

RECORD OF THE SENATE

THURSDAY, JUNE 7, 1990

OPENING OF THE SESSION

At 2:28 p.m., the Honorable Jovito R. Salonga, President of the Senate, called the session to order.

The President. Binubuksan ang pulong ng Senado.

Pangungunahan tayo sa panalangin ni Senador Wigberto E. Tañada.

Everybody remained standing for the opening prayer.

PRAYER

Senator Tañada.

Mahal na Panginoon:

Sa pagtatapos ngayong araw ng Ikatlong Regular na Sesyon ng Kongreso,

Tulungan Mo pong maipagpatuloy namin ang pagiging konsensiya ng bayan, bilang boses ng nakararaming mahihirap at bilang tagapagtanggol ng pambansang interes.

Dahilan sa marami pong totoo ang aming mga suliraning pambansa, gabayan po Ninyo kami upang ang mga kalutasan ay manggaling sa maraming Pilipinong nagtutulungan.

Ang aming mga adhikain sa pambansang kaligtasan, samahan po Ninyo ng matatag naming kalooban, ang aming mga simulain sa pambansang kapakanan ay kasihan po Ninyo ng makataong katwiran.

Ang aming pagtitiwala sa katarungan, Inyo pong pagtibayin sa kapayapaan.

Sa ganito, Panginoon, aming demokrasya'y tatanghaling pagkakaisa ng gobyerno't taumbayan,

Siya nawa.

ROLL CALL

The President. Babasahin ng Kalihim ang talaan ng mga Senador.

The Secretary.

Senator Heherson T. Alvarez	Present*
Senator Edgardo J. Angara	Present
Senator Agapito A. Aquino	Present

Senator Juan Ponce Enrile	Present*
Senator Joseph Ejercito Estrada	Present*
Senator Neptali A. Gonzales	Present
Senator Teofisto T. Guingona, Jr.	Present
Senator Ernesto F. Herrera	Present
Senator Sotero H. Laurel	Present*
Senator Jose D. Lina, Jr.	Present
Senator Ernesto M. Maceda	Present
Senator Orlando S. Mercado	Present*
Senator John H. Osmeña	Present
Senator Vicente T. Paterno	**
Senator Aquilino Q. Pimentel, Jr.	Present
Senator Santanina T. Rasul	**
Senator Alberto G. Romulo	Present
Senator Rene A. V. Saguisag	Present
Senator Leticia Ramos Shahani	Present
Senator Mamintal Abdul J. Tamano	Present
Senator Wigberto E. Tañada	Present
Senator Victor S. Ziga	Present
The President	Present

The President. Labing-anim na Senador ang dumalo sa ating pagpupulong; mayroon tayong korum.

THE JOURNAL

Senator Guingona. Mr. President, I move that we dispense with the reading of the *Journal* of yesterday's session and consider the same as approved.

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

The Secretary will please read the Order of Business.

REFERENCE OF BUSINESS

BILLS ON FIRST READING

The Secretary. Senate Bill No. 1564, entitled

AN ACT CREATING A BOARD OF DIVESTMENTS,
AND FOR OTHER PURPOSES.

Introduced by Senator Saguisag.

The President. Referred to the Committees on Civil Service and Government Reorganization; and Finance.

The Secretary. Senate Bill No. 1565, entitled

AN ACT TO PROVIDE ASSISTANCE TO WOMEN
ENGAGING IN SMALL BUSINESS ENTER-
PRISES, AND FOR OTHER PURPOSES.

*Arrived after the roll call

**On official mission

APPROVAL OF CONFERENCE COMMITTEE REPORT
ON SENATE JOINT RESOLUTION NO. 3 AND HOUSE
JOINT RESOLUTION NO. 1

We will now consider the Conference Committee Report. Is there any objection to this Conference Committee Report? [Silence] There being none, the motion is approved.

