this country will realize that this Senate, dubbed by many people as very slow and hardhearted, I hope the people will realize that if we did this, using important time to delve deeper into the situation, it was because the Senate is conscious of its duty to the Filipino people as a whole, and primarily of its duty to protect the money coming from the taxes of the entire people.

I hope, Mr. President, that we have justified — and I feel we have justified — the use of three days in the sessions of this Body for this measure. It is something of which the Senate can justly be proud. And so I vote *Yes* on this measure, Mr. President.

The President. The Chair votes with pride for the approval of Senate Bill No. 760.

Senator Romulo. Mr. President.

The President. The Majority Leader is recognized.

CONFERENCE COMMITTEE
ON SENATE BILL NO. 760/HOUSE BILL NO. 2505
(Mt. Pinatubo Aid and Development Authority)

Senator Romulo. For the constitution of the Bicameral Conference Committee, Mr. President, I ask that we name as Members to the Senate Panel the following Senators: Senators Angara, Maceda, Guingona, Macapagal-Arroyo, Alvarez, Aquino, Ople, Lina, Herrera, Tatad and Coseteng.

The President. Is there any objection to the designation of the aforementioned Members of the Senate for being the Members of the Senate Panel in the Bicameral Conference Committee with respect to the disagreeing provisions of House Bill No. 2505 and Senate Bill No. 760? [*Silence*] There being none, the motion is hereby approved.

Senator Romulo. Mr. President, I am happy to announce upon instruction of the Chairman of the Committee on Finance that said Bicameral Conference Committee meeting shall be held at 6:00 p.m. today, Monday, at the Social Hall, Penthouse of the DBP Main Building, Makati.

The President. Every Member of the Senate panel is therefore notified accordingly.

Senator Romulo. Mr. President, before we suspend the session, may I ask the Secretary to read the additional Reference of Business.

The President. The Secretary will do so.

ADDITIONAL REFERENCE OF BUSINESS

RESOLUTION

The Secretary. Proposed Senate Resolution No. 125, entitled

RESOLUTION DIRECTING THE COMMITTEE ON YOUTH AND SPORTS DEVELOPMENT TO INQUIRE, IN AID OF LEGISLATION, INTO THE REVOCATION OF THE PHILIPPINE LITTLE LEAGUE BASEBALL TEAMS TITLE BY THE WORLD LITTLE LEAGUE BASEBALL, INCORPORATED WITH THE END IN VIEW OF DETERMINING WHETHER THE PHILIPPINE TEAM WAS ACCORDED ELEMENTARY DUE PROCESS AND GIVEN THE CHANCE TO EXPLAIN ITS SIDE AND ANSWER CHARGES ON THE ALLEGED VIOLATION OF THE LEAGUE'S RULES AND REGULATIONS AND TO RECOMMEND APPROPRIATE MEASURES TO ENSURE THAT THE NATIONAL INTEREST IS PROTECTED IN THE COUNTRY'S PARTICIPATION IN INTERNATIONAL SPORTS COMPETITION.

Introduced by Senator Lina, Jr.

The President. Referred to the Committee on Youth and Sports Development.

Senator Romulo. Mr. President, there being no other matters to be taken up in today's session...

The President. Before we take up any other measure, we just want to inform the Members of this Body that the President of the Philippines is inviting all Senators for the ceremonial signing of the bill, entitled An Act Repealing Republic Act No. 1700, as Amended, Otherwise Known as the Anti-Subversion Law, which



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presentation of PAGCOR's financial position as of December 31, 1991 and the results of its operations and changes in financial position for the year then ended.

The President. Referred to the Committee on Finance.

Senator Maceda. Mr. President.

The President. Senator Maceda is recognized.

Senator Maceda. Before we act on that, may I refer to the previous matter, Proclamation No. 45, declaring a state of calamity in the provinces of Bataan, Pangasinan, La Union, Nueva Vizcaya and the cities of Baguio, Dagupan and Olongapo, as well as a previous declaration which involved the Ilocos provinces and Cagayan Valley. May I ask that this also be referred to the Committee on Finance, with the end in view of finding out whether we could also appropriate P10 billion for these provinces in Northern Luzon.

The President. Proclamation No. 45 is also referred to the Committee on Finance.

Senator Herrera. Mr. President.

The President. Senator Herrera is recognized.

