

RECORD OF THE SENATE

WEDNESDAY, OCTOBER 10, 2001

ROLL CALL

OPENING OF THE SESSION

At 4:18 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 30th session of the Senate in the First Regular Session of the Twelfth Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Robert Z. Barbers.

Everybody rose for the prayer.

PRAYER

Senator Barbers.

Panginoon, nandito po kaming lahat sa harap Ninyo. Nandito po kaming lahat na mga halal na senador ng bayan upang gampanan ang aming tungkulin, ang aming obligasyon at ang aming responsibilidad.

Paminsan-minsan po, Panginoon, nagkakaroon kami ng mainitang debate. Nagkakaroon kami ng kaunting hidwaan. At nagkakaroon kami paminsan-minsan ng samaan ng loob.

Kaya po, mahal na Panginoon, sa oras na ito ay basbasan Ninyo po kami upang kami ay magkaroon ng pagkakaisa at upang huwag nang maantala ang mga panukalang-batas na aming isusulong para sa kapakanan ng aming bayan at ng aming mga kababayan.

Mahal na Panginoon, patawarin Mo po kami sa aming mga kasalanan. Pagalingin Mo ang aming karamdaman nang sa ganoon ay magkaroon kami ng lakas upang sagupain namin ang lahat ng problema ng aming bansa.

Basbasan Mo rin po ang aming mga kaibigan na nandirito ngayon, nakikinig at nanonood sa amin upang nang sa ganoon ay maisiwalat nila sa kanilang mga kaibigan, sa kanilang mga pamilya, sa kanilang mga mahal sa buhay na ang mga senador ay puspusang nagtatrabaho, na ang mga senador pala ay maka-Diyos, makabayan at makatao.

Maraming salamat po, Panginoon. Ipagbubunyi namin Kayo. At napakadakilang Ninyo, Panginoon.

Amen.

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 G. Biazon	Present
Senator Renato L. Compañero Cayetano ...	Present
Senator Noli "Kabayan" De Castro	Present
Senator Luisa "Loi" P. Ejercito Estrada	Present
Senator Juan M. Flavier	**
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 Blas F. Ople	*
Senator John Henry R. Osmeña	Present
Senator Sergio 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

The President. With 22 senators present, there is a quorum.

The Majority Leader is recognized.

THE JOURNAL

Senator Legarda Leviste. Mr. President, I move that we dispense with the reading of the *Journal* of the 29th session, October 9, 2001 and consider it approved.

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

Senator Legarda Leviste. I move that we proceed to the Reference of Business.

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

* Arrived after the roll call

** On official mission

The President. The session is resumed. The Majority Leader is recognized.

BILL ON SECOND READING

S. No. 1824—Optional Reserved Officers Training Corps Program
(Continuation)

Senator Legarda Leviste. Mr. President, I move that we resume consideration of Senate Bill No. 1824 as reported out under Committee Report No. 3.

The President. Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 1824 is now in order.

Senator Legarda Leviste. Mr. President, we are in the period of interpellations. I ask that Sen. Renato L. *Compañero* Cayetano be recognized; and the Minority Leader for the interpellation.

The President. Sen. Renato L. *Compañero* Cayetano, the principal sponsor, is recognized; and Sen. Aquilino Q. Pimentel Jr., the Minority Leader, is recognized for the period of interpellations.

Senator Cayetano. Thank you, Mr. President.

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

Will the gentleman respond to some questions of clarification, not questions designed to defuse the supposed quarrelsome atmosphere in this Chamber, Mr. President?

Senator Cayetano. With pleasure, Mr. President, including questions.

Senator Pimentel. Thank you, Mr. President.

Will the gentleman kindly explain to us very briefly what would be the difference between the proposed measure and the ROTC law? What would be the effect of his amendment?

Senator Cayetano. I would like to thank the gentleman from Cagayan de Oro for that very important question.

The difference, Mr. President, between Senate Bill No. 1824, as contained in Committee Report No. 3, and the existing law, Republic Act No. 7077, is that under Senate Bill No. 1824, we are proposing that taking up ROTC by college students would now be optional or voluntary on the part of the students, whereas under Republic Act No. 7077, it is compulsory or mandatory for all college students. Therefore, under Republic Act No. 7077, the college students have no choice but to take ROTC.

