

MONDAY, OCTOBER 7, 2002

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MONDAY, OCTOBER 7, 2002

OPENING OF SESSION

At 3:59 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 21st session of the Second Regular Session of the Twelfth Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Ralph G. Recto.

After the prayer, the Senate Choir will lead us in the singing of the national anthem.

Everybody rose for the prayer.

PRAYER

Senator Recto. Thank you, Mr. President.

An unknown author once said that when we pray we ought to have a Bible in one hand and a newspaper in the other.

This afternoon, let us all bow down our heads and pray for our fellowmen and women whose pain and misery come to us everyday in the newspapers, on television, and face-to-face:

- for the millions of Filipinos who live below the poverty line;
- for the thousands of workers who lost their jobs;
- for the thousands of overseas Filipino workers in the Middle East whose jobs are now threatened by an impending war;
- for the hundreds of families who were deprived of their home and livelihood in Sabah;
- for the hundreds of families who had to flee their homes as their communities become battlegrounds between government and rebel forces;
- for all of us who live in constant fear of bombs, bullets, and blades;
- for all who have lost hope;
- for those who seek justice;

- for those who impute dark motives on the innocent:

- for those who do not know that they are loved by Jesus:

- for peace in the Middle East, in our land, and the rest of our troubled world.

Amen.

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

ROLL CALL

The President. 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 B. Biazon.....Present
Senator Renato L. *Compañero* Cayetano.....Present
Senator Noli "Kabayan" de Castro.....Present
Senator Luisa "Loi" P. Ejercito Estrada....Present
Senator Juan M. Flavies.....Present
Senator Gregorio B. Honasan.....Present
Senator Robert S. "JAWO" Jaworski.....Present
Senator Panfilo M. Lacson.....Present
Senator Loren B. Legarda Leviste.....Present
Senator Ramon B. Magsaysay Jr.....Present
Senator John H. Osmeña.....Absent
Senator Serdio R. Osmeña III.....Present
Senator Francis N. Pangilinan.....Present
Senator Aquilino Q. Pimentel Jr.....Present
Senator Ralph G. Recto.....Present
Senator Ramon B. Revilla.....Present*
Senator Vicente C. Sotto III.....Present
Senator Manuel B. Villar Jr.....Present
The President.....Present

* Arrived after roll call

The President. With 20 senators present, there is a quorum.

The Majority Leader is recognized.

THE JOURNAL

Senator Leviste. Mr. President, I move that we dispense with the reading of the *Journals* of the 19th session, October 1, 2002 and the 20th session, October 2 and 3, 2002, and consider these approved.

The President. There is a typographical error which the Chair has noticed.

On page 462, something is wrong. The adjournment is at 12:05 p.m., but the earlier resumption of the session was at 12:24 p.m. If we note the *Journal* on top of page 462, it says: "RESUMPTION OF SESSION. At 12:24 p.m., the session was resumed." "ADJOURNMENT OF SESSION - It was adjourned at 12:05 p.m." So something is wrong here.

Senator Leviste. We therefore withdraw the motion to....

The President. No, can we just suspend the session?

SUSPENSION OF SESSION

Senator Leviste. I move that we suspend the session, Mr. President.

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

It was 4:04 p.m.

RESUMPTION OF SESSION

At 4:05 p.m., the session was resumed.

The President. The session is resumed.

The Majority Leader is recognized.

Senator Leviste. As manifested by the Senate President, on page 462 there is a correction by the Secretariat. It is 12:25, not 12:05.

The President. All right. With that correction, there is a motion to dispense with the reading of the *Journal* of Session Nos. 19 and 20 and consider it approved. Is there

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

Senator Levište. I move, Mr. President, 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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

October 1, 2002

The Honorable
FRANKLIN M. DRILON
President of the Senate
GSIS Bldg., Financial Center
Pasay City 1308
Metropolitan Manila

Mr. President:

I have been directed to inform the Senate that the House of Representatives on September 30, 2002, has requested a conference on the disagreeing provisions of House Bill No. 1084, entitled:

"AN ACT PROVIDING FOR A MORE RESPONSIVE NURSING PROFESSION, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7164, OTHERWISE KNOWN AS 'THE PHILIPPINE NURSING ACT OF 1991' AND FOR OTHER PURPOSES"

which was approved on May 7, 2002 and Senate Bill No. 2292, entitled:

"AN ACT PROVIDING FOR A MORE RESPONSIVE NURSING PROFESSION, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7164, OTHERWISE KNOWN AS 'THE PHILIPPINE NURSING ACT OF 1991' AND FOR OTHER PURPOSES"

which was passed by the Senate on August 28, 2002 and has accordingly designated Representatives Eladio "Boy" M. Jala, Harlin Cast Abayon, Antonio

Eduardo B. Nachura, Edgar M. Chatto, Carlos M. Padilla and Didagen P. Dilandalen, as its conferees.

Very truly yours,

(Sgd.) ROBERTO F. NAZARENO
Secretary General

The President. Referred to the Committee on Rules

The Secretary.

October 2, 2002

The Honorable
FRANKLIN M. DRILON
President of the Senate
GSIS Bldg., Financial Center
Pasay City 1308
Metropolitan Manila

Mr. President:

I have been directed to inform the Senate that the House of Representatives on October 1, 2002, concurred with the Senate amendments on House Bill No. 3522, entitled:

"AN ACT GRANTING THE DIGITEL MOBILE PHILS., INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN TELECOMMUNICATIONS SYSTEMS THROUGHOUT THE PHILIPPINES"

Very truly yours,

(Sgd.) ROBERTO F. NAZARENO
Secretary General

The President. To the Archives

RESOLUTION

The Secretary. Proposed Senate Resolution No. 449, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS (BLUE RIBBON) TO INVESTIGATE AND LOOK INTO, IN AID OF LEGISLATION, THE EQUITIES INVESTMENTS MADE BY THE SOCIAL

SECURITY SYSTEM (SSS), SUCH AS THOSE IN THE THEN PHILIPPINE COMMERCIAL AND INDUSTRIAL BANK (PCI) AND THE DMCI HOLDINGS, INC. (DMCI), DUE TO QUESTIONABLE AND DISADVANTAGEOUS DECISIONS OR JUDGMENTS OF ITS RESPONSIBLE SENIOR OFFICERS, AS WELL AS THE CONCERNED COMMISSIONERS OF THE SOCIAL SECURITY COMMISSION (SSC), WHICH LED TO HUGE LOSSES OF SSS FUNDS AMOUNTING TO NOT LESS THAN ONE BILLION AND FIVE HUNDRED MILLION PESOS (P1.5 BILLION), MUCH TO THE DAMAGE AND PREJUDICE OF ITS MORE THAN 23 MILLION MEMBERS, GREATLY AFFECTING THE STABILITY OF THE SSS AS AN INSTITUTION AND UNDERMINING ITS ABILITY TO FULFILL ITS MANDATE OF PROVIDING THE VITAL SOCIAL SECURITY SERVICES THEY NEED OR ARE ENTITLED TO

Introduced by Senator Barbers

The President. Referred to the Committees on Accountability of Public Officers and Investigations; and Government Corporations and Public Enterprises

COMMUNICATIONS

The Secretary. Letters from Officer-In-Charge Armando L. Suratos of the Bangko Sentral ng Pilipinas submitting to the Senate data on outstanding Philippine external debt as of June 30, 2002, as noted by the Monetary Board under its Resolution No. 1385 dated September 19, 2002.

The President. Referred to the Committees on Finance; and Economic Affairs

The Secretary. And Report on Economic and Financial Developments in the Philippines Second Quarter 2002, pursuant to Section 39 (a), Article V, Chapter I of the New Central Bank Act (R.A. No. 7653)

The President. Referred to the Committees on Banks, Financial Institutions and Currencies; and Economic Affairs

The Secretary. Letter from Deputy Executive Secretary for Legal Affairs Jose T. Tale of the Office of the President of the Philippines transmitting to the Senate two (2) original copies of Republic Act No. 9171, entitled

AN ACT GRANTING THE MUSLIM DEVELOPMENT MULTI-PURPOSE COOPERATIVE A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO BROADCASTING STATIONS IN THE PHILIPPINES

which was approved and signed by Her Excellency, President Gloria Macapagal-Arroyo on September 26, 2002.

The President. To the Archives

The Majority Leader is recognized.

OFFICIAL VISIT OF STUDENT COUNCIL
OFFICERS ACKNOWLEDGED

Senator Levite. Mr. President, we would like to acknowledge the presence of the following in the gallery today: the Student Council Officers from De La Salle University; and the Student Council officers from the College of St. Benilde.

SPECIAL ORDER

Senator Levste. Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 69 on Senate Bill No. 2293, entitled

REVISED PUBLIC LAND ACT OF THE PHILIPPINES

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

BILL ON SECOND READING
S. No. 2293--Revised Public Land Act

Senator Leviste. Mr. President, I move that we consider Senate Bill No. 2293 as reported out under Committee Report No. 69.

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

Consideration of Senate Bill No. 2293 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. 2293, entitled

REVISED PUBLIC LAND ACT OF THE PHILIPPINES

The following is the whole text of the bill:

Senate Bill No. 2293

(insert)

Senator Leviste. To sponsor the measure, Mr. President, I ask that Sen. Robert S. Jaworski be recognized.

The President. Sen. Robert S. Jaworski is recognized.

Senator Jaworski. Thank you, Majority Leader and Mr. President.

SPONSORSHIP SPEECH OF SENATOR JAWORSKI

A Short Legislative History

Mr. President and distinguished colleagues, this measure, which this committee is presenting for this Chamber's consideration, has long been pending in the archives of Congress.

This was originally entitled as "The Land Code of the Philippines" filed in the House of Representatives during the Ninth Congress.

The bill was deliberated, a Committee Report was submitted and in fact, approved up to Third Reading, but due to time constraints, it failed to reach the Upper House.

During the Tenth Congress, then Senator Heherson Alvarez filed a similar bill in this Chamber and Congressman Elias Lopez refiled the same bill in the House, but the measure stalled somewhere because it was misconstrued as the copycat of the controversial measure known as the Land Code of the Philippines, one of NEDA's pet proposals.

Then on the Eleventh Congress, the House approved this bill on Third Reading but the Senate counterpart was not approved as our legislative functions were sideswiped by our constitutional obligation to sit as an impeachment body.

We have here before us, Mr. President, not only the opportunity to finally passed this bill into law but also to improve the country's public land disposition management.

A Priority Measure

The President of the Republic, in her State of the Nation Address, committed to hasten the distribution of land to the landless.

In line with this call, Mr. President, our Committee on Environment and Natural Resources is honored to submit Senate Bill No. 2293 under Committee Report No. 69, sponsored by Senators Flavio, Pangilinan, Recto and this representation.

Our present law on land management and disposition is anchored on a 1936 vintage, Commonwealth Act (CA) No. 141. It needs updating and modifications as well as the necessary restructuring of the affected agencies to conform to the provisions of the Constitution and reorganization efforts going on in the Department of Environment and Natural Resources (DENR).

This is a very old law, in existence for almost seven (7) decades, which originated from the Maura Law during the Spanish regime and later adopted in the Philippine Bill of 1902 and Act 926.

For almost seven decades, we had to contend with its provisions and now, we have to admit that with the fast-changing pace of technology and time, the provisions of the Public Land Act are archaic and approaching total obsolescence.

Economic and Social Impact

This bill must be vigorously pursued because we need to fast track administrative land titling and land surveying. We need to vest authority to the Land Management Bureau to flushout illegally titled lands.

Our office is in receipt of various complaints, Mr. President, of corrupt, plundering oligarchs acquiring public lands or substantial portions thereof through various machinations and stratagems. These lands should either remain untouched for preservation and conservation or better awarded to people who have no land, to enable them to put these lands to productive use and help them make their way out of poverty. How and why these atrocities continue remain unanswered. With this bill, we expect however to stop and prevent the perpetuation of these fraudulent practices.

On the other hand, Mr. President, a carefully and conscientiously implemented land disposition program would have social impact, far beyond ordinary data could provide.

Peace of mind and contentment, which usually come with land ownership, cannot be categorized in our banal economic data. The social factors of this proposal are the types that cannot be contained in the so-called "basket-of-oods-index." This measure also complements what is enunciated in the Constitution and social reform program that the use and ownership of property bear a social function.

Inasmuch as we have trimmed down the period for prohibition on alienation after the land has been awarded to the beneficiaries, we expect to spark greater economic activity. Furthermore, many of our public lands are unproductive and the better, more sensible economic decision is to award such lands to those who are willing, able, and ready to cultivate and develop them.

