

RECORD OF THE SENATE

THURSDAY, NOVEMBER 28, 1991

RESUMPTION OF THE SESSION

At 9:05 a.m., the session was resumed, with the Honorable Ernesto M. Maceda, presiding.

The Presiding Officer [Senator Maceda]. The session is hereby resumed.

BILL ON SECOND READING Senate Bill No. 720 -- Postal Delivery Corporation (Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 720 as reported out under Committee Report No. 481.

The Presiding Officer [Senator Maceda]. Resumption of consideration of Senate Bill No. 720 is now in order.

Senator Guingona. Mr. President, we are in the period of interpellations. I ask that we recognize Senator Osmeña.

The Presiding Officer [Senator Osmeña]. The Gentleman from Cebu is recognized.

Senator Osmeña. Thank you, Mr. President.

We have completed the period of Committee amendments. We are now in the period of individual amendments.

Senator Guingona. If there are no individual amendments, Mr. President, I ask that we close the period of individual amendments.

The Presiding Officer [Senator Maceda]. Subject to the understanding that any amendments may be submitted to the Conference Committee.

Senator Osmeña. Yes, Mr. President.

The Presiding Officer [Senator Maceda]. Is there any objection? [Silence] Hearing none, the period of individual amendments is closed.

APPROVAL OF SENATE BILL NO. 720 ON SECOND READING

Senator Guingona. Mr. President, I move that we vote on Senate Bill No. 720 on Second Reading.

The Presiding Officer [Senator Maceda]. We shall now vote on the bill on Second Reading.

As many as are in favor of the bill will please say Aye. [Several Senators: Aye]

As many as are against will please say Nay. [Silence]

Senate Bill No. 720 is approved on Second Reading.

Senator Osmeña. Thank you, Mr. President.

BILL ON SECOND READING Senate Bill No. 963 -- Philippine Overseas Shipping (Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 963 as reported out under Committee Report No. 1430.

The Presiding Officer [Senator Maceda]. Resumption of consideration of Senate Bill No. 963 is now in order.

Senator Guingona. We are in the period of interpellations. This Representation is the one sponsoring the measure, Mr. President.

The Presiding Officer [Senator Maceda]. Senator Guingona is recognized.

Senator Guingona. Mr. President, we already sponsored this measure, and the Committee has several amendments. If there are no interpellations...

The Presiding Officer [Senator Maceda]. The period of interpellations is closed.

We are now in the period of Committee amendments.

COMMITTEE AMENDMENTS

Senator Guingona. Mr. President, on page 2, line 6,

BILL ON SECOND READING
Senate Bill No. 234--Strengthening Urban
Development and Social Housing Program
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 234 as reported out under Committee Report No. 1397.

The Presiding Officer [Senator Tamano]. Resumption of consideration of Senate Bill No. 234 is now in order.

Senator Guingona. Mr. President, we are still in the period of interpellations.

I ask that we recognize Senator Pimentel, coauthor of this bill.

The Presiding Officer [Senator Tamano]. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, the status of this bill is that it is under interpellation.

The last time the bill was discussed, Senator Maceda had asked for clarification on the social tax aspect of this bill. We are willing to accept any formula that may facilitate the passage of this bill, particularly with reference to that issue of social tax, Mr. President.

Perhaps Senator Maceda can make a proposal.

Senator Maceda. Yes. Mr. President, based on the fact that under the Local Government Code, the tax on real estate properties is basically a local tax, in view of the fact that this measure can stand on its own merits without such a tax, and in view of the fact, anyway, that there is an initial appropriation of P50 million in the bill, I am willing to accommodate the request of the Sponsors as well as the leaders of the urban poor that they would be happy to have this bill passed without a social housing tax being attached to it because, as the Gentleman knows, that tax has not even been discussed by the Committee on Ways and Means.

On the understanding that in the period of amendments-- if the Sponsors are willing--the social housing

tax will be deleted, I will have no further interpellations on this measure.

Senator Pimentel. Yes. May we close the period of interpellations, Mr. President, and then proceed to the period of amendments.

Senator Guingona. Mr. President, since there are no further interpellations, I move that we close the period of interpellations.

The Presiding Officer [Senator Tamano]. Senator Saguisag wishes to interpellate.

