

## RECORD OF THE SENATE

MONDAY, AUGUST 26, 2002

### OPENING OF THE SESSION

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

**The President.** The 13th session of the Senate in 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. Robert S. Jaworski.

After the prayer, the Napolcom Chorale will lead us in the singing of the national anthem. The choir will also render another song, entitled *Isang Lahi*.

*Everybody rose for the prayer.*

### PRAYER

**Senator Jaworski.** Let us bow our heads and acknowledge the presence of our Lord. Let us pray.

Dear God, You have once again brought us forth to the creation of this new day. As we begin another work week, we seek Your benevolent guidance that our words and actions be in consonance with Your master plan.

We ask You to keep our loved ones and the whole Senate family away from harm and evil. Give us the strength to carry out our duty to put country above self.

Help us realize the many blessings You constantly bestow upon us, instead of focusing on the unreasonable wants and ostentatious needs we wish we could have.

We also pray for our brothers and sisters who are presently faced with a multitude of trials. May Your loving grace carry them through these times of hardship.

Lastly, we pray that our minds and hearts be cleansed with Your merciful and unconditional love, that we may be worthy of the wonderful gift of life that You have privileged us with.

Amen.

### NATIONAL ANTHEM

*Everybody remained standing for the singing of the national anthem.*

**The President.** The Chamber extends its appreciation to the Napolcom Chorale for that beautiful rendition of the Philippine National Anthem and the song *Isang Lahi*.

### ROLL CALL

The Secretary will please call the roll.

**The Secretary, reading:**

Senator Edgardo J. Angara .....	Present
Senator Teresa Aquino-Oreta .....	*
Senator Joker P. Arroyo .....	Present
Senator Robert Z. Barbers .....	Present
Senator Rodolfo G. Biazon .....	Present
Senator Renato L. Compañero Cayetano .....	Absent **
Senator Noli "Kabayan" De Castro .....	Present
Senator Luisa "Loi" P. Ejercito Estrada .....	Present
Senator Juan M. Flavie .....	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 .....	Absent
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 20 senators present, there is a quorum.

**Senator Legarda Leviste.** Mr. President.

**The President.** The Majority Leader is recognized.

### SUSPENSION OF SESSION

**Senator Legarda Leviste.** Mr. President, before I move for the approval of the *Journal*, may I request a one-minute suspension of the session to allow our colleagues to greet two of our colleagues who celebrated their birthdays recently—Sen. Vicente C. Sotto III, our Minority Leader, and Sen. Francis N. Pangilinan. They both celebrated their birthdays on August 24.

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

\* On official mission

\*\* Absent on account of illness

The Majority Leader is recognized.

**BILL ON SECOND READING**

**S. No. 2292 — Philippine Nursing Act of 2002**  
(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 in order.

**Senator Legarda Leviste.** We are in the period of individual amendments, I ask that the sponsor, Sen. Juan M. Flavie, be recognized.

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

**MANIFESTATION OF SENATOR FLAVIE**  
(To Enter into the *Record* and *Journal* the Cosponsorship Speech of Senator Villar on S. No. 2292)

**Senator Flavie.** Thank you, Mr. President. Before we start the individual amendments, may I manifest for the record that Sen. Manuel B. Villar Jr. wishes to enter his cosponsorship speech into the *Record* and *Journal* without reading it.

**The President.** The Chair would also make it of record that the basis of the debates will be the version of Senate Bill No. 2292 with the proposed committee amendments as of 21 August 2002.

**Senator Flavie.** Yes, Mr. President.

*The following is the written cosponsorship speech of Senator Villar Jr.:*

**SPONSORSHIP SPEECH OF SENATOR VILLAR**

One of the reasons the Philippine economy continues to thrive amidst the global recession is the valuable contribution of our OFWs. Part of this sector, hailed as the country's modern heroes, are our nurses.

However, despite being the lifeblood of most of our hospitals that lack the much-needed doctors, our nurses remain part of the most neglected workers of the labor force.

This unfortunate occurrence has prompted a large number of them to seek better opportunities overseas. Thus, we need policies to enhance the competitiveness

and professionalism of Filipino nurses and at the same time, respond to the health care needs of our people, particularly those in the rural areas.

Hence, I rise today to cosponsor the Philippine Nursing Act of 2002. This bill commissions the State to assume responsibility for the protection and improvement of the nursing profession by instituting the measures that will result to relevant nursing education, humane conditions, better career prospects and a dignified existence for our nurses.

Nursing schools are tasked by this Act to enhance the quality of nursing education by coming up with a program that shall provide a sound and professional foundation for future practitioners and by setting higher standards when hiring faculty members.

This proposed measure also seeks to guarantee the delivery of basic health services through an adequate and competent nursing personnel system throughout the country, among others.

Needless to say, this bill will truly benefit our countrymen, and will likewise show the appreciation fitting for one of the country's acknowledged heroes.

Hence, this representation highly recommends the immediate and favorable passage of this bill.

**The President.** The Majority Leader is recognized.

**Senator Legarda Leviste.** I ask that Sen. Luisa Ejercito Estrada be recognized for her amendments, Mr. President.

**The President.** Sen. Luisa Ejercito Estrada is recognized.

**EJERCITO ESTRADA AMENDMENTS**

**Senator Ejercito Estrada.** Mr. President, on page 3, line 10, delete the phrase "be allowed to"; then in line 11, delete the phrase beginning with the word "as" up to "set up" in line 13 and replace it with the following: UNTIL THEIR REPLACEMENTS HAVE BEEN APPOINTED BY THE PRESIDENT AND SHALL HAVE BEEN DULY QUALIFIED.

Thus, it will now read as follows: "The incumbent Chair and members of the Board shall continue to serve for the remainder of their term under Republic Act No. 7164 UNTIL THEIR REPLACEMENTS HAVE BEEN APPOINTED BY THE PRESIDENT AND SHALL HAVE BEEN DULY QUALIFIED."

**Senator Flavier.** It is accepted, Mr. President.

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

**Senator Ejercito Estrada.** And on page 4, delete the entire subparagraph (e) and replace it with the following: CONDUCT HEARINGS AND INVESTIGATIONS TO RESOLVE COMPLAINTS AGAINST NURSE PRACTITIONERS FOR UNETHICAL AND UNPROFESSIONAL CONDUCT AND VIOLATIONS OF THIS ACT, OR ITS RULES AND REGULATIONS AND IN CONNECTION THEREWITH, ISSUE *SUBPOENA AD TESTIFICANDUM* AND *SUBPOENA DUCES TECUM* TO SECURE THE APPEARANCE OF RESPONDENTS AND WITNESSES AND THE PRODUCTION OF DOCUMENTS AND PUNISH WITH CONTEMPT PERSONS OBSTRUCTING, IMPEDING AND/OR OTHERWISE INTERFERING WITH THE CONDUCT OF SUCH PROCEEDINGS.

**Senator Flavier.** It is accepted, Mr. President.

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

**Senator Ejercito Estrada.** Still on page 4, line 18, delete the word "and"; in line 19, after the word "Ethics", insert the following phrase: IN COORDINATION AND CONSULTATION WITH THE ACCREDITED PROFESSIONAL ORGANIZATION OF NURSES.

**Senator Flavier.** It is accepted, Mr. President.

**Senator Ejercito Estrada.** Thus, the subparagraph will now read: "Promulgate a Code of Ethics, IN COORDINATION AND CONSULTATION WITH THE ACCREDITED PROFESSIONAL ORGANIZATION OF NURSES, WITHIN ONE YEAR FROM THE EFFECTIVITY OF THIS ACT.

**Senator Flavier.** It is accepted, Mr. President.

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

**Senator Ejercito Estrada.** Still on the same page, line 20, change the comma (,) after the word "ACT" to a semicolon (;), then put the word AND. Delete the phrase beginning from the word "decisions" up to "Commission" in line 25 and in lieu thereof, insert a new subparagraph (H) to read as follows: (H.) PRESCRIBE, ADOPT AND ISSUE GUIDELINES, REGULATIONS AND MEASURES AS MAY BE NECESSARY FOR THE IMPROVEMENT OF THE NURSING PRACTICE, ADVANCEMENT OF THE PROFESSION AND FOR THE PROPER AND FULL ENFORCEMENT OF THE ACT, SUBJECT TO THE REVIEW AND APPROVAL BY THE COMMISSION.

**Senator Flavier.** It is accepted, Mr. President.

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

**Senator Ejercito Estrada.** On page 5, line 2, delete the phrase beginning from the word "on" up to the word "law" in line 3 and substitute it with the following:

AFTER HAVING BEEN GIVEN THE OPPORTUNITY TO DEFEND HIMSELF/HERSELF IN A PROPER ADMINISTRATIVE INVESTIGATION, ON THE FOLLOWING GROUNDS:

Thus, Section 10 will now read:

"SEC. 10. *Removal or Suspension of Board Members.* - The President may remove or suspend any member of the Board, AFTER HAVING BEEN GIVEN THE OPPORTUNITY TO DEFEND HIMSELF OR HERSELF IN A PROPER ADMINISTRATIVE INVESTIGATION, ON THE FOLLOWING GROUNDS:

- (a) Continued neglect of duty or incompetence;
- (b) Commission or toleration of irregularities in the licensure examination; and
- (c) Unprofessional, immoral or dishonorable conduct.

**Senator Flavier.** It is accepted, Mr. President.

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

**Senator Ejercito Estrada.** Still on page 5, line 10, insert the words A WRITTEN between the words "pass" and "examinations"; change the word "examinations" to EXAMINATION; insert the word WHICH after the word "examination"; then delete the phrase beginning with "by" up to "Philippines" in line 11. Thus, Section 11 will now read:

SEC. 11. *Licensure Examination.* - All applicants for license to practice nursing shall be required to pass A WRITTEN examination WHICH shall be given by the Board not earlier than one (1) month but not later than two (2) months after the closing of the semester prescribed by CHED. The examination shall be held in the City of Manila or in such places as may be decided by the Board subject to the approval of the Commission.

**Senator Flavier.** It is accepted, Mr. President.

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

**Senator Ejercito Estrada.** On page 6, after line 13, insert a new Section 15 to read as follows:

SEC. 15. *OATH*.—ALL SUCCESSFUL CANDIDATES IN THE EXAMINATION SHALL BE REQUIRED TO TAKE AN OATH OF PROFESSION BEFORE THE BOARD OR ANY GOVERNMENT OFFICIAL AUTHORIZED TO ADMINISTER OATHS PRIOR TO ENTERING UPON THE PRACTICE OF REGISTERED NURSE.

**Senator Flavier.** It is accepted, Mr. President.

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

**Senator Ejercito Estrada.** So, we have to renumber the succeeding sections accordingly.

**The President.** Omnibus amendment, the subsequent sections are renumbered accordingly.

**Senator Ejercito Estrada.** On page 7, after line 21, insert a new paragraph to read as follows:

*PROVIDED, HOWEVER, THAT THE SPECIAL/ TEMPORARY PERMIT SHALL BE EFFECTIVE ONLY FOR THE DURATION OF THE PROJECT, MEDICAL MISSION OR EMPLOYMENT CONTRACT.*

**Senator Flavier.** It is accepted, Mr. President.

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

**Senator Ejercito Estrada.** On page 8, I propose that we rephrase lines 19 to 20.

**The President.** Lines 19 to 20.

**Senator Ejercito Estrada.** Yes. I propose that we delete the word "not" in line 19, and in line 20, change the words "in excess of" with the words NOT TO EXCEED.

Thus, it will now read:

*Provided, however,* That, the suspension of the certificate of registration shall be for a period NOT TO EXCEED four (4) years.

**Senator Flavier.** It is accepted, Mr. President.

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

**Senator Ejercito Estrada.** On the same page, line 25, change the spelling of the word "therefore" to THEREFOR, without the last letter "e". Because "therefore" with "e" means "as a result"

or "for that reason" while "THEREFOR" without "e" is used in legal terminology as a substitute for "for it", Mr. President.

**Senator Flavier.** It is accepted, Mr. President.

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

**Senator Ejercito Estrada.** On page 11, line 13, replace the period (.) with a colon (:) and insert the following sentence:

*PROVIDED, FINALLY, THAT THE PROGRAM AND ACTIVITY FOR THE CONTINUING PROFESSIONAL EDUCATION SHALL BE SUBMITTED TO AND APPROVED BY THE BOARD.*

**The President.** What does the sponsor say?

**Senator Flavier.** It is accepted, Mr. President.

**Senator Ejercito Estrada.** Thank you, Mr. President.

**Senator Flavier.** Thank you, Mr. President.

**The President.** The Majority Leader is recognized. Are there other individual amendments?

#### SUSPENSION OF SESSION

**Senator Ejercito Estrada.** Mr. President, I move that we suspend the session for one minute.

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

*It was 5:20 p.m.*

#### RESUMPTION OF SESSION

*At 5:23 p.m., the session was resumed.*

**The President.** The session is resumed.

**Senator Legarda Leviste.** Mr. President, I move that Sen. Francis N. Pangilinan be recognized for his individual amendments.

**The President.** Sen. Francis N. Pangilinan is recognized.

**Senator Pangilinan.** Thank you, Mr. President. I would like to know if the good sponsor is willing to accept additional amendments.

**Senator Flavier.** With pleasure, Mr. President, to Atty. Cuneta. *[Laughter]*

**Senator Pangilinan.** Mega attorney, Mr. President.

PANGILINAN AMENDMENTS

Mr. President, on page 10, line 10, insert before the word "curative" the word PREVENTIVE and add a comma (,) for it to read: "...with other health care providers for the curative, PREVENTIVE, and rehabilitative aspects..."

**The President.** Is it before or after the word "curative?"

**Senator Pangilinan.** After the word "curative", Mr. President.

**The President.** What does the sponsor say?

**Senator Flavier.** It is accepted, Mr. President.

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

**Senator Pangilinan.** Thank you, Mr. President.

Again, another amendment on page 12, line 14. Actually, it is in line 15. After the word "professional", insert the word SPECIALTY and make the word "organization" in the plural form so as to read: "... professional SPECIALTY organizations."

**The President.** What does the sponsor say?

**Senator Flavier.** It is accepted, Mr. President.

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

**Senator Pangilinan.** I have no other proposed amendment, Mr. President. Thank you.

**Senator Flavier.** I would like to thank the gentleman.

**Senator Legarda Leviste.** Our other colleagues, Mr. President, also reserved to propose individual amendments. Unfortunately, they are also not present today, at this time. I now move that we suspend the period of individual amendments.

**The President.** Is there any objection? *[Silence]* There being none, the period of individual amendments on Senate Bill No. 2292 is hereby suspended.

SUSPENSION OF CONSIDERATION OF S. NO. 2292

**Senator Legarda Leviste.** I now move that we suspend consideration of Senate Bill No. 2292.

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

BILL ON SECOND READING  
S. No. 1945 — Allowing Private Lawyers to Act  
as Prosecutors on Behalf of the Ombudsman  
(Continuation)

**Senator Legarda Leviste.** Mr. President, I move that we resume consideration of Senate Bill No. 1945 as reported out under Committee Report No. 16.

**The President.** Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1945 is now in order.

**Senator Legarda Leviste.** Mr. President, we are in the period of interpellations. I move that the sponsor, Sen. Francis N. Pangilinan, be recognized.

**The President.** Sen. Francis N. Pangilinan is recognized.

**Senator Pangilinan.** Thank you, Mr. President.

**Senator Legarda Leviste.** To interpellate, I move that the Minority Leader, Sen. Vicente C. Sotto III, be recognized.

**The President.** The Minority Leader is recognized. The principal sponsor is likewise recognized.

**Senator Sotto.** Thank you, Mr. President. Will the distinguished birthday celebrant last Saturday yield for a few questions?

**Senator Pangilinan.** Willingly, Mr. President, to the birthday celebrant last Saturday, the Minority Leader.

**Senator Sotto.** I was reluctant to celebrate because, as we know, it is difficult when one reaches the age of 40. *[Laughter]*

I am wondering why the puzzlement on the face of the Senate President.

Anyway, how is the Office of the Ombudsman organized in terms of divisions? By the way, before the gentleman starts answering this question, I would just like to inform the distinguished gentleman that I have gone through most of the contents of the