Features of the Bill

Mr. President, aside from less cumbersome, simple and affordable mode of acquiring land title through administrative proceedings, other salient features of the Revised Public Land Act are as follows:

- Codification of laws relating to the disposition of lands within the jurisdiction of the DENR;
- Integration with requirements of environmental protection and maintenance of ecological balance in land disposition;
- Provision for a more expeditious way of settling land disputes;
- Maximized use and enhancement of the productivity of the land;
- Imposition of a more reasonable restrictions on the acquisition of lands to avoid speculation and to minimize the concentration of land ownership in the hands of a few;
- Grant of more power to the Land Management Bureau (LMB) in the enforcement of laws relating to land and resolving land disputes. The contempt power granted to the Director of Lands or to his office would enable them to facilitate the speedy disposition of controversies;
- Reduction of areas disposable under the Homestead, Free Patent, Sales and Leases subject to the limits provided by the Constitution;
- Requirement of posting of the list of alienable and disposable lands in the barangay, municipal, and

provincial boards every time a release is done. This is to ensure transparency in the process;

- Inclusion of the issuance of Special Patent as contemplated under Section 3, Article XII of the Constitution. This grant of land stated in the proposed measure is limited to government institutions and its instrumentalities only because of the limited areas available for disposition. It prohibits individual citizens to avail of the grant;
- Limitation on the acquisition of public lands to administrative process. The judicial system of titling was intentionally excluded from the Act in order to avoid controversies on double titling which issue has consistently faced the DENR in the past;
- Grant to the DENR of visitorial authority in the existing reservations;
- Change of the annual rental rates from three percent (3%) to six percent (6%) ensuring more revenues for the national coffers;
- Provisions for land surveying more specifically on the requirement that permanent improvement/structure such as buildings and houses must be indicated in the survey plan before the same can be approved for registration purposes. This will substantially diminish incidence of land-grabbing and overlapping of titles considering that it becomes easy for a layman to identify survey maps on the ground;
- Provisions that will decrease the period of prohibition on alienation from five (5) to two (2) years, or the time within which the lands acquired under the provisions of this bill are prohibited to be encumbered or alienated. This will promote better alternative and options for owners to utilize their land to generate financial resource through private financial institution;
- Provisions on foreshore areas, declaring its importance and cautious disposition of certain areas therein taking into account environmental concerns and the fact that our coastline is so wide, even wider than that of the United States, thus necessitating careful disposal; and lastly
- Provisions increasing penalties to a more realistic levels and aimed at those who grab lands without impunity to the detriment of the weak and less affluent of our citizenry;

We also seek to harmonize this proposal with other laws, to wit:

- Act No. 1220, as amended by Act No. 32 known as the Friar Lands Act;
- Act No. 2259 known as the Cadastral Act;
- Act No. 3038 authorizing the Secretary of Agriculture and Natural Resources to lease lands of the private domain of the government of the Philippine Islands;
- Republic Act No. 730 governing the disposition of residential lands to qualified applicants through direct sale;
- Republic Act No. 6657 known as the Comprehensive Agrarian Reform Law;
- Republic Act No. 7160 known as the Local Government Code;
- Republic Act No. 7279 known as the Urban Development and Housing Act;
- Presidential Decree 1529, amending and codifying the laws relative to the registration of property; and lastly,
- Batas Pambansa 233 hastening the titling of residential lands of the public domain by authorizing the grant of free patent under certain conditions and providing for speedy cadastral and other judicial proceedings with respect thereto and for other purposes.

These laws, Mr. President, have diverse provisions on the matter of land disposition which have to conform with this proposal in accord with our common thrust to realize the social function of property. If used wisely, it could lead to the economic redemption of our people who practically own nothing except dreams. Let us given them the chance to realize their aspirations for a better life.

Closing

Mr. President, we are sponsoring this bill because we recognize its importance in our national goals and positive impact on the individual lives of our populace. As of December 2001, the Land Management Bureau reported that out of the 14.1 million hectares of alienable and disposable lands around the country, only 6.2 million hectares were administratively titled, and 1.3 million hectares remain untitled.

As a sponsor of this measure, Mr. President, I call on my colleagues to consider this measure and approve the same. Perhaps, this could be one of the big accomplishments this Twelfth Congress could have.

Thank you.

The President. Thank you, Senator Jaworski.

The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF S. NO. 2293

Senator Leviste. Mr. President, I move that we suspend consideration of Senate 2293.

We thank the sponsor for his sponsorship speech.

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

BILLS ON SECOND READING

S. No. 2104--The Absentee Voting Act of 2002 (Continuation)

Senator Leviste. Mr. President, I move that we resume consideration of Senate Bill No. 2104 as reported out under Committee Report No. 39.

The President. Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 2104 is now in order.

Senator Leviste. We are in the period of committee amendments. I move that the sponsor of the measure, Sen. Edgardo J. Angara, be recognized.

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

Senator Angara. Thank you, Mr. President.

The parliamentary situation is that we are now in Section 8, "Procedure for Application to Vote", when we interrupted the proceeding, when we recessed the proceedings last Wednesday.

So, I propose, r. President, as a committee amendment, that on page 6 of the original committee report, between lines 10 and 11, insert a new subparagraph 8.3 which reads:

8.3 AN APPLICATION TO VOTE SHALL BE DENIED ONLY ON THE GROUND THAT THE APPLICANT IS NOT THE SAME PERSON HE PURPORTS TO BE.

That is the committee amendment, Mr. President.

Senator Arroyo. Mr. President.

The President. Sen. Joker P. Arroyo is recognized.

Senator Arroyo. As I stated in the session of, I think, last week, Wednesday, that consideration of this particular amendment be deferred.

The President. All right. Senator Arroyo has requested that the action on the proposed committee amendment, lines 15 to 17 of Section 8.3 be deferred. What does the sponsor say?

Senator Anqara. May we know the reason for deferring it, Mr. President.

Senator Arroyo. Well, we have done this already with the other amendments, but let me state that the ground is only that the person is not the same as what he purports to be. This is all too sweeping. An application to vote shall be denied only on the ground that the applicant is not the same person he purports to be.

Mr. President, if an applicant has been convicted or whatever, there are other grounds in the application to vote that are valid grounds for denying him that right. Anyway, we can go back to that.

Senator Anqara. Just to clarify, Mr. President. This is the application in writing. And the gentleman is quite right that our right to vote can be denied on many grounds enumerated in the law. But what we are saying here is, if based on the documents that the applicant submitted--he, in fact, submitted spurious documents--and the person identified there is not him, this means that the application will be denied.

Senator Arroyo. But, Mr. President, it can only be denied on the ground that the applicant is not the same person he purports to be.

Senator Anqara. That is correct. So, he submitted spurious documents.

Senator Arroyo. Supposing it is found out that he is not a Filipino, can his application to vote not be denied?

Senator Anqara. Yes, of course.

Senator Arroyo. Supposing between his application to be a registered voter and the time of his application to vote,

he has been convicted? I mean, there are many grounds, Mr. President, for denying his application to vote.

Mr. President, this bill is fashioned in many levels. The first is that a voter, an applicant will apply so that he can be a qualified voter. That is one process. After he is considered a qualified voter, he next applies for a written application to vote. In other words, it is the second step so that he can vote. But this amendment says that it can be denied only on the ground that the applicant is not the same person he purports to be. I mean, the requirements of a voter....

Senator Anqara. Not to be repetitive, Mr. President, if I may, so that we can move on.

Mr. President, there are two registrations contemplated--registration as a voter and registration to vote as an absentee voter. At this stage, he has been already qualified as a voter. He is already registered as a voter. But we require him to register too as an absentee voter because his name will go to a separate registry of absentee voters. And for that purpose since his qualifications as a voter have already been passed upon and he has been found to be qualified, the only reason he can be rejected as an absentee voter is, if he presented documents that misidentify him.

In other words, he misrepresented himself and, therefore, his application to vote as an absentee voter, not as a registered voter, will be denied. That is the implication.

Senator Arroyo. Mr. President, supposing that one who applies to be an absentee voter is granted today, October 7, then he applies or files an application to vote in, let us say, March of 2003. Between October 7 and March 2003, he is found out to be not a Filipino, he is found out that he has been convicted of an offense, he is found out for whatever reason, will he be allowed to vote even if he is not a Filipino? That seems to be the import of this article which is very restrictive. It talks only of the identity. What is the reason?

Senator Anqara. What is the gentleman's suggestion, Mr. President, so we can move on?

Senator Arroyo. Well, like the previous ones where I had serious objections, we defer this so and then we go back to it. Because of the arrangement, I had a continuing objection to certain portions. But when it is very apparent, I have to formally put it on record because this is, to me, a very serious provision.

Senator Anqara. Mr. President, since the gentleman's objection is quite specific, he is, in effect, saying that the denial should not only be based solely on the ground that he is not the person he represents to be, he wants also the other grounds for disqualifying a voter be incorporated, it would be very simple if we say: "An application to vote shall, in addition to the grounds cited in Section 3 hereof"--which are the grounds for disqualifying a voter--then I think we would have responded directly and squarely to his concern.

Senator Arroyo. Mr. President, this inserted provision, Section 8.3, is I think unnecessary.

Senator Anqara. We will even accept that, Mr. President, if the gentleman thinks that it is unnecessary. Anyway, we have debated the point and the legislative record is full of our explanation. We already know the meaning of this. We will even agree to delete it so that we can move on.

Senator Pimentel. Mr. President.

The President. Sen. Aquilino O. Pimentel, Jr. is recognized.

Senator Pimentel. Mr. President, if that provision is deleted--and I support the move to delete it--what then would be the grounds for the disapproval of an overseas Filipino who wants to register? Will he or she be subjected to the same disqualifications as those that are set forth in the usual or original process of registration of an ordinary voter? Can we say that?

Senator Anqara. Mr. President, we do not want to leave that implication, otherwise, we would subject him to two ordeals. He has already passed the first test that he is a Filipino qualified to vote, and I think testing him again the second time simply because he wanted to vote as an absentee voter would be quite unnecessary. That is the reason we put this provision in this amendment precisely to avoid that kind of double-checking and double assessment.

Senator Pimentel. Nonetheless, Mr. President, there is a time lag between the first registration where the voter registers as an ordinary voter in the country, and the time that he might want to re-register as an overseas voter. And during that period, many things can happen.

For example, as pointed out by Senator Arroyo, if he is convicted of a crime that involves moral turpitude, then, logically, he should be disqualified even if he had been previously registered as an ordinary voter. Just to cite an example.

Senator Angara. Yes, that is true. Change of circumstances may occur, Mr. President. He may be qualified at the time he registered as a voter and he may cease to qualify as a voter, much less, as an absentee voter. That is why, under my proposal, we just add that phrase IN ADDITION TO THE GROUNDS CITED IN SECTION 3, HE CAN ALSO BE DISQUALIFIED.

Senator Pimentel. Yes, I think that would be a good compromise, Mr. President.

Senator Angara. Then that really captured the point that our distinguished gentleman is trying to emphasize.

Senator Arroyo. Mr. President, Section 1, Article V on Suffrage of the Constitution reads: "Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election...."

Now, Mr. President, supposing an overseas voter who had been granted the status of a qualified voter is a Filipino citizen who never resided in the Philippines. Because his parents are both Filipinos, therefore, he becomes a Filipino citizen. Although he is a Filipino citizen, he has never been to the Philippines. All his life, he has never been to the Philippines. So, will he not be disqualified or his application be denied since he has not resided in the Philippines for at least one year and in the place wherein he proposes to vote for at least six months under that circumstance?

What I am saying is that the exclusion provision which narrows down the ground to only one makes it kind of dangerous, Mr. President.

Senator Angara. That is why we are expanding it according to his wish, Mr. President.

Senator Arroyo. Well, at the moment we cannot pinpoint just what are the grounds. I am just pointing out....

Senator Angara. But even in his example, Mr. President, that will never happen. It is highly theoretical because at that point, that person must make a choice--does he want to be a Filipino or does he want to become an American citizen? Both his parents may be Filipinos. But on the principle of *jus soli*, he will be an American. So he must make a choice. He must be, first of all, a Filipino.

Senator Arroyo. Well, he is a Filipino because his parents are both Filipinos living, for instance, in the States.

Senator Andara. Not automatically, Mr. President, as far as I know my law.

Senator Arroyo. Since he is born of Filipino parents, then he becomes a Filipino citizen under Philippine law.

Senator Andara. Not automatically.

Senator Arroyo. But under American law, he is also an American citizen.

Senator Andara. That is correct.

Senator Arroyo. But he has never been to the Philippines. So how can he claim residence in the Philippines?

Senator Andara. That is why he must make an election, Mr. President. That is the point.

Senator Arroyo. But supposing at the time that he applies, he has not made that election. He is already 40 years old and suddenly he thinks, "Oh, I can vote."

Senator Andara. Then the law would have made an election for him. He would be deemed an American citizen. Because under our law, he must make an election within five years upon reaching the age of majority.

So these situations that are being conjured up by the distinguished gentleman, Mr. President, theoretically from possible are impossible.

Senator Arroyo. What is that? What is theoretically possible but is impossible? I mean--

Senator Andara. Improbable.

Senator Arroyo. --Improbable. I gave a specific situation, Mr. President, about a theoretical Filipino citizen.

Senator Andara. What does the gentleman want, Mr. President, because I am a little bit confused now?

Senator Arroyo. I already said that we better delete this provision because this is a dangerous provision. And I thought the gentleman already agreed that we delete it so we will not have an argument.

Senator Angara. We already agreed, Mr. President. So what is he complaining about? Did we not agree that it will be deleted?

The President. All right. The Chair recalls that, indeed, there was a motion to delete this particular proposed amendment, and the sponsor has expressed willingness to withdraw the same. So, the committee amendment on paragraph 8.3 is withdrawn.

We will go to the next topic.

COMMITTEE AMENDMENTS

Senator Angara. So that we can move on, Mr. President, let me read the next committee amendment in Section 10, page 6, line 26, of the original committee report. Between the words "furnished and copies", insert the phrase WITHIN THE SAME PERIOD.

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

Senator Angara. Still on page 6 of the original committee report, line 27, replace the period (.).