The following is the full text of the Conference Committee Report:

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of Senate Joint Resolution No. 3, entitled

JOINT RESOLUTION CREATING A CONGRESSIONAL COMMISSION TO REVIEW AND ASSESS PHILIPPINE EDUCATION

and House Joint Resolution No. 1, entitled

JOINT RESOLUTION CREATING A CONGRESSIONAL COMMISSION TO REVIEW AND ASSESS PHILIPPINE EDUCATION,

having met in full and free conference, has agreed to recommend and do hereby recommend to the Senate and the House of Representatives that House Joint Resolution No. 1, in consolidation with Senate Joint Resolution No. 3 be approved without amendments.

Approved,

CONFEREES ON THE PART OF
THE SENATE

(Sgd.) EDGARDO J. ANGARA

(Sgd.) ERNESTO F. HERRERA

JUAN PONCE ENRILE

CONFEREES ON THE PART OF THE
HOUSE OF REPRESENTATIVES

(Sgd.) CARLOS M. PADILLA

(Sgd.) CIRILO ROY G. MONTEJO

SALVADOR H. ESCUDERO III

Senator Angara. Thank you, Mr. President.

BILL ON SECOND READING
Senate Bill No. 335—An Act Regulating
the Practice of Nursing
(Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 335 as reported out under Committee Report No. 138.

The President Pro Tempore. The consideration of Senate Bill No. 335 is now in order.

Senator Guingona. We are in the period of interpellations, Mr. President. I ask that we recognize Senator Alvarez.

The President Pro Tempore. Senator Alvarez is recognized.

Senator Alvarez. There seems to be no interpellation, Mr. President.

The President Pro Tempore. Are we still in the period of interpellations?

Senator Alvarez. We are in the period of amendments, Mr. President. There is no amendment from the Committee.

The President Pro Tempore. The Chair would like to inquire from the Majority Floor Leader: What is the parliamentary status of the bill being sponsored by Senator Alvarez? At what stage are we in?

Senator Guingona. We are in the period of interpellations, Mr. President. But if there are no further interpellations, we can now close the period of interpellations.

Senator Herrera. Mr. President.

The President Pro Tempore. Senator Herrera is recognized, for further interpellation.

Senator Herrera. I do not intend to interpellate, Mr. President. I would just like that I be furnished a copy of this bill.

The President Pro Tempore. The Majority Floor leader is recognized.

Senator Guingona. We ask that copies be distributed, Mr. President.

The President Pro Tempore. Have they been distributed?

Senator Guingona. They have been distributed earlier, but we would like them distributed now again.

SUSPENSION OF THE SESSION

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

It was 6:32 p.m.

RESUMPTION OF THE SESSION

At 6:36 p.m., the session was resumed.

The President Pro Tempore. The session is resumed. Senator Alvarez is recognized again.

Senator Alvarez. There are no interpellations, Mr. President.

The President Pro Tempore. Any interpellations? *[Silence]*

The Majority Floor Leader is recognized.

Senator Guingona. Mr. President, I move that we close the period of interpellations.

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

Senator Guingona. If there are no Committee amendments...

Senator Alvarez. No Committee amendments, Mr. President.

The President Pro Tempore. Are there Committee amendments? *[Silence]* We close the period of Committee amendments. We go to individual amendments now.

MACEDA AMENDMENT

Senator Maceda. I think there is a typographical error here somewhere. I am sorry, I just went through the bill today.

On page 11, line 10, it says "at least years of experience in a supervisory or managerial position in nursing." Is that the same in the copy of the distinguished Senator, Mr. President?

Senator Alvarez. That should read "FIVE years", Mr. President.

Senator Maceda. Then, maybe, we should formally amend it, Mr. President.

The President Pro Tempore. What is the amendment?

Senator Maceda. To insert the word "FIVE" to give some meaning to this provision.

The President Pro Tempore. In line 10, page 11, after the word "least", insert the word "FIVE". Is that being accepted by the Sponsor?

Senator Alvarez. Yes, Mr. President.

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

Senator Maceda. On page 10, just a clarificatory question. We are aware of the fact that a great number of our nurses have gone abroad and many of them, especially when we are talking about those occupying supervisory or managerial positions, have probably become registered nurses, let us say, in the United States. I was just wondering if they do not maintain their active registration in the Philippines and they come back, would they still be qualified to be appointed to managerial positions here? What is the meaning of "be a registered nurse in the Philippines"? Would that include just the fact that they passed the Board at one time, and have gotten a registration as a nurse?

Senator Alvarez. Yes, Mr. President. There is currently no refresher's requirement, except membership in a credited nursing organization.

Senator Maceda. So, just for the record it is clear because, anyway, the Filipino citizenship is enough. Although I wonder, whether we really want it. This would be normal in most professions. But in the specific case of the nursing profession, where we have tens of thousands abroad and sometimes some of them after a while become American citizens, they are balikbayans who come home to retire here. I am sure the Gentleman who has lived in New York knows pretty well about this situation. They are already, let us say, nursing supervisors, or even higher — directors of nursing in hospitals in New York. In the meantime, they have already become American citizens. When they come here, if we want them to occupy supervisory positions here, *hindi puwede?*

Senator Alvarez. *Puwede po yan sapagkat rehistrado pa rin sila*, and on the basis of the minimum requirements, they must have at least five years of nursing experience. We have not translated experience abroad to qualifications here.

Senator Maceda. I am referring to page 10, Section 27. This is with specific regard to supervisory positions. I am not pushing greed, but I was just opening up the question whether we really

want a strictly Filipino citizen or we would leave some opening that Filipino nurses, who are Filipino citizens, who have gone abroad may be given within a certain period after their return, while they are still in the process of adjustment or trying to regain their citizenship, would be allowed to accept or be appointed to some supervisory or managerial positions?

Senator Alvarez. I see the merit in the Gentleman's proposal because a returnee with considerable accumulated know-how will be given an opening to assume a position she can very well handle.

The President Pro Tempore. Is it provided that she retains her Philippine citizenship?

Senator Maceda. I could see the situation where they have gotten American citizenship, and they have returned. But I am not sure how easy it is these days to re-acquire one's Filipino citizenship. I am not really sure what is the existing law.

The President Pro Tempore. But we are the ones concerned. The question is addressed to us: A Filipino registered nurse goes to the United States, acquires American citizenship, comes back, can he be appointed to a managerial/supervisory position?

Senator Maceda. I think that in view of the reality—we are short of 96,000 ordinary nurses; much more, we are short of good managerial and supervisory level nurses—I think that there should be a special reason to be a little more flexible on the citizenship requirement on this, provided that they are former Filipino citizens who have returned and have declared an intention to re-acquire Filipino citizenship.

The President Pro Tempore. Is there an existing rule to the effect that only Filipino citizens may be appointed to supervisory managerial positions?

Senator Alvarez. No, Mr. President, there is none.

Senator Maceda. It is being proposed now to limit it to Filipino citizens.

The President Pro Tempore. Then that is something that should not only be probably clarified but specifically required.

Senator Alvarez. Mr. President, as I said, I see the merit of the Gentleman's proposal.

Senator Maceda. Subject to style: BE A FILIPINO CITIZEN OR A FORMER FILIPINO CITIZEN WHO HAS DECLARED AN INTENTION TO RE-ACQUIRE HER FILIPINO CITIZENSHIP.

Senator Alvarez. Would the Gentleman limit the period so that it would not be open-ended?

The President Pro Tempore. The Chair realizes the logic of the Senator from Ilocos and Laguna, but would not that be setting a precedent for other professions?

Senator Maceda. That is why I pointed that out. The Chairman of the Committee on Health is here, and he knows that the situation is most acute in the area of nursing over any other professions, especially when one is talking of supervisory or managerial positions, where what is being complained about now is that all the good supervisors and managers are going abroad. In the case where some of them have decided that they now want to come back, I think, if we can make it easy for them to get re-appointed, it might be a good thing.

Senator Alvarez. Mr. President, the Committee accepts the amendment.

Senator Gonzales. Mr. President.

The President Pro Tempore. Senator Gonzales is recognized.

Senator Gonzales. May I just interject a thought? I do not know whether this can legally be done, because, I think, one of the requirements of the Philippine Civil Service is Philippine citizenship. I do not know whether or not we can actually allow those who are not citizens of the Philippines to be part of the Philippine Civil Service. That is the only point I would want to interject, because we might forget that basic provision of the Civil Service Law.

The President Pro Tempore. The point, however, raised by Senator Maceda is, as the Chair understands it, even if there were a prohibition it is now being introduced here as an exception to that prohibition. So it is still addressed to the Chamber.

Senator Herrera. Mr. President.

The President Pro Tempore. Because it has been moved, we will listen to the comments. All right, Senator Herrera is recognized.

Senator Herrera. I would just like to express my concern on this particular provision. This might invite retaliatory action from other governments and that will put the Filipino nurses at a disadvantage because there are more Filipino nurses now abroad. There will be retaliations by other governments, requiring that one has to be a citizen in order to be appointed to a supervisory position. That is all, Mr. President.

Of course, there is that point raised by Senator Gonzales, but if there is no constitutional or legal problem, I am not sold to the idea of limiting it only to Filipino citizens.

The President Pro Tempore. In other words, nurses from any other country who are qualified, registered, and experienced?

Senator Herrera. Yes, with the necessary experience.

The President Pro Tempore. In other words, the Senator from Cebu is in favor of following the rule already being practiced by other countries, like the United States, that welcomes nurses of different nationalities, as long as they are qualified.

Senator Herrera. Yes.

The President Pro Tempore. For probably the same reason, which is: There is a dearth of nursing manpower in the country, although we graduate so many of them.

Senator Saguisag. Mr. President.

The President Pro Tempore. Senator Saguisag is recognized.

SAGUISAG AMENDMENT TO MACEDA AMENDMENT

Senator Saguisag. It is a very minor point, really, but I thought I heard the formulation to say, "re-acquire her citizenship". Maybe, we should make it "his or her". Baka po may mga male nurses diyan and because of that technicality, may not qualify, as we assume that all nurses are women when in fact, there are also male nurses. Iyon pong nadinig kong susog kanina ay "her" po ang binanggit. Kaya ang mas mabuti po, "HIS OR HER".

Senator Alvarez. Accepted, Mr. President.

The President Pro Tempore. Is that an amendment?

Senator Saguisag. Opo, parang minor amendment.

The President Pro Tempore. Can the Senator from Mauban and Pasig state in what place we are going to introduce that amendment?

Senator Saguisag. Iyon lang pong lugar na "her citizenship".

Senator Alvarez. Yes, the amendment is subject to style, so it is easily within the amendment, Mr. President.

The President Pro Tempore. In other words, it is a proper procedure to specify where it is going to be included. On what page, in what line, or is that an omnibus amendment?

Senator Saguisag. That was really a comment or an amendment of the formulation just made orally by Senator Maceda.

The President Pro Tempore. In other words, it is an amendment to an amendment?

Senator Saguisag. Opo.

The President Pro Tempore. What does the Sponsor of the amendment, Senator Maceda, say?

Senator Alvarez. It is well within the amendment, Mr. President. The amendment is flexible enough to accommodate that style which clarifies the amendment.

The President Pro Tempore. At any rate, Senator Maceda who is the Sponsor of the amendment has no objection and it is accepted by the Sponsor.

Senator Maceda. No objection, Mr. President.

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

Senator Shahani. Mr. President.

The President Pro Tempore. Senator Shahani is recognized.

Senator Shahani. Mr. President, I just would like to make a general comment. This bill really focuses on the nurses, on what is required to give them good education and to work in humane working conditions. But there is no recognition, really, of the actual needs of the nation in terms of the delivery of basic health services. So I would propose that in the Declaration of Policy — this is subject to style — I think, we should add what is also the responsibility of the nursing profession, because there is a tremendous brain drain in this country, and here we are guaranteeing the best conditions for our nurses, to educate them and only to go abroad.

The President Pro Tempore. With the permission of the good Senator from Pangasinan, is this on the amendment proposed by Senator Maceda?

Senator Shahani. I thought that was approved, Mr. President. I do have an amendment which is different from what Senator Maceda has proposed.

The President Pro Tempore. But this is an amendment of Senator Maceda and still pending because there was a discussion.

Senator Alvarez. No more, Mr. President.

The President Pro Tempore. So, there is no objection to the amendment of Senator Maceda. [Silence] There being none, the amendment is approved. We have not approved it formally.

Please proceed, Senator Shahani.

Senator Shahani. I was saying that there should also be something about the responsibility of the nurses and their participation in the delivery of basic health services. Because, here we are regulating the practice of nursing in the Philippines, assuring that they be given the best education, the best working conditions, but with no reference to the health needs of the people. And the spectacle of it is that we are educating hundreds of thousands of nurses, giving the best education, producing some of the best nurses in the world, only for them to get out of our country and serve the health needs of other people.

So, I think, I would propose, Mr. President, a second sentence under the Declaration of Policy.

Senator Alvarez. Under Section 2, Mr. President?

SHAHANI AMENDMENT

Senator Shahani. Subject to style but I thought the distinguished Sponsor might entertain this amendment: "The State shall also guarantee the delivery of basic health services through an adequate nursing component in the nation." Something like that.

Senator Alvarez. Specifically in Section 2, Mr. President?

Senator Shahani. Yes, in the Declaration of Policy.

Senator Alvarez. May I have the thought? "The State...

Senator Shahani. "...should also guarantee the delivery of basic health services through an adequate nursing component in the entire country." This is not really a very good wording. I think, for every 20,000 citizens, we have only one nurse in the Philippines. That is quite scandalous.

Senator Alvarez. "The State shall also guarantee the delivery of..."

Senator Shahani. Senator Pimentel says, "The State hereby guarantees the delivery of basic health services through an adequate nursing personnel...". I really cannot... Maybe, the Gentleman might say, "throughout the country".

Senator Alvarez. Accepted, subject to style, Mr. President.

The President Pro Tempore. Is there any objection, subject to style? [Silence] There being none, the amendment is approved.

Senator Shahani. In the same vein, on page 2, Section 4, Subsection (d) which talks about the "study conditions affecting nursing practice in the Philippines and exercise the powers necessary to ensure the maintenance of efficient, ethical, technical, moral and professional standards in the practice of nursing;" we insert the words TAKING INTO ACCOUNT THE HEALTH NEEDS OF THE NATION." So, it is not just the nursing profession we are looking at, but also their responsibilities in fulfilling the health requirements.

Senator Alvarez. Accepted, Mr. President.

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

Senator Shahani. Thank you, Mr. President.

Senator Romulo. Mr. President.

The President Pro Tempore. Senator Romulo is recognized.

ROMULO AMENDMENT

Senator Romulo. On page 12, Section 30, it reads: "Based on current NEDA figures, the proper government agency shall fix as soon as possible standard basic pay for all nurses working in either public or private hospitals." We have the Salary Standardization Bill. How will this reconcile with the Salary Standardization Act?

Senator Alvarez. I will welcome the appropriate adjustment, Mr. President.

Senator Romulo. Subject to style, I would propose that since the Salary Standardization Act for all government employees covers government employees, and as long as public hospitals are not included here, if it is the desire of the Body to continue this Section, that is up to the Chamber. But, I suppose, "public" should not be here; otherwise, we would be back to the old system of "kanya-kanya."

Senator Alvarez. I imagine that even if it were said by NEDA, it will still be subject to the Salary Standardization Act when it is in the public sector.

Senator Romulo. The Standardization Act is quite precise, Mr. President. We have Grades 1 to 23, so I do not see where NEDA gets in there. We even provided for the grades and stages

so it is quite fixed there. What we would like to say here is that we have to amend the Salary Standardization Act itself so that we do not have to do it piecemeal by having a special law again for nurses, having a special law for public prosecutors, having a special law for teachers, and having a special law for every other segment.

So, my own view is that we have already settled this, at least for government employees, in the Salary Standardization Act. If we want to make an amendment, it would be to the Salary Standardization Act and not by bills pertaining to a particular sector. In this particular case, initially, I would propose that we delete "public" in line 24, page 12 and we do not —

Senator Alvarez. Impinge on the Salary Standardization...

Senator Romulo. Yes, that is correct.

Senator Angara. Mr. President.

The President Pro Tempore. Senator Angara is recognized.

Senator Angara. Perhaps, I can offer a compromise here. I think Senator Romulo is right that since there is a Salary Standardization Act, we cannot ask any other agency to set the salary for public workers.

Senator Romulo. If I may be permitted to interrupt. In the bill of Senator Angara on health workers, we have the same formula so, I think, Senator Angara would be able to provide a compromise.

Senator Angara. Yes, Mr. President. So, what we would propose is that we say something like this, and we remove the private sector here because we are not really regulating the salaries of private sector nurses: "IN ACCORDANCE WITH THE SALARY STANDARDIZATION ACT, THE STANDARD BASIC PAY OF ALL NURSES IN PUBLIC HOSPITAL SHALL BE FIXED". Something like that.

Senator Alvarez. No objection, Mr. President.

Senator Romulo. In view of that, which I think is a good compromise, we then say, the second sentence: "The same standard basic pay shall be increased periodically to cope with the increase of costs of living." Probably, this should be entirely deleted because the sense is already covered in the compromised wordings suggested by Senator Angara.

Senator Angara. If that is acceptable, Mr. President.

Senator Alvarez. Yes, that is acceptable, Mr. President. The Committee accepts the amendment.

Senator Romulo. Thank you, Mr. President.

The President Pro Tempore. Has the same been understood by the Chamber? Is there any objection? [Silence] There being none, the amendment is approved.

Senator Herrera. Mr. President.

The President Pro Tempore. Senator Herrera is recognized.

Senator Herrera. Mr. President, Senator Angara has already made the amendments, and I would have liked to comment on the private sector.

The President Pro Tempore. The Majority Floor Leader is recognized.

Senator Guingona. Mr. President, we move to close the period of individual amendments.

The President Pro Tempore. Is there any objection? [Silence] The period of individual amendments is closed.

APPROVAL OF SENATE BILL NO. 335 ON SECOND READING

Senator Guingona. Mr. President, I move that we vote on Senate Bill No. 335 on Second Reading.

The President Pro Tempore. We shall now vote on the bill on Second Reading. As many as are in favor of the bill, will please say Aye. [Several Senators: Aye] As many as are against, will please say Nay. [Silence] Senate Bill No. 335 is approved on Second Reading.

BILL ON SECOND READING Senate Bill No. 1500 — Crime of Coup d'Etat (Continuation)

Senator Guingona. Mr. President, I move that we resume consideration of Senate Bill No. 1500. The amendments have been ironed out, I ask that we recognize Senator Lina.

The President Pro Tempore. Resumption of the consideration of the bill is now in order. Senator Lina is recognized.

COMMITTEE AMENDMENT

Senator Lina. Mr. President, after a long, tedious meeting and consultation with the other Members of the Chamber, particularly, Senator Pimentel, we have arrived at a formula to resolve the impasse on the definition of the crime of coup d'etat. Therefore, I move that the two paragraphs from line 6 on page 1 to