Senator Herrera. I would like to manifest, Mr. President, that Administrative Order No. 8 dated September 11, 1992, and Administrative Order No. 9 dated September 11, 1992, be referred also to the Committee on Ways and Means, since these are possible sources of income.

The President. All right. Said Administrative Orders are also referred to the Committee on Ways and Means.

BILLS ON FIRST READING

The Secretary. Senate Bill No. 761, entitled

AN ACT INCREASING THE NUMBER OF DIVISIONS OF THE SANDIGANBAYAN BY STATIONING ONE DIVISION EACH IN CEBU CITY AND IN CAGAYAN DE ORO CITY, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1606, AS AMENDED.

Introduced by Senator Gonzales.

The President. Referred to the Committee on Justice and Human Rights.

Senator Tatad. Mr. President.

The President. What is the pleasure of Senator Tatad?

Senator Tatad. I just wanted to inquire whether Proclamation No. 39 was read because I did not quite hear it.

The President. The Secretariat affirms that the same has been read and referred to the Committee on Natural Resources.

Senator Tatad. Thank you very much, Mr. President.

The Secretary. Senate Bill No. 762, entitled

AN ACT CREATING THE TAAL LAKE WATERWORKS AUTHORITY, AND FOR OTHER PURPOSES.

Introduced by Senator Gonzales.

The President. Referred to the Committees on Public Works; and Natural Resources.

The Majority Leader is recognized.

CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 760/HOUSE BILL NO. 2505
(Mt. Pinatubo Assistance, Resettlement
and Development Authority)

Senator Romulo. Mr. President, we have a speaker for the Privilege Hour, but may I ask that we defer the Privilege Hour so that we can take up first the Conference Committee Report on the disagreeing provisions of Senate Bill No. 760, entitled

AN ACT APPROPRIATING TEN BILLION PESOS FOR THE RELIEF, RESETTLEMENT, REHABILITATION AND LIVELIHOOD SERVICES FOR THE VICTIMS OF THE ERUPTION OF MT. PINATUBO, AND CREATING THE MT. PINATUBO ASSISTANCE, RESETTLEMENT AND DEVELOPMENT AUTHORITY TO ADMINISTER SUCH FUNDS, AND FOR OTHER PURPOSES

and House Bill No. 2505, entitled

AN ACT APPROPRIATING THE SUM OF TEN BILLION PESOS FOR THE AID, RELIEF, RESETTLEMENT AND REHABILITATION SERVICES OF THE VICTIMS AND AREAS AFFECTED AND FOR THE CONSTRUCTION OF NEW INFRASTRUCTURE OR REPAIR AND RECONSTRUCTION OF INFRASTRUCTURE DAMAGED OR DESTROYED BY THE ERUPTION OF MT. PINATUBO.

Mr. President, the Conference Committee Report has been signed by the conferees on the part of the Senate and the conferees on the part of the House. Both the Senate and the House versions have been reconciled, and there is a recommendation here.

I ask that we recognize the Chairman of the Senate panel, Senator Edgardo Angara, to give us a report.

The President. Senator Edgardo Angara is hereby recognized.

SPONSORSHIP SPEECH OF SENATOR ANGARA

Senator Angara. Thank you, Mr. President.

The Senate panel has the honor to report back to the Senate that we have succeeded with the House panel in consolidating the different versions of the two bills, and the resulting work is now being presented to the Body.

This consolidated bill essentially incorporates the amendments of the Senate. Some of the notable changes effected during the Bicameral Conference Committee, if I may enumerate them, are: The increase of the first year appropriation from P5 billion to P6.5 billion. The Senate panel insisted that the P5 billion out of the P10 billion should go to the resettlement and livelihood; whereas the House panel asked that a portion be dedicated to infrastructure. So, as a compromise, we agreed to increase the P5 billion to P6.5 billion — P5 billion of which will be exclusively for livelihood and resettlement, and P1.5 billion for infrastructure.

The other change, is in the name of the Authority. We have agreed that the Authority will be a Commission. The reason for this is that, this is a six-year organization, and it may be more appropriate to create a Commission rather than an Authority which implies continuity and permanency.

There are other stylistic changes introduced, Mr. President, but essentially the Senate plan remains basically intact.