Senator Saguisag. Thank you, Mr. President. I have not realized that this might be taken up this morning. I just called the Office to send to me some things that I tried to put together last night. I am trying to locate its proper placement here, but it has to do, Mr. President, with the sources of the property or the lands that may be the subject of this Act.

What I have noted is that there is no provision here that may cover many places in the country beginning with Metro Manila or indeed even on Roxas Boulevard where I hold office. I am referring, Mr. President, to many vacant lots in Metro Manila that have appeared unutilized for years, if not decades.

I was wondering whether in the period of amendments, if the Gentleman would yield--only on this point--if our staff can work on the possibility of an escheat type of provision.

Sa halip po na mga negotiated expropriation, tax sales, since property has a social function, instead of intensifying the tension between members of the lower middle class or the middle classes, mayroon pong napakayaman diyan who have more property than they know what to do with, and I would hope to introduce in the period of amendments a provision that would be in the nature of some kind of an escheat proceeding, either libre po o murang-mura.

In other words, for a certain number of years, if valuable property does not appear to be used, that should, in fact, be the first target, dahil unoccupied po. Mahirap kasi kung may nakatira na, mayroong ibang tumira, the

tension is predictable, understandable, and natural.

Is that something, Mr. President, that can be accommodated in this Act?

Senator Pimentel. Certainly, Mr. President. As a matter of fact, one of the things that we should probably do here is strengthen the hand of the Local Government Units, because they are in a better position to identify lands that should be the object of take-overs by the government for purposes of this low-cost housing, either by means of escheat, as the Gentleman said, expropriation or negotiated sale, whatever would be the most expedient way of doing it to attain the social ends of this bill.

Senator Saguisag. Salamat ho. Kasi iyon nga ang gusto naming imungkahi na, maybe, in the period of six months, the national agency and the local governments should immediately undertake an inventory of idle and unutilized land. And to me, that is where we should have first crack, at sayang po dahil marami pong nakatiwangwang diyan.

Iyon lamang po, and at the proper time we will be ready with an amendment to be proposed along that line.

Salamat po.

Senator Pimentel. Yes, Mr. President, thank you very much.

Senator Guingona. If there are no further interpellations, I move that the period of interpellations be closed.

The Presiding Officer [Senator Tamano]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Pimentel. Let us go to the period of amendments, Mr. President.

Senator Guingona. If there are Committee amendments.

COMMITTEE AMENDMENT

Senator Pimentel. Mr. President, just a very brief Committee amendment, which we would like to be con-

sidered as an omnibus amendment which should start with the Declaration of Policy.

On line 6 of Section 2, page 1, which begins in this wise: "It is hereby declared the policy of the State to undertake", we insert the words "WITH THE LOCAL GOVERNMENT UNITS."

The Presiding Officer [Senator Tamano]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Pimentel. Mr. President, we are requesting that insertion on the participation of the Local Government Units be considered an omnibus amendment.

The Presiding Officer [Senator Tamano]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Pimentel. Well, that is about all, Mr. President, for the Committee amendments.

Senator Guingona. I move that we close the period of amendments, Mr. President.

The Presiding Officer [Senator Tamano]. Is there any objection? [*Silence*] Hearing none, the motion is approved.

Senator Guingona. I move that we suspend consideration...

Senator Pimentel. There is an amendment by Senator Saguisag, Mr. President.

Senator Saguisag. Mr. President.

The Presiding Officer [Senator Tamano]. Senator Saguisag is recognized.

Senator Saguisag. Mr. President, if we may just reopen the period of amendments. I just got my proposed amendment faxed in a minute ago, and I would like to turn to page 6. Kung makikinig po iyong kaibigan nating taga-Cagayan de Oro.

The Presiding Officer [Senator Tamano]. I hereby

close the period of amendments. Is the Gentleman moving to reconsider the closure?

Senator Saguisag. Yes, Mr. President, just to make a proposed amendment along the lines that I brought out during the interpellation.

The Presiding Officer [Senator Tamano]. Is there any objection? [*Silence*] Hearing none, the same is approved.

Senator Pimentel. We accept the escheat idea.

