



REPUBLIC OF THE PHILIPPINES  
CONGRESS OF THE PHILIPPINES  
SENATE

# Record of the Senate

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RECORD OF THE PROCEEDINGS AND DEBATES  
SECOND REGULAR SESSION

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VOL. I

MANILA, PHILIPPINES

NO. 60

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ON SECOND READING  
(Civil Service Decree)

**The President.** . . . Which consists only of two sentences — the repeal of Section 40 of Presidential Decree 807.

Is there any objection to the motion? [*Silence*] There being none 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. 38 is approved on Second reading, as amended.

BILL ON SECOND READING  
Senate Bill No. 52 — Franking Privilege  
(Continuation)

**Senator Mercado.** Mr. President, I move for the consideration of Senate Bill No. 52:

AN ACT TO EXTEND THE FRANKING PRIVILEGE OF THE MEMBERS OF CONGRESS BEYOND AUGUST 30, 1987

**The President.** What Senate Bill is this?

**Senator Mercado.** Senate Bill No. 52, Mr. President. I also move for the suspension of the Rules.

**The President.** All right, is there any objec-

tion? [*Silence*] The Chair hears none; the motion is approved.

**Senator Maceda.** Mr. President.

**The President.** Senator Maceda is recognized.

APPROVAL OF SENATE BILL NO. 52  
ON SECOND READING

**Senator Maceda.** Mr. President, with the suspension of the *Rules*, I move for the approval of this measure, which is a measure that is present in all legislative bodies of the world.

**The President.** Is there any objection? [*Silence*] There being none; we shall now vote on the bill on Second Reading.

As many as are in favor of the bill, will please say *Aye*. [*Several Senators: Aye.*] As many as are against will please say *Nay*. [*Silence.*]

Senate Bill No. 52 is approved on Second Reading.

ADJOURNMENT OF THE SESSION

**Senator Mercado.** Mr. President, I move that we adjourn the session until three o' clock tomorrow afternoon.

**The President.** Is there any objection? [*Silence*] The Chair hears none; the session is adjourned until three o' clock tomorrow afternoon.

*It was 7:09 p.m.*



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RECORD OF THE PROCEEDINGS AND DEBATES  
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RESUMPTION OF THE SESSION

At 5:44 p.m., the session was resumed.

The President. The session is resumed.

MOTION OF SENATOR MERCADO (Referring the Speech of Senator Pimentel to an ad hoc committee)

Senator Mercado. Mr. President, I move that the matter of the privilege speech of Senator Pimentel be referred to an ad hoc committee, composed of five Senators, namely, Senators Guingona, Osmeña, Paterno, Romulo, and Tañada.

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

BILLS ON THIRD READING

Senate Bill No. 38 – Repealing Section 40 of the Civil Service Decree

Senator Mercado. Mr. President, I move that we vote on Third Reading, Senate Bill No. 38,

AN ACT REPEALING SECTION FORTY OF PRESIDENTIAL DECREE NUMBERED EIGHT HUNDRED SEVEN, OTHERWISE KNOWN AS THE CIVIL SERVICE DECREE.

Printed copies of the said Bill were distributed to the Senators on the 21st of October this year.

The President. May I have a copy of that? This is the Act repealing Section 40 of Presidential Decree numbered 807, consisting of only two sentences. Let us have a roll call vote on this.

Senator Romulo. Mr. President.

The President. Senator Romulo is recognized.

Senator Romulo. May we just ask the Chair or the Secretary to read those two lines, Mr. President.

The President. Yes.

The Secretary. Senate Bill No. 38, entitled:

AN ACT REPEALING SECTION FORTY OF PRESIDENTIAL DECREE NUMBERED EIGHT HUNDRED SEVEN, OTHERWISE KNOWN AS THE CIVIL SERVICE DECREE

SECTION 1. Section Forty of Presidential Decree Numbered Eight Hundred Seven, otherwise known as the Civil Service Decree, is hereby repealed.

SEC. 2. This Act shall take effect upon its approval.

Senator Romulo. Thank you, Mr. President.

The President. The Sponsor of this bill is Senator Neptali Gonzales.

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 – 19

- Senator Alvarez, Senator Angara, Senator Aquino, Senator Estrada, Senator Gonzales, Senator Guingona, Senator Herrera, Senator Laurel, Senator Lina, Senator Maceda, Senator Mercado, Senator Osmeña, Senator Paterno, Senator Pimentel, Senator Romulo, Senator Saguisag, Senator Salonga, Senator Tañada, Senator Ziga

NO – 0

ABSTENTION – 0

RESULT OF VOTING

The President. With 19 affirmative votes, no negative vote, and no abstention, Senate Bill No. 38 is approved on Third Reading.