APPROVAL OF CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 760/HOUSE BILL NO. 2505

So with that, Mr. President, we ask this august Body to ratify the Bicameral Conference Committee Report.

The President. Is there any question? [Silence] Is there any objection? [Silence] The Chair hears none; accordingly, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 760/House Bill No. 2505 is hereby unanimously approved.

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

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing votes of the two Houses on the amendments of the Senate on House Bill No. 2505, entitled

AN ACT APPROPRIATING THE SUM OF TEN BILLION PESOS FOR THE AID, RELIEF, RESETTLEMENT AND REHABILITATION SERVICES OF THE VICTIMS AND AREAS AFFECTED, AND FOR THE CONSTRUCTION OF NEW INFRASTRUCTURE OR REPAIR AND RECONSTRUCTION OF INFRASTRUCTURE DAMAGED OR DESTROYED BY THE ERUPTION OF MT. PINATUBO,

having met after full and free conference, has agreed to recommend and do hereby recommend to their respective Houses that House Bill No. 2505 be approved incorporating therein the amendments introduced by the Senate under Senate Bill No. 760, per attached amended bill.

CONFEREES ON THE PART OF
THE SENATE

(Sgd.) EDGARDO J. ANGARA

(Sgd.) ERNESTO M. MACEDA

AGAPITO A. AQUINO

(Sgd.) GLORIA MACAPAGAL-ARROYO

BLAS F. OPLE

(Sgd.) ERNESTO F. HERRERA

(Sgd.) TEOFISTO T. GUINGONA, JR.

(Sgd.) HEHERSON. T. ALVAREZ

(Sgd.) JOSE D. LINA, JR.

(Sgd.) FRANCISCO S. TATAD

(Sgd.) ANNA DOMINIQUE M.L. COSETENG

CONFEREES ON THE PART
OF THE HOUSE OF REPRESENTATIVES

(Sgd.) ROLANDO R. ANDAYA

(Sgd.) FELICIANO R. BELMONTE, JR.

(Sgd.) EDUARDO R. GULLAS

(Sgd.) KATHERINE H. GORDON

(SGD.) FELICITO C. PAYUMO

HERMINIO S. AQUINO

RAMON S. BAGATSING, JR.

EMIGDIO L. LINGAD

HOUSE BILL NO. 2505

AN ACT APPROPRIATING THE SUM OF TEN BILLION PESOS FOR THE AID, RELIEF, RESETTLEMENT, REHABILITATION AND LIVELIHOOD SERVICES AS WELL AS INFRASTRUCTURE SUPPORT FOR THE VICTIMS OF THE ERUPTION OF MT. PINATUBO, CREATING THE MT. PINATUBO ASSISTANCE, RESETTLEMENT AND DEVELOPMENT COMMISSION, AND FOR OTHER PURPOSES

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 "Mt. Pinatubo Assistance, Resettlement and Development Fund."

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to assist the victims in the communities damaged or destroyed or adversely affected by the eruption of Mt. Pinatubo and its after-effects by extending to them aid, relief, resettlement, rehabilitation and livelihood services and by undertaking construction or repair and reconstruction of infrastructure to the end that life may return to normalcy at the earliest possible time and the development of Central Luzon may be accelerated.

It is hereby further declared to be the policy of the State to restore the living conditions of the Aetas and other members of the cultural communities in the area to their productive preeruption conditions, with the settlement being chosen according to its suitability as permanent upland abodes thereby ensuring the improvement of these communities.

Countless individuals, organizations and financial institutions here and abroad, as well as foreign governments, have spontaneously and unselfishly contributed their time, effort and resources, which the State acknowledges with gratitude.

SEC. 3. Statement of Objectives and Guidelines. - This Act is intended to help the victims of the eruption of Mt. Pinatubo and its after-effects. It aims to provide additional

funds for the immediate relief of the victims, to establish resettlement centers, homesites and townsites for displaced families, to provide livelihood and employment opportunities, to repair, reconstruct or replace government infrastructure damaged or destroyed by said disaster whenever economically, socially and technically advisable and to construct new infrastructure facilities needed by the community.

The term "victims" when used for purposes of this Act refers to the following:

a) Individuals who have died or disappeared as a result of the aforementioned eruption;

b) Individuals who were displaced and/or who sustained injury or suffered death in the family as a result of the aforementioned eruption who need and deserve assistance; and

c) Individuals whose homes have been or are threatened to be destroyed or rendered uninhabitable and those who have lost permanently their livelihood as a direct result of the Mt. Pinatubo eruption who similarly need and deserve assistance.