That is the difference, Mr. President.

Senator Pimentel. Before I proceed, Mr. President, may I just put on record that I am supportive of this desire to amend the ROTC law by removing the compulsory nature of that legislation.

MANIFESTATION OF SENATOR PIMENTEL
(That He Be a Coauthor of S. No. 1824)

Also, allow me a self-serving note to be inserted into the *Record* that as early as 1995, when the Senate President, Senator Angara, the others and I were running for various offices, I espoused the removal of the compulsory nature of ROTC in my campaign speeches. But when I saw that there were already several proposals in this particular Congress, I decided not to file any proposal but would like to be considered as a coauthor of the gentleman, if that would be possible.

Senator Cayetano. Yes, Mr. President. It would be a great pleasure and honor for this representation and Sen. Ramon B. Magsaysay Jr., who is also a cosponsor, to have the Minority Leader as one of the authors and let the *Record* place that.

The President. It is noted.

Senator Pimentel. Mr. President, I read in the newspapers that there is already a presidential proclamation making ROTC optional in Metro Manila. I do not know if I got the essence of that newspaper report correctly but it looks like there is an attempt by the President to, sort of, preempt the passage of this legislation and, by executive fiat, order the taking of the ROTC requirement optional by the colleges in this country but starting in the metropolitan area. I do not know if the gentleman is aware of that.

Senator Cayetano. Yes, Mr. President. In fact, I saw a TV report that indeed there was an alleged executive order issued by the President of the Republic directing the optional taking of ROTC starting in Metro Manila.

In reply to my esteemed colleague from Cagayan de Oro, Mr. President, and anticipating the very question that he asked, we did ask the Malacañang Records Division if there was such an executive order and we were told that there was none. We also inquired from the PLLO representative here if he heard or saw an executive order, and we were informed that he was not aware of it.

I believe, Mr. President, that what happened was that at the time we held our first committee hearing here in the Senate, where one of our invited resource persons was Secretary Reyes, I think—and this is purely a "guesstimate"—there was a discussion by the

secretary of the Department of National Defense, and probably the President, about what he heard in the public hearing that there was a unanimous consensus about making ROTC program in the colleges as optional. Thereafter, I also watched a TV report and even listened to our radio report that the President had indeed ordered that in Metro Manila, at least, ROTC shall be taken in an optional manner beginning this semester—this October.

But, Mr. President, as we all know, no executive fiat in any form can amend or repeal an existing legislation.

Senator Pimentel. Yes. I would like to thank the gentleman for that candid commentary. If there was such an executive order or an attempt by the President to make the taking of the ROTC requirement optional instead of compulsory, then she would, in effect, be violating a certain legislation in that regard. Would that not be true, Mr. President?

Senator Cayetano. Yes, Mr. President. And if I were the President, since the President is not a lawyer, I will fire my lawyer.

Senator Pimentel. Exactly, and I was about to suggest that. In matters of this kind which have an effect all over the nation, I think the President should be a little more circumspect in announcing an action to be taken by her which might indeed violate an existing legislation.

Senator Cayetano. That is well-taken, Mr. President. But in fairness to the President, I did not hear the President herself made that announcement. It was made, as I said, by some TV reporters and radio commentators. I have not seen the President speak about making this ROTC optional.

So, we really do not know, Mr. President. At least, this representation does not know where that information came from.

Senator Pimentel. It looks like, Mr. President, there is a lot of disinformation being peddled in this country. Considering the importance of the subject matter as far as our young people are concerned,—and there are thousands of them affected by this announcement that henceforward ROTC will be optional instead of compulsory starting with the schools in Metro Manila—I would strongly suggest that the gentleman's committee dig deeper into this matter to expose where this disinformation came from.

Senator Cayetano. Yes, Mr. President. In fact, I did try to call the Presidential Chief Legal Counsel but I failed. But I assure my good friend from Cagayan de Oro that I will do that because, indeed, it is rather confusing. The college students may indeed not report to ROTC training beginning this semester or in October at least in Metro Manila, knowing that until Congress shall have enacted a law which would either amend or repeal the existing

legislation, particularly Republic Act No. 7077 which requires the taking of ROTC mandatory, these students might get into trouble.

