

RECORD OF THE SENATE

MONDAY, MARCH 11, 2002

OPENING OF THE SESSION

At 3:54 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 66th session of the Senate in the First Regular Session of the Twelfth Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Sergio R. Osmeña III.

Everybody rose for the prayer.

PRAYER

Senator Osmeña III. Let me read a prayer written by the Most Rev. Oscar Arnolfo Romero, Archbishop of El Salvador, before he was murdered in the early '80s.

It helps now and then to step back and take the long view.

The kingdom is not only beyond our efforts, it is beyond our vision.

We accomplish in our lifetime only a tiny fraction of the magnificent enterprise that is God's work.

Nothing we do is complete which is another way of saying that the kingdom always lies beyond us.

No statement says all that could be said. No prayer fully expresses our faith. No confession brings perfection. No pastoral visit brings wholeness. No program accomplishes the Church's mission. No set of goals and objectives includes everything.

This is what we are about. We plant seeds one day that one day will grow. We water seeds already planted knowing that they hold future promise. We lay foundations that will need further development. We provide yeast that produces effects beyond our capabilities.

We cannot do everything and there is a sense of liberation in realizing that.

This enables us to do something and to do it very well. It may be incomplete, but it is a beginning, a step along the way, an opportunity for God's grace to enter and to do the rest.

We may never see the end results, but that is the difference between the master builder and the worker. We are workers, not master builders. Ministers, not messiahs. We are prophets of the future, not our own.

So, Lord, help and guide us that we may plant seeds today that future generations may water and so that we may build a foundation that will truly be good for our people and our country.

Amen.

The President. The Senate Choir will lead us in the singing of the Philippine National Anthem.

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

The President. The Secretary will now call the roll.

ROLL CALL

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	**
Senator Panfilo M. Lacson	Present
Senator Loren B. Legarda Leviste	Absent ***
Senator Ramon B. Magsaysay Jr.	Present
Senator Blas F. Ople	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

* Arrived after the roll call

** On official mission

*** On account of illness

Recto Yes
 Revilla
 Sotto III Yes
 Villar Jr. Yes
 The President Yes

APPROVAL OF P. S. RES. NO. 244
 ON THIRD READING

The President. With 19 affirmative votes, no negative vote, and no abstention, Proposed Senate Resolution No. 244 is approved on Third Reading.

BILL ON THIRD READING
**H. No. 4019 — Granting the Seagull Marine
 Communication Network Corp. a Franchise**

Senator Flavier. Mr. President, I move that we vote on Third Reading on House Bill No. 4019. Copies of the bill were distributed to the members on March 7, 2002.

The President. Is there any objection? *[Silence]* There being none, voting on Third Reading on House Bill No. 4019 is now in order.

The Secretary will please read only the title of the bill.

The Secretary. House Bill No. 4019, entitled

AN ACT GRANTING THE SEAGULL MARINE
 COMMUNICATION NETWORK CORP. A
 FRANCHISE TO CONSTRUCT, INSTALL,
 ESTABLISH, OPERATE AND MAINTAIN
 PUBLIC RADIOTELEPHONE COASTAL
 STATIONS FOR THE TRANSMISSION AND
 RECEPTION OF RADIOTELEPHONE
 COMMUNICATIONS WITHIN AND OUTSIDE
 THE PHILIPPINES

The President. We shall now vote on the bill and the Secretary will call the roll.

The Secretary. Senators

Angara
 Aquino-Oreta
 Arroyo Yes
 Barbers Yes
 Biazon Yes
 Cayetano Yes
 De Castro Yes
 Ejercito Estrada Yes

Flavier Yes
 Honasan Yes
 Jaworski
 Lacson Yes
 Legarda Leviste
 Magsaysay Jr. Yes
 Ople Yes
 Osmeña (J.) Yes
 Osmeña III Yes
 Pangilinan Yes
 Pimentel Jr. Yes
 Recto Yes
 Revilla
 Sotto III Yes
 Villar Jr. Yes
 The President Yes

APPROVAL OF H. NO. 4019 ON THIRD READING

The President. With 19 affirmative votes, no negative vote, and no abstention, House Bill No. 4019 is approved on Third Reading.

CONFERENCE COMMITTEE REPORT ON
 S. NO. 2050/H. NO. 4456
**(Granting the Seagull Marine Communication Network
 Corp. a Franchise)**

Senator Flavier. Mr. President, we are in receipt of a conference committee report on the disagreeing provisions of Senate Bill No. 2050 and House Bill No. 4456 on the postponement of the barangay and Sangguniang Kabataan elections. Copies of the report have been distributed to the senators.

I ask that we call on the sponsor of the measure, Senator Pimentel, to present the report.

The President. Sen. Aquilino Q. Pimentel Jr. is recognized to render the report of the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 2050 and House Bill No. 4456.

REPORT OF SENATOR PIMENTEL

Senator Pimentel. Mr. President, in behalf of the Senate panel, we are pleased to report that we met with our House counterparts last Friday and we came up with this joint explanation as well as the Conference Committee Report itself.

With the Body's permission, Mr. President, may I read the following joint explanation of the conference committee on the disagreeing provisions of Senate Bill No. 2050 and House Bill No. 4456:

1. The conferees agreed to use the Senate version, Senate Bill No. 2050, as the working draft of the conference;

2. The conferees also agreed to hold synchronized barangay and Sangguniang Kabataan elections on July 15, 2002 with subsequent elections to be held on the last Monday of October and every three (3) years thereafter. Thus, Section 3 of the House version, House Bill No. 4456, was amended to read as follows:

SECTION 1. Date of Election. - There shall be synchronized barangay and sangguniang kabataan elections which shall be held on July 15, 2002. Subsequent synchronized barangay and sangguniang kabataan elections shall be held on the last Monday of October and every three (3) years thereafter.

3. On the Term of Office, the conferees agreed that the term of office of the barangay and Sangguniang Kabataan officials shall be three (3) years. Section 5 of the House version was adopted *in toto*, although it was renumbered as Section 2 of the reconciled bill.

In this connection, Mr. President, allow me to put on record that the principal reason there was a reduction of the term of the Sangguniang Kabataan as well as the barangay officials was the fact that it would look awkward, to say the least, that these officials who are being supervised by the mayor would have a longer term than their supervising officer in effect.

4. On Registration, the conferees agreed: a) to allow the Commission on Elections to fix the date of the special registration for the July 15, 2002 elections as far as the Sangguniang Kabataan voters are concerned; and b) that subsequent registration of barangay and Sangguniang Kabataan voters shall be governed by Republic Act No. 8189. To conform to our agreement, Section 7 of the House version was amended to read as follows:

SEC. 3. Registration. - For purposes of the July 15, 2002 synchronized barangay and sangguniang kabataan elections provided under this Act, a special registration of voters for the sangguniang kabataan shall be fixed by the Commission on Elections. Subsequent registration of barangay and sangguniang kabataan voters shall be governed by Republic Act No. 8189.

This section was renumbered, Mr. President, as Section 3 of the reconciled version.

5. On Assumption of Office, the conferees agreed that the term of office of the officials who were elected or who are to be elected on the July 15, 2002 elections shall commence on August 15, 2002, while the term of office of the officials elected in subsequent

elections would commence at noon of November 30 next following their election. Thus, Section 6 of the House version was amended to read as follows:

SEC 4. Assumption of Office. - The term of office of the barangay and sangguniang kabataan officials elected under this Act shall commence on August 15, 2002. The term of office of the barangay and sangguniang kabataan officials elected in subsequent elections shall commence at noon of November 30 next following their election.

This section has been renumbered as Section 4 to conform to the agreement.

6. The conferees agreed to delete the phrase "whether elected, appointed or designated" found in Section 8 of the House version. They also agreed to add a second sentence, which reads as follows: **THE PROVISIONS OF THE OMNIBUS ELECTION CODE RELATIVE TO THE FAILURE OF ELECTIONS AND SPECIAL ELECTIONS ARE HEREBY REITERATED IN THIS ACT.**

Section 5 of the reconciled bill shall now read as follows:

SEC. 5. HOLD OVER. - ALL INCUMBENT OFFICIALS AND SANGGUNIANG KABATAAN OFFICIALS SHALL REMAIN IN OFFICE UNLESS SOONER REMOVED OR SUSPENDED FOR CAUSE UNTIL THEIR SUCCESSORS SHALL HAVE BEEN ELECTED AND QUALIFIED. THE PROVISIONS OF THE OMNIBUS ELECTION CODE RELATIVE TO THE FAILURE OF ELECTIONS AND SPECIAL ELECTIONS ARE HEREBY REITERATED IN THIS ACT.