SEC. 4. Guidelines in the Allocation of Funds. - Government funds and resources herein appropriated shall be spent judiciously and effectively in consonance with the principle of providing the greatest good for the greatest number. Accordingly, the following guidelines shall be observed in allocating the funds made available under this Act;

(a) In the construction or repair and reconstruction of government infrastructure and facilities, priority shall be given to resettlement centers, homesites and townsites, and such other projects as river system and drainage works, roads, bridges, communication, and power lines, hospitals, schoolbuildings, irrigation and water systems, and the like;

(b) Aid, relief, resettlement, rehabilitation and livelihood services shall be equitably extended to all victims, irrespective of political or party affiliation, sex, creed, religious belief, or ethnic origin, giving emphasis to livelihood and employment opportunities;

(c) Funds shall be allocated in the first year for the acquisition by appropriate government agencies of special equipment, such as amphibians and other equipment designed for use in the affected areas in an amount not to exceed Fifty million pesos (P50,000,000); and

(d) No money shall be released without any identified program and project nor shall it be used to pay obligations incurred before the approval of this Act.

SEC. 5. Appropriations Clause. - To carry out the purposes of this act, the sum of Ten billion pesos (P10,000,000,000) is hereby appropriated out of any available funds in the National Treasury not otherwise appropriated.

Disbursement of said Ten billion pesos (P10,000,000,000) shall be programmed as follows:

a) From the approval of this Act to December 31, 1993, the sum of Six billion five hundred million pesos (P6,500,000,000), at least Five billion pesos (P5,000,000,000) of which shall be for resettlement and livelihood projects and One billion five hundred million pesos (P1,500,000,000) shall be for vital infrastructure;

b) For the year 1994, the sum of Two billion pesos (P2,000,000,000); and

c) For the year 1995, the sum of One billion Five hundred million pesos (P1,500,000,000).

Provided, however, that undisbursed amounts at the end of any year shall be carried over to the succeeding year.

SEC. 6. Creation of the Mt. Pinatubo Assistance, Resettlement and Development Commission. - For purposes of this Act, there is hereby created the Mt. Pinatubo Assistance, Resettlement and Development Commission, hereinafter referred to as the Commission.

It shall be organized within thirty (30) days after the approval of this Act. It shall have a term of six (6) years from its organization. *Provided,* That the President by proclamation may, within six (6) months prior to the expiration of the term, extend the period of its existence once for not more than three (3) years.

Such amount as may be necessary for the initial organization and/or operational expenses of the Commission shall be set aside from the amount herein appropriated.

For administrative purposes, the Commission shall be attached to the Office of the President.

SEC. 7. Powers of the Commission. - To carry out its objectives under this Act, the Commission shall have the following powers:

a) To formulate policies and plans for the relief, rehabilitation, resettlement and livelihood services as well as infrastructure support in harmony with the other plans and policies of the National Government and other agencies such as the Bases Conversion and Development Authority;

b) To make a determination of the areas where the *lahar* flow may be diverted to spare communities and/or minimize damage to lives, habitation, infrastructure, agricultural and other resources;

c) To prioritize and coordinate the implementation of the various programs and projects of the Commission;

d) To sue and be sued in its name, and to adopt, alter and use a seal;

e) To enter into, make, perform and carry out contracts of every class, kind and description which are necessary to the realization of its purposes with any person, firm or corporation, private or public, and, upon consultation with the President, with foreign government entities, subject to the usual accounting and auditing requirements;

f) To apply for, receive and accept grants and donation of funds, equipment, materials and services needed for the development of the area, within and outside the Philippines;

g) To monitor the progress of the relief, rehabilitation, resettlement and livelihood as well as infrastructure support programs and projects;

h) To coordinate and consult with concerned national and local officials, both elective and appointive, as well as accredited non-governmental organizations (NGOs) in the prioritization and prosecution of the programs and projects;

i) To call upon any department, office, instrumentality, agency or any political subdivision of the government for such assistance as may be necessary for the attainment of the objectives of the Commission; and

j) In general, to perform such other powers as may be necessary and proper to carry out the purposes of this Act.