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

To the gentleman's mind, Mr. President, what entity would be interested in maintaining the compulsory nature of ROTC?

Senator Cayetano. Mr. President, during the public hearing, the representatives from the armed forces, as I said, the presence of the secretary of the Department of National Defense and, if I am not mistaken, a representative of the Chief of Staff and also the National Security Adviser were present. And they did believe that there is a need to continue the mandatory ROTC Training Program being taken by college students. Although they also proposed that the ROTC Program, because of all the problems that have been brought up during this public hearing, be reviewed. But definitely, as far as making it optional, it is my recollection that they are not for making it optional.

Senator Pimentel. Mr. President, which among the various branches of the Armed Forces of the Philippines would have primary jurisdiction over ROTC?

Senator Cayetano. Under the National Defense Act, which is Commonwealth Act No. 1, and under Republic Act No. 7077, the Office of the Secretary of National Defense has the primary responsibility of ensuring the implementation of this particular legislative enactment. However, as far as appointing the supervisor of ROTC training in every university and college throughout the Philippines is concerned, I believe this is done by the Chief of Staff. I am not very sure about it, Mr. President, but the primary responsibility lies with the secretary of National Defense.

Senator Pimentel. Now, that being the case, Mr. President, it is therefore the Department of National Defense which would have primary jurisdiction in the running of the course of ROTC?

Senator Cayetano. Yes, Mr. President.

Senator Pimentel. Now, can the gentleman kindly tell us, Mr. President, just what kind of alternative services would a college student be required to take in lieu of ROTC as such?

Senator Cayetano. Mr. President, under our bill, there are two general categories which we call "Alternative National Service Programs" that a college student, who opt not to take ROTC, may instead enroll in, No. 1, the so-called Peacekeeping Program. Peacekeeping Program is broad. It encompasses maintenance of local peace and order; promote public safety;

traffic management, disaster preparedness, assistance in relief and rescue operations during calamities and disasters, prevention of drug abuse and other undertakings related to the maintenance of peace and order.

The other general category is what we call Civic Welfare Service, and this encompasses the college students going into such national services as guarding the environment or the ecology; participating in giving free education or programs to out-of-school youth; cleaning up dirty streets, *esteros*, rivers; tree-planting activities; perhaps going into some kind of training program in government offices, or as an intern; and other forum related to health, sanitation and livelihood.

So those are the two general categories. May I repeat, with the permission of my good friend, this is the Peacekeeping Program and the Civic Welfare Service.

Senator Pimentel. Thank you, Mr. President.

The President. Sorry, but the Chair was not able to catch up the earlier answer on that executive order.

Can the Chamber be enlightened on that, Mr. Sponsor? What exactly is the status now of the ROTC as a compulsory subject in the universities and colleges?

Senator Cayetano. Yes, Mr. President. The present status under Commonwealth Act No. 1 and Republic Act No. 7077, is that the ROTC is a mandatory subject.

The President. All right.

Senator Cayetano. In fact, it is an academic unit that every college student must take for two years, which they call "basic ROTC." So that is the present status of ROTC. It is a mandatory, academic subject.

The President. With that statement of the President, what is the effect of the mandatory requirement now?

Senator Cayetano. As I said, Mr. President, I did not personally hear the President make that announcement. I heard it over the radio and saw it on television reports. But what I heard and saw was that the President had allegedly issued an executive order making ROTC optional beginning this semester, in October, I think late October,—

Senator Pimentel. In Manila.

Senator Cayetano.—and limited first in Metro Manila and then later on in the provinces.

Senator Pimentel. Yes, Mr. President.

Senator Cayetano. And in my reply to the query of my colleague from Cagayan de Oro and Mindanao, I said I inquired from the Records Section of Malacañang and other agencies. And we were told, my staff was told that no such executive order exists to their mind.

The President. So, as far as the compulsory nature of the ROTC is concerned, it would still be of the same status for the second semester also?