Senator Arroyo. May I place on record my continuing objection, Mr. President.

The President. The continuing reservation is recognized for the record.

Senator Angara. Replace the period "(.)" with a comma (,) and add the following: WHICH SHALL POST THE SAME IN THEIR BULLETIN BOARDS WITHIN TEN (10) DAYS FROM RECEIPT THEREOF, SUBJECT TO REASONABLE REGULATION BY THE COMMISSION, COPIES OF THE SAID LIST SHALL BE MADE AVAILABLE TO THE PUBLIC.

This is an amendment suggested by Senators Villar and Pimentel, Mr. President.

The President. All right. Subject to the continuing reservation of Sen. Joker P. Arroyo.

Senator Arroyo. Mr. President, the word used in the previous session was "objection."

The President. The word used in the previous session was "reservation." As we have agreed, in order to avoid a voting on the Floor, because if there was a continuing objection, then we will have to vote on its....

Senator Arroyo. But what does a reservation mean?

The President. Reservation means that the approval does not bar the Senator from Bicol from raising the issue again at the appropriate time.

All right. There is on the record a continuing reservation of Sen. Joker P. Arroyo. There is a proposed committee amendment. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Andara. Moving on to Section 12, page 8 of the original committee report, delete the entire Section 12 and replace it with the following:

SEC. 12. REGULATION ON CAMPAIGNING ABROAD. - THE USE OF CAMPAIGN MATERIALS, AS WELL AS THE LIMITS ON CAMPAIGN SPENDING SHALL BE GOVERNED BY THE LAWS AND REGULATIONS APPLICABLE IN THE PHILIPPINES.

This amendment, Mr. President, was strongly proposed by Sen. John H. Osmeña and Sen. Sergio R. Osmeña III, as well as the Senate President.

The President. All right. This no longer covers registration or voting? May the Chair find out or know from Sen. Joker P. Arroyo if the continuing reservation would be applicable in this particular case?

Senator Arroyo. Yes, in fact, as previously agreed upon, I will maintain my continuing "reservations"--that is the word used--in every section, Mr. President.

The President. All right. Subject to that continuing reservation, is there any objection to the proposed amendment? [Silence] There being none, the amendment is approved.

Senator Andara. Going on to Section 13, page 9 of the original committee report, line 16, between the words "Group" and "shall", insert the phrase COMPOSED OF THREE (3) MEMBERS.

The President. Subject to the continuing reservation of Senator Arroyo to the committee amendments proposed by the Committee Chairman, is there any objection? [Silence] There being none, the amendment is approved.

Senator Andara. Still on page 9, Mr. President, on line....

Senator Cayetano. Mr. President.

The President. Sen. Renato L. Compañero Cayetano. What is the pleasure of the gentleman from Pateros and Taquib?

Senator Cayetano. With the permission of the sponsor, may we go back to an anterior position in order for me to bring up a question which I earlier advised the principal sponsor, because I was not able to do so?

Senator Andara. Yes, with pleasure, Mr. President, going back to an anterior amendment. I now remember that the distinguished gentleman has asked that he will have some questions to put on Section 12.

The President. Sen. Renato L. *Companero* Cayetano may proceed.

Senator Cayetano. Thank you, Mr. President.

Mr. President, may I call the attention of the principal sponsor on page 3, beginning line 8, which says: "PROVIDED, FINALLY, THAT ALL INFORMATION SUPPLIED BY AN APPLICANT WHICH PERTAIN TO HIS STATUS ABROAD, INCLUDING DOCUMENTS SUBMITTED IN CONNECTION WITH HIS APPLICATIONS FOR REGISTRATION AND VOTING, RESPECTIVELY, ARE CONFIDENTIAL IN NATURE AND CANNOT BE DISCLOSED WITHOUT HIS EXPRESS WRITTEN CONSENT."

May I find out, Mr. President, the rationale behind the confidentiality of these certain documents?

Senator Andara. Yes, thank you, Mr. President, that is a good question.

As we discussed earlier, Mr. President, the motivating fact behind this provision is that some of our *compañeros* and *compañeras* in the United States have no valid residency permits, and disclosing their status may jeopardize their stay in those countries, and we do not want our own people to be the squealer in that case. But since we debated it earlier, we agreed that we will just simply not require the form to ask about the status of our countrymen to avoid disclosure of their status.

Senator Cayetano. Am I correct, Mr. President, that this was deleted already and substituted?

Senator Andara. Yes, Mr. President.

Senator Cayetano. May I know the substitute, Mr. President?

Senator Andara. The substitute has not been formally presented yet. The substitute will run like this: The Comelec will not require disclosure of the status of the applicant.

Senator Cayetano. The Comelec may not be required....

Senator Angara. The Commission will not require or shall not require....

Well, in essence, Mr. President, because the main reason we said it should be held confidential is the fear that the stay of the applicant will be betrayed by the consular officials or embassy officials. Upon further debates and discussions, we said that we will now provide that no information--and this is now the actual wording that we will present--NO INFORMATION PERTAINING OR RELATED TO THE LEGAL STATUS ABROAD OF AN APPLICANT SHALL BE REQUIRED.

Senator Cayetano. NO INFORMATION of the applicant?

Senator Angara. NO INFORMATION PERTAINING OR RELATED TO THE LEGAL STATUS ABROAD OF AN APPLICANT SHALL BE REQUIRED.

Senator Cayetano. And this is addressed to the Comelec, am I correct, Mr. President?

Senator Angara. Yes, that is correct.

Senator Cayetano. How then would an individual contest whether in fact that individual is qualified to vote or not qualified to vote?

Senator Angara. Of course, he must supply all the information that will prove he is qualified. What we are talking about here is the legal status--whether his stay is valid, legitimate or with working permit. Because, as we know, many of our compatriots may have already lost their right or privilege to stay especially in the United States, and even in Japan. We do not want that their application to vote will be the vehicle to bring their status to the attention of the immigration people.

Senator Cayetano. Am I to understand this provision, as substituted, that the documents submitted by the applicant to the Comelec will prohibit the Comelec to disclose to anyone information about his legal status? Just his legal status.

Senator Angara. It is more addressed to the consular officials or embassy, Mr. President.

Senator Cayetano. Or to the consulate.

Senator Angara. Yes.

Senator Cayetano. Because the consular officials will be deputized.

Senator Angara. That is right.

Senator Cayetano. So it will be only his legal status.

Senator Angara. Yes.

Senator Cayetano. However, whether he is a qualified voter or not, that is something that the consular officials can inquire into.

Senator Angara. Can examine, yes, definitely.

Senator Cayetano. And can that be questioned by an individual?

Senator Angara. The gentleman is right, Mr. President.

Senator Cayetano. It can be done.

Senator Angara. Yes, Mr. President.

Senator Cayetano. I thank the gentleman for that clarification, Mr. President. At the proper time, I certainly would like to be associated with that proposed amendment. Thank you.

Senator Angara. Thank you, Mr. President. Going back to the committee amendments.

We are now in Section 13, page 9 of the original committee report, line 16 between the words "Group" and "shall"--I have said this already--insert the phrase COMPOSED OF THREE (3) MEMBERS, and this has been accepted.

Still on page 9, on lines 22 to 23, delete the sentence "The presence of representatives of political parties, during this phase of the election process shall be mandatory", and replace it with the following:

DURING THIS PHASE OF THE ELECTION PROCESS, THE DULY AUTHORIZED REPRESENTATIVES OF POLITICAL PARTIES, CANDIDATES, AND DULY ACCREDITED CITIZENS' ARMS OF THE COMMISSION SHALL BE GIVEN WRITTEN NOTICE THEREOF AND SHALL HAVE THE RIGHT TO WITNESS THE PROCEEDINGS.

The President. Subject to the continuing reservation of Senator Arroyo.

Senator Angara. Yes, Mr. President.

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

Senator Angara. Still on the same page, between lines 23 and 24, insert a new Subsection 13.9, which reads as follows:

THE COMMISSION IS MANDATED TO PUT IN PLACE, WHENEVER TECHNICALLY FEASIBLE, THE NECESSARY SYSTEMS THAT WOULD ALLOW ABSENTEE VOTERS TO USE ELECTRONIC MAIL, INTERNET, OR OTHER SECURED NETWORKS IN THE CASTING OF THEIR VOTES IN ACCORDANCE WITH THE RULES AND GUIDELINES TO BE ISSUED BY THE COMMISSION.

Senator Arroyo. Mr. President.

The President. Senator Arroyo is recognized.

Senator Arroyo. I would object vigorously to this provision because it denies the equal application of the law. In the case of overseas voters, they would be allowed to use the computerized system of voting. Local voters are at the moment not privileged to do that.

Mr. President, I have always said that we cannot have two sets of rules--one for overseas voters and another for domestic voters. If we cannot give our domestic voters this kind of privilege, how in the world can we give the overseas voters this privilege--electronic mail, Internet, networks.

Mr. President, as I have said, my objection has been anchored on the equal protection of the law. We cannot give to others what we deny to the others. That is basic and this provision, proposed Section 13.9, assaults the equal protection of the law. That is my objection.

Senator Angara. May I reply now, Mr. President.

Mr. President, the invocation of the equal protection of the law is misplaced. It is like saying that this country cannot give bright students an opportunity to go, for instance, to a science high school because everybody must suffer the inconvenience of going to a poor ill-equipped public school. But that happens and no issue of equal protection is ever raised.

But to remind our distinguished Senator, Mr. President, the Omnibus Election Law allows the use of the latest electronic and technological devices in Philippine election. It is a matter of implementation. If we happen to be a slowpoke in implementing it here in the Philippines, why should we now put a break on the application of modern electronic and technological devices abroad when it is practicable?

So to repeat, Mr. President, I think the equal-protection principle is grossly misapplied here.

Senator Arroyo. Mr. President, this requires a budget. We give a budget to overseas voters; we do not give a budget to local voters. Can we do that?

Senator Angara. Well, there is a budget.

Senator Arroyo. We deny to the domestic voters what we give to the overseas voters. We give a budget to the overseas voters and not give a budget to domestic voters. That is the issue, Mr. President.

Senator Angara. That again is a misapplication of the principle, Mr. President, because there is, in fact, a fund for electoral modernization. And if I am not mistaken, there is a balance of P1.5 billion. So if I may suggest very strongly, let us not misapply the principle to this. Why should we delay or why should we deprive our fellow Filipinos who happen to live in a more technically literate political society the use of technology that will make voting possibly cleaner, counting faster, and results fairer just because we say that we are unable to do it locally? I think there is a twisted logic there that we should reject.

Senator Arroyo. Mr. President, Metro Manila is already prepared for computerized voting. The systems are there; we have not implemented these; and Metro Manila has advanced technology. I have always emphasized that we cannot give to overseas voters something that we do not give to local voters. That trivializes the equality protection of the Constitution.

Senator Angara. Mr. President, in addition--again for the information of the distinguished gentleman--Republic Act No. 8436, the Electoral Modernization Law authorizes even now the Comelec to use automation in both counting and canvassing. So there is a ready standing congressional authorization for the use of modern technology in election. So why would it be now bad to repeat it in the Absentee Voting Law for our overseas Filipinos when it is good for our local voters? Again, there is really no issue of equal protection at all in this bill.

Senator Arroyo. We can go round and round, Mr. President, on this issue.

The President. May the Chair find out if the present Republic Act No. 8436 would contain any limitation which would prohibit its applicability to overseas voting?

Senator Angara. There is none, Mr. President.

The President. So that under Republic Act No. 8436 it is feasible to have overseas voting automated if there are funds available?

Senator Angara. Yes, that is a general authorization for Philippine election, Mr. President. But since this is an election to be held outside the Philippines, we thought that a special authorization like this in line with the general authorization in the Omnibus Election Code and in the modernization law would be needed, would be necessary.

The President. Would the absence of this particular amendment prevent the Commission on Elections from using computers and automate the overseas voting?

Senator Angara. Probably not automating the registration and the counting, Mr. President, but the issue may be raised on e-voting, when we authorize electronic voting and that is why this provision has been carefully drafted. It says "only whenever technically feasible" because we do not know whether e-mail.... It is being tested in Wisconsin but it has not been accepted yet generally, but still in the testing process. We can foresee that in two, three years' time all these e-mail, e-voting, e-commerce, everything, would be technically feasible. Why should we foreclose our chance to progress electronically especially in the field of elections? What are we afraid of?

Senator Arroyo. Mr. President, the Chair, Senator Drilon, Senator Angara, myself, Senator Recto, Senator Pangilinan, Senator Lacson, Sen. Serge Osmeña and Senator Magsaysay, just went through a national election. It is technically feasible to utilize computerized transmission of results within Metro Manila, within Metro Cebu, within Davao, Zamboanga and Baguio, in fact, within and connecting the others. But that has not been used. We have not tried it. We have not even tested it whether it will work domestically.

Now, the proposed law says we give it to the overseas voters. When the Constitution says to provide a system of absentee voting, it does not mean to provide a system of advantageous voting for overseas workers. The Constitution does not say to give them an advantage. Now, unless the system is proven as workable and honest here by trying it locally, we cannot say that it is technically feasible. We have not tried it.

But I am worried about this provision subsection 13.9 because there is another provision subsection 14.8 which also refers to automated voting machines. We do not give it to....Domestic voters are not allowed that. Why, Mr. President?

