



**REPUBLIC OF THE PHILIPPINES
CONGRESS OF THE PHILIPPINES
SENATE**

Record of the Senate

**FIRST REGULAR SESSION
JULY 27 TO OCTOBER 14, 1992**

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**SPECIAL SESSION
NO. 1**

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SECRETARY ANACLETO D. BADOY, JR.

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Senator Webb. Mr. President.

The President. Senator Webb is recognized.

Senator Webb. Mr. President, just for clarification. Going back now to what transpired earlier, there was a motion from Senator Maceda to amend. He made an amendment but later on, the Chair came up with an amendment to the amendment which he accepted.

The President. Yes.

Senator Webb. Now, we voted on his amendment or the Chair's amendment to the amendment, Mr. President.

The President. No. The amendment to the amendment was accepted by the proponent of the amendment, Senator Maceda in this case. So, what was put to a vote is the amendment, together with the amendment thereto.

Senator Webb. So it is the amendment to the amendment that has been voted on.

The President. Yes, the amendment, as amended.

Senator Webb. Thank you, Mr. President.

Senator Romulo. Mr. President, since there are no amendments to this bill, I move that we close the period of amendments.

The President. Is there any objection thereto? [Silence] There being none, the period of amendments is hereby closed.

APPROVAL OF SENATE BILL NO. 132
ON SECOND READING, AS AMENDED

Senator Romulo. Since we have closed the period of amendments, Mr. President, I move that we vote on Senate Bill No. 132, as amended, on Second Reading.

The President. We shall now vote on the bill, as amended, on Second Reading. As many as are in favor of the bill, as amended, will please say *Aye*. [Several Senators: *Aye*] As many as are against will please say *Nay*. [Silence] Senate Bill No. 132 is approved on Second Reading, as amended.

Senator Webb. Mr. President, I was just raising my hand.

The President. Senator Webb is recognized.

Senator Webb. Anyway, the vote has already been made. So it is P250.00 that we are going to add for every three years of service.

Mr. President, if we take a look at the bill, there are three categories here. If we make it P250.00 across-the-board, it will not be fair for those under the remaining two categories.

The President. Yes, the President Pro Tempore is recognized.

Senator Maceda. Mr. President, the original amendment, if the Gentleman had followed it, was under line 11 which applies only precisely to the first category.

Senator Webb. So the remaining two categories will not have any addition.

Thank you, Mr. President.

Senator Romulo. Mr. President, we have no certification from the President. So we cannot go on Third Reading with this bill.

The President. Yes, let us comply with the three-day distribution requirement.

Senator Romulo. That is correct, Mr. President.

BILL ON SECOND READING
Senate Bill No. 704 — Legislative-Executive
Development Council

Senator Romulo. Mr. President, I move that we consider Senate Bill No. 704 as reported out under Committee Report No. 10.

The President. Consideration of Senate Bill No. 704 is now in order.

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.

The Secretary. Senate Bill No. 704, entitled

AN ACT CONSTITUTING THE LEGISLATIVE-
EXECUTIVE DEVELOPMENT COUNCIL,
PROVIDING FUNDS THEREFOR, AND FOR
OTHER PURPOSES.

The following is the full text of Senate Bill No. 704:

EXPLANATORY NOTE

This bill proposes to create a Legislative-Executive Development Council.

The proposal addresses itself to filling the gap in the existing planning structure which is limited to the executive department. It is made on the premise that development is a responsibility shared by the executive with the legislative as both share the common goal of improving the lot of people.

The creation of the Council institutionalizes the needed direct involvement of the highest executive and legislative leaders in national development planning. Recognizing that development is a political responsibility, it is felt that socio-economic planning can be effective only if it secures the direct involvement of the country's top political leadership.

The establishment of the Council could help in bridging the gap between the development plan and the legislative enactments such as the budget by providing the venue where the top leaders of the Legislature and the Executive Branch agree on the overall goals as well as the broad policies and guidelines to be followed in formulating plans and programs for development. In effect, the policies adopted by the Council could become practically self-executory since the President is its Chairman and at the same time the head of the Executive Branch, while the Senate President, the Speaker of the House and Members of the Congress can have their influence brought to bear in the passage not only of the National Budget Act but also of other legislation needed to implement development plans and programs.

Immediate approval of this bill is strongly recommended.

(Sgd.) GLORIA MACAPAGAL-ARROYO
Senator

(Sgd.) ALBERTO G. ROMULO
Senator

AN ACT CONSTITUTING THE LEGISLATIVE-EXECUTIVE DEVELOPMENT COUNCIL, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policies. - It is the policy of the State to formulate socio-economic development programs based on the Constitutional mandate to promote social justice in all phases of national development and to develop self-reliant and independent national economy effectively controlled by Filipinos.

Programs and policies for national development shall be formulated after consultation of the appropriate agencies, various private sectors, and local government units.

The national development programs shall integrate and coordinate development programs and projects submitted

from the municipal, provincial and regional levels with the programs and projects formulated by national agencies.

Close coordination shall be established in the process of formulating and approving policies and programs among the agencies of government and between the legislative and executive branches, in order that economic development may be accelerated.

SEC. 2. Legislative-Executive Development Council. - Pursuant to these policies, there is hereby created a Legislative-Executive Development Council hereinafter referred to as the Council. It shall be composed of the President of the Republic as Chairman, and eighteen (18) members as follows: The Vice-President, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Finance, the Secretary of Budget and Management, the Director General of NEDA, the Chairman of the Senate Committee on Economic Affairs, the Chairman of the Senate Committee on Finance, the Chairman of the House Committee on Appropriations, a representative of the local government units to be designated by the President from among the members of the board of the leagues of governors, city mayors or municipal mayors, five (5) other members to be designated by the President, one Senator to be designated by the Senate President upon nomination by the Senate Minority Floor Leader, and one Congressman to be designated by the Speaker upon nomination by the House Minority Floor Leader.

The Chairman and members of the Council who are government officials shall serve in the Council without any additional emoluments, allowances, or pay, by virtue of and in connection with the positions they have been elected to or appointed to, as the case may be.

SEC. 3. Functions of the Council. - The Council shall serve as a consultative and advisory body to both the President and Congress, and shall, among others:

a) Recommend socio-economic development goals in pursuance of established policies which shall guide the formulation and implementation of continuing integrated and coordinated plans and programs for national development;

b) Propose to Congress the enactment of laws and to the President of the Philippines the issuance of necessary executive orders, as may be required to effectively implement the policies, programs and plans on national development including proposals for creation of an independent economic and planning agency as provided in Section 9, Article XII of the Constitution. NEDA shall continue to function as the government planning agency until otherwise provided by law;

c) Study measures to ensure that regional development plans and programs are integrated into plans and programs prepared by the national government agencies;

d) Make recommendations on development plans and their implementation, development priorities, development

strategies, and other proposals concerning socio-economic development from the executive branch and, when appropriate, from relevant non-governmental and people's organizations;

e) Receive reports on, and study measures to improve, the implementation of official development assistance from multilateral and bilateral entities;

f) Assess effectiveness of implementation of the national development program; and

g) Provide policy advice to the President and to Congress on vital issues affecting the socio-economic development of the country.

SEC. 4. Staff Support. - The National Economic and Development Authority (NEDA) Secretariat shall serve as the principal secretariat in providing staff support to the Council, assisted by personnel of the Congressional Planning and Budget Office (CPBO) and the Senate Staff.

The detailed structure of the Council Staff shall be formulated by the Council.

SEC. 5. Meetings of the Council. - The Council shall meet at least once every quarter, but may be convened in such special meetings as may be necessary upon the call of its Chairman. The Council members shall be duly notified of any meeting in advance. The first meeting of the Council shall take place within one month from the effectivity of this Act, at a time and place to be designated by the Chairman.

SEC. 6. Priority Concerns. - The Council shall give special attention to study measures which will:

a) Decentralize the development planning process including strengthening the capabilities of regional, provincial and other local development councils and of local government units to carry out socio-economic planning;

b) Involve relevant private sectors and non-governmental and people's organizations in the processes of economic planning by national agencies and by regional, provincial and other local development councils, as well as in monitoring implementation of development projects;

c) Bring about effective integration of the priority development programs and projects proposed by regional, provincial and other local development programs, within the constraints of the national budget;

d) Accelerate the study and formulation of projects and programs which will answer priority needs of the people for livelihood and social services, and which may be funded from national revenues and/or grants and concessional loans from external sources;

e) Hasten the utilization of grants and concessional loans for priority development projects and programs, while also improving the efficiency of project implementation; and

f) Strengthen mechanisms for monitoring the implementation of development projects and programs, and for promoting efficiency of execution and timeliness of completion.

SEC. 7. Implementing Rules and Regulations. - Within sixty days from approval of this Act, the Council shall promulgate all necessary rules and regulations to carry out the provisions of this Act.

SEC. 8. Appropriations. - The amount of Five million pesos (P5,000,000.00) is hereby authorized out of the funds of the National Treasury not otherwise appropriated for the operating and capital expenditure of the Council for the Fiscal Year 1992. Thereafter, the necessary appropriations shall be provided in the annual General Appropriations Act.

SEC. 9. Separability Clause. - Any provision of this Act which may be declared unconstitutional shall not affect the remaining provisions thereof.

SEC. 10. Repealing Clause. - All laws and executive orders which are inconsistent with the provisions of this Act are hereby repealed and/or amended accordingly.

SEC. 11. Effectivity. - This Act shall take effect upon its publication in two (2) newspapers of general circulation.

Senator Romulo. Mr. President, I ask that the Chair recognize the Gentle Lady from Pampanga, Pangasinan, and Negros Occidental, Senator Gloria Macapagal-Arroyo for the sponsorship.

The President. Senator Gloria Macapagal-Arroyo is hereby recognized for purposes of sponsorship of the bill under consideration.

SPONSORSHIP SPEECH OF SENATOR MACAPAGAL-ARROYO

Senator Macapagal-Arroyo. Mr. President, the Philippines, after suffering from a crippling economic recession, with negative GNP growths in 1984 and 1985 and again in 1990 and 1991, is gearing for economic recovery in an effort to catch up with the booming economies of its neighbors in the ASEAN region.

This effort was underscored by President Fidel V. Ramos in his State of the Nation address.

In the economy, we must move forward from stabilization and restructuring to measures and policies designed for growth.

One step above all is essential, the formulation of a National Mid-Term Development Plan for six years from 1993 to 1998.

In the framing of this plan, I invite the participation of Congress; and this can be facilitated by the speedy creation of a Legislative-Executive Development Council, which I recommend to you.

Therefore, Mr. President, in response to the recommendation of President Ramos, and in behalf of the Committee on Economic Affairs, we wish to speak in support of Senate Bill No. 704, entitled An Act Constituting the Legislative-Executive Development Council, Providing Funds Therefor and for Other Purposes.

As background, we want to point out that this bill was already passed by both Houses of the previous Congress but vetoed by then President Corazon C. Aquino.

In her veto message dated January 17, 1989, President Aquino reasoned as follows:

First, the bill diffuses and confuses the spheres of responsibilities of the Executive and Legislative branches of our government.

Second, the bill collides with the Constitutional mandate on the National Economic Development Authority or NEDA's authority or the central planning's independence from Congress.

Third, the consolidated bill seeks to establish a council which has all the attributes of an office.

Fourth, the Secretary of Justice cites certain constitutional infirmities of the subject consolidated bill.

The alleged constitutional infirmities cited by then Secretary of Justice Sedfrey A. Ordofez were the following:

First, it was violative of the import and spirit of Section 9, Article XII of the 1987 Constitution, which provides that Congress may establish an independent economic and planning agency headed by the President.

Second, the consolidated bill, if enacted into law, would constitute an infringement on the power of the President.

Third, the enactment of the consolidated bill into law may also run afoul of the Constitution because it makes the Council a suprabody which shall exercise the prerogative of policy making.

For these reasons, President Aquino vetoed the bill, which had been passed by both Houses of Congress.

President Aquino particularly objected to Section 3, paragraphs (a), (b), (c), (d), (e), and (f), Section 4 and Section 8.

Section 3(a) of the vetoed bill provided that the Council shall establish socio-economic development goals.

In the present version, the Council shall recommend rather than establish socio-economic development goals.

Section 3(b) of the vetoed bill provided that the Council shall recommend to Congress the enactment of laws and to recommend to the President of the Philippines the issuance of necessary Executive Orders. The present version retains this provision, but adds that NEDA shall continue to function as the government planning agency until otherwise provided by law.

In Section 3 (c) of the vetoed bill, the Council was to ensure that regional development plans and programs are integrated into plans and programs prepared by the National Government agencies. In the present version, the Council shall study measures to ensure the same.

In Section 3 (e) of the vetoed bill, the Council was to review policies and monitor the implementation of all official development assistance from multilateral and bilateral entities. In the present version, the Council shall receive reports on and study measures to improve such implementation rather than to review and monitor the same.

In Section 3 (f) of the vetoed bill, the Council was to monitor the effectiveness of the implementation of national development programs. In the present version, the Council shall assess rather than monitor such effectiveness.

Section 4 of the vetoed bill provided that the Secretariat would be composed of personnel detailed from the NEDA, Congressional Planning staff and Senate staff, while in the present version, the NEDA shall serve as the principal Secretariat, assisted by personnel of the Congressional Planning and Budget Office and Senate Staff.

Section 8 of the vetoed bill appropriated P5 million for the expenditures of the Council for the first two years. The present version authorizes, rather than appropriates, the same amount for Fiscal Year 1992.

These amendments, according to the Deputy Director General of NEDA, as well as in the legislative consultations held by the President, seem to satisfy the Executive's claim as the primary planning authority, and, therefore, rather than being set to veto the bill, this bill is now strongly recommended by the President of the Philippines.

Mr. President, the formulation of policies and programs for economic development and the acceleration thereof, geared

towards more equitable distribution of opportunities, income and wealth, requires close coordination and a continuing exchange of views between the Executive and the Congress. And the present version of the bill provides that coordination and continuing exchange of views, even as it no longer violates the Constitution in the view of the Executive Branch.

Towards this end, the bill creates a Legislative-Executive Development Council. The Council will be headed by the President. Its membership will consist of the Vice-President, the Senate President, the Speaker of the House, three Cabinet Secretaries, six other members designated by the President, and six other members of Congress, in equal numbers from the Senate and from the House of Representatives.

The Council will serve as a consultative and advisory body to both the President and Congress. It will also be a forum for sharing by the two branches of government of their respective perspectives on policies and problems on socio-economic development.

At present, national economic policies are *de facto* established by the National Economic and Development Authority (NEDA), which excludes representatives of Congress, being composed exclusively of Cabinet Members and the Central Bank Governor and chaired by the President.

Until martial law, the highest national body on economic planning and development was the National Economic Council (NEC), composed of members of Congress and of the Cabinet. NEDA did not exist then, being created only in January 1973 by Presidential Decree No. 107.

Under Republic Act No. 2699 of June 1960, the National Economic Council had three *ex officio* members from the Senate, four *ex officio* members from the Executive Branch and three other members appointed by the President. A full-time Chairman of the Council, with Cabinet rank, was appointed by the President.

The Integrated Reorganization Plan of 1971, in Part VI on Economic Planning and Program Implementation, proposed a top-level Economic Development Council to replace the National Economic Council. The new Economic Development Council would be chaired by the President. Its members were to be the Senate President, the Speaker of the House of Representatives, the respective Majority and Minority Floor Leaders of the two Houses, the Secretary of Finance and the Director General of the National Economic and Development Authority.

The same Integrated Reorganization Plan of 1971 also proposed the creation of a new agency — the NEDA. This agency was to be chaired by the Secretary of Finance, with seven *ex officio* members of Cabinet rank, and a representative of the

private sector. As already mentioned, NEDA was finally created by Presidential Decree No. 107, but in a different form, and with the composition it has essentially retained until now.

The Economic Development Council never saw the light of day. It is understandable that the idea of a Legislative-Executive body should be put in the back burner during the authoritarian regime. But it is now time for Congress to create a new Legislative-Executive body for economic planning and development to replace the National Economic Council which was laid aside during the long period of the dictatorship.

This bill then creates a Legislative-Executive Development Council, along lines similar to those conceived in the Integrated Reorganization Plan of 1971. It is time for such a body to be established so that the process of economic development planning and implementation may be accelerated through improved coordination of the two branches of government.

In the previous version, the Secretariat would be composed of personnel detailed from the NEDA, Congressional Planning Staff and Senate Staff, while in the present version, the NEDA shall serve as the principal secretariat, assisted by personnel of the Congressional Planning and Budget Office and the Senate Staff. This, we are authoritatively informed by the Deputy Director General of NEDA, satisfies the Executive's claim as the primary planning authority.

This bill is in support in principle, subject to the legislative evaluation of its provision, of the proposed Medium-Term Economic Development Plan of President Fidel V. Ramos of which the President has invited the participation of the Senate in its consideration and final approval or support. The bill is in conformity with the policy, expressed by our Leader, Senate President Neptali Gonzales, of cooperation with the administration's economic program, short of subservience, to which program there is hardly any reason for this Chamber to disagree in the national interest and as an imperative service to our people who continue to undergo unremedied hardships and difficulties.

In this connection, with the indulgence of the Chair, may I invoke the views of a former President of the Republic of whom former President Corazon Cojuangco-Aquino spoke in greeting him on his 79th birthday on September 28, 1989.

President Macapagal let this country alone to realize its full economic potential. He did not set up shop in Malacañang to interfere in the economy and take advantage of business opportunities that inevitably come your way in that office. Rather, he let the country go about its work and left it, by the end of his term, the richest and most promising country in Asia, save for Japan.

In this connection, too, it is my privilege to know and inform that the President of whom President Aquino spoke has an unpublished manuscript for a book on his economic policies and views entitled, "Building Prosperity for the Greatest Number."

We conclude the sponsorship of our bill with a quotation from this manuscript to which we subscribe.

Under our constitutional system, the Executive and Legislative share the common responsibility for administering the affairs of the nation as well as providing the guidance, service and leadership required by our democratic way of life.

In view of this constitutional scheme of collective responsibility, we submitted to Congress at the beginning of our term a blueprint for national development known as the Five-Year Integrated Socio-economic Development Program. By this program we address ourselves specifically to the three-fold objective of accelerating the development of our economy, improving the living conditions of our people, and providing a strong basis for dynamic growth.

We can say with sincerity that the decisions of the administration have been solely guided by considerations of public welfare. We have not hesitated to cross party lines in the appointment of individuals to vital office when it was deemed that the general public should profit from the merits of these individuals. In conformity with the traditional features of a democratic society we have necessarily to stand on the platform of a definite political party but we have also pledged the commitment of this party not to a group or an institution but to the well-being of the whole Filipino nation.

We appeal to the patriotism of all leaders and people to act in concert and cooperation, to continue the tasks that have already been done in the interest of all and to join the government in the implementation of those projects and programs necessary to national growth and development. Political parties, if they are to be representative of the general will and interest, should not allow themselves to be divided on intentions that seek the betterment of human life in the national society.

Mr. President, it is in this spirit that we urge our Colleagues to approve Senate Bill No. 704 as incorporated in Committee Report No. 10 of the Committees on Economic Affairs and Finance.

Thank you, Mr. President.

SUSPENSION OF THE SESSION

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

It was 6:31 p.m.

RESUMPTION OF THE SESSION

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

The President. The session is resumed.

The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 704

Senator Romulo. Mr. President, I move that we suspend consideration of Senate Bill No. 704.

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

BILL ON SECOND READING Senate Bill No. 556 — OPSF Transfer

Senator Romulo. Mr. President, I move that we consider Senate Bill No. 556, as reported out under Committee Report No. 6.

The President. Consideration of Senate Bill No. 556 is now in order.

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.