BILL ON THIRD READING

Senate Bill No. 52 – Franking Privilege

Senator Mercado. Mr. President, I move that we vote on Third Reading, Senate Bill No. 52:

AN ACT TO EXTEND THE FRANKING PRIVI-

LEGE OF THE MEMBERS OF CONGRESS  
BEYOND AUGUST 30, 1987.

Printed copies of the said bill were distributed to the Senators on October 21, 1987.

**The President.** Let us proceed with the roll call vote.

*The Secretary called the roll and the result of the voting was as follows:*

YES – 20

Senator Alvarez	Senator Mercado
Senator Angara	Senator Osmeña
Senator Aquino	Senator Paterno
Senator Estrada	Senator Pimentel
Senator Gonzales	Senator Romulo
Senator Guingona	Senator Saguisag
Senator Herrera	Senator Salonga
Senator Laurel	Senator Tamano
Senator Lina	Senator Tañada
Senator Maceda	Senator Ziga

NO – 0

ABSTENTION – 0

RESULT OF VOTING

**The President.** With 20 affirmative votes, no negative vote, and no abstention, Senate Bill No. 52 is approved on Third Reading.

**Senator Enrile.** Mr. President, may I know how my vote was registered?

**The President.** There is no vote registered here. Evidently, the Minority Floor Leader might have been out.

**Senator Enrile.** May I register an affirmative vote, if it is possible, Mr. President?

**The President.** Senator Enrile's affirmative vote is registered. So, there will be a total of 21 affirmative votes.

**Senator Enrile.** And may I also register an affirmative vote with respect to Senate Bill No. 38?

**The President.** Let that be recorded.

**Senator Tamano.** Mr. President.

**The President.** Senator Tamano is recognized.

**Senator Tamano.** In connection with Senate Bill No. 38, may I request that my vote be recorded in the affirmative.

**The President.** Let it be recorded.

CONSIDERATION OF SENATE JOINT  
RESOLUTION NO. 1

Joint Legislative-Executive Committee on  
Military Bases  
(Continuation)

**Senator Mercado.** Mr. President, I move that we consider Committee Report No. 50 on Joint Resolution No. 1 submitted by the Committee on Foreign Relations, entitled:

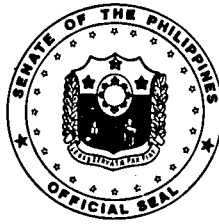
JOINT RESOLUTION CREATING A JOINT LEGISLATIVE-EXECUTIVE COMMITTEE TO REVIEW THE 1947 MILITARY BASES AGREEMENT AS AMENDED, THE 1951 MUTUAL DEFENSE TREATY, THE 1953 MILITARY ASSISTANCE AGREEMENT, AND ALL OTHER SECURITY ARRANGEMENTS BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE UNITED STATES OF AMERICA AND SUBMIT ITS RECOMMENDATIONS.

We are still in the period of interpellations. I move that we recognize Senator Gonzales.

**The President.** Senator Gonzales is recognized.

**Senator Gonzales.** Mr. President, we are still in the period of interpellations. During the session of October 23, 1987, our last day of session before the recess, the President asked the following question:

Considering that this is a Joint Legislative-Executive Committee, the Chair would like to find out whether we have sounded out the Office of the President and in particular, the Secretary of Foreign Affairs, to find out whether



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RECORD OF THE PROCEEDINGS AND DEBATES  
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MONDAY, FEBRUARY 22, 1988

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Sponsor: Senator Saguisag (Approved)	

time within which each of these priorities will be executed would be different because the situation is different.

**Senator Alvarez.** Perhaps we can discuss that, Mr. President. It is a feasible administrative approach. It might help simplify or it might help complicate. My only problem is it might prolong.

**Senator Paterno.** Well, one of the problems that I have, Mr. President, is that we seem to be leaving so much to the discretion of the Department of Agrarian Reform. If we do not set such items as priorities and major mechanics, we may be abdicating our responsibility as lawmakers if we leave up to the Department of Agrarian Reform to establish a regulation which should really be provided in law.

Thank you, Mr. President.

**Senator Alvarez.** Mr. President, we are very appreciative of the observation of the Gentleman from Cavite. We are not really deep-seated on any one mode of approach. We know that the debate and exchange of ideas here will enrich the information. We only have one concern that we do address the problem, which is social, in those tenanted areas.

#### SUSPENSION OF THE SESSION

**The President.** Shall we have a recess, if there is no objection. [*There was none.*]

*It was 5:46 p.m.*

#### RESUMPTION OF THE SESSION

*At 6:12 p.m., the session was resumed.*

**The President.** The session is resumed.

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 249

**Senator Mercado.** Mr. President, I move that

we suspend consideration of Senate Bill No. 249.