SUSPENSION OF SESSION

Senator Angara. Mr. President, I move that we suspend the session for one long minute so that our colleague, the electronic expert of the Chamber, Senator Magsaysay, can explain.

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

It was 5:05 p.m.

RESUMPTION OF SESSION

At 5:11 p.m., the session was resumed.

The President. The session is resumed.

Sen. Edgardo J. Angara is recognized.

Senator Angara. Mr. President, with the valuable intercession of our electronic expert of the Senate, Senator Magsaysay, the distinguished gentleman has graciously agreed that we will reword this provision like this: "THE COMMISSION MAY PUT IN PLACE WHENEVER TECHNICALLY FEASIBLE ALONGSIDE THE DOMESTIC MODERNIZATION THE NECESSARY SYSTEMS THAT WOULD ALLOW...." et cetera. But still subject to his reservation.

The President. All right. The committee amendment now will read as follows: THE COMMISSION MAY PUT IN PLACE WHENEVER TECHNICALLY FEASIBLE ALONGSIDE THE DOMESTIC MODERNIZATION THE NECESSARY SYSTEMS...." Subject to the continuing reservation of Sen. Joker P. Arroyo.

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

Senator Angara. To give credit where it is due, Mr. President, this provision was suggested by Senators Magsaysay, De Castro, Biazon and Pimentel.

Going to Section 14, Mr. President, *Counting and Canvassing*, on page 10 of the original committee report, delete the sentence on line 11, starting with the word "all" and ending with the word "commission" on line 13 and replace it with the following:

THE AMBASSADOR OR CONSUL GENERAL, AS THE CASE MAY BE, SHALL ACT AS THE CHAIRMAN WHILE THE TWO OTHER MEMBERS SHALL BE FILIPINO INDIVIDUALS OR REPRESENTATIVES OF ORGANIZATIONS AND/OR ASSOCIATIONS DULY DEPUTIZED BY THE COMMISSION. ALL RESOLUTIONS OF THE BOARD ON ISSUES BROUGHT BEFORE IT DURING

THE CONDUCT OF ITS PROCEEDINGS SHALL BE VALID ONLY IF IT CARRIES THE APPROVAL OF THE CHAIRMAN.

The President. Senator Arroyo's continuing reservation is on record.

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

Senator Angara. Still on page 10, line 17, delete the phrase "director or ranking".

The President. Sen. Aquilino Q. Pimentel Jr. is recognized.

Senator Pimentel. Mr. President, can we kindly go back and consider the amendment of Section 14--THE AMBASSADOR AND CONSUL GENERAL, AS THE CASE MAY BE, SHALL ACT AS CHAIR....

As chair of what, Mr. President?

Senator Angara. It is the Election Board.

Senator Pimentel. Section 14, page 10.

Senator Angara. This is the Board of Election Inspectors, Mr. President.

The President. Special Board of Election Inspectors.

Senator Pimentel. A Board of Election Inspectors.

The President. Special Board of Election Inspectors.

Senator Pimentel. Just for the record, Mr. President, will this requirement not give credence to the apprehension of several of our compatriots that the whole Department of Foreign Affairs might be politicized as a result of this Act? Just so we can put on record the chairman's observation in this regard.

Senator Angara. Yes, that is the apprehension expressed, Mr. President. But we thought that the highest representative of government should chair that special Board of Election Inspectors to signify that the acts that will take place are really acts of sovereignty. And because of the built-in safeguards surrounding the process, I think it would be difficult for the ambassador, if he is minded to, to act in partisan manner without being detected and denounced by the political parties and the representatives of the political parties present during the count and canvassing.

Of course, there is always danger that a person will be tempted to do it, but I think that is more of an exception than the general rule. And we have received assurances no less from the Secretary of Foreign Affairs and the members of the Foreign Service that we have talked to in the course of this consultation that they would preserve the integrity of the service.

So, apart from that, Mr. President, and beyond that, I cannot give an airtight assurance that, in fact, they will not become partisan. Politicized, yes. It will be politicized because it is a political process. But acting in a partisan way, unduly favoring one side over the other, that is what we are afraid of.

Senator Pimentel. Moreover, Mr. President, I think we can also add that the ambassador or the consul, as suggested, would be only one of three members of the Board of Inspectors or canvassers. The other two will come from the organizations or associations, I suppose, of overseas Filipinos duly deputized by the Commission on Elections. And that, probably, would ensure that the ambassador or the consul cannot just have his way even if he is politically persuaded to do so by his inclinations.

Having said that, may I make a suggestion, Mr. President, or maybe we can even propose it as an amendment that after the words "consul general", could we insert probably the phrase: OR ANY PERSON DULY DESIGNATED BY THE COMMISSION ON ELECTIONS.

Senator Angara. I think that would be a good safety fall-back position, Mr. President. But it may precisely open the door to suspicion that now a partisan Comelec may designate a partisan chairman.

Senator Pimentel. That is indeed one side of the question. But I was just thinking that the appointment of the Board of Canvassers, I think, is a function of the Commission on Elections. I mean, this is just a thought. Maybe we can interpret this provision to mean that as a priority, in the order of priority, it is the ambassador or the consul in a given embassy/post, Mr. President, who has priority to be designated or has priority to act as chair of that board, and in any event giving the right to the Commission on Elections to act in the appointment of any other qualified persons. It is just a thought. I will not insist on it if the Chair is not minded to think that it is good.

Senator Arroyo. Mr. President.

The President. Sen. Joker P. Arroyo is recognized.

Senator Arroyo. With the permission of the two gentlemen.

I commend Senator Pimentel for raising the question of politization of the foreign service. Because when we examine this bill closely, the involvement of our foreign service would be so deep in a very partisan operation.

Now, when we deputize an ambassador in the conduct of elections, the ambassador automatically becomes or is responsible and accountable to the Commission on Elections. The moment anyone is deputized by the Commission on Elections, the Commission on Elections can or has the power to suspend any public officer who has been deputized. That is why when the PNP is deputized, the Armed Forces of the Philippines is deputized, the Director General of the PNP even reports to the Comelec; the Chief of the Armed Forces of the Philippines reports to the Comelec. And here, the probability of an ambassador being suspended for the duration of the election for acts unrelated at all to his being a diplomat should be a cause for concern. And making him head or chair of the Board of Inspectors--that position is one that "one pleases one, one displeases the other." But central to this entire exercise is the role of our embassies and consulates which are totally unprepared for election duties but who would be mustered into the election process just like our public schoolteachers.

So I just thought that I would like to put that into the *Record* because of the dangers that this involvement of our foreign service corps might give them a lot of trouble.

Thank you, Mr. President.

Senator Andara. Valid comments, Mr. President, and I share too that sentiment. That is why, I think, the Comelec, as well as the Department of Foreign Affairs, has a tremendous job of undertaking a massive orientation program for the implementation of this Act. But as we said repeatedly, we cannot achieve a perfect implementation. This is almost like a pioneering effort, we will improve from election to election.

The President. All right. Can we now proceed to the next amendment?

I am sorry, Senator Pimentel is recognized.

Senator Pimentel. Before we leave, Mr. President, just this final point. It is conceivable that in a country where there is a vast concentration of Filipino workers who may not be living only in one area or one locality but spread throughout, let us say, a particular country like Saudi Arabia so that there are thousands of miles that separate

one Filipino group from one another and requiring them, for example, to....Just to clarify before I proceed. We are already talking here of the canvassing.

Senator Anqara. Not yet. The election inspector.

Senator Pimentel. Election inspector.

Senator Anqara. There are two boards, Mr. President, one is the board of election inspectors and one is the board of canvassers.

Senator Pimentel. All right. Let me proceed then along that line. The ambassador or the consul may not suffice to man to various places where electoral activities would take place. I cite the specific example of Saudi Arabia. The consulate is located in--is it in Jeddah? The embassy in Riyadh or vice versa, Mr. President. I am really confused right now. But in between, there are several areas in Saudi Arabia where large concentration of Filipinos are working. And going to Riyadh or going to Jeddah would incur so much burden on their part that it would really nullify the intention of this legislation. Which is why, among other things, we suggested that the Commission on Elections should be given some leeway to provide electoral services not only in a consulate or an embassy, but in, let us say, buildings that they would rent to provide the service to Filipinos where the service is needed in connection with the elections. So, we are just wondering whether we can accommodate the sentiment in this provision.

Senator Anqara. Yes, I see now the point of the distinguished gentleman, Mr. President. As to the additional counting center, that is already accommodated in the present bill. Let me just cite. The proposed bill says: "For these purposes, the Commission shall constitute as many special boards of election inspectors as may be necessary to supervise the counting of ballots which shall be accomplished in a counting center designated by the Commission for the purpose."

That means the Commission may designate a venue outside the embassy as an additional counting center.

Senator Pimentel. It is correct.

Senator Anqara. Now, what I think the distinguished gentleman has told us is quite valuable, Mr. President, because there will be more than one special board of election inspectors. And if one board is already chaired by the ambassador, who will chair the others? I think that is one omission that we must fill. That is one gap that we must fill in this bill and we appreciate the point made by the distinguished gentleman.

If we may be allowed, Mr. President, we will go back to that and we will think of an appropriate provision.

The President. All right.

PIMENTEL-DRILON AMENDMENT

Senator Pimentel. My suggestion, with the gentleman's permission, Mr. President, is that right now we can just insert THE AMBASSADOR, THE CONSUL GENERAL, OR ANY PERSON DULY DESIGNATED BY THE COMMISSION ON ELECTIONS.

Senator Angara. OR SUCH OTHER PERSONS WHO ARE IN THE PUBLIC SERVICE BE DESIGNATED.

Senator Pimentel. Yes.

Senator Angara. I think we must use....

Senator Pimentel. Yes, I have no particular objection to that, Mr. President.

Senator Angara. Subject to style, Mr. President, we accept the amendment.

The President. Maybe ANY OTHER CAREER PUBLIC OFFICIAL DESIGNATED BY THE COMELEC.

Senator Angara. Yes, Mr. President, deputized by the Comelec.

The President. In other words, the Comelec cannot just designate any Tom, Dick and Harry.

Senator Pimentel. But a public official.

The President. A career public official.

Senator Angara. A career public official.

Senator Pimentel. Yes. That would be a good idea, Mr. President.

The President. So what does the sponsor say on the proposed amendment?

Senator Angara. We accept that, Mr. President. That is a definite improvement of the amendment.

The President. For purposes of record, subject to the continuing reservation of Senator Arroyo, the amendment on page 10, Section 14, starting on line 11 is hereby reconsidered without any objection from the Body. With the

reconsideration, the proposed amendment of Senator Fimentel to insert the phrase OR ANY CAREER PUBLIC OFFICIAL DESIGNATED BY THE COMMISSION after the words "CONSUL GENERAL" is accepted by the sponsor.

We now again move on to approve....

Senator Angara. Moving on, Mr. President, still on page 10, line 17, of the original committee report, delete the phrase....

The President. Can we just approve it first, for the record?

Senator Angara. I am sorry.

The President. Is there any objection, subject to the continuing reservation of Senator Arroyo? [Silence] There being none, the amendment as amended is hereby approved.

We will now proceed to the next amendment.

Senator Angara. Yes, Mr. President.

On the same page, line 17, delete the phrase "director or ranking" and in lieu thereof, may I propose that we insert the following amendment: composed of a LAWYER, PREFERABLY OF THE COMMISSION AS CHAIRMAN. "Preferably" because we want to give a choice, otherwise, we may empty the Commission of all its lawyers. Because being posted abroad might be so powerfully attractive, but they may run out of lawyers. So if there are Filipino lawyers in the place, then they can be designated as chairman.

The President. So how does it now read?

Senator Angara. It will now read: "A Special Board of Canvassers (SBOC) composed of A LAWYER, PREFERABLY OF THE COMMISSION AS CHAIRMAN."

The President. All right, subject to the continuing reservation of Senator Arroyo, is there any objection? [Silence] There being none, the amendment is approved.

Senator Angara. Continuing with that line, on line 18, between the words "Chairman" and "and", insert the phrase A RANKING OFFICER FROM ANY OF THE GOVERNMENT AGENCIES MAINTAINING POST ABROAD.

The President. Subject to the continuing reservation of Senator Arroyo, is there any objection? [Silence] There being none, the amendment is approved.

Senator Angara. Still on the same page, line 18, delete the word "two (2)" and replace it with an article "A".

The President. Can the sponsor complete all the amendments on page 10, please?

Senator Angara. Yes, Mr. President.

Delete the letter "e" from the word "representatives". These are editorial corrections, Mr. President.

The President. Yes.

Senator Angara. Still on page 10, line 20, replace the word "Comelec" with COMMISSION. Still on the same page, line 23, add the word THE before the word "board".

The President. Subject to the continuing reservation of Senator Arroyo, is there any objection? [Silence] There being none, the proposed amendments on line 10 are approved.

Senator Angara. Turning to page 11 of the original committee report, Mr. President, delete the entire subsection 14.8, from lines 12 to 14, and replace it with the following:

14.8 THE COUNTING AND CANVASSING OF ABSENTEE VOTES SHALL BE AUTOMATED. TOWARDS THIS END, THE COMMISSION IS HEREBY AUTHORIZED TO BORROW, RENT, LEASE OR ACQUIRE, WHENEVER FEASIBLE, AUTOMATED VOTING MACHINES FOR PURPOSES OF CANVASSING AND COUNTING OF VOTES OF THE QUALIFIED ABSENTEE VOTERS PURSUANT TO THE PROVISIONS OF THIS ACT, AND IN ACCORDANCE WITH THE IMPLEMENTING RULES AND REGULATIONS DULY PROMULGATED BY THE COMMISSION.