The Secretary. Senate Bill No. 556, entitled

AN ACT AUTHORIZING THE TRANSFER OF FIVE (P5B) BILLION PESOS FROM THE OIL PRICE STABILIZATION FUND (OPSF) TO THE NATIONAL TREASURY FOR THE PURPOSE OF FINANCING POWER PROJECTS OF THE GOVERNMENT.

The following is the full text of Senate Bill No. 556:

EXPLANATORY NOTE

One of the primary causes considered by economic experts to have hindered the economic growth of the country is the insufficiency or inadequacy of power supply. The administration of former President Corazon C. Aquino has witnessed the worst power failures largely due to lack of power supply from the National Power Corporation



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Would the distinguished Senator also include, Mr. President, permanent disqualification from holding public office for those in government who failed to do their duties?

Senator Herrera. Yes, Mr. President.

Senator Rasul. Thank you, Mr. President.

The President. Thank you, Senator Herrera.

The Majority Leader is recognized.

SUSPENSION OF THE SESSION

Senator Romulo. Mr. President, before we consider the bill that is for sponsorship and interpellation, I ask that we suspend the session for one minute to prepare the sponsor of this bill.

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

It was 5:20 p.m.

RESUMPTION OF THE SESSION

At 5:23 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

BILL ON SECOND READING
Senate Bill No. 704—Legislative-Executive
Development Council
(Continuation)

Senator Romulo. Mr. President, I move that we resume consideration of Senate Bill No. 704 as reported out under Committee Report No. 10.

The President. Resumption of consideration of Senate Bill No. 704 is now in order.

Senator Romulo. Mr. President, the sponsor of the bill, Senator Gloria Macapagal-Arroyo has delivered the sponsorship speech. We are now in the period of interpellations.

The President. The distinguished sponsor, Senator Macapagal-Arroyo is hereby recognized.

The Minority Leader expresses his desire to interpellate. The Minority Leader is recognized..

Senator Guingona. Just a few questions, Mr. President, if the distinguished Lady Senator from Pampanga and Negros Occidental will not mind.

Senator Macapagal-Arroyo. No, I will not, Mr. President. And I would like to take this opportunity to manifest that the distinguished Senate Minority Leader is also a coauthor of this bill.

Senator Guingona. Mr. President, this Executive-Legislative Council is not the first of its kind. We already created back the Debt Council during the last Senate. And we would only like to clarify that none of the positions here are offices within the framework of the prohibition embodied in the Constitution.

Senator Macapagal-Arroyo. Yes, Mr. President. This question was, in fact, taken up in the last Congress, upon interpellation by the very same Gentleman who is interpellating at this moment. When he raised the issue of a Senator or a Member of the House of Representatives holding any other employment in the government, in reply thereto, the sponsor of the bill at that time, Senator Romulo, opined that the designation is not to any other office or employment prohibited under the Constitution, considering that it would aid Members of Congress in their functions as legislators.

In fact, Senator Romulo then cited the following jurisprudence and opinions affirming the constitutionality of the provisions of the bill:

In the case of *Parker v. Riley*, the Supreme Court of California decided affirmatively on the question whether Representatives of the State Legislature may be appointed members of the Joint Executive-Legislative Commission, without violating the constitutional prohibition against holding any other office.

The decision is pertinent because of the similarity of the statute creating a Commission with joint membership from both Houses of State Legislature of California and officials from the Executive, and the provisions of the bill under consideration.

During that interpellation, Senator Romulo noted that the constitutionality of the former statute was challenged on the ground that Section 19, Article XIV of the California Constitution provides that "no Senator or Member of Assembly shall, during the term for which he has been elected, hold or accept any office, trust or employment under the State, provided that this provision shall not apply to any office filled by election by the people."

During that interpellation, Senator Romulo pointed out that the California Supreme Court upheld the constitutionality of the

law, on the ground that the Members appointed by the Governor hold office as Members of the Commission at his pleasure, and the Members of the Legislature hold office as long as they remain Members of the Committees of each House. Further, the Commission was charged with the duty of furthering the participation of the State as a member of the Council of State Government, and it required to confer with the officials of other States and the several governments to formulate proposals for cooperation between the State and such other governments. He informed that the California Supreme Court presented the following doctrines: The positions created by statute here attached lack certain elements usually associated with an office or trust. Thus, it is generally said that an office or trust requires the vesting on an individual of a portion of the sovereign powers of the State. The positions created here do not measure up to so high a standard. They involve merely the interchange of information, the assembly of data, and the formulation of proposals to be placed before the Legislature. Such tasks do not require the exercise of sovereign power of the State. It may also be doubted whether the positions here conferred constitute an employment by the State, since no compensation is provided for the Members.

Also, during that interpellation, Mr. President, Senator Romulo cited Senator Tañada and Chief Justice Fernando, who stated that while they are of the view that the term "any other office or employment" seemed to be comprehensive enough to include any position of a public character, they specified that this be understood as a public office not connected with the performance of legislative function.

And continuing, Senator Romulo maintained that with respect to the establishment of socio-economic development goals in pursuance of established policies, it would still be the Legislature that would exercise the sovereign function of establishing the policy.

So, Mr. President, the elements in the old bill, which made sure that the Members of the Senate and the House who would be the Members of the Joint Executive-Legislative Development Council would not be having an additional position but rather a position in furtherance of their positions in the Senate or in Congress, have, in fact, been made even stronger in this version. Because as stated in this version, it is very clear in the functions of the new Council that this is purely recommendatory in nature.

Senator Guingona. I would like to thank the distinguished Lady Senator for that answer. May I say that in other similar councils created, such as the Debt Council, there seemed to be a gap between the meetings of the Executive-Legislative Council and Congress, in the sense that there was no required periodic

updating or information given to Members of Congress. Would the distinguished Lady Senator be agreeable to including mandate for reportorial monitoring, or could this be in the implementing rules and regulations?

Senator Macapagal-Arroyo. There are implementing rules and regulations, Mr. President, and, therefore, it would be possible to make those requirements part of the implementing rules and regulations. Moreover, the meetings of the Council have to be held at least once every quarter. Surely, during those meetings, there has to be a report of the Executive to this Council. And so, therefore, it may not be necessary to put in the reportorial requirements. However, if the distinguished coauthor deems that it might be necessary, certainly, this humble Representation would not be averse to such an amendment.

Senator Guingona. Thank you for that. We will make the necessary proposal during the period of amendments. Now, the last point is that, in the previous councils, Mr. President, the Executive did not want a Legislative-Executive Council. Meaning to say, the President at the time preferred an Executive-Legislative Council where the majority of the members were from the Executive. So that when we voted on vital issues, even if at times the Legislative Members representing Congress voted together, it was the Executive who held the majority. Under this bill, it seems that it is a Legislative-Executive Council where the majority would be Members of the Legislature. Is that correct?

Senator Macapagal-Arroyo. No, Mr. President. In this version, there are 19 Members.

Senator Guingona. Eighteen.

Senator Macapagal-Arroyo. Eighteen plus the President would be 19 Members. Of the 19 Members, 11 are Members of the Executive and eight are Members of the Legislative. Of the 18 Members, aside from the President, there are several who are ex officio from the Executive Branch, including one governor to be chosen by the President. In addition, the President may select five Members from any sector of Philippine society that he wishes. If we will use the old definition, this is in fact more properly speaking, an Executive-Legislative Development Council, Mr. President.

Senator Guingona. And the ex officio members vote?

Senator Macapagal-Arroyo. Yes, Mr. President, everybody votes. In fact, the President will also vote in case of a tie.

Senator Guingona. I just wanted that clarified.

Thank you, Mr. President. I thank the distinguished sponsor.

Senator Lina. Mr. President.

The President. Senator Lina is recognized.

Senator Lina. Thank you, Mr. President.

Will the distinguished Senator from Pampanga and Pangasinan yield for some questions?

Senator Macapagal-Arroyo. Certainly, Mr. President, to the distinguished Gentleman from Metro Manila, Laguna, and Pampanga.

Senator Lina. And Nueva Ecija, Mr. President.

Senator Macapagal-Arroyo. And Nueva Ecija, as well. Perhaps the Gentleman has the record of coming from the most number of places.

Senator Lina. Yes, Mr. President. In fact, I have millions of relatives scattered all over the country, some 10 million of them. But some of them did not vote for me this time.

Mr. President, on page 1, Section 1 of the bill, it is stated here that: "It is the policy of the State to formulate socio-economic development programs."

The phrase "socio-economic development programs" connotes a lot of things. May we be enlightened on the meaning of the phrase "socio-economic development programs" as included in the Declaration of Policies.

Senator Macapagal-Arroyo. Mr. President, if we are going to look at the usual usage of the term "socio-economic development" in the science, it covers not only an increase in income per capita, not only a change in the structure of society, but also a change and improvement in equity conditions. In other words, "socio-economic development" means building prosperity for the greatest number.

Socio-economic Development, in fact, Mr. President, is now the basis of the title of the head of the National Economic and Development Authority. The head is the Secretary of Socio-economic Planning.

In order to underscore this, I think this is why the NEDA is not called the National Economic Development Authority. It is called the National Economic and Development Authority.

Senator Lina. A council, therefore, Mr. President, will address practically all the concerns of the entire Filipino citizenry or the entire Philippine population on problems of health, housing, peace and order, including nutrition. It may even include the physical well-being of the Filipino as can be gleaned from the statement of the distinguished sponsor.

My question, Mr. President, is this: Considering the vastness of the concerns that the Council will address, will it be advisable to create subcommittees under the Council composed also of members from the Executive Branch and the Legislative Branch so that the objective of forging close coordination between the Executive branch and the Legislative branch in formulating policies and programs that are to be addressed by the Council will be better attained?

Let me be concrete, Mr. President. For example, housing is a major concern of Philippine society. But the composition of the Council, Mr. President, makes the Council shorthanded as far as getting or using the expertise of the Members of the House of Representatives and Members of the Senate who are experts in housing.

If there is a Subcommittee on Housing, the members of which, let us say, are the Chairman of the Housing and Urban Development Coordinating Council or maybe, the Chairman and CEO of PAG-IBIG and then, the Chairman of the House of Representatives Committee on Housing and the Senate Committee on Housing, the subcommittee can very well assist the Council in the formulation of an overall socio-economic development program.

The same is true for agriculture, Mr. President. The Chairman of the Senate Committee on Agriculture is not a member of the Council. And yet, agriculture is one of the concerns that will have to be addressed by the Council.

I think the formation of a Subcommittee on Agriculture, again, to assist the Council in the formulation of this overall socio-economic development program will go a long way in truly making this Body or the Council effective in addressing the day-to-day concerns of the Filipino—the short-term, medium-term and long-term concerns—because the Council has within its reach the expertise of the people who are directly concerned or involved in addressing those specific concerns.

We can go down the line, Mr. President. National Defense and Security policies and programs will definitely affect the socio-economic development policies and programs that the government will pursue.

Even Foreign Affairs for that matter, will have a direct effect whether as to contribution or whatever, to the socio-economic development program. So that if we have the subcommittees, Mr. President, composed of members of the Executive and the Legislative Branches of government, their inputs can be included in the formulation of the overall socio-economic development program of the country and *facilitate*—and that is the word that must be underscored, Mr. President—even the passage of laws on formulation of measures which the Executive Branch, within its competence, can issue. That is my general question, Mr. President. I would like to hear the comment of the sponsor on said observation.

Senator Macapagal-Arroyo. Mr. President, the comments of the Gentleman from Metro Manila, Laguna, Pampanga and Nueva Ecija are very well taken.

This humble Representation agrees with him as to the usefulness of such subcommittees. I also believe, as he does, that the social aspect of development is equally important as the economic aspect of development and should never be left behind.

In fact, in the implementing rules of the Council as provided in Section 7 of the bill, the Council may indeed create its working subcommittees which could include the Congress Committee Members in the social sector.

Also, Mr. President, the President of the Philippines is authorized to designate five members who may come from the social sector whether in the Cabinet or in the private sector.

Senator Lina. Would it not be better, Mr. President, if that particular idea is specified in the body of the bill and not just to be left to the discretion of the Council which may change its mind at a certain point in time? A clear-cut provision in the body of the bill that subcommittees that will address specific concerns, from housing to health, et cetera—the wordings will have to come later—will have to be formed, and the relationship will have to be defined vis-a-vis the Council and the subcommittees.

Senator Macapagal-Arroyo. Mr. President, I will give the same answer as the answer I gave to the Senate Minority Leader regarding his comment and suggestion about the reportorial requirements.

Though the bill, as it stands, permits the creation of subcommittees, certainly, if the Gentleman from Metro Manila, Laguna, Pampanga and Nueva Ecija, will find it more direct to the point and will be surer of the social aspect of development being addressed by having such subcommittees incorporated in the bill itself, then this humble Representation has no objection.

Senator Lina. Thank you very much for that answer, Mr. President. At the appropriate time, this Representation shall introduce the amendment that is being contemplated.

The President. Is there no further interpellation?

Senator Shahani. Mr. President.

The President. Senator Shahani is recognized.

Senator Shahani. Thank you, Mr. President.

I wonder whether my distinguished Colleague would like to entertain some questions.

Senator Macapagal-Arroyo. With pleasure, Mr. President.

Senator Shahani. Mr. President, the mandate of this Council is very big. In other words, as stated in Section 3, it will recommend development goals, and it will also have a role in the formulation and implementation of continuing integrated and coordinated plans and programs; propose legislations, study measures, et cetera.

What I would like to be clear about is, what does the word “plan” mean, Mr. President? I think we are continuously using the term “a six-year medium-term plan.” How many plans are we speaking of here? What is the plan we are talking about?

Senator Macapagal-Arroyo. Mr. President, if we are going to look at this bill, in the context of the State of the Nation address of His Excellency, President Fidel V. Ramos, and we can recall that this particular bill was proposed in the State of the Nation address, when the President said that, in the coming years of his administration, he would like to move from a stabilization mode to a growth-oriented policy; and foremost here is the enactment of a medium-term six-year development plan; and it was in this context that he said, first and foremost, therefore, in the formulation of this plan, and in getting congressional support for this plan, we need to establish a Legislative-Executive Development Council. So if we are to look at this bill in that context, from what the President of the Philippines would like, at the very least, this Executive-Legislative Development Council must be involved in the formulation of this medium-term Philippine Development Plan.

Senator Shahani. I am not questioning the justification of this Council, Mr. President. In fact, I would like to congratulate our Colleague for having taken the initiative to do so. But it is in the use of the word “plans,” and it is plural, which, I think, is a little disturbing. How many plans can a government undertake?

And even the formulation of that plan is a very long and elaborate process. Maybe, there must be some distinction between plans and programs, policies, et cetera.

In my view, Mr. President, I think the main task of this Council should really be the formulation of the medium-term plan itself. Otherwise, if we go into policies, it will overlap with the Cabinet or even, it will overlap with the work of Congress. If we talk about programs, programs are undertaken by Cabinet or by local government officials. The way I see it, Mr. President, the main thrust of this Council is the planning, formulation and implementation of the medium-term plan itself. I wonder whether my Colleague has a similar interpretation in mind.

Senator Macapagal-Arroyo. Mr. President, as far as my interpretation was concerned, its most important job—in the context of the Ramos administration because of the State of the Nation address of the President—would be the Medium-term Philippine Development Plan. However, if we are going to look at the fact that because this will be created by law, this body will go beyond the Ramos administration and there may be other roles which the President may want it to play.

For this purpose, therefore, Mr. President, may I refer our distinguished Colleagues on the Floor to the brief by the NEDA Board which was first presented in early 1988 when the idea of the Legislative-Executive Development Council was first proposed by NEDA itself.

In that brief, Mr. President, the NEDA pointed out that the 1987 Constitution provides that Congress may establish an independent, economic and planning agency headed by the President. And inasmuch as the matter involves not only Congress, but more importantly the Executive Branch of the government, therefore, it was important that the Aquino Government then would have their position on this proposal.

The main issue at that time was the role of Congress in the planning process, and I believe the question of the distinguished Lady from Pangasinan also refers to what would be the role of Congress in the planning process, and how this role should be reflected in the organization for development planning.

The points to consider that were given by this NEDA Brief included the following:

Part VI of the integrated reorganization plan which was made at that time for the Aquino administration provided for the creation of the NEDA, an organization charged with the task of national economic planning. And this measure was a response to the problem of the dispersal of the planning functions among economic planning bodies.

With the declaration of Martial Law and the dissolution of Congress, not everything was implemented in this reorganization program, because the reorganization plan also provided for an economic development council which was supposed to be composed of the top executive and congressional leaders. And with the declaration of Martial Law and the dissolution of Congress, it was this provision of the reorganization program that was not implemented.

Furthermore, the NEDA pointed out in that brief that there is merit in having the tie up between Congress and the Executive Branch of the government institutionalized through a joint council.

In answer to the question of what should be the role of the Congress in the planning process, there were three options presented, the common feature of which was the creation of a Legislative-Executive Development Council. And the proposed functions even at that time coming from the Executive Branch were the following:

First, establish broad socio-economic development goals and policies;

Second, review and recommend the adoption of national development plans.

Perhaps, this is where the Gentle Lady from Pangasinan was seeking enlightenment—national development plans, programs and policies;

Third, review proposals involving socio-economic development;

Fourth, provide policy advice on vital issues affecting socio-economic development; and

Fifth, consider proposals for the enactment of laws as may be necessary in implementing approved development plans, programs and policies.

In all options, Mr. President, these five were the functions of the supposed body. However, the three options differed primarily in the role and the character of NEDA.

Under Option 1, NEDA would continue to be NEDA and it would serve as the secretariat of the proposed Council, singly or jointly, with the Congressional Economic Planning Unit which Congress intends to abolish.

Option 2 was that the NEDA Board would be abolished and would become a technical staff, and this Legislative-Executive Development Council would take the place of the NEDA board.

Option 3 was to go back to the old National Economic Council type of organization where, in many of the planning functions, the Executive and the Legislative would be working together.

And the proposal adopted was Option 1.

In other words, Mr. President, the job of the Council, as proposed by those who had this idea in the first place, referred to establishing broad goals and policies, reviewing and recommending the adoption of national development plans, but also to consider proposals for the enactment of laws as may be necessary in implementing approved development plans, programs and policies.

Mr. President, inasmuch as the Gentle Lady from Pangasinan asked a very searching question about the role of this body with reference to plans, with reference to programs and then with reference to policies, I may go to the construction of those who proposed this in the first place as far as plans are concerned—and I can see that the Gentle Lady from Pangasinan has no quarrel with this. It will be the job of this Council to review, participate and recommend development goals and policies in the national development plans.

As far as the programs and policies are concerned, the job of this Council will be to consider proposals for the enactment of laws as may be necessary in implementing the approved development plans, programs and policies.

So if we examine the original intent of the bill, Mr. President, this Council will not go into the establishment of detailed programs and policies. It will go into the consideration of the laws that would be required to carry out these programs and policies.

Senator Shahani. Mr. President, I think I am bothered about the inclusion of the word "program." Because if we go into program, that is already Cabinet, and that is the work of the departments and the bureaus. This is supposed to be a super council.

The way I sort of read it now, it could do the work of the Cabinet and even of Congress. Because I feel that the main thrust of this Development Council—if we will recall, Mr. President, at the last Congress, we had also quite an extensive debate on this and it was former Senator Paterno who led the debate—was really the medium-term plan.

In other words, we were feeling then that the Executive had the monopoly of formulating this medium-term plan and then just giving it to Congress at the last minute for our automatic approval.

So we felt then that there should be a body where Congress would be involved. So that the medium-term plan, when it is presented to us, would not just be a strange piece of paper, but something in which Congress had participated in. I think that is quite clear.

But the way it is here, Mr. President, this body seems to be going into all types of work, because if we say "policies," in other words, socio-economic development policies. This is also the work of Congress. I would really like this Council, the way I understand it, to focus more on the medium-term plan which is the actual plan, under which all the government's priorities are really going to be determined.

