

## RECORD OF THE SENATE

**TUESDAY, AUGUST 27, 2002**

### OPENING OF THE SESSION

*At 4:06 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.*

**The President.** The 14th 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. Panfilo M. Lacson.

*Everybody rose for the prayer.*

### PRAYER

**Senator Lacson.**

O God Almighty, we thank You for sending us sunrise every morning. And even when the sun sets in the evening, we thank You for making us productive for the day that was.

We thank You, Lord, whenever we want to talk, You listen. You can live anywhere in this universe but You always choose to be in our hearts.

It is true You do not provide us days without pain, laughter without sorrow, sun without rain. But You give us strength for the day, comfort for our tears, and light for our way.

We thank You for all the blessings. We pray that You continue to give us hope in our daily lives and in our lifetime.

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. Flavies .....	Present
Senator Gregorio B. Honasan .....	Present

Senator Robert S. "JAWO" Jaworski .....	Present***
Senator Panfilo M. Lacson .....	Present
Senator Loren B. Legarda Leviste .....	Present
Senator Ramon B. Magsaysay Jr .....	Present*
Senator John 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 13 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 13th session, August 26, 2002, and consider it approved.

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

**Senator Lacson.** Mr. President.

**The President.** Senator Lacson is recognized.

**Senator Lacson.** Mr. President, I rise on a point of personal and collective privilege.

**The President.** Will the senator please state on record the point of personal privilege for which he seeks to be recognized.

**Senator Lacson.** This is about a letter from the US Department of Justice.

**The President.** Senator Lacson may proceed and he is recognized on a point of personal privilege.

**QUESTION OF PRIVILEGE OF SENATOR LACSON**  
**(That Mr. Latimer of the US Department of Justice**  
**Was not Aware of Either the Video Recording or Its**  
**Airing on Television by the Philippine Press)**

**Senator Lacson.** Mr. President, I rise on a question of personal and collective privilege. If I may be allowed, I would like to read a letter from the US Department of Justice dated August 14, 2002 anent my letter to them last June 7 of the same year.

\* Arrived after the roll call

\*\* On official mission but arrived after the roll call

\*\*\* On official mission

\*\*\*\* Absent on account of illness

**The President.** Referred to the Committees on Education, Arts and Culture; Science and Technology; Ways and Means; and Finance

**The Acting Secretary** [Atty. Reyes]. Senate Bill No. 2317, entitled

AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY OZAMIZ (GUBA), MUNICIPALITY OF CLARIN, PROVINCE OF MISAMIS OCCIDENTAL, TO BE KNOWN AS THE OZAMIZ (GUBA) NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Legarda Leviste

**The President.** Referred to the Committee on Rules

#### RESOLUTION

**The Acting Secretary** [Atty. Reyes]. Proposed Senate Resolution No. 413, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS AND OTHER APPROPRIATE COMMITTEE(S) TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALLEGED COLLUSION AMONG TOP OFFICIALS IN THE DEPARTMENT OF HEALTH (DOH), BUREAU OF FOOD AND DRUGS (BFAD) AND MULTINATIONAL DRUG COMPANIES IN BLOCKING THE IMPORTATION, ACCREDITATION AND REGISTRATION OF NEW, CHEAP AND BRANDED MEDICINES THEREBY DELAYING AND PREVENTING THEIR SALE AND DISTRIBUTION AND FOR OTHER PURPOSES

Introduced by Senator Revilla

**The President.** Referred to the Committees on Health and Demography; and Trade and Commerce

#### BILL ON SECOND READING

**S. No. 2292 — The 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 now in order.

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

**The President.** For the period of individual amendments, the principal sponsor, Sen. Juan M. Flavie, is recognized.

The Chair suggests that we go page by page and we use the version of August 26, 2002, if that is in order.

**Senator Flavie.** Mr. President, I have with me the proposed amendments of four senators and I will take them up one by one in their order.

**The President.** May the Chair request the Majority Leader to manage the discussion on a page-by-page amendment of the proposed measure.

#### SUSPENSION OF SESSION

With the permission of the Chamber, the session is suspended for one minute, if there is no objection. *[There was none.]*

*It was 4:21 p.m.*

#### RESUMPTION OF SESSION

*At 4:24 p.m., the session was resumed.*

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

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF THE FACULTY MEMBERS OF PEDRO MENDIOLA SR. MEMORIAL TECHNOLOGICAL AND POLYTECHNIC COLLEGE OF SAN JOSE, MINDORO OCCIDENTAL AND STUDENTS FROM THE UNIVERSITY OF ASIA AND THE PACIFIC AND UNIVERSITY OF PERPETUAL HELP, RIZAL COLLEGE OF LAW

**Senator Legarda Leviste.** Mr. President, before we proceed with the individual amendments, may we just acknowledge the presence of the following groups in the Session Hall today: the faculty members of the Pedro Mendiola Sr. Memorial Technological and Polytechnic College from San Jose, Mindoro Occidental, headed by their superintendent Bernabe Macaraig; the students from the University of Asia and the Pacific, headed by Ms. Judy Aca; and the first year law students of the University of Perpetual Help-Rizal, College of Law under Prof. Rolando Villacorta.