SEC. 8. Composition of the Commission. - The Commission shall be composed of eleven (11) members to be appointed by the President, four (4) coming from the Cabinet, three (3) from the private sector, the Executive Director, and the Chairman of the Bases Conversion and Development Authority, Subic Metropolitan Bay Authority and Clark Development Authority as *ex officio* members. The Members of the Commission shall serve for six (6) years unless sooner removed for cause. The President shall designate from among the members of the Commission the Chairman thereof.

SEC. 9. Executive Director; Powers and Responsibilities. - The President shall appoint a professional manager as the Executive Director of the Commission with a compensation to be determined by the Commission, who shall serve as the Chief Executive Officer. He shall serve until such time as the Commission is dissolved or unless sooner removed from office by the President. He shall have the following powers and functions:

a) Execute and administer the policies and decisions of the Commission;

b) Directly coordinate the activities of all agencies and instrumentalities of the government in the planning and implementation of projects on site;

c) Monitor the programs and projects and evaluate the effects of execution by these agencies and instrumentalities and submit to the Commission periodic reports relating to the development of the areas; and

d) Perform such other functions as are inherently necessary in the operational management of the areas developed in accordance with the policies and guidelines formulated by the Commission.

SEC. 10. Implementation. - The survey, construction or repair and reconstruction of damaged, destroyed, required or alternate government infrastructure and facilities shall be undertaken by the implementing government agencies concerned by public bidding, administration or through negotiated contracts, subject to the usual accounting and auditing rules and regulations. However, in case of negotiated contracts, only duly prequalified and duly licensed contractors as of the approval of this Act can be awarded such contracts. Whenever suitable, labor-based technology shall be used in the implementation of the programs and projects.

With respect to aid, relief, resettlement, rehabilitation and livelihood services to individual beneficiaries, the Commission may seek the assistance and use the services of the Philippine National Red Cross and all other relief agencies and volunteer-organizations with proven record in providing relief work.

The departments and agencies of the government involved with the aid, relief, resettlement, rehabilitation and livelihood services as well as infrastructure support shall continue to be the implementing agencies of the Commission and shall submit to the Commission every quarter the data and information required under Section 12 hereof.

SEC. 11. Preference for Local Residents. - Residents in the affected areas, especially the victims, shall be given preference in hiring or employment in the construction or repair and reconstruction of damaged or destroyed government infrastructure and facilities and other labor requirements in all other projects.

SEC. 12. Report to Congress. - The Commission shall submit to the President and to Congress a detailed quarterly report on the funds allocated indicating the amount released, obligated and disbursed for.

(a) Aid, relief, resettlement, rehabilitation and livelihood services, including the list of names of approved individual beneficiaries and contractors and the evaluation of the effectiveness of the delivery systems of such services; and

(b) Construction or repair and reconstruction of infrastructure projects, including the list of contractors and projects being financed, and the accomplishments for the expended appropriations, including the percentage of completion.

The Commission shall cause to be disseminated in the community the list of beneficiaries and contractors mentioned above.

The Commission shall also submit as part of the quarterly report a list of local and foreign donors and the nature of their donations.

SEC. 13. Joint Congressional Oversight Committee. - There is hereby created a Joint Congressional Oversight Committee to monitor the implementation of this Act. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by a senator and a representative designated by the Senate President and the Speaker of the House of Representatives, respectively.

The mandate given to the Joint Congressional Oversight Committee under this Act shall be without prejudice to the performance of the duties and functions by the respective existing oversight committees of the Senate and the House of Representatives.

SEC. 14. Prohibition Against Running for Public Office. - An Officer or employee of the Commission shall not be qualified to be a candidate for public office for the election next following his resignation or separation. This prohibition does not apply to the Chairman and Members of the Commission.

SEC. 15. Punishable Acts. - Any person who takes advantage of the calamity by buying and selling relief goods which he knows or should be known to him as intended for donation, or misrepresenting the source of relief goods, or submitting or approving false or inflated claims shall be prosecuted, and upon conviction, suffer a fine of not less than Fifty thousand pesos (P50,000.00) nor more than One million pesos (P1,000,000.00) or imprisonment of not less than six (6) years nor more than fifteen (15) years, or both, in the discretion of the court, including perpetual disqualification from public office if he is a public officer, and confiscation or forfeiture in favor of the government of any prohibited interest. If the offender is a corporation, partnership or association or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association, or entity responsible for the violation, and if such officer is an alien, he shall, in addition to the penalties prescribed, be deported without further proceedings after service of sentence.