Senator Macapagal-Arroyo. Mr. President, if I may go to Section 3 of the bill which refers to the functions of the Council, if we look at function (a), Mr. President, it is very clear that here we are talking about recommending socio-economic development goals. In the last Congress, the term was "establishing socio-economic goals". Here, it is only recommending socio-economic goals. Therefore, this is not going to be a superbody that would take the place of a Cabinet, because it would be recommendatory.

If we look at No. (a), "Recommend socio-economic goals in pursuance of established policies", Mr. President, therefore, it will not be this body that will establish the policies but rather it recommends the goals.

If we look at subparagraph (b), Mr. President, here it says that the function of the Council will be "to propose to Congress the enactment of laws and to the President of the Philippines the issuance of necessary executive orders, as may be required to effectively implement the policies, programs and plans on national development."

In other words, Mr. President, it is not the Council that will work out what these policies and programs should be. The job of the Council is to propose what should be the laws and the executive orders to carry out effectively the policies and programs that will be established in some other forum and we accept by the composition of this Council that the lead in planning is the Executive Branch.

Also in subparagraph (c), Mr. President, the old bill was worded such that the third function would be, "to ensure that regional development plans and programs are integrated into plans and programs prepared by the national government agencies." Here, again, the job of the Council will only be to study measures to ensure that such plans and programs in the regional development are integrated into the national plans.

So, Mr. President, we can go on to the other functions. Each function has been downgraded from establishing goals or ensuring measures, to recommending and also to studying, not even reviewing, but recommending.

If we look at this, even as it is only recommendatory, Mr. President, we can see in the functions that the job of the Council is to make recommendations on goals, on laws and on other studies, but it is not going to be the function of the Council to establish policy, much less to establish programs.

Senator Shahani. Mr. President, if we talk about an honest-to-goodness national development plan, it, of course, includes the policies, the priorities and the programs. I think this is what I mean by a plan.

In other words, if we look at the medium-term plan, the policies are there, the priorities are there and the programs are also there. The main concentration of this Development Council should really be the formulation of that medium-term plan, as NEDA now is actually formulating it.

That, I think, is what I would like to, maybe, have a more central focus of this Development Council, because the way I see it, its work will be so big, unless it is, maybe, limited to, as I said, the medium-term plan at which the past government and this government is also now undertaking.

Now, Mr. President, on Section 3, subparagraph (b), there is still reference to that constitutional provision for the creation of an independent economic and planning agency.

How does the distinguished sponsor envisage the relationship of this Council to this independent agency? Is this the constitutional body that is now being proposed?

Senator Macapagal-Arroyo. No, Mr. President. This is not because this Council is purely a recommendatory Council. In fact, it will only meet about once every three months. The independent planning agency will be a full bureaucracy, Mr. President.

That is why, upon request of the Executive Branch, the authors of this bill have inserted in this version of this bill which was not present in the original version as envisioned by the first authors in the Senate, the provision that NEDA shall continue to function as the government planning agency until otherwise provided by law. Because without this specific provision, Mr. President, it seems that in the last version of the bill in the previous Congress, there was a fear that, in fact, this Body would replace NEDA.

With this clarification in subparagraph (b), Mr. President, it is very clear that this Council will not replace NEDA.

Senator Shahani. Now, if this independent economic and planning agency will be enacted into law, will this Legislative-Executive Development Council be abolished?

Senator Macapagal-Arroyo. Mr. President, if we look at the literature on the ways that the different thinking on this bill evolved, it seems that even if there were an independent planning agency, there would still be room for a Legislative-Executive Development Council that would give advice and make recommendations to that independent planning agency.

Senator Shahani. Could the distinguished sponsor say in a few words how NEDA actually formulates its medium-term plan right now?

Senator Macapagal-Arroyo. Mr. President, at the beginning of the planning term, the NEDA planning staff sends a circular to the different agencies that are involved in the planning process and that will implement the development plans. They begin to ask them for what their own plans are.

However, NEDA itself, working together with the Office of the President, tries to establish what it believes along with the Office of the President will be the development goals envisioned by the President.

For instance, in the particular medium-term development plan that is being worked out for the Ramos administration, Mr. President, the development of world competitive industries and people empowerment in the economic sphere seems to be coming from the combination of what those in the NEDA has recommended which is the competitiveness of industries as well as a very strong message from the Office of the President that there should be people empowerment in the economic sphere. Therefore, these have become the twin goals of the medium-term Philippine Development Plan.

Given these parameters, Mr. President, the NEDA therefore goes to the different agencies and requests them to draft their chapters for the medium-term Philippine Development Plan. So the different agencies proceed to drafting their chapters, in fact, including their quantitative goals. The work of NEDA is to get all of these together and, at the end of all of these, NEDA tries to consolidate the goals, tries to see whether they are consistent with one another. Not only consistent with one another but as to whether the goals are realistic or not and, therefore, puts together what we call the Medium-Term Philippine Development Plan.

Senator Shahani. But is it not true, the way the plan actually works, that each department really does its own thing, implements its own plan and, in fact, NEDA really has practically no role except some kind of a super bureaucracy where it has no clout in even telling a department, "You have underperformed." This kind of NEDA review is really more of a paper review. In fact, it is really each department pursuing its own plan the way it sees it and really NEDA has no clout.

Senator Macapagal-Arroyo. Unfortunately, Mr. President, that is the way we have observed the NEDA to have been performing its function as a planning agency.

If the Lady Senator will recall, Mr. President, during my maiden privilege speech, this was, in fact, one of the practices this humble Representation was deploring. That is why I said it is very important that we really have a plan, a development plan that is not the work of NEDA alone nor the work of other Cabinet departments acting together ignoring NEDA, nor the work of the President alone or the Executive Branch alone. It has to be the work not only of the Executive Branch but with a great deal of participation from the Legislative Branch. That is why I welcomed the proposal of a Legislative-Executive Development Council for that purpose.

Mr. President, it is really true that the role of NEDA, in practice, has been as described by the Gentle Lady from Pangasinan. In fact, if we go back to the past decades of NEDA's existence, if we look at the time of Gerardo Sicat when he was the head of NEDA, the architect of Philippine economic policy was not Gerardo Sicat. It was Cesar Virata.

When we look at the Aquino administration, when there was an attempt of the head of NEDA, namely Solita Monsod, to establish NEDA as *primus inter pares* in economic planning, there was a power struggle and the one who won out was again the Secretary of Finance, Secretary Jesus Estanislao.

Once again, even in this administration, Mr. President, if we look at the socio-economic Secretary who is Cielito Habito, if we look at his role and we look at the role of the Secretary of Finance, Ramon del Rosario, Jr., indeed, in the history of Philippine economic policy, the architect of economic policy really has been the Secretary of Finance.

Mr. President, I suppose one of the reasons why NEDA, as we commonly perceive NEDA to be, has not really been the *primus inter pares* as far as planning is concerned, is that, we must make a distinction between the NEDA Board and the NEDA Secretariat.

The NEDA Board, Mr. President, is chaired by the President himself and, therefore, he is the chief architect of economic

policy. If he chooses, as has historically happened, to have as his main economic adviser the Secretary of Finance, then the Secretary of Finance, in his influence on the President of the Philippines who is the Chairman of the NEDA Board, becomes the chief architect of economic policy.

In this context, the role of the Director General of the National Economic and Development Authority as the head of the Secretariat, therefore, in the history of NEDA, is really performing such Secretariat functions as collating the different plans of the different departments, and trying to establish in the best way he can through his scholarly and academic background a consistency in the quantitative goals that are submitted by the departments.

So the job of the NEDA has really been, if we talk about the Secretariat, a job of putting together things rather than leading in economic policy. But if we look at the...

Senator Shahani. If I may comment.

Senator Macapagal-Arroyo. Yes, Mr. President.

Senator Shahani. Even with the NEDA Board, Mr. President, is quite powerless, if I may so comment. It is still each department, I would say, doing its own thing. So we are coming to something quite basic.

One of the defects of NEDA's having no clout is that when development goals or development targets are not met, nobody is held accountable, Mr. President. They just revise the figures and then they say, "Oh, we overshot." or "We made just too high goals." But nobody is responsible for the underperformance of certain departments. And this I think is one of the most pathetic situations in our country because we have very brilliant technocrats, brilliant planners, but in the end there is no political will to say that the Department of Health has underperformed or the Department of Agriculture has underperformed. The goals are just revised by NEDA in an academic way.

So in this Development Council, Mr. President, does the Lady Senator think that the situation will be remedied, that those who are responsible for not having their goals of development in their respective areas achieved, can find a way to pinpoint these defects? Because in other countries, this is what happens; in Indonesia this is what happens; in India this is what happens.

In our case, this kind of dialogue is not heard at all in this country. We have the technocratic language, but we do not have the political will to say that mistakes have been made, that goals are not achieved. This Council might make the Congress more active, but will it remedy this very great reality in the planning

process in this country? It is really the political will that is absent. It is more or less a technocratic exercise.

Senator Macapagal-Arroyo. Mr. President, political will is either there or it is not there. Of course, it can be there in different degrees. But what I am trying to say is that if political will is not there, it will not be brought about by creating a Council. But if political will is there, then a Council will be very useful in having the political will backed up by a consultation process with the broadest representation in society, and that is a consultation process with the elected representatives of the people.

So while this Council will not be able to remedy a problem of a lack of political will, it will certainly be very useful in serving a President who has political will.

Senator Shahani. Mr. President, I think the hour is getting late. I do not know whether they want to declare a break or not, but I would like to reserve more time later on, if I may, in order that I can interpellate further on what I think is an extremely important piece of legislation.

Thank you.

The President. The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 704

Senator Romulo. Mr. President, I ask that we defer further consideration of Senate Bill No. 704.

The President. Is there any objection to this motion? [Silence] There being none, further consideration of Senate Bill No. 704 under Committee Report No. 10 is hereby deferred.

BILL ON SECOND READING
Senate Bill No. 132—Retirement Benefits to Private
Sector Employees
(Continuation)

Senator Romulo. Mr. President, I ask that we resume consideration of Senate Bill No. 132 as reported out under Committee Report No. 4. The period of interpellations has been closed for this bill.

The President. Resumption of consideration of Senate Bill No. 132 is now in order.

Senator Romulo. Mr. President, we are now in the period of Committee and individual amendments. I ask that we recognize Senator Herrera, the sponsor of this bill.

The President. Senator Herrera is recognized.

Senator Herrera. Thank you, Mr. President.

What I recall is that Senator Angara indicated that he would like to present his amendments. Since there is no Committee amendment, Mr. President, Senator Angara would want to introduce his proposed amendments.

The President. Senator Angara is recognized.

ANGARA AMENDMENTS

Senator Angara. Thank you.

To continue with our amendments, Mr. President, unless there is an anterior amendment, on page 2, line 5, after the word "LEAST" delete the word "ONE-HALF" and in lieu thereof, insert the word ONE. Thus, the provision will now read: "IN THE ABSENCE OF A RETIREMENT PLAN OR AGREEMENT PROVIDING FOR RETIREMENT BENEFITS OF EMPLOYEES IN THE ESTABLISHMENT, AN EMPLOYEE UPON REACHING THE AGE OF SIXTY (60) YEARS OR MORE MAY RETIRE AND SHALL BE ENTITLED TO RETIREMENT PAY EQUIVALENT TO AT LEAST ONE (1) MONTH SALARY FOR EVERY YEAR OF SERVICE, A FRACTION OF AT LEAST SIX (6) MONTHS BEING CONSIDERED AS ONE WHOLE YEAR."

Senator Herrera. It is accepted, Mr. President.

The President. The first Angara amendment. Is there any objection thereto? [Silence] There being none, and considering that it has been accepted by the sponsor....

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

Senator Aquino. Mr. President, there is no clarification as to who is entitled to retirement. Normally in companies, employees who have worked for at least 10 years are given retirement benefits, and usually for generous companies if one has worked for at least 10 years, he receives one-month pay for every year of service. If it is for 15 years, it is one-and-a-half month pay per year of service, and if it is 20 years, it is two months' pay per year of service. So that there must be a certain description on who is entitled to retirement benefits. I think 10 years, as the usual practice is, is reasonable for those who will be entitled to retirement benefits.

Senator Herrera. Under this bill, Mr. President, upon reaching the age of 60; so that if one has worked in the company just for one year, he is entitled to one-month retirement benefit.



**REPUBLIC OF THE PHILIPPINES
CONGRESS OF THE PHILIPPINES
SENATE**

Record of the Senate

**FIRST REGULAR SESSION
JULY 27 TO OCTOBER 14, 1992**

VOLUME I, NOS. 1-28

**SPECIAL SESSION
NO. 1**

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SECRETARY ANACLETO D. BADOY, JR.

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Senator Tañada. Mr. President.

The President. Senator Tañada is recognized.

**MOTION OF SENATOR TAÑADA
(Referral of Senator Biazon's Speech to the Peace,
Unification and Reconciliation Committee)**

Senator Tañada. Mr. President, may I move that the speech of Senator Biazon be referred to the Committee on Peace, Unification and Reconciliation.

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

**BILL ON SECOND READING
Senate Bill No. 704 — Legislative-Executive Development
Council
(Continuation)**

Senator Romulo. Mr. President, I move that we resume consideration of Senate Bill No. 704 as reported out under Committee Report No. 10.

The President. Resumption of consideration of Senate Bill No. 704 is now in order.

Senator Romulo. Mr. President, we are still in the period of interpellations. Since there are no more interpellators, I ask that we close the period of interpellations.

The President. Is there any objection?

Senator Tañada. Mr. President.

The President. Senator Tañada is recognized.

Senator Tañada. Mr. President, I have intended to ask some questions of the sponsor but, unfortunately, at this point in time, I have to leave the Session Hall because of a prior commitment. So if I may be allowed to interpellate Senator Macapagal-Arroyo tomorrow....

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.]

RESUMPTION OF THE SESSION

At 6:16 p.m., the session was resumed.

The President. The session is resumed.

Senator Tañada. Mr. President.

The President. Senator Tañada is recognized.

Senator Tañada. After conferring with Senator Macapagal-Arroyo, Senator Guingona, and Senator Romulo, it seems that the questions that I would have wanted to ask have already been asked by some of the Senators who had interpellated her. In any event, there will still be the period of amendments. So it will be at that time, perhaps, that I could again raise these points.

Thank you, Mr. President.

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

Senator Romulo. Mr. President, I ask that we now consider first the Committee amendments. May I ask that Senator Gloria Macapagal-Arroyo be recognized.

The President. The Lady Senator from Pampanga and Pangasinan is hereby recognized.

Senator Macapagal-Arroyo. Thank you, Mr. President.

COMMITTEE AMENDMENTS

On page 2, Section 2, line 12, after the phrase "Senate Committee on Finance," we need to have an insertion, and I quote: THE CHAIRMAN OF THE HOUSE COMMITTEE ON ECONOMIC AFFAIRS (,).

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

Senator Macapagal-Arroyo. The same Section 2, Mr. President, between lines 21 and 22, we propose to insert the clause and I quote: SUBCOMMITTEES SHALL BE CREATED UNDER THE COUNCIL TO BE COMPOSED OF THE CHAIRMEN OF THE SENATE AND HOUSE COMMITTEES RELATING TO SOCIAL AND ECONOMIC DEVELOPMENT AND THE HEADS OF THE EXECUTIVE AGENCIES CORRESPONDING TO SAID COMMITTEES.

The President. So, where will the Gentle Lady place that amendment?

Senator Macapagal-Arroyo. Between line 21 and line 22, Mr. President.

The President. In what particular place?

Senator Macapagal-Arroyo. Between lines 21 and 22. Line 21 reads "nomination by the House Minority Floor Leader." After that, Mr. President, I propose to add a one-sentence paragraph, to read as I have...

SUSPENSION OF THE SESSION

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

It was 6:19 p.m.

RESUMPTION OF THE SESSION

At 6:20 p.m., the session was resumed.

The President. The session is resumed.

Senator Macapagal-Arroyo. Mr. President, I was referring to the insertion of one-sentence paragraph between lines 19 and 20 of page 2, Section 2.

The President. So this will now be a new paragraph to be inserted between lines 19 and 20 of page 2 of the bill.

Senator Macapagal-Arroyo. Yes, Mr. President.

The President. Will the Gentle Lady kindly read the amendment?

Senator Macapagal-Arroyo. I shall read again, Mr. President, the amendment. SUBCOMMITTEES SHALL BE CREATED UNDER THE COUNCIL TO BE COMPOSED OF THE CHAIRMEN OF THE SENATE AND HOUSE COMMITTEES RELATING TO SOCIAL AND ECONOMIC DEVELOPMENT AND THE HEADS OF THE EXECUTIVE AGENCIES CORRESPONDING TO SAID COMMITTEES.

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

Senator Macapagal-Arroyo. Page 3, Section 3, subparagraph a), delete the entire lines 4 and 5, starting with the phrase "continuing integrated and coordinated plans and programs for national development" and substitute it with the phrase THE NATIONAL DEVELOPMENT PLAN;

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

Senator Macapagal-Arroyo. On page 3, subparagraph b), lines 10 and 11, delete the words "policies, programs and plans on

national development" and substitute it with the following phrase: NATIONAL DEVELOPMENT PLAN AS WELL AS POLICIES AND PROGRAMS RELEVANT THERETO.

The President. So it would now read, "implement the NATIONAL DEVELOPMENT PLAN AS WELL AS..."

Senator Macapagal-Arroyo. POLICIES AND PROGRAMS RELEVANT THERETO.

The President. But the deletion is only up to the word "and".

Senator Macapagal-Arroyo. The deletion, Mr. President, is up to the word "development" on line 11.

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

Senator Macapagal-Arroyo. On the same page, subparagraph c), lines 19 and 20, delete the entire two lines, namely, "into plans and programs prepared by the national government agencies" and in lieu thereof, insert the phrase INTO THE NATIONAL DEVELOPMENT PLAN;

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

Senator Macapagal-Arroyo. On the same page, subparagraph d), line 21, delete the phrase "development plans" and substitute it with the phrase THE NATIONAL DEVELOPMENT PLAN.

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

Senator Macapagal-Arroyo. On the same page, line 22, Mr. President, just for grammatical consistency, we propose to remove the first word "their" and in its place, to substitute the word ITS.

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

Senator Macapagal-Arroyo. On page 4, Mr. President, subparagraph f), line 2, the proposed amendment is to delete the word "program" and substitute the word PLAN.

The President. With an "s"?

Senator Macapagal-Arroyo. No, Mr. President, singular.

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

Senator Macapagal-Arroyo. Mr. President, these constitute the Committee amendments.

I would like to say for the record that the reason why we made the amendments on Section 3 is to take into account the points raised in the interpellation by Senator Shahani.

Thank you, Mr. President.

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

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

We are now in the period of individual amendments.

GUINGONA AMENDMENT

Senator Guingona. Just one on the reporting, Mr. President.

— After Section 7, between lines 19 and 20, the proposal reads as follows: SECTION 6. THE COUNCIL SHALL RENDER MONTHLY REPORTS TO EVERY SENATOR AND CONGRESSMAN WHO ARE NOT MEMBERS OF THE COUNCIL, PARTICULARLY THE PROGRESS AND ACTION TAKEN ON PRIORITY CONCERNS EMBODIED IN SECTION 6 HEREOF.

The President. Is this intended to be a separate section?

Senator Guingona. A separate section, Mr. President.

The President. A separate section to be known as "Section 6."

What does the sponsor say?

Senator Macapagal-Arroyo. I accept the amendment, Mr. President.

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

Senator Maceda. Mr. President.

The President. The Senate President Pro Tempore is recognized.

Senator Maceda. I just have one amendment in Section 2, the composition of the membership. To begin with, Mr. President,

the addition of one would increase — that is the Chairman of the House on Economic Affairs Committee — the 18 to 19, is that correct?

Senator Macapagal-Arroyo. Mr. President, if the President of the Philippines is included, yes.

