

MONDAY, AUGUST 25, 2003

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(Consideration Suspended)

MONDAY, AUGUST 25, 2003

OPENING OF THE SESSION

At 4:06 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 13th session of the Third Regular Session of the Twelfth Congress is hereby called to order.

We shall be led in prayer by Sen. Ramon B. Magsaysay Jr.

Everybody rose for the prayer.

Senator Magsaysay. Thank you, Mr. President.

The title of the prayer is "Our Maker Is Our Owner". This is a prayer based on and culled from a speech by His Eminence Jaime Cardinal Sin, who celebrates his 75th birthday on August 31, 2003.

PRAYER

Loving Father, help us to grasp human dignity by realizing that ultimately and above all, we belong to You.

None of us had the honor of being consulted as to whether we prefer to exist or not.

It was You who exercised the prerogative to create us,

therefore, we cannot claim to own ourselves.

As our Maker, You are our Owner.

This being the case, Lord,

enable us to fulfill our duty

to maintain our **personal integrity** -

because we are only stewards who must make sure that we return ourselves, intact and improved, back to the Owner.

We are not at liberty to damage or mutilate or in any way pollute our bodies, minds and spirits.

We have no right to destroy what does not belong to us.

For Your glory, Father, allow us

to take care of the health of our whole person, believing that any intervention meant to upset the ecological balance within a human person is an affront to God's ownership.

Your ways, O Lord, are not ours.
Make us know Your plans, lead us in the truth.

Earnestly we pray this
In Jesus' name.

AMEN.

The President. The Security Bank Chorale will lead the Chamber in the singing of the Philippine National Anthem, after which, it shall render another song entitled, "*Isang Dugo, Isang Lahi, Isang Musika.*"

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

The President. Thank you. The Chamber wishes to thank the Security Bank Chorale for that beautiful rendition of our national anthem, and the song, entitled *Isang Dugo, Isang Lahi, Isang Musika.* Maraming salamat po.

ROLL CALL

The Secretary will please call the roll.

The Secretary, *reading:*

Senator Edgardo J. Angara.....	Present
Senator Teresa Aquino-Oreta.....	Present
Senator Joker P. Arroyo.....	Present
Senator Robert Z. Barbers.....	Present
Senator Rodolfo G. Biazon.....	Present
Senator Noli "Kabayan" de Castro.....	Present
Senator Luisa "Loi" P. Ejercito Estrada....	Present
Senator Juan M. Flavier.....	Present
Senator Gregorio B. Honasan.....	Absent
Senator Robert S. "JAWO" Jaworski.....	Present
Senator Panfilo M. Lacson	Present
Senator Loren B. Legarda	Present
Senator Ramon B. Magsaysay Jr.....	Present

Senator John H. Osmeña.....	Present
Senator Sergio R. Osmeña III.....	Absent
Senator Francis N. Pangilinan..... *
Senator Aquilino Q. Pimentel Jr.....	Absent
Senator Ralph G. Recto.....	Present
Senator Ramon B. Revilla.....	Absent
Senator Vicente C. Sotto III.....	Present
Senator Manuel B. Villar Jr.....	Present
The President.....	Present

The President. With 17 senators present, there is a quorum.

SUSPENSION OF SESSION

Before we proceed with the Business of the Day, with the permission of the Chamber, the Chair declares a one-minute suspension of the session, if there is no objection, in order to greet our Minority Leader a Happy Birthday! It was his birthday yesterday. *[There was none.]*

It was 4:14 p.m.

RESUMPTION OF SESSION

At 4:17 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

OFFICIAL VISIT OF STA. MARIA, ROMBLON
 VICÉ-MAYOR DENNIS CORPIN AND HIS COUNCILORS AND
 SK PRESIDENT REXY MOLO ACKNOWLEDGED

Senator Legarda. Mr. President, we would like to acknowledge the following: Vice-Mayor Dennis Corpin and his councilors, Lanie Tulagan, Aries Mortel, Roland Larqueza, Gauden Musca, and SK President Remy Molo of the Office of the Sangguniang Bayan of Sta. Maria, Romblon.

The President. The visit is so acknowledged.

THE JOURNAL

Senator Legarda. Mr. President, I move that we dispense with the reading of the *Journal* of August 20, 2003 and consider it approved.

* On official mission

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

Senator Legarda. Mr. President, I move that we proceed to the Reference of Business.

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

The Secretary will read the Reference of Business.

REFERENCE OF BUSINESS

RESOLUTION

The Secretary. Proposed Senate Resolution No. 664, entitled

RESOLUTION CALLING ON THE COMMITTEE ON EDUCATION, ARTS AND CULTURE TO REVIEW AND EVALUATE, THE ACADEMIC CURRICULUM/TRAINING OF THE PHILIPPINE MILITARY ACADEMY (PMA) IN THE LIGHT OF THE JULY 27 COUP ATTEMPT INVOLVING GRADUATES OF PMA

Introduced by Senator Pangilinan

The President. Referred to the Committees on Education, Arts and Culture; and National Defense and Security

COMMITTEE REPORTS

The Secretary. Committee Report No. 265, prepared and submitted by the Committee on Foreign Relations, on Proposed Senate Resolution No. 665, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION, SUPPLEMENTARY TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

recommending its approval without amendment.

Sponsor: Senator Villar Jr.

The President. To the Calendar for Ordinary Business

The Secretary. Committee Report No. 266, prepared and submitted by the Committee on Foreign Relations, on Proposed Senate Resolution No. 666, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE CONVENTION BETWEEN THE REPUBLIC OF THE PHILIPPINES AND CZECH REPUBLIC FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

recommending its approval without amendment.

Sponsor: Senator Villar Jr.

The President. To the Calendar for Ordinary Business

The Secretary. Committee Report No. 267, prepared and submitted by the Committee on Foreign Relations, on Proposed Senate Resolution No. 667, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE CONVENTION BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE PEOPLE'S REPUBLIC OF BANGLADESH FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND ITS PROTOCOL

recommending its approval without amendment.

Sponsor: Senator Villar Jr.

The President. To the Calendar for Ordinary Business

The Secretary. Committee Report No. 268 prepared and submitted by the Committee on Foreign Relations on Proposed Senate Resolution No. 668, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE CONVENTION BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE KINGDOM OF SWEDEN FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

recommending its approval without amendment.

Sponsor: Senator Villar Jr.

The President. To the Calendar for Ordinary Business

The Secretary. Committee Report No. 269 prepared and submitted by the Committee on Foreign Relations on Proposed Senate Resolution No. 669, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

recommending its approval without amendment.

Sponsor: Senator Villar Jr.