I now ask that the sponsor, Sen. Juan M. Flavie, be recognized.

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

**Senator Flavie.** Mr. President, we have agreed to go page by page in order to have a more orderly amendment on an individual basis.

**The President.** Will the Majority Leader manage the floor debates so that we can have an orderly amendment?

**Senator Legarda Leviste.** Yes, Mr. President.

Senators Villar and Aquino-Oreta already submitted their individual amendments. These are now with the sponsor. The sponsor will just manifest their individual amendments according to page.

**Senator Flavie.** Yes, Mr. President. However, there was a slight change. The Minority Leader, Sen. Tito Sotto, has very kindly offered to hold on to the amendments of Senator Aquino-Oreta. I will be holding on to the amendments of Senator Villar. Therefore, we will make the proceedings more orderly.

**The President.** So, on page 1, is there any amendment?

**Senator Legarda Leviste.** We will start on page 1 then. May we request Senators Angara and Osmeña III to kindly include their individual amendments when the pages concerning the amendments are reached.

We will now proceed to page 1.

**Senator Flavie.** I have a Villar amendment on page 1.

#### VILLAR AMENDMENT

In Section 2, line 6, insert the words OF FILIPINO NURSES after the words "for the protection" and insert the article THE before the phrase "...improvement of the nursing services..." to provide proper attribution as to who the State intends to protect.

The sentence shall now read: "It is hereby declared the policy of the State to assume responsibility for the protection OF THE FILIPINO NURSES and THE improvement of the nursing services by instituting measures that will result in relevant nursing education and in humane working conditions, better career prospects and a dignified existence for our nurses."

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

**Senator Flavie.** I accept the amendment, Mr. President.

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

Are there any other amendments on page 1?

**Senator Legarda Leviste.** There are no more amendments, Mr. President. We now proceed to page 2.

**Senator Osmeña III.** Mr. President, I have an amendment on page 2.

**Senator Legarda Leviste.** Mr. President, I ask that Sen. Sergio Osmeña be recognized to make his amendments.

**The President.** Sen. Sergio Osmeña is recognized.

**Senator Osmeña III.** Mr. President, in line 6, Provided, That...

#### SUSPENSION OF SESSION

Mr. President, I move that we suspend the session for one minute.

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

*It was 4:28 p.m.*

#### RESUMPTION OF SESSION

*At 4:30 p.m., the session was resumed.*

**The President.** The session is resumed. Sen. Sergio R. Osmeña may proceed.

**Senator Osmeña III.** Mr. President, my proposed amendment will fall in lines 10 and 11.

**The President.** On what page?

**Senator Legarda Leviste.** Page 2.

**Senator Osmeña III.** Page 2, lines 10 and 11.

**The President.** All right.

#### OSMEÑA III AMENDMENTS

**Senator Osmeña III.** After the words "duly registered nurse", insert the phrase OR AN EDUCATOR OR A HOLDER OF A MASTER'S DEGREE IN HOSPITAL MANAGEMENT. Subject to style, Mr. President.

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

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

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

**Senator Osmeña III.** In line 14, after the word "continuous", may I propose to insert the words AND ACTIVE. So it will read: "continuous AND ACTIVE practice."

Mr. President, let me explain. I remember that about ten years ago, when a chairman was appointed to the Comelec, one of the qualifications to become chairman of Comelec would be ten years of continuous practice. This gentleman, of course, who is a personal friend, did not have ten years of practice in law but was in business. Although there was a loophole that was found, he was deemed fit and qualified to take over the chairmanship of the Comelec.

I just wanted to make sure that we would have nurses or appointees to the Nursing Board in keeping with the intent of Congress. If the intent of Congress is to make sure that they have not lost their expertise in the field of nursing, then I would like to insert the words AND ACTIVE.

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

**The President.** Before we ask for a vote, may the Chair inquire of the proponent of the amendment how line 14 now would be applied in the face of the amendment accepted and approved in line 10, OR AN EDUCATOR OR A HOLDER OF A MASTER'S DEGREE IN HOSPITAL MANAGEMENT.

**Senator Osmeña III.** Understood, Mr. President. We know that there will be some confusion here, which is why, after all the amendments we inserted today, I was going to propose that a clean copy with the styling already approved by the distinguished sponsor be furnished us so that we shall be able to fine-tune the various amendments that are being proposed today.