Senator Maceda. Is he included or is he not?

Senator Macapagal-Arroyo. The Gentleman will notice that in lines 4 and 5, Section 2, it says: "It shall be composed of the President of the Republic as Chairman and eighteen (18) members as follows."

However, it was a typographical error that the House Committee on Economic Affairs was excluded. So if the House Committee on Economic Affairs is included now, if we count the 18 to exclude the President of the Republic, it is still 18 members.

Senator Maceda. So, is it a total now of 19?

Senator Macapagal-Arroyo. Including the President of the Philippines.

Senator Maceda. The Chairman and 18 is 19.

My amendment really is to reduce the five members to be designated by the President to three. So on top it would read. AND SIXTEEN (16) MEMBERS.

Senator Macapagal-Arroyo. It would read AND FIFTEEN (15) MEMBERS, Mr. President.

Senator Maceda. No, it will become — 19 minus 2 is 17.

Senator Macapagal-Arroyo. All right. Yes, Mr. President.

Senator Maceda. It will be nine for the Executive Department and eight for the Legislative Department, Mr. President.

The President. Is there a formal amendment now?

Senator Maceda. Yes, Mr. President.

MACEDA AMENDMENT

On line 5, change the word "eighteen (18)" to SIXTEEN (16). And on line 15, change the word "five (5)" to THREE (3).

The President. Is it accepted by the sponsor?

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 704**

Senator Romulo. Mr. President, I believe that the Chairperson will have a clean copy for tomorrow. So, in view thereof, I move that we defer further consideration of Senate Bill No. 704 until tomorrow, Mr. President.

The President. Is there any objection to this motion?
[*Silence*] The Chair hears none; consideration of Senate Bill No. 704 is hereby deferred until tomorrow's session.

Senator Romulo. Mr. President, just for the record, printed copies of Senate Bill No. 132, entitled An Act Amending Article

287 of Presidential Decree No. 442, as Amended, Otherwise Known as the Labor Code of the Philippines, by Providing for Retirement Pay to Qualified Private Sector Employees in the Absence of Any Retirement Plan in the Establishment, which is due for Third Reading next week, were distributed this afternoon.

SUSPENSION OF THE SESSION

There being no further matters to be taken up in this afternoon's session, I move that we suspend the session until 10 o'clock tomorrow morning.

The President. Is there any objection? [*Silence*] There being none, the session is hereby suspended until 10 o'clock tomorrow morning.

It was 6:32 p.m.



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Senator Herrera	Senator Tañada
Senator Lina, Jr.	Senator Tatad
Senator Macapagal-Arroyo	Senator Tolentino
Senator Maceda	Senator Webb*
Senator Mercado	

NO - 0

ABSTENTION - 1

Senator Osmeña*

EXPLANATION OF VOTE OF SENATOR OSMEÑA

Senator Osmeña. Mr. President, I would like to explain my vote.

When this bill was in the period of interpellations here before we adjourned, I had raised a number of concerns and sought answers to some questions and data.

I was not here, Mr. President, in the last week when this bill was being deliberated, because I was dispatched by this Chamber to be a Member of the Philippine Delegation to the World Bank-IMF meeting in Washington, D.C., and was delayed on my return.

For that reason, Mr. President, I really do not know whether the concerns I had raised were, in effect, answered on the record. Therefore, I regret to say that I cannot in conscience vote for a measure, the worthiness of which I am not fully convinced.

So, therefore, I would like to register an *abstention*.

Senator Webb. Mr. President.

The President. Yes, Senator Webb is recognized.

EXPLANATION OF VOTE OF SENATOR WEBB

Senator Webb. I just would like to ask permission to explain my vote, Mr. President.

I have my reservations on the one-year salary scale or the multiplicand. I would rather have it in the original — the one-half salary, considering the burden of an additional one-half month would have on the employer during these difficult times. But I submit to the greater wisdom of my Colleagues.

I am voting *Yes* to Senate Bill No. 132, so as to benefit future retirees who, through no fault of their own or even against their

will, may not be covered by collective bargaining and other agreements on retirement pay.

A most unjust situation surely arises when one group of retirees receives retirement benefits while another group does not when both have rendered equally productive services to their respective companies. Indeed, Mr. President, the proposed law will equalize such an equitable situation. After all, laws also seek justice.

Again, I vote *Yes* to Senate Bill No. 132.

RESULT OF VOTING

The President. With 23 affirmative votes having been cast, no negative vote, and one abstention, Senate Bill No. 132 is hereby declared approved on Third Reading.

SUSPENSION OF THE SESSION

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

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

It was 3:55 p.m.

RESUMPTION OF THE SESSION

At 3:56 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

BILL ON SECOND READING Senate Bill No. 704 - Legislative-Executive Development Council (Continuation)

Senator Romulo. Mr. President, may we proceed.

I ask that we now continue consideration of Senate Bill No. 704 as reported out under Committee Report No. 10.

The President. Resumption of the consideration of Senate Bill No. 704 is now in order.

Senator Romulo. We are still in the period of individual amendments. I ask that the sponsor, Senator Macapagal-Arroyo be recognized.

*With explanation of vote

The President. Senator Gloria Macapagal-Arroyo is hereby recognized for continuation of the deliberation of Senate Bill No. 704.

Is there any individual amendment?

Senator Mercado. Mr. President.

The President. Senator Mercado is recognized.

SUSPENSION OF THE SESSION

Senator Mercado. Mr. President, I have amendments. Could I ask for a short suspension of the session, please?

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

It was 3:57 p.m.

RESUMPTION OF THE SESSION

At 4:01 p.m., the session was resumed.

The President. The session is resumed.

Senator Mercado is recognized.

MERCADO AMENDMENT

Senator Mercado. Mr. President, I would like to propose an amendment, if the Sponsor will accept it.

On line 2, Section 1, after the word "formulate", insert the word SUSTAINABLE, so that the sentence will read "of the State to formulate SUSTAINABLE socio-economic development programs". And for the same amendment to be an omnibus amendment. Wherever the words "socio-economic development" appear, the word SUSTAINABLE should precede the same.

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. The proposed amendment is accepted, Mr. President.

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

Senator Webb. Mr. President.

The President. Senator Webb is recognized.

WEBB AMENDMENT

Senator Webb. Mr. President, still on page 1, line 8, after the word "consultation", delete the word "of" and change it with the word WITH.

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. The amendment is accepted, Mr. President.

The President. Is there any objection? [Silence] The Chair hears none; the amendment is approved. Are there any further individual amendments?

Senator Angara. Mr. President.

The President. Senator Angara is recognized.

Senator Angara. Yes, if my distinguished Colleague has finished with line 7.

Senator Webb. I am on page 2 now. If there is any anterior amendment....

The President. Is there any anterior amendment?

Senator Angara. Yes, Mr. President.

The President. Senator Angara is recognized.

ANGARA AMENDMENTS

Senator Angara. On line 5—just grammatical—insert the article "A" before the word "self-reliant", so that it will read, "to develop A self-reliant".

Senator Macapagal-Arroyo. I have no objection, Mr. President.

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

Senator Angara. I suggest, Mr. President, that lines 7 to 9 be rewritten. I think the sense of this sentence that the proper consultation be had with both public and private sectors can be written in a different way to spell out that sense more clearly.

So, may I recommend, Mr. President, that on line 8, after the word "after", insert the word PROPER, and in lieu of the

word "of" after "consultation", insert the word WITH, and after the word "appropriate", insert the phrase PUBLIC OR PRIVATE SECTOR agencies.

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Angara. On lines 10 and 13, although this sentence already incorporates the idea, perhaps we can improve the statement by saying that the local plans, as provided and required under the Local Government Code, be integrated into the national plan.

Mr. President, my problem is, who will do the integration, because in the process of integration the municipal or provincial plans can change in the process and the local government units might accuse the National Government of changing the local plan. So, my problem really is, while we agree that the national development plans ...

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. Mr. President, inasmuch as NEDA, the National Economic and Development Authority, is the planning agency of the government and it is supposed to be made up of the various economic and social ministries, as well as the Governor of the Central Bank, and inasmuch as within the NEDA system there is a regional development council that works on the local plans, therefore, it seems that one of the functions of NEDA indeed is to integrate these national plans with local plans. In fact, one of the functions of the proposed Legislative-Executive Development Council is to monitor such integration and see that it takes place.

Senator Angara. In that case, may I propose that lines 10 to 13, subject to style, be rewritten to read as follows: IT IS ALSO THE POLICY OF THE STATE TO INTEGRATE NATIONAL DEVELOPMENT PLANS WITH THE MUNICIPAL, PROVINCIAL AND REGIONAL PLANS, so that it is really a State policy to integrate national plans and local plans. Because, right now, there is no such integration taking place, and I accept the Sponsor's statement that the NEDA should be the integrating agency in that regard.

The President. What does the Sponsor say?

MACAPAGAL-ARROYO AMENDMENT

Senator Macapagal-Arroyo. I accept, Mr. President, with the added amendment that instead of NATIONAL DEVELOP-

MENT PLANS, we talk about THE NATIONAL DEVELOPMENT PLAN, in accordance with the amendment on the functions of the Council that was made as a result of the interpellation of Senator Shahani.

The President. Is that counterproposal acceptable, Senator Angara?

Senator Angara. Yes, Mr. President.

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

Senator Shahani. Mr. President.

The President. Senator Shahani is recognized.

Senator Shahani. Mr. President, I have an amendment on page 1. Maybe, Senator Angara can finish first...

Senator Angara. I am going to lines 14 to 18. If the distinguished Senator's amendment is anterior, then I yield to her.

SHAHANI AMENDMENT

Senator Shahani. All right. I would like to go back, Mr. President, to line 8. This has been amended to read "after PROPER consultation WITH." I would like to add the words AND ACTIVE PARTICIPATION OF THE APPROPRIATE AGENCIES.

I think this is important because this is really planning from below. It should not just be consultation, but there has to be active participation of all of the agencies concerned.

The President. Is there any formal amendment to this effect?

Senator Shahani. Yes, Mr. President. I am proposing, on line 8, as I said, after the words "PROPER consultation WITH", the addition of the words AND ACTIVE PARTICIPATION OF THE APPROPRIATE AGENCIES.

The President. Is the amendment acceptable to the Sponsor?

Senator Macapagal-Arroyo. It is acceptable, Mr. President.

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

Senator Tatad. Mr. President.

The President. Senator Tatad is recognized.

Senator Tatad. This is an anterior amendment, Mr. President.

With the indulgence of the distinguished Sponsor, can we go back to line 5? May I know what is meant by the phrase "self-reliant and independent national economy?"

Senator Macapagal-Arroyo. I am sorry, Mr. President.

Senator Tatad: I wanted to ask the distinguished Sponsor what is meant by the phrase "self-reliant and independent national economy?" Is there an independent national economy?

Senator Macapagal-Arroyo. Mr. President, when we talk about an independent national economy, we do not mean an economy that is operating under the regime of autarky or not having any relations with other countries. It is an economy that will not be dependent on other nations for providing the most basic requirements for our national survival.

If we talk about a self-reliant and independent national economy, very often, in operational terms, this means that we try to become an industrialized economy so that we will not be dependent on imports for our imported raw materials, and we will not be primarily dependent on exports also for our development.

So, the term "self-reliant and independent national economy" has some, what we might call, standard meaning in the science, and I just want to make it clear that this does not mean a closed economy.

Senator Tatad. With that explanation, Mr. President, on the record, I believe there is no need for my proposed amendment.

Thank you very much.

The President. Any further individual amendment? Senator Angara.

ANGARA AMENDMENT

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

Mr. President, I propose to amend or rewrite lines 14 to 18. The sense of my amendment is this: that the most important coordination and cooperation is in linking planning to budget-

ing. I think the bane of our practice here is that we plan, but we do not link it to budget, to available resources. So, we pass in Congress several laws appropriating money, but it has no relation at all to the national plan prepared by the Executive.

The Executive also prepares plans, but it has no coordination and consultation with Congress, and, therefore, planning and budgeting do not see eye to eye. I think that is part of the underachievement of our economy and of our planning process.

The sense of my amendment, Mr. President, is to link very strongly the planning, which is executive in nature, and the budgeting, which is congressional. Coordination between agencies of the Executive is easily done through the NEDA, but there is no mechanism, and I suppose this very act is the mechanism—to link planning, the Executive, and budgeting, the Congress, in a Legislative-Executive Development Council. So, this amendment will really be the statement of the reason for being of this Legislative-Executive Development Council.

So, subject to style, Mr. President, I propose that we delete lines 14 to 18, and I will submit this for styling to the distinguished Sponsor.

The President. Is that acceptable to the Sponsor?

Senator Macapagal-Arroyo. I accept, Mr. President.

The President. Any objection? [Silence] There being none, the amendment is approved.

Senator Angara. Thank you, Mr. President.

The President. Any further individual amendment? Senator Webb.

WEBB AMENDMENT

Senator Webb. On page 2, Mr. President, line 3, insert a comma between the words "Council" and "hereinafter."

The President. Is that acceptable to the Sponsor?

Senator Macapagal-Arroyo. Accepted, Mr. President.

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

Senator Webb. Page 2, line 5, Mr. President, change "Republic" to PHILIPPINES.

The President. Is that acceptable to the Sponsor?

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Webb. On page 2, line 9, Mr. President, could it be better to spell out "NEDA," NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY.

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Macapagal-Arroyo. With the further amendment that, as an omnibus amendment, all references to NEDA will be replaced by NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY.

The President. Could it be better that thereafter enclose in parenthesis (NEDA)?

Senator Macapagal-Arroyo. Yes, Mr. President.

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

Senator Webb. On page 3, Mr. President, line 11, put a comma after "development".

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Webb. On page 4, Mr. President, line 14, substitute the phrase "in such special meetings..." with BY ITS CHAIRMAN TO SUCH SPECIAL MEETINGS AS MAY BE NECESSARY.

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Webb. On page 4, line 22, Mr. President, delete the word "study".

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Shahani. Mr. President.

The President. Senator Shahani is recognized.

SHAHANI AMENDMENT

Senator Shahani. Mr. President, anterior amendment, still on page 4. I would like to propose a new subparagraph between "f" and "g" so that after line 9, there will have a new subparagraph "G" which would read: REVIEW THE RELATIONSHIP OF THE LEGISLATIVE AGENDA TO THE NATIONAL DEVELOPMENT PLAN TO ENSURE THE INTEGRATION OF BOTH.

Because there has to be reference, Mr. President, also to the legislative agenda of Congress. We just cannot keep referring to the national plan which is to be implemented by NEDA. Congress also has its own legislative agenda.

Senator Macapagal-Arroyo. It is accepted, Mr. President.

The President. Is this new paragraph intended to be an additional paragraph or a new section?

Senator Shahani. It is a new subsection, Mr. President, after subsection "f".

The President. So, there will be corresponding changes in the subsection numbers.

Senator Shahani. Yes: In other words, "g" now becomes "E".

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

Senator Alvarez. Further anterior amendment, Mr. President.

The President. Senator Alvarez is recognized.

ALVAREZ AMENDMENT

Senator Alvarez. On the same page, page 4, section 3, following subsection "f", between subsections "f" and "g" and, INTEGRATE INTO BALANCED AND COHESIVE APPROACH ENVIRONMENT AND DEVELOPMENT ISSUES BY INCORPORATING SUSTAINABLE DEVELOPMENT PRINCIPLES, CONCEPTS AND PRACTICES INTO THE PRIORITIES OF NATIONAL DEVELOPMENT.

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Angara. Mr. President.

The President. Senator Angara is recognized.

ANGARA AMENDMENT

Senator Angara. Mr. President, with the Body's permission and the Sponsor's permission, may I go back to Section 3, Functions of the Council. The enumeration of the functions here, from "a)" to "g)", all relates to the planning process and the national development plan.

It just occurred to me, Mr. President, that such a high-powered council ought also to be tasked to look into the revenue side or even the expenditure side of government, because all these plans would come to naught if we do not provide for the necessary resources to implement the plans or the necessary measures to reduce the expenditure, in order to achieve optimum utilization of resources.

Perhaps, we can add, subject to style, an additional function here whereby, THE COUNCIL IS AUTHORIZED TO STUDY AND RECOMMEND TO CONGRESS AND THE PRESIDENT POSSIBLE SOURCES OF REVENUE AS WELL AS MEASURES TO REDUCE UNNECESSARY EXPENDITURES TO THE END THAT THE RESOURCES OF GOVERNMENT WILL BE USED TO THE OPTIMUM OR WILL BE MAXIMIZED.

Subject to style, Mr. President.

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Webb. Mr. President.

The President. Senator Webb is recognized.

WEBB AMENDMENTS

Senator Webb. On page 4, line 28, Mr. President, change the word "relevant" to the word CONCERNED.

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Webb. On page 5, line 15, add AND after "implementation".

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Webb. On page 5, lines 30 and 32...

Senator Shahani. Mr. President.

The President. Anterior amendment, Senator Shahani?

Senator Shahani. Not an anterior amendment, Mr. President, but maybe, an important point of clarification. If we may go back to page 4, lines 18 and 19.

The President. Is this connected with the amendment being proposed now by Senator Webb?

Senator Shahani. No, not really, Mr. President.

The President. All right. If not, then let us dispose of the latest of the Webb amendments.

Senator Shahani. Thank you, Mr. President.

The President. What is the....

Senator Webb. Page 5, Mr. President.

The President. What does the Sponsor say with respect to the latest of the Webb amendments?

Senator Macapagal-Arroyo. I accepted the amendment, Mr. President.

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

Senator Shahani. Thank you, Mr. President. May we ask the distinguished Sponsor to go back to page 4. On lines 18 and 19, there is a sentence which reads: The detailed structure of the Council Staff shall be formulated by the Council.

This seems to give the impression that the Council will have its own Secretariat. But it already says in the preceding lines of Section 4 that the Secretariat of the Council will be the NEDA Secretariat, assisted by the personnel of the Congressional Planning and Budget Office and the Senate Staff. Is this not again another layer of bureaucracy, Mr. President?

Senator Macapagal-Arroyo. Mr. President, if we are going to have the Senate Staff and the Congressional Planning and Budget Office interacting with the Secretariat, there may be some duplications of functions among the corresponding items in the three offices, or there may be even some gaps which none of the items occupy. Therefore, the clarification of the interactions and interrelationships among the corresponding members of the three staffs may have to be made by a structure of the Council staff. So, I believe that is the reason why the authors of this bill, even in the Old Congress, put this clause, Mr. President.

Senator Shahani. Then, Mr. President, we are creating a separate body which is the Council Staff. That should be indicated, because it is mentioned for the first time in line 18. I think it should be mentioned earlier.

Senator Macapagal-Arroyo. Mr. President, if we are made to choose between deleting this and clarifying that there will be a new Council Staff; perhaps, the intent of the bill will be better reflected if we simply delete lines 18 and 19.

One of the objections to the old version was that there would be a new bureaucracy created. One of the amendments proposed by the Executive Branch in the Ramos administration to make this bill more acceptable was in fact having the NEDA as the Secretariat.

So, if we must clarify that there is a separate Council Staff from the NEDA Secretariat, then we would be going against the intention of the new version. So if it is a choice between those two amendments, I would propose that we simply delete lines 18 and 19 in order to avoid confusion.

Senator Shahani. Mr. President, I am glad to hear that because actually as it is worded now, there is duplication. With the deletion of lines 18 and 19, I think the composition of the staff support is clearer, unequivocal, and it does not mean to say that there is going to be another layer of bureaucracy.

Thank you, Mr. President.

The President. In view of the acceptance by the distinguished sponsor of the Shahani amendment, the question before this Body is now: Is there any objection to this amendment? [Silence] There being none, the same is approved.

Is there any further individual amendment?

Senator Webb. Mr. President.

The President. Senator Webb is recognized.

WEBB AMENDMENTS

Senator Webb. On page 6, after the word "sixty", put the number 60.