The President. To the Calendar for Ordinary Business

ADDITIONAL REFERENCE OF BUSINESS

BILLS ON FIRST READING

The Secretary. Senate Bill No. 2638, entitled
AN ACT TO PROHIBIT PYRAMID PROMOTIONAL SCHEMES
Introduced by Senator Estrada

The President. Referred to the Committee on Trade and Commerce

The Secretary. Senate Bill No. 2639, entitled
AN ACT TO PROVIDE PROTECTION FROM PERSONAL
INTRUSION FOR COMMERCIAL PURPOSES

Introduced by Senator Estrada

The President. Referred to the Committee on Justice and Human Rights

The Secretary. Senate Bill No. 2640, entitled
AN ACT TO REQUIRE CERTAIN DISCLOSURES IN
CONNECTION WITH ANY INTERNATIONAL MONEY
TRANSFER AND FOR OTHER PURPOSES

Introduced by Senator Estrada

The President. Referred to the Committee on Banks, Financial Institutions and Currencies

The Secretary. Senate Bill No. 2641, entitled

AN ACT TO PROVIDE EDUCATIONAL OPPORTUNITIES FOR
DISADVANTAGED CHILDREN, AND FOR OTHER
PURPOSES

Introduced by Senator Estrada

The President. Referred to the Committees on
Education, Arts and Culture; Youth, Women and Family
Relations; Ways and Means; and Finance

The Secretary. Senate Bill No. 2642, entitled

AN ACT TO FURTHER STRENGTHEN THE YOUTH DEVELOPMENT
PROGRAM BY CREATING LOCAL YOUTH DEVELOPMENT
COUNCILS IN EVERY CITY AND MUNICIPALITY AND
APPROPRIATING FUNDS THEREFOR

Introduced by Senator Estrada

The President. Referred to the Committees on Youth,
Women and Family Relations; Social Justice, Welfare and
Rural Development; Ways and Means; and Finance

The Secretary. Senate Bill No. 2643, entitled

AN ACT PROVIDING MECHANISM IN COMPULSORILY
REPRODUCING UNAVAILABLE PRESCRIBED BOOKS AND
PRINTED MATERIALS FOR SCHOOL AND UNIVERSITY
USE AND FOR OTHER PURPOSES

Introduced by Senator Lacson

The President. Referred to the Committees on Trade and
Commerce; and Education, Arts and Culture

The Secretary. Senate Bill No. 2644, entitled

AN ACT PROVIDING FOR THE PROTECTION, PRESERVATION
AND RESTORATION OF CINEMATIC FILMS BY THE
FILM DEVELOPMENT COUNCIL, ESTABLISHING THE
NATIONAL FILM REGISTRY FOR THE PURPOSE,
PROVIDING FUNDS THEREFOR, AND FOR OTHER
PURPOSES

Introduced by Senator De Castro

The President. Referred to the Committees on Public
Information and Mass Media; Education, Arts and Culture; and
Finance

RESOLUTION

The Secretary. Proposed Senate Resolution No. 670,
entitled

RESOLUTION COMMENDING THE OUTSTANDING TEACHERS OF
2003

Introduced by Senator Oreta

The President. Referred to the Committee on Rules

COMMITTEE REPORT

The Secretary. Committee Report No. 270 prepared and
submitted by the Committees on Labor, Employment and Human
Resources Development; and Finance on Senate Bill No. 2645
with Senators Drilon, Legarda, Revilla and Villar Jr. as
authors thereof, entitled

AN ACT STRENGTHENING FURTHER AND BROADENING THE
COVERAGE OF THE SPECIAL PROGRAM FOR
EMPLOYMENT OF STUDENTS, AMENDING FOR THE
PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT
NO. 7323, AND FOR OTHER PURPOSES

recommending its approval in substitution of Senate Bill
Nos. 436 and 667, taking into consideration House Bill No.
4300.

Sponsor: Senator Revilla

The President. To the Calendar for Ordinary Business

The Majority Leader is recognized.

MOTION OF SENATOR LEGARDA

(Pursuant to Rule X, Section 15 of the
Rules, Senator Lacson's Privilege
Speech Be Referred to the Blue Ribbon
Committee Primarily and Secondarily to
the Committees on Constitutional Amendments,
Revision of Codes and Laws; Banks, Financial
Institutions and Currencies)

Senator Legarda. I would just like to make of record,
Mr. President, the results of the Committee on Rules meeting
held last week: The privilege speech of Senator Lacson was
referred to the Blue Ribbon Committee as the primary
committee; and as secondary committee, the Committee on
Constitutional Amendments, Revision of Codes and Laws; and
as the third committee, the Committee on Banks, Financial

Institutions and Currencies pursuant to Rule X, Section 15 of the *Rules of the Senate* and cognizant of the fact that the contents of the speech and interpellations indeed fall under the jurisdiction of the three committees. Just for the *Record*.

The President. There is a motion that the matter of the privilege speech of Senator Lacson be referred to the Committee on Constitutional Amendments, Revision of Codes and Laws as the secondary committee together with the Committee on Banks, Financial Institutions and Currencies also as secondary committee, as recommended by the Committee on Rules which has met on this point.

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

BILL ON THIRD READING
S. No. 2501--Mount Apo Protected
Area Act of 2003

Senator Legarda. Mr. President, I move that we vote on Third Reading on Senate Bill No. 2501. Copies of the bill were distributed to the members on August 25, 2003.

The President. Is there any objection? [*Silence*] There being none, voting on Third Reading on Senate Bill No. 2501 is now in order.

Senator Legarda. We are in receipt of the certification from the Office of the President. I ask that the Secretary read the certification.

The President. The Secretary will read the certification.

The Secretary.

June 2, 2003

HON. FRANKLIN M. DRILON
Senate President
Philippine Senate
GSIS Complex, Pasay City

Dear Senate President Drilon:

Pursuant to the provisions of Article VI, Section 26(2) of the Constitution, I hereby certify to the necessity of the immediate enactment of SB No. 2501, entitled:

"AN ACT ESTABLISHING MOUNT APO LOCATED IN THE MUNICIPALITIES OF MAGPET AND MAKILALA AND CITY OF KIDAPAWAN, PROVINCE OF COTABATO, IN THE MUNICIPALITIES OF BANSALAN AND STA. CRUZ AND CITY OF DIGOS, PROVINCE OF DAVAO DEL SUR, AND IN THE CITY OF DAVAO, AS A PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK AND ITS PERIPHERAL AREAS AS BUFFER ZONES, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES,"

due to the critical order of protecting and maintaining the unique biological resources of Mount Apo as well as its aesthetic, economic, cultural and ecological importance.

Best regards.

Very truly yours,

(Sgd.) Gloria Macapagal Arroyo

Encl. a/s

Cc: Hon. Jose C. de Venecia, Jr.
Speaker
House of Representatives
Quezon City

The President. We shall now vote on the bill and the Secretary will call the roll.

The Secretary. Senators

Angara.....	Yes
Aquino-Oreta.....	Yes
Arroyo.....	
Barbers.....	Yes
Biazon.....	
De Castro.....	Yes
Ejercito Estrada.....	Yes
Flavier.....	Yes
Honasan.....	
Jaworski.....	Yes
Lacson.....	Yes
Legarda.....	Yes

Magsaysay.....Yes
 Osmeña (J)Yes
 Osmeña (S)
 Pangilinan.....
 Pimentel
 Recto.....Yes
 Revilla
 Sotto IIIYes
 Villar.....Yes
 The President.....Yes

APPROVAL OF S. NO. 2501 ON THIRD READING

The President. With 15 affirmative votes, no negative vote, and no abstention, Senate Bill No. 2501 is approved on Third Reading.

RECONSIDERATION OF APPROVAL OF
 S. NO. 2636 ON SECOND READING

Senator Legarda. Mr. President, I move that we reconsider the approval on Second Reading of Senate Bill No. 2636, "An Act Declaring August 21 of Every Year as Benigno 'Ninoy' S. Aquino, Jr. Day, a Special Nonworking Holiday, and for Other Purposes."

We already approved it on Second Reading. I believe there are some amendments on the name or the title. I move that its approval on Second Reading be reconsidered.

The President. There is a motion by the Majority Leader that the approval on Second Reading of Senate Bill No. 2636 be reconsidered in order to introduce certain amendments.

May I know the pleasure of Sen. Teresa Aquino-Oreta?

Senator Oreta. Mr. President, I heard the Majority Leader say something like Benigno S. 'Ninoy'....

Senator Legarda. Benigno 'Ninoy' S. Aquino, Jr. That was the title here.

The President. Can we first approve the motion to reconsider?

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

We now proceed to the period of amendments.

ORETA AMENDMENT

Senator Oreta. Mr. President, if we can amend the name to just say NINOY AQUINO DAY. Because if we make it Benigno 'Ninoy', et cetera, there are two Benigno Aquinos. One senior and one junior. Sometimes if we fail to put the "senior", since this is really for a Benigno S. Aquino, Jr. particularly, then maybe if we can just do away with the "Benigno" and make it NINOY. Anyway, he was known all over with that nickname. Even in Harvard, they used to call him that.

So, can we just reconsider it as NINOY AQUINO DAY.

The President. So that the motion is to replace the name Benigno 'Ninoy' S. Aquino, Jr. whenever it appears in the measure, into NINOY AQUINO.

Senator Oreta. Yes, Mr. President.

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

APPROVAL OF S. NO. 2636 ON SECOND READING

Senator Legarda. Mr. President, I therefore move that we vote on Second Reading on Senate Bill No. 2636, as amended.

The President. Is there any objection?

Senator Magsaysay. Mr. President.

The President. Senator Magsaysay is recognized.

Senator Magsaysay. Did I hear it right that this is a nonworking national holiday?

The President. Yes, a nonworking national holiday. That is correct.

Senator Magsaysay. I thought there was a provision there that it is just for the province of Tarlac as nonworking.

Senator Legarda. That was one of the measures considered. But there were two or three resolutions which were filed.

Senator Magsaysay. So this is national nonworking holiday.

Senator Legarda. This was discussed last week.

The President. Yes, that is correct. That was the amendment on the Floor.

Senator Magsaysay. Thank you, Mr. President.

The President. We shall now vote on Second Reading on Senate Bill No. 2636, as amended.

As many as are in favor of the bill, say *aye*.

Several Members. *Aye*.

The President. As many as are against, say *nay*.
[*Silence*]

Senate Bill No. 2636, as amended, is approved on Second Reading.

SUSPENSION OF CONSIDERATION OF S. NO. 2636

Senator Legarda. I move that we suspend consideration of Senate Bill No. 2636, Mr. President.

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

SUSPENSION OF SESSION

Senator Legarda. I move that we suspend the session for one minute to allow the Chair, the President of the Senate, to sponsor the Dual Citizenship bill.

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

It was 4:30 p.m.

RESUMPTION OF SESSION

At 4:31 p.m., the session was resumed with the Hon. Juan M. Flavio, President Pro Tempore, presiding.

The President Pro Tempore. The session is resumed.

CONFERENCE COMMITTEE REPORT ON S. NO. 2130/H. NO. 4720
(Dual Citizenship Act of 2002)

Senator Legarda. Mr. President, we are in receipt of the Conference Committee Report on the disagreeing provisions of Senate Bill No. 2130 and House Bill No. 4720 on the Citizenship Retention Act.

I ask that we recognize the sponsor of the measure, Senate President Drilon, to present the report.

The President Pro Tempore. Senate President Franklin M. Drilon is recognized.

REPORT OF SENATOR DRILON

Senator Drilon. Mr. President, as Chairman of the Senate contingent to the Conference Committee Report on the disagreeing provisions of Senate Bill No. 2130 and House Bill No. 4720, I am pleased to report to this Chamber that the Conference Committee, after having met and discussed the said bills in a conference last August 18, 2003, had agreed on a reconciled version of the Citizenship Retention and Reacquisition Act of 2003.

This measure, Mr. President, will allow natural-born citizens of the Philippines upon subscribing to an oath of allegiance to the Republic to retain or reacquire their Philippine citizenship concurrently with another citizenship.

In less than three hours of deliberations, Mr. President, the conference committee, using primarily the Senate version as the working draft, agreed on the following:

1. Section 1 of the Senate version was amended by changing the year "2002" to "2003" and was adopted as Section 1 of the reconciled version.

2. A new Declaration of Policy was adopted as Section 2 of the reconciled version, which reads as follows:

"SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the state that all Philippine citizens who become citizens of another country shall be deemed not to have lost their Philippine citizenship under the conditions of this Act."

3. On the Retention of Philippine Citizenship, Section 3 of the Senate version was adopted as Section 3 of the reconciled version and was modified to read as follows:

SEC. 3. *Retention of Philippine Citizenship.* - Any provision of law to the contrary notwithstanding, natural-born citizens of the Philippines who have lost their Philippine citizenship by reason of their naturalization as citizens of a foreign country are hereby deemed to have reacquired Philippine citizenship upon taking the following oath of allegiance to the Republic:

"I, _____, solemnly swear (or affirm) that I will support and defend the Constitution of the Republic of the Philippines and obey the laws and legal orders promulgated by the duly constituted authorities of the Philippines, and I hereby declare that I recognize and accept the supreme authority of the Philippines and will maintain true faith and allegiance thereto, and that I impose this obligation upon myself voluntarily without mental reservation or purpose of evasion."

Natural-born citizens of the Philippines who, after the effectivity of this Act, become citizens of a foreign country shall retain their Philippine citizenship upon taking the aforesaid oath."

4. Section 4 of the Senate version on Derivative Citizenship was adopted as Section 4 of the reconciled version.

5. The section on Irrevocability of Renunciation was deleted as being not necessary.

6. Section 6 of the Senate version on Civil and Political Rights and Liabilities was adopted as Section 5 of the reconciled version with the following modifications:

a. In Section 5(1), the phrase REPUBLIC ACT NO. 9189, OTHERWISE KNOWN AS "THE OVERSEAS ABSENTEE VOTING ACT OF 2003" was inserted after the word "Constitution".

This means, Mr. President, that before the dual citizen can exercise the right to vote, he must comply with the provisions of the Overseas Absentee Voting Act, including the execution of the affidavit which states that the dual

citizen intends to return to the Philippines within three (3) years after the election of May 2004.

While admittedly this provision has been a disincentive to the immigrants who are concerned--that statement under oath of this nature would endanger their immigrant status in their place of adopted residence--such fear would not be present in the case of dual citizens because dual citizens can reside anywhere without their second citizenship or the citizenship of their adopted land being in danger of being revoked.

In other words, the dual citizen can move around without any problem as to residence requirement which is imposed on immigrants of the country which he has adopted as his legal residence. So that this provision will not serve as a disincentive to dual citizens as it is a disincentive to the immigrants, particularly those in the United States.

b. In the same subsection, the word OTHER was inserted between the conjunction "and" and the word "existing";

c. In Section 5(3), after the word "Those", the phrase "elected or" was deleted;

d. In Section 5(4), the word "resume" was deleted;

e. In the same subsection, the preposition "of" after the word "practice" was deleted; and

f. In the same subsection, the phrase "first re-apply" was replaced with the word APPLY;

7. The section on Rules and Regulations was deleted;

8. The Separability, Repealing and Effectivity Clauses of the Senate version were adopted as Sections 6, 7 and 8, respectively, of the reconciled version.

Finally, the title of the Senate version was adopted as the title of the reconciled version. It now reads:

AN ACT MAKING THE CITIZENSHIP OF PHILIPPINE
CITIZENS WHO ACQUIRE FOREIGN CITIZENSHIP
PERMANENT, AMENDING FOR THE PURPOSE
COMMONWEALTH ACT NO. 63, AS AMENDED, AND FOR
OTHER PURPOSES

Mr. President, Commonwealth Act No. 63, which was enacted in 1936, should now be amended to allow Filipinos abroad the opportunity to progress economically and socially in their adopted countries without being placed under the pain of being stripped of their Philippine citizenship once

they become naturalized citizens of other countries and in the process be considered aliens in their own homeland.

Mr. President, it is not unknown to us that a substantial majority of our countrymen working or living abroad were compelled to adopt foreign citizenship because of economic necessity--to be able to have a decent and comfortable life for them and their family which the Philippines cannot as yet guarantee and provide to all.

