

RECORD OF THE SENATE

WEDNESDAY, DECEMBER 20, 2000

RESUMPTION OF THE SESSION

At 10:01 a.m., the session was resumed with the Senate President, Hon. Aquilino Q. Pimentel Jr., presiding.

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

Senator Tatad. Mr. President, may I ask that the distinguished Minority Leader be recognized.

The President. The Minority Leader, Sen. Teofisto T. Guingona Jr., is recognized.

Senator Guingona. Thank you, Mr. President.

I understand that the bicameral conference for the power bill will be held tomorrow and Friday.

Mr. President, with due respect to the distinguished chairman of the Committee on Energy and the other members, we are constrained to object to the holding of the bicameral conference meeting that is scheduled for tomorrow and subsequent meetings because, first, during the December 5 bicameral conference, the initial discussions, I understand, were that the House version, which is a complete version of the House power bill, would be used as a basis for the bicameral conference report.

Second, the argument is that there is no need for the Senate to complete its series of power bills because, if we will recall, there were five bills for the Senate.

The President. That is right.

Senator Guingona. But during the initial conference in July, the House of Representatives panel said, "How can we have a bicameral conference if yours is divided into five bills and ours is consolidated?" So, we agreed to consolidate. And the agreement then was to meet only after all the bills in the Senate shall have been enacted. That is why we said, "See you in September." That was in July.

But because of events, we could not complete... And up to now, the Senate bills are not yet completed, specially the stranded assets and liabilities.

The bicameral proponents state that the AFMA bill and the PNP bill are precedents. Therefore, even if the Senate has not yet finished its complete version of the last bill, then we can already go into bicameral conference.

Mr. President, this is contrary to the usual practice and contrary to the gentleman's agreement that all the Senate versions shall first be completed before the bicameral is called for a meeting. In substance the stranded assets and liabilities or NPC bill is the major linchpin of the Senate version of the bill. We have to know how much are the liabilities; we need to know how much is the stranded assets and costs which may be passed on to the people. Are we going to pass on a universal levy without knowing how much, without knowing to what extent the stranded costs will assume?

This is unfair, Mr. President. This will, in effect, be delegating to the NPC the power to decide the assets, the power to decide the stranded costs and liabilities. I do not think that that is sound legislation. And this goes into billions of pesos and dollars.

And so, Mr. President, I would like to respectfully register our objection to the future bicameral meetings, specifically those scheduled for tomorrow on a continuing objection for the reasons given.

Thank you very much.

Senator Tatad. Mr. President.

The President. The Majority Leader is recognized.

Senator Tatad. Mr. President, may we hear from the distinguished chairman of the Committee on Energy, Sen. John H. Osmeña.

The President. Sen. John Reiner Osmeña is recognized.

Senator J. Osmeña. Mr. President, that is not the first time that we hear those arguments on the floor. We heard them many times over the last three years. We last heard them in May. We are now in an ongoing bicameral conference to try to finally meld together what was approved in the Senate and what was approved in the House of Representatives. There is one thing I learned from the impeachment trials, and it is the word "premature." [Laughter]

So, Mr. President, the remarks of the distinguished Minority Leader are premature and should be made when he explains his vote against the ratification of the Bicameral Conference Committee Report.

Thank you, Mr. President.

Senator Tatad. Mr. President.

The President. The Majority Leader is recognized.

Senator Tatad. Thank you very much, Mr. President. Today is the 50th anniversary of the Blue Ribbon Committee.

Department of Finance, together with the National Tax Research Center and some members of Congress as members, to work out a new system of taxing these three groups of taxpayers in lieu of the VAT, and that they should submit a proposal not later than the end of June 2001.

Senator J. Osmeña. The proposal has to be early enough to give the Congress time to enact it. So, I would suggest that the proposal be submitted by December 31, 2001 so that we will have...

Senator Enrile. I said not later than June 30, 2001 so that we can consider it in the first half of 2001 when Congress resumes its session.

Senator J. Osmeña. We will ask the committee to draft the amendment...

Senator Enrile. Subject to style.

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

Senator Tatad. Mr. President.

The President. The Majority Leader.

Senator Tatad. Mr. President, there being no more further individual amendments, I move that we close the period of amendments.