Senator Cayetano. Well, yes, Mr. President. Because assuming, for the sake of argument, that such an executive order was issued, it would be in derogation of these two laws that I mentioned. As we all know, no executive order or presidential fiat can amend or repeal a law passed by Congress. It is only this Chamber and the other House that can effectively change from mandatory to optional the taking of ROTC in colleges and universities.

The President. Thank you, Senator Cayetano and thank you, Senator Pimentel.

Senator Pimentel. Mr. President.

The President. The Minority Leader is recognized.

Senator Pimentel. Would the ROTC requirement, Mr. President, cover male and female students in colleges?

Senator Cayetano. Right now, Mr. President, it only covers male. But in the alternative program that I have mentioned, it would cover both the male and female college students.

Senator Pimentel. All right. What about the time requirement, Mr. President, for the alternative subjects to be taken up or the alternative course to be taken by those who would opt for taking subjects other than the compulsory ROTC? What would be the time requirement for that? Because I would like to advert to the gentleman's answer given earlier that the ROTC course, which I took when I was in college, required me to undergo ROTC for two years. And therefore, in the alternative, what time frame would be required of the students who opt for optional courses in lieu of ROTC?

Senator Cayetano. Well, Mr. President, maybe the answer to that is, first of all, ROTC, as a mandatory subject, is taken by the students Saturday afternoon and Sunday morning.

Senator Pimentel. For two years.

Senator Cayetano. Yes, for two years. That is known as the basic ROTC. So, I would imagine that in this proposal of Alternative National Service Program, some of them can really be done during weekdays, depending on the choice, and the others can probably be done also on weekends. For instance, if a student opts to be an intern, let us say here in the Senate where he or she would be an intern in the office of my good friend, the Minority Leader, it could be done obviously during weekdays. But if it is, for instance, traffic management or maintenance of local peace and order, this could be done also during weekends.

So, we have not exactly put the time where this program, this alternative program may be undertaken by the students. We are leaving this, Mr. President, as far as time is concerned,—day and time—to the implementing rules that may be issued by the designated departments.

Senator Pimentel. I would like to thank the gentleman for that. However, probably, it would be good to determine the number of units, equivalent units for the alternative course, because ROTC is also determined by the number of hours in which one takes the course. So, to have an equivalent service in the alternative fields, it would probably be useful if the law itself will also define the number of units to be taken as the rough equivalent of taking the ROTC basic course.

Senator Cayetano. I do appreciate that proposal, Mr. President. At the proper time, I wish my good friend will propose an amendment so that we can put in the law the specific time frame by which a college student may undertake any of these proposed alternative programs. As I said, as far as basic ROTC is concerned, it is two years. Perhaps we can agree later on during the period of amendments on any amendments that our good friend may propose.

Senator Pimentel. Yes, Mr. President. Now, among the alternative avenues of service that the gentleman has mentioned, I am most happy to note that serving in the cleansing of the environment or things of that kind like, as he pointed out, even cleaning *esteros* and the planting of trees would be among those considered as the equivalent of taking up an ROTC course corresponding to the number of hours that would be required.

Senator Cayetano. That is true, Mr. President. Actually, for the information of my colleague, these alternative programs were also suggested by the different university presidents who attended our public hearing, as well as the students themselves. As I said, we tried to capture during my sponsorship speech the views aired during these public hearings. And this particular alternative service program as far as tree planting, guarding the environment, and so on and so forth are concerned,

and similar undertaking is really important considering the situation now of our denuded forests and dirty rivers or what we may call “endangered environment.”

Senator Pimentel. I thank the gentleman for that, Mr. President. Maybe we can also suggest that guarding the seas against illegal dynamite fishing and that kind should probably be emphasized. I am mentioning these things because in the formulation of the implementing rules and regulations, sometimes these are worded so broadly that the emphasis is lost. But I would strongly suggest that serving, let us say, as part of a coastline guardian of sorts of the seas should probably be included as one of the preferred methods of enabling a college student to avail himself of the optional nature of the course in lieu of ROTC.

Senator Cayetano. That seems to be a very worthwhile suggestion, Mr. President. Perhaps, we can really include that at the proper time as an amendment in any of the two general categories, either peacekeeping as guardians of the sea, so to speak, or the seacoast—

Senator Pimentel. Yes, Mr. President.