We may even have to add another subparagraph, but I leave that to the sponsor how he wants it...

**Senator Flavier.** We will be happy to do that, Mr. President, and the intent is that tomorrow, we shall have another clean copy and hopefully, a very quick run through will solve all those problems.

**Senator Osmeña III.** I agree, Mr. President.

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

**Senator Osmeña III.** I have another proposed amendment in line 14, and again, this is really subject to style.

I spoke with the sponsor yesterday and he agreed to widen the scope of those who would be qualified to be members of the board, not limiting it merely to the nursing profession but to the health-care industry.

So I propose to delete the word "profession" and insert in its place the words HEALTH CARE INDUSTRY.

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

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

**Senator Osmeña III.** In line 23, I propose to delete the first word "automatically" and in its place insert the word IMMEDIATELY.

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

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

**Senator Osmeña III.** Those are all my amendments on page 2.

**Senator Legarda Leviste.** Page 3. May we find out if there are any amendments on page 3? Senator Sotto.

#### AQUINO-ORETA AMENDMENTS

**Senator Sotto.** Mr. President, this is a proposed amendment by Senator Aquino-Oreta. It will be in lines 19 to 23 of page 3. The proposal is to delete lines 19 to 23. And in view of the deletion, she proposed that the following section number be inserted instead, subject to style:

SEC. 8. ADMINISTRATIVE SUPERVISION OF THE BOARD, CUSTODIAN OF ITS RECORDS, SECRETARIAT AND SUPPORT SERVICES. - THE BOARD SHALL BE UNDER THE ADMINISTRATIVE SUPERVISION OF THE COMMISSION. ALL RECORDS OF THE BOARD, INCLUDING APPLICATIONS FOR EXAMINATION, ADMINISTRATIVE AND OTHER INVESTIGATIVE CASES CONDUCTED BY THE BOARD SHALL BE UNDER THE CUSTODY OF THE COMMISSION. THE COMMISSION SHALL DESIGNATE THE SECRETARY OF THE BOARD AND SHALL PROVIDE THE SECRETARIAT AND OTHER SUPPORT SERVICES TO IMPLEMENT THE PROVISIONS 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 Flavier.** Page 4.

**Senator Legarda Leviste.** Page 4.

**Senator Sotto.** Mr. President.

**The President.** Are there no more amendments on page 3?

**Senator Sotto.** Subject to style, this could be on page 3 or page 4. This is another section concerning the board. So may I propose this, with the permission of the Chair:

SEC. \_\_\_\_ *ANNUAL REPORT.* THE BOARD SHALL AT THE CLOSE OF ITS CALENDAR YEAR SUBMIT AN ANNUAL REPORT TO THE PRESIDENT OF THE PHILIPPINES THROUGH THE COMMISSION GIVING A DETAILED ACCOUNT OF ITS PROCEEDINGS AND THE ACCOMPLISHMENTS DURING THE YEAR AND MAKING RECOMMENDATIONS FOR THE ADOPTION OF MEASURES THAT WILL UPGRADE AND IMPROVE THE CONDITIONS AFFECTING THE PRACTICE OF THE NURSING PROFESSION.

**The President.** Subject to the appropriate placement.

**Senator Sotto.** Yes, Mr. President.

**Senator Flavier.** It is accepted, Mr. President, with the proviso.

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

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

**Senator Legarda Leviste.** If there are no more amendments on page 4, Senator Osmeña III has amendments on page 4.

**Senator Osmeña III.** On page 4, Mr. President, I propose to delete lines 16 to 18.

**Senator Legarda Leviste.** May we hear from the sponsor if he is agreeable to that deletion?

**The President.** Lines 16 to 18, starting from what to what?

**Senator Osmeña III.** The entire line 16, line 17 and line 18, the entire subsection (f).

**The President.** Line 16 starts with the word "ACT".

**Senator Osmeña III.** No, I am sorry. The Majority Leader mentioned page 4.

**Senator Legarda Leviste.** Page 4, yes.

**The President.** Yes.

**Senator Legarda Leviste.** We are holding the August 26 amended copy.

**Senator Osmeña III.** Oh!

#### SUSPENSION OF SESSION

May I ask for a one-minute suspension of the session, Mr. President.

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

*It was 4:38 p.m.*

#### RESUMPTION OF SESSION

*At 4:39 p.m., the session was resumed.*

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

**Senator Legarda Leviste.** There are no amendments on page 4. We now proceed to page 5.

**The President.** There is just a typographical error. It was pointed to me by the staff that there was a phrase omitted in the Ejercito Estrada amendment in line 22 after the word "PROCEEDINGS." Instead of a period (.), it should be a comma (,) UPON APPLICATION WITH THE COURTS.

That was a typographical error.

**Senator Flavier.** With the nodding of Senator Ejercito Estrada, I accept, Mr. President.

**The President.** That was already accepted yesterday. There was an error in the...

**Senator Flavier.** That is right. That is why I based it on the nodding of Senator Ejercito Estrada.

**Senator Legarda Leviste.** We now proceed to page 5. There are no more amendments on page 4. I ask that Sen. Sergio R. Osmeña be recognized for his amendments on page 5.

**The President.** Sen. Sergio R. Osmeña III is recognized for his amendments on page 5.

#### OSMEÑA III AMENDMENT

**Senator Osmeña III.** On page 5, Mr. President, I propose to delete lines 1, 2 and 3.

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

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

**Senator Legarda Leviste.** There are no more amendments on page 5.

**The President.** The Secretariat will just reletter the subsequent paragraphs.

**Senator Legarda Leviste.** We proceed to page 6. There are no amendments on page 6. We proceed to page 7.

#### VILLAR AMENDMENTS

**Senator Flavier.** There is a Villar amendment on page 7, Mr. President. Section 16, line 15, insert the article AN before the word "applicant". The article must have been missed out accidentally. The sentence shall now read: "A certificate of registration as a nurse shall be issued to AN applicant who passes the examination upon payment of the prescribed fees."

It is accepted, Mr. President.

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

**Senator Legarda Leviste.** We proceed to page 8.

**Senator Flavier.** There is a Villar amendment on page 8, Section 20, line 12. Insert the article THE before the word "approval"; delete the word "by" and replace it with the word OF. The sentence shall now read: "Special/temporary permit may be issued by the Board subject to THE approval OF the Commission and payment of the fees it has prescribed and charged therefore to the following persons:."

It is accepted.

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

**Senator Flavier.** Still on page 8, Section 20 (2), line 17, add S to the word "state" to make it plural. It will now read, "(2) Licensed nurses from foreign countries/stateS on medical mission whose services shall be free in a particular hospital, center or clinic;"

It is accepted, Mr. President.

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

**Senator Flavier.** That is all for page 8, Mr. President.

**Senator Legarda Leviste.** We proceed now to page 9. There are no amendments on page 9. We proceed to page 10.

**Senator Flavier.** There is a Villar amendment on page 10, Mr. President.

On page 10, Section 24, line 7, add S to the word "requirement". The sentence shall now read: "The learning experiences shall adhere strictly to specific requirements embodied in the prescribed curriculum as promulgated by the Commission on Higher Education's policies and standards of nursing education."

It is accepted, Mr. President.

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

**Senator Osmeña III.** Mr. President, is that on page 10?

**The President.** We are still on page 10.

**Senator Legarda Leviste.** We are still on page 10, Mr. President.

**Senator Osmeña III.** I do not see that in line 7 in my copy.

**Senator Legarda Leviste.** We are using the amended...

**The President.** It is in line 9, Senator Osmeña. The amendment is in line 9.

**Senator Osmeña III.** Thank you, Mr. President.

**The President.** Senator Osmeña can proceed.

**Senator Angara.** Excuse me, Mr. President.

**The President.** I am sorry. Yes, Senator Angara.

**Senator Angara.** On what page are we now?

**Senator Legarda Leviste.** Page 10.

#### ANGARA AMENDMENT

**Senator Angara.** Can I have an anterior amendment on page 9, with the permission of the gentlemen?

On page 9, Section 22, line 20, this is the *Revocation and Suspension of Certificate of Registration*. I propose to delete in line 20(g) the phrase "and/or beyond of". So that the remaining sentence will read: "For practicing his or her profession during his or her suspension from such practice."

**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.

LEGARDA LEVISTE AMENDMENT

**Senator Legarda Leviste.** Mr. President, in the same line, I have just noticed that the word "practicing" is spelled with a "c". It should be with an "s" since it is a verb.

**The President.** A typographical error. That should be corrected, if there is no objection. *[There was none.]*

**Senator Legarda Leviste.** We now proceed to page 10.

**Senator Flavier.** Page 10, Mr. President.

**The President.** Senator Serge Osmeña is recognized.

OSMEÑA III AMENDMENTS

**Senator Osmeña III.** In line 13, after the word "not", insert the word ACTIVELY.

**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 Osmeña III.** And after the word "profession", delete the words "at all".

**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 Osmeña III.** And after the word "for", delete the words "the past ten (10)" and insert the words THREE (3) CONSECUTIVE. For THREE(3) CONSECUTIVE years—that is how it shall read. We insert the words THREE (3) CONSECUTIVE.

**Senator Flavier.** In other words, the gentleman wants to reduce the 10 years to THREE (3) CONSECUTIVE years?

**Senator Osmeña III.** Yes. May I explain, Mr. President?

**Senator Flavier.** Yes, please.

**Senator Osmeña III.** I think 10 years is rather a long time for a nurse not to practise the nursing profession. I would be very worried if a nurse would come to me tomorrow and say, "Well, I am back in active practice now, I have not practised for 10 years."

Medicine is growing fast and there are new technologies being discovered everyday. So it would be important that we tighten up the licensing procedure, or the relicensing, so that those who have not practised for three consecutive years—and that is a pretty long time to me too, but this is obviously a compromise—must undergo one month of didactic training and three months of practicum.

**Senator Flavier.** Mr. President, I understand the point. But in the committee hearings, there was some firm request that we put a reasonable time. And if the gentleman will accept the FIVE (5) years, I will accept the amendment.

**Senator Osmeña III.** It is accepted, Mr. President, although I am worried about the quality of our nursing care. We are not penalizing them. We are just asking them to update their skills. So we have to refer to the one month of didactic training and three months of practicum. If obviously they could leave the nursing profession for a certain period of time, they must certainly dedicate a certain amount to renewing their skills and their knowledge. We are aware that in the United States, doctors and nurses have to go annual upgrades to learn the latest.

**Senator Flavier.** Yes, Mr. President.

**Senator Osmeña III.** If that is what it will take it, it is better than 10 years.

**Senator Flavier.** Yes, Mr. President. We will agree or accept the FIVE (5) years.

**Senator Osmeña III.** It is agreed.

**The President.** The amendment is now for FIVE (5) years in line 13. That is accepted by the sponsor.

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

**Senator Osmeña III.** In line 14, starting with the phrase "For those" up to lines 15, 16 and 17, after the words "of practicum", I propose to delete the entire sentence.

**Senator Flavier.** The gentleman is saying that for purposes of consistency?

**Senator Osmeña III.** That is correct, Mr. President.

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

**The President.** Is there any objection to the deletion of the last sentence of Section 25 found in lines 14 to 17 as proposed by Sen. Serge Osmeña and accepted by the sponsor? *[Silence]* There being none, the amendment is approved.

**Senator Osmeña III.** Those are all my amendments, Mr. President.

**Senator Flavier.** I understand this leaves, however, in line 17, "The Board shall accredit hospitals to conduct the said training program."?

**Senator Osmeña III.** That remains.

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

**The President.** That remains. All right. The last sentence on Section 25 remains in line 17.

The Majority Leader is recognized.

**Senator Legarda Leviste.** Senator Angara has some amendments.

#### ANGARA AMENDMENT

**Senator Angara.** Yes, Mr. President, in line 24, if there are no more anterior amendments.

I would just want this qualification to fall in line with the CHED Memo No. 30 cited by our sponsor that the teacher of nursing must be a holder of master's degree. Therefore, I would suggest that the word "preferably" in line 24, small letter (d), be deleted.

**Senator Flavier.** The amendment is accepted, Mr. President.

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

**Senator Legarda Leviste.** We proceed to page 11.

No amendments on page 11.

We proceed to page 12.

#### VILLAR AMENDMENT

**Senator Flavier.** There is a Villar amendment on page 12, line 1. Add an S to the word "program" to make it plural.

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

**Senator Flavier.** That is all for the Villar amendment, Mr. President.

**Senator Legarda Leviste.** If there are no more amendments on page 12, we proceed to page 13.

**Senator Angara.** Page 13, Mr. President.

**The President.** Senator Angara is recognized.

#### ANGARA AMENDMENTS

**Senator Angara.** Yes, in line 20, beginning with the phrase "The Board" and ending in line 22 with the phrase "in the Philippines", delete the whole sentence and in lieu thereof, insert a new section which will be a new paragraph, and the new section will be entitled: *COMPREHENSIVE NURSING SPECIALTY PROGRAM*.

My proposal, Mr. President, is as follows:

WITHIN NINETY (90) DAYS FROM THE EFFECTIVITY OF THIS ACT, THE BOARD AND THE ACCREDITED PROFESSIONAL SPECIALTY ORGANIZATIONS IN COORDINATION WITH THE DEPARTMENT OF HEALTH ARE HEREBY MANDATED TO FORMULATE AND DEVELOP A COMPREHENSIVE NURSING SPECIALTY PROGRAM THAT WOULD UPGRADE THE LEVEL OF SKILL AND COMPETENCE OF SPECIALTY NURSE CLINICIANS IN THE COUNTRY SUCH AS, BUT NOT LIMITED TO, THE AREAS OF CRITICAL CARE, ONCOLOGY, RENAL AND SUCH OTHER AREAS AS MAY BE DETERMINED BY THE BOARD.

THE BENEFICIARIES OF THIS PROGRAM ARE OBLIGED TO SERVE IN ANY PHILIPPINE HOSPITAL FOR A PERIOD OF AT LEAST TWO (2) YEARS OF CONTINUOUS SERVICE.

In other words, Mr. President, this was the Specialty Nurse Program that we were talking about because retention of these specialty nurses would be critical to the health care of our country.

Now, why am I requiring it with a two-year return service? Because they will be receiving benefits as I will provide later on in this law, Mr. President.

**Senator Flavier.** For as long as this will be accepted by the spirit of the deletion of an earlier two years requirement by Sen. Serge Osmeña, I would be happy to accept.



**Senator Angara.** This is entirely different from the mandatory service of those who are merely enrolled and have graduated from state colleges. This is a special program, Mr. President.

**The President.** All right. Is this accepted by the sponsor?

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

**The President.** Is there any objection?

**Senator Osmeña III.** Objection, Mr. President. Just by way of clarification, may I ask the distinguished proponent of this amendment: How would we enforce this particular requirement for a nurse who has finished a specialization course to serve two years in a hospital?

**Senator Angara.** As in the university system, Mr. President, if one gets a scholarship and he availed himself of it, but if he wants to get out of that commitment of return service, then he pays it back to the university. So, that is one way of getting out of the commitment.

**Senator Osmeña III.** I see. So there is an "in lieu of."

**Senator Angara.** "In lieu of," yes.

**Senator Osmeña III.** They pay back what they owe.

**Senator Angara.** And normally many served, complied with that return service, but some out of necessity or out of further career development buy back, in effect, that contract.

**Senator Osmeña III.** All right, then I withdraw my objection because there is a way out.

**The President.** The Angara amendment has been accepted by the sponsor.

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

**Senator Angara.** This amendment, Mr. President, as approved, will constitute a new section, and I would ask that we just renumber and give it a new number.

**The President.** An omnibus amendment to renumber the subsequent sections.

**Senator Angara.** Yes, Mr. President.

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

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

**Senator Legarda Leviste.** Page 14?

**Senator Angara.** On page 14, Mr. President, consistent with this new provision, I would recommend a funding provision and I would ask that this be inserted between lines 5 and 6 of page 14.

Now, this program will become meaningful only, Mr. President, if we have a funding source, and I am recommending that funding be taken out of the revenues of the Philippine Charity Sweepstakes Office, because after all the Philippine Charity Sweepstakes Office has been established for health and part also from Pagcor.

So my provision, Mr. President, as a new section would run like this.

*FUNDING FOR THE COMPREHENSIVE NURSING SPECIALTY PROGRAM. - THE ANNUAL FINANCIAL REQUIREMENT NEEDED TO COVER THE COMPREHENSIVE NURSING SPECIALTY PROGRAM SHALL BE CHARGEABLE AGAINST THE INCOME OF THE PHILIPPINE CHARITY SWEEPSTAKES OFFICE AND THE PHILIPPINE AMUSEMENT AND GAMING CORPORATION WHICH SHALL EQUALLY SHARE IN THE COST AND SHALL BE RELEASED TO THE DEPARTMENT OF HEALTH SUBJECT TO ACCOUNTING AND AUDITING PROCEDURES.*

**Senator Flavier.** This will be a new section, Mr. President.

**Senator Angara.** This will be a new section, Mr. President, which I propose to be inserted between lines 5 and 6 of page 14.

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

**The President.** Before we vote on the amendment, may the Chair know if this is an open-ended funding? There is no cap.

**Senator Angara.** Perhaps we should place a cap, Mr. President. THE ANNUAL FINANCIAL REQUIREMENT WHICH SHALL NOT EXCEED X AMOUNT...

**The President.** That is right.

#### SUSPENSION OF SESSION

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

*It was 4:57 p.m.*

#### RESUMPTION OF SESSION

*At 5:00 p.m., the session was resumed.*

**The President.** The session is resumed. Sen. Edgardo J. Angara is recognized.

**Senator Angara.** Yes, Mr. President, upon consultation with the sponsor, may I introduce a change in the proposed provision which will read: THE ANNUAL FINANCIAL REQUIREMENT NEEDED TO TRAIN AT LEAST TEN PERCENT (10%) OF THE NURSING STAFF OF EACH PARTICIPATING HOSPITAL SHALL BE CHARGEABLE AGAINST THE INCOME, et cetera.

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

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

**Senator Angara.** Can I also introduce one anterior amendment, Mr. President, which I forgot?

On the same page, line 1, remove the period (.) after the word "LAW", Mr. President, and insert a colon (:), and add the following: PROVIDED, THAT THE SALARY OF NURSES WORKING IN LOCAL GOVERNMENT UNITS SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF RA 6758, OTHERWISE KNOWN AS THE "SALARY STANDARDIZATION LAW".

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

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

**Senator Flavier.** Page 15.

**Senator Legarda Leviste.** On page 15, line 18, Mr. President, after letter (b), delete the word "and".

**The President.** Can we have it again?

#### LEGARDA LEVISTE AMENDMENT

**Senator Legarda Leviste.** On page 15, line 18, insert a new paragraph in letter (c) which will state:

ANY PERSON OR EMPLOYER OF NURSES WHO VIOLATES THE MINIMUM BASE PAY OF NURSES AND THE INCENTIVES AND BENEFITS THAT SHOULD BE ACCORDED THEM AS SPECIFIED IN SECTIONS 29 AND 30 HEREOF.

**Senator Flavier.** Subject to the proper renumbering, it is accepted, Mr. President.

**Senator Legarda Leviste.** Yes, subject to the proper renumbering based on the previous amendments.

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

**Senator Angara.** In the same line, Mr. President...

**Senator Osmeña III.** May I just ask for clarification on that particular amendment?

**The President.** Sen. Serge Osmeña III is recognized.

**Senator Osmeña III.** What page would that be?

**Senator Legarda Leviste.** That is page 15, line 18, after letter (b). So, it would be letter (c) in line 18.

**The President.** Is it between lines 17 and 18 or...?

**Senator Legarda Leviste.** No, it is in line 18, letter (c).

**Senator Osmeña III.** May we have the proposed amendment reread?

**Senator Legarda Leviste.** ANY PERSON OR EMPLOYER OF NURSES WHO VIOLATES THE MINIMUM BASE PAY OF NURSES AND THE INCENTIVES AND BENEFITS THAT SHOULD BE ACCORDED THEM AS SPECIFIED IN SECTIONS 29 AND 30.

**Senator Osmeña III.** May I know, Mr. President, if that would be subject to the fine in Section 32?

**The President.** Yes. Those are the...

**Senator Legarda Leviste.** The reason for that, Mr. President, is to ensure that the nurses will be accorded with the right to just compensation and benefits.

**Senator Osmeña III.** Yes, Mr. President. I was asking what would be the penalty.

**The President.** The penalty to that, Senator Osmeña, would be those found between lines 17 and 20 on page 14.

**Senator Osmeña III.** Yes. So, that is P50,000 to P100,000.

**The President.** That is correct, yes.

**Senator Osmeña III.** I just want to place on record my misgivings. I am certainly not favoring employers of nurses to pay them below minimum wage. But as we know in this country, Mr. President, nurse or any type of employee does accept jobs at wages that are lower than minimum just so they can get a job. That is No. 1. Number 2, there are different levels or standard of living levels around the country. So it would be unwise for us to mandate a uniform salary for Manila and for, say, Surigao del Sur, where the cost of living is much lower.

Perhaps we can ask the sponsor to restudy this proposed amendment to make sure that it does not become overly... I do not

know the word for it, *ngunit hindi naman masyado iyong penalty. Halimbawa, nahuling underpaid ang isang nurse sa isang hospital sa Tandag, Surigao Sur*, we might as well close the entire clinic down because this is a very heavy penalty.

**Senator Flavier.** On that condition, since we have approved this, we will be happy to give it a second look.

**The President.** We have not yet approved it.

The Majority Leader is recognized.

**Senator Legarda Leviste.** The sponsor has previously approved the amendment, and the intent of this amendment, Mr. President, is to make sure that the nurses are accorded their right to just compensation and benefits. I understand the concerns of Senator Osmeña. Perhaps a compromise between these two—the protection of the rights of nurses to just compensation and their incentives and benefits, and at the same time not to be too strict as to prevent them from finding employment in the rural areas.

**Senator Flavier.** May I suggest that we use the word “just compensation” to cover the concerns of Senator Osmeña.

**Senator Osmeña III.** May I just make a suggestion. I will withdraw my objection. Let us have this included in the final version—the clean copy of the bill—subject to further refinements tomorrow, if need be.

**Senator Flavier.** That will be acceptable to me, Mr. President.

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

The Chair would like to know what happens to the existing lines 18 and 19? Is that deleted or what? Because the insertion is in line 18.

**Senator Flavier.** My impression is that it will be moved down, Mr. President. It is not deleted. That is why the Chair’s original point that it is between lines 17 and 18 is well-taken. Letter (d).

**The President.** All right. So, the Legarda Leviste amendment is a new letter (C) between lines 17 and 18. And line 18 will start with small letter (d).

**Senator Flavier.** That is correct, Mr. President.

**The President.** All right, that clarifies it.

Sen. Edgardo J. Angara is recognized.

**Senator Angara.** Yes, Mr. President. It just occurs to me that we can also define clearly the person covered by this penal provision. For instance, Section 32.

**The President.** Section?

#### ANGARA AMENDMENTS

**Senator Angara.** Section 32, pages 14 and 15. We used the term “person” in different context here, Mr. President. Any person, under letter (a), means the person, the individual, so that is the correct term. But when we go down to letters (b) and (c), we are really thinking not only of an individual but also of a juridical entity, like letter (b). “Any person who undertakes in-service educational programs”. A juridical entity can conduct an in-service educational program. So, that should also comprehend a juridical entity. And any person violating any provision of this Act also can comprehend a juridical entity.

What I am saying, Mr. President, is, this is a penal provision and we ought to be very clear as to the coverage. So I suggest that with respect to subparagraph (b) in line 15 and subparagraph (c) in line 18, subject to the amendment of Senator Legarda Leviste on page 15, we use ANY PERSON OR JURIDICAL ENTITY.

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

**The President.** Maybe we say... Because we cannot imprison a juridical person. Maybe we can say...

**Senator Angara.** Or the president. Not necessarily the president. The chief executive.

But the idea, Mr. President, is that since the word “person” in this Section 32 is used in two distinct senses, one is referring to an individual, for instance, letter (a) “Any person practicing nursing...”, that means an individual. And then when we come to letters (b) and (c), we are using it in a more comprehensive way. It can comprehend an organization or a juridical entity.

**Senator Legarda Leviste.** Will the amendment “employer of nurses” not be sufficient to cover that?

**Senator Angara.** Then we do not need “Any person.”

**Senator Legarda Leviste.** The gentleman was referring to the organization that employs nurses. Is that right, Mr. President?

**Senator Angara.** Yes, Mr. President.

**Senator Legarda Leviste.** But when we mention “juridical personality,” as the Senate President said, they will not be subject to any penal provision.

**Senator Angara.** Because the judge may just interpret the word "person" as referring to an individual, to be consistent with the sense of this clause.

So, it is really consistency and clearness, Mr. President, because this is a penal provision. I am sure our stylists are parliamentarians and the House can solve that.

**The President.** So, in case of juridical person, the penal provision will be made to apply—

**Senator Angara.** To the chief executive.

**The President.** —to the chief executive officer, subject to style. 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 Angara.** Another one, Mr. President. Again, this is generic. We keep using "accredited professional organization of nurses." In various sections of this Act, we refer to "accredited professional organization of nurses," and yet there is no provision identifying that accredited organization and who makes the accreditation.

Therefore, with the permission of the sponsor, I would propose that between lines 7 and 8, on the *Powers and Duties of the Board...* Is it on page 3?

**Senator Legarda Leviste.** Section 9, page 3.

**Senator Angara.** Page 5, between lines 7 and 8, just before subparagraph (H), I would recommend the addition of one provision, Mr. President. ACCREDIT THE PROFESSIONAL ORGANIZATION OF NURSES PER SPECIALTY OR ONE ORGANIZATION FOR ALL NURSES. Whichever the board wishes to do.

**Senator Flavier.** I understand the intent, Mr. President, but I am informed that there is only one accredited professional organization. But there are 19 professional organizations which can be accredited by the Professional Regulatory Commission.

**Senator Angara.** So, we should then empower the board to accredit one or more of these organizations, because we keep talking of accredited professional organizations, Mr. President.

**Senator Flavier.** That would be fine because that is very fluid. In the future, others from the 19 groups may be accredited. So, I would have no objection. It is accepted, Mr. President.

**The President.** Subject to style. Is it on page 5?

**Senator Angara.** On page 5, between lines 7 and 8.

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

**Senator Angara.** That is all, Mr. President.

**Senator Legarda Leviste.** So, we return to page 15. There are no more amendments on page 16.

**Senator Angara.** That is all, Mr. President.

**Senator Legarda Leviste.** So, we return to page 15. There are no more amendments on page 16. I therefore move to close the period of individual amendments on Senate Bill No. 2292.

**The President.** Is it on page 16?

**Senator Legarda Leviste.** There are no amendments on page 16.

**The President.** All right.

**Senator Legarda Leviste.** May I just remind that when the clean copy is given out tomorrow, that all the spelling of the word "practise" when used as a verb should be letter S.

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

**The President.** We need not close, Madam Majority Leader, the period of individual amendments since tomorrow a clean copy will be presented and there could be some additional individual amendments.

#### SUSPENSION OF CONSIDERATION OF S. NO. 2292

**Senator Legarda Leviste.** All right. I therefore move to suspend consideration of Senate Bill No. 2292 under Committee Report No. 68.

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

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

#### BILL ON SECOND READING

#### S. No. 1945 — Allowing Private Lawyers to Act as Prosecutors in 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.