SAGUISAG AMENDMENT

Senator Saguisag. This is subject to style: Page 6, line 13, after the word "Act.", the period (.) should be changed to semicolon (;), and the following is proposed:

"PROVIDED, FINALLY,

THAT IDLE PROPERTY NOT DEVOTED TO ANY USEFUL PURPOSE, OR APPEARS UNUTILIZED FOR A PERIOD OF THREE CONSECUTIVE YEARS SHALL BE REVERTED AND ESCHEATED TO THE STATE IN A PROCEEDING ANALOGOUS TO THE PROCEDURE LAID DOWN IN RULE 91 OF THE RULES OF COURT.

AN INVENTORY OF SUCH PROPERTY SHALL BE CONDUCTED AND CONCLUDED BY THE HOUSING AND LAND REGULATORY BOARD IN COORDINATION WITH THE LOCAL GOVERNMENT UNIT CONCERNED WITHIN A PERIOD OF SIX MONTHS FROM THE EFFECTIVITY OF THIS ACT FOR PROPER DISPOSITION."

Under Rule 91, there will be due process.

Senator Pimentel. Yes.

Senator Saguisag. Everyone will be notified that it is not true that it is not utilized or that there are really plans to devote it to some useful purpose.

Senator Pimentel. We accept the amendment, subject to style, Mr. President.

The Presiding Officer [Senator Tamano]. Is there any

objection? [*Silence*] Hearing none, the amendment is approved.

Senator Saguisag. Thank you, Mr. President.

MACEDA AMENDMENTS

Senator Maceda. Mr. President, on page 14, Article XI, Section 29, to begin with, may I move to delete the entire Section starting with "*The Social Housing Tax and Other*" all the way to page 15 on line 15; retain the words *Sources of Funding* on lines 11 and 12 on page 14; meaning to say that the last paragraph shall be retained.

Can we first delete from line 11...

Senator Pimentel. Section 29, line 11.

Senator Maceda. We will keep Section 29, because there will be one or two paragraphs left.

Senator Pimentel. All right.

Senator Maceda. Section 29 will read: "*Sources of Funding.*" Then delete all the paragraphs that refer to the social housing tax.

Senator Pimentel. We accept, Mr. President, subject to style.

The Presiding Officer [Senator Tamano]. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

Senator Maceda. Mr. President, as I said, we will retain lines 16-25. In addition to that, maybe we can put a new paragraph to read, subject to style: "IN ADDITION TO THOSE AUTHORIZED UNDER THE LIMITS PROVIDED IN THE LOCAL GOVERNMENT CODE, ALL LOCAL GOVERNMENT UNITS ARE HEREBY AUTHORIZED TO IMPOSE AN ADDITIONAL .5 PERCENT ON ALL RESIDENTIAL URBAN LANDS FOR PURPOSES OF THIS ACT."

Senator Pimentel. Subject to style, I accept, Mr. President.

The Presiding Officer [Senator Tamano]. Is there

any objection? [*Silence*] Hearing none, the amendment is approved, subject to style.

Senator Guingona. If there are no further amendments, Mr. President, I move that we close the period of amendments.

The Presiding Officer [Senator Tamano]. The period of amendments is closed.

APPROVAL OF SENATE BILL NO. 234
ON SECOND READING

Senator Guingona. Mr. President, I move that we vote on Senate Bill No. 234 (as amended) on Second Reading.

The Presiding Officer [Senator Tamano]. Is there any objection? [*Silence*] There being none, Senate Bill No. 234 (as amended) is approved on Second Reading.

Senator Enrile. Mr. President.

The Presiding Officer [Senator Tamano]. The Minority Floor Leader is recognized.

Senator Enrile. Mr. President, we are approving bills here. I did not object to the approval of this Urban Land Reform Bill because I promised the beneficiaries that I will support this bill; but evidently, we do not have a quorum, and I am raising the question of quorum because we are approving bills where we do not have the required number to do it.

SUSPENSION OF THE SESSION

The Presiding Officer [Senator Tamano]. The session is suspended for one long minute, if there is no objection. [*There was none.*]

It was 10:18 p.m.

RESUMPTION OF THE SESSION

At 10:36 a.m., the session was resumed.

The Presiding Officer [Senator Tamano]. The session is resumed.

Senator Guingona. Mr. President, Senator Alvarez would like to make a manifestation or motion. Since he is here now, I ask that we recognize him.

The Presiding Officer [Senator Tamano]. Senator Alvarez is recognized.

Senator Alvarez. Mr. President, I move that the Committee on Natural Resources with the Committee on Mindanao Affairs, be authorized to hold a joint hearing with the Committee on Natural Resources and Environment of the House on Senate Resolution No. 1304 and House Resolution No. 2423. The Resolution has something to do with the Ormoc destruction.

The Presiding Officer [Senator Tamano]. Is there any rejoinder or objection to the motion?

Senator Guingona. Mr. President, Senator Enrile would like to make a manifestation.

The Presiding Officer [Senator Tamano]. Senator Enrile is recognized.

Senator Enrile. Mr. President, I am willing not to pursue the issue of quorum for as long as we only take local bills, and no discussion of any substantial or major bills including franchises.

The Presiding Officer [Senator Tamano]. Is the Gentleman withdrawing his motion?

Senator Enrile. Yes. I will withdraw my issue of quorum on that condition.

The Presiding Officer [Senator Tamano]. Let it stand on the record.

Let us resume.

Senator Guingona. Mr. President, on the motion of Senator Alvarez to have joint hearings for the two Committees--

Senator Osmeña. May we know what is the title, at least, of the resolution? If it is the flooding in Ormoc, why involve the Committee on Mindanao Affairs?

Senator Pimentel. Mr. President.

The Presiding Officer [Senator Tamano]. Senator Pimentel is recognized.

Senator Pimentel. As a matter of fact, Mr. President, the Resolution was premised upon the reclassification of forest reserves in Mindanao. Ormoc was mentioned incidentally as "palabok" lamang.

Senator Osmeña. We should at least be told, Mr. President, what is the resolution all about. Because when I asked Senator Alvarez, he said it is about Ormoc. I was surprised why Senator Pimentel's Committee would be involved in Ormoc.

The Presiding Officer [Senator Tamano]. That is right.

May we ask Senator Alvarez to restate his motion?

Senator Alvarez. Mr. President, may we ask for an authorization from the Chamber for the Committee on Natural Resources and Ecology, with the Committee on Mindanao Affairs to hold a joint hearing on Senate Resolution No. 1308 and House Resolution No. 2423.

The Presiding Officer [Senator Tamano]. What are the titles of these two Resolutions?

Senator Pimentel. It is a resolution directed to inquire as to the legal basis of the changes being made by the Department of Environment and Natural Resources on the classification of lands in Mindanao.

The Presiding Officer [Senator Tamano]. I see.

Is the Gentleman from Cebu satisfied?

Senator Osmeña. I am satisfied, Mr. President, on the basis of what has been transmitted to us by Senator Pimentel, on the subject of the resolution.

The Presiding Officer [Senator Tamano]. What is the pleasure of the Body?

Is there any objection to the resolution of Senator Alvarez to hold the joint hearing? [Silence]

There being none, the motion is approved.

Senator Guingona. Mr. President, Senator Saguisag wanted to make a manifestation also.

The Presiding Officer [Senator Tamano]. Senator Saguisag is recognized.

MANIFESTATION OF SENATOR SAGUISAG
(Amendment on Senate Bill No. 234)

Senator Saguisag. I would just want to spread upon the *Record*, Mr. President, that in regard to the amendment on the Urban Poor Bill, which has been accepted by the Body subject to style, to avoid any misunderstanding and any possible necessary complications, in conference with some of our Colleagues, we have agreed that the word "idle" should be changed to "ABANDONED". It is just a manifestation, we are not even asking for the formal reopening.

Dahil mayroon namang authority na ito ay subject to style. Papalitan lamang natin iyong "idle" sa "abandoned". Mabuti na *sigurong nasa Record po iyon*. We are not seeking the formal reopening.

The Presiding Officer [Senator Tamano]. Is the Gentleman referring to Senate Bill No. 234?

Senator Saguisag. Yes, Mr. President.

The Presiding Officer [Senator Tamano]. Let that stand in the *Record*.

Senator Saguisag. Thank you, Mr. President.

Senator Guingona. Since Senator Saguisag is already on the Floor, Mr. President, he would like to reopen the issue on the Centennial just to make some clarifications.

The Presiding Officer [Senator Tamano]. Senator Saguisag is recognized.

MOTION OF SENATOR SAGUISAG
(Reconsideration of the Approval
of Senate Bill No. 1582)

Senator Saguisag. Thank you, Mr. President.