Senator Macapagal-Arroyo. That is accepted, Mr. President.

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

Senator Webb. On page 6, lines 12, 13, and 14, I suggest, Mr. President, that we change the whole clause to the following words: IN CASE ANY PROVISION HEREOF IS DECLARED UNCONSTITUTIONAL, THE OTHER PROVISIONS NOT SO DECLARED OR AFFECTED SHALL REMAIN IN FORCE AND EFFECT.

The President. The Separability Clause.

Senator Macapagal-Arroyo. That is accepted, Mr. President.

The President. This is a separate parasection, Senator Webb?

Senator Webb. No, Mr. President. There is a deletion here of the entire section. But in its place, we shall replace them with the following: IN CASE ANY PROVISION HEREOF IS DECLARED UNCONSTITUTIONAL, THE OTHER PROVISIONS NOT SO DECLARED OR AFFECTED SHALL REMAIN IN FORCE AND EFFECT.

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

Senator Webb. And the last one, Mr. President, on the same page, after the word "two" and the number "(2)", insert the word NATIONAL before reaching "newspapers".

Senator Macapagal-Arroyo. That is accepted, Mr. President.

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

There being no further individual amendments, what is the pleasure of the Majority Leader?

Senator Romulo. Mr. President, I move that we close the period for individual amendments.

Senator Tatad. Mr. President.

The President. Before we act on that, Senator Tatad has raised his hand. Senator Tatad is recognized.

Senator Tatad. One last amendment, Mr. President.

TATAD AMENDMENT

I move that we consider changing the title of the Act from "An Act Constituting the Legislative-Executive Development Council, et cetera, to: AN ACT CONSTITUTING THE EXECUTIVE-LEGISLATIVE DEVELOPMENT COUNCIL.

The reason for this, Mr. President, is that, this Council is to be chaired by the President of the Philippines. I think the initiative will come from the Executive rather than from the Legislative.

The President. Is this acceptable to the sponsor?

Senator Macapagal-Arroyo. Mr. President, personally I have no objections to the proposed amendment. I would just like to point out though that although the President is the Chairman of the Council, as far as the membership is concerned, there are more Members from the Legislative branch.

I recall, during the discussion this year as well as in the previous years, the issue of whether Legislative or Executive would be the first word revolved around the number of members in the Council. But, if knowing that, the distinguished Gentleman from Catanduanes is still proposing to amend it in such a way as to have "Executive" ahead of "Legislative", I have no objections, Mr. President.

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

The President. Is the amendment accepted?

Senator Macapagal-Arroyo. It is accepted, Mr. President.

The President. Is there any objection to this amendment, Senator Tolentino?

Senator Tolentino. While the amendment seems to be reasonable on the basis of having the Executive come first because the President is going to be the Presiding Officer of this Council, may I point out that in our Constitution, the Legislature comes ahead of the Executive and the Legislative Department is the policy-forming body of this government.

In view of that, I feel that we should preserve the title as originally provided in the bill itself—Legislative-Executive De-

velopment Council. I point this out because it may just be a name, but I think we should preserve the precedence that is provided for in the Constitution itself and observe the principle that the Legislature is the policy-forming organ of this Government.

Thank you, Mr. President.

The President. What is the title of the bill as embraced in the Legislative Agenda contained in the President's State of the Nation Address?

Senator Macapagal-Arroyo. Mr. President, if I recall, it is Legislative-Executive Development Council.

The President. Senator Tatad, are you pursuing your amendment?

Senator Tatad. Considering the very wise observation advanced by our very distinguished Colleague, Senator Tolentino, I hereby withdraw my proposed amendment, and I should like to thank Senator Macapagal-Arroyo for considering it. Thank you very much.

Senator Shahani. Mr. President.

The President. Senator Shahani is recognized.

SHAHANI AMENDMENT

Senator Shahani. Thank you, Mr. President.

I would like to propose one more individual amendment and this relates to page 5, subsection (c). I think I will read the entire subsection so that it will be clearer, and then, I think, the Sponsor will see what amendment I would like to propose.

So, that subsection (c), Mr. President, will read: "Bring about effective integration of the priority development programs and projects proposed by regional, provincial and other local development COUNCILS INTO THE NATIONAL DEVELOPMENT PLAN within the constraints of the national budget." Because it is the Councils themselves who will be proposing, not the programs. And these programs and projects will have to be integrated into the National Development Plan. It is just for clarification, Mr. President.

Senator Macapagal-Arroyo. The amendment is accepted, Mr. President.

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

Senator Osmeña. Mr. President.

The President. Senator Osmeña is recognized.

Senator Osmeña. Mr. President, will the Sponsor kindly inform this Body as to whether or not Section 3, line 5, has been amended? I am sorry to have to do this because I was not here last week, but I do have concerns on this section on the Functions of the Council.

Senator Macapagal-Arroyo. Mr. President, as filed in this Congress by Senator Romulo and this humble Representation, the word "Recommend" was initially there. However, in the previous Congress, the word was stronger than "recommend". The word in fact was "establish", and that was the version that was vetoed by the President of the Philippines. When it was vetoed by the President of the Philippines, the then Chairman of the Committee on Economic Affairs, Senator Paterno, re-drafted the proposed legislation and it was now "recommend". And that is the version that we have adopted in the present bill that we are proposing before the Floor.

In fact, in my Sponsorship Speech, Mr. President, I stressed that many of the functions which were, what we might call, sovereign have been downgraded into recommendatory functions. This, in no way, lessens the importance of this Council, because if we look at the deliberations and the interpellations even in the previous Congress, it was made very clear that even if the wording was "to establish", the function of the Council would really be to recommend. Therefore, this is just to make it clear and unequivocal, and to avoid any constitutional questions.

Senator Osmeña. As a matter of fact, Mr. President, that is the whole, shall we say, meat of the issue—the central issue, the core of this issue.

What is the function of this Council? This is the highest council that will be presiding over economic policies. It is chaired by no less than the President of the Philippines. It has for members no less than the President of the Senate and the Speaker of the House. It is analogous to what I remember to be the National Economic Council.

We are in a way, beating around the bush or trying to be, shall we say, shy about it when we refuse to frontally meet the issue just because a previous President who, in my humble opinion was misguided, chose to veto the bill that we approved, and, therefore, a redrafted bill was prepared which was hoped would be acceptable to her.

But as this incumbent President has said—and I agree with his assessment—he is better than his predecessor.

That is why, Mr. President, I have no fear that it will be vetoed if we do address the problems squarely.

Perhaps, instead of the word "recommend" or the word "establish", Mr. President, we could use the word "determine."

Mr. President, again I was not here during the debates. But was it explained here as to who prepares the national development plan?

Senator Macapagal-Arroyo. Yes, Mr. President. During the debates, it was explained that the national development plan would continue to be prepared by the NEDA.

Senator Osmeña. In effect, Mr. President, we would have a situation wherein a Council, chaired by the President of the Philippines with the Senate President and the Speaker of the House and other distinguished members, with the Director General of the NEDA and only one member in the Council, would be in a position to overrule, reject or set aside a recommendation of the Council itself if we will use the word "recommend"?

Senator Macapagal-Arroyo. Mr. President, when we say that the NEDA will prepare the development plan, we do not talk about the NEDA Secretariat only which is headed by the Secretary General of NEDA. We talk about the NEDA sitting as a board, chaired also by the President of the Philippines, and with several social and economic ministries as members, as well as the Governor of the Central Bank.

Mr. President, part of the debates in the previous Congress this year were on the question of who has the function of planning.

And if I may go back to the old debate, in the interpellation of June 1988, where, in fact, the initial terminology was to "establish," may I quote on page 2305 of the *Senate Record*, referring to Senator Romulo, "even when the function was couched us to "establish", he added that the functions of the Council will not encroach on the functions of NEDA because the former would merely recommend, give advice to or serve as a forum for discussion within the Legislative and Executive on policies set by Congress.

So, from the very beginning, Mr. President, when the bill was first filed in the last Congress, even before the President thought of vetoing the final version, the thinking was that this body would be a recommendatory and advisory body.

Senator Osmeña. Mr. President, I respectfully submit that we should not legislate with the ghost of the past administration

heavily watching over us. Fortunately for this country, that administration came to an end; and she is now happily vacationing in Boston.

Therefore, Mr. President, I submit that we should legislate in accordance with what the Senate, including the Sponsor, feels is the best interest of this country.

Mr. President, may I go back to the question that was raised by the sponsor as to who does the planning. In our system of government, the Executive proposes, but it is the legislature, through the national budget and through the bills we pass, that ultimately approve or disapprove a national development plan.

Precisely, I am fully in support of this proposal for an Executive-Legislative Economic and Development Council because I think there should be coordination at the top. But, for this Council to be emasculated from the very beginning, because a misinformed and misguided President vetoed an earlier bill, I think is doing a disservice to this country.

Therefore, Mr. President, I submit very sincerely that while it is true that the NEDA Board passes upon this, the NEDA Board does not have ascendancy over this Council, because the NEDA Board actually is the Cabinet of the President of the Philippines. That is what it is all about. I do not know why they did not just call it the Cabinet; why they had to hide it behind the NEDA Board. But this is a Council made up of legislative and executive officials and this is the highest economic planning body of this country, if we approve this bill. Let us call a spade a spade.

That is why, I sincerely recommend, suggest that we address this issue of recommending, establishing, determining once and for all, so that there will be no mistake as to the intentions of this Congress.

Mr. President, in view of all these matters, because a lot of amendments have been introduced here, may I request that we hold in abeyance the closing of the period of individual amendments, that the sponsor will do us the favor of providing us with clean copies, so that we come back tomorrow afternoon, and at that point I will present an amendment which I would like the Body, if the sponsor does not accept it, to vote upon which, I think, is crucial. This is a crucial issue on this whole bill. This is the life and death of the bill, whether it is a Council that will recommend or a Council that will mandate.

So, Mr. President, I reiterate my suggestion that we hold in abeyance the termination of the period of individual amendments, and that clean copies be provided.

Thank you, Mr. President.

Senator Romulo. Mr. President.

The President. The Majority Leader is recognized.

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 for one minute, if there is no objection. [*There was none.*]

It was 4:43 p.m.

RESUMPTION OF THE SESSION

At 4:44 p.m., the session was resumed.

The President. The session is resumed.

Senator Romulo. Mr. President, may we resume further consideration of this bill.

Senator Maceda. Mr. President.

The President. The Senate President Pro Tempore is recognized.

Senator Maceda. Mr. President, my apologies to the sponsor for this belated amendment. But I recall that when we were discussing the Subic Bay Development Authority bill, we almost got embroiled on the issue as to whether the City Mayor of Olongapo can accept the ex officio designation without resigning his position. That issue may come out again with regard to the representative of the Local Government unit to be designated by the President from among the Members of the Board of the League of Governors, et cetera.

MACEDA AMENDMENT

So, without facing that issue squarely, I suggest an amendment to the effect, subject to style: "A representative of the Local Government Unit to be designated by the President from among THOSE RECOMMENDED BY..." So, it may not necessarily be a Member of the Board of these leagues. I would like to add: TO THE LEAGUES OF GOVERNORS, VICE-GOVERNORS AND VICE-MAYORS, PROVINCIAL BOARD MEMBERS, CITY MAYORS AND MUNICIPAL MAYORS AND COUNCILORS.

Senator Macapagal-Arroyo. It is accepted, Mr. President.

The President. Is the Maceda amendment acceptable to this Body?

Senator Romulo. It is accepted, Mr. President.

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

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 704

Senator Romulo. Mr. President, upon request of some Members that we come up with a clean copy of Senate Bill No. 704, in consultation with the Chairman of the Committee, may I ask that we suspend consideration of this bill and take it up again tomorrow for a final pass on any individual amendment.

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

SUSPENSION OF THE SESSION

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

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

It was 4:45 p.m.

RESUMPTION OF THE SESSION

At 5:37 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

BILL ON SECOND READING

Senate Bill No. 695 — Creating the Department of Energy (Continuation)

Senator Romulo. Mr. President, I move that we resume consideration of Senate Bill No. 695 as reported out under Committee Report No. 5.

The President. Resumption of consideration of Senate Bill No. 695 is now in order.

Senator Romulo. Mr. President, we are now in the period of Committee amendments. I ask that the Chairman of the Committee on Energy and Environment, Senator Heherson Alvarez be recognized.

Senator Maceda. Mr. President.

The President. The Senate President Pro Tempore is recognized.

PARLIAMENTARY INQUIRY OF SENATOR MACEDA (Basis for Considering Senate Bill No. 695 as Top Priority)

Senator Maceda. Mr. President, before we open the period of Committee Amendments, may I pose a parliamentary inquiry?

It seems to me, Mr. President, since this matter of kidnappings and crime came about, Pinatubo and all, I am not sure whether this matter is still considered as a high priority matter by the administration.

We had occasion to meet with the President individually or as a group, but this bill has not been mentioned at all. I have not read whether the House—which is normally a “Pangasinan Express”—has approved this bill. So I am really wondering—and this is a parliamentary inquiry—whether there is any indication that this is still a priority measure of the administration or not.

The President. The Chair can only say that on the basis of record, the communications sent by the President of the Philippines to the Senate as well as in his State of the Nation address, the bill creating the Department of Energy always stands as one of the administration’s priority measures.

Whether there has been a change in that disposition of the Executive, there is no communication to that effect and nothing to judge such action by the Executive has come to the attention of the Presiding Officer of this Body.

Senator Maceda. I just want to clarify that, Mr. President, because we have seen how much of a high-powered campaign was exerted on the Senate to pass the Pinatubo bill.

This bill could have been certified as part of the special session’s agenda, which it was not.

I recall during the last time we had occasion to meet the President, I think what was mentioned was the amnesty proclamation or the concurrence thereof.



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Senator Biazon. Thank you, Mr. President.

Will the Gentleman from Laguna answer some questions?

Senator Lina. Willingly and with pleasure to the Senator who used the theme that the election is for the young people in the last elections, Mr. President. I am willing to answer questions from him.

Senator Biazon. Thank you, Mr. President.

The postponement, Mr. President, will entail a postponement not only of the elections but also a setting aside of one or two days for registration.

Senator Lina. Yes, Mr. President, that will be the omnibus request.

Senator Biazon. Is there any estimate on the material cost in the holding of another registration and the postponement of the elections?

Senator Lina. There will be no significant material cost, Mr. President, in case there is a resetting or a setting aside of additional days for registration.

The system of registration is very simple. A qualified youth will go to a designated place in the *barangay* to register with a registration committee composed of a *barangay* chairman, a member of the youth sector, and a *barangay* secretary. Magpaparehistro lamang siya roon. And then the *barangay* secretary, if I remember correctly, will prepare the list of registered voters.

It will not really take much time, effort, and money to have the registration. It can be done at night. In the two weeks of registration, the rules to be followed are very simple and will not require much time and effort, Mr. President.

Senator Biazon. Thank you, Mr. President.

The President Pro Tempore. The Majority Leader is recognized.

Senator Romulo. Mr. President, since the distinguished Gentleman has already taken this up in his committee and, in fact, he is going to the Comelec, I do not feel that there is anymore need to refer this to the Committee on Youth and Sports Development.

Senator Lina. We will take it as a continuing referral because this is still an active file, Mr. President.

MOTION OF SENATOR ROMULO
(Referral of Senator Lina's Speech to Committee
on Youth and Sports)

Senator Romulo. In view thereof, I move that we refer the speech of the distinguished Senator to the Committee on Youth and Sports Development.

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

SUSPENSION OF THE SESSION

Senator Romulo. Mr. President, before we take up the next bill, may I just ask for a suspension of the session for two minutes.

The President Pro Tempore. We will have a five-minute recess, if there is no objection. [There was none.]

It was 5:17 p.m.

RESUMPTION OF THE SESSION

At 5:39 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

The Majority Leader is recognized.

BILL ON SECOND READING
Senate Bill No. 704 — Legislative Executive Development
Council
(Continuation)

Senator Romulo. Mr. President, I move that we resume consideration of Senate Bill No. 704 as reported out under Committee Report No. 10.

The President Pro Tempore. Resumption of consideration of Senate Bill No. 704 is now in order.

Senator Romulo. Mr. President, we are still in the period of amendments.

I ask that Senator Gloria Macapagal-Arroyo be recognized.

The President Pro Tempore. We are in the period of individual amendments. Is there any further individual amendment?

Senator Osmeña. Mr. President.

The President Pro Tempore. The Gentleman from Cebu is recognized.

SUSPENSION OF THE SESSION

Senator Romulo. May I ask for a suspension of the session for one minute?

The President Pro Tempore. The session is suspended.

It was 5:40 p.m.

RESUMPTION OF THE SESSION

At 5:41 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

Senator Angara. Mr. President.

The President Pro Tempore. The Gentleman from Aurora is recognized.

ANGARA AMENDMENTS

Senator Angara. Mr. President, on page 1. This is just a cleaning up of the amendments we introduced yesterday.

The President Pro Tempore. With the permission of the Gentleman from Cebu.

Senator Osmeña. Mr. President, that is an anterior amendment of Senator Angara.

The President Pro Tempore. Page 1.

Senator Angara. On line 7, Mr. President, delete the phrase "Programs and policies for", and in lieu thereof, just insert the article THE. And then, after the word development, insert the word PLAN, and on line 10, delete the phrase "various private sectors."

So that the whole sentence will now read, "THE national development PLAN shall be formulated after PROPER consultation WITH, AND ACTIVE PARTICIPATION OF the appropriate PUBLIC OR PRIVATE SECTOR agencies, and local government units."

The President Pro Tempore. What does the sponsor say?

Senator Macapagal-Arroyo. That is accepted, Mr. President.

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

Senator Angara. Delete lines 19, 20, and 21, on page 1, and lines 1, 2, 3, and 4 on page 2, and in lieu thereof — again, just to express the sense of the amendment I introduced yesterday — substitute them with the following: AND, FINALLY, IT IS THE POLICY OF THE STATE TO ESTABLISH THE LEGISLATIVE-EXECUTIVE DEVELOPMENT COUNCIL AS AN EFFECTIVE MECHANISM AND STRONG LINK BETWEEN EXECUTIVE DEVELOPMENT PLANNING AND CONGRESSIONAL BUDGETING.

Senator Macapagal-Arroyo. That is accepted, Mr. President.

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

The Gentleman from Cebu is recognized.

OSMEÑA AMENDMENTS

Senator Osmeña. Mr. President, I am returning to that matter which I took up yesterday, which I feel is very crucial as far as this bill is concerned.

I propose, Mr. President, that on page 3, line 10, we delete the word "recommend" and in its place, put the word DETERMINE.

The President Pro Tempore. What does the sponsor say?

Senator Macapagal-Arroyo. Mr. President, when we adjourned last night, I looked at the history of the bill from the first time that this was proposed by the NEDA within the Executive Branch. I found, upon the review, that even at that time, when in the mind of NEDA the role of the Council would be recommendatory, it seems that the original formulation carried the word "establish."

So, inasmuch as DETERMINE and "establish" are very close synonyms, and after having studied the origin of this bill, Mr. President, I now accept the amendment.

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

Senator Osmeña. Mr. President, on line 29, of the same page, the paragraph reads: "study measures..." I would like to suggest, Mr. President, that since this is a Council that has for its members the highest officials of the country, then it should not really be the one to study, but the one to direct.

So my proposal, Mr. President, is that we insert the words **DIRECT THE STUDY OF MEASURES**, rather than the simple studying of measures.

Senator Macapagal-Arroyo. That is accepted, Mr. President.

The President Pro Tempore. In line with the Gentleman's earlier amendment, I was expecting him to suggest instead of "study", **APPROVE**.

Senator Osmeña. Mr. President, if it determines sustainable economic development goals, the process of determining those goals would bring with it, shall we say, the approval of subordinate plans of the local government units. That is why I would not change **APPROVE**, but rather **DIRECT**, that a study be made.