Senator Cayetano. —or in civic welfare services where they live in the community near the sea or the seacoast.

Yes, Mr. President. At the proper time, we will accept an amendment from our colleague.

Senator Pimentel. The gentleman mentioned that among other offices, the Senate and the Congress could very well serve as apprenticeship work for the students who would opt to take courses other than ROTC. May I suggest also, Mr. President, that the local government units be made possible avenues to receive applicants for the alternative course in lieu of ROTC for those who are qualified under the program.

Senator Cayetano. Yes, Mr. President. We certainly have no objection to that. That is why when we speak of “civic welfare service,” we use “public service work in government offices” without mentioning whether it is national or local. But I know that the LGUs are closest to the heart of my colleague, having been the author of that very important and monumental legislation. But we can certainly put an emphasis, a particular emphasis, in that respect as far as the LGUs are concerned.

Senator Pimentel. I mentioned that, Mr. President, not only because I happen to have an affinity with local governments because of my work in the Senate and having been a local government official myself, but also because of the fact that there will be a scramble for offices in the Senate. I am very sure of that.

In other words, the Senate and the House would be the preferred offices by several students from colleges who opt to take the optional way out of a compulsory ROTC course. I think it will be a golden opportunity for them to be here so that they can learn from us that we do not have to quarrel here. We can discuss things dispassionately and learn from the experience of their elders, as it were.

Senator Cayetano. Mr. President, I cannot but agree to that observation, but let me just add this.

In the rural areas, in all likelihood, they would probably serve as interns or apprentices in the local government units because they certainly may not be able to travel to Manila just to be an intern or an apprentice. During summer, Congress is normally in recess. But, as I said, we will put an emphasis on having apprenticeship and internship in the local government units as part of this alternative program.

Senator Pimentel. Mr. President, in the proposal of the distinguished gentleman, is he not including private offices, for example? The reason I ask this is, it might be a little problematic if we allow students to go to private offices, especially if one goes to the office of one's uncle or relative. I am just inquiring whether private offices are also included in our proposal.

Senator Cayetano. No, Mr. President. We do not envision that working in private companies will be part of an alternative program, whether it is peacekeeping or civic welfare service. If there is any office where the student will have to work as an intern or as an apprentice, it will have to be in the national or local government offices.

Senator Pimentel. Thank you very much, Mr. President, for the kind replies of our colleague. It is in this manner that I would like to conduct discussions on the floor of the Senate.

Thank you very much.

Senator Cayetano. Thank you very much, Mr. President. I would like to thank the Minority Leader for giving us a lot of contribution.

May I again call the attention of the Secretariat that the honorable Minority Leader is now considered as one of the authors of this particular substitute bill.

The President. The Majority Leader is recognized.

Senator Legarda Leviste. Mr. President, I know that the Minority Leader still wishes to interpellate on Monday, and there are many of our colleagues who have reserved further interpellations which they scheduled on Monday as well.

I now wish to thank the sponsor, Senator Cayetano, for answering the questions of the Minority Leader.

SUSPENSION OF CONSIDERATION OF S. NO. 1824

I move that we suspend consideration of Senate Bill No. 1824.

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

Senator Cayetano. Thank you, Mr. President.

Senator Legarda Leviste. Mr. President, I ask that Sen. Luisa "Loi" Ejercito Estrada be recognized.

The President. Sen. "Loi" Ejercito Estrada is recognized.

Senator Ejercito Estrada. Mr. President, I received a letter from Secretary Yabes stating that on October 16, at the Session Hall, Second Floor, Senate Building, we will have the taking of a souvenir photo of the senators and their spouses. May I bring my spouse along? Can the Senate arrange for the availability and the presence of my husband to come on October 16?

The President. We will seek the permission of the Court. Technically and legally, he is under the custody of the court. We would have to secure that permission.

Senator Ejercito Estrada. Thank you, Mr. President.

ADJOURNMENT OF SESSION

Senator Legarda Leviste. Mr. President, I move that we adjourn the session until three o'clock on Monday afternoon, October 15, 2001.

The President. Is there any objection? [*Silence*] There being none, the session is adjourned until three o'clock on Monday afternoon, October 15, 2001.

It was 5:40 p.m.