SEC. 16. Rules and Regulations. - The President shall, within ten (10) days after the organization of the Commission, issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 17. Transfer of Operating Funds, Records, Assets and Liabilities. - All operating funds, records, properties, other assets and liabilities of the Task Force on the Rehabilitation of Areas Affected by the Eruption of Mt. Pinatubo created under Presidential Memorandum Order No. 369, series of 1991, as amended, are hereby transferred to the Commission.

SEC. 18. Separability Clause. - If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SEC. 19. Repealing Clause. - Any law, decree, rules and regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed.

SEC. 20. Effectivity Clause. - This Act shall take effect upon its publication in at least two (2) national newspapers of general circulation.

Senator Angara. Mr. President, just for the record, may I express our gratitude to the Senate panel composed of Senate President Tempore Ernesto Maceda, Senate Minority Leader Teofisto Guingona, Jr., Senators Aquino, Arroyo, Ople, Herrera, Alvarez, Lina, Tatad, and Coseteng, for the support they have extended to us during the conference.

But more important, Mr. President, I want to express the Committee's appreciation to the Senate President for the active participation and interest he has shown from Day One to the final passage of this bill.

We also want to express our thanks to Senate President Pro Tempore Senator Maceda, to the Majority Leader and to the Minority Leader, for their all-out support to the Senate version. We know that we worked under very difficult and trying circumstances, not to mention the sometimes acrimonious interchamber relationship. But in the end, as many of our Colleagues said during the voting on Third Reading, this Body transcended the acrimony and pressures and all, and we have shown to our people that we are capable of coming up with a plan, perhaps better and perhaps more prudent than the one originally presented to us.

For that, I am very grateful to the Senate President and to our Colleagues for supporting the Senate plan.

Thank you.

Senator Romulo. Mr. President, I ask that Senator Maceda be recognized for the Privilege Hour.

The President. The Senate President Pro Tempore, Honorable Ernesto M. Maceda, is hereby recognized.

**PRIVILEGE SPEECH OF SENATOR MACEDA
(Leadership Takeover of PACC)**

Senator Maceda. Mr. President, I will try to be brief.

It has been about 85 days since President Ramos took office. It has been more than six months since the Michael Barnes rescue happened where 18 people were killed.

Yesterday, a few blocks away from here, there was a shootout between the Western Police District mobile patrol group and a group of holduppers right at A. Mabini and Padre Faura Streets.

Mr. President, while last week we have been rightfully engaged in a very serious matter of attending to the problems of Central Luzon, it seems to me that, like the periodic coming of *lahar*, the disaster in our anti-crime campaign comes upon the scene almost daily.

The *Manila Chronicle* the other day says that since August 4, 22 victims have been kidnapped. And today, the *Manila Chronicle* headlines "Chinese are Fleeing the Country."

The point behind my speech today could not have more clearly stated as it was stated in today's editorial of the *Philippine Star*, which is titled, "Chinese Community Voices its Protest."

I will read, statements in this editorial that in the 35 years of my public service, I have not seen in print before, much less in an editorial.

For briefness, I will not read it all, but refer to the very, very serious statements in this editorial.

.... The fact is that the kidnapers, more often than not, are ranking members of the Philippine National Police, and there is no way of reporting a kidnapping without total risk to the life of the hostage. The families of the two college students acceded to all the demands of the kidnapers, yet the two were senselessly tortured and murdered. Would things have been different if they had reported the matter to the police? If they had done so, we believe that they would have just been killed sooner.

The truth is that, we are dealing with organized crime. That means that it is headed by people who have either strong influence with those in power or by persons who are in power. There is little doubt that some ranking officials in the police are directly involved.

If the present administration cannot protect influential Chinese residents from criminals, it will be only a matter of time before the victims will be Filipinos. We should protect all law-abiding persons whether they are citizens or permanent residents of the Philippines. An administration that cannot guarantee the safety of any sector of society loses its moral hold on the people.

Mr. President, I would also like to read into the *Record* the column of Teodoro L. Locsin, Jr. in the *Daily Globe* today, entitled "Chinese General Strike."