The President. There is a motion to close the period of amendments. Is there any objection? *[Silence]* There being none, the motion is approved.

APPROVAL OF S. NO. 2225 ON SECOND READING

Senator Tatad. Mr. President, I move that we vote on Second Reading on Senate Bill No. 2225, as amended.

The President. Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on Senate Bill No. 2225, 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 *nay*.
[Silence]

Senate Bill No. 2225, as amended, is approved on Second Reading.

SUSPENSION OF CONSIDERATION OF S. NO. 2225

Senator Tatad. Mr. President, I move that we suspend consideration of Senate Bill No. 2225.

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

CONFERENCE COMMITTEE REPORT ON S. NO. 2113/H. NOS. 8134 and 11651 (Amending the Philippine Science High School Act of 1997)

Senator Tatad. Mr. President, I move that we now consider the Conference Committee Report on the disagreeing provisions of Senate Bill No. 2113 and House Bill No. 8134.

The President. Mr. Majority Leader, we are having a session on the Impeachment Court.

Senator Tatad. Yes. This will take a very short time, Mr. President.

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

Senator Tatad. I ask that Senator Aquino-Oreta be recognized to sponsor the report.

The President. Senator Aquino-Oreta is recognized to sponsor the report.

REPORT OF SENATOR AQUINO-ORETA

Senator Aquino-Oreta. Thank you, Mr. President.

We have now with us the disagreeing provisions of Senate Bill No. 2113 and House Bill No. 8134, and after having met and fully discussed the subject matter, we would like to report what both Houses followed.

Mr. President, if each member was given a copy, maybe they can just read over it and I would like to request that the Senate approve this bill because yesterday the House approved the same. And we would like to pray that we approve the same so that the science and technology aspect of the Philippine Science High School System will now be organized and there will be just one governing board for the whole country. Each Philippine Science High School System campus in the different regions will have one governing board where the focus is on science and technology. But I would like to announce that this school will cater to the brighter students, to the selected students.

The President. All right. The Majority Leader is recognized.

APPROVAL OF CONFERENCE COMMITTEE REPORT
ON S. NO. 2113/H. NOS. 8134 and 11651

Senator Tatad. I move that we approve the Conference Committee Report.

The President. There is a motion to approve the Conference Committee Report. Is there any objection? [Silence] There being none, the motion is approved.

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

JOINT EXPLANATION OF THE CONFERENCE
COMMITTEE ON THE DISAGREEING PROVISIONS
OF SENATE BILL NO. 2113 AND HOUSE BILL
NOS. 8134 AND 11651

The Conference Committee on the disagreeing provisions of Senate Bill No. 2113 and House Bill Nos. 8134 and 11651, after having met and fully discussed the subject matter, hereby report to both Houses the following, that:

1. The Senate version was adopted as the working draft;
2. In Section 1, the word "Sytem" was changed to "System";
3. In Section 3, second paragraph, the letter "S" in the word "VISAYA" was changed to "Z";
4. In the same Section, third paragraph, the phrase "DEPARTMENT OF EDUCATION, CULTURE AND SPORTS" was placed before the acronym "DECS", and the same acronym was enclosed in brackets;
5. In the same Section, a fourth paragraph was added, to read:

"IN THE ESTABLISHMENT OF FUTURE CAMPUSES, THE BOARD OF TRUSTEES SHALL CONSIDER SAN ILDEFONSO, ILOCOSSUR AND ABORLAN, PALAWAN AS THE SITES OF PSHS ILOCOS REGION AND PALAWAN CAMPUSES."

6. In Section 4, the word "PHILIPPINE" was inserted between the words "OF" and "SCIENCE", and the word "SCHOOL" before the phrase "THE CONVERSION" was made plural;

7. In Section 6, between the words "COMMITTEE." and "For", a new sentence was inserted, to read: "AS MUCH AS PRACTICABLE, THE PRIVATE SECTOR REPRESENTATIVES SHALL COME FROM THE VARIOUS GEOGRAPHIC REGIONS.";

8. In the same Section, item (M), the word "the" between the words "of" and "science" was deleted;

9. In Section 7, the phrase "be conferred" between the words "shall" and "the" was replaced with the word "HAVE", and the phrase "equivalent to" between the words "rank" and "a" was replaced with the word "OF";