Senator Arroyo. Mr. President.

The President. Senator Arroyo is recognized.

Senator Arroyo. Mr. President, again, my objection here is similar to my earlier objections. This section will authorize the Comelec to borrow, rent, lease, or acquire whenever feasible automated voting machines for purposes of canvassing and counting the votes of qualified absentee voters.

Mr. President, again, while the absentee voters are given this privilege and the budget for these machines, domestic voters have yet to see automated voting machines that would be used when they vote. So I raise the question again: Why the special privilege to the overseas voters and denied to the domestic voters?

There will be a budgetary outlay here, Mr. President. That is my objection, Mr. President.

Senator Angara. Well, the same arguments, Mr. President, that I have made and I reiterate....

SUSPENSION OF SESSION

Senator Arroyo. May I ask that we suspend the session for one minute, Mr. President.

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

It was 5:36 p.m.

RESUMPTION OF SESSION

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

The President. The session is resumed.

Senator Angara is recognized.

ANGARA AMENDMENT

Senator Angara. Mr. President, upon short consultation with the distinguished gentleman, we have now come up with an acceptable language. Let me correct the first three lines, so that the first two lines will read: THE COUNTING AND CANVASSING OF ABSENTEE VOTES MAY BE AUTOMATED. TOWARDS THIS END, THE COMMISSION ALONGSIDE WITH THE DOMESTIC MODERNIZATION IS HEREBY AUTHORIZED et cetera.

The President. Senator Arroyo.

Senator Arroyo. Yes. Of course, subject to my continuing reservation, Mr. President.

The President. Subject to the continuing reservation of Senator Arroyo. Is there any objection to the proposed committee amendment as amended on the Floor? There being none, the amendment is approved.

Senator Angara. Moving on to Section 19, page 13 on Prohibited Acts, delete the entire subsection 19.4 on line 12 and renumber the succeeding paragraph. This is editorial change, Mr. President. And on line 16 before the start of the sentence, insert the following: THE PROVISION OF EXISTING LAWS TO THE CONTRARY NOTWITHSTANDING; AND SUBJECT TO THE PRINCIPLE ON DOUBLE CRIMINALITY. This is an amendment proposed by Senator Lacson. And for a brief explanation, this will make a violation of Philippine laws.

also a violation of the host country's laws and makes it punishable by either country.

The President. All right. The committee moves to delete line 12 on page 13, specifically subsection 19.4, subject to the continuing reservation of Senator Arroyo. Is there any objection? [Silence] There being none, the amendment is approved.

Likewise on page 13, line 16, before the start of the sentence, the committee proposes an amendment, subject to the continuing reservation of Senator Arroyo. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Angara. Finally, Mr. President, on page 14 of the original committee report, between lines 14 and 15, insert a new Section 23 which shall read as follows:

SEC. 23. ENFORCEMENT AND ADMINISTRATION BY THE COMMISSION. - THE COMMISSION SHALL, FOR THE PURPOSE OF ENSURING HONEST, ORDERLY, PEACEFUL AND FREE ELECTIONS ABROAD, HAVE EXCLUSIVE CHARGE OF THE ENFORCEMENT AND ADMINISTRATION RELATIVE TO THE IMPLEMENTATION OF THIS ACT.

This is a provision proposed by Sen. Aquilino Q. Pimentel Jr., Mr. President.

The President. Is there any objection, subject to the continuing reservation of Sen. Joker P. Arroyo? [Silence] There being none, the amendment is approved.

Senator Angara. And the rest of the section will be renumbered, Mr. President.

And on page 14, still on line 25, delete the letter 's' from the word 'circulations'. So it will be circulation. Editorial, Mr. President.

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

Senator Angara. And with the permission of the Chair as well as of the Body, Mr. President, I would like to go back to two provisions that we held in abeyance but which we agreed will be amended, and that is in Section 4, that is page 2.

In lieu of the original committee proposal and based on the discussions made regarding this, may we now propose this amendment: PROVIDED, FURTHER, THAT THEY SHALL BE GIVEN A PERIOD CO-EXTENSIVE WITH THE ELECTION PERIOD WITHIN WHICH TO VOTE; PROVIDED, FURTHERMORE, THAT IN NO CASE SHALL THE

PERSONAL APPEARANCE OF A QUALIFIED FILIPINO ABROAD BE REQUIRED; PROVIDED, FINALLY,--and this is the amendment, Mr. President,--PROVIDED, FINALLY, THAT NO INFORMATION PERTAINING OR RELATED TO THE LEGAL STATUS ABROAD OF AN APPLICANT SHALL BE REQUIRED, WITH REGARD TO ALL OTHER INFORMATION GIVEN, INCLUDING DOCUMENTS SUBMITTED IN CONNECTION WITH HIS APPLICATIONS FOR REGISTRATION AND VOTING, RESPECTIVELY. THE SAME ARE CONFIDENTIAL IN NATURE AND SHALL NOT BE DISCLOSED WITHOUT HIS EXPRESS WRITTEN CONSENT.

The President. Mr. Chairman.

Senator Angara. Yes.

The President. If the Chairman is through, the Chair would like to ask a question.

Senator Angara. Yes.

The President. How then can somebody question the qualification of a voter if all the documents are considered confidential? We thought that the only information that is considered confidential would be the status. But if we are going to consider everything confidential, then, there can never be an issue on the qualification of the prospective voter?

Senator Angara. Yes, I think the Chair is quite right, and this is also in line with the question of Senator Arroyo and Senator Cayetano. How are we going to scrutinize his qualification if all the documents are confidential? So I must advise our adviser from the Comelec not to make everything confidential, Mr. President.

May we ask that the last phrase beginning with the word "INCLUDING" up to the word "CONSENT" be deleted. So that the proviso will just simply read: *PROVIDED, FINALLY, THAT NO INFORMATION PERTAINING OR RELATED TO THE LEGAL STATUS ABROAD OF AN APPLICANT SHALL BE REQUIRED.*

The President. All right. Subject to the continuing reservation of Sen. Joker P. Arroyo, is there any objection to the proposed amendment? [Silence] There being none, the amendment is approved.

Senator Angara. Then the other provision that we deferred, Mr. President, is just a part of the whole provision which reads: THE PETITION SHALL BE DECIDED WITHIN FIFTEEN (15) DAYS AFTER ITS FILING ON THE BASIS OF DOCUMENTS SUBMITTED IN RELATION THERETO, which I now ask to be acted upon.

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

Senator Angara. That completes the committee amendment, Mr. President. And based on my record, there are some individual amendments of the Senate President, Senators Estrada, Lacson and De Castro.

Senator Arroyo. Mr. President.

The President. Senator Arroyo is recognized.

Senator Arroyo. Mr. President, I was asked by Senators Pangilinan and Recto that....

The President. I am sorry. The Chair cannot....

Senator Arroyo. I was asked that what we will consider only is up to the committee amendments.

Senator Leviste. Yes, Mr. President. Before we proceed with the individual amendments, I move that we close the period of committee amendments first.

The President. Well, Senator Arroyo has a continuing reservation.

Senator Arroyo. Yes, but Senators Pangilinan and Recto asked me to convey to the Chair and to the Body whether the individual amendments can be made at some other day.

Senator Angara. Or tomorrow.

The President. All right. So we will proceed with the individual amendments tomorrow. Is that all right?

Senator Arroyo. Whatever time.

The President. I mean in the next session.

Senator Arroyo. Yes, whatever.

The President. And the Chair would request that the Chamber be provided with the revised version with the committee amendments introduced and approved with reservation of Senator Arroyo so that we can proceed.

Senator Angara. We will provide the Chamber one, Mr. President.

Senator Pimentel. Mr. President.

The President. Sen. Aquilino Q. Pimentel Jr. is recognized.

Senator Pimentel. Mr. President, I guess it would be best if we can more or less proceed with the assumption that tomorrow the individual amendments will also be allowed to be introduced and discussed rather than leave them hanging when the next activity or discussion of this bill will take place. That is possible.

Senator Leviste. That is correct, Mr. President. In fact, we will close first today the period of committee amendments and schedule for tomorrow the individual amendments on the Absentee Voting measure.

The President. All right.

Senator Leviste. I, therefore, move that we close the period of committee amendments on Senate Bill No. 2104.

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

Shall we now suspend consideration of this measure?

SUSPENSION OF CONSIDERATION OF S. NO. 2104

Senator Leviste. I move that we suspend consideration of the measure, Mr. President.

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

SUSPENSION OF SESSION

Senator Leviste. 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 5:48 p.m.

RESUMPTION OF SESSION

At 5:49 p.m., the session was resumed with Senate President Pro Tempore Juan M. Flavier, presiding.

The President Pro Tempore. The session is resumed.

Senator Leviste. Mr. President.

The President Pro Tempore. The Majority Leader is recognized.

BILL ON SECOND READING
S. No. 2130--Dual Citizenship Act
(Continuation)

Senator Leviste. Mr. President, I move that we resume consideration of Senate Bill No. 2130 as reported out under Committee Report No. 46.

The President Pro Tempore. Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 2130 is now in order.

Senator Leviste. Mr. President, I move that we recognize the sponsor, Sen. Franklin M. Drilon.

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

Senator Leviste. Mr. President, we are in the period of interpellations. I move that we recognize Sen. Aquilino Q. Pimentel Jr. for interpellation.

The President Pro Tempore. Sen. Aquilino Q. Pimentel Jr. is recognized for the interpellation.

Senator Pimentel. Mr. President, may I place on record my appreciation for the bill that is now placed for consideration on the Floor of the Senate today under the sponsorship of the Senate President mainly. I would like to put on record that essentially, I had my reservations from the start of the move to enfranchise even those compatriots of ours who had since or at some time acquired foreign citizenships.

If the Chair will remember, if the Senate President will remember, in fact, I had introduced a bill that would grant all rights of citizenship to those who had acquired foreign citizenships short of the right to vote. And yet, when we started to hold consultations abroad with Filipino expats in Hong Kong, Japan, Saudi Arabia, Dubai, Rome and the U.S., the idea that the enfranchisement particularly for the right to vote, for example, of Filipinos abroad should also include those who had acquired citizenships elsewhere. It is on that basis that I would like to pursue, with the gentleman's permission, a few questions relative to this issue.

For the record, if the gentleman will allow, how many Filipinos living abroad have already acquired citizenships elsewhere?

Senator Drilon. Mr. President, there is no exact number of Filipinos living abroad who have acquired foreign

citizenships. But on the basis of our research in the American jurisdiction where the most number of Filipinos who have been naturalized would be concerned, the records of the resource persons during the hearings indicated that about 58% of our Filipino nationals in the United States would have acquired U.S. citizenship. If we put an estimate of about 2 million Filipinos in the United States, we would be looking at a number of about 1.1 million roughly.

Senator Fimentel. That is in the U.S. alone, Mr. President.

Senator Drilon. That is in the U.S. alone where the bulk of our citizens would be.

To be more precise, the studies indicate that in the year 2000, there were approximately 1,850,000 Philippine-born individuals in the United States. The U.S. Immigration and Naturalization Service estimates that 58% of the natural-born Filipinos in the U.S. have been naturalized. Roughly, this would be about 1.1 million.

Senator Fimentel. That is a good data to start with, Mr. President. But my suggestion is that we can still gather more information probably by using our embassies to give us more or less some concrete figures.

Along this line, may I inform the gentleman that in the last three weeks, I had been to South Korea and Seoul, and I was surprised that a good number of the Filipino expats there with whom I had occasion to discuss the Absentee Voting Bill, Mr. President, suggested to me very strongly that we should take up the dual citizenship bill also. The argument that they are stating is that many of our Filipino compatriots who are now in South Korea have gotten married to South Koreans and therefore, they have acquired by the act of marriage the citizenship of their husbands or wives.

Moreover, Mr. President, about a month ago, I was privileged to visit Sydney on the occasion of a trade expo of some kind initiated by Filipinos. The Australian expats with whom I had discussed the Absentee Voting Bill also suggested that we should take up the dual citizenship bill.

I wish to put this on record because the consultations that we had on the Absentee Voting Bill did not include South Korea as well as Australia, Mr. President.

Would it be correct therefore to say, Mr. President, that there is a clamor also for the approval of the dual citizenship bill, from the estimation of the distinguished sponsor?

Senator Drilon. Very much so, Mr. President, as the gentleman has correctly pointed out. In those areas where a number of intermarriages has taken place, there are a lot of legal complications as far as the Filipina spouse is concerned and their children.

And apart from Seoul and Australia--as mentioned by the good gentleman--Japan is also a situation similar to Seoul. In fact, when we had dialogue with the Filipino community in the Philippine Embassy in Japan, the same clamor was expressed and principally because this is the problem encountered in the Bureau of Immigration by our Filipina nationals who have become spouses of Japanese nationals and the effect on their children is something that they would like to thresh out through this measure.

Senator Pimentel. Mr. President, one of the fears or apprehensions expressed by members of Filipino communities abroad is the fear that the citizenship that they had acquired in their host countries, for example, could be jeopardized by our grant of dual citizenship to them. Is there basis for such an apprehension?