The President Pro Tempore. Is there any objection to the amendment as originally proposed — to "**DIRECT** the study of measures... [*Silence*] Hearing none, the amendment is approved.

Senator Osmeña. Mr. President, on page 4, lines 1 to 8, this paragraph again weakens the Council because it only makes recommendations.

As a matter of fact, Mr. President, a reading really, would perhaps — with all due respects to the Authors — make one wonder whether or not this paragraph really belongs here. Because it says: "make recommendations on **THE NATIONAL DEVELOPMENT PLAN** and **ITS** implementation, development priorities, development strategies, and other proposals concerning **SUSTAINABLE** socio-economic development from the executive branch..."

Now, recommendations are made — as was pointed out by the sponsor — to the agency that will prepare the plan which is **NEDA**. And these recommendations are concerning proposals coming from the Executive branch. It would look like a merry-go-round, Mr. President.

So my proposal is just really to delete the entirety of paragraph (b).

Senator Macapagal-Arroyo. The amendment is accepted, Mr. President.

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

Senator Osmeña. On line 9, Mr. President, my proposal is to replace the word "**RECEIVE**" with the word **REQUIRE**. Because "**RECEIVE**", Mr. President, is passive. If they do not send it, they will not receive it. But if we require, we are mandating, we are ordering them to submit reports.

So the proposal, Mr. President, is to replace the word "**RECEIVE**" with the word **REQUIRE**.

Senator Macapagal-Arroyo. The amendment is accepted, Mr. President.

The President Pro Tempore. It does not sound like good Legislative language. Would the Author consider something — **RECEIVE AND IN APPROPRIATE CASES REQUIRE**.

Senator Osmeña. Yes, Mr. President.

Senator Macapagal-Arroyo. Likewise, Mr. President.

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

Senator Osmeña. No further amendments, Mr. President.

Senator Macapagal-Arroyo. Mr. President, I would like to propose an amendment to subparagraph (g) which will now be "**F**". A matter of style, Mr. President. Change the entire subparagraph contained in lines 15 to 19 to the following: **INTEGRATE ENVIRONMENTAL AND DEVELOPMENT CONCEPTS, PRINCIPLES AND PRACTICES INTO A BALANCED AND COHESIVE APPROACH TO NATIONAL DEVELOPMENT;**

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

Any further amendments? The Majority Leader is recognized.

Senator Romulo. One more, Mr. President, Senator Aquino.

The President Pro Tempore. The Gentleman from Concepcion, Tarlac is recognized.

Senator Aquino. Mr. President, I am not clear regarding the composition of the Legislative-Executive Development Council. It says here, "the President and **SIXTEEN** members." But as I count the numbers, they do not seem to tally. I think we will have more than 16 if we include all those that are enumerated here.

To begin with, Mr. President, we are including here representatives of the local government units.

Now, the local government units are the League of Provincial Governors (1), League of City Mayors (2), League of Municipal Mayors (3), League of City and Municipal Vice-Mayors (4), League of City and Municipal Councilors (5), and the League of *Barangay* Councilmen (6).

These are six leagues, Mr. President. I am not even including the League of Provincial Vice-Governors and the League of Provincial Board Members because the organization of these two leagues was not finally carried out. There has been some trouble with those two leagues. But these six leagues are in existence. So that if we include at least one representative from each of these leagues, we will now have not 16 members but 22 members.

Kung lahat nitong six organizations ay isa lamang ang member, we will now have not 16 but 17 members. Because there are 16 now, excluding those recommended by the members of the boards of the different leagues.

The President Pro Tempore. Will the sponsor respond?

Senator Macapagal-Arroyo. On the first question, Mr. President, we are talking only about one representative from all of the local government units.

Senator Aquino. Mr. President, in that case, if there will only be one from all the leagues that are existing today, then there will still be 17 members.

Maybe what we should do is, in these three other members to be designated by the President, to maintain 16, we can reduce that by one so that there will be only two instead of three.

Because from the Vice-President down to the Chairman of the House Committee on Appropriations, that is already 11 members. And then, if we are going to have one recommended by all the leagues, that is 12; then two members designated by the President, that is 14; then one Senator representing the opposition, that is 15; and one Congressman designated by the opposition, that is the 16th member.

Senator Macapagal-Arroyo. Mr. President, if we go to the Chairman of the House Committee on Appropriations, from the Vice-President up to that position, there are 10 members.

The President Pro Tempore. The explanation, if we go to line 9, says: "Chairman and Sixteen (16)."

Senator Aquino. That is correct, Mr. President.

The President Pro Tempore. So it is a total of 17.

Senator Aquino. That is correct, Mr. President. But the way it is enumerated now, it is going to be Chairman and 17. So, it will be 18 members.

May we enumerate, Mr. President, the different members.

Aside from the President of the Republic, we have the Vice-President (1), President of the Senate (2), Speaker of the House

(3), Secretary of Finance (4), Secretary of Budget and Management (5), Director of NEDA (6), Chairman of the Senate Committee on Economic Affairs (7), Chairman of the Senate Committee on Finance (8), Chairman of the House Committee on Economic Affairs (9), Chairman of the House Committee on Appropriations (10), and then the representative of the local government units will be the eleventh since this is only one.

In that case, Mr. President, if there is only one representative from all the leagues, I wonder which league will this be because we have six competing leagues here.

If there is going to be only one, maybe we might as well indicate either from the Provincial Governors League or the City Mayors League.

The President Pro Tempore. If the sponsor will allow me, because I was the one who expanded this, precisely, if we make a choice from which league, then three, four or five other leagues will say that they are excluded.

But we cannot also expand it to include six representatives or five representatives.

So, the idea, is all the leagues can recommend, but it is up to the President to choose only one from among all of those recommended by the leagues.

Senator Aquino. That is all right with me, Mr. President.

In that case then, this is sufficient, Mr. President. We will have only 16 members.

The President Pro Tempore. Plus the Chairman who is the President, 17, odd number.

Senator Aquino. Just for the record, Mr. President, the NEDA Board today is composed of 17 members, including the President, because it comprises, aside from the President as Chairman, the Executive Director of NEDA is Vice-Chairman and then the Members, almost all of them are Cabinet Members starting with the Executive Secretary, and then the Secretaries of Finance, Foreign Affairs, Agrarian Reform, DPWH, DOH, DILG, DOTC, DTI, DOLE, DA, DENR, DBM, DOST and Central Bank. That makes it 17 members.

I was just wondering, Mr. President, if we add here two Senators and two Congressmen, the two Senators being the Chairman of the Committee on Finance and the Chairman of the Economic Affairs Committee, plus the House counterpart, Chairman of Economic Affairs and Chairman of Appropriations Committee, will we not accomplish the same purpose by adding two Senators and two Congressmen in the NEDA Board?

Senator Macapagal-Arroyo. Mr. President, the composition of the NEDA Board is flexible. Executive Order No. 230 which organized the NEDA, allows the President to revise the membership of the Board.

So if we want a Legislative-Executive Development Council where the wishes of the Legislative will always be prominently expressed, we would rather have a Council where the numbers are clearly defined by law, rather than a Council which can be so flexible that everytime the President wants to overrule the Legislative members, he can just fill it up with all other appointees from the Executive Branch.

The President Pro Tempore. If the Chair may add, under the proposal of the Gentleman from Tarlac, we will have 17 representatives of the Executive, and only four representatives of the Legislature. So how can we call it a Legislative-Executive Development Council when the membership is lopsided?

Senator Aquino. Mr. President, coming from the Legislative Department of government, I was merely asking about this difference.

Thank you, Mr. President.

Senator Herrera. Mr. President.

The President Pro Tempore. The Gentleman from Bohol and Cebu is recognized.

Senator Herrera. Cebu and Bohol, Mr. President, in that order.

The President Pro Tempore. The Gentleman from Cebu, Bohol and Siquijor is recognized.

Senator Herrera. I just would like to pose one or two questions preparatory to my proposed amendment, Mr. President.

I am just wondering, Mr. President, why in this Legislative-Executive Development Council, there is no representative coming from either the Department of Education or Department of Labor and Employment, when the primary function of this Legislative-Executive Council is advisory to the President on socio-economic development program.

I do not understand, for instance, why the Secretary of DBM will be sitting there as a Member instead of the Secretary of Labor and Employment or that of the Secretary of Education. Or, why should the NEDA Director General sit there when the President is already the Chairman of the NEDA? And the NEDA, for practical purposes, will be the one, anyway, formulating the socio-economic development plans.

Senator Macapagal-Arroyo. Mr. President, a similar question was posed by Senator Lina during the interpellation. We agreed that if we were really to put all of the departments that have something to do with social and economic development, then the Council would become very unwieldy.

Therefore, in order to avoid the unwieldiness of a large membership and, at the same time, cover the concerns of the different components of economic and social development, we amended Section 2 by adding lines 29 to 32, and I quote: "SUBCOMMITTEES SHALL BE CREATED UNDER THE COUNCIL TO BE COMPOSED OF THE CHAIRMEN OF THE SENATE AND HOUSE COMMITTEES RELATING TO SOCIAL AND ECONOMIC DEVELOPMENT AND THE HEADS OF THE EXECUTIVE AGENCIES CORRESPONDING TO SAID COMMITTEES."

Therefore, Mr. President, we envision that there will be a subcommittee for education and a subcommittee for labor.

Senator Herrera. Why not replace the Secretary of DBM with either the Secretary of Education or the Secretary of Labor as the regular member of this Council in order that there is one who can represent either for education or labor since this is a very important aspect of our socio-economic development plan?

Senator Macapagal-Arroyo. Mr. President, one of the reasons why the Secretary of the Budget is a member of the Council itself as well as the Secretary of Finance is that one of the major functions of the Council, as included in subparagraph (j) of the clean copy of the bill, is to "STUDY AND RECOMMEND TO THE PRESIDENT AND TO CONGRESS SOURCES OF REVENUE AS WELL AS MEASURES TO REDUCE UNNECESSARY EXPENDITURES TO THE END THAT THE RESOURCES OF THE GOVERNMENT WILL BE USED TO THE OPTIMUM."

Mr. President, one of the reasons why, I understand, there was a clamor even in the last Congress to have a Legislative-Executive Development Council is that there was very little connection between the development plans of the National Government in the Executive Branch, on the one hand, and the Budget on the other hand, which was a congressional enactment. And therefore this Legislative-Executive Development Council was seen as a way of bridging that gap.

It is for this reason, I would suppose, that the original authors of this bill felt that it would be very important to have the principal players in drawing up the Budget be members of the Council.

Senator Herrera. Will that problem not be met if the Secretary or the head of the Budget and Management will not be there as a regular member? They may be asked to attend the

meeting and advise the President. After all the DBM office is performing more of a staff function, to advise the Council as part of the President's staff, but not as a regular member of the Council.

The President Pro Tempore. I would like to take note that there was a time when the Budget head was called Budget Commissioner, during the time of Commissioner Sychangco and the like. I think it started to have a full-blown Cabinet position at the time of Cory Aquino, when the Majority Leader became Minister of the Budget and, I think, that is because of the special qualifications of the Majority Floor Leader.

Senator Herrera. Anyway, the point that I am trying to stress, Mr. President, is that the participation of the Secretary of Budget and Management can still be there even if he is not serving as a regular member of the Council.

So my proposal is that instead of the Secretary of Budget and Management, it is either the Secretary of Education or of Labor who will be a regular member. The President or the Council itself may require the Secretary of Budget and Management to be present.

Senator Macapagal-Arroyo. Mr. President, is that an amendment already?

Senator Herrera. I am trying to get the thinking first before I propose that as an amendment. Because if the Senator will not agree to it, then I will not propose it formally as an amendment.

Senator Macapagal-Arroyo. Mr. President, certainly I will not disagree with it. I would just like to point out that in the composition of the Council, there are three other members who can be designated by the President. And he may, if he wishes, include in these three members the Secretaries of Education, and of Labor and Employment.

Conversely, he may just include also the Secretary of the Budget. In other words, I would have no objection to making the Secretary of the Budget one of the optional members of the Council.

Mr. President, I just would like to point out that the composition of this Council, to my mind, was supposed to have been presented already in detail in the previous Congress. I wonder why this debate was not represented in the *Record* of interpellations of the last Congress.

The President Pro Tempore. The Chair would like to ask a question with the end in view of trying to help resolve the situation. I would ask the question in a roundabout way.

If the Vice-President is included, why does the distinguished Lady Senator not include the Senate President Pro Tempore and the Speaker Pro Tempore? What is really the role of the Vice-President in a Council like this?

Senator Herrera. In the anti-crime campaign. *[Laughter]*

The President Pro Tempore. Because, if the distinguished Lady Senator can explain that, then the suggestion is, we better consider including the Pro Tempore of both Houses too.

Senator Macapagal-Arroyo. Mr. President, in the *Record* of the last Congress, in fact, there was a very long debate on whether the Vice-President should be included in this Council. On my part, frankly, I do not see the reason for the inclusion of the Vice-President because the smaller the Council, the more effective it will be. But, merits aside, it is just that after a very lengthy debate in the last Congress, the wisdom of the Senate was to include the Vice-President.

Therefore, in my humble role of refiling the bill, I accepted it despite my reservations.

SUSPENSION OF THE SESSION

The President Pro Tempore. The Chair will call a one-minute recess, if there is no objection. *[There was none.]*

It was 6:07 p.m.

RESUMPTION OF SESSION

At 6:11 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

Senator Macapagal-Arroyo. Mr. President.

The President Pro Tempore. The sponsor is recognized.

MACAPAGAL-ARROYO AMENDMENTS

Senator Macapagal-Arroyo. Mr. President, I would like to propose the following amendment after hearing the wisdom of the Gentleman from Cebu and Bohol. First, on line 10, delete "the Vice-President."

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

Senator Macapagal-Arroyo. On lines 12 and 13, delete "the Secretary of Budget and Management."

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

Senator Macapagal-Arroyo. On line 14 ...

Senator Tatad. Mr. President, just a point of order. Is the Sponsor now proposing these amendments after the period of Committee amendments is over? This is now the period of individual amendments.

The President Pro Tempore. Yes, the sponsor may also submit individual amendments.

Senator Tatad. These are not Committee amendments anymore.

The President Pro Tempore. These are individual amendments which are the result of amendments by Senators Herrera, Mercado, Osmefia, Romulo, and the Chair.

Senator Romulo. Yes, Mr. President, the Sponsor is proposing the amendments, as the Chair stated, as individual amendments of the Senators.

The President Pro Tempore. That is right.

Senator Macapagal-Arroyo. On line 14, Mr. President, after "(NEDA)," insert the following: THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES, THE SECRETARY OF LABOR AND EMPLOYMENT, THE SECRETARY OF EDUCATION, CULTURE AND SPORTS, THE SECRETARY OF TRADE AND INDUSTRY, THE SECRETARY OF AGRICULTURE,.

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

Senator Macapagal-Arroyo. On lines 23 and 24, Mr. President, delete the phrase: "THREE (3) other members to be designated by the President,".

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

Are there any further amendments?

Senator Roco. Mr. President.

The President Pro Tempore. The Gentleman from Camarines Sur and Bohol is recognized.

Senator Roco. I was going to keep my peace, Mr. President, but since everybody seems to have had something to say about the

bill, maybe we can also inquire, preparatory to a possible amendment.

May we ask the Lady, Mr. President, how the membership in the Council will be characterized. Will membership mean that the Senators will occupy another office?

Senator Macapagal-Arroyo. Mr. President, this was debated on in the last Congress, and it was debated on again in this Congress. The Senators will not be occupying another office; that is why they will not be receiving any additional compensation. They will be occupying membership in the Council in furtherance of their work as legislators, and there is sufficient judicial precedence to this practice, as pointed out both in the interpellations in the last Congress as well as in the interpellations in this Chamber during this particular debate.

Senator Roco. So council membership does not mean an office, Mr. President, that will make the Senators forfeit their seats, or would the Lady entertain the possibility of putting in a provision somewhere using her terms that Senators and Members of the Congress who may sit in the council shall do so in furtherance of whatever are their positions or as an ex officio extension of their position.

Since the constitutional prohibition seems to be very clear, Mr. President, that Senators may not hold any other office in the government, and this seems to me and, in fact, in the Legislative-Executive Debt Council it was originally vetoed on that precise proposition, among other matters. Subsequently, they resolved the problem by making everything commendatory, and so the position then of the Department of Justice is by making the activities of the Debt Council commendatory, it was no longer in violation of the prohibition.

But I failed to see, Mr. President, where a similar provision may water down, in fact, the activities of this Council since they do participate and partake of the Executive functions. There might be a clear danger that the way this is described the Senators who should decide to rejoin may forfeit their seats, and the way we have so many Senators right now belonging here, we might run out of a quorum if somebody, in fact, questions and wins in the Supreme Court that this will be a prohibition or this will be a prohibited office.

Senator Macapagal-Arroyo. Mr. President, may I refer the Gentleman from Bicol and Bohol to Section 2, page 3, lines 1 to 5, and I quote:

The Chairman and Members of the Council who are government officials shall serve in the Council without any additional emoluments, allowances, or pay, by virtue of and in connection with the positions they have been elected to or

appointed to, as the case maybe. To my mind, Mr. President, this is the provision that the Gentleman from Bicol and Bohol is looking for unless he is still not satisfied with the clarity of this provision.

Senator Roco. No, Mr. President, it is a question of standard. The matter of emolument or compensation does not necessarily make council membership into a non-office. Even if a Senator is not getting paid, if a Senator participates in Executive functions — and the way it looks there is great participation in Executive functions — there may be some valid concerns to qualify the position of the Members of Congress so that they do not automatically forfeit their membership.

I am just giving it to the Lady, if she has a formula for putting it out of that prohibited office.

The President Pro Tempore. The Chair considers the observation of the Gentleman from Camarines Sur and Bohol as worthy of consideration in view of the amendments proposed by the Gentleman from Cebu, and approved. I do remember that the Joint Executive-Legislative Debt Council, as well as the Joint Executive-Legislative Bases Council, was purely recommendatory.

Senator Roco. Yes.

The President Pro Tempore. So there is this question now that there is a difference here really because of the amendments introduced by the Gentleman from Cebu.

Senator Roco. Not only that, Mr. President, but here, apparently, the President is Chairman and every other officer of the Legislature is a member.

So we have a committee, a Council headed by the President recommending to itself, and where the Senate President is a member recommending again to Congress, where the Speaker of the House is a member, but recommending unto itself.

We have a circular situation, and it is very difficult now to distinguish between what is Executive and what is Legislative in the functions prescribed in the Council, as amended.

In the original, one could argue, Mr. President, that, maybe, the prohibited office provisions of the Constitution may not be violated. But right now, we may fall into the prohibition.

So, may we suggest to the Committee to find a formula so that by bringing to the Council, we do not forfeit our office.

The President Pro Tempore. However, if the Gentleman from Camarines Sur is saying that, other than being purely advisory, recommendatory, it then acquires a new character, no disclaimer or formula type of provision might satisfy that question.

Senator Roco. Unless we change the nature, Mr. President, and adopt the standards of the Debt Council and the Bases Council where all their activity was purely recommendatory which here is excluded, that possibility is excluded because the Chairman is already the President. And I am not sure how the voting may bind or inhibit the President, and how the voting of the Council may then bind the Senate President or the Speaker of the House or the Chairman of the Economic Affairs when a bill is put to question before this Chamber.

SUSPENSION OF THE SESSION

The President Pro Tempore. The Chair will call a one-minute recess, if there is no objection. *[There was none.]*

It was 6:21 p.m.

RESUMPTION OF THE SESSION

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

The President Pro Tempore. The session is resumed.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 704

Senator Romulo. Mr. President, I move that we suspend consideration of Senate Bill No. 704 until tomorrow.