6. On the composition of the *Katipunan ng Kabataan*, the conferees agreed to amend Section 6 of the Senate version which amends Section 424 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 by: a) restyling the phrase found on page 2, line 13, of Senate Bill No. 2050, and I quote: "all citizens of the Philippines" to "[all] FILIPINO citizens [of the Philippines]"; b) by transposing the phrase "[not more than twenty-one (21)]", actually deleting that phrase, and transposing the phrase "LESS THAN EIGHTEEN (18)" found in line 25 of the same page of Senate Bill No. 2050; and c) adding the phrase **ON THE DAY OF ELECTION** after the phrase "years of age" in line 16 of the same page.

As adopted by the conferees, Section 6 of the reconciled bill shall now read as follows:

SEC. 6. Section 424 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

SECTION 424. KATIPUNAN NG KABATAAN. - THE KATIPUNAN NG KABATAAN SHALL BE COMPOSED OF FILIPINO CITIZENS, ACTUALLY RESIDING IN THE BARANGAY FOR AT LEAST SIX (6) MONTHS, WHO ARE FIFTEEN (15) BUT LESS THAN EIGHTEEN (18) YEARS OF AGE ON THE DAY OF THE ELECTION, AND WHO ARE DULY REGISTERED IN THE LIST OF THE SANGGUNIAN KABATAAN OR IN THE OFFICIAL BARANGAY LIST IN THE CUSTODY OF THE BARANGAY SECRETARY.

Mr. President, I wish to put on record that the House panel had earlier suggested that we add a proviso to this section, which reads as follows:

PROVIDED, HOWEVER, THAT THOSE ELECTED AS OFFICIALS OF THE SANGGUNIAN KABATAAN SHALL HOLD OFFICE AND REMAIN MEMBERS OF THE KATIPUNAN UNTIL THE EXPIRATION OF THEIR TERM OF OFFICE EVEN AFTER THEY SHALL HAVE REACHED THE AGE OF EIGHTEEN (18).

The intention, Mr. President, is to make sure that those who are elected, let us say, at 16 years of age and they have a three-year term, obviously, they will be 19 already at the end of their term. The House contingent felt that we should provide for this eventuality to make it clear that even if they are already above 18 years of age, provided they were elected before they were 18, they can continue to finish the full term, Mr. President, even after they shall have gone beyond the age of 18. They have, however, accepted my suggestion that we need not put that as an amendment because we have not been able to meet since our meeting last Friday.

But we should make it of record that that is the intent of the law, very clearly, that even those who are elected, let us say, at 17, have a three-year term. So, obviously, at the end of their term they will already be 20 years old. They are not supposed to be dislodged from that position until after they shall have finished their term to which they have been elected, Mr. President. And it should be fully understood that that is the intent of the law.

8. On the qualifications of elected Sangguniang Kabataan officials, the conferees agreed to amend Section 3 of the Senate version which amends Section 428 of the Local Government Code of 1991 by: a) transposing the phrase "[not more than twenty-one (21)]" before the phrase "LESS THAN EIGHTEEN (18)" on page 2, line 25 of Senate Bill No. 2050; b) deleting the brackets ([]), Mr. President, and enclosing the word "and" found in line 27 of the same page and deleting the phrase "*and must not be related within the second degree of consanguinity or affinity to any incumbent elected public official*" found on page 2, line 28, and page 3, lines 1 and 2 of the Senate version, now Senate Bill No. 2050.

Let me put on record, Mr. President, that there was appreciation to the intent that we should start prohibiting children of politicians running for various positions in the Sangguniang Kabataan elections. But it was also brought out that probably we should have a general law to cover this intent, rather than single out the *kabataan* for the anti-dynasty law provision found in the Constitution.

So that was the reason the reconciled version was amended. With the Chair's permission, may I read it, Mr. President:

SEC. 7. Section 428 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, is hereby amended to read as follows:

Section 428. Qualifications. - An elective official of the sangguniang kabataan must be a FILIPINO citizen, a qualified voter of the katipunan ng kabataan, a resident of the barangay for at least one (1) year immediately prior to election, at least fifteen (15) years but LESS THAN EIGHTEEN (18) years of age on the day of THE election, able to read and write Filipino, English or the local dialect, and must not have been convicted of any crime involving moral turpitude.

9. On Appropriations, Mr. President, the conferees agreed to craft a new Section 8 to conform to the observations and proposals of the members. Thus, Section 8 of the reconciled bill shall now read as follows:

SEC. 8. Appropriation. - The amount of One Billion One Hundred Million Pesos (P1,100,000,000.00) needed for the purpose shall be charged from the appropriation of the Commission on Elections authorized under Republic Act No. 9162, otherwise known as the FY 2002 General Appropriations Act.

In addition, the savings of the Commission on Elections not exceeding Three Hundred Million Pesos (P300,000,000.00) shall be used to augment said appropriations as authorized under Commission on Elections Special Provision No. 2 of Republic Act No. 9162.

The funds mentioned above may be augmented by an amount not exceeding ten percent (10%) of the sangguniang kabataan funds reserved pursuant to Section 532 (c) of Republic Act No. 7160.

10. Section 9 of the House version was amended by the deletion of the phrase "Local Government Code of 1991, as amended" on page 3, line 8 of House Bill No. 4456 and was adopted as Section 9 of the reconciled bill by the conferees.

11. Section 10, *Implementing Rules and Regulations*, of the reconciled bill was lifted *in toto* from Section 10 of the House version.

12. Section 11, *Separability Clause*, and Section 12, *Repealing Clause* of the reconciled bill were lifted from Sections 11 and 12 of the Senate version.

13. Section 13 of the Senate version was amended by deleting the word and figure "fifteen (15)" found in line 7, page 8 of Senate Bill No. 2050 and replacing them with the word and figure SEVEN(7).

14. As adopted by the conferees, the title of the reconciled bill shall read as follows:

AN ACT PROVIDING FOR SYNCHRONIZED
BARANGAY AND SANGGUNIAN
KABATAAN ELECTIONS, AMENDING
REPUBLIC ACT NUMBERED 7160, AS
AMENDED, OTHERWISE KNOWN AS THE
"LOCAL GOVERNMENT CODE OF 1991," AND
FOR OTHER PURPOSES

15. The conferees empowered the chairmen of the Senate panel and the House panel, respectively, Senator Pimentel and Congressman Syjuco, to sign each and every page of the reconciled bill for and in behalf of the members of the two panels.

Mr. President, may I just add, for purposes of record, that even as the reconciled bill does not set a deadline for the Comelec to approve the implementing rules and regulations, it is understood that it should do so in time for the rules to be used for purposes of the elections contemplated in this bill.

May I therefore move for the approval of the bill.

Senator Arroyo. Mr. President.

The President. Sen. Joker P. Arroyo is recognized.

Senator Arroyo. Mr. President, I would just request the sponsor if he could answer a few doubts I have, more particularly on Section 3 of the compromise bill, which reads:

SEC. 3. *Registration.* - For purposes of the July 15, 2002 synchronized barangay and sangguniang kabataan elections provided under this Act, a special registration of voters for the sangguniang kabataan shall be fixed by the Commission on Elections...

Now, Mr. President, the Omnibus Election Code says that registration should be made 120 days before each election. Would

the sponsor enlighten us on how this special registration of voters, the date of which is not indicated in the law, would meet the July 15 deadline? If we have to compute 120 days that is actually four months. Now, March 15 and today is already March 11. So, how do we do that?

Senator Pimentel. Mr. President, I am informed that if the Comelec can announce the registration to begin on March 15, we still come up with the...

Senator Arroyo. Do we understand that if the Comelec should announce the registration on March 15, all the registrants subsequent to that would be able to vote? I mean, is that the idea? I thought that one is only eligible to vote if one registers 120 days before the next election. I could be wrong in this understanding of mine. That is why I would be happy if I am corrected. I do not know too much about this.

Senator Pimentel. That is what is provided for in the Omnibus Election Code. That is why we are making this provision especially applicable only to Sangguniang Kabataan elections for purposes of the elections on July 15, Mr. President.

Senator Arroyo. In other words, what the sponsor is saying is that under the Omnibus Election Code, registrants should be able to register 120 days before the elections. Now, in this case, the Sangguniang Kabataan election would be on July 15. Ergo, registrants who may want to vote on July 15 must be registered on or before March 15 of this year.

Senator Pimentel. Mr. President, that is not necessarily so. The Comelec is empowered to fix a date which may be shorter than the 120 days provided but only for purposes of the Sangguniang Kabataan registration for this particular election.

The President. In other words, this is an exception to the general rule of registration 120 days before the election.

Senator Pimentel. That is my understanding, Mr. President.

Senator Arroyo. Well, I am really in a quandary here because the date has not been fixed and the Commission on Elections is the one supposed to fix it. Let us just say that the Commission on Elections fails to announce the registration by March 15. Well, that is goodbye to the new registrants. Is my interpretation correct?

Senator Pimentel. Not necessarily, Mr. President, because under the terms of this proposed law, the Commission on Elections shall fix the date of registration. In fact, during our Bicameral Conference Committee, the Commission on Elections was thinking of fixing two specific dates so that this will be disseminated for the

information of the *kabataan*. One of the reasons the Sangguniang Kabataan elections had been deferred was to accommodate the so-called "youth" who have not been able to register pursuant to the continuing registration requirements of the Omnibus Election Code, so that the Sangguniang Kabataan will be entitled to register pursuant to the dates fixed by the Commission on Elections in accordance with this proposed law.

Senator Arroyo. Mr. President, I think we are talking here of about three million young.... Would that figure be correct? I do not know.

Senator Pimentel. More or less, Mr. President.

Senator Arroyo. All right. We are talking about three million new youngsters who can participate in the July 15 Sangguniang Kabataan elections, and I am just worried about some crackpots who might again challenge this law. So I would not pursue this further with the assurance that... I think Senator Pimentel should be able to defend this in case...

Senator Pimentel. Yes, because otherwise the gentleman will encourage the crackpots to precisely contest this law.

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

The President. Thank you. Sen. Renato L. *Compañero* Cayetano is recognized.

Senator Cayetano. Mr. President, will the chairman of the Senate conferees, the gentleman from Mindanao, yield for some clarificatory questions?

Senator Pimentel. Certainly, Mr. President.

Senator Cayetano. First of all, Mr. President, we know for a fact that the term of office of the barangay and Sangguniang Kabataan is five years. May I know why it has been limited to three years under this bill?

Senator Pimentel. The reason, Mr. President, is that the conferees thought that the five-year term of the Sangguniang Kabataan or even of the barangay officials would be a little anomalous considering that their very superiors—meaning to say, the local government officials—who have jurisdiction over them would have a shorter term than the Sangguniang Kabataan because the local government officials only have a three-year term.

Senator Cayetano. The three-year term, Mr. President, for all local officials, except barangay and Sangguniang Kabataan officials, are based on the Constitution, and the five-year term, I believe, is based on the Local Government Code, am I correct?

Senator Pimentel. No, the Local Government Code provides for a three-year term. Then subsequently there was a law that added another two years.

Senator Cayetano. That is right. So, we are going back to the provision of the Local Government Code.

Senator Pimentel. That is correct, Mr. President.

Senator Cayetano. Well, I just want to point out, for the record, that, theoretically speaking, members of the barangay, from the chairman to the kagawad and the Sangguniang Kabataan, are not supposed to be under the mayor except for supervision but not control because they are as well elected just like the mayors.

Senator Pimentel. Yes, for purposes of supervision.

Senator Cayetano. That is right, Mr. President. Now, I note that there has been a change from 18 years, I mean, under 18 to 21. Is this because the age of majority now is 18 years?

Senator Pimentel. Well, among other things, basically, when we hold the elections of the Sangguniang Kabataan officials and the barangay, we will have an overlap of ages unless we make it very clear that only those who are 15 years of age but less than 18 may vote for the Sangguniang Kabataan, while those who are 18 or above, may vote for the sangguniang barangay.

Mr. President, the reason I said this is that before the synchronization of these two exercises, there was little problem in allowing voters who are from 15 to not more than 21 to vote in the Sangguniang Kabataan elections because the Sangguniang Kabataan elections were then held apart from the barangay elections. But if we have the holding of synchronized elections for these two sets of barangay officials,—meaning to say, Sangguniang Kabataan and the regular barangay officials—then we will have some problems, because the barangay law would allow people residing in the barangay who are 18 years and above to vote for the barangay officials, while the Sangguniang Kabataan would allow also, prior to the amendment, from age 15 up to not more than 21, if I am not mistaken.

Senator Cayetano. That is correct, Mr. President.

Senator Pimentel. So there will be some confusion there if we do not specifically delineate the ages between these two sets of officials—one relative to the Sangguniang Kabataan which requires the age of 15 to less than 18 and for the barangay, 18 and above.

Senator Cayetano. I thank the gentleman for that. I can appreciate the procedural remedial measure as far as this is

concerned. But I am sure the Chair will agree with me that those who are less than 18 are still minors, that is why we call it "Sangguniang Kabataan."

Senator Pimentel. Less than 18, yes.

Senator Cayetano. Having the age of majority changed by the Family Code from 21 to 18.

Mr. President, may I call attention also to Section 6 and Section 7. Perhaps, it is just in my mind. Under Section 6, it says here:

The katipunan ng kabataan shall be composed of [all] FILIPINO citizens actually residing in the barangay for at least six (6) months,...

Never mind the age, we all agree with that. And then in Section 7, it says:

An elective official of the sangguniang kabataan must be a FILIPINO citizen... a resident of the barangay for at least one (1) year prior to election...

May I seek clarification, Mr. President. Under Section 6, it speaks of "katipunan ng kabataan," while Section 7 speaks of "sangguniang kabataan." Is there any difference here?

Senator Pimentel. Mr. President, the Katipunan ng Kabataan is the mass of *kabataan* voters in a particular locality. And the requirement is that to be able to participate in the election of the Sangguniang Kabataan, they must be duly registered in the list of the Sangguniang Kabataan and residents in the barangay for at least six months. But to run for office as an official of the Sangguniang Kabataan, the residence requirement is one year.

Senator Cayetano. This is deliberate then, Mr. President?

Senator Pimentel. Yes, Mr. President.

Senator Cayetano. In other words, as a mere voter, we need to reside only in the barangay for at least six months.

Senator Pimentel. That is correct, Mr. President.

Senator Cayetano. But to be a candidate, one must live in the barangay for at least one year. Am I correct, Mr. President?

Senator Pimentel. That is correct, Mr. President.

Senator Cayetano. I thank the gentleman for that, Mr. President.

Going to the earlier questions of our colleague, Senator Arroyo, perhaps the reason there is an issue, while the Omnibus Election Code specifically states that registration of the voters shall be held not less than 120 days before an election, is that in the repealing clause, there is nothing. I am speaking now of Section 12 of the Bicameral Conference Committee Report where there is no repealing clause. That is probably where the confusion lies, because without the specific repealing clause, the mandate of the law, the Omnibus Election Code, is indeed a registration, 120 days before election.

The Repealing Clause under Section 12 speaks only of "decrees, executive order, rules and regulations inconsistent with the provision of this Act are hereby repealed or modified accordingly." So it does not speak of the Omnibus Election Code.

But in any event, Mr. President, the spirit of this particular Conference Committee Report is such that the commission has, I believe, promised that there will be two special registrations, am I correct, Mr. President?

Senator Pimentel. Yes, that is correct.

Senator Cayetano. And I think we should hold them to that promise and if that were so, Mr. President, that would be all. Thank you very much.

Senator Pimentel. Thank you, Mr. President. And before we finally submit the Bicameral Conference Committee Report to a vote, may I also put on record—I remember this point because I saw Romy Macalintal there in the gallery—that it is understood that there will be two ballots, more or less, one for the Sangguniang Kabataan, one for the sangguniang *katigulangan* in the Bisaya, *katandaan*, people who are 18 years of age or over so that there will be no confusion in the ballots that will be distributed and then in the casting of the votes.

Senator J. Osmeña. Mr. President.

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

Senator J. Osmeña. Mr. President, just to seek some clarifications. Section 2, the first paragraph, states: "The term of office of both barangay and sangguniang kabataan officials after the effectivity of this Act shall be for three years."

Then the second paragraph says: "No barangay elective official shall serve for more than three consecutive terms in the same position. *Provided, however*, that the term of office shall be reckoned from the 1994 barangay elections."

So the one who was elected in 1994—when was the next barangay election after 1994? The barangay.

Senator Pimentel. *Walang* election, I think...

Senator J. Osmeña. The elections were held in 1994.

Senator Pimentel. That is correct.

Senator J. Osmeña. After 1994 the next election was held in 1997, according to Senator Recto.

The President. Yes.

Senator J. Osmeña. And then this election that is coming now. So are we saying that notwithstanding the restriction of three years, the one who was elected in 1994 to 1997 has served one term. The one who was elected in 1997 to 2002, which is five years,—

Senator Pimentel. Second term.

Senator J. Osmeña. —is reckoned to have served only the second term. Therefore, since there is a restriction to three consecutive terms, notwithstanding the fact that the terms are now limited to three years, the one who is elected in this forthcoming election, if he was elected in 1994 and if he was elected in 1997, has only one term left. Is that correct?

Senator Pimentel. One term left. That is my understanding, Mr. President.

Senator J. Osmeña. Thank you, Mr. President.

The President. One term of three years.

Senator Pimentel. One term of three years, yes, Mr. President.

APPROVAL OF CONFERENCE COMMITTEE REPORT
ON S. NO. 2050/H. NO. 4456

The President. There is a motion to approve the Bicameral Conference Committee Report on the Disagreeing Provisions of Senate Bill No. 2050 and House Bill No. 4456.

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

The following is the whole text of the bicameral conference committee report:

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of Senate Bill No. 2050:

AN ACT AMENDING REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991", AS AMENDED, RESETTING THE ELECTIONS OF THE SANGGUNIANG KABATAAN OFFICIALS TO THE FIRST MONDAY OF NOVEMBER, 2002 AND FOR OTHER PURPOSES

and House Bill No. 4456, entitled

AN ACT PROVIDING FOR A SYNCHRONIZED BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS ON THE SECOND MONDAY OF NOVEMBER 2002 REPEALING REPUBLIC ACT NO. 8524 AND FOR OTHER PURPOSES,

after having met and discussed the subject matter in full and free conference, has agreed and does hereby recommend to their respective Houses that Senate Bill No. 2050, in consolidation with House Bill No. 4456, be approved in accordance with the attached copy of the bill as reconciled and approved by the conferees.

Approved,

CONFEREES ON THE PART OF THE
HOUSE OF REPRESENTATIVES

(Sgd.) AUGUSTO BOBOY SYJUCO
Chairman

HERMINIO G. TEVES

ROLEX T. SULPICIO

EMILIO C. MACIAS II

TEODORO L. LOCSIN JR.

MANUEL C. ORTEGA

(Sgd.) ENRIQUE T. GARCIA JR.

JOAQUIN M. CHIPECO JR.

(Sgd.) LORETTA ANN P. ROSALES

(Sgd.) CARLOS M. PADILLA

(Sgd.) BENASING O. MACARAMBON JR.

(Sgd.) ROSELLER L. BARINAGA JR.

VICTOR R. SUMULONG

(Sgd.) DOUGLAS RA. CAGAS

(Sgd.) DEL R. DE GUZMAN

(Sgd.) ARTHUR D. DEFENSOR

(Sgd.) SULPICIO S. ROCO JR.

CONSTANTINO G. JARAULA

*CONFEREES ON THE PART
OF THE SENATE*

(Sgd.) AQUILINO Q. PIMENTEL JR.

MANUEL B. VILLAR JR.

(Sgd.) RALPH G. RECTO

(Sgd.) FRANCIS N. PANGILINAN

(Sgd.) PANFILO M. LACSON

(Sgd.) EDGARDO J. ANGARA

JOHN HENRY OSMEÑA

Senate Bill No. 2050

AN ACT AMENDING REPUBLIC ACT NO. 7160,
OTHERWISE KNOWN AS THE "LOCAL
GOVERNMENT CODE OF 1991", AS
AMENDED, RESETTING THE ELECTIONS OF
THE SANGGUNIAN KABATAAN OFFICIALS
TO THE FIRST MONDAY OF NOVEMBER, 2002
AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of
Representatives of the Philippines in Congress
assembled:*

SECTION 1. Section 43 (c) of Republic Act No.
7160, otherwise known as the Local Government Code
of 1991, as amended, is hereby further amended to
read as follows:

"SEC. 43. *Term of Office.* -

"(a) The term of office of all local elective
officials elected after the effectivity of this
Code shall be three (3), starting from noon of
June 30, 1992 or such date as may be provided

for by law, except that of elective *barangay*
officials and members of the *sangguniang*
kabataan: *Provided*, That all local officials
first elected during the local elections
immediately following the ratification of the
1987 Constitution shall serve until noon of
June 30, 1992.

"(b) No local elective official shall serve for
more than three (3) consecutive terms in the
same position. Voluntary renunciation of the
office for any length of time shall not be
considered as an interruption in the continuity
of service for the full term for which the elective
official concerned was elected.

"(c) The term of *barangay* officials and
members of the *sangguniang kabataan* shall
be for five (5) years, which shall begin after
the regular election of *barangay* officials on
the second Monday of May, 1997: *Provided*,
That the *sangguniang kabataan* members
who were elected in the May 1996 elections
shall serve until the next regular election of
[*barangay officials*] THE SANGGUNIAN
KABATAAN ON THE FIRST MONDAY OF
NOVEMBER, 2002."

SEC. 2. Section 428 of Republic Act No. 7160,
otherwise known as the Local Government Code of 1991,
is hereby amended to read as follows:

"Section 428. *Qualifications.* - A elective
official of the *sangguniang kabataan* must be
a citizen of the Philippines, a qualified voter of
the *katipunan ng kabataan*, a resident of the
barangay for at least one (1) year immediately
prior to election, at least fifteen (15) years but
not more than twenty-one (21) years of age on
the day of his election, able to read and write
Filipino, English, or the local dialect, [and] must
not have been convicted of any crime involving
moral turpitude, AND MUST NOT BE
RELATED WITHIN THE SECOND DEGREE
OF CONSANGUINITY OR AFFINITY TO THE
PUNONG BARANGAY OF THE BARANGAY
CONCERNED OR TO THE MAYOR OF THE
CITY OR MUNICIPALITY CONCERNED."

SEC. 3. Section 532 of Republic Act No. 7160, otherwise
known as the Local Government Code of 1991, is hereby amended
as follows:

"Section 532. Elections for the *Sangguniang Kabataan*. - (a) The first elections for the *sangguniang kabataan* to be conducted under this Code shall be held thirty (30) days after the next local elections: *Provided, That, the regular elections for the sangguniang kabataan shall be held on the first Monday of May, 1996: Provided, further, That the [succeeding] NEXT regular elections for the sangguniang kabataan shall be held ON THE FIRST MONDAY OF NOVEMBER, 2002 AND every [three (3)] FIVE (5) years thereafter: Provided, finally, That the national, special metropolitan, provincial, city and municipal federations of the sangguniang kabataan shall conduct the election of their respective officers thirty (30) days after the May, 1996 sangguniang kabataan elections on dates to be scheduled by the Commission on Elections.*

"The conduct of the *sangguniang kabataan* elections shall be under the supervision of the Commission on Elections."

"(b) The amount pertaining to the ten percent (10%) allocation for the *kabataang barangay* as provided for in Section 103 *Batas Pambansa Blg. 337* is hereby re-appropriated for the purpose of funding the first elections mentioned above. The balance of said funds, if there be any after the said elections, shall be administered by the Presidential Council for Youth Affairs for the purpose of training the newly-elected *sangguniang kabataan* officials in the discharge of their functions.

"(c) For the regular elections of the *sangguniang kabataan*, funds shall be taken from the ten percent (10%) of the *barangay* funds reserved for the *sangguniang kabataan*, as provided for in Section 328 of this Code, WHICH FUNDS THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM) SHALL SET ASIDE FOR AUTOMATIC RELEASE TO THE COMELEC.

"(d) All seats reserved for the *pederasyon ng mga sangguniang kabataan* in the different *sanggunians* shall be deemed vacant until such time that the *sangguniang kabataan* chairmen shall have been elected and the respective *pederasyon* presidents have been

selected: *Provided, That, elections for the kabataang barangay conducted under Batas Pambansa Blg. 337 at any time between January 1, 1998 and January 1, 1992 shall be considered as the first elections provided for in this Code. The term of office of the kabataang barangay officials elected within the said period shall be extended correspondingly to coincide with the term of office of those elected under this Code."*

SEC. 4. *Special Registration*. - For purposes of the November, 2002 *Sangguniang Kabataan* election provided under this Act, a special registration of voters for the *Sangguniang Kabataan* shall be held not later than one hundred twenty (120) days before the scheduled elections on such dates as may be determined by the COMELEC.

SEC. 5. *Hold-Over*. - The incumbent *sangguniang kabataan* officials shall remain in office unless sooner removed or suspended for cause, and until their successors shall have been elected and qualified.

SEC. 6. *Term of Office*. - The term of office of the *sangguniang kabataan* officials elected pursuant to this Act shall commence on January 1, 2003, and shall expire on the first day of January five (5) years thereafter.

SEC. 7. *Appropriation*. - Such amounts necessary to undertake the special registration authorized under this Act is hereby appropriated for the purpose out of the savings under the present General Appropriations Act.

SEC. 8. *Separability Clause*. - If any provision of this Act is declared unconstitutional or invalid, such sections or parts not affected thereby shall remain in full force and effect.

SEC. 9. *Repealing Clause*. - All decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 10. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved,

The Majority Leader is recognized.