10. A new Section 12 was added, to read:

"Sec. 12. *Separability Clause.* - If, for any reason, any provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected shall continue to be in full force and effect.";

11. Sections 12 and 13 were renumbered as Sections 13 and 14, respectively; and

12. The Title of Senate Bill No. 2113 was adopted, to read:

"AN ACT STRENGTHENING THE GOVERNANCE AND DEFINING THE SCOPE OF THE PHILIPPINE SCIENCE HIGH SCHOOL (PSHS) SYSTEM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8496"

In case of conflict between the statements/ amendments stated in this Explanatory Statement and that of the provisions of the reconciled version in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

(Sgd.) MA. ANGELA E. CUA
Chairperson, House Panel

(Sgd.) TERESA AQUINO-ORETA
Chairperson, Senate Panel

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of Senate Bill No. 2113, entitled

AN ACT STRENGTHENING THE GOVERNANCE

AND DEFINING THE SCOPE OF THE PHILIPPINE SCIENCE HIGH SCHOOL (PSHS) SYSTEM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8496;

House Bill No. 8134, entitled

AN ACT STRENGTHENING THE GOVERNANCE AND DEFINING THE SCOPE OF THE PSHS SYSTEM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8496;

and House Bill No. 11651, entitled

AN ACT ESTABLISHING THE PHILIPPINE SCIENCE HIGH SCHOOL ILOCOS SUR CAMPUS AND APPROPRIATING FUNDS THEREFOR,

having met, after full and free conference, agreed to recommend and do hereby recommend to both Houses that Senate Bill No. 2113, in consolidation with House Bill Nos. 8134 and 11651, be approved in accordance with the attached copy of the bill as reconciled and approved by the conferees:

*CONFEREES ON THE PART OF THE
HOUSE OF REPRESENTATIVES:*

(Sgd.) MA. ANGELA E. CUA

(Sgd.) GREGORIO T. IPONG

(Sgd.) ENRIQUE T. GARCIA JR.

SIMEON L. KINTANAR

GRACE G. SINGSON

(Sgd.) ANGELO O. MONTILLA

(Sgd.) CARLOS M. PADILLA

(Sgd.) SALACNIB F. BATERINA

ALFREDO AMOR E. ABUEG JR.

(Sgd.) ANGELO M. SARMIENTO

*CONFEREES ON THE PART OF THE
SENATE:*

(Sgd.) TERESA AQUINO-ORETA

(Sgd.) ANNA DOMINIQUE M. L. COSETENG

(Sgd.) VICENTE C. SOTTO III

(Sgd.) RAMON B. MAGSAYSAY JR.

(Sgd.) JUAN M. FLAVIER

AN ACT STRENGTHENING THE GOVERNANCE AND DEFINING THE SCOPE OF THE PHILIPPINE SCIENCE HIGH SCHOOL (PSHS) SYSTEM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8496

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

SECTION 1. A second paragraph is hereby added under Section 2 of Republic Act No. 8496, otherwise known as the Philippine Science High School (PSHS) System Act of 1997, to read as follows:

"THE STATE SHALL ALSO ENSURE THAT EVERY REGION IS GIVEN EQUAL OPPORTUNITY TO BENEFIT FROM THE ESTABLISHMENT OF THE PSHS SYSTEM. TOWARDS THIS END, ONLY ONE (1) PSHS CAMPUS SHALL BE ESTABLISHED IN EACH OF THE ADMINISTRATIVE REGIONS OF THE COUNTRY."

SEC. 2. Section 3, paragraph (a) of the same Act is hereby amended to read as follows:

"(a) Integrate the existing PSHS at Diliman, NUEVA VIZCAYA, CAMARINES SUR, ILOILO CITY, LEYTE, LANAODELNORTE AND DAVAO CITY [Eastern Visayas, Western Visayas and Mindanao] into one system of governance and management;"

SEC. 3. Section 5 of the same Act is hereby amended to read as follows:

"Sec. 5. *Scope.* - The Philippine Science High School System shall be composed of the existing PSHS campuses HEREIN MENTIONED [at Diliman, Eastern Visayas, Western Visayas and Mindanao,] and future campuses which shall be established under [law] ACT. THE EXISTING CAMPUSES AT DILIMAN, QUEZON CITY; BAYOