

RECORD OF THE SENATE

WEDNESDAY, AUGUST 21, 2002

OPENING OF THE SESSION

At 3:49 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 12th 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. Gregorio B. Honasan.

Everybody rose for the prayer.

PRAYER

Senator Honasan.

Almighty Father, bless us all today as we continue the task of lawmaking to help build a strong nation.

Give us clarity of thought and purity of spirit that we may fully appreciate every word, action and good intention emanating from this Chamber.

We also ask that our countrymen renew their trust and confidence in our capacity to work together for public interest, despite our shortcomings.

Inspire us to learn from Ninoy Aquino, whose 19th death anniversary we commemorate today, who believed and showed by example that the Filipino is worth dying for.

May we honor his memory together with other Filipino patriots in realizing that the Filipinos are also worth living and striving for.

All these we humbly ask in Your Most Holy Name.

Amen.

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 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. Flavio	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 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 19 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 11th session, August 20, 2002, and consider it approved.

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

Senator Pimentel. Mr. President, may I request to be recognized on a matter of personal and collective privilege.

The President. Sen. Aquilino Q. Pimentel Jr. is recognized on a question of personal and collective privilege.

PRIVILEGE SPEECH OF SENATOR PIMENTEL (Mr. Ramos' Burden)

Senator Pimentel. Mr. President, I first heard the news of Ninoy Aquino's assassination in the afternoon of August 21, 1983 on radio. I was at my home in Cagayan de Oro City where I was detained under house arrest by order of Pres. Ferdinand E. Marcos.

Although I did not know the circumstances of Ninoy's killing, I had no doubt that Mr. Marcos was responsible for it. The reason for that conclusion of mine was that Mr. Marcos had placed the country under martial rule since 1972 and he, therefore, was

* Arrived after the roll call

heroes got two points; Marcelo H. del Pilar got one point; Ninoy Aquino got one point; Richard Gomez got eight points; and Aga Muhlach got something like that.

So the distinguished gentleman asked the question: Have we learned anything from the example of Ninoy Aquino? Nothing unfortunately. If that survey is correct which was replicated three years after, the same results came out.

Now, the values for which he died for have not been recognized by the youth. Part of the reason for that is, our textbooks have not been changed. The textbooks that were published under martial law or 14 years ago, for these 14 years, our textbooks were not changed at all. So we would see in the textbooks that on the pages where President Marcos was hailed as a hero, that still remains up to now. Why? Because they are still being sold by those suppliers of books. These have not been updated. So only a few know that Ninoy did this or did that. We can ask anyone, our youth: Who is Ninoy? They just say, "He was killed." Ask: "What did he do?" They would not know the answer.

So this is our situation and it is very lamentable because the values he died for; even what he said that "The Filipino is worth dying for," I wonder what he would say if he were alive, that only a few recognized his deeds, only a few felt that he was a great man. That is the reality of it, then that is how it is.

That is the answer to the question of the gentleman.

Senator Biazon. Thank you, Mr. President.

Mr. President, I will not prolong the questions. I just stood up because I thought we have to examine what Ninoy's death should mean to us. What should Ninoy's death teach us? And I think that if, indeed, we are dreaming of a strong republic, we first have to examine how strong are the institutions in this republic.

I think strengthening institutions in this republic means we cannot just treat cavalierly the issue of having to refer to the Constitution anytime we have controversial issues to be resolved in this country that is related to the Constitution.

For example, the way we are parading the suspects before the public forgetting that the Constitution provides: "One is presumed innocent until proven otherwise." And this parading of suspects before the public is actually an indictment immediately of the suspects.

For example, the issue of the rule of law when we are just disregarding institutional issues such as constitutionality and sovereignty; issues relative to how we allow Americans to come here in this country.

Such issues, Mr. President, I think what Ninoy Aquino is trying to teach us in his death is that we need to strengthen the social, political and governmental institutions in this country if we are, indeed, dreaming of a strong republic. We must first see to it that we strengthen these institutions.

That is all I wanted to bring out, Mr. President.

Thank you.

The President. I would like to thank the distinguished gentleman.

The Majority Leader is recognized.

ACKNOWLEDGMENT OF THE STUDENTS FROM
A UNIVERSITY AND COLLEGES

Senator Legarda Leviste. Mr. President, we would like to acknowledge in the gallery today students from the University of Makati, the Emilio Aguinaldo College and the Malabon Community College.

The President. Yes. Can we dispense with the reading of the Reference of Business and proceed with the agenda for the day?

Senator Legarda Leviste. Mr. President, may I hear the Chair's request again? Is the Chair asking to dispense with the reading of the Reference of Business?

The President. That is correct and we can do it at a later hour.

BILL ON SECOND READING
S. No. 2292 — **Philippine Nursing Act**
(Continuation)

Senator Legarda Leviste. Mr. President, I move that we resume consideration of Senate Bill No. 2292 as reported out under Committee Report No. 68.

The President. Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 2292 is now in order.

Senator Osmeña III. Mr. President.

The President. Sen. Sergio R. Osmeña III is recognized.

MANIFESTATION OF SENATOR OSMEÑA III
(Senator Magsaysay as Coauthor of S. No. 2262)

Senator Osmeña III. May I manifest that Sen. Ramon Magsaysay Jr. is a coauthor of Senate Bill No. 2262, entitled

AN ACT AMENDING CERTAIN SECTIONS OF
REPUBLIC ACT 9160 OTHERWISE KNOWN AS

THE ANTI-MONEY LAUNDERING ACT OF
2001 AND FOR OTHER PURPOSES.

Thank you, Mr. President.

Senator Legarda Leviste. Mr. President, we are in the period of committee amendments.

Senator Pimentel. Mr. President.

The President. What is the pleasure of Senator Pimentel?

Senator Pimentel. May I be allowed to ask one or two questions before we go to committee amendments?

The President. In which case, we have to reopen the period of interpellations.

Senator Pimentel. I would so move, Mr. President.

Senator Legarda Leviste. Yes, Mr. President. I ask that the sponsor, Sen. Juan M. Flavie, be recognized.

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

MOTION OF SENATOR LEGARDA LEVISTE
(To Reopen the Period of Interpellations on S. No. 2292)

Senator Legarda Leviste. I move that we reopen the period of interpellations.

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

Senator Legarda Leviste. I ask that Sen. Aquilino Q. Pimentel Jr. be recognized.

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

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

The principal point I would like to ask the sponsor is: What would be the rationale for requiring graduates of nursing schools to stay for two years to serve domestically if the government is not providing any support for those who are taking up nursing? In other words, I assume that the two-year requirement for them to stay after graduation applies to all graduates of nursing schools. Is my assumption correct, Mr. President?

Senator Flavie. Not accurate, Mr. President. The two-year mandate is limited to graduates of state universities and colleges and therefore is the basis for that requirement as a form of payment of sorts for the subsidy of the government.

Senator Pimentel. Yes, that clarifies the issue because, obviously, if they go to public institutions like state universities and colleges the tuition there would be subsidized in effect by the government. Would that not be correct, Mr. President?

Senator Flavie. That is correct, Mr. President, and that is the main rationale. However, let me also add that in the gentleman's interpellations he added a new dimension, which is included in the committee amendment, and that is, as much as possible the service must be in the underserved areas of the country, which we will be adopting shortly.

Senator Pimentel. And probably also, we will make an appeal to all graduates even of private nursing institutions to serve the country for a number of years, Mr. President. I mean, a general appeal to that effect.

Now, having said that, I realized that by imposing this two-year period for nursing graduates of public institutions, we are in effect placing a handicap on state institution of nursing graduates, a two-year requirement for them to stay while there is no requirement for nursing graduates of private institutions of nursing schools to stay for the same period of time in the country. In other words, *mukhang may advantage iyong nasa* private schools in this respect.

Senator Flavie. On the surface, that is true, Mr. President, but in practice, actually those who have experience end up having the advantage. Because in the recruitment period, they look very carefully at the period of experience the candidate has. So, in the end that will... The gentleman is right that in a manner of speaking it looks unfair, but this is also because of our earlier point that those who took their courses in private schools paid for their own schooling and therefore should not be subjected to the same requirement.

The other is that in the study during the hearings, we found out that if we require all of the graduates, we will not be able to absorb them, Mr. President. So, the happy compromise was also the more practicable solution and that is limited to the state universities and colleges graduates, Mr. President.

Senator Pimentel. Yes, and I would like to thank the sponsor for that answer which is full of wisdom. As we discussed yesterday, that was precisely the point I was trying to drive at—that the two-year period requiring nursing graduates of public institutions to stay here should not be looked at as if it were just an imposition.

Actually, it is a good training ground for them to gain experience that would enable them to land jobs easier, not only in this country but elsewhere, Mr. President.

Senator Flavier. That is correct, Mr. President. And in practice, at least that was my experience with the Doctor to the Barrios Program. With the right appeal and motivation, our young people from the private sectors do respond as is borne out by the fact that in the Doctor to the Barrios, I would say around 90% come from the private medical schools.

Senator Pimentel. But if we are using the Doctor to the Barrios Program as the point of comparison, my understanding of that program was that it was a volunteer program. Is that a correct assessment, Mr. President?

Senator Flavier. That is a correct assessment, Mr. President. It was a volunteer program and all those who joined are volunteering for two years.

Senator Pimentel. It is just a wild thought, Mr. President. Why do we not require the local governments to absorb them, the nurses that the gentleman is talking about?

In other words, if we impose this requirement thoroughly as a volunteer kind of mission, probably there will be a little resentment. But if we ask the local governments to absorb them, perhaps give them honoraria for the work that they will be doing in their respective areas, that probably will ease the burden a little bit, Mr. President.

Senator Flavier. We can experiment on that but the problem would be even more resented because my own reading—but the gentleman is the more authority than I am—is that the local government units may not have the financial capability to fund this and absorb them on a financial economic basis, Mr. President.

Senator Pimentel. Can we not get it from *jueteng* sources, Mr. President?

Senator Flavier. That would be very generous source, Mr. President.

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

Senator Flavier. Thank you, Mr. President.

The President. If there are no further interpellations, the Chair is prepared to receive a motion to close the period of interpellations.

Senator Legarda Leviste. I move that the period of interpellations be closed.

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

Senator Legarda Leviste. I move that we open the period of committee amendments.

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

Senator Flavier is recognized.

COMMITTEE AMENDMENTS

Senator Flavier. Mr. President, I have here a list of committee amendments numbering seven of them.

On page 4, line 18, delete the words "in the Philippines" and in lieu thereof, insert the phrase **PREFERABLY IN THE UNDERSERVED AREAS OF THE COUNTRY.**

Therefore, Section 9(f) would now read as follows, and this is consistent with the point of Senator Pimentel on the areas where they will be: "Require nurses who graduate from state colleges and universities to render, after being issued the necessary board licenses, at least two (2) years of nursing service **PREFERABLY IN THE UNDERSERVED AREAS OF THE COUNTRY.**"

The President. Is there any objection?

Senator Pimentel. Mr. President.

The President. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, this is not to object but to place on record my concern. Most of these graduates of nursing schools come from middle-class families. The parents are really expecting that upon graduation, their children could start earning a living.

Of course, there is the element of patriotism here, I understand, and there is the element of our wanting them to get some experience. I would certainly hope that we can find a way whereby the nurses who will be dispersed to the various local governments could somehow be absorbed even if they are not given, shall we say, a definite salary—because that probably will be out of the question—but an honorarium or a *per diem* basis. Because certainly, when they are assigned to the far-flung areas of this country, they will be spending their own money and incurring additional expenses.

I do not know, Mr. President, how we can tackle this issue but I certainly wish to place that on record as part of my concern.

Senator Flavier. The concern is legitimate. But these are not nonpaid, they are going to be paid. They will be regularly employed as nurses in the various government hospitals, and there are about 2,000 of our hospitals that will be able to absorb them. They will be paid, Mr. President.

Senator Pimentel. Mr. President, the issue of how many nurses are expected to be graduated per year and how many hospitals are there available to absorb them, I think, would be a very crucial information that should be inputted into this discussion.

Senator Flavier. Yes, Mr. President. During the hearing, we were informed that there are about 6,000 to 7,000 nursing graduates in the whole country. However, from the state universities and colleges, it is only at about the level of 2,000. There are 2,000 hospitals in the Philippines and, therefore, we hope that the matching will be in place.

The President. Senator Sotto, the Minority Leader, is recognized.

Senator Sotto. Mr. President, I have reservations on the phrase that is being added concerning assigning them to...How did the gentleman place it—far-flung?

Senator Flavier. No, it says, "PREFERABLY IN THE UNDERSERVED AREAS," in other words...

Senator Sotto. UNDERSERVED AREAS. All right.

Senator Flavier. In other words, Mr. President, given to places with openings we would favor those areas that are underserved in the country, which is the basic rationale of the Doctor to the Barrios Program where we selected those towns that had no doctor for the past 20 years. And there were 271 of these.

Please proceed, Mr. President.

Senator Sotto. Mr. President, the reasons I have reservations about it is that, in the first place, I already have reservations about asking the graduates to remain or to stay and serve for two years when they graduate from a state university or college. Because of the fact that we should also look at a perspective that most of the students who would graduate or study in state universities and colleges would come from a lower bracket side of society.

Senator Flavier. That is true, Mr. President.

Senator Sotto. So, most of them, after graduation, would look not only at the aspect of serving his or her fellowmen but would also look at the possibility of earning a living which would help their family. So, would this provision not hold them back for two years from doing so?

Senator Flavier. No, Mr. President, because the basic assumption is that the position will have an item that will pay them adequate salary. But given to places where one is more remote than the other or underserved, we would encourage them to go to the underserved. However, it is not compulsory. If the student or the

nursing graduate prefers a more urban doctor this will also be honored. That is why the phrase is PREFERABLY IN THE UNDERSERVED AREAS OF THE COUNTRY, which is Senator Pimentel's amendment.

Senator Sotto. Who decides now what is preferable or not? It is not in the law, Mr. President.

Senator Flavier. It is not in the law, Mr. President, it is silent. But I would answer the gentleman by saying that this particular mandate will then be implemented by the provincial health officer who will be responsible for the recruitment of, say, nurses and personnel in the provincial hospital.

Senator Sotto. I would have no problem with this, Mr. President, if we are sure that there are more nursing graduates than we can handle. Is that a fact?

Senator Flavier. It is a fact, Mr. President, because we have 2,000 graduates from the state universities and colleges.

Senator Sotto. What about from the private institutions?

Senator Flavier. About 4,000 to 5,000, Mr. President.

Senator Sotto. A year?

Senator Flavier. A year.

Senator Sotto. And how many can be absorbed in the Philippines per year?

Senator Flavier. From the 2,000, they can easily be absorbed because of the emerging shortage and tightness.

For example, the report we got is that the turnover of nurses because of the foreign recruitment is now as high as 30%, that is why the accommodation will be rather assured.

Senator Sotto. What then if I took up nursing in a state university or college for three years and in my last year I entered a private institution?

Senator Flavier. Let me beg the question by saying that that is generally frowned upon by schools—those nursing students who transfer on their last year. But granting that they transferred, I would be willing to give them the benefit of the doubt and say that, for practical purposes, they are graduates of the private school where they transferred.

Senator Sotto. Anyway, Mr. President, I am not objecting to the provision. But, as I said, I just would like to place on record my reservations on this bill.

Thank you, Mr. President.

Senator Flavier. I thank the gentleman for his concern, Mr. President.

Senator J. Osmeña. Mr. President.

The President. Sen. John H. Osmeña is recognized.

Senator J. Osmeña. Mr. President, from a very, shall we say, ideological point of view. I have a very strong reservation about legislating laws that control human behavior. Furthermore, we are all aware that a lot of our, shall we say, people send their children to school to pursue courses of study that would provide them with opportunities of employment abroad. I do not know if statistically this will be supported. But I think there is an increase of males who are even studying nursing because it provides for opportunities abroad.

So given these two things that opportunities abroad are the objectives of the choice of a career path, and a very deep-seated apprehension on any effort of government to regulate human behavior as long as it is within the law and that is not criminal, I have very strong reservations and perhaps, we should set this aside. I would like to register an option, if we approve this, to seek a reconsideration after we have studied this provision that the committee is presenting.

Thank you, Mr. President.

Senator Flavier. Mr. President, the assumption of the gentleman from Cebu is correct—that there is a great impetus for taking up nursing, for example, not only for males which is correct, but even from doctors who are already MD holders because of the fact that the opportunities for nurses are much higher. However, what we tried to do in this particular point is to balance the need of our country and the opportunities abroad. What we were trying to do was to contain the supply for the local hospitals which is beginning to be the case. Therefore, we sought a happy balance that we thought would enable us to, at least, fulfill the needs of our hospitals and still allow them to go. I heard what the gentleman said, and I will be very happy to be open to further thought on this after we have already approved it.

Senator Angara. Mr. President.

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

Senator Angara. Thank you, Mr. President, and with the permission of the distinguished sponsor and Senator Osmeña.

I just want to clarify that concept of “return service,” Mr. President. This is going to be mandatory for graduates of state colleges and universities, is it not?

Senator Flavier. That is correct, Mr. President.

Senator Angara. And this will not be applicable to graduates of private nursing schools or institutions, is it not?

Senator Flavier. No, Mr. President.

Senator Angara. The possible rationale—and which I think will be able to help Senator Osmeña—is that nursing fees in state colleges and universities are probably about a tenth of the normal tuition fee in private schools and colleges of nursing. Is it not?

Senator Flavier. Yes, Mr. President.

Senator Angara. And on the theory that if one is a “iskolar ng bayan,” his education is largely financed by our taxpayers. Is it not also reasonable to ask for “return service,” not for free but for pay, and give up in a sense two years of the opportunity to earn more in return for the scholarship that in a way one has obtained from the State?

Senator Flavier. That is the concept, Mr. President. That is analogous to a scholarship that we enjoy. For example, a government employee or official, or professor goes to the United States for advanced training. For every year of scholarship, he is required by contract to serve for two years and that is the analogy of making.

As I said earlier, while the point of Sen. John Osmeña is very legitimate, the experience that the nurses will get in the early years will redound to a plus because in the recruitment for foreign jobs, preference is highly placed on those with experience. That is why PGH is very worried not only because PGH is an excellent hospital but those who have served there are the target of recruitment because of their experience. Therefore, while it is true that they lose two years—but the two years they are paid because they are regular nursing employees of the government—they would then be repaid by a higher premium because of their experience. I am rationalizing, Mr. President.

Senator Angara. So, all in all, Mr. President, the two years that one is going to give back to our country are not really lost years. These are years when one accumulates experience that will add to his—I do not want to say that but—monetary value when he goes abroad or to his hiring rate.

As I said, it is also a repayment of the scholarship he has obtained from the States. I also share the view of Sen. John Osmeña that we ought not to effect a change in human behavior just by coercion.

That is why, at the beginning of my interpellation, I said in this case, there is really a value-for-value trade-off. That is why I said, just mere exhortation that they should be patriotic and stay longer

in the country may not work by itself. But if we couple it with an incentive, both financial and institutional, then we may be able to ask the nurses to stay because their professional growth will be assured, and then their financial return will also be answered but not as fully as when they leave for abroad.

At the proper time, I will introduce such a special scheme, Mr. President, for specialty nurses, for critical skills that we are now slowly losing so that we can have a critical mass of specialty nurses that will stay with us like operating room nurses, nurses treating cancer patients...

Senator Flavier. Oncology nurses.

Senator Angara. Oncology nurses, et cetera.

Senator Flavier. Yes, that would be most welcome, Mr. President.

Senator Angara. Thank you, Mr. President.

The President. Sen. Serge Osmeña is recognized.

Senator Osmeña III. Mr. President, my concern about including in the bill a provision that will not be enforceable bothers me. Essentially, a nursing graduate will make an economic decision when he or she graduates. And I do not think any amount of contract will force her to work locally if she gets a good offer abroad. So there is a supply-and-demand situation. If there is little demand abroad, she will look for a job locally anyway. But to force her to spend two years here, I think, will not work.

Mr. President, essentially also, specialty nursing does not happen until 10 to 15 years of experience.

When I was in Los Angeles in exile, the nurses, ICU nurses, the critical care nurses, those who are, say, hired by very wealthy people to take care of them in their homes usually get to that level after about 10 to 20 years experience because they are earning about \$1,000 a day.

Senator Flavier. That is true, Mr. President.

Senator Osmeña III. So the two years will not make them specialists in anything much. Perhaps, what we can do is just let the economic condition dictate whether they want to leave or stay. Because that is exactly the way they will be making their decisions, Mr. President.

Essentially, what we can do is to give them a scholarship loan and for them to pay it back over five years when they can afford it, but not to force them to work here especially when we do not have that many jobs.

What we are trying to do here I think, Mr. President, is to project a shortage. But that is not necessarily true because the law of supply and demand eventually balances this out. When we see that there is a shortage, more people go into the nursing course and when there is a surplus, more leave nursing. So, that will tend to correct itself. I do not think we should legislate that, Mr. President. We cannot legislate the law of supply and demand.

Senator Flavier. I thank the gentleman for that insight, Mr. President. First of all, what we are trying to avert is the point of shortage. First, the gentleman is correct that at this point we do not have that, but this is the time when it is manageable. Second, I would just like to emphasize that this is precisely the time when we have a fighting chance. This will not be implemented later or these nurses will leave first and then they will serve later. What will happen is, upon graduation there will be a requirement for this service which is paid where we will have a trade-off of their experience and therefore, make them even more valuable and in demand in exchange for the scholarship that they receive in school.

Senator Osmeña III. There are two points I want to raise in connection with that. Suppose we do not have a shortage, are we still going to hire nurses?

Senator Flavier. Yes, because the...

Senator Osmeña III. So we will have a surplus of nurses?

Senator Flavier. Well, the need for nurses in the public hospitals is there, Mr. President.

Senator Osmeña III. I see. So right now there is a shortage of nurses locally?

Senator Flavier. Yes, defined as the nurses are being recruited too fast because of the need, for example, in the United States, I understand that they need about 120,000 nurses every year. While it is true that there are other countries that are sources, the Philippines is the favorite sourcing of the nurses. So this is what we are trying to grapple with. I understand the gentleman's point about the supply and demand. I do appreciate the fact that if we can do away with this requirement, it would be easier...

Senator Osmeña III. How many registered nurses do we have today in this country?

Senator Flavier. The registry is pegged at about 344,656.

Senator Osmeña III. Roughly 350,000?

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. And the gentleman said that the demand in America is roughly 120,000 a year?

Senator Flavier. A year, Mr. President.

Senator Osmeña III. That does not look to me like a demand that can continue infinitely into the future.

Senator Flavier. Does the gentleman mean the 120,000?

Senator Osmeña III. Well, there is an elasticity of hospital supply. As we know, Americans do not build hospitals right and left in America. I mean, as a matter of fact, some have closed down. Therefore, I do not expect this 120,000 a year to continue. What is the projection?

Senator Flavier. The projection is upwards, No. 1, mainly because of the increasing demand for health care and the sophistication of health care in the United States. Number two, there are less and less Americans wanting to go into nursing forces. That is why it becomes a double whammy in terms of the supply. This is the situation which augurs well for our own graduates because here, we do have a surplus.

Senator Osmeña III. All right. So, that being the case, there is no need. If there is a demand, there is no need for government to subsidize this through scholarships. They will automatically go. More and more Filipinas will automatically enroll in nursing courses for the simple reason that they know that at the end of four years, they have a job out there somewhere.

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. So what is the need for the government subsidizing? I mean I think we are in a very lucky situation wherein it is supplier's market now.

The President. No. The Chair does not think there is any scholarship that is being contemplated here. The Chair thinks the debate was that those graduates of public schools were presumed studying on subsidized taxpayers' money, but there is no subsidy.

Senator Osmeña III. So we are talking about state colleges, UP, et cetera.

The President. That is correct.

Senator Osmeña III. All right. Let me go to my second point, Mr. President. Are we going to arrest them if they do not serve?

Senator Flavier. We did not contemplate that yet because our prison facilities are not adequate, Mr. President. But we have a built-in control because of our registration system through the

Professional Regulation Commission that can require them to have this before they can be qualified for work abroad.

Senator Osmeña III. Does the sponsor know what will happen at the PRC? They will be selling licenses there.

Senator Flavier. Well, that is a possibility, Mr. President.

Senator Osmeña III. Not only a possibility, Mr. President; I am telling the senator, it is a probability. There will be a demand for licenses because who wants to go through a two-year job locally when he has a job waiting at US\$30,000, US\$40,000 a year in the United States?

Senator Flavier. That is true, Mr. President.

Senator Osmeña III. So they will pay for it.

Senator Flavier. Let me rationalize by saying that there is an additional, at least, safeguard that we must get a certification from the hospital where they served to fulfill the requirement.

Senator Osmeña III. They will be selling that also, Mr. President.

Senator Flavier. I am afraid that is also possible.

Senator Osmeña III. But, Mr. President, I do not really understand the concern because if, as the sponsor says, there is a big demand there, *di mawa-wipe out ang existing supply natin dito sapagkat iyan ang unang-unang pipiliin—iyong may ekspirensiya na— di ba, Ginoong Pangulo?*

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. All right. So, the new ones will now have to fill 300,000, 400,000 jobs. So, there is no need to require them to do that.

Now, if they are exceptionally brilliant, if they are asked by foreign hospitals to come and train with them because they saw their scholastic records and thought that they would have a good future there, I do not see why we have to force them because I know that we cannot arrest them and put them in prison.

Senator Flavier. Let me put it this way, Mr. President. They were trained by our state universities and colleges—I am rationalizing—with the end in view of servicing the health needs of our people, specifically through our public hospital system. And it is the hope that we can at least alleviate the outward flow of these nurses by this...

Senator Osmeña III. By capturing them for two years?

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. But that is not going to change the supply-and-demand situation, Mr. President. So what in essence the sponsor is trying to resolve is that, may shortage *po tayo rito*, let us keep them here. But in the meantime, there are nurses from India, nurses from Korea who are filling the gap in America, and I do not want that to happen because we forced them to stay here for two more years.

Now, Mr. President, remember, an overseas Filipino worker sends money back home also to our economy.

Senator Flavier. That is true, Mr. President.

Senator Osmeña III. As a matter of fact, in my interviews in Europe and in the United States, they send an average of one half of what they earn, of their gross earnings. In Italy, for example, they were making US\$900 to US\$1,000 a month and they were sending at home US\$500 a month.

Senator Flavier. That is true, Mr. President.

Senator Osmeña III. *Kaya nakakatulong po sila sa ating ekonomiya*, and that is a more natural way of doing things than forcing them to do something which they would not do anyway. If they are good enough to go abroad right after graduation, fine. Between the sponsor and I, I do not think.... They will get the experienced nurses, they will pirate the experienced nurses here first—those who have five, ten years of experience—rather than a brand-new graduate. So they will really look for local jobs. If there are openings, they will be able to land one. If, as the gentleman says, the shortage is going to be critical, then certainly they will be able to find jobs.

I do not think we should force them, Mr. President. It really bothers me because I know this is unenforceable. I know it will create a racket in the PRC or in the hospitals which are required to issue licenses or certifications. And it just is not going to work. So, perhaps the good sponsor might want to consider that.

Senator Flavier. Do I hear the gentleman saying he would like to propose that we do away with this particular provision, Mr. President?

Senator Osmeña III. Yes, Mr. President. First, I think that the economic situation, as the sponsor explained it, the supply-demand equation, is so favorable that we do not really need it anyway.

Second, even if it were not favorable, believe me, I do not think we can enforce this. There has always been that moral question

in our minds. UP-trained doctors, UP-trained scientists, UP-trained computer science majors, and yet if they are really good, they get to be pirated almost immediately.

But there is nothing we can do about that, Mr. President, because our economy has not seemed fit to expand to be able to absorb the bright boys and girls that we graduate every year. *Kasalanan ng ekonomiya iyan*. It is not because we can force them, because we cannot force them. They vote with their feet, that is why there are seven million Filipinos abroad. They voted with their feet because they feel they will be able to provide a brighter economic future for their families. I do not think it is fair. I also feel bad if a nurse can go abroad, let us say, after graduation, earn US\$2,000 a month, send US\$1,000 to her family and we are saying, "No, you cannot. You stay here for 24 months."

Senator Flavier. I also hear the gentleman saying that the supply-and-demand forces will take care of the situation. Is that a fair interpretation?

Senator Osmeña III. If as what the sponsor is saying we have 50,000 nurses, if what he is saying is correct that there is a demand for 120,000 new nurses in America every year, essentially, we stand still this year. In three years we will have no single nurse in the country. I am oversimplifying. The supply and demand is so good in our favor that I feel it would be superfluous to insert this in the law now. Later on, maybe, two or three years from now, if there is such a necessity, maybe we would consider it. But I have always been averse to putting non-enforceable provisions in the law.

Senator Flavier. I heard that, Mr. President. Just a final remark.

Since this is something that may happen in the foreseeable future, we are trying to make provisions on a preventable basis. But I heard the gentleman's very persuasive statement and I will be open to a reconsideration of this point. I think there will be many nurses who will applaud if we relax this. But I hope that it will not prejudice the health needs of the country in the future.

Senator Osmeña III. Mr. President, that second part of the sponsor's statement might be premised on a wrong assumption because he is assuming that a graduate is going to be able to get a job in the United States or in Europe immediately. I am not. The ones we should be holding back are those who already have 10 years experience and we can try to force them and say, "Stay here two more years because we will run short of experienced nurses." Essentially, what the sponsor is going to say is that there is going to be an outflow of experienced nurses. But we are going to have also a lot of inexperienced and new nurses who, I do not think, will anyway be hireable so soon after graduation. So, maybe, if the sponsor can consider that, I would appreciate it.

Senator Flavier. I am certainly very open to reconsidering this, and if it will be acceptable to our colleagues, I do not mind deleting this particular section.

Senator Osmeña III. Thank you very much, Mr. President.

Senator Jaworski. Mr. President.

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

STATEMENT OF SENATOR JAWORSKI
(Agreeing with the Concerns of Other Speakers to Put
Off the Two-Year Condition on Nursing Graduates)

Senator Jaworski. Mr. President, I would just like to be identified with the concern of the other previous speakers on the subject for the reasons stated. And more than that, considering the very basic title, the responsiveness of the nursing profession, I am of the belief that if we put this two-year condition, we might even prevent the natural growth of the nursing profession because of the fact that, as earlier mentioned, the economic dynamics should be considered. We must also understand that hopefully, if indeed the fresh graduates are accepted in the international nursing arena, the economic contribution to the country is far greater than those that are considered based on the monies forwarded by state colleges and universities. That is all, Mr. President.

Senator Flavier. I thank the gentleman for the contribution, Mr. President.

The President. May the Chair be clarified as to the exact status of the committee amendments. As far as the Chair recalls, the amendment has been proposed by the committee. There were manifestations and oppositions, and there were certain manifestations by the sponsor which affect not only the proposed amendment but the entire section where the amendment is supposed to be incorporated.

Senator Flavier. Yes, Mr. President. We are willing to reconsider and delete that particular amendment that would require the two-year service.

The President. The amendment was not on the two years. The amendment was on the underserved areas in the Philippines.

Senator Sotto. May I offer a suggestion, Mr. President.

The President. Yes, Senator Sotto.

Senator Sotto. May I suggest that the proposed committee amendment be withdrawn and probably wait until the individual amendments and then we can propose an amendment to this section.

The President. That appears to be the more logical process.

Senator Flavier. That is very acceptable. In other words, we withdraw the "underserved" provision and later on amend by the deletion of the paragraph on the two-year requirement. That would be acceptable to me, Mr. President.

The President. That is the proper procedure, unless the committee is now decided to propose an amendment by just deleting the entire paragraph (f).

Senator Flavier. No, I am willing to be patient and wait for the proper time, Mr. President.

The President. Then the proposed committee amendment has been withdrawn.

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. Mr. President.

The President. Senator Osmeña is recognized.

Senator Osmeña III. May I just inquire, Mr. President. Do we allow foreign nurses to come into this country?

Senator Flavier. In only very special cases. For example, number one, when there is a medical mission of very limited time. Number two, when there are superspecialists who come here and serve in the Philippines. But they are not allowed to just serve here as nurses unless they take on the course and the requirements in the Philippines.

Senator Osmeña III. Is there a constitutional provision? Is there, or is there not? I am not clear on this. I am asking: Is there a constitutional provision prohibiting the practice of professions in this country, like lawyers? I know there are some professions that prohibit foreigners from practicing here.

Senator Flavier. To the best of my knowledge, there is no prohibition, Mr. President.

Senator Osmeña III. There is no prohibition on nursing.

Senator Flavier. There is no clear-cut prohibition, but I suppose that the general dictum will be followed. Because architects are prohibited, doctors are prohibited, and now it is supposed that nursing will be prohibited.

Senator Osmeña III. I was just curious because if there is none, perhaps the law can be more flexible and give the, whoever—the regulatory commission is here aside from the PRC—the power to allow foreign nurses to come in if we have such shortages.

This is exactly what is happening in the United States. They have a shortage, so they bring in nurses to fill the shortages which cannot be filled locally. They have quotas. I think they give us H-1 visas or whatever.

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. We should do the same thing because there are lower-cost countries. There are countries that have less per capita income than we have and their nurses may want to come over here also and practice. So in case of a shortage, we should do what America is doing also.

Senator Flavier. In the bill, Mr. President, Section 19 identifies three situations where we would allow it, but what I hear the distinguished senator saying is a much more extended situation, which might be included in the prohibition. Although for the exchange, for the medical mission and for the special situation, these are allowed.

Senator Osmeña III. That is too narrow. If I heard the distinguished senator right, Mr. President, we are talking about thousands, shortages in the thousands in the future if by the senator's projection, most Filipino nurses with experience are going to be landing jobs in the United States.

If, in fact, we do face such a large numerical shortage, then we are going to have to find a way to fill the gap by inviting or allowing also foreign nurses to come into this country because after all, that is the way the world works.

Senator Flavier. Yes, in theory, that is true, but with the rates we are offering, I have very great doubts they would come.

Senator Osmeña III. Mr. President, the rates will follow the demand. Believe me, the market will take care of that. The nursing salaries will go up as soon as we see shortage of nurses. I mean, that is the way it works. That is why, I would rather not tamper with the market because if there is a surplus of nurses, believe me, the starting salaries are going to be low. But if there is going to be a shortage of nurses, believe me, the salaries are going to go through the roof. So why do we not just let the market mechanisms take care of that?

Senator Flavier. All right, Mr. President.

Senator Osmeña III. Thank you, Mr. President.

Senator Flavier. I thank the gentleman, Mr. President.

The second amendment, Mr. President, is on the same page...

The President. Page?

Senator Flavier. Page 4, Mr. President, line 19, this was the point on the Code of Ethics where we wanted to put a time frame.

So, we would insert, after the phrase "Code of Ethics" WITHIN A YEAR FROM THE EFFECTIVITY OF THIS ACT.

SEC. 9 (g) would now read as follows:

"Promulgate a Code of Ethics WITHIN A YEAR FROM THE EFFECTIVITY OF THIS ACT, decisions or adopt measures as may be necessary for the improvement of the nursing practice," et cetera.

DRILON AMENDMENT

The President. Can we use WITHIN ONE (1) YEAR rather than A YEAR?

Senator Flavier. WITHIN ONE (1) YEAR FROM THE EFFECTIVITY OF THIS ACT.

The amendment is accepted, Mr. President.

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

Senator Flavier. On page 11, Mr. President, line 9, insert the article AND and delete the comma (.). After the word "practice", add period (.) and delete the article "and". In the same line, rephrase the sentence by inserting the new phrase before the word "maintain", THE NURSE IS REQUIRED TO.

The sentence beginning in line 7 would now read as follows:

Provided, further, That, in the practice of nursing in all settings, the nurse is duty-bound to observe the Code of Ethics for nurses AND uphold the standards of safe nursing practice. THE NURSE IS REQUIRED TO maintain competence by continued learning through continuing professional education to be provided by any professional nursing organization.

The President. Query from the Chair. The CPEs in this case would become compulsory.

Senator Flavier. Yes, Mr. President, but it will be done through the professional nursing organization.

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

Senator Flavier. The next amendment, Mr. President, is on Section 28, page 12, line 15. Before the word "program", insert the word COMPREHENSIVE. The sentence in line 14 shall now read

as follows: "The Board and the accredited professional organization shall likewise develop a COMPREHENSIVE program that would encourage the retention of nurse specialists in the Philippines."

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

Senator Flavier. The next amendment, Mr. President, is on page 12, Section 29, line 17. Rephrase the entire sentence to read as follows:

SEC. 29. SALARY.-IN ORDER TO ENHANCE THE GENERAL WELFARE, COMMITMENT TO SERVICE AND PROFESSIONALISM OF NURSES, THE MINIMUM BASE PAY OF NURSES WORKING IN THE PUBLIC HEALTH INSTITUTIONS SHALL NOT BE LOWER THAN SALARY GRADE 15. ADJUSTMENTS TO THEIR SALARY SHALL BE BASED ON THE SALARY STANDARDIZATION LAW: *PROVIDED*, THAT, FOR NURSES WORKING IN THE PRIVATE SECTOR, THEIR MINIMUM BASE PAY SHALL BE COMPARABLE TO THE AMOUNT BEING RECEIVED BY NURSES IN THE PUBLIC SECTOR AND THAT THE GAP BETWEEN THE SALARIES OF PUBLIC AND PRIVATE NURSES SHALL AS FAR AS PRACTICABLE NOT BE MORE THAN TWENTY PERCENT (20%): *PROVIDED, FURTHER*, THAT, THE SALARY OF NURSES WORKING IN LOCAL GOVERNMENT UNITS SHALL BE IN ACCORDANCE WITH REPUBLIC ACT NO. 6758.

The President. Is there any objection?

Senator Recto. Mr. President.

The President. Sen. Ralph G. Recto is recognized.

Senator Recto. Mr. President, for the same reasons already earlier mentioned following the economics and dynamics of the economics of such, I will have no problem with having a standard pay for public nurses, but there would be a problem if we adopt the same standard pay for private nurses.

Senator Flavier. That is true that is why the phraseology, Mr. President, is such that we included the words "AS FAR AS PRACTICABLE" recognizing that...

Senator Recto. Could I request again the sponsor to read the proposed committee amendment?

Senator Flavier. From the beginning, Mr. President?

Senator Recto. Yes, please.

Senator Flavier. It says:

SEC. 29. SALARY.-IN ORDER TO ENHANCE THE GENERAL WELFARE, COMMITMENT TO SERVICE AND PROFESSIONALISM OF NURSES, THE MINIMUM BASE PAY OF NURSES WORKING IN THE PUBLIC HEALTH INSTITUTIONS SHALL NOT BE LOWER THAN SALARY GRADE 15—which is to say comparable with the...

RECTO AMENDMENT

Senator Recto. I think we should stop there and have a period there. And the second part which talks about having a comparable salary in private sector...

Senator Flavier. Maybe we can complete the sentence, Mr. President, 15. ADJUSTMENTS TO THEIR SALARY SHALL BE BASED ON THE SALARY STANDARDIZATION LAW.

Then the proviso which refers to the private sector—

The President. Can be deleted.

Senator Flavier. —and what I hear the distinguished gentleman saying is he would like to recommend that we delete that portion.

Senator Recto. That is right because there was a lengthy discussion earlier on the economics of this already. And if we propose a cap on salary or a minimum cap in the private sector, the private sector will have difficulty in hiring nurses, and more so that they might leave the country.

The President. All right, what does the sponsor say?

Senator Flavier. I am open to that.

The President. So the proposal is to put a period after...

Senator Flavier. The words STANDARDIZATION LAW. And delete the rest of the...

The President. Is there any objection to the committee amendment as amended by Senator Recto? *[Silence]* There being none, the amendment is approved.

Senator Flavier. On page 12, line 22, insert a new section on nonmonetary benefits to read as follows and will be Section 30.

SEC. 30. INCENTIVES AND BENEFITS. - THE BOARD OF NURSING, IN COORDINATION WITH THE DEPARTMENT OF HEALTH AND OTHER CONCERNED GOVERNMENT AGENCIES, ASSOCIATION OF HOSPITALS AND THE

ACCREDITED PROFESSIONAL ORGANIZATION SHALL ESTABLISH AN INCENTIVE AND BENEFIT SYSTEM IN THE FORM OF FREE HOSPITAL CARE FOR NURSES AND THEIR DEPENDENTS, SCHOLARSHIP GRANTS AND OTHER NON-CASH BENEFITS. *FURTHER*, THE GOVERNMENT AND PRIVATE HOSPITALS ARE MANDATED TO MAINTAIN THE STANDARD NURSE-PATIENT RATIO SET BY THE DEPARTMENT OF HEALTH.

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

Senator Flavio. Finally, Mr. President, we will of course have to renumber the sections because of the addition of this Section 30. That completes the committee amendments.

The President. The Majority Leader is recognized.

We can now proceed with the period of individual amendments.

**MANIFESTATION OF SENATOR FLAVIO
(The Need to Have a New Copy of the Bill with the
Approved Committee Amendments)**

Senator Flavio. May I manifest the need to have a new copy with the amendments already approved so that we will be ready for the individual amendments by Monday, I understand.

Senator Legarda Leviste. I therefore move that we close the period of committee amendments.

The President. The period of committee amendments is hereby terminated.

SUSPENSION OF CONSIDERATION OF S. NO. 2292

Senator Legarda Leviste. Mr. President, I move that we suspend consideration of Senate Bill No. 2292.

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

The Secretary is directed to prepare a new version of the measure incorporating the committee amendments as approved by the Body today.

Senator Legarda Leviste. Mr. President, before the privilege hour, I do not think we proceeded earlier with the reading of the Reference of Business.

The President. The Secretary will read the Reference of Business.

REFERENCE OF BUSINESS

BILLS ON FIRST READING

The Secretary. Senate Bill No. 2307, entitled

AN ACT AMENDING CERTAIN SECTIONS OF
REPUBLIC ACT NO. 7165 AND FOR OTHER
PURPOSES

Introduced by Senator Cayetano

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

The Secretary. Senate Bill No. 2308, entitled

AN ACT PROHIBITING THE PUBLICATION OF
LEWD PHOTOGRAPHS AND SEX STORIES
AND ARTICLES IN PRINT MEDIA, PROVIDING
PENALTIES THEREFOR AND FOR OTHER
PURPOSES

Introduced by Senator Legarda Leviste

The President. Referred to the Committee on Public Information and Mass Media

ADDITIONAL REFERENCE OF BUSINESS

MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

The Secretary.

August 14, 2002

HON. FRANKLIN M. DRILON
Senate President
Philippine Senate
Pasay City

Dear Senate President Drilon:

Pursuant to the provisions of Article VI, Section 26 (2) of the 1987 Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 2248, under Committee Report No. 67, entitled

AN ACT PROVIDING FOR THE MODERNIZATION,
STANDARDIZATION AND REGULATION OF
THE PROCUREMENT ACTIVITIES OF THE
GOVERNMENT AND FOR OTHER PURPOSES,

to address the public emergency as a consequence of the pervasive graft and corruption in government