

RECORD OF THE SENATE

WEDNESDAY, MARCH 6, 2002

OPENING OF THE SESSION

At 3:39 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 65th session of 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. John Henry R. Osmeña.

Everybody rose for the prayer.

PRAYER

Senator J. Osmeña.

Lord, we seek Your guidance today as we do everyday so that we may make a good judgment on all the vital measures that come before us in this Chamber.

And especially today, Lord, we ask You to unite this nation, to bless it with compassion so that it may be able to override the unrest and its political and economic difficulties.

Heal the wounds, Lord, that were inflicted by poverty and political polarization.

Strengthen our hearts as we set aside selfishness in order to shower love, compassion, care and charity towards our fellowmen.

This we ask in the mighty name of our Lord Jesus Christ.

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. Flavie	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

The President. With 15 senators present, there is a quorum.

THE JOURNAL

Senator Flavie. Mr. President, I move that we dispense with the reading of the *Journal* of the 64th session, March 5, 2002, and consider it approved.

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

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF A DELEGATION FROM BAGUIO COLLEGES FOUNDATION, BAGUIO CITY, LED BY MS. REGINA DELOS SANTOS AND MS. JOAN GOROSPE

Senator Flavie. At this point, Mr. President, may I manifest the presence of very important visitors from Baguio City. They are from the Baguio Colleges Foundation, all of them voted for me, led by Ms. Regina de los Santos and Ms. Joan Gorospe at the right gallery section.

The President. The presence of our visitors from Baguio City is recognized and made of record.

Senator Flavie. Mr. President, I now move that we proceed to the Reference of Business.

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

- * Arrived after the roll call
- ** On official mission
- *** On account of illness

Sponsors: Senators Sotto III, J. Osmeña, Recto, Leviste, Villar Jr. and Ejercito Estrada

The President. To the Calendar for Ordinary Business

SECOND ADDITIONAL REFERENCE OF BUSINESS

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

MALACAÑANG
MANILA

February 18, 2002

The Honorable Senate President
and Members of the Senate
Senate of the Philippines
Pasay City

Gentlemen and Ladies of the Senate:

Pursuant to the provisions of Section 21, Article VII of the 1987 Constitution, I have the honor to submit, for the Senate's consideration and concurrence, a certified true copy of the *Agreement Establishing the Advisory Centre on WTO Law*, which was signed in Seattle, Washington, USA on 1 December 1999.

The WTO Law Advisory Centre is an inter-governmental organization independent of the World Trade Organization. The primary objective of the centre is to provide legal training, support and advice on WTO law and dispute settlement procedures to developing countries, least developed countries, and economies in transition. The centre is also envisioned to train government officials of developing countries in WTO law, through seminars on WTO law and jurisprudence, internship, and other appropriate and effective mechanisms.

As a member-country, the Philippines is obliged to pay a one-time membership fee of US\$100,000 payable in installments, within a four-year period. And as a member, the Philippines will be entitled to free advice on WTO law and to free participation in seminars and training, as well as to discounted hourly rates for legal support during dispute settlement proceedings.

An initial contribution of US\$100,000 may be taken from the lump sum appropriation of the 2002 International Commitments Fund, while the balance will be programmed in the ICF budgets of succeeding years.

The centre will greatly contribute to the effective participation of developing countries in the multilateral trading system, particularly in defending and promoting their rights in the World Trade Organization. The Philippines stands to benefit from the centre through technical assistance, exchange of information and expertise, as well as training of officials and personnel.

The Department of Trade and Industry (DTI) strongly recommends the Philippine ratification of the agreement.

In view of the foregoing, I am forwarding the Instrument of Ratification and the draft Senate Concurring Resolution on the ratification of the agreement.

(Sgd.) GLORIA MACAPAGAL ARROYO

Encl.: As stated.

The President. Referred to the Committee on Foreign Relations

COMMITTEE REPORT

The Secretary. Committee Report No. 31, prepared and submitted jointly by the Committees on Constitutional Amendments, Revision of Codes and Laws; and Local Government on Senate Bill No. 2050, with Senators Sotto III, Drilon, Angara and J. Osmeña as authors thereof, entitled

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

recommending its approval in substitution of Senate Bill Nos. 1530, 2006 and 2028.

Sponsors: Senator Angara, J. Osmeña, Sotto III and Drilon

The President. To the Calendar for Ordinary Business

The Majority Leader is recognized.

BILL ON SECOND READING
S. No. 1865 — National Plant Variety
Protection Board
(Continuation)

Senator Flavio. Mr. President, I move that we resume

Senate Bill No. 1865 or the Philippine Plant Variety Protection Act of 2001.

The President. Is there any objection? *[Silence]* There being no objection, the motion is approved.

**MOTION OF SENATOR FLAVIER
(All Senators Present as Coauthors of
P. S. Res. No. 251)**

Senator Flavier. Mr. President, at this moment, may I manifest a request from Sen. Noli "Kabayan" De Castro to be a coauthor, with the permission of Senator Biazon, of Senate Resolution No. 251, directing the Committee on Public Information to look into the closure of two Bombo Radyo stations and the impending closure of 11 more nationwide, Mr. President.

The President. The Chair also would like to join Senator Biazon in authoring that resolution, if it is so permitted.

Senator Villar. Mr. President, may I also join?

The President. All right, those present here?

Senator Flavier. All those present starting with the Acting Majority Leader are made coauthors.

The President. All right, all are made coauthors.

SPECIAL ORDERS

Senator Flavier. At this point, Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 31 on Senate Bill No. 2050, entitled

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.

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

**BILL ON SECOND READING
S. No. 2050 — Resetting SK Elections
to the First Monday of November 2002**

Senator Flavier. Mr. President, I move that we consider Senate Bill No. 2050 as reported out under Committee Report No. 31.

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

Consideration of Senate Bill No. 2050 is now in order. With the permission of the Body, the Secretary will read only the title of the bill without prejudice to inserting in the *Record* the whole text thereof.

The Secretary. Senate Bill No. 2050, entitled

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

The following is the whole text of the bill:

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

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) years, 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 officials 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 SANGGUNIANG KABATAAN ON THE FIRST OF MONDAY OF NOVEMBER, 2002."

SEC. 2. 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 all citizens of the Philippines actually residing in the barangay for at least six (6) months, who are fifteen (15) but LESS THAN EIGHTEEN (18) [not more than twenty-one (21)] years of age, and who are duly registered in the list of the sangguniang kabataan or in the official barangay list in the custody of the barangay secretary."

SEC. 3. 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 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 LESS THAN EIGHTEEN (18) [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 ANY INCUMBENT ELECTED PUBLIC OFFICIAL."

SEC. 4. 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 NOVEMBER, 2002 [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 of *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 NATIONAL YOUTH COMMISSION [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. 5. *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. 6. *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. 7. *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. 8. *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. 9. *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. 10. *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. 11. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved,

Senator Flavio. Mr. President, I move that we recognize Sen. Edgardo J. Angara for the sponsorship speech.

The President. Sen. Edgardo J. Angara is recognized to sponsor Senate Bill No. 2050 under Committee Report No. 31.

SPONSORSHIP SPEECH OF SENATOR ANGARA

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

Mr. President, I stand here today before the Body to sponsor a far-reaching bill. Far-reaching because unless we hold the election for SK, we may very well find out that even these SK officials would already have become grandfathers. Therefore, it is important that we reschedule this election as quickly as possible.

Mr. President, our committee has consolidated four pending bills on the rescheduling of these elections; Senate Bill Nos. 1530, 2006, 2028, and 2048. These various bills were sponsored by the Presiding Officer, Senator Sotto, Senator Biazon and Senator John Osmeña.

Republic Act No. 8524 extended the term limits of the barangay officials and members of the Sangguniang Kabataan from three to five years starting in 1997. Consequently, under Republic Act No. 8524, the SK's next regular election would fall in May of this year. So, we have the very awkward situation that with just a week apart, we will have the SK election first and then one week thereafter the barangay elections.

We have been advised by the Comelec whose representative, Commissioner Borra—he is right now in the gallery waiting for the passage of this bill and also hoping that his confirmation will be made [*Laughter*—] that unless we act on this resetting of the SK election, there will be an administrative nightmare for Comelec, that they cannot cope with two elections, held just one week apart.

The main reason for that is, they will be using the same ballot boxes. This is the first reason. And it would be impossible to use the same ballot one week after because the counting for the SK would not have been completed.

And secondly, Mr. President, it would require an additional hiring of teachers and the creation of additional precincts. So, the task really would seem to be too much and quite unnecessary because we have the time to reschedule the election.

So, this proposal which we distributed today would let the barangay elections be held as scheduled on May 13 and we would now reschedule the SK elections to the first Monday of November. In that way, the elections of the SK and the barangay officials would now come in a more orderly fashion.

Next question is, where do we get the funding for these two electoral exercises this year? Fortunately for the barangay elections there is sufficient fund appropriated under the 2002 budget; and that is P1.1 billion. And in addition to that, the Comelec has about P300 million in savings which it is authorized to realign, if necessary, for the barangay elections.

What about SK elections? The SK elections, under the law, is funded under the barangay fund. I understand the barangay fund right now has sufficient savings that can support the financing of the SK elections in November. All that is required is for the Comelec to ask the Department of Budget and Management to realign that barangay fund for the SK elections.

So there it is, Mr. President. We have the formula as recommended to us by the Comelec which happens to coincide with our conviction that the barangay elections ought not to be postponed but ought to be maintained. We should not let our people get used to the idea that it is so easy to postpone a regularly scheduled election because this is not so. We do not want our people to believe that this is so because next time, they might think that the 2004 elections can also be postponed.

As far as the SK elections is concerned, that is going to be rescheduled purely because of the fact that there will be an administrative nightmare if we do not postpone it.

So, Mr. President, I have the honor and pleasure, on behalf of the Committee on Constitutional Amendments, Committee on Local Government, the Committee on Finance, to strongly recommend that this measure resetting the Sangguniang Kabataan elections to the first Monday of November of this year be unanimously approved.

The President. Thank you, Senator Angara.

The Majority Leader is recognized.

Senator Flavio. Mr. President, there are no reservations for interpellation. I move that we...

Senator Arroyo. Mr. President.

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

Senator Arroyo. Mr. President, quite frankly, I do not know the bill, so my interpellation is not for or against the bill but really for my edification.

I would like to find out from the author what is the sentiment in the House about this bill, just for my edification.

Senator Angara. Mr. President, we had a meeting this morning with Speaker De Venecia and some leaders of the House and they told me that their ideal scenario is for both the elections of barangay and SK to be postponed to November and synchronized in November. So that is their first choice. When I told them that the consensus in the Senate, according to our caucus on Monday, is to maintain the barangay elections as scheduled on May 13 and just reschedule the SK elections to November, they did not show any passionate objection to that scenario that we are going to adopt. I told them that this afternoon, we are going to propose that scenario.

Senator Arroyo. Mr. President, my worry about this bill is if the House should have a different version than ours. Mr. President, in elections involving barangays, congressmen are very much concerned because, well, barangay captains see them in the nature of things.

I learned from some House members that they would prefer, as the sponsor said, the synchronization of both the barangay elections and the SK elections in November so that there will only be one election. They feel that as of now, they just underwent an election. Although barangay elections are supposed to be nonpartisan, as time passed, it is no longer the nonpartisan elections that we originally conceived these to be.

My worry about this is, supposing we act on this bill which is diametrically opposed to ours. Would it not be more prudent if we kind of wait for the House before we act on this? After all, this involves the representatives more than it does to us. Senators do not get involved in barangay elections. Senators are not asked for expenses in the barangay elections.

May I have a moment's recess, Mr. President.

Senator Angara. Mr. President, let me respond to that because it is a very important question.

According to the Comelec, through Commissioner Borra, we have to act one way or the other by March 15, the middle of this month. Otherwise, the two elections will go forward, and there will be no way of retrieving and rescheduling them. So, that is the time constraint we are laboring under.

But I also find the suggestion of our distinguished colleague quite acceptable, Mr. President, as long as we are aware that we have a deadline to work with, and as long as we get a presidential certification, so that...

My understanding is that they are going to consider, if not today... I think they are considering it today, Mr. President. We can have the Secretariat check it with the Secretariat of the other House and find out what is the scenario that they are approving.

My guess is that the scheme that they are approving is a synchronization of the two elections in November. If that is the case and we have a different scenario—which is just the SK in November and the original date for barangay in May—then it is really a question of hard bargaining. We can either yield to the House version or they yield to us. I think it will boil down to that. And we have between Monday and the 15th to effect that kind of a bargain. That is the situation, Mr. President.

Senator Arroyo. Mr. President, if that is the idea of the House, and to avoid a deadlock where we pass a bill which is totally different from the House bill, I share the sponsor's concern that we have to meet the deadline of March 15.

This bill is very simple, in fact, it is just moving the dates. I do not think we will have to argue over this too much because it is just a question of adopting a date. But if we can get the sentiment of the House, I suppose that before March 15, we should be able to have a consensus.

Senator Angara. Maybe even now, Mr. President, our Secretariat can check with the Secretariat of the House.

About an hour and a half ago, the chairman of the Committee on Electoral Reforms and Suffrage, Congressman Boboy Syjuco called and asked me what is the Senate version. I told him exactly what we are now discussing, Mr. President. He repeated the Speaker's story about the two elections being synchronized in November. The bottom line is that we agreed that maybe we can adopt the same formula, meaning our version. To avoid a conference committee, we just go into a concurrence system. We will just call each other and one House will concur with the version of the other.

Senator Arroyo. If that is the case, Mr. President, it is worth the wait so that we will know exactly the sentiment of the House.

I mean I came from the House. It is unruly once the debate there starts. It has 220 members all having their own sentiments. The assurance of the Speaker may not entirely be accurate the moment the debate starts. So I really do not know. I suppose that by Monday we should be able to know something about this.

SUSPENSION OF SESSION

The President. The Chair declares a one-minute suspension of the session, if there is no objection. *[There was none.]*

It was 4:35 p.m.

RESUMPTION OF SESSION

At 5:05 p.m., the session was resumed.

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

SUSPENSION OF CONSIDERATION OF S. NO. 2050

Senator Flavier. Mr. President, I move that we suspend consideration of Senate Bill No. 2050 under Committee Report No. 31.

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

SPECIAL ORDERS

Senator Flavier. Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 22 on Proposed Senate Resolution No. 242, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE SUPPLEMENTARY CONVENTION AMENDING THE CONVENTION BETWEEN THE REPUBLIC OF THE PHILIPPINES AND THE REPUBLIC OF AUSTRIA IN THE FIELD OF SOCIAL SECURITY.

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

RESOLUTION ON SECOND READING P. S. Res. No. 242 — Ratification of RP-Austria Supplementary Convention on Social Security

Senator Flavier. Mr. President, I move that we consider Proposed Senate Resolution No. 242 as reported out under Committee Report No. 22.

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

Consideration of Proposed Senate Resolution No. 242 is now in order. With the permission of the Body, the Secretary will read only the title of the bill without prejudice to inserting in the *Record* the whole text thereof.

The Secretary. Proposed Senate Resolution No. 242, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE SUPPLEMENTARY

the capital to this. Considering that this is the second time around that they have presented evidence, first in the House and then in the Senate in the Eleventh Congress, and they repeated the process again in the House and in the Senate, I urge very strongly that we approve this franchise which is actually a facility for safety. It is not for radio or what, it is really for safety, and I think we should even thank the ones who are having this for doing public service.

Thank you, Mr. President.

The President. Thank you, Senator Arroyo.

The Majority Leader is recognized.

Senator Flavier. Mr. President, there are no reservations for interpellations. Therefore, I move that we close the period of interpellations.

The President. Is there any objection? *[Silence]* There being none, the period of interpellations is closed.

Senator Flavier. Mr. President, there are no committee amendments. I move that we close the period of committee amendments.

The President. Is there any objection? *[Silence]* There being none, the period of committee amendments is closed.

Senator Flavier. Mr. President, there are also no individual amendments. I move that we close the period of individual amendments.

The President. Is there any objection? *[Silence]* There being none, the period of individual amendments is closed.

APPROVAL OF H. NO. 4019 ON SECOND READING

Senator Flavier. Mr. President, I move that we vote on Second Reading on House Bill No. 4019.

The President. Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on House Bill No. 4019.

As many as are in favor of the bill, say *aye*.

Several Members. *Aye*.

The President. As many as are against the bill, say *nay*. *[Silence]*

House Bill No. 4019 is approved on Second Reading.

SUSPENSION OF CONSIDERATION OF H. NO. 4019

Senator Flavier. At this point, I now move that we suspend consideration of House Bill No. 4019.

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

Senator Flavier. At this point, may I ask the Secretary to read the Third Additional Reference of Business to complete our referrals for the day.

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

The Secretary will read the Third Additional Reference of Business.

THIRD ADDITIONAL REFERENCE OF BUSINESS

COMMITTEE REPORT

The Acting Secretary [Atty. Reyes]. Committee Report No. 32, submitted by the Committee on Finance on Senate Bill No. 2050, prepared by the Committees on Constitutional Amendments, Revision of Codes and Laws; and Local Government, with Senators Sotto III, Drilon, Angara and J. Osmeña as authors thereof, entitled

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,

recommending its approval, fully endorsing Section 7 thereof.

Sponsors: Senators Angara, J. Osmeña, Sotto III and Drilon

The President. To the Calendar for Ordinary Business

BILL ON SECOND READING

S. No. 2050 — Resetting the Elections of the Sangguniang Kabataan Officials
(Continuation)

Senator Flavier. Mr. President, I move that we resume consideration of Senate Bill No. 2050 as reported out under Committee Report Nos. 31 and 32.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 2050 is now in order.

Senator Flavier. Mr. President, we are still in the period of interpellations. I ask that Sen. Joker P. Arroyo be recognized to continue his interpellation.

The President. Before the Chair recognizes Senator Arroyo, just for the record, Committee Report No. 32 is also now part of the committee report being considered as it reads of the same subject matter, exactly the same bill.

Senator Flavier. That is correct, Mr. President.

Senator Angara. Mr. President.

The President. Senator Angara, the principal sponsor, is once more recognized. Senator Arroyo is likewise recognized to interpellate.

Senator Arroyo. Mr. President, it is not really an interpellation that I would pursue because I have no quarrel with the bill. What I had expressed earlier was that in deference to the House, whether we should defer consideration of this bill until after the House members have acted on their own version, considering that this bill is closer, nearer to home to them. Because being congressmen, they have direct contacts with the barangay officials.

I understand that the House at the moment is considering the bill and debates are going on. What the outcome will be, I do not know. I think nobody can proceed here if we know the House, the debates there would go on and on.

If I understand again the House version, the House version says in effect that both the SK elections and the barangay elections be postponed to November on a synchronized basis.

For better harmony between the House and the Senate, I am just thinking whether we can defer the consideration of this bill until after the House has acted on its version. The House has the reasons for its desire to postpone both the SK and the barangay elections to November, while on our part, the Senate, we seek the postponement of the SK elections to November but we are silent on the question of the barangay elections.

Now, I am a little apprehensive that if we do not wait for the House version, a deadlock would ensue. And if a deadlock would ensue between the Senate and the House, and in the Bicameral Conference Committee the two Houses cannot agree, then the net effect of that one would be that both elections will proceed. If both elections will proceed, and the Comelec officials have already said that they are not ready for it, we are actually faced with an impossible situation. An impossible situation in the sense that if we proceed with the elections, the Comelec officials say they are not prepared to conduct elections for both barangay and SK.

With this kind of a problem, we cannot afford a deadlock between the Senate and House, because a deadlock means that we have to proceed with the elections of both barangay and the SK as scheduled in the face of the admission of the Comelec that it is not prepared.

So that is the concern I want to express to this Body, Mr. President. It is not really the bill, I have no quarrel with the bill. It is the mechanics on whether we are prepared to meet what has been stated as an impractical and impossible situation.

Thank you, Mr. President.

Senator Angara. Mr. President.

The President. Senator Angara is recognized.

Senator Angara. We fully appreciate the reasoning and the rationale behind the presentation of the distinguished gentleman.

But the way we see it, Mr. President, nothing is lost if we pass our own version. In fact, we would have lost valuable time if we do not do it tonight. Let me explain.

We do not lose anything, Mr. President, because, more or less, right now, based on our conversation with the Speaker and with the chairman of the Committee on Suffrage, they will surely pass tonight a bill that will postpone both elections to November. So what they are going to pass is exactly not the same as what we are going to pass. That means that these two versions will go into conference. Even if we get the certification tomorrow, since we do not have session, we would not be able to pass it on Third Reading. But if we pass it today on Second Reading, then we will be able to pass it on Third Reading with or without certification on Monday. What will happen? We will have to go into conference.

In the conference committee, Mr. President, either we accept their version or we do not. If we do not, then there is stalemate and March 15 is over our head and that means the two elections must proceed. If we accept their version, then there is no problem. If they accept our version, then there is no problem. So in either case, we do not lose anything. In fact, we gain time if we pass it now.

I fully appreciate the reasoning, Mr. President. I would appeal that we pass it. Because if we do not pass it, then we would have lost the weekend, at least three days.

The President. Senator Arroyo is recognized.

Senator Arroyo. Mr. President, I agree with the reasoning of Senator Ejercito Estrada. But precisely, we are trying to...

The President. The distinguished gentleman means Senator Angara.

Senator Arroyo. Yes, Senator Angara. *[Laughter]* I am thinking of the future.

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

Senator Arroyo. Mr. President, what we are trying to prevent precisely is that it would seem there is an irreconcilable difference between the Senate and the House. The idea is to precisely prevent a climate of...not mistrust, but we do not want the members of the House to feel that perhaps we do not take into account their feelings on this. This bill is very close to their hearts more than we senators.

Now, because of that, I would think that we have less to lose but a lot to gain if we wait until the House acts on its version. Why? Because I would rather have a reverse situation rather than going into conference. After the members of the House shall have passed their version, perhaps we can talk to them and see what could be a middle ground rather than having a deadlock, a stalemate, which we are trying to avoid. Because if there will be a stalemate, the very thing that we are trying to avoid and which the Comelec is not prepared to do will happen.

Now, there is a fear—why do we not do it? Anyway, we will talk about it. I came from the House, Mr. President. When there is a bill that is very close to their hearts, they really feel it, and this is one of them. Now, I met the members of the House because of the Commission on Appointments, and there were a couple of them who were here. What they expressed was again the barangay elections and less about the Commission on Appointments.

Now, in that kind of an act, I think we should avoid the friction that would ensue because we passed this bill, which is not even controversial. I do not think we need any debate. That is why if we vote on this on Monday, we can pass this without debate because I, myself, do not have any quarrel with this bill. It is only asking for the postponement of the SK elections.

So this is my respectful submission, Mr. President—to promote better harmony between the Senate and the House in a bill which, as I said, having come from the House, is close to the hearts of congressmen. That is all there is to it.

Senator Angara. I understand that.

Senator Biazon. Mr. President, with the permission of the two gentlemen, may I be allowed to ask a question? Because the answer to this question is material in the consideration of the two Houses' versions that are being taken up right now. May I be allowed to direct this question to the sponsor, Mr. President?

Senator Angara. Please go ahead.

The President. Sen. Rodolfo G. Biazon is recognized.

Senator Biazon. May we know, Mr. President, if the Comelec is not ready to handle the two elections or is it only ready to handle one election? I think this is a material question. Because if the Comelec is not ready to handle both as scheduled, then, *force majeure*, we have no choice. But if the Comelec can handle at least one of the two scheduled elections then, probably, the option is to choose which one to postpone. Definitely, our bill is to postpone the SK election. I think that question should be answered first by the Comelec.

If the Comelec is not ready to handle both elections and is ready to handle only one or is not ready to handle any, may we know the answer?

The President. Before the sponsor would answer the question, we would like to make of record that we just received a phone call from Speaker Jose De Venecia Jr., informing us that they have passed their version of the measure and that the measure would synchronize the two elections in November of this year.

The second information that the Chair would wish to share with the Chamber is that we just received a copy of a presidential certification dated March 6 certifying as urgent Senate Bill No. 2050 under Committee Report No. 31.

So, if we can finish the debate tonight, we can pass the measure tonight, if that is the wish of the Chamber, and go on a bicameral conference immediately.

Senator Angara. Even tomorrow.

The President. That is just the information that I am relaying to the Chamber.

Senator Angara. Yes, Mr. President. The information that the Chair just conveyed is how we predicted the events will be and that is why we are saying that we pass our version and gain the time to sit down with the members of the House of Representatives.

Mr. President, I do not think the members of the House will take offense if we pursue our version. Because precisely we have been in contact with them from the beginning and they understand. Now that they have already passed their version, I do not think they will mind if we pass our own because, anyway, they expect that we will sit down and agree on a compromise.

Now, on the question of Senator Biazon, Mr. President. The Comelec can, of course, do an election one week apart in May, but it will require an extra cost of P800 million because it has to get extra ballot boxes and hire extra teachers as a result.

It can be done in May. But we are trying to seek a way where we can economize and save on this exercise, and the

only thing that we pay is we give them extra six months, in effect, if we postpone it. We are trying to choose which one is the least painful and we thought, politically, the least painful is to postpone the SK elections.

Now, going back to the main concern of our colleague, Mr. President, that the members of the House might feel offended and our action may cause disharmony. As we can see, it will not at all. Because if it did, then they would also hesitate to pass their own version because I am sure they will also be mindful of our sensitivities.

I think it is better to go by the normal course so that even by tomorrow we can sit down and argue and thresh out the differences and we would have gained Thursday, Friday, Saturday and Sunday—four extra days. But if we postpone it to Monday, we would have lost those four valuable days, Mr. President.

The President. Sen. Robert Z. Barbers is recognized.

Senator Barbers. Mr. President, considering that the members of the House of Representatives have already passed their own version, what would be the position of this Body now? Shall we adopt their version or shall we pass our own version?

At the outset, Mr. President, and even now, I am against the idea of resetting the barangay elections for November. I am for the elections in May. Why? Because, first, we already have an allocation of P1.1 billion for this particular election.

Second, Mr. President, in Caraga Region, the clamor of the barangay captains is for an election this coming May. So, I am articulating their clamor as far as what is provided for by law and as far as budgetary allocations are concerned.

So, may I know from the sponsor what would be our position now—shall we adopt the House version or shall we put our own version? If we put our own version, what is the version of the Senate, Mr. President?

The President. Senator Angara is recognized.

Senator Angara. The version of the Senate, Mr. President, is to go ahead and proceed with the barangay elections—

Senator Barbers. This coming May.

Senator Angara. —on May 13, but move and transfer the SK elections to the first Monday of November.

Senator Barbers. I support that proposal, Mr. President. I am very happy to hear that from the sponsor himself.

I have also one concern. I would like to articulate, Mr.

President, and this is in connection with the Sangguniang Kabataan elections because in this kind of an election, the qualified voters are only from the ages of 15 to 21, while in the barangay elections, it is from 18 years of age and above.

Mr. President, if we have this Sangguniang Kabataan elections by November, separate from the barangay elections, my question is: What about those voters who are 18 years of age? They will be voting twice—one for the...

Senator Angara. One for SK and one for the barangay.

Senator Barbers. I stand corrected, Mr. President, because the elections for the barangay is on a Monday.

Senator Angara. Yes, Mr. President.

Senator Barbers. So, it would be separate. In other words, by November they will only be voting once.

Thank you very much, Mr. President.

Senator Recto. Mr. President.

The President. Senator Recto is recognized.

Senator Recto. Thank you, Mr. President.

Just a few questions from this representation, Mr. President.

I did support the committee report and actually signed it. I am not against the committee report. However, because of the exchanges made earlier between Senator Biazon and Senator Angara with regard to some information as to how much it would cost, and whether or not the Comelec is capable to have the elections this May, I was surprised with the response that to conduct the elections one week apart would cost the Comelec an additional P800 million. That surprises this representation. Why will it cost the Comelec an additional P800 million if it were to have the elections apart?

And if we were to suspend the elections of the Kabataang Barangay until November, my next question would be, how much will it cost? Would it cost us the same amount of P800 million? Is it only for that reason?

Senator Angara. Mr. President, the explanation of the Comelec is like this: As a result of the additional voters—the 15 to 21 years old referred to by Senator Barbers—it would need an additional 60,000 ballot boxes which will cost about P55 million to P58 million or about P860 each voter. And it would have to constitute additional Board of Election Inspectors which would cost about an additional P300 million. So we will have to incur close to P800 million.

Senator Recto. The point is, we do not have that in the General Appropriations Act. If we postpone the barangay elections until November, will the Comelec officials now ask Congress to have a supplemental budget for this additional P800 million again that they need?

Senator Angara. There is no need, according to Commissioner Borra.

Senator Recto. So, the response then is that it will not cost us anything by November.

Senator Angara. It will not cost us that extra P800 million that we mentioned.

Senator Recto. So, in effect, what the chairman is saying is that, if we postpone the SK elections until November, we would save money. Is that what it meant?

Senator Angara. Yes, Mr. President.

Senator Recto. All right.

Senator Angara. We would still save money because the cost of the SK elections is only about P100 million. So, instead of the P800 million extra, we would need only P100 million for the November election.

Senator Recto. All right. Based on the points raised by the Comelec officials that we would need to manufacture or purchase 60,000 additional ballot boxes, how many SK voters are there?

Senator Angara. The estimate is that the SK voters would be about 11 million.

Senator Recto. There are about 11 million SK voters. And for the barangay elections, how many voters are we looking at?

Senator Angara. The old number—36 million.

Senator Recto. And they are saying that they cannot use the same ballot boxes.

Senator Angara. Yes, because it is only one week apart. So, they have to unload the filled ballots out of these ballot boxes to be able to use them.

Senator Recto. And that cannot be done in one week.

Senator Angara. It can be done but what will we do with the ballots that may have not yet been counted?

Senator Recto. I think for the barangay elections, the SK elections, the ballots can be counted within the day and the

results should be out within the day. They do not have to tabulate these in a certificate of votes or certificate of canvass.

Senator Angara. No, I think the commissioner supplied the legal answer. Under the election law, we cannot open the ballot within three months after election. So we are running into that technicality.

Senator Recto. And that also goes for the SK.

Senator Angara. Yes, that is correct. That means the SK ballots will be locked up for the next three months.

Senator Recto. All right. The next point, Mr. President, is, why can it not be done simultaneously? I mean, if we are talking here about postponing the SK elections to November, why can we not have the elections of the SK and the barangay elections simultaneously so that we do not have to manufacture new ballot boxes?

Senator Angara. It is the same.

Senator Recto. I think that would be cheaper.

Senator Angara. It is the same. We would still need 60,000 additional ballot boxes and additional Board of Election Inspectors, costing about P300 million.

Senator Pimentel. Mr. President, may I.

The President. With the permission of the two gentlemen on the floor.

Senator Pimentel. Yes, may I interject this point. The officers of the Sangguniang Kabataan national secretariat came over to meet with us, Mr. President. One of the reasons they said they would like to defer the SK elections to November is that, as of the day they met with us, which last week, only one million SK voters had registered out of a possible seven or eight million.

Senator Recto. Additional.

Senator Pimentel. Additional. They were hoping therefore that if the SK elections were moved to November during the semestral break, the students will be able to go home and register where they come from. Otherwise, they could not do the continuing registration because many of them are out of their residences, Mr. President.

Senator Recto. Mr. President, if that is the reason for extending the SK elections, there have also been representations that as far as the barangay elections are concerned, many have had difficulty in registering.

So, should we also postpone the barangay elections?

Senator Pimentel. The rationale does not apply to the barangay elections because the barangay people are there. In general, they are located in their barangays and they are not out studying somewhere else. Therefore, that is the rationale. According to statistics, there are more than five million new barangay registrants, Mr. President, for the barangay elections.

Senator Recto. All right, which leads me to the next point, Mr. President. The President has just said that the Speaker of the House called and that as far as the House version is concerned, they have postponed the barangay and SK elections again simultaneously to be conducted maybe in November. I am sure that we have the same information as far as the information that we get from the Comelec and that of the House are concerned. And yet the House seems to be adamant in its position that maybe so as not to incur additional costs, *isabay na lamang iyong* elections ng SK and barangay.

My initial position, Mr. President, if the gentleman recalls during our caucus, is, *isabay na lamang natin iyong eleksiyon*. I cannot imagine why it should cost additional P400 million or P800 million *kung hindi isabay, hindi ba?* But like I said, I have signed the committee report. I just wanted to be clarified and my concern is, *kung sasabihin ngayon ng Comelec na kulang na naman sila sa budget*—we just passed the budget last December—this has been discussed during the budget deliberations that we have provided adequate resources for the Comelec to conduct the elections. And now the Comelec officials are telling us that there is inadequate resources or that they will have a hard time administratively conducting the elections as scheduled.

Now, based on that, should we trust the Comelec in telling us again, as far as its recommendations are concerned, to postpone the SK elections to November and have the barangay elections?

Senator Angara. These are sound arguments, Mr. President, and these are arguments that probably we will hear from the House panel. But we must make up our mind because I do not think we can now convince everyone in this House that the best course to take is to postpone both. Because the consensus right now is just to postpone one.

And we are hoping, Mr. President, that with the issues joined in the conference committee, then we can move to an acceptable compromise. What the distinguished gentleman is saying is really an argument for postponing both elections. That is a case for the House to make.

Senator Recto. What I am saying, Mr. President, is, should we trust the information given by the Comelec officials? They

are telling us that it would cost them an additional P800 million. We are moving based on the request of the Comelec officials telling us that they cannot conduct both elections simultaneously. That is the point that I am trying to make.

Senator Angara. No. They said they can conduct it, but at an extra cost.

Senator Recto. Which surprises me, like I said, because we just passed the budget two months ago. And if I recall during the budget deliberations here, the chairman of the Committee on Finance said that there are adequate resources to conduct the elections this May.

Senator Angara. Mr. President, just to clarify the figures based on what the Comelec officials told us. There is now P1.1 billion in the 2002 General Appropriations Act and there is about P300 million reserve fund. So there is a total of P1.4 billion that can be spent for these two electoral exercises. Now, if we make it simultaneous, would the P1.4 billion be sufficient? The Comelec officials are saying, "No." They probably would need an additional P500 million.

Senator Recto. But that is the point, Mr. President. I recall during the budget debates that the elections should be held in May and that they were saying then that their resources were sufficient. That is the point that I am trying to make.

Senator Angara. Well, there may be a factual difference in the statement, Mr. President, but I do not see how this should delay our consideration of this measure. Either we pass the committee version or we just do not act on it.

Senator Recto. Yes. Mr. President, there is no intention on my part to delay, I just wanted it to be clarified. In fact, I did not have plans of asking questions but when I heard the exchange made between Senator Biazon and Senator Angara with regard to how much it will cost and the response was about P800 million, that just surprised me, and my impression was that there were inadequate resources. And I recall the debates during the budget deliberations last December 2001—in fact it is only March 5, so barely two months have passed since we passed the budget—and now I am hearing a different tune, at least from the Comelec.

So this is just my concern, Mr. President. But definitely, there is no intention on my part to delay and I am with the sponsor insofar as having the Body decide on this issue tonight. It is a certified measure, there is no reason I should not be supportive of that. I am with the administration, it is certified by the President. But I would like to thank the chairman of the committee for responding to some of the questions that I raised.

Thank you, Mr. President.

Senator Angara. Thank you, Mr. President.

The President. Sen. Vicente C. Sotto is recognized, with the permission of the gentleman.

Senator Sotto. With the permission of the sponsor, just a few questions to be clarified.

Senator Angara. Yes, Mr. President.

Senator Sotto. Mr. President, I overheard the P1.4 billion total budget that can be allocated for these elections that are upcoming.

Now, during the last elections, may I know how much was spent for the barangay elections?

Senator Angara. According to the recollection of Commissioner Borra, Mr. President, the election in 1996, the last election of the barangay officials, cost half-a-billion pesos.

The President. Yes. P500 million.

Senator Angara. Yes. P500 million.

Senator Sotto. P500 million only, in other words?

The President. Yes.

Senator Sotto. Now, we have P1.4 billion. Maybe, Mr. President, we are worried about something that should not happen, that might not happen. I read somewhere that 80% of things or events that we worry about do not happen. So, why worry? I brought that out just in case there is a deadlock in the Bicameral Conference Committee. Also this would probably ease the worry.

When was the last SK election, Mr. President?

Senator Angara. The last SK election was also on May 6, 1996.

Senator Sotto. 1996.

Senator Angara. Yes, Mr. President.

Senator Sotto. May I know the turnout?

Senator Angara. The Comelec does not have the figure but his recollection is that it was a very poor turnout.

Senator Sotto. That is how I recall it also, Mr. President. That is why I wanted a confirmation from the Comelec. If I distinctly remember, it was about 30% only. So, actually we would not have any problem just in case there is a deadlock. That is the point that I would like to...

The President. The Chair would like to express his view here.

Whether or not we act on this measure tonight, the House version will come to us next week because the congressmen have already approved their version. And therefore, this kind of debate will take place the moment that House version or whatever version is sponsored on the floor. The Chair believes that all of these issues can be threshed out in the Bicameral Conference Committee. But we cannot go to Bicameral Conference Committee unless we pass the version in the Senate.

Senator Angara. Exactly, Mr. President, that is what we have been saying.

Senator Sotto. Therefore, Mr. President, I terminate my interpellations.

Senator Biazon. Mr. President.

The President. Sen. Rodolfo G. Biazon is recognized.

Senator Biazon. Yes, with the permission of the sponsor.

Let me just be enlightened on the possibilities. The first possibility is, we conduct the elections as scheduled—the barangay and the SK in May, one week apart to conduct these two elections.

Senator Angara. SK first and then the barangay.

Senator Biazon. SK first and then the barangay.

Senator Angara. Yes, Mr. President.

Senator Biazon. If these are done, which means one election one week, and then another election the following week, do we have the resources to support these?

Senator Angara. Well, it is not appropriated, Mr. President, and I do not know whether the resources are available, but the Comelec would need extra P800 million over and above...

Senator Biazon. Over and above the P1.1 billion?

Senator Angara. That is correct. Over and above the P1.4 billion available.

Senator Biazon. P1.4 billion?

Senator Angara. That is correct.

Senator Biazon. In other words, Comelec now needs a total of P2.2 billion—

Senator Angara. Yes, mathematically.

Senator Biazon. —to conduct the two elections one week apart in May?

Senator Angara. That is correct.

Senator Biazon. Now, the other possibility is we postpone the SK and go through with the barangay elections. Do we have the resources?

Senator Angara. We have the resources. In fact, we would economize because the SK election would only need about a P100million.

Senator Biazon. I cannot understand this arithmetic.

Senator Angara. It is like this, Mr. President. We have P1.1 billion now.

Senator Biazon. Yes, Mr. President.

Senator Angara. And that is good for the barangay elections. How much do we need for the SK election? We would need, according to the Comelec, P500million.

Senator Biazon. Yes, Mr. President.

Senator Angara. Out of the P500million, we have now P300million because that is a reserve. That is available in the budget of the Comelec.

Senator Biazon. Yes, Mr. President.

Senator Angara. So, what we need for the SK is an additional P200million.

Senator Biazon. Yes. But going by the gentleman's earlier statement, if we hold it in May one week apart, we need P2.2 billion.

Senator Angara. We would need an extra P800million.

Senator Biazon. Yes. Why do we need? Because going by the number...

Senator Angara. I can see the gentleman's point, yes.

Senator Biazon. Mr. President, I do not see the effect on the cost of holding the two elections apart, one is one week apart and the other one is six months apart. I cannot see why there should be a change in the costing of the holding of the SK elections.

Senator Angara. Well, the explanation for the differential of P800million, Mr. President, is because we need to buy 60,000 new ballot boxes.

Senator Biazon. All right.

Senator Angara. And we have to pay the people who will man those new precincts and that would cost about P300million. If we add up the cost of the ballot boxes and the honoraria, then we come up with the P800million.

Senator Biazon. Yes, Mr. President, I understand that if indeed we hold these elections one week apart, some of the ballot boxes cannot be opened yet.

Senator Angara. That is right.

Senator Biazon. So we need another set of ballot boxes.

Senator Angara. Sixty thousand.

Senator Biazon. Whereas, if we hold it six months apart, we will be able to open the first ballot boxes and use them the second time.

Senator Angara. And we do not have to buy.

Senator Biazon. So, this is the explanation.

Senator Angara. That is right.

Senator Biazon. Now, the other question I would like to ask, based on this is, how can we save more in terms of personnel? Is it not that if we hold the two elections one week apart, the cost on personnel will not change if we hold them six months apart? It is just the ballot boxes that will be the added cost—

Senator Angara. Yes, Mr. President.

Senator Biazon. —if we hold them one week apart in May.

Senator Angara. Also the cost of the extra hand that we have to hire. This is additional pay because we have to set up additional precincts as a result of the increased registration.

Senator Biazon. Will we not also do that if we hold the SK elections in November?

Senator Angara. Yes, Mr. President.

Senator Biazon. Then where should be the change in the cost in personnel? I can see the difference in the cost in the number of ballot boxes but not in the case of personnel.

Senator Angara. The gentleman is correct, Mr. President.

Senator Biazon. That is fine.

Senator Angara. In a separate election, we would need additional BEI personnel to man the extra ballot boxes or precincts.

Senator Biazon. Yes, Mr. President.

Senator Angara. But in synchronized elections, we do not need that.

Senator Biazon. We save.

Senator Angara. That is correct, Mr. President.

Senator Biazon. So, Mr. President, I think these are the information that are material for us to consider whatever our position is on this issue.

Senator Angara. That is correct.

Senator Biazon. So I still support our bill which is barangay elections now, SK elections in November.

Thank you, Mr. President.

Senator Angara. Thank you, Mr. President.

Senator Villar. Mr. President.

The President. Sen. Manuel Villar is recognized for the period of interpellations.

Senator Villar. This is just a clarification, Mr. President.

The age requirement of the SK is from 15 to 21. What would be the reckoning date now. Is it May or is it November?

Senator Angara. I suppose it would be the date of the election, Mr. President.

The President. That is what the law provides right now.

Senator Villar. That is my only question, Mr. President, but I will explain my vote later because I will vote against this measure.

Senator Barbers. Mr. President.

The President. With the indulgence of Senator Barbers, Senator Pangilinan was earlier recognized.

Senator Pangilinan. Mr. President, just a quick question. For purposes of record, if we are to approve this bill postponing the SK elections, how many postponements of SK elections have there been?

Senator Angara. In the case of both the SK and the barangay, there has been no postponement of election but their terms have both been extended.

Senator Pangilinan. In that case, Mr. President, I would like to rephrase my question. How many extensions of terms by way of amendment of the law have there been?

Senator Angara. One time, Mr. President.

Senator Pangilinan. One time?

Senator Angara. That is correct.

Senator Pangilinan. So this will be the second extension of term assuming that we pass this bill. At least the Senate version will be extending only the SK elections until November.

Senator Angara. For an extra six months, Mr. President.

Senator Pangilinan. May we know the reason behind the extension of the term of the SK—actually, both the barangay and the SK—the first time around?

Senator Angara. I will only be speculating, Mr. President. I suppose the reason was to have the elections more or less synchronized. But somehow we made a mistake. We thought that both elections would occur on the same date but in fact it did not. The SK elections fell on the first Monday of May while the barangay elections fell on the second Monday that is why it is a very awkward situation of having two elections one week apart.

Senator Pangilinan. Mr. President, my question really is, if we extended their term the last time and we are extending their term this time, what will stop us from extending their term come November or just before November?

Senator Angara. Well, there is no guarantee that we will not. It is really up to the members of this House as well as the other House. That is why, on principle, we said at the beginning that we oppose any extension or any suspension of any scheduled electoral exercise precisely because we do not want almost to trivialize these electoral exercises.

Senator Pangilinan. That is correct, Mr. President. I am just concerned because my own understanding of the initial postponement or the first postponement or, rather, I am sorry, the first extension of terms was that: one, to hold the elections then would mean additional cost; to hold the elections then because of the additional cost, we could not afford it, therefore the extension was necessary, which I think—I could be mistaken here, Mr. President—is again the same reason for the extension of term today.

As was mentioned by our good chairman of the Committee on Constitutional Amendments, Revision of Codes and Laws, there is no guarantee that just before November there might be again a clamor for extension. However, I just wanted that placed on record, Mr. President.

I share some of the views of some of our colleagues that extending the term or postponing the elections is trivializing the whole issue of barangay representation and SK representation.

I am not objecting to the committee report, Mr. President, but I am expressing my reservations and hope that perhaps we may be guided come judgment day, so to speak, when November comes. And when the issue again is tackled, I hope, at least for the SK, *matuloy na po ang sinasabing* election based on the committee report.

Iyon lamang po, Ginoong Pangulo.

The President. Thank you.

Senator Barbers. Mr. President.

The President. Senator Barbers is recognized.

Senator Barbers. Just two points for my clarification, Mr. President.

The President. Is the gentleman willing to...

Senator Angara. Yes, gladly, Mr. President.

Senator Barbers. The first point is in connection with additional government costs in the conduct of Sangguniang Kabataan elections. As far as I know, the funds to be used in Sangguniang Kabataan elections come from the 10% barangay reserves which is in the possession of the Department of Budget and Management.

May I ask the sponsor if this 10% reserve is not enough in the conduct of SK elections? Why do we have to incur more expenses if the reserves are more than enough, Mr. President?

Senator Angara. According to the Comelec, the 10% reserve is not sufficient to fund the November SK elections. So we still need an additional appropriation.

Senator Barbers. Because as far as I know, Mr. President, the 10% reserve of the barangays which is in the possession of the Department of Budget and Management, if there is no election in a particular period, this amount remains as reserve in the DBM. So why do we not use up the amounts saved by the DBM in the years when we are not holding any elections in the Sangguniang Kabataan elections?

Senator Angara. That is ideal, Mr. President. But the Comelec is saying that...

According to Commissioner Borra, during the last SK elections, the LGUs did not deliver any funding on that reserve.

It did not pay to the Comelec. Therefore, the Comelec was unable to pay the teachers and the teachers were all up in arms against the Comelec. So Comelec does not want to repeat that experience and it wants an additional outlay because either the LGUs do not come up with the funds supposed to be within their treasury or the funds that have been reserved are not enough.

Senator Barbers. That is very sad to note, Mr. President. Because as far as I can remember, these are already appropriations incorporated in the national budget. And if these are appropriations, it means, there is money already.

So I hope the Comelec can make representation with the DBM to release these reserves especially this coming November when we will have the SK elections—if it will push through—so that we will not be putting up more expenses for the conduct of the elections.

Senator Angara. The problem, Mr. President, with mandates like this that the LGU must set aside 10% of their funds for SK election is that, overtime, there is great reluctance on the part of the LGUs to let go of that money. That was the experience in the last SK election. It is quite unfortunate but that seems to be the political culture right now. As Commissioner Borra is saying, now they are really openly objecting to the use of their funds.

Senator Barbers. I realize that, Mr. President, because I had that experience also when I was the secretary of the Department of the Interior and Local Government. But we were able to come up with a solution and we pressured the local government units to release what has been mandated by law. So I think it is a matter of representation.

Senator Angara. I agree—and the brand of leadership the gentleman has exerted, great leadership in his time, Mr. President.

Senator Barbers. Thank you, Mr. President. I have only one more clarification.

My office at present is conducting a research study on Sangguniang Kabataan elections. Now, the thrust of our study is to find out who wants to abolish the Sangguniang Kabataan elections. Instead of holding an election for the Sangguniang Kabataan, we are proposing that the officers of the SK be appointed by a committee created by the Office of the President, or by the National Youth Commission.

One of the reasons we are advancing, Mr. President, is that, if the SK will be appointed, the government will not incur any expenses anymore, then there will be more savings on the part of the government. Instead of spending P800 million for SK elections or even billions of pesos, this will be channeled to more important projects for the government.

So as an expert on constitutional amendments, although it is not provided for in the Constitution, but it is in the Local Government Code, may I ask the advice of the sponsor so that I will be guided properly. I am planning to push through with this bill anytime from now. So may I ask the sponsor: what is his position on this particular proposal?

Senator Angara. Mr. President, the proposed research is an excellent direction to take. If the gentleman will recall, in our caucus last Monday, the unanimous opinion is that, we should now phase out the SK precisely because of what the gentleman said, that probably, it is an unnecessary cost to the national government. But as Nene Pimentel said, who is the senator or congressman who will publicly say that?

Senator Barbers. I will, Mr. President. I will, but I will not abolish totally the SK. Instead, I will propose that the SK members should be appointed based on their credentials and performance, Mr. President.

Senator Angara. Bully, bully *po iyon*, Mr. President. And I am sure that this House will support the gentleman completely.

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

The President. The Majority Leader is recognized.

Senator Flavie. Mr. President, as far as I can ascertain, there are no more interpellations, and if so, I move that we close the period of interpellations.

The President. The period of interpellations is terminated, if there is no objection. *[There was none.]*

Senator Flavie. It is also my impression, Mr. President, that there are no committee amendments. I, therefore, move that we close the period of committee amendments.

The President. Is there any objection? *[Silence]* There being none, the period of committee amendments is terminated.

Senator Flavie. Sen. Manny Villar has requested to make a few individual amendments. I ask that he be recognized.

The President. Senator Villar is recognized.

VILLAR AMENDMENT

Senator Villar. Mr. President, I only have one amendment, and this is on page 2, line 16—

The President. Line 16.

Senator Villar. —“...a resident of the barangay for at least one (1) year”—this is under Section 428, Qualifications—

“immediately prior to election, at least fifteen (15) years but not more than twenty-one (21) years of age...” I would like to change the “twenty-one (21) years” to EIGHTEEN (18) years in order to once and for all remove this overlap between the ordinary election and the SK. I really feel that the word “kabataan” should really refer to people under 18 years of age.

The President. Up to 18 years old. What does the sponsor say? There is a proposed amendment in line 16 to change “twenty-one (21)” to EIGHTEEN (18)?

Senator Angara. Mr. President, personally, this is an excellent amendment because part of the problem in conducting simultaneously an SK and a barangay election is the overlap in voting ages. That means that the Comelec has to keep two separate ballots to identify those between 15 and 18 years of age, and then the 18 years and above.

So with this amendment, we know very well that only up to 18 can vote for an SK election.

But Senator Lacson raised the question, “But why are we now changing the voting age for SK when we are just talking of postponing the SK election?”

I would be happy to receive the advice of the Majority Leader, his constitutional advice on this issue. *[Laughter]*

Senator Flavie. Mr. President, provided that the sponsor accepts, I shall honor. *[Laughter]* My personal view is that it is part of the bill. Then I think it is fair game to make it part of the amendment. That is my considered constitutional opinion.

Senator Angara. On that advice, we accept the amendment, Mr. President. *[Laughter]*

The President. All right. The amendment is accepted. *[Laughter]*

Senator Pimentel. Mr. President.

The President. The Minority Leader is recognized.

PIMENTEL-VILLAR AMENDMENT

Senator Pimentel. Mr. President, I think we have to be careful with the exact wording. Is it below 18 or—

The President. No.

Senator Pimentel. 18?

The President. Not more than 18. That is the wording of the law right now.

Senator Pimentel. Yes, but if we say "NOT MORE THAN EIGHTEEN (18)" if he is exactly 18, he can vote for the barangay elections. In other words, the ambivalence will still be there. So probably the wording should be...

Senator Angara. "NOT LESS THAN EIGHTEEN (18).

Senator Pimentel. No, no, BELOW. In other words BELOW EIGHTEEN (18) years of age.

Senator Angara. BELOW EIGHTEEN (18).

Senator Pimentel. *Hindi na* because *kapag* 18, he can already vote for the barangay.

Senator Angara. Yes, Mr. President.

The President. All right. So that there is a proposed amendment to the amendment so that the phrase "not more than twenty-one (21)" will now read—

Senator Angara. NOT LESS THAN EIGHTEEN (18).

Senator Villar. BELOW 18.

The President. —BUT LESS THAN EIGHTEEN (18). "...fifteen (15) years BUT LESS THAN EIGHTEEN (18) years of age" so that the barangay voter will be eighteen (18) years of age and above.

Senator Angara. Yes, Mr. President.

The President. So is that accepted? The Villar amendment. Is that acceptable? Is the proposed Pimentel amendment acceptable to the principal proponent?

Senator Villar. It is acceptable to me, Mr. President.

The President. All right.

Senator Lacson. Mr. President, I just would like to be clarified on the matter of the amendment. What is the title of the bill?

Senator Angara. The title is "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."

Senator Lacson. Thank you, Mr. President. *[Laughter]*

The President. That saved the day. The Villar amendment, as amended by Senator Pimentel and accepted by Senator Villar is accepted by Senator Angara, the principal sponsor. Is there any objection? *[Silence]* There being none, the amendment is approved.

Senator Angara. Excuse me, Mr. President.

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

Senator Angara. We have to look for another place to put these qualifications, Mr. President, because what we changed is the qualifications of an elected official. *[Laughter]*

SUSPENSION OF SESSION

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

It was 7:06 p.m.

RESUMPTION OF SESSION

At 7:10 p.m., the session was resumed.

The President. The session is resumed.

Senator Villar. Mr. President, I have a second amendment.

The President. But before that, for the record...

Senator Angara. Mr. President, the amendment, as proposed, may stay and can stay. And we found the appropriate section that prescribes the qualification of a voter. That is the second amendment of Senator Villar.

The President. Sen. Manuel B. Villar Jr. is recognized.

Senator Villar. Mr. President, I am proposing a Section 2. This is on page 2, line 10.

Senator Angara. Between lines 9 and 10.

VILLAR AMENDMENT

Senator Villar. Between lines 9 and 10.

SEC. 2. SECTION 424 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991, IS HEREBY AMENDED TO READ AS FOLLOWS:

THE KATIPUNAN NG KABATAAN SHALL BE COMPOSED OF ALL CITIZENS OF THE PHILIPPINES ACTUALLY RESIDING IN THE BARANGAY FOR AT LEAST SIX (6) MONTHS WHO ARE FIFTEEN (15) YEARS OF AGE BUT LESS THAN EIGHTEEN (18) YEARS OF AGE AND WHO ARE DULY REGISTERED IN THE LIST OF THE SANGGUNIANG KABATAAN OR IN THE OFFICIAL BARANGAY LIST IN THE CUSTODY OF THE BARANGAY SECRETARY.

The President. What does the sponsor say?

Senator Angara. It is accepted, Mr. President.

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

Senator Villar. And Section 2 becomes Section 3.

The President. Section 3, et cetera, down the line.

Senator Sotto. Mr. President.

The President. Senator Sotto is recognized.

Senator Sotto. Mr. President, is it proper to therefore amend Section 2 by inserting the word "further" in line 11?

The President. Not necessarily because it refers to a separate section of the Local Government Code.

Senator Sotto. So, this can stay.

The President. Yes.

Senator Angara. Yes, this can stay.

Senator Sotto. Thank you, Mr. President.

DRILON AMENDMENT

The President. On page 2, line 20, the Chair would like to propose an amendment. We propose to delete the phrase "THE PUNONG BARANGAY OF", and then delete line 21 and line 22 and in lieu thereof, insert the phrase ANY INCUMBENT ELECTED PUBLIC OFFICIAL.

Senator Angara. Will the Chair please repeat the amendment?

The President. On page 2, line 20, delete the phrase "THE PUNONG BARANGAY OF", delete the whole line 21 and the whole line 22 and in lieu thereof, insert the phrase ANY INCUMBENT ELECTED PUBLIC OFFICIAL.

In other words, the amendment will read, starting in line 18: "AND MUST NOT BE RELATED WITHIN THE SECOND DEGREE OF CONSANGUINITY OR AFFINITY TO ANY INCUMBENT ELECTED PUBLIC OFFICIAL."

Senator Angara. As Senator Sotto said, this will exclude appointive. Only elective.

The President. That is correct because we would disqualify a candidate who is a relative of an appointed clerk if we include

appointive. That is why the amendment will only exclude the relatives of elected public officials.

Senator Angara. It is accepted, Mr. President.

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

Senator Recto. Mr. President.

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

Senator Recto. Just a question with regard to the same section. What is the reason for having this provision that the candidate must not be related to the chairman of the barangay or the *punong barangay*, the mayor or the city mayor, as the case may be? Why should it not include maybe a son, *pamangkin*. *Pipiliin naman ng tao*. There will be an election. He will not be appointed.

Senator Angara. The rationale, Mr. President, is that these relatives would not be able to ride on the influence of their elected officials, as I understand it.

Senator Recto. So, in that case, they might as well do this for all other elective positions.

Senator Angara. Yes, Mr. President.

Senator Recto. No, I mean, not only for the Sangguniang Kabataan.

Senator Angara. When it is time to amend other laws, we will...

Senator Recto. No. But is that the position of the sponsor that we should do this for all? For example, if we have a Senator Angara in the Senate and we have an Angara in the House, *hindi rin puwede iyon, parang ganoon*.

Senator Angara. *Puwede rin iyon*.

Senator Recto. Precisely, that is my point. My point is, why should we exclude someone since these people are not being appointed; they will be chosen by the people. If only for this provision, I do not think that it would be proper for me to vote for the bill. Not that I have any son who will be a candidate or a *pamangkin* who would be a candidate for the SK elections, but the philosophy, to me, is not right. Immediately, we are putting suspect all mayors, city mayors or municipal mayors who may have relatives running for a barangay election or for the Sangguniang Kabataan.

Senator Angara. I suppose, Mr. President, this qualification is our own adoption of the anti-dynasty principle of the Constitution and would ensure equal access to aspirants. We are saying that just because of one's relation to the powers that be, I mean the elected powers that be, that should be sufficient to disqualify him from office.

Senator Recto. Yes. But if we are to apply this rule to the Sangguniang Kabataan, then let us be the first to apply it to ourselves—in the Senate and in the House.

Senator Angara. As I said, I am willing to have that disqualification, Mr. President, when the time comes to amend an appropriate law. But this time, we are only amending the law for the Sangguniang Kabataan.

Senator Recto. I would like to point out that if only for this provision, I may not be able to support the measure. I also disagree that when it comes to appointive officials, I understand that we should not appoint any relatives. But we should not limit the choice of the voters. That is based on my own principle and my own philosophy.

Senator Angara. But we must also implement the anti-dynasty provision of our Constitution.

Senator Recto. I would be happy to look at the proposal made by any member of this Body, but I do not think that we should put this in the SK elections at this point in time.

Senator Angara. Perhaps the Senate President can further elaborate on the rationale and philosophy, because this proposed amendment is taken from his bill, Mr. President.

The President. That is correct. As the sponsor has correctly stated, this is in partial implementation of the anti-dynasty provision of our Constitution which has never taken off the ground. Precisely, these are new voters, the Sangguniang Kabataan, we would want to shield from the rough and tumble of politics. Therefore, a certain degree of idealism should be maintained in this set of public officials. That is the reason we have proposed in our original bill that we incorporate an anti-dynasty provision in our Sangguniang Kabataan elections.

Senator Recto. As I said, Mr. President, I do not think that the framers of the Constitution wanted as well a partial implementation of the constitutional provision. Until we come out with an anti-dynasty bill, I do not think it will be proper that we put this provision in the Local Government Code only with respect to the SK or the Sangguniang Kabataan barangay elections.

Senator Angara. But we have to start at some place and at some level, Mr. President, and to me the ideal place to start is in this age group of 15 to 18.

Senator Recto. I thought that the parents should be the examples and that the elders should be the examples.

Senator Angara. Unfortunately, there is no implementing law applicable to the parents, but we can start with a law that will be applicable to their children.

Senator Recto. Maybe one last point on this issue. Anyway, I have already expressed my sentiments on the matter, but just one last point.

Is the constitutional provision mandatory or directory?

Senator Angara. It is a principle that ought to be implemented and our efforts here at including one is part of that implementation.

Senator Recto. Yes, but the question of this representation is the constitutional provision on enacting an anti-dynasty bill. No. 1, is it mandatory or directory; and No. 2, was the intent on elective officials or appointive officials, or both?

Senator Angara. It can be both, Mr. President. But as a starter, it is perfectly legitimate to begin with elected officials.

Senator Recto. I think it is more proper as far as appointive officials are concerned. But as far as elective officials are concerned, I do not think it is proper to limit. That is why it is on the voters.

Senator Angara. I can see why we should start with elected officials, Mr. President, because elected officials exert a much greater degree of influence and power than an appointive official. Therefore, since we are trying to prevent anyone from riding on the power and influence of his kin, then it is just natural...

Senator Recto. I disagree, Mr. President. I think that the appointive official can just appoint a relative and an elective official may have a kin running for public office and may lose, just like in the last elections where many relatives lost in the elections.

Senator Angara. Yes. But an appointive official, Mr. President, who appoints his kin will be subject to the Anti-Graft Act and some other civil service restrictions.

Senator Recto. Precisely, that is my point. That is why there are other laws.

Senator Angara. That is why it is not necessary to cover as extensively the activities of appointive officials because they are adequately—not adequately, perhaps—covered by civil service restrictions.

Senator Recto. Nevertheless, Mr. President, as I mentioned earlier, the only way that I could support such a provision would

be in an omnibus bill later on which will talk about all elective positions in that case.

Senator Angara. We understand the position of the gentleman.

Senator Recto. If at all. That is right. Thank you very much, Mr. President.

The President. Is there any other amendment?

Senator Pangilinan. Mr. President.

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

PANGILINAN AMENDMENTS

Senator Pangilinan. Mr. President, I have some amendments.

On page 3, line 7, I suppose that should just be consistent with the amendment in line 3.

Senator Angara. Excuse me, Mr. President. What line?

Senator Pangilinan. It is on page 3, lines 6 and 7, which say "thirty (30) days after the May, 1996". Should this not be amended, to be updated to THIRTY (30) DAYS AFTER NOVEMBER 2002?

The second amendment would be on the same page, line 15. I believe that the Presidential Council for Youth Affairs has been abolished and in its place is the National Youth Commission, and so that should be amended to read as NATIONAL YOUTH COMMISSION, Mr. President.

The President. What does the sponsor say?

Senator Angara. We accept the amendment, Mr. President, to reflect the current events—NATIONAL YOUTH COMMISSION.

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

Is there any other amendment? If there are no more amendments...

Senator Flavio. Mr. President, there are no more individual amendments, I therefore move that the period of individual amendments be closed.

The President. Is there any objection? *[Silence]* There being none, the period of individual amendments is hereby terminated.

APPROVAL OF S. NO. 2050 ON SECOND READING

Senator Flavio. Mr. President, I move that we vote on

Second Reading on Senate Bill No. 2050 under Committee Report Nos. 31 and 32, as amended.

The President. Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on Senate Bill No. 2050 under Committee Report Nos. 31 and 32, as amended.

As many as are in favor of the bill say *aye*.

Several Members. *Aye*.

The President. As many as are against the bill, say *no*. *[Silence]*

The *ayes* have it; Senate Bill No. 2050, as amended, is approved on Second Reading.

Senator Flavio. Mr. President, this is a certified bill and is therefore exempted from the three-day rule. May I request that the Secretary read the certification letter from the President.

The President. The Secretary is directed to read the certification.

The Secretary.

MALACAÑANG PALACE
MANILA

March 6, 2002

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

Dear Senate President Drilon:

Pursuant to the provisions of Article VI, Section 26 (2) of the Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 2050, under Committee Report No. 31, entitled

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,

to allow the Comelec to adequately prepare for the conduct of honest, orderly and credible elections considering that there are two successive political

exercises barely one week apart from each other which will pose extreme administrative difficulty as manifested by the Commission on Elections.

Best wishes.

Very truly yours,

(Sgd.) GLORIA MACAPAGAL ARROYO

cc: HON. JOSE C. DE VENECIA JR.

Speaker

House of Representatives

Quezon City

SUSPENSION OF SESSION

The President. Before the Acting Majority Leader moves for the approval on Third Reading, the Chair, with the permission of the Chamber, suspends the session for one minute to allow all the senators in the building to come to the hall, if there is no objection. *[There was none.]*

It was 7:27 p.m.

RESUMPTION OF SESSION

At 7:34 p.m., the session was resumed.

The President. The session is resumed. Senator Flavier is recognized.

MANIFESTATION OF SENATOR FLAVIER (Sen. Biazon as a Coauthor of S. No. 2050)

Senator Flavier. Before we proceed to the nominal voting, Mr. President, may I manifest that Sen. Rodolfo G. Biazon is a coauthor of this particular bill, his enrolled bill having just been manifested in the referral.

The President. All right. It is so noted.

BILL ON THIRD READING S. No. 2050 — Synchronized Barangay and Sangguniang Kabataan Elections Act of 2002

Senator Flavier. Mr. President, at this point, may I move that we vote on Third Reading, by nominal voting, on Senate Bill No. 2050 under Committee Report Nos. 31 and 32.

The President. Is there any objection? *[Silence]* There being none, voting on Third Reading on Senate Bill No. 2050 is now in order.

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

The Secretary. Senate Bill No. 2050, entitled

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

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

The Secretary. Senators

Angara Yes
Aquino-Oreta Yes

Senator Arroyo. Mr. President, may I explain my vote.

The President. Can the explanation come after we have announced the result?

Senator Arroyo. I will do that, Mr. President.

The President. Please register a negative vote for Senator Arroyo.

The Secretary. Senators

Arroyo No
Barbers Yes
Biazon Yes
Cayetano
De Castro
Ejercito Estrada
Flavier Yes
Honasan
Jaworski
Lacson Yes
Legarda Leviste
Magsaysay Jr
Ople
Osmeña (J.)
Osmeña III

Senator Pangilinan. May I be allowed, Mr. President to briefly explain my vote.

The President. Can the explanation come after we have announced the result?

Senator Pangilinan. Yes, Mr. President.

The President. Please proceed.

The Secretary: Senators

Pangilinan	Yes
Pimentel	Yes
Recto	No
Revilla	
Sotto III	Yes
Villar Jr	No
The President	Yes

The President. Senator Villar registers a negative vote. All right, those who wish to explain their votes, as manifested by Senator Arroyo, Senator Pangilinan and Senator Villar, may now proceed to explain their votes.

EXPLANATION OF VOTE OF SENATOR ARROYO

Senator Arroyo. Mr. President, the Senate version would postpone SK elections to November but the barangay elections would remain as is, that is, May of this year. We have been informed that the members of the House of Representatives have voted for a measure that would postpone both elections.

As I have said here, there are areas of responsibility of the House and the Senate. In the field of foreign affairs, for instance, the House has absolutely no say and it is the exclusive prerogative of the Senate to ratify treaties and maintain a supremacy in the field of foreign affairs. But in the field of local government, it is implied in the Constitution that we should defer to the House. That is why bills of local origin must all emanate from the House. Barangay elections is a local bill of local origin. And I would like to think that we should defer to the sentiments of a coequal Body, that is, the House. As I have said, this is very close to their hearts, and because of that I cast a negative vote.

Thank you very much, Mr. President.

The President. Senator Villar.

EXPLANATION OF VOTE OF SENATOR VILLAR

Senator Villar. I share the view of Senator Arroyo, Mr. President. I am shocked by our utter disregard of how our congressmen think. I mean the Senate and I am shocked by this. I really feel that we should move closer to the House. I think we could make Congress efficient if we work closely with them. The congressmen are closer to the people than us. We are national officials, and what they think should matter at least. We know that most congressmen want the barangay elections postponed. We know that most local mayors want the barangay elections postponed. We know that most governors want the elections postponed. But we have disregarded this thinking, Mr. President.

I think that now that we need unity and efficiency, we have to take their views into consideration.

And so, Mr. President, I vote *no* because I really feel that is one issue that is close to their hearts and as a senator, I should listen to what our colleagues have to say on this matter and I also mean colleagues in the Lower House.

Senator Pangilinan. Mr. President.

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

EXPLANATION OF VOTE OF SENATOR PANGILINAN

Senator Pangilinan. Mr. President, I voted in favor of the bill, but with reservations. I think we have found ourselves in a situation wherein we were left with no choice but to move one of the two elections, despite the fact that the law mandated that it be held in May of this year. We were left with no choice, Mr. President, because a particular institution failed miserably to adequately prepare as it is mandated under our Constitution—to prepare for elections of this nature. The Comelec officials failed to adequately prepare for the barangay elections and the SK elections. And before this, Mr. President, they failed to adequately prepare for a supposed modernized, computerized or mechanized election of 2001.

We are actually moving to postpone the elections because we are actually admitting and recognizing the inability of this particular institution, the Commission on Elections, to address its constitutional mandate. We have no choice, Mr. President. If the Comelec says it cannot do it, what do we do?

I vote *yes*, Mr. President, with reservation precisely because we are only acting and remedying a situation which should have been avoided in the first place.

And so, I vote *yes* with reservations, Mr. President.

Senator Pimentel. Mr. President.

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

EXPLANATION OF VOTE OF SENATOR PIMENTEL

Senator Pimentel. Very briefly, Mr. President, I want to put on record my vote in favor of the bill. While I recognize the need for this Chamber to be sensitive to the feelings of the Bigger House, the truth of the matter is that the relationship of this Chamber and the House must be based on rational considerations.

I have yet to hear a rational reason being put forward so that the barangay elections should be deferred to November. There is an agreement, I think, between this Chamber and the House for the

deferment of the Sangguniang Kabataan elections. And I think that is a common ground which both Chambers do support. Unfortunately, we will have to part ways on their desire that the barangay elections should likewise be deferred to November of this year.

Again, Mr. President, I have not heard of any rational reason why we should do so. I think it is bad for democracy just to be postponing elections mandated by law on very flimsy reasons. Therefore, I vote to support the bill submitted to this Chamber.

The President. Is there any other member of the Chamber who would wish to explain the vote? The Chair sees none.

APPROVAL OF S. NO. 2050 ON THIRD READING

The Chair therefore announces the result of the voting. With 10 affirmative votes, three negative votes and no abstention, Senate Bill No. 2050 is hereby approved on Third Reading.

Senator Flavier. Mr. President.

The President. The Majority Leader is recognized.

Senator Flavier. Mr. President, may I now move to nominate the members of the Senate panel to the Bicameral Conference Committee.

The President. Yes, please proceed.

CONFERENCE COMMITTEE ON S. NO. 2050/H. NO. 4456
(Synchronized Barangay and Sangguniang Kabataan
Elections Act of 2002)

Senator Flavier. I nominate Sen. Aquilino Q. Pimentel Jr. as chairman with the following members: Sen. Manuel B. Villar, Sen. Ralph G. Recto, Sen. Francis N. Pangilinan, Sen. Panfilo M. Lacson and Sen. Edgardo J. Angara.

The President. May the Chair nominate Sen. John H. Osmeña as chairman of the Committee on Local Government for the Majority.

Senator Flavier. Does the Chair mean cochairman, Mr. President?

SUSPENSION OF SESSION

The President. The Chair would like to declare a one-minute suspension of the session, if there is no objection. *[There was none.]*

It was 7:44 p.m.

RESUMPTION OF SESSION

At 7:46 p.m., the session was resumed.

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

Senator Flavier. Per the suggestion of the Chair, Mr. President, we are including in the nominated list Sen. John H. Osmeña in his capacity as chairman of the Committee on Local Government.

So, may I repeat, Sen. Aquilino Q. Pimentel Jr. as Chairman; and as members, Sen. Manuel B. Villar Jr., Sen. Ralph G. Recto, Sen. Francis N. Pangilinan, Sen. Panfilo M. Lacson, Sen. Edgardo J. Angara and Sen. John H. Osmeña.

The President. How many members are there? What is the total number of the Senate contingent?

Senator Flavier. Seven, including the chairman, Mr. President.

The President. All right. So designated.

Senator Flavier. With that, Mr. President, I move that we adjourn the session until three o'clock in the afternoon, Monday, March 11, 2002.

MANIFESTATION OF THE CHAIR
(Composition of the Oversight Committee on the Proper
Implementation of the National Internal Revenue Code)

The President. Before the Chair acts on the motion to adjourn, just for the record, the Oversight Committee on the Proper Implementation of the National Internal Revenue Code provided for under Section 290 of Republic Act No. 8424 is hereby constituted with the chairman of the Committee on Ways and Means as the chairman, Sen. Ralph G. Recto; the following as members: Sen. Manuel B. Villar Jr., Sen. Joker P. Arroyo, Sen. Sergio R. Osmeña III and Sen. Teresa Aquino-Oreta.

ADJOURNMENT OF SESSION

There is now a motion to adjourn until three o'clock in the afternoon, Monday, March 11, 2002.

Is there any objection? *[Silence]* There being none, the session is adjourned until three o'clock in the afternoon, Monday, March 11, 2002.

It was 7:48 p.m.