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

ADJOURNMENT OF THE SESSION

Senator Romulo. Mr. President, there being no other matters to be taken up in this evening's session, I move that we adjourn the session until three o'clock tomorrow afternoon.

The President Pro Tempore. Is there any objection? *[Silence]* Hearing none, the session is adjourned until three o'clock tomorrow afternoon. *[There was none.]*

It was 6:36 p.m.



**REPUBLIC OF THE PHILIPPINES
CONGRESS OF THE PHILIPPINES
SENATE**

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COMMUNICATIONS

The Secretary. Letters from Chairman Eufemio C. Domingo of the Commission on Audit submitting therewith the following:

Audit Report on the Lianga Bay Logging Co., Inc. for calendar year 1990;

Audit Report on the National Shipping Corporation of the Philippines for calendar year 1991;

Audit Report on Tierra Factors Corporation for calendar year 1991; and

Audit Report on the Negros Occidental Copperfield Mines for calendar year 1991.

The President. Referred to the Committee on Finance.

The Majority Leader is recognized.

BILL ON SECOND READING

Senate Bill No. 704 - Legislative-Executive Development Council (Continuation)

Senator Romulo. Mr. President, I move that we resume consideration of Senate Bill No. 704 as reported out under Committee Report No. 10.

The President. Resumption of consideration of Senate Bill No. 704 is now in order.

Senator Romulo. Mr. President, we are still in the period of amendments. I ask that Senator Macapagal-Arroyo be recognized.

The President. Were clean copies of this bill already prepared and distributed among the Members of the Senate?

Senator Romulo. Yes, Mr. President. In fact, they are on top of the desk of each of the Senators.

The President. So that for purposes of the proceedings this afternoon, we are going to use this clean copy of Senate Bill No. 704, captioned "Amended as of October 6, 1992."

Senator Romulo. That is correct, Mr. President.

SUSPENSION OF THE SESSION

Mr. President, may I just ask for a suspension of the session for one minute to consult with the Sponsor?

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

It was 3:35 p.m.

RESUMPTION OF THE SESSION

At 4:25 p.m. the session was resumed.

The President. The session is resumed.

Senator Romulo. Mr. President, may we proceed with the consideration of Senate Bill No. 704. The distinguished Gentle Lady from Pampanga, Pangasinan and Negros Occidental is still on the Floor for the individual amendments.

The President. Senator Macapagal-Arroyo is hereby recognized.

Are there any individual amendments?

Senator Roco. Yes, Mr. President.

The President. The Gentleman from Bicol and Bohol is recognized.

Senator Roco. Just by way of laying the predicate, Mr. President. We would like to propose reconsideration of an amendment which was approved yesterday to clarify the intent of the bill that the Legislative-Executive Development Council is recommendatory and consultative in character as, in fact, it is described in Section 3.

The point of difficulty, Mr. President, was whether by using words that appear to partake of an executive character by changing from "recommend" to DETERMINE, we may find the Council performing executive functions, and we maybe creating an office which, if occupied by Senators, will mean a forfeiture by the Senators of their positions, or if occupied by Cabinet Members may constitute a violation of the Constitution.

To avoid that difficulty, Mr. President, it was agreed informally and it will be stressed for the record that the Council is recommendatory and that we will then ask that we reconsider the change of the word "recommend" to DETERMINE which was approved yesterday and put back the word "recommend" on line 14 on page 3, if this is acceptable to the sponsor.

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

Senator Aquino. Mr. President, right now the word is DETERMINE, but we are only determining goals. So I think the

word determine is right. We are not recommending goals, we are determining goals.

Senator Roco. The question is still up to the Sponsor.

Mr. President, the difficulty is this. The way the bill has been amended it appears that the Council we are creating will constitute an office that will be prohibited; that cannot be occupied by Senators or Congressmen unless they are willing to forfeit their seat. Eventually, it may go to court.

The President. On that particular point, is membership of the Chairman of the Committee on Education, Arts and Culture in the Board of Trustees of the University of the Philippines not membership in an office?

Senator Roco. I do not know the phraseology of the Charter of the University of the Philippines...

The President. No, it is not the Charter, but it is actually the Board of Trustees wherein the Chairmen of the Committees of the Senate and the House are members. From the proceedings of the Constitutional Convention of 1935, it is very clear that membership therein is not prohibited because it is membership in an office in aid of his legislative functions, or by reason of his legislative functions.

Senator Roco. I am not familiar with that, Mr. President. But if the Gentleman says that it was discussed in the Constitutional Commission, specifically, and therefore it was specifically addressed and excluded, then maybe it was not meant to encompass the prohibition against an office.

The President. The principle I am trying to point out is that membership in every office is not necessarily prohibited by the Constitution. If one is there by reason of his legislative office or legislative position, then there is no incompatibility. In fact, it is in aid to him in the discharge of his legislative duties.

Senator Roco. If that is so, Mr. President, then maybe it should be put in those words.

The legal standard I am familiar with, Mr. President, is whether it partakes of the primary function of the individual. But the prohibition here is two-fold. One applies to the Cabinet, and the other applies to the Senators. And the question of whether it partakes of the primary function of the Senator in his capacity or as Chairman of the Committee on Economic Affairs is the question, maybe, that we should address ourselves to.

The President. If my recollection serves me right, the determination of the character of an office, whether it is in connection with a primary function, applies to the members of the Cabinet.

Senator Roco. Yes, that is correct, Mr. President. That is the one that was stated in the CLU case.

The President. I thought there has been consultation on this particular issue already.

Senator Roco. That is why, Mr. President, we were going back to the word "RECOMMEND".

The President. But there is an objection.

Senator Roco. Senator Aquino was not part of the consultation, and he came from out of nowhere to object. [Laughter]

So, now, maybe we should also consult with Senator Aquino.

The President. Yes, he may not have been included in the consultations.

Senator Roco. Yes, he was not part of the consultations, Mr. President.

The President. Does the Gentleman want a suspension of the session again?

Senator Roco. Maybe, Mr. President, so that we can ask Senator Aquino.

SUSPENSION OF THE SESSION

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

It was 4:32 p.m.

RESUMPTION OF THE SESSION

At 4:36 p.m., the session was resumed.

The President. The session is resumed.

Senator Roco. Mr. President.

The President. Senator Roco is recognized.

Senator Roco. Mr. President, after more consultation with Senator Aquino, the Chairman, and Senator Osmeña, Mr. President, may we now ask to amend Section 2, on line 19, so that after the enumeration of the Cabinet Members, we shall add the phrase WHO SHALL BE EX OFFICIO MEMBERS OF THE COUNCIL, subject to a better styling. After line 23, the enumeration of the members of the Congress who will sit in the Council, add —

The President. Let us take the amendment one by one.

Senator Roco. Yes.

The President. What is the first amendment?

ROCO AMENDMENTS

Senator Roco. On page 2, line 19, Mr. President, add the phrase WHO SHALL SIT IN THE COUNCIL AS EX OFFICIO MEMBERS, referring to the Cabinet Members.

The President. To be inserted in what particular line, between what words?

Senator Roco. After the word "AGRICULTURE" but before the words "the Chairman of the Senate Committee".

The President. Said phrase be amended.

Senator Roco. Yes, Mr. President.

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Roco. On line 23, after the enumeration of the phrase "Chairman of the Senate Committee", et cetera, and "the Chairman of the House Committee", after the word "Appropriations" but before the words "a representative", we insert the phrase. ...WHO SHALL BE MEMBERS OF THE COUNCIL AS AN EXTENSION OF THE LEGISLATIVE FUNCTION.

The President. Is that already a complete amendment by itself?

Senator Roco. Wait a minute, Mr. President, because we have another word "Senator" on line 29.

Maybe, Mr. President, we will just add on line 32 a separate phrase which says: MEMBERS OF THE LEGISLATURE SHALL SIT IN THE COUNCIL IN THE PERFORMANCE OF A LEGISLATIVE FUNCTION. Or, SHALL PARTICIPATE IN THE COUNCIL, IN AID OF LEGISLATION.

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. It is accepted, Mr. President.

The President. Subject to refinement and style.

Senator Macapagal-Arroyo. Yes, Mr. President.

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

Senator Roco. Thank you, Mr. President.

Senator Tatad. Mr. President.

The President. Senator Tatad is recognized.

TATAD AMENDMENT

Senator Tatad. Mr. President, may we ask that we go back to Section 1, just to refine the language.

Lines 12 to 18 seem to me completely dispensable at this point in view of what appears on lines 7 to 11. Lines 7 to 11 contain the following: "THE national development PLAN shall be formulated after PROPER consultation WITH, AND ACTIVE PARTICIPATION OF the appropriate PUBLIC OR PRIVATE SECTOR agencies and local government units."

I believe that this sufficiently covers what is contemplated on lines 12 to 18.

I, therefore, move that we delete what appears on lines 12 to 18.

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Tatad. As a consequence thereof, Mr. President, I would like to propose an amendment on line 19, that we delete the complete line, and that on line 20, we delete the word "As" and in lieu thereof, substitute the phrase SHALL CONSTITUTE.

On line 21, I propose that we delete the words "and strong link between" and in lieu thereof, substitute the phrase TO COORDINATE, so that the sentence will read, as amended, THE LEGISLATIVE-EXECUTIVE DEVELOPMENT COUNCIL SHALL CONSTITUTE AN EFFECTIVE MECHANISM TO COORDINATE EXECUTIVE DEVELOPMENT PLANNING AND CONGRESSIONAL BUDGETING.

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Tatad. Mr. President, on page 3, Section 3, before I propose my amendment, just one clarificatory question of the distinguished sponsor.

Section 3, paragraph (b) says: "propose to Congress the enactment of laws and to the President the issuance of necessary executive orders, as may be required to effectively implement the NATIONAL DEVELOPMENT PLAN AS WELL AS POLICIES AND PROGRAMS RELEVANT THERETO including proposals for the creation of an independent economic and planning agency as provided in Section 9, Article XII of the Constitution. The NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY (NEDA) shall continue to function as the government planning agency until otherwise provided by law."

The question is: Are the duty, right, and prerogative of Members to propose the enactment of laws, in fact, not a redundancy? And by assigning to this particular Council the duty of proposing legislation that singles out in particular Section 9, Article XII of the Constitution, are we not, in fact, barring other Members of the Senate and the House not included in this Council from proposing the specific enabling legislation?

Senator Macapagal-Arroyo. Mr. President, to the first question, whether this is a redundancy or not, to my mind, it is not a redundancy, because it is important to say explicitly that part of the functions will be indeed to recommend laws and executive orders needed to carry out the development plan.

On the second question as to whether including the term referring to Article XII of the Constitution prevents other Members of the Senate or the House from making such a proposal, Mr. President, I would like to interpret the phrase "including proposals," et cetera, refers to the enactment of laws and the issuance of necessary executive orders. Therefore, it does not mean that even if this is a function of the Council, nobody else can make a proposal because, indeed, if we are going to look at the functions of the various committees, said committees in the Senate, for instance, have their specific functions.

For instance, the function of the Ways and Means Committee is to work on the legislation regarding revenue measures. But it does not stop nonmembers of the Committee from making those proposals, Mr. President.

So, by the same token, I would like to think that any other Senator or Congressman who does not belong to the Council can introduce such measures.

Senator Tatad. Does this provision, however, not place the burden on the Council of specifically proposing legislation on this particular issue, Mr. President?

Senator Macapagal-Arroyo. Mr. President, it does place a burden on the Council, but it is not a burden that is exclusive to the Council.

Senator Tatad. So if a Senator who is not a member of the Council proposes a legislation in this area, is there no danger of his being described as "trying to steal the thunder" from this Council?

Senator Macapagal-Arroyo. Certainly not, Mr. President. Just as any of us can introduce a legislation that does not come from the committee that we chair.

Senator Tatad. Thank you very much, Mr. President. There is no need for me to propose the deletion of that particular section.

The President. Any further individual amendments?

Senator Aquino. Mr. President.

The President. Senator Aquino is recognized.

AQUINO AMENDMENT

Senator Aquino. Mr. President, on page 6, Section 7, it says, "THE COUNCIL SHALL RENDER MONTHLY REPORTS...". This Council meets every quarter so, maybe, it is more appropriate to render quarterly reports instead of monthly or after every meeting, Mr. President.

The President. Is there an amendment being proposed?

Senator Aquino. Yes, Mr. President.

The President. On what line?

Senator Aquino. On page 6, line 21, Section 7. "THE COUNCIL SHALL RENDER REPORTS AFTER EVERY MEETING...."

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. It is accepted, Mr. President.

The President. Is there any objection? Senator Webb is recognized.

Senator Webb. Mr. President, I stood up to make an amendment after the approval of the Aquino amendment.

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

Senator Webb is recognized.

WEBB AMENDMENT

Senator Webb. Mr. President, on page 2, I remember I was the proponent of deleting the words "of the Republic" and in its place, I remember correctly that I said we would put THE PRESIDENT OF THE PHILIPPINES. I was wondering if the Sponsor would agree to this. This is a very small amendment but, again, just for reference, I would like it to be reinstated here.

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Lina. Mr. President.

The President. Senator Lina is recognized.

LINA AMENDMENT

Senator Lina. Just one minor point on page 3, line 4, Mr. President. I move that instead of "committees", THE SAME SUBCOMMITTEES should be the one used in place so that this will refer to the subcommittees appearing on line 1. So, line 4 will read, "...THE EXECUTIVE AGENCIES CORRESPONDING TO SAID SUBCOMMITTEES", Mr. President.

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. Mr. President, the Committees that I referred to are the Senate and the House Committees.

May I give an illustration, Mr. President. For instance, if we are talking about the Committee on Housing, Urban Planning and Resettlement, there is a Committee Chairman in the Senate and there is also a corresponding Committee in the House with its respective Chairman.

Then there is the head of the National Housing Authority. He is the head of the agency corresponding to the two Committees in the Senate and the House that I have just mentioned. The three of them will constitute the subcommittee within the Council, Mr. President. Therefore, the term "Committees" refers to the Senate and the House Committees.

Senator Lina. There can be a possible confusion if that is the way it is going to be interpreted, Mr. President, because the word "Committees" appear on line 2 and line 4.

The amendment came from this Representation. My idea is for the Council to create subcommittees for those who have the expertise in particular fields like housing. The Chairman of the Senate Committee on Urban Planning, Housing and Resettlement is not a member of the Council, but housing is part and parcel of any socioeconomic development program.

The idea is that the subcommittee will be composed — and I agree with the Sponsor — of the Chairmen of the Senate and House Committees on Housing, plus the head of the Executive agency who relates to housing. That will be the subcommittee. So it is the head of the agency that will have to relate to that subcommittee that we want to form and not to the Committees of the Senate and the House.

So there is a differentiation, Mr. President. And it will be unwieldy if the "Committees" on line 4 will refer to the Senate and House Committees, because in the organization of subcommittees, we will be forced to go by actual committees, but what the Council can do is to determine sectoral concerns like housing. That will be a subsector that will be addressed by a subcommittee, so that there will be a leeway on the part of the Council to organize subcommittees that will cover particular sectors.

Hindi talaga iyong one-on-one correspondence, otherwise, even the Chairman of the Committee on Constitutional Amendments will have a separate subcommittee. That is my concern.

So my proposal is to make it very clear that the "Committees" on line 4 will refer to the subcommittees on line 1.

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. It is accepted, Mr. President, after the clarification of the Gentleman from Laguna, Nueva Ecija and Metro Manila.

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

Senator Lina. Thank you, Mr. President.

The President. The Majority Leader is recognized.

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

The President. Is there any objection?

Senator Maceda. Mr. President.

The President. The Senate President Pro Tempore is recognized.

MACEDA AMENDMENT

Senator Maceda. Mr. President, just to join the long list of our Colleagues proposing amendments, on the last page, can we change the year "1992" to "1993"?

The President. What does the Sponsor say?

Senator Macapagal-Arroyo. It is accepted, Mr. President.

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

Senator Romulo. I have a motion, Mr. President, to close the period of amendments.

The President. Is it being reiterated?

Senator Romulo. Yes, Mr. President, I reiterate that motion.

The President. Is there any objection to the motion to terminate the period of individual amendments? [Silence] There being none, the period for amendments is hereby declared closed.

APPROVAL OF SENATE BILL NO. 704
ON SECOND READING, AS AMENDED

Senator Romulo. Mr. President, I now move that we vote on Senate Bill No. 704, as amended, on Second Reading.

The President. We shall now vote on the bill, as amended, on Second Reading. As many as are in favor of the bill, as amended, will please say *Aye*. [Several Senators: *Aye*.] As many as are against the bill, as amended, will please say *Nay*. [Silence] The *Ayes* have it. Senate Bill No. 704, as amended, is approved on Second Reading.

Is this a certified bill?

Senator Romulo. Mr. President, the Legislative-Executive Development Council is not a certified bill.

BILL ON SECOND READING
Senate Bill No. 695 — Creating the Department of Energy
(Continuation)

Senator Romulo. Mr. President, I move that we resume consideration of Senate Bill No. 695, as reported out under Committee Report No. 5.

The President. Resumption of consideration of Senate Bill No. 695 is now in order.

Senator Romulo. Mr. President, we are still in the period of interpellations. I ask that the Chairman of the Committee, the distinguished Senator from Isabela, Senator Alvarez, be recognized.

The President. Senator Alvarez is hereby recognized.

Senator Alvarez. Yes, Mr. President.

The President. Is there any interpellation?

Senator Alvarez. Mr. President, since the prospective interpellators have already signified their desistance to further interpellate, ...

Senator Maceda. Mr. President.

The President. The Senate President Pro Tempore is recognized.

Senator Alvarez. Yes, I withdraw, Mr. President.

MOTION OF SENATOR MACEDA
(Insertion of Mr. F. Ablan's Letter into the Record)

Senator Maceda. Mr. President, I did indicate to the Sponsor that I will terminate my interpellation, and I would like to confirm that here, except that I would like to place on record as part of my interpellation the last time this letter of Mr. F. Ablan, President and Chief Executive Officer of Caltex, dated August 27, 1992, addressed to this Representation, composed of two pages, containing four points, with which all four points I disagree, to form part of the *Record* of the debate of this Chamber.

The President. Let it be so included in the *Record*.

The following is the full text of the letter:

August 27, 1992

Honorable Ernesto M. Maceda
Senator
Republic of the Philippines
Taft Avenue, Manila

Dear Sen. Maceda:

We respectfully submit our position paper relative to the proposed bills that have been filed with the Senate to create a Department of Energy. These are:

(1) Senate Bill No. 426 - filed by Senator Heherson T. Alvarez;



**REPUBLIC OF THE PHILIPPINES
CONGRESS OF THE PHILIPPINES
SENATE**

Record of the Senate

**FIRST REGULAR SESSION
JULY 27 TO OCTOBER 14, 1992**

VOLUME I, NOS. 1-28

**SPECIAL SESSION
NO. 1**

Prepared by the Debate Reporters Division
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SECRETARY ANACLETO D. BADOY, JR.

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So, what is right and wrong is no longer discussed. Ang kailangan na lamang ay iyong sa paggawa natin ng mali ay mayroon tayong gagamitin para hindi tayo magkasakit.

Now, when people start talking about including certain things in the curriculum, sa aking pakiramdam ang gustong tukuyin doon ay turuan ang mga bata kung paano gagamit ng condom, at hindi ituturo ang dapat ituro, which is what is the nature of man, what is the function of sex, when is the genitive faculty licitly used.

Kaya po gusto ko lamang maitanong para mabigyang liwanag iyan, para kung sakaling magkaroon ng additional course sa curriculum ay tama ang magiging palaman at hindi kung ano lamang ang napupulot natin sa Amerika na puro kapalakan.

Senator Tañada. Hindi po ako sang-ayon na kapag isama iyan sa ating curricula sa elementary, sa high school, at sa college ay ang layunin niyan ay ituro lamang kung ano ang magiging safe sex at iyong tamang paggamit ng condom. Hindi ako sang-ayon diyan.

Ang taglay na layunin kung bakit gusto nating maisama ito sa curricula sa elementary, sa high school, at sa college level ng ating mga kabataan ay, iyon nga, para sila mismo ay maliwanagan at mapag-aralan kung paano tutugunan ang problemang tungkol sa dreaded AIDS disease na ito.

Iyang paggamit ng condom ay isa lamang sa mga bagay na maaaring pag-isipan sa pag-aaral na iyan.

Senator Tatad. Ako po ay nagpapasalamat, Ginoong Pangulo, sa ating magiting na Kaibigang taga-Quezon.

Senator Tañada. Marami pong salamat.

**MOTION OF SENATOR ROMULO
(Referral of Senator Tañada's Speech to the Committee
on Health)**

Senator Romulo. Mr. President, I move that we refer the privilege speech of the distinguished Senator from Quezon and Quezon City to the Committee on Health.

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

SUSPENSION OF THE SESSION

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

It was 5:39 p.m.

RESUMPTION OF THE SESSION

At 5:42 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

Senator Romulo. Mr. President, before we take up Senate Bill No. 704, The Legislative-Executive Development Council, for approval on Third Reading, may I just state that we distributed printed copies of the said bill last Thursday.

In accordance, therefore, with the constitutional requirement, we may now take and consider the bill today having complied with the three-day period. We have distributed again copies of said bill.

SUSPENSION OF THE SESSION

To enable all the Members of the Senate to look at their respective copies, may I ask for a suspension of the session for one minute.

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

It was 5:43 p.m.

RESUMPTION OF THE SESSION

At 5:43 p.m., the session was resumed.

The session is resumed.

The Majority Leader is recognized.

**BILL ON THIRD READING
Senate Bill No. 704 — Legislative-Executive
Development Council**

Senator Romulo. Mr. President, I move that we vote on Third Reading on Senate Bill No. 704. Copies of the bill were distributed to all the Members of the Senate.

The President. Voting on Third Reading on Senate Bill No. 704 is now in order. The Secretary will please read the title of the bill only, if there is no objection. [There was none.]

The Secretary. Senate Bill No. 704, entitled

AN ACT CONSTITUTING THE LEGISLATIVE-EXECUTIVE DEVELOPMENT COUNCIL, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

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 - 23

Senator Alvarez	Senator Osmeña*
Senator Angara	Senator Rasul
Senator Aquino*	Senator Revilla
Senator Biazon	Senator Roco
Senator Coseteng	Senator Romulo*
Senator Guingona, Jr.	Senator Sotto III
Senator Herrera	Senator Tañada
Senator Lina, Jr.	Senator Tatad*
Senator Macapagal-Arroyo	Senator Tolentino
Senator Maceda*	Senator Webb
Senator Mercado*	The President
Senator Ople	

NO - 0

ABSTENTION - 0

RESULT OF THE VOTING

The President. With 23 affirmative votes, no negative vote, and no abstention, Senate Bill No. 704 is hereby approved on Third Reading.

EXPLANATION OF VOTE OF SENATOR AQUINO

Senator Aquino. Mr. President, I vote in favor of this measure, and if ever we have a parliamentary form in the future, we can do away with this Council. I vote *Yes*.

EXPLANATION OF VOTE OF SENATOR MACEDA

Senator Maceda. Mr. President, after having been vetoed, once again, the Legislative Department, including the Senate, through this bill, is extending its hands of cooperation to the Executive Department. I hope that the new President, unlike the

previous one, will pass this test by agreeing to sign this bill as a show of a desire for cooperation between the Executive and the Legislative Departments. I vote *Yes*.

EXPLANATION OF VOTE OF SENATOR MERCADO

Senator Mercado. Mr. President, this bill aims to create an Executive-Legislative Development Council, which is supposed to function as a consultative and advisory body to both the President and Congress on the planning and implementation aspects of the country's development goals.

The operative word here, Mr. President, is "development." Development, more often than not, in the past, has been used to justify the mindless exploitation of our natural resources, our environment, and even our people, majority of whom remain mired in back-breaking poverty.

The point, Mr. President, is that development would be meaningless if it would not encompass the common weal. Development, therefore, should be able to reflect not only the economic growth of the nation; economic welfare should also acknowledge the nonfinancial dimensions of genuine development, which include improving the quality of the environment itself, the state of the people's health and their levels of education, among others.

This, in effect, Mr. President, is the essence of sustainable development, as previously elaborated upon in the Earth Summit in Rio de Janeiro. Sustainable development should balance and provide an integrated approach to environment and development issues.

And as a response to the global call for the implementation and operationalization of sustainable development, the President himself, President Ramos, has recently signed Executive Order No. 15, creating the Philippine Council for Sustainable Development to be held by the Director General of the NEDA with the Secretary of the DENR as Vice-Chairperson.

The creation of this Executive-Legislative Council, it is hoped, would complement and perhaps even facilitate these efforts in operationalizing sustainable development in the Philippines.

Mr. President, the concept of sustainable development should be a constant and continuing concern that should be the underpinning of all government programs and policy decisions.

When we evaluate a program and when we propose policy, we should always ask ourselves whether we are seeking development that would be sustained by our natural resources, and by our own human resources for the future of our people.

* With explanation of vote

It is in this light, Mr. President, that I vote in favor of Senate Bill No. 704.

EXPLANATION OF VOTE OF SENATOR OSMEÑA

Senator Osmeña. I vote in favor, Mr. President, and I would like to express my appreciation to the Sponsor, Senator Macapagal-Arroyo, for having been so enlightened as to accept the amendments that this Representation offered which I think has, in a way, improved the direction of this bill.

EXPLANATION OF VOTE OF SENATOR ROMULO

Senator Romulo. Mr. President, I vote Yes.

May I also restate at this point what we have previously manifested that Senator Guingona is a Coauthor of this bill.

EXPLANATION OF VOTE OF SENATOR TATAD

Senator Tatad. Mr. President, I vote Yes, and I should like to give a very brief explanation of my vote.

I had some initial misgivings about the need and wisdom of this particular measure, but in the end I decided to support it in the belief that it would, in fact, advance the development of our political institutions.

In a presidential form of government, we are concerned with the separation of powers between the Executive and the Legislative, and while cooperation is presumed, while it is desired, and we, in the Senate, should extend the hand of cooperation to the Executive, one must be very wary of a structure institutionalized to ensure this type of cooperation. This is more to be seen in a parliamentary government where one see the Cabinet as the "hyphen that joins and the buckle that fastens" in the words of Walter Bagehot in the *English Constitution*.

I vote Yes for this measure, because I believe that with this Council in existence, we shall have the benefit of a pilot project that could, in fact, lead to the establishment of parliamentary government in this country, and I, for one, have always been in favor of a parliamentary government.

Thank you, Mr. President.

SUSPENSION OF THE SESSION

Senator Romulo. Mr. President, may I ask that we suspend the session for just one minute.

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

It was 5:54 p.m.

RESUMPTION OF THE SESSION

At 5:54 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

BILL ON SECOND READING

Senate Bill No. 356 — Long-Term Lease of Private Lands to Foreign Investors

Senator Romulo. Mr. President, I move that we consider Senate Bill No. 356, as reported out under Committee Report No. 8.

The President. Consideration of Senate Bill No. 356 is now in order.

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.

The Secretary. Senate Bill No. 356, entitled

AN ACT PROVIDING FOR LONG-TERM LEASE OF PRIVATE LANDS TO FOREIGN INVESTORS.

The following is the full text of Proposed Senate Bill No. 356:

EXPLANATORY NOTE

The Philippines, after suffering from crippling economic recession, with negative GNP growths in 1984 and 1985 and again in 1989 to 1990 is rapidly gearing for speedy economic recovery in an effort to catch up with the booming economies of its neighbors in the ASEAN region.

In this regard, the need to tap foreign investments into the country is vital in order to spur economic growth, increase production, as well as provide employment to the growing but untapped labor force.

It is, therefore, imperative that the country's investment climate be enhanced to spur the inflow of foreign investments. One of the deterrents in investments inflow is the present law on leaseholds which allow only a maximum of twenty-five (25) years renewable for the same period, in effect hampering the foreign investor or enterprise in programming its market and expansion policies.

This measure proposes to increase the maximum leasehold period for private land that would be used by

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The President Pro Tempore: Referred to the Committee on Finance.

The Secretary: Proposed Senate Resolution No. 237, entitled

RESOLUTION DIRECTING THE APPROPRIATE COMMITTEE(S) TO INQUIRE, IN AID OF LEGISLATION, INTO THE VERACITY OF THE ALLEGATIONS THAT SOME LOCAL TV STATIONS ARE PIRATING FOREIGN INTELLECTUAL PROPERTY RIGHTS, AND INTO ITS IMPLICATIONS ON THE ONGOING GATT NEGOTIATIONS.

Introduced by Senator Macapagal-Arroyo.

The President Pro Tempore: Referred to the Committees on Public Information and Mass Media; and Trade and Commerce.

Senator Romulo: Mr. President.

The President Pro Tempore: The Majority Leader is recognized.

Senator Romulo: We have four bills today which is up for Third Reading. May I just manifest that copies of these bills: Senate Bill No. 929, the Rent Control Law; Senate Bill No. 32, the Penalties for Tax Evasion; Senate Bill No. 356, An Act Providing for Long-Term Lease of Private Lands to Foreign Investors; and Senate Bill No. 968, An Act Authorizing the Monthly Payment of VAT have already been distributed and are on the desk of each of the Senators.

Also, Mr. President, there is a pending Conference Committee Report on the disagreeing provisions of the Senate Bill No. 704 and House Bill No. 2581 on the Legislative-Executive Development Council which is ready for submittal to the Chamber.

SUSPENSION OF THE SESSION

In the meantime, Mr. President, may I ask for a one-minute suspension of the session.

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

It was 3:36 p.m.

RESUMPTION OF THE SESSION

At 4:04 p.m., the session was resumed.

The President: The session is resumed.

The Majority Leader is recognized.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 704/HOUSE BILL NO. 2581 (Legislative-Executive Development Council)

Senator Romulo: Mr. President, we now have the Conference Committee Report on the disagreeing provisions of Senate Bill No. 704 and House Bill No. 2581, an Act Constituting the Legislative-Executive Development Council.

For the report, may I ask that the distinguished Gentle Lady from Pampanga, Pangasinan, and Negros Occidental, Senator Gloria Macapagal-Arroyo, be recognized.

The President: Senator Macapagal-Arroyo is recognized.

SPONSORSHIP SPEECH OF SENATOR MACAPAGAL-ARROYO

Senator Macapagal-Arroyo: Mr. President, it is my privilege to report out the result of the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 704 and House Bill No. 2581, creating, after such consolidation, the Legislative-Executive Development Advisory Council.

Essential issues of consideration include the functions of the council, the membership, the name of the council, and the statement of policies.

As we all know, the creation of such a council was urged by President Fidel V. Ramos in his State of the Nation address in relation to the formulation of the Medium-Term Philippine Development Plan for 1993 to 1998.

Hereunder are the major amendments agreed upon in the Bicameral Committee Meeting:

1. The first two paragraphs of Section 1 were replaced with paragraphs expressing the policy commitment of the State towards development programs based on consultations in accordance with ecological considerations and its constitutional mandate to promote productivity, equity, industrialization, full employment and efficiency.

2. The council shall be called the Legislative-Executive Development Advisory Council. It was agreed to introduce the adjective "advisory" in order to emphasize the recom-

mentary and consultative character of the body, especially, as distinguished from the NEDA, which currently is the government's planning body. Minor amendments were done in the text of the bill in order to reflect this consistently.

3. The Vice-President will be a member of the council. The reason for this is to afford the Vice-President the chance to be exposed to the workings of the council. It will also give the Executive a majority in the composition of the council.

4. The council may create subcommittees and invite persons from the House and the Senate, as well as the other agencies for assistance.

It was made clear in the Bicameral Committee deliberations that the participation of the Members of Congress in the council shall in no way preempt the initiative of the Legislature or any of its officers.

5. The council shall propose to the President only, and not to the Legislature, appropriate measures on given topics. The formulation further accentuates the recommendatory character of the council and that there is no *a priori* commitment to the enactment of legislation.

The creation of the Legislative-Executive Development Advisory Council heralds a new stage in our attempt to put the legislative-executive consultation on a higher plane of coordination. This is more than just another administrative adjustment. It means that the legislative and executive branches together can plan more closely programs and projects for the common man whose enhanced welfare should be the end-product of our efforts.

Hopefully, it means that the common man may henceforth expect more integrated programs, more effective poverty alleviating projects, more job generating projects, and so on.

In closing, therefore, I urge the passage of the consolidated bill by this august Chamber.

Thank you, Mr. President.

**APPROVAL OF CONFERENCE COMMITTEE REPORT
ON SENATE BILL NO. 704/HOUSE BILL NO. 2581**

The President: Are there any questions? Any comments? Any objections? [*Silence*] The Chair hears none; accordingly, the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 704 and House Bill No. 2581 is hereby unanimously approved.

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

The Conference Committee on the disagreeing provisions of Senate Bill No. 704, entitled

AN ACT CONSTITUTING THE LEGISLATIVE-EXECUTIVE DEVELOPMENT COUNCIL, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

and House Bill No. 2581, entitled

AN ACT CONSTITUTING THE NATIONAL ECONOMIC CONSULTATIVE AND ADVISORY COUNCIL,

having met, after full and free conference, has agreed to recommend as it hereby recommends to their respective Houses that Senate Bill No. 704 and House Bill No. 2581 be consolidated and approved as follows:

AN ACT CONSTITUTING THE LEGISLATIVE-EXECUTIVE DEVELOPMENT ADVISORY COUNCIL.

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

Section 1. Declaration of Policy. - It is the policy of the State to formulate after consultations with appropriate public agencies, the private sector, and local government units socioeconomic development programs taking into account the requirements of conservation and ecology and in accordance with its constitutional mandate to promote a more equitable distribution of opportunities, income, and wealth; a sustained increase in the amount of goods and services produced by the nation for the benefit of the people; and expanding productivity as the key to raising the quality of life for all, especially the underprivileged.

The State shall promote industrialization and full employment based on sound agricultural development and agrarian reform, through industries that make full and efficient use of human and natural resources, and which are competitive in both domestic and foreign markets. However, the State shall protect Filipino enterprises against unfair

foreign competition and trade practices.

The Legislative-Executive Development Advisory Council shall constitute an effective advisory and consultative mechanism to ensure consistency in coordinating executive development planning and congressional budgeting.

SEC. 2. Legislative-Executive Development Advisory Council.- Pursuant to the foregoing policy, there is hereby constituted a consultative and advisory body to be known as the Legislative-Executive Development Advisory Council, hereinafter referred to as the Council. It shall be composed of twenty (20) members, with the President of the Philippines as Chairman and the following as members: the Vice-President of the Philippines, the President of the Senate, the Speaker of the House of Representatives, seven (7) Members of the Cabinet to be designated by the President of the Philippines, three (3) Members of the Senate to be designated by the President of the Senate, three (3) members of the House of Representatives at least one (1) of whom shall come from the dominant minority party, and the following to be appointed by the President of the Philippines: a representative of the local government units, a representative of the youth, and a representative of the private sector from any or a combination of the following: business, cooperatives, agriculture, and labor.

Membership in the Council of the Members of the legislature shall be an extension of their legislative functions. Membership in the Council of the Members of the Cabinet shall be in an ex-officio capacity.

The Chairman and Members of the Council who are government officials shall serve in the Council without any additional emoluments, allowances, or pay, by virtue of and in connection with the positions they have been elected to or appointed to, as the case may be.

SEC. 3. Functions of the Council. - The Council shall serve as a consultative and advisory body to the President as the head of the national economic and planning agency for further consultations and advice on certain programs and policies essential to the realization of the goals of the national economy with the following functions:

- a) determine and recommend socioeconomic development goals in pursuance of established policies which shall guide the formulation and implementation of the national development plan;
- b) provide policy advice to the President of the Philippines on vital issues affecting the socioeconomic development of the country;
- c) direct the study of measures to ensure that regional development plans and programs are integrated into the national development plan;
- d) receive, and in appropriate cases, require reports on, and study measures to improve the implementation of official development assistance from multilateral and bilateral entities;
- e) assess effectiveness of implementation of the national development plans;
- f) integrate environmental concepts, principles and practices into the national development plan for a balanced and cohesive approach to national development;
- g) review the relationship of the legislative agenda to the national development plan to ensure the integration of both;
- h) study and recommend to the President of the Philippines and to Congress sources of revenue as well as measures to reduce unnecessary expenditures to the end that the resources of government will be used to the optimum.

SEC. 4. Secretariat. - The Legislative-Executive Development Advisory Council shall have the National Economic and Development Authority Secretariat as the principal secretariat in providing staff support to the Council, assisted by personnel from the Presidential Management Staff and the economic planning staff of both the Senate and the House of Representatives.

SEC. 5. Meetings of the Council. - The Council shall meet at least once every quarter, but may be convened by its Chairman to such special meetings as may be necessary. The Members of the Council shall be duly notified of any meeting in advance. The first

meeting of the Council shall take place within one (1) month from the effectivity of this Act, at a time and place to be designated by the Chairman.

SEC. 6. Priority Concerns. - The Council shall give special attention to measures which will:

a) involve concerned private sector, relevant non-government groups and people's organizations in the processes of economic planning by national agencies and by regional, provincial, and other local development councils, as well as in monitoring the implementation of development projects;

b) bring about effective integration of the priority development programs and projects proposed by regional, provincial and other local development councils into the national development plan, within the constraints of the national budget;

c) accelerate the study and formulation of projects and programs which will answer priority needs of the people for livelihood and social services, and which may be funded from national revenues and/or grants and concessional loans from external sources;

d) hasten the utilization of grants and concessional loans for priority development projects and programs, while also improving the efficiency of project implementation; and

e) recommend measures that would strengthen mechanisms for monitoring the implementation of development projects and programs, and for promoting efficiency of execution and timeliness of completion.

SEC. 7. The Council shall render reports after every meeting to all Senators and Congressmen who are not members of the Council, particularly the progress and action taken on priority concerns embodied in Section 6 hereof.

SEC. 8. Implementing Rules and Regulations. - Within sixty (60) days from the approval of this Act, the Council shall promulgate all necessary rules and regulations to carry out the provisions of this Act.

SEC. 9. Appropriations. - The amount of Three million pesos (P3,000,000.00) is hereby authorized out of the funds of the National Treasury not

otherwise appropriated for the operating and capital expenditure of the Council for the Fiscal Year 1993. Thereafter, the necessary appropriations shall be provided in the Annual General Appropriations Act.

SEC. 10. Separability Clause. - In case any provision hereof is declared unconstitutional, the other provisions not so declared and effected shall remain in force and effect.

SEC. 11. Repealing Clause. - All laws and executive orders which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 12. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette.

*CONFEREES ON THE PART OF THE
SENATE*

(Sgd.) SEN. GLORIA MACAPAGAL

(Sgd.) SEN. ERNESTO M. MACEDA

(Sgd.) SEN. ALBERTO G. ROMULO

(Sgd.) SEN. JOHN H. OSMEÑA

(Sgd.) SEN. BLAS F. OPLE

(Sgd.) SEN. TEOFISTO T. GUINGONA, JR.

(Sgd.) SEN. LETICIA R. SHAHANI

*CONFEREES ON THE PART OF THE
HOUSE OF REPRESENTATIVES*

(Sgd.) REP. FELICITO C. PAYUMO

(Sgd.) REP. CIRILO ROY G. MONTEJO

(Sgd.) RAUL V. DEL MAR

(Sgd.) REP. EDUARDO R. GULLAS

(Sgd.) OSCAR M. ORBOS

(Sgd.) REP. ROILO S. GOLEZ

(Sgd.) REP. MANUEL B. VILLAR, JR.