Despite their acquisition of foreign citizenship, their continued allegiance to the Philippines is demonstrated by their having maintained links to their homeland. There is no doubt that our countrymen abroad remain Filipinos in heart and mind and wherever they are and whatever other citizenship they may have, they will always remain Filipinos to us, to others and to themselves. Once a Filipino, always a Filipino.

It is therefore my honor and privilege, Mr. President, to ask our colleagues and this Chamber to approve the Conference Committee Report on the disagreeing provisions of Senate Bill No. 2130 and House Bill No. 4720.

We submit, Mr. President.

The President Pro Tempore. Thank you.

Senator Recto raises his hand; after him, Senator Sotto will be recognized.

Sen. Ralph G. Recto is recognized.

Senator Recto. Thank you, Mr. President.

Would the sponsor be willing to answer just a few questions, Mr. President?

Senator Drilon. It is my pleasure, Mr. President.

Senator Recto. Mr. President, would this bill now allow dual citizens to run for members of Congress?

Senator Drilon. If I recall the provisions of the Constitution correctly, members of Congress must be natural-born citizens of the Philippines.

My view is that they are no longer considered natural-born considering that they reacquired their citizenship through the law and upon taking the oath of allegiance.

Senator Recto. So, that would mean that even the Constitution provides for other rules if one were to run for

mayor or governor compared to a congressman, senator, vice president or president.

Senator Drilon. I think the law on local government is governed by the Local Government Code and the Local Government Code does not require a natural-born citizen for purposes of qualification. Therefore, a citizen who acquired his citizenship under the proposed measure would be eligible to run. But let me place on record that the said dual citizen is required to give up the other citizenship. The other citizenship must be given up before he can be eligible to run for that local position.

Senator Recto. He gives up the citizenship by the oath of allegiance.

Senator Drilon. No, there is a specific provision in the measure. I would refer the gentleman to Section 5, paragraph (2), which reads:

Those seeking elective public office in the Philippines shall meet the qualifications for holding such public office as required by the Constitution and existing laws and, at the time of the filing of the certificate of candidacy, make a personal and sworn renunciation of any and all foreign citizenship before any public officer authorized to administer the oath.

Senator Recto. Is that renunciation of a foreign citizenship here in the Philippines?

Senator Drilon. That is correct.

Senator Recto. But not abroad. So, what that actually means is that he may still be carrying a passport from a foreign land? Will he be required to surrender that passport?

Senator Drilon. That matter of surrendering the passport will be governed by the laws of the other country.

Senator Recto. Precisely, that is my point. So, my point is that he could have the best of both worlds. Meaning to say, he may now run for public office in the Philippines, if he is a U.S. citizen, he can still retain a U.S. passport without not having to give that up. If he loses in an election, he may just go back to the United States or travel with his American passport.

Senator Drilon. That may be so because we cannot govern the conduct of the American government.

Senator Recto. Yes, I understand the point.

Senator Drilon. But as far as our jurisdiction is concerned, he has already renounced his foreign citizenship.

Senator Recto. Yes.

Senator Drilon. So that it would really depend on the laws of the adopted country, whether such renunciation is valid or not. Maybe in the United States, or maybe in one country, it is valid, and in another country, it is not valid. But that is a matter which would be governed by the laws of the other country.

Senator Recto. I understand, Mr. President.

I am just concerned about certain possible selfish interest that one would run for public office in the Philippines, later, possibly, winning and serving. After his term expires or if he is defeated, then he just leaves the Philippines and goes to his other foreign country.

Senator Drilon. Precisely, in an election, Mr. President, I would like to think that the other candidate will expose all of these possibilities. And if the electorate, nevertheless, would vote for that candidate, then that is the will of the people.

Senator Recto. Yes. What I was looking for in the bill, Mr. President, was to be categorical especially insofar as running for public office is concerned with regard to the constitutional provisions of natural-born citizens for members of Congress to run for vice president or president. We could have, in effect, a president of this country who may be holding a U.S. passport as well because we are not asking him to surrender his U.S. passport.

Senator Drilon. In the first place, we cannot ask them to surrender their foreign passport because that is a property of a foreign government. Second, as far as qualifications of natural-born under the Constitution is concerned, there is jurisprudence which says that "natural-born means being a citizen at the time of birth". In this particular case, they become citizens by virtue of their having taken an oath of allegiance by virtue of this provision of this Act.

Senator Recto. I have no further questions, Mr. President. I just wanted to put on record my observations and like I said, I was hoping that there would be a categorical statement in some of the provisions here that would clearly—I do not mind giving economic and other political rights to dual citizens, but I think it may be unwise to allow dual citizens to hold public office.

Thank you very much.

Senator Drilon. Well, we respect the views of the gentleman from Batangas, Mr. President. I believe that the national interest is duly protected in this measure.

The President Pro Tempore. The Minority Leader is recognized.

Senator Sotto. Thank you, Mr. President.

Will the distinguished sponsor, Chair of the Senate part of the Bicameral Conference Committee, yield for just some clarifications?

Senator Drilon. With pleasure, Mr. President, to the Minority Leader.

Senator Sotto. Yes. I will be first to point out that I am a member of the Bicameral Conference Committee, and I will help to, likewise, place on record the fact that I was there at the start, but towards the end of the Bicameral Conference Committee Report I excused myself and told the Senate President about it.

Now, as I was gleaning through the Committee Report, my attention was attracted by the fact that all the senators who were members of the Bicameral Conference Committee signed the Bicameral Conference Committee Report. But there are a number of congressmen who did not. And I count one, two and three members of the House counterpart who dissented from the Bicameral Conference Committee Report. I was not present during that time and I would like to know what is the dissenting issue brought out by these members of the House of Representatives. Just for the record, Mr. President, I think an explanation towards its effect is in order.

Senator Drilon. Those who signed in dissent, Mr. President, were not present during the Bicameral Conference Committee deliberations. There were three who indicated their dissent. There were 12 or a majority of the House contingent who gave their concurrence.

In reply to the question of the Minority Leader, I could only cite what is written in the report. Congressman Dilangalen said, "This Act is unconstitutional." And the same import is the dissent of Congressman Zamora allegedly the bill is unconstitutional.

Senator Sotto. I see. So they were not there and they did not participate in the deliberations of the Bicameral Conference Committee Report.

Senator Drilon. No, Mr. President.

Senator Sotto. Just one final point here, Mr. President.

May we spread into the *Record* again the need to incorporate the oath of allegiance?

Senator Drilon. The incorporation of the oath of allegiance was upon the representation and motion of the House contingent in order to determine who, indeed, have reacquired their citizenship under this Act. Because as against the Senate version which automatically granted dual citizenship, the House contingent insisted that there should be an oath of allegiance as they are no longer citizens of the Philippines.

Senator Sotto. And this oath was taken from....

Senator Drilon. This oath was taken, I think, from the naturalization law although on a revised basis.

Senator Sotto. This is not a word for word....

Senator Drilon. No. It is not a word-for-word repetition of the Naturalization Act.

Senator Sotto. I see. Thank you, Mr. President. That is all. I register my concurrence with the motion of the Senate President.

Senator Arroyo. Mr. President.

The President Pro Tempore. Sen. Joker P. Arroyo is recognized. After that, Sen. Edgardo J. Angara.

Senator Arroyo. Will the Senate President yield?

Senator Drilon. My pleasure, Mr. President.

Senator Arroyo. May I just be clarified, Mr. President. A child born in the United States of Filipino parents is by American law a U.S. citizen and by Philippine law a Filipino citizen.

Senator Drilon. That is correct, Mr. President. Even without this law, the child mentioned by the gentleman from Bicol has already a dual citizenship.

Senator Arroyo. So, that particular child born of both mother and father who may be now U.S. citizens do not have to do any positive act?

Senator Drilon. That is correct because our Constitution recognizes that child as a Filipino citizen, in fact, is a natural-born Filipino citizen. But since the child was born in the United States, he or she is also considered an American citizen. That is the classic case, Mr. President, of *Manzano vs. Mendoza* where the Supreme Court recognized dual citizenship as being allowed under our Constitution.

In that particular case, Manzano, who was a vice mayoralty candidate in Makati, was shown to have been born in the United States of Filipino parents. The Supreme Court ruled that Mr. Manzano is qualified to run as vice mayor of Makati.

Senator Arroyo. Even if he did not elect Filipino citizenship when he became 18 years old?

Senator Drilon. Even if he did not elect Filipino citizenship. That is correct, Mr. President. The parents were citizens of the Philippines and, therefore, under the Constitution, at the time he was born, he was already a natural-born Filipino.

The fact that they are immigrants is not material, Mr. President, because immigrant would only affect the residents, not the nationality.

Senator Arroyo. Another question, Mr. President.

Come the 2004 elections, if we adopt this bill, all those Filipinos who reacquire Philippine citizenship by virtue of this bill can vote for Pres. Gloria Macapagal Arroyo through the Absentee Voting Law, and come November also vote for President Bush for president of the United States. Will that be the picture? I would like to be clarified on that.

Senator Drilon. Yes, with one exception, Mr. President.

First, they must qualify under our Constitution and they must execute the affidavit.

Second, they must not be a candidate for or occupying any public office in the country of which they are naturalized citizens.

Senator Arroyo. Meaning, let us say, in the United States?

Senator Drilon. In the United States or in the active service as a commissioned or noncommissioned officer of the armed forces.

Senator Arroyo. So, retired officers are not covered by that?

Senator Drilon. Retired officers can vote. Except for those exclusions, the answer is in the affirmative, Mr. President.

Senator Arroyo. I wish to thank the gentleman, Mr. President. We just wanted to be clarified on that.

Senator Angara. Mr. President.

The President Pro Tempore. Sen. Edgardo J. Angara is recognized.

Senator Angara. Thank you, Mr. President.

Mr. President, I would like to ask some points of clarification on this bill.

In Section 4, Mr. President, *Derivative Citizenship*, the unmarried child, 18 years and below, is deemed a citizen....Is he deemed a natural-born citizen or a nonnatural-born citizen?

Senator Drilon. If the child was born of Filipino parents at the time of the birth and the parents subsequently became naturalized citizens, that child is natural-born because the determining factor is the time of birth.

Now, if the child was born after the parents were naturalized and they are below 18 years of age, I will hazard an opinion, Mr. President, that they are not natural-born Filipino citizens.

Senator Angara. This point is quite vague in the law, and the gentleman is suggesting that the date of birth and when they acquired new citizenship will be the determinative factors.

Senator Drilon. My view, Mr. President, is that the citizenship of the parents at the time of birth would be the determinant as to whether or not the child is natural-born or not. Because a natural-born citizen is one whose parents are citizens of the Philippines at the time of birth.

Senator Angara. I understand that. This is quite important, Mr. President, because the distinction between

natural-born and nonnatural-born citizens has implications on ownership of land, exercise of professions, as well as election to public office.

Senator Drilon. It would have implications on election to public office.

Senator Angara. So, it is a very significant fact.

Senator Drilon. But as far as ownership of land is concerned, I do not think that natural-born would be material.

Senator Angara. No. But there are certain areas of economic activity reserved only to natural-born citizens.

Senator Drilon. That is correct, Mr. President.

Senator Angara. So, it is still critical.

Senator Drilon. Yes, Mr. President.

Senator Angara. It is also material when one wants to run for public office. Because, for instance, members of Congress must be natural-born citizens.

But how can we tell, Mr. President, that the reckoning period would be the time of his birth when his parents were still Filipinos?

Senator Drilon. That is correct, Mr. President. Because in my view, the citizenship of the parents would be the determining factor to determine whether or not the child is natural-born because at the time of the birth, he follows the citizenship of the parents. Therefore, if the parents were Filipinos at the time of birth, then he is natural-born.

Senator Angara. But if he were born in the United States, Mr. President, by the principle of *jus soli*, he would also be automatically American citizen.

Senator Drilon. That is correct but not by virtue of this law, Mr. President.

Senator Angara. Yes, I know. By operation of law of the United States.

Senator Drilon. By operation of law of the United States.

Senator Angara. And so, upon birth, he had dual citizenship.

Senator Drilon. That is correct, Mr. President, but he is also a natural citizen at that point. Because his parents were Filipinos or one of his parents was a Filipino--he was born under the 1987 Constitution--and at the time of his birth, under our Constitution, he was a natural-born citizen of the Philippines. Because one of his parents or both of his parents were citizens of the Philippines.

Senator Angara. Yes, we assume that both parents are still Filipino citizens--

Senator Drilon. At the time of birth.

Senator Angara. --at the time of birth and they have not acquired new citizenship. Let us assume that this child will have two citizenships, the citizenship of the place of birth, U.S. citizen, and the citizenship of the parents, Filipino.

So, under this provision, Mr. President, on derivative citizenship, how are we going to classify the child?

Senator Drilon. The child born in the United States of Filipino parents is a dual citizen not by virtue of this law but by virtue of the operation of our Philippine Constitution and the American law. That is the case of Manzano.

Now, in that particular instance, since the child was born of Filipino parents, he is a natural-born citizen of the Philippines, although under American law he is also an American citizen.

Now, if at the time of the birth of the child, he is or she is born out of a naturalized American, there is no natural-born child. Because at the time of the birth, none of the parents would be Filipinos.

Senator Angara. Yes, I understand that, Mr. President. We are talking of a child born to natural-born Filipinos.

But it is important to distinguish his or her citizenship for Philippine purposes. Whether he can run for Congress, whether he can exercise some professions, whether he can exercise some economic rights, and many other fundamental rights, Mr. President. And if our only basis for saying that he will be a natural-born citizen or he will not be a natural-born citizen is the fact of the date of his birth and the circumstance that his parents are still Filipino citizens, is that not quite a tenuous connection to a very important issue?

Senator Drilon. I believe, Mr. President, I submit that it is the most accurate standard because we are talking not about the time or the date of the birth of the child but of the citizenship of the parents at the time of birth. Therefore, if the parents were aliens at the time of birth, because they have been naturalized Americans, the child cannot be considered as a natural-born citizen of the Philippines.

Senator Angara. Well, maybe that is the most liberal interpretation we extend to the child, Mr. President. But since this law extends "full civil and political rights," maybe we should not be too generous in interpreting this provision.

Senator Drilon. In fact, it is not being generous because the requirement is that the parents must be citizens of the Philippines at the time of birth in order to qualify that child as a natural-born Filipino.

Senator Angara. Yes, but in that case, Mr. President, he would have been brought up, educated and reared abroad. Unlike his parents who have been reared, educated and brought up here. Theoretically, we would still embrace them as natural-born citizens. But there would be quite a difference in culture, in outlook and even in political philosophy of a child born and raised abroad. Perhaps, we should be more careful in saying that he is now, by inheritance, a natural-born Filipino.

What I am just saying is that, there are not enough facts and statements in this law that would confer that kind of important classification to the child. I have no problem with a native-born Filipino who may have acquired another citizenship. He remains a native-born Filipino.

Senator Drilon. Mr. President, this provision was found in our original Senate version and I do not recall the debates particularly, but this was in our original Senate version. Anyway, the view of the sponsor--let it be spread on the record--is that, this must be given a strict interpretation.

Senator Angara. Yes. That is what I am trying to argue for, Mr. President.

Now, Section 5, *Civil and Political Rights and Liabilities*, says: "shall enjoy full civil and political rights". But it is not really full, Mr. President, because as indicated by subsection 5, those who hold elective or appointive positions abroad cannot enjoy these civil and political rights granted here, is it not?

Senator Drilon. That is correct. Principally, it is a policy decision on the part of the Bicameral Conference Committee adopting the Senate version that there should be limitations on civil and political rights.

Senator Angara. I am just worried about the phraseology, Mr. President, because when we say "full," it ought to be full and complete. But, in fact, this is not full and complete. It is really a limited civil and political right in terms of persons and in terms of areas of activity. For instance, if the person wants to exercise a profession in this country, then he must apply to the licensing body, for instance....

Senator Drilon. That is correct, this is the amendment introduced by Senator Fimentel on the Floor of the Senate when we were deliberating on it.

Senator Angara. For instance, an American lawyer who wants to enjoy the benefit of this law must still take the Philippine Bar examinations, is it not?

Senator Drilon. The provision will apply to Filipinos who passed the Philippine Bar before they became naturalized citizens of another country, and the bill will allow them to exercise once more the legal profession upon the renewal of their license.

Senator Angara. I have no problem with those who have already been exercising their professions prior to their acquisition of a new citizenship. But I am concerned about new lawyers or doctors who may want to practice their professions here in the country. They should be required to undergo and pass the board and Bar examinations.

Senator Drilon. Those who were never admitted to the practice of the profession before. For example, a physician who acquired his license in the United States solely--having been schooled there and became a dual citizen--cannot just come here and apply and be granted the rights to exercise his profession. He must go through the licensing procedure required of Philippine citizens.

Senator Angara. Yes, that is what I mean. A lawyer must pass the Bar examinations.

Senator Drilon. If he had not taken the Bar examination before. That is correct, Mr. President.

Senator Angara. And a physician must take the board examination because these two professions require nationality.

Senator Drilon. That is correct, Mr. President. If this lawyer and the physician were not previously licensed in the Philippines—

Senator Angara. Yes. That is always the assumption here.

Senator Drilon. --they would be required to take the Bar and the board examinations, respectively.

Senator Angara. So, contrary to the impression that this is full civil and political rights, to some extent, this is really limited by the conditions imposed under Section 5, whether in the exercise of the profession, in seeking public office, elective or appointive, is it not?

Senator Drilon. That is one way of putting it. The other way of putting it is that this is full restoration subject to certain conditions. There are two ways of putting it, Mr. President. But we agree that there are certain conditions before certain rights can be exercised.

Senator Angara. Well, I am concerned about the expectation and the representation. I think we should not represent that this restores full civil and political rights because it does not.

Now, in the exercise of some economic rights, Mr. President, will the Filipinos who will now enjoy the benefit of this law be allowed to buy land in the Philippines?

Senator Drilon. Yes, they can, Mr. President. They can engage in real estate development.

Senator Angara. Will they now be allowed to operate public utilities?

Senator Drilon. I cannot remember exactly the wording of the Public Service Act, as amended. But if it does not require natural-born citizens, yes, they can operate public services.

Senator Angara. Will they now be allowed to run educational institutions?

Senator Drilon. If it is not a requirement that he should be a natural-born citizen, yes.

Senator Angara. Will they now be allowed to own advertising agencies which is supposed to be 100 percent owned by Philippine nationals?

Senator Drilon. Yes, Mr. President. In fact, this representation cannot understand why an advertising industry is limited to Philippine nationals.

Senator Angara. Well, that is the Constitution.

Senator Drilon. That is the Constitution. I know. But just in reply, yes, Mr. President. These dual citizens can now acquire 100% equity in an advertising company.

Senator Angara. As we can see; Mr. President, this has far-reaching implications on economic and civil rights. As the sponsor said, and I will adopt that, this law should be interpreted restrictively rather than liberally.

Senator Drilon. In terms of the derivative citizenship, yes, Mr. President, in terms of the situations where the question of whether or not one is a natural-born citizen is concerned.

Senator Angara. There is one other point here, Mr. President. The question of public office, would citizens by derivative origin qualify to run for public office, except Congress, because there is a question about his citizenship.

Senator Drilon. For those governed under the Local Government Code, they will be qualified, Mr. President.

Senator Angara. They will be qualified.

Senator Drilon. Yes, Mr. President.

Senator Angara. Will they be qualified for appointments to the civil service?

Senator Drilon. Yes, Mr. President, provided that they denounce their other citizenship. That is provided for under the measure.

Senator Angara. Will the gentleman tell us, Mr. President, how many countries in the world allow dual citizenship, and to what extent they give civil and political rights to them?

Senator Drilon. As of the last count, there are about 89 countries. In the case of Spain, for example, it is so liberal that it recognizes dual citizenship so that a foreigner who becomes a Spanish citizen is expressly told he can maintain his other citizenship. I cannot, at this point, recall all the provisions of the 88 other laws, but there are about 89 countries reported to have dual citizenship in one way or the other.

Senator Angara. We will appreciate it, Mr. President, if we can clarify all these points because it is not unlikely that a challenge may be brought to the Supreme Court. We must therefore ensure to reflect on the records what the congressional intent really is. All these points should be put on record.

Thank you, Mr. President. I support this bill and I believe that this will enable many of our countrymen not only to vote but also to have an economic stake in our country.

Senator Villar. Mr. President.

The President Pro Tempore. Sen. Manuel B. Villar Jr. is recognized.

Senator Villar. I just would like to clarify a point. Will there be any effect on the absentee-voting law once this bill is signed by the President or is enacted into law?

Senator Drilon. The dual citizen can now vote subject to:

1. He will be required to submit an affidavit of intention to return to the Philippines within three years as provided for in the Absentee-Voting Act;

2. He must not be holding a public office in the country where he is a national, it is his adopted country, or a member of the armed forces in that country.

Senator Villar. Will he still be required to submit that affidavit even with the passage of this law?

Senator Drilon. Yes, Mr. President. Precisely, that was specified because the affidavit, as borne out by the record, is necessary because of the residence requirement under the Constitution. The affidavit is necessary in order that the intent to return will be proven or will be shown.

Admittedly, many of the immigrants, particularly in the United States, are having second thoughts about voting, because they are concerned that an affidavit of an intention to return to the Philippines could prejudice and could have adverse effects on their immigrant status in the United States. That fear or that concern is not present in the case of dual citizens because a dual citizen can reside anywhere and he can express his intention to stay or to return to the Philippines within three years without his American citizenship being prejudiced.

Senator Villar. That is my only question, Mr. President.

APPROVAL OF CONFERENCE COMMITTEE REPORT
ON S. NO. 2130/H. NO. 4720

Senator Drilon. Thank you, Mr. President. May I now reiterate the motion, if there are no more questions.

The President Pro Tempore. There being no more questions, we can now proceed with the approval. Is there any objection? Senator Recto is objecting. With one objection, the others no objections, the Conference Committee Report is approved.

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

INSERT

SUSPENSION OF SESSION

Senator Drilon. Mr. President, I move that we suspend the session for one minute.

The President Pro Tempore. Is there any objection? [Silence] There being none, the session is suspended for one minute.

It was 5:15 p.m.

RESUMPTION OF SESSION

At 5:16 p.m., the session was resumed with the Hon. Franklin M. Drilon, Senate President, presiding.

The President. The session is resumed.

SPECIAL ORDER

Senator Legarda. Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 238 on Proposed Senate Joint Resolution No. 17, entitled

RESOLUTION CALLING FOR A CONVENTION IN THE YEAR
2004 TO PROPOSE AMENDMENTS TO, OR REVISION OF
THE 1987 CONSTITUTION OF THE REPUBLIC OF THE
PHILIPPINES

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

RESOLUTION ON SECOND READING
S. Jt. Res. No. 17--Calling for a
Convention in 2004 to Propose
Amendments to, or Revision of
the 1987 Constitution

Senator Legarda. Mr. President, I move that we consider Senate Joint Resolution No. 17 as reported out under Committee Report No. 238.

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

Consideration of Proposed Senate Joint Resolution No. 17 is now in order. With the permission of the Body, the Secretary will read only the title of the resolution, without prejudice to inserting in the *Record* the whole text thereof.

The Secretary. Proposed Senate Joint Resolution No. 17, entitled

RESOLUTION CALLING FOR A CONVENTION IN THE YEAR
2004 TO PROPOSE AMENDMENTS TO, OR REVISION OF
THE 1987 CONSTITUTION OF THE REPUBLIC OF THE
PHILIPPINES

The following is the whole text of the Resolution:

Proposed Senate Joint Resolution No. 17

insert

Senator Legarda. Mr. President, I ask that we recognize the sponsor, Sen. Edgardo J. Angara.

The President. Sen. Edgardo J. Angara is recognized.

SPONSORSHIP SPEECH OF SENATOR ANGARA

Senator Angara. Thank you, Mr. President.

Mr. President, the committee, Committee on Constitutional Amendments, Revision of Codes and Laws, is pleased to submit this resolution for consideration and discussion of this Chamber.

Introduction

Let me begin, Mr. President, by saying that a constitution is not and cannot be cast in stone, rigid and impervious to change. A law that ceases to grow ceases to be.

The only thing that should be permanent in this world is change and dynamism. No human institution should be held sacrosanct and inviolate.

The Philippine Constitution, Mr. President, sad to note, is caught in a time warp. Drafted and ratified in 1986 and 1987, a period of liberation and great euphoria, it ironically drew much of its vital provisions from the 1935 Constitution.

It perpetuated a presidential form of government, with all its demonstrated tendency to gridlock and stalemate its imperial trappings.

The separation of powers--with the Presidency, Congress and the Judiciary, as the three independent branches of government, breeds conflict and stalemate in policy-making rather than promote cooperation and harmony.

The Supreme Court, the final arbiter that invalidates the acts of a coordinate body, has become increasingly intrusive, going beyond its domain and has, increasingly too, encroached upon policy-making.

The unitary structure has resulted in an Imperial Manila, with vast and awesome powers that are only its own. Its economic provisions were better suited for a long-gone

era of mercantilism, in which economic powers were basically exploiters of natural resources and raw materials.

The provision that sets a cap on foreign investments is so obsolete that it has been modified drastically in the country that had launched the Long March and the Cultural Revolution.

The presidency is, in many respects, Mr. President, an elected monarchy in this country that sometimes, no, not just sometimes, but many times can run roughshod over the traditional principles of checks and balances and of public accountability.

When we start finding the roots of the state of anarchy and the fragility of the country's vital democratic institutions, we only find one thing: the unresponsiveness and the irrelevance of the present institutions.

These weak and unresponsive institutions have only spawned and abetted bad leaders, and unsound policies.

The time is ripe to look at this rigid constitutional arrangement in the eye and stand it on its head.

Change - The Constitutional Imperative

Reviewing the archaic government structure is imperative. Otherwise, the alternative is grim and forbidding.

We are once more Asia's basket case. We are considered one of the most corrupt.

The country's life support system comes from the export of our own people, and our economy sustained by their remittances.

Reforms are only possible with democratic institutions that are dynamic, that are responsive to changing times.

This structurally faulty constitution we have right now has become the refuge of the ambitious and the scoundrels, and has failed to act as a stabilizing force a constitution purports to provide.

Major Areas of Constitutional Reform

The Committee on Constitutional Amendments, Revision of Codes and Laws, Mr. President, has identified in its accompanying report to the Chamber, four major areas of

constitutional reform, all drawn from expert opinion, testimonies in public hearings and a careful, comprehensive study of the country's current political and economic conditions.

These four areas are:

- 1) Shift in the form of government, from presidential to parliamentary
- 2) Shift from a unitary to a federal form of government
- 3) Modernizing the economic provisions on land ownership, ownership and operation of public utilities, ownership and operation of media and advertising institutions, ownership and operation of educational institutions, and the exploration and development of natural resources
- 4) Strengthening the supremacy of civilian rule over the military

As I have stated earlier, a parliamentary form of government will avoid the vicious gridlock and paralysis inherent in a presidential setup. With its underlying principle of mutual dependence, a parliamentary form of government will give greater degree of freedom to the various institutions of government in facilitating actions and decisions critical for economic and social advancement.

A unitary setup promotes excessive centralization of power and resources in the central government. This inequitable setup largely explains the lingering conflict in Mindanao and the strong feeling of resentment expressed by local government officials towards Manila. It is believed that a federal system will weave together our fractious society and our thousands of islands and will break the culture of mendicancy that underpins the relationship between the central and local governments.

And from all the experts and all the studies submitted, Mr. President, it appears that federalism is an integral component in the advocacy for a parliamentary system of government.

Economists, including the government's chief economist, the NEDA Secretary General, are unanimous in saying that certain provisions of the Constitution on the national economy and patrimony are restrictive and stifle the flexibility of government to formulate sound and timely economic policies which will attract investments and create jobs.

This rigid constitutional framework has tied up the government's ability to respond to the changes and challenges posed by an increasingly global market economy.

And lifting from the unfortunate experience of the Estrada administration where the Chief of Staff undermined the duly constituted authority by cutting off the chain of command of the armed forces with alacrity, affirming the principle of supremacy of civilian authority over the military would reinforce the cause of freedom and strengthen the rights and liberties of Filipinos.

Constitutional Convention - The Chosen Mode

The committee proposes the holding of a constitutional convention to carry out the foregoing major recommendations for constitutional reform.

A constitutional convention is deemed as an independent and coequal branch of government. It is imbued with full plenary powers and is expected to act with objectivity and foresight.

As embodied in Proposed Joint Resolution No. 17, under Committee Report 233, the proposed rules for the convention are:

First, the convention shall be composed of one delegate each from the existing legislative districts, who shall be elected simultaneous with the May 2004 elections;

Second, the office of delegate will be honorary and the delegate shall not receive any salary or compensation. He shall however be entitled to a modest per diem whenever he attends the session of the convention or any of the committees, and to reasonable traveling expenses;

Third, the convention shall commence its work not later than 30 days from the inauguration of the president-elect on June 30, 2004. The Senate President and the Speaker of the House will jointly preside at its opening.

Fourth, the rules applicable to members of Congress on immunity, disclosure of financial and business interests and conflict of interest will be applicable to the delegates; and

Fifth, the convention will have a term of not more than one year and shall be considered *functus officio* after the lapse of the second Monday of May 2005. The appropriations needed for the convention is good only for one year.

Conclusion

In conclusion, Mr. President, let me state once again that constitutional change is inevitable. Justice Cardozo once said that, "The inn that shelters for the night is not the journey's end. The Constitution, just like the traveler, must be ready for the morrow."

That morrow, Mr. President, that tomorrow after the convention should be a bright morning, a fresh start, and a body of responsive and relevant institutions of democracy.

It should be a morning of dynamic economic provisions, best suited for a world slowly shaking off its borders.

It should be a Constitution looking after today and tomorrow and what lies further ahead.

It should provide the steady hand and anchor to this unsteady Republic.

Thank you, Mr. President.

The President. Thank you, Senator Angara.

The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF S. JT. RES. NO. 17

Senator Legarda. Mr. President, I move that we suspend consideration of Senate Joint Resolution No. 17.

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

SUSPENSION OF SESSION

Senator Legarda. Mr. President, I move that we suspend the session for one minute.

The President. Is there any objection? *[Silence]*
There being none, the session is suspended for one minute.

It was 5:29 p.m.

RESUMPTION OF SESSION

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

The President. The session is resumed.

The Majority Leader is recognized.

Senator Legarda. I ask that we recognize Sen. Robert Z. Barbers.

The President. Senator Barbers, the principal of the measure, is recognized.

Senator Barbers. Mr. President, I will just submit my cosponsorship speech, for the record, with a *colatilla* that there is really a need for an immediate Charter change and I think we have to do it now. We have to do it now. As pronounced by the main sponsor, there is an imperative need.

Thank you very much, Mr. President.

The following is the written sponsorship speech of Senator Barbers:

SPONSORSHIP SPEECH OF SENATOR BARBERS

Mr. President, I rise to cosponsor Senate Joint Resolution No. 17 under Committee Report No. 238 submitted by the Committee on Constitutional Amendments, Revision of Codes and Laws chaired by Sen. Edgardo J. Angara.

Mr. President, I fully support Senate Joint Resolution No. 17 under Committee Report No. 238, specifically the points justifying the need to amend the Constitution.

Mr. President, the issue of whether or not to amend the Constitution has been the subject of long debates among us Filipinos. From the time of the Ramos administration to the present administration, arguments for and against amending the Constitution have been raised. And for this reason, Mr. President, I could safely say that the said discussions were exhaustive enough to settle the issue.

Mr. President, there is, indeed, a need to change certain provisions of the Constitution as specifically outlined in Senate Joint Resolution No. 17 under Committee Report No. 238.

Be that as it may, Mr. President, the timeliness of amending the fundamental law of the land is another matter. During the time of the Ramos administration, many said that it was too early. In President Estrada's time, many also argued that it was not yet the right time. And finally today, some are still singing the same tune.

So, the question now, Mr. President, is: When can we say that the timing is right?

During the hearings conducted by the Committee on Constitutional Amendments, Revision of Codes and Laws, some sectors opined that any move to tinker with the Constitution could only mean an extension and strengthening of governmental power by those who currently wield it.

Mr. President, this kind of cynicism only means that there can never be a right time to amend the Constitution. And if such were the case, the Constitution thus becomes overly sacred and sacrosanct - and this we cannot afford. For, as aptly put by the principal sponsor, only change is permanent.

It is for this reason, Mr. President, why I fully support the move to amend the Constitution and that move should be immediate if only to make our Constitution the mirror or reflection of our society's current experience and predicament. Oliver Wendell Holmes once said that "the life of the law is not logic but experience."

And so, Mr. President, let it be of record that as a cosponsor of Senate Joint Resolution No. 17 under Committee Report No. 238, I fully support the move to amend the Constitution.

The President. The Majority Leader is recognized.

CONSIDERATION OF COMMITTEE REPORT NO. 237
(Inquiry in Aid of Legislation
Re: P.S. Res. Nos. 49 and 98)
(Continuation)

Senator Legarda. Mr. President, I move that we resume consideration of Committee Report No. 237 on Proposed Senate Resolution Nos. 49 and 98.

The President. Is there any objection? [Silence] There being none, resumption of consideration of Committee Report No. 237 is now in order.

Senator Legarda. I ask that the sponsor, Sen. Robert Z. Barbers, be recognized.

The President. Sen. Robert Z. Barbers is recognized.

Senator Legarda. We are in the period of interpellations. To interpellate, I ask that the Minority Leader, Sen. Vicente C. Sotto III, be recognized.

The President. The Minority Leader is recognized for the period of interpellations. [Pause]

SUSPENSION OF CONSIDERATION OF COMMITTEE REPORT NO. 237

Senator Legarda. Mr. President, we decided to move the interpellations on Committee Report No. 237 for tomorrow.

The President. For the record, may the Chair know the reason for the....

Senator Legarda. The sponsor, Senator Barbers, requested that it be rescheduled for tomorrow. Just for the record, it has been on the agenda for the past several weeks. It has been requested by the sponsor to put it on the agenda. I put it first for interpellations today, but he requested to move it for tomorrow, Mr. President.

The President. All right. On that premise, consideration of Committee Report No. 237 is suspended, if there is no objection. [There was none.]

SUSPENSION OF SESSION

The President. With the permission of the Chamber, the session is suspended for one minute, if there is no objection. [There was none.]

It was 5:51 p.m.

RESUMPTION OF SESSION

At 6:01 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

BILL ON SECOND READING
S. No. 2630--Proposed Amendments
to the PhilHealth Law
(Continuation)

Senator Legarda. Mr. President, I move that we resume consideration of Senate Bill No. 2630 as reported out under Committee Report No. 258.

The President. Is there any objection? [Silence]
There being none, resumption of consideration of Senate Bill No. 2630 is now in order.

Senator Legarda. Mr. President, we are still in the period of interpellations. I ask that the sponsor, Sen. Juan M. Flavier, be recognized.

The President. Sen. Juan M. Flavier is recognized.

MANIFESTATION OF SENATOR LEGARDA
(Reservation to Interpellate of Senator Pimentel on
S. No. 2630, Who is Out of the Country)

Senator Legarda. Mr. President, Senator Pimentel earlier made a reservation to interpellate. He is out of the country and it has not been verified whether he would proceed with the interpellation or not. Senator Angara had promised that he would talk to Senator Pimentel tonight. Other than Senator Pimentel, there have been no other senators who reserved to interpellate.

There has been a request from the sponsor to close the period of interpellations subject to the request of Senator Pimentel, upon his arrival from the U.S., whether he would still want to continue his interpellations.

The President. I think the suggestion is that Senator Angara will call Senator Pimentel tonight and inform him of the closure of the period of interpellations. And if indeed Senator Pimentel would want to interpellate, the closure will be reconsidered tomorrow upon information of Senator Angara, if indeed Senator Pimentel would wish to interpellate.

Senator Flavier. That is correct, Mr. President.

Senator Legarda. If that is the case then, I move that we close the period of interpellations on Senate Bill No. 2630 under Committee Report No. 258.

The President. Subject to that condition, is there any objection? [Silence] There being none, the motion is approved.

Senator Flavier. There are also no committee amendments, Mr. President.

Senator Legarda. There are no committee amendments and there are no reservations for individual amendments.

I move that the period of committee amendments be closed.

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

Senator Legarda. There are no reservations yet for individual amendments. I move that the period of individual amendments be closed.

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

SUSPENSION OF CONSIDERATION OF S. NO. 2630

Senator Legarda. I move that we suspend consideration of Senate Bill No. 2630.

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

Senator Angara is requested to get in touch with Senator Pimentel at a later hour so that we can proceed with the consideration of the bill in tomorrow's session.

Senator Legarda. Mr. President, I move that we resume consideration of House Bill No. 4066 under Committee Report No.I am sorry. I withdraw that motion. The sponsor is not around.

ADJOURNMENT OF SESSION

I move that we adjourn the session until three o'clock tomorrow afternoon, Tuesday, August 26, 2003. I have a lot in the agenda, but unfortunately half of the members of the

Chamber have left the Hall. I would, therefore, be constrained to move for adjournment, also upon the request of the birthday celebrant, the Minority Leader.

The President. Is there any objection? [Silence] There being none, the session is adjourned until three o'clock in the afternoon, Tuesday, August 26, 2003.

It was 6:04 p.m.

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