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

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 52 AND HOUSE BILL NO. 2852

#### (Franking Privilege for Members of Congress)

**Senator Mercado.** Mr. President, the Conference on Senate Bill No. 52 entitled

AN ACT TO EXTEND THE FRANKING  
PRIVILEGE OF THE MEMBERS OF  
CONGRESS BEYOND AUGUST 30, 1987  
and House Bill No. 2852, entitled

AN ACT TO GRANT FRANKING PRIVI-  
LEGE TO MEMBERS OF CONGRESS,

have submitted their Conference Committee Report, copies of which have been distributed to the Members of the Senate.

I move that we recognize Senator Saguisag who is the Sponsor of this said Report.

**The President.** Senator Saguisag is recognized.

#### SPONSORSHIP BY SENATOR SAGUISAG

**Senator Saguisag.** Thank you, Mr. President.

We met with our counterparts from the other House last Friday. There is virtually no substantial disagreement between them and ourselves. We decided to extend the franking privilege to be enjoyed by the surviving spouse to six months. We caused to be circulated copies of the Conference Committee Report signed by Senator Osmeña, Senator Enrile, and myself, and our counterparts in the other House. If our Colleagues here have read the same, and have no objections, we are formally moving for its approval, Mr. President.

The President. May we know what the substantial changes are, if there are any?

Senator Saguisag. In the bill I filed, the privilege to be enjoyed by the surviving spouse would be only for three months after the death of the Member of Congress. The other House preferred six months, and we agreed.

The President. The Chair notices that the franking privilege shall not be utilized on matters which are purely personal or politically partisan. Is there a definition of those terms?

Senator Saguisag. Well, it would have to be decided, Mr. President, I believe, on a case-to-case basis. So what we have placed here is that it must be something that will assist and expedite the conduct of the official businesses, activities and duties of the Congress that shall be utilized on matters which are purely personal or politically partisan. We believe that this is a sufficient standard, Mr. President.

The President. Is there any other question from the Members?

Senator Pimentel. Mr. President.

The President. Senator Pimentel.

Senator Pimentel. Mr. President, I have no serious objection to this bill. I think it is a good bill. I would like to find out if the old franking privilege law that had been in existence at least for the duration of the Congress of the Philippines before it was disbanded by Martial Rule has been repealed. Because, if that law has not been repealed, then I would suppose that it is still in existence; and if it is still in existence, it has, in fact, been used by some of us. It does seem redundant for us to be passing a new franking privilege law except if its intention is to add some provisions which are not otherwise found in the old law, Mr. President. Because, my own information is that the law has not been repealed, and therefore, it is still good and valid.

Senator Saguisag. Mr. President, the original franking privilege statute was Republic Act No. 69. It is our view that it referred only to the Congress that existed up to September, 1972. That is why, there were separate statutes covering the privilege used by the other legislative bodies between 1972 and up to now. That also explains why the Executive Department issued EO No. 199 which gave us this privilege which expired last August 30.

In the interim, what has been happening was, like in the case of our own office, the Post Office started charging us beginning last September. And judging from the volume of my Christmas mail, for instance, Mr. President, I only got two mail matters from the Members of the House and two from Members of our Chamber here containing Christmas cards which did not have stamps. But for some reason—and I received quite a number of Christmas cards — everybody was being charged. So, if only to remove all doubts and also to insure that there should not be any more prosecutions since it can be argued that this can retroact, in the end, the other House which shared the same reservations of our friend from Cagayan de Oro decided that there was really need for this statute.

Senator Pimentel. At any rate, Mr. President, what is the rationale for allowing the spouses to enjoy the privilege? Was that introduced by the House or was that originally embodied in our bill?

Senator Saguisag. It is in our bill. It lasted only for three months. Frankly, that was bodily lifted from a counterpart statute in the United States. Because, for the poor widows, it may be too much even to expect them to shell out money for postage, assuming that a good number of people will mourn if one of us will pass on to a better world.



Senator Pimentel. This is debatable, I think, Mr. President.

The President. Is there any other question? Is there any objection to the approval of the Conference Committee Report on the franking privilege? [*Silence*] The Chair hears none; the same is approved.

Senator Saguisag. Thank you, Mr. President.

Senator Mercado. Mr. President, as regards Senate Bill No. 272, I move that Senator Guin-gona be included as cosponsor.

The President. Is there any objection? [*Silence*] The Chair hears none, the same is approved.

Senator Mercado. Mr. President, we are going to continue our period of interpellations on the Comprehensive Agrarian Reform Bill tomorrow. Two Gentlemen have made reservations to interpellate.

#### ADJOURNMENT OF THE SESSION

Senator Mercado. I move, therefore, that we adjourn the session until four o'clock tomorrow afternoon.

The President. The session is adjourned until four o'clock tomorrow afternoon, if there is no objection. [*There was none.*]

*It was 6:21 p.m.*