Senator Drilon. The grant of citizenship is really governed by the sovereign country who would define who are the citizens of that country.

In the case of dual citizenship, Mr. President, in a research made it is indicated that there are about 89 countries which recognize dual citizenship and, therefore the fear that they might lose the citizenship of their adopted countries is, I think more theoretical than real because of the laws of these countries.

In any case, if that is the law of the country, Mr. President, then it really is a choice by the former Philippine national, if he or she wishes to retain the citizenship of his or her adopted country which prohibits dual citizenship, then it is really a choice on his or her part and he can do that by renouncing the Philippine citizenship if he wants to retain his foreign citizenship.

Senator Pimentel. Yes, that is a good point. Perhaps for purposes of record, Mr. President, it would help if we can put on record the countries where dual citizenship is allowed by the host countries concerned.

Senator Drilon. Yes, we are prepared with that list, Mr. President, and these are the countries. In a study by the Center for Immigration Studies of the United States, there are 89 countries that allow dual citizenship.

Let me read to the distinguished gentleman some significant countries which are favorite destinations of our

Filipino citizens. Australia for one, allows dual citizenship. Brazil, Cambodia, Canada, Egypt, France, Germany, Greece, Hungary, India, Iran, Ireland, Israel, Italy, Jamaica, Jordan, Lebanon, Macau, Mexico, The Netherlands, New Zealand, Panama, Paraguay, Peru, Russia, South Africa, Sri Lanka, Sweden, Switzerland, Taiwan, Thailand, United Kingdom, United States, Vietnam. These are some of the countries, but there are 89 enumerated, Mr. President.

Senator Pimentel. Yes, and probably, for purposes of record, we can append a complete list for the record of the Senate just in case people would want to make a research on this issue.

Senator Drilon. Yes, we will do that, Mr. President, and we will be submitting this complete list as part of the replies to the interpellation of the gentleman from Cagayan de Oro.

Senator Pimentel. Now, Mr. President, can the distinguished gentleman kindly tell us for purposes of the record what advantages will the grant of dual citizenship to Filipino expats bring to our country? I think that would be a good point for purposes of convincing others that indeed this bill is a good one.

Senator Drilon. Mr. President, I think of all the countries in the world right now, the Philippines is uniquely positioned in that we have about 7,000,000 nationals out of our shores or in foreign countries and as we earlier mentioned, approximately about 1.1 million of these would be naturalized citizens in the United States. Many of these are professionals like physicians and the practice of medicine is nationalized.

Therefore these former Philippine nationals, who are now American citizens, cannot practice medicine in the Philippines, so that our country is deprived of this opportunity to avail itself of this expert professional talent of our Filipino doctors who cannot practice in the Philippines anymore. Firstly, that is in general the advantage in the professional level.

Secondly, Mr. President, on the matter of investments. Our Constitution bars investments by foreigners in certain areas of nationalized economic activities. We know for a fact that many of our Filipinos and compatriots abroad have the capacity to invest in the Philippines.

One classic example, Mr. President, for the record, is the uncle of Sen. Francis Pangilinan, one of the biggest businessmen in Guam, named Mr. Mark Pangilinan, who has extensive real estate development business in Guam. He would

want to come to the country and assist in the development of our real estate business. He is barred from doing so because he is already an American citizen and he does not want to get into a situation where he would have dummies in the Philippines holding the shares of the company which he will put up.

This is one example where we have deprived our country of a possible investment by a former Filipino national simply because a law which was enacted about 66 years ago provides that a Philippine citizenship is lost by that naturalization in a foreign country.

So, first, on a matter of our country being able to avail itself of the professional and competent talent of all Filipino professionals who have become foreign citizens; and second, the investment opportunities of our Filipino citizens who may have the capacity to invest in the country is prohibited from doing so because certain economic activities are nationalized under our Constitution.

On these two main grounds, Mr. President, I think there is a great advantage on our part of our country in approving this bill.

Mention should also be made of the fact that there are a lot of retirees in the United States who are about to retire and who would want to come to the country and invest principally in real estate business, and yet they are discouraged because of this prohibition under Commonwealth Act No. 63.

Finally, I may also wish to put on *Record* the situation of our veterans. If the gentleman will recall, our veterans in order that they can avail themselves of the benefits under U.S. laws had to take their oath of allegiance and had to become American citizens.

So that we have a situation where we have Filipino heroes and Filipino veterans who are no longer Filipinos but aliens because of Commonwealth Act No. 63.

These are some of the grounds that we believe would justify the recognition or the passage of this measure, Mr. President.

Senator Pimentel. I would like to thank the distinguished gentleman for that information.

I would like to confirm, Mr. President, the gentleman's observation that indeed most, if not all, former Filipinos who are retiring or have retired would want to come home to the Philippines. I have yet to meet a Filipino

abroad who does not express that kind of a wish when the time comes for retirement reaches him or her.

So that there indeed is a well nigh universal desire among former Filipino citizens who have acquired their citizenship elsewhere, who wish to retire, to come home to the country and enjoy their retirement days and benefits here back home.

As the President said, Mr. President, they would wish to get involve in all areas of activities allowed to Filipinos in this country and therefore the exercise of a profession, the exercise of the right to engage in any kind of legitimate business would become a reality if there is this dual citizenship law that will be enacted by us pursuant to the proposal of Senate President Drilon.

Mr. President, I read in the newspapers that by this year it is estimated that there will be about at least US\$8 billion in the form of remittances from Filipinos overseas.

SUSPENSION OF SESSION

Senator Leviste. Mr. President, I just wish to suspend session to allow our President Pro Tempore to vacate the Chair.

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

It was 6:09 p.m.

RESUMPTION OF SESSION

At 6:10 p.m., the session was resumed with the Hon. Noli De Castro, presiding.

The Presiding Officer (Sen. De Castro). The session is resumed.

Sen. Aquilino G. Pimentel Jr. is recognized.

Senator Pimentel. Mr. President, may I proceed with that observation that it is estimated that by the end of this year, at the very least, US\$8 billion will come to this country in the form of remittances from our Filipinos abroad. And I suppose that among those who are sending money back home are the overseas Filipinos or Filipino expats who have already acquired citizenship abroad.

Does the gentleman think we have some data on this issue, Mr. President, as to how much are the remittances of Filipino expats who are still Filipino citizens as

contrasted with those of the remittances of Filipinos who are no longer citizens of the country?

Senator Drilon. I do not think that the Bangko Sentral ng Pilipinas can generate that kind of specific data to disaggregate the remittances of estimated US\$6 billion. However, it may interest the gentleman to know and for the record, Mr. President, that the bulk of these remittances are from the United States. And that is a consequence of the fact that there are simply an overwhelming number of Filipinos, either permanent residents or U.S. citizens now who have relatives in the country.

There are about 1.9 million documented Filipinos in the United States. Therefore, it is logical that the bulk should come from the United States where the bulk of our former citizens are.

In terms of remittances, Mr. President, from the United States there is about US\$985 million being remitted or 56% of the.... Anyway, US\$985 million is remitted from the United States. And this would include both Filipinos who are permanent residents, Filipinos who are not properly documented, and former Filipinos.

That is the only disaggregation that is available right now.

Senator Pimentel. Which goes to say, Mr. President, that a good number or a sizeable portion of the remittances of Filipinos abroad can be said to originate also in Filipinos who have already acquired citizenship abroad. Because I do not think that getting a new citizenship abroad cuts off the filial or familial ties that Filipinos have or wish to maintain as regards their relatives back home. Obviously, the desire to have relatives here would still be in the hearts of Filipinos no matter if they have acquired citizenship abroad.

Senator Drilon. I fully agree with the gentleman, Mr. President.

Certainly, a big bulk of the US\$985 million coming from the United States territory would come from former Filipino citizens who now have bigger earning capacity than those who are not properly documented.

So, certainly, the contribution of our former Filipino citizens on our economy is something that we must recognize.

Senator Pimentel. Now, Mr. President, the observation about the danger of enfranchising people whose....

Senator Pimentel. Mr. President, the observation about the danger of enfranchising people whose loyalty is dubious, could not be made to apply to Filipinos who have acquired their citizenships abroad?

Senator Drilon. Mr. President, I would not agree with the proposition of some quarters that simply because a compatriot of ours have acquired a second citizenship would put to doubt his loyalty to the country. For one, I think it is an accepted fact that many of our compatriots became naturalized Filipinos for economic reasons. They simply wanted to provide employment and economic opportunities for themselves and their family, and this has nothing to do with the lack of love for the Philippines. It is dictated by economic reasons, and this is evident from the fact that we have about 7 million Filipinos abroad who really have gone there for better economic opportunities.

So, the mere fact that they have acquired second citizenship should not be equated to their having become disloyal to the flag and to the country.

Senator Pimentel. Mr. President, there is also this apprehension that if we grant Filipino citizenship or restore Filipino citizenship would probably be the better term to those who had acquired citizenships abroad. This would allow this sector of foreign Philippine society, as it were, to really come back to the country and influence to a very great extent the electoral results in the elections of this country.

Would that be good or bad, Mr. President?

Senator Drilon. Mr. President, both sides can develop an argument that it is both good and bad. But just for the record, we have provided in the proposed measure that a former Filipino citizen who has been reinstated as a citizen of the country by virtue of this law would have to renounce his second citizenship in case he comes home and runs for public office.

In other words, conscious of the prescription against dual allegiance, a former Filipino national who, by virtue of this law, has again become a Filipino citizen is barred from running for public office unless he gives up his other citizenship.

Senator Pimentel. Mr. President, the gentleman and this representation know that there is a principle in political law that says that the right of suffrage entitles the person having that right not only to vote but also to be voted for. Therefore, what the gentleman is saying is that we will bar him or her from being voted for, but are we going to enfranchise him as a Filipino voter?

Senator Drilon. Yes, he will be allowed to vote. But as a matter of qualification, he should only have one citizenship in order to run for public office.

Senator Pimentel. And when the gentleman says "public office", he is referring to positions like barangay official, local official, congressmen, senators, president?

Senator Drilon. Yes, Mr. President. We make no qualification.

Senator Pimentel. For as long as it is an elective public office, he has to renounce his foreign citizenship, as it were.

Senator Drilon. That is correct, Mr. President.

Senator Pimentel. What about appointment to public office, Mr. President?

Senator Drilon. We did not touch that in the measure. The sponsor would have an open mind on this point, Mr. President. There are a lot of other areas where the sponsor would like to be tested on in the interpellation and one of them is precisely this point. We would like to see how the Chamber would develop a policy on this area, because this is, as we said, a new area.

Senator Pimentel. Initially, Mr. President, I suppose that appointments to highly sensitive positions, like being a Justice of the Supreme Court or courts of similar magnitude or importance or being members of the Cabinet, could conceivably be in the prohibited list of possible appointments to the government.

Mr. President, I remember that in the United States-- what is the name of this lady who was Secretary of... Madeline Albright. She was supposed to be a citizen of Czechoslovakia, and yet at the same time she was the Secretary of the Department of Foreign Affairs.

So, following this line of thought by the experience of the United States, maybe we should not be too restrictive on the matter of appointment because, in any event, there is already a break on the possibility that a person who has just regained his Filipino citizenship through this bill would be considered automatically fit for a high appointive office. There is, shall we say, the discretion of the President that has to be exercised judiciously. Then there is the process of getting him or her confirmed by the Commission on Appointments.

So, probably, Mr. President, there should be less of a restriction in this regard. Of course, subject to the better judgment of our colleagues. It just came to mind that I should bring this up because, obviously, if a Filipino has regained his citizenship, he should be entitled to all the rights of a Filipino citizen. But as the gentleman pointed out, except the right to be voted for any public position in this country, short of his or her renunciation of his or her previously acquired citizenship elsewhere.

Senator Drilon. Yes. As we said, Mr. President, we are entirely open to any policy direction, as far as appointment to public office by holders of dual citizenship is concerned.

Senator Pimentel. Mr. President....

SUSPENSION OF SESSION

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

Senator Pimentel. They are approving our discussion, Mr. President, that is all right. They are happy with our discussion.

The Presiding Officer [Sen. De Castro]. Is there any objection? [Silence] There being none, the session is suspended for one minute.

It was 6:23 p.m.,

RESUMPTION OF SESSION

At 6:23 p.m., the session was resumed.

The Presiding Officer [Se. De Castro]. The session is resumed.

Senator Pimentel is recognized.

Senator Pimentel. Mr. President, I remember that the gentleman mentioned the Armed Forces of the Philippines. Maybe there is basis or reason that a Filipino, who has newly acquired his citizenship again in the country, should be barred from joining the Armed Forces of the Philippines. I do not know, it is just a thought.

Senator Drilon. Well, let me just place on the record the present situation, our present state of laws, and I was surprised that this is the present state of the law.

Right now, Mr. President, by virtue of Commonwealth Act No. 63, a Filipino can be inducted into the U.S. Armed Forces without losing his Filipino citizenship.

Senator Pimentel. Mr. President, the gentleman's reply brings to mind the fact that many of the *co-provincianos* of my wife from Zambales, for example, joined the U.S. Navy.

Senator Drilon. That is correct, because they are allowed to retain their Filipino citizenship even if they are inducted into the U.S. Armed Forces.

Senator Pimentel. I see.

Senator Drilon. But under our proposed legislation, Mr. President, the grant of a dual citizenship will not be available if a naturalized Filipino is in the service of the armed forces of another country. In other words, let us say, if we pass this bill by December 31 of this year, those who are members of the armed forces of the foreign country as of that time would not be covered by this law.

Senator Pimentel. Filipinos who are serving in the armed forces of other countries, is that correct?

Senator Drilon. Former Filipino natural-born citizens who are serving in the armed forces of another country may not avail of the benefits under this law until they resign their commission from that armed forces.

On the other hand, although we have not provided for a situation where a dual citizen now or a former Filipino citizen who has now become a dual citizen under this measure, we have not covered the contingency of his being appointed to the armed forces, except a general clause which says that those who are seeking appointive public offices in the Philippines shall meet the qualifications for holding such a 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 a public officer authorized to administer an oath.

So that we can adopt the policy that appointment to the Philippine Armed Forces would be on the condition that he renounces his other citizenship.

Senator Pimentel. Yes, that might be a good way out of this problem, Mr. President. But let me just put on record that a few weeks ago, I met a retired general of the armed forces. He told me that a good number of former pilots of the Philippine Air Force are serving as mercenaries in the Zimbabwe civil war. Of course, I am not too sure if it is a requirement for them to renounce their Filipino citizenship

but, as we know, this kind of a situation could probably bring out another issue. I was just wondering what would happen to a Filipino who is serving regularly in the armed forces of other countries other than the United States. Because I suppose that our relationship with the United States is such that we feel comfortable with the situation where Filipinos are enlisted in, let us say, the U.S. Navy without losing their citizenship.

But what about Filipinos serving in the armies of other countries?

Senator Drilon. If the proposed measure is passed in the manner that it is crafted, the effect of the law on that particular former Filipino citizen is suspended. Meaning, that he does not acquire the second citizenship while he is serving in the armed forces of his adopted country.

Senator Pimentel. I see.

Senator Drilon. So that where, for example, a natural-born Filipino citizen would be serving in the navy of Great Britain as a citizen of Great Britain, upon effectivity of this law, he does not automatically reacquire his Philippine citizenship until he leaves the Armed Forces of Great Britain.

Senator Pimentel. And renounces. Does he have to renounce anything, Mr. President?

Senator Drilon. No.

Senator Pimentel. There is no need.

Senator Drilon. Our proposal is that once he leaves the service of the Armed Forces of Great Britain in that example, he simply registers himself in the proper civil registry.

Senator Pimentel. Mr. President, when Sen. Blas F. Ople was still a member of this Chamber before he made the mistake of becoming or accepting the secretaryship of the Department of Foreign Affairs, he mentioned to me that he had some reservations about this grant of dual citizenship to Filipinos because of his fears that there might be no reciprocity. I did not quite get the thrust and tenor of his reservation, but he was talking about reciprocity. Is there any reciprocity angle that will creep into this bill?

Senator Drilon. I do not think so because we start from the principle, as I said earlier, that a sovereign country determines, by its own Constitution and laws, who are its citizens regardless of what the other law says.

If we say that Juan de la Cruz is our citizen, regardless of what the other states in the world say, Juan de la Cruz is a citizen of the Philippines. If the other country says, "If Juan de la Cruz is your citizen, we will not recognize him as our citizen", that is a matter that is beyond us.

Senator Fimentel. Mr. President, the issue that Secretary Ople raised is now becoming clear. He was talking about the apprehension that he had of Filipinos who, because of some maneuverings that they had with the Taiwanese government, were actually Taiwan citizens before becoming Filipino citizens. He was worried that if we sort of recognize dual citizenship, theoretically in his mind, we would be subjecting the economy of this country to possible domination of Filipinos having that kind of dual citizenship. He used that as an example. I remember having discussed that with him greatly.

Senator Drilon. Yes, Mr. President. That is by virtue of the proceedings in the Constitutional Commission.

If the gentleman will note, Mr. President, the present Constitution provides that dual allegiance of citizens is inimical to the national interest and should be dealt with by law. That is exactly how it reads.

Section 5, Article IV of the Constitution. I would repeat, reads:

Sec. 5. Dual allegiance of citizens is inimical to the national interest and shall be dealt with by law.

The proceedings of the Constitutional Convention would indicate that the concerns of then Commissioner Blas F. Ople, now Secretary of Foreign Affairs, were the Taiwanese or mainland Chinese who, after having acquired Philippine citizenship, would maintain their allegiance to either Taiwan or China. Therefore, that phrase "dual allegiance of citizens is inimical to the national interest."

In the case of *Mercado vs. Manzano*, the Supreme Court cited with approval the proceedings in the Constitutional Commission, principally Senator Ople, then Commissioner, when the Supreme Court said, "Clearly, in including Section 5 in Article IV of Citizenship, the concern of the Constitutional Commission was not with dual citizen per se, but with naturalized citizens who maintain their allegiance to their countries of origin even after their naturalization. It is certainly correct to assert that the fact that these former foreigners continue to maintain allegiance to their country of origin could be inimical to the national interest."

However, the same argument cannot be used in case of Filipinos who become citizens of another country and who, by virtue of this law, will be allowed a Philippine citizenship. Because in that case, the other country should worry about the allegiance of those former Filipinos, not the Philippines worrying about the allegiance of these natural-born Filipino citizens.

Senator Pimentel. The reason his honor is saying that, Mr. President, as far as I can understand is that we are talking here of Filipinos who have acquired the citizenship of other countries and to whom we are returning or recognizing the fact that they are also citizens of this country.

Having said that, what is his take on this distinction between dual citizenship as against dual allegiance? I would like to say that it looks to me that this is just a play on words. It may be sophistry because how can a person be loyal as a citizen and at the same time say that he is only enjoying dual citizenship but not dual allegiance. It really escapes my mind, Mr. President.

Senator Drilon. I share the same difficulty, Mr. President. To me, allegiance is more of how a person feels about a particular set of rules or a particular culture.

In other words I may owe allegiance to the Philippines but I may be a citizen of another country. Therefore, my status is purely a legal creation but my allegiance is something that I carry with me wherever I go. So that I owe my allegiance to the Philippines and it becomes a policy problem of the country which I adopt to check on my allegiance before it grants me the citizenship.

The Supreme Court, in the case of *Mercado vs. Manzano*, clearly stated that dual citizenship is not dual allegiance. It is not the same as dual allegiance.

Senator Pimentel. Exactly, Mr. President.

In any event, probably, we can say that allegiance can be proven, I suppose, by specific acts at specific times. Meaning to say, that is tested by circumstances in a given situation. Like for example, the most obvious case where dual allegiance and dual citizenship would be put to severe test is, if there is a war between the country of origin and the host country where the dual citizen is now enjoying the rights of citizenship. But short of that, probably, there is no case where dual allegiance will come into play, Mr. President. Would that be a fair interpretation?

Senator Drilon. Yes. I think that is a fair interpretation, and I do not see the Philippines going into war in the next 50 years with any country.

Senator Fimentel. It is difficult to foresee that, but some people suggest we should go to war against the United States today and surrender tomorrow. It will help develop this country, Mr. President.

In any event, Mr. President, going back to the gentleman's proposition about disqualifying dual citizenship to elective public office. Probably, we can modify that and say up to a certain point--maybe beyond local officials.

Senator Drilon. Under our Constitution, Mr. President, if I recall correctly, members of Congress, the Senate, the President and the Vice President would have to be natural-born citizens of the Philippines.

Senator Fimentel. That is correct.

Senator Drilon. There is no requirement of natural-born citizen to those in the local governments, from governors down. This sets a policy decision made by this Congress when it enacted the Local Government Code. So I do not have any strong feeling about this particular point, Mr. President.

The only difficulty that I have is, it is entirely possible that one can be, theoretically at least, a mayor of Daly City and a governor of Iloilo.

Senator Fimentel. Probably, the prohibition should be holding elective positions in both the host country and the native land of the person concerned.

In any event, Mr. President, I was just thinking that probably, we can make this distinction in order to encourage people who have acquired some degree of expertise abroad to come back and when they become citizens, work for the betterment of their own communities. It is just a rough thought actually.

Senator Drilon. I am open to any suggestion. As we said, this is a new legislation that we are working on and in many instances, as long as it is not inconsistent with the Constitution, we will be setting new policies. And the collective judgment of this Chamber would certainly be most useful and controlling in setting this policy thrust in this particular subject matter.

Senator Fimentel. Mr. President, I have several other questions, but I would like to reread the bill so that it will enable me to ask more relevant questions.

Mr. President, with the gentleman's permission then, I would reserve my right to continue my interpellation at some other time.

Senator Drilon. Yes, I would appreciate an examination....I would consider it a debt of gratitude if Senator Pimentel can go over these provisions because indeed, it can stand a lot of improvements, Mr. President.

Senator Leviste. Mr. President, I move that we recognize Sen. Sergio R. Osmeña III to interpellate.

The Presiding Officer [Sen. De Castro]. We recognize the gentleman from Cebu, Sen. Sergio R. Osmeña III.

Senator Osmeña (S). Thank you. Will the distinguished sponsor yield for a few questions?

Senator Drilon. With pleasure, Mr. President.

Senator Osmeña (S). Mr. President, does this bill only cover natural-born Filipinos?

Senator Drilon. Yes, it only covers natural-born Filipinos.

Senator Osmeña (S). Are natural-born Filipinos also Filipinos who are born outside this country of Filipino parentage?

Senator Drilon. That is correct, Mr. President. A child who, at the time of his birth, the mother or the father is a citizen of the Philippines, so that he does not have to do any other act to perfect his citizenship.

Senator Osmeña (S). So therefore, ostensibly, if there is a Filipino couple--to make things simpler--in San Diego City, all their children, grandchildren, and great grandchildren would have the right to be recognized as Filipino citizens without having to do anything to perfect their citizenship. Am I correct?

Senator Drilon. In that example, Mr. President, the children of the Filipino couple in San Diego would have dual citizenship because those children would be recognized as natural-born citizens of the Philippines by virtue of the principle of *jus sanguinis* and would be American citizens by virtue of the jurisdiction of the United States, which recognizes place of birth.

Senator Osmeña (S). Now, what about those who have already been naturalized in the U.S. and have already forsworn Filipino citizenship, this bill seeks to cover

them. But as of today, since their children have already been born, their children would not have any right to Filipino citizenship.

Senator Drilon. If the children are 18 years of age or below or are minors, and unmarried, the children would benefit from the dual citizenship on the principle of derivative citizenship. But if they are already married or are of major age, the principle of derivative citizenship will no longer apply.

Senator Osmeña (S). But can they still claim? No longer? Under the bill?

Senator Drilon. They can claim to be dual citizens under the bill if they are minors.

Senator Osmeña (S). No, if they are above 18?

Senator Drilon. No longer, Mr. President.

Senator Osmeña (S). So that they would forever have lost that right?

Senator Drilon. They would have forever lost that right to be Filipino citizens, except if they go through the naturalization process of becoming a Filipino citizen.

Senator Osmeña (S). Well, if they go through the naturalization process, then they would have to abandon their U.S. citizenship, would they not?

Senator Drilon. No, Mr. President. The United States jurisdiction would not care if one is a citizen of another country. In fact, this is one of the situations which we seek to correct by this bill. An American who becomes a Filipino citizen or becomes a citizen of any country other than the United States would not lose his American citizenship.

Senator Osmeña (S). That is interesting, Mr. President, because earlier when I was monitoring the interpellations of the gentleman from Cagayan de Oro, the sponsor did not mention the United States as one of the countries that allow dual citizenship.

Senator Drilon. I think I did, Mr. President. Anyway, . . .

Senator Osmeña (S). So it is the U.S., Canada, Australia, France and all those. The United States is one of them.

Senator Drilon. Yes, U.S. is one of them.

Senator Osmeña (S). So the U.S. does not require its naturalized citizens, in other words foreigners, coming into the United States and taking an oath of allegiance--and I will repeat--oath of allegiance to the United States of America to forswear allegiance to the country of his birth, of that naturalized citizen's birth.

Senator Drilon. What I was referring to earlier, Mr. President, was in the case of an American citizen who would be naturalized as a Filipino citizen. In that particular instance, the American law does not provide that he or she loses his or her American citizenship.

Senator Osmeña (S). All right.

Senator Drilon. The reversed situation does not get us to the same conclusion. A Filipino citizen who becomes an American citizen would lose his Filipino citizenship by virtue of Commonwealth Act No. 63.

Senator Osmeña (S). No, but what about by virtue of U.S. law? Would the Filipino now taking his oath as a United States citizen automatically lose Filipino citizenship under U.S. law?

Senator Drilon. It is not automatic. And as far as the laws of Philippine citizenship are concerned, that would be governed by Philippine laws. Because as we said earlier, the basic rule is that the sovereign nation, the sovereign country would determine who are its citizens; so that in that example given by the gentleman from Cebu, regardless of what the American law says, if we say that acquisition of a foreign citizenship does not result in the loss of Philippine citizenship, then that rule will prevail.

Senator Osmeña (S). Yes, that is not my question because I know there are situations wherein both countries recognize an individual as citizens of their countries.

Senator Drilon. That is correct.

Senator Osmeña (S). Right. What I am asking is that when the United States swears in a new citizen, does that oath or does its law require that that new citizen forswear allegiance to the country of his origin?

Senator Drilon. That is feasible. I am not....

Senator Osmeña (S). No. Could we find out specifically? Because, Mr. President, earlier, the discussion between the sponsor and the gentleman from Cagayan de Oro spoke of allegiance. Of course, that was not a matter that was completely exhausted--the subject and the relationship

between citizenship and allegiance. Allegiance, naturally, cannot be legislated. It depends upon the heart and the mind of the person involved. But on the other hand, legally, is it not a fact that every oath of citizenship that a person takes is really an oath of allegiance? And it starts with the words: "I pledge allegiance to the United States of America, to the Republic of" et cetera, et cetera. Therefore, that person is pledging allegiance to another state. Am I correct?

Senator Drilon. That is correct. And my view, Mr. President, is that it is a legal requirement, a legal form which is found in the statutes of many countries.

That is why we have provided in the proposed measure that an oath of allegiance taken as a consequence or as a necessity for purposes of naturalization in that foreign country will not serve as a bar to the retention of Filipino citizenship.

Senator Osmeña (S). What does "necessity" mean?

Senator Drilon. For example, one cannot become an American citizen if he does not take this oath of allegiance. So that the mere fact that he has taken an oath of allegiance by virtue of the process of naturalization should not bar him from availing himself of the benefits under this law by retaining the Philippine citizenship. It would be different if one expressly renounces Philippine citizenship.

Senator Osmeña (S). Yes, but would that not be splitting it rather finely? Because the country that is now naturalizing the Filipino--let us say, the United States--makes it a requirement that that person pledges allegiance. It is not just a matter of words, but it is a matter of exacting allegiance and loyalty of that new citizen who is about to become an American citizen. That would be natural.

Would those same words not also obtain in this country? Would the oath of a new citizen, a naturalized citizen, whether he is from Hong Kong or Taipei or from America, use the same words and say, "I pledge allegiance to the Republic of the Philippines"?

Senator Drilon. That is correct, Mr. President. But we go back to the basic principle that a sovereign state determines who are its citizens.

Senator Osmeña (S). That is correct.

Senator Drilon. So that if we determine as a matter of policy that notwithstanding such oath of allegiance as a consequence of naturalization proceedings in a foreign

country, that person retains his Philippine citizenship. That cannot be questioned and that would be consistent with accepted principles.

Senator Osmena (S). Let me use another tact.

If a person is sworn into the Armed Forces of the United States, that would be an even deeper form of allegiance. Would it not?

Senator Drilon. That is correct, Mr. President. That is why in the proposed measure, the benefits of this Act will not extend and will not apply to those who, at the time of the enactment of the law, are in the Armed Forces of the United States, in the gentleman's example.

Senator Osmena (S). What about those who used to be in the Armed Forces of the United States?

Senator Drilon. The policy that we are proposing is that those who have retired and those who are from the Armed Forces could avail themselves of the benefits under this Act.

Senator Osmeña (S). I guess it is axiomatic that anybody who avails himself of this new dual citizenship law would be allowed to vote.

Senator Drilon. Yes, Mr. President.

Senator Osmeña (S). Would it also follow that he would be allowed to run for public office?

Senator Drilon. No, Mr. President. A policy recommendation that the committee has made is that one who runs or seeks an elective office would have to renounce his other citizenship.

Senator Osmeña (S). That is all it will take.

Senator Drilon. Yes, the renunciation. So that under Philippine laws, he has only one citizenship.

Senator Osmeña (S). Would it not bother the gentleman, for example.... Well, I will take what he has just said first. Under Philippine law, he has only one citizenship.

Senator Drilon. Because renunciation of the other citizenship is considered sufficient for purposes of that person having a single citizenship under Philippine laws.

Senator Osmeña (S). Is there anything in the law that says one can only be a citizen of the republic and of no other country?

Senator Drilon. Yes, under Commonwealth Act No. 63. Right now, the moment one is naturalized in another country, he loses his Philippine citizenship.

Senator Osmeña (S). I see. But this gives him the right to get back his Filipino citizenship. Does it say also in that law that one cannot run for public office if he has two citizenships?

Senator Drilon. Under that law, dual citizenship is not feasible, Mr. President.

Senator Osmeña (S). Can we resolve the problem of somebody who having taken an oath of allegiance, say, an officer of the Armed Forces of the United States and risen to the rank of general, would it be a simple matter of his saying, "I now renounce my U.S. citizenship because I want to run for senator or president of the republic."?

Senator Drilon. Right now, that is the only provision that the committee has included in the measure. As a sponsor, as we said, this is a new policy that we are crafting and this particular sponsor would be open to suggestions as to how else we can assure that the person running for public office has only one citizenship and that is Philippine citizenship.

Senator Osmeña (S). Yes, because, Mr. President, whether or not he goes through the forms of reacquiring Filipino citizenship, whether or not he goes through the form of renouncing his previous American citizenship, there may be a problem of national security if it becomes that simple.

I mean, I would rather propose during the period of amendments an amendment which will provide that no one who has served in an appointive or elective position in another country will be allowed to run or be appointed to public office. He may be allowed to vote, but not to run or be appointed to public office.

Senator Drilon. As we said, Mr. President, we are completely open to the suggestions. We leave it to the wisdom of the Chamber. We would be very glad to receive such amendment, which will have a particular policy judgment and submit it to the Chamber. We have no objection to that.

Senator Osmeña (S). Earlier the sponsor said that the mere fact that a dual citizen renounces his citizenship...

Senator Drilon. His other citizenship.

Senator Osmeña (S). Yes. Well, if the distinguished sponsor is willing to accept that amendment, that takes the problem out of the way.

But I was just thinking of the Supreme Court phrase-- what do we call the phrase, I am not a lawyer--of *animus revertendi*.

Senator Drilon. *Animus revertendi*.

Senator Osmeña (S). Normally, in order to establish domicile... do we call it a theory, or a concept or a legal....

Senator Drilon. It is a principle; the intention.

Senator Osmeña (S). The legal principle of *animus revertendi*.

Senator Drilon. That is correct. The legal principle of an intent to return.

Senator Osmeña (S). An intent to return: the spirit of returning home.

Senator Drilon. That is correct.

Senator Osmeña (S). Would that returning Filipino now be required in the spirit of *animus revertendi*, and would it apply in this case?

Senator Drilon. If the amendment of the good gentleman is carried on the Floor, that is to disqualify those who are former....

Senator Osmeña (S). Appointees or elective....

Senator Drilon. Yes, to become candidates, then that question becomes academic, Mr. President.

Senator Osmeña (S). All right. If somebody has dual citizenship and it follows that dual citizenship normally means dual allegiance, he is loyal to the United States and her laws, he is loyal to the Republic of the Philippines and her laws. That would only hold true, would it not, for countries that have similar systems? Would a citizen of the Philippines be allowed to have dual citizenship with a citizen of Mainland China or Cuba or South Korea?

Senator Drilon. Yes, Mr. President. If he is qualified in the laws of the other countries, he would have a status of a dual citizen, because we go back again to the principle that the sovereign state determines by its own laws who are its citizens. If presently, our laws would remove Philippine

citizenship from a Filipino who becomes naturalized in other country by virtue of Commonwealth Act No. 63. Therefore if we amend Commonwealth Act No. 63, in the manner that we have proposed it to be amended, the naturalization in that other country will not mean a loss of Filipino citizenship.

Senator Osmeña (S). All right. Would there be such a thing as priority of allegiance in case the two countries go to war? I do not talk about open warfare, I mean, we do have conflicts with our own neighboring states in South East Asia, and sometimes the problem of allegiance might come into play. We have the Spratlys; we have Sabah. How can we resolve this particular issue?

Senator Drilon. I think, Mr. President, it becomes more of the problem of the adopted country of the Filipino rather than the Philippines.

If the distinguished gentleman recalls in history, Mr. President, at the outbreak of the war between Japan and the United States, there were a number of Japanese nationals who were American citizens. When the war broke up, what did the Americans do? They rounded up all these Japanese nationals who were American citizens and placed them in a camp because they were not sure of the allegiance of these American citizens.

In the same manner, Mr. President, I would like to think that in case of a dispute, whether a shooting war or a nonshooting war between two countries where, for example, I am a citizen of or a Filipino is a citizen of, it should be the concern of the adopted country as far as the allegiance of that person is concerned because I would like to think that that person will still owe allegiance to the Philippines in the same manner that the Americans concluded that the Japanese nationals continued to maintain allegiance to Japan even if they were American citizens.

Senator Osmeña (S). Yes, I understand that point, Mr. President. Therefore, there is no danger here of--if we say that we can round up all the--whatever and put them in concentration camps. [Laughter]

Senator Drilon. Theoretically, that can be done.

Senator Osmeña (S). I will not mention any particular nationality, but I think the sponsor knows what I am talking about. If there would be the power to round up all those nationals, we will need a lot of prisons to accommodate....

Senator Drilon. Mr. President, that situation is not what this bill is trying to address because in that situation, what the distinguished gentleman is referring to are nationals of that foreign country who have become

naturalized Filipino citizens. That is precisely what then Commissioner Blas Ople had in mind when he said dual allegiance is inimical to the national interests because of this situation which the distinguished gentleman mentioned. But this bill would cover situations of the opposite. Meaning, these are Filipino citizens who became naturalized citizens of another country with whom the Philippines got into conflict. In my mind, the problem will be at the door of the adopted country.

Senator Osmeña (S). All right. One last point. May I go back to the children of former natural-born Filipinos who migrated to the United States. Is there a way where we can accommodate even those who have passed the age of 18? I think it would be unfair if they have brothers or sisters who at the time of the effectivity of this law are below 18.

Senator Drilon. The gentleman from Cebu is saying that we should examine the possibility of covering--

Senator Osmeña (S). Of removing the threshold.

Senator Drilon. --of removing the threshold. We will study it, Mr. President. That is something new that we have not considered before because right now the provision would only cover unmarried children below 18 years of age. The gentleman is saying: why do we not allow derivative citizenship beyond this age?

Senator Osmeña (S). Yes, Mr. President, because it was not their own fault that they were born there. It was their parents who migrated.

Senator Drilon. Allow us to examine, Mr. President, the ramifications of that particular proposal. We are not saying no. We are just saying allow us to examine it.

Senator Osmeña (S). Then what about generations-skipping? Under our law, *jus sanguinis* or *jus soli*? *Jus sanguinis*?

Senator Drilon. *Jus sanguinis*, yes.

Senator Osmeña (S). If the parents are Filipinos, children are automatically recognized as Filipino citizens. Now, let us say, we have a situation where the first generation of immigrants into the United States are Filipinos. The second generation elected not to be Filipinos or did not care. And the third generation, some among them want to reclaim Filipino citizenship. Will this be allowed?

Senator Drilon. No, Mr. President, because at the time of the birth of the third generation, their parents are no longer Filipino citizens and therefore they are not natural-

born citizens of the Philippines because the second generation in the distinguished gentleman's are American citizens.

Senator Osmeña (S). And they cannot even apply. They will just have to come here as foreigners and apply for Filipino citizenship.

Senator Drilon. That is correct.

Senator Osmeña (S). I would like to thank the distinguished gentleman.

Senator Drilon. Thank you, Mr. President.

The Presiding Officer [Sen. De Castro]. The Majority Leader is recognized.

Senator Leviste. I move that we suspend the period of interpellations on Senate Bill No. 2130.

The Presiding Officer [Sen. De Castro]. Is there any objection? [Silence] There being none, the motion is approved.

SUSPENSION OF CONSIDERATION OF S. NO. 2130

Senator Leviste. Mr. President. I move that we suspend consideration of Senate Bill No. 2130.

The Presiding Officer [Sen. De Castro]. Is there any objection? [Silence] There being none, the motion is approved.

MOTION OF SENATOR LEVISTE (Senator De Castro as Member of the Education, Arts and Culture Committee)

Senator Leviste. I just would like to manifest that Senator Noli De Castro be made a member of the Education, Arts and Culture Committee per the request of the chairman, Sen. Renato L. *Compañero* Cayetano.

The Presiding Officer [Sen. De Castro]. Is there any objection? [Silence] There being none, the motion is approved.

Senator Leviste. Just a few manifestations. Mr. President, from the Minority Leader.

The Presiding Officer [Sen. De Castro]. Sen. Vicente C. Sotto III is recognized.

MOTION OF SENATOR SOTTO
(Sen. Sergio Osmeña as Member of
Congressional Oversight Committee
and the Reservation of Other
Committee Memberships of the
Minority)

Senator Sotto. Mr. President, we would like to elect Sen. Sergio Osmeña III as member of the Congressional Oversight Committee for the Clean Air Act in lieu of Sen. Aquilino Q. Pimentel Jr.

The Presiding Officer [Sen. De Castro]. Is there any objection? [Silence] There being none, the motion is approved.

Senator Sotto. We were supposed to do this tomorrow. We have a number of members in the different committees from the Minority but we just manifested the Clean Air Act replacement, Mr. President, because I understand there is an oversight committee meeting tomorrow.

So, the rest, because of the length and the number of names and committees, we would prefer to do it tomorrow, Mr. President.

The Presiding Officer [Sen. De Castro]. Noted.

The Majority Leader is recognized.

ADJOURNMENT OF SESSION

Senator Leviste. Mr. President. I move that we adjourn the session until three o'clock in the afternoon, Tuesday, October 8, 2002.

The Presiding Officer [Sen. De Castro]. Is there any objection? [Silence] There being none, the session is adjourned until three o'clock in the afternoon, Tuesday, October 8, 2002.

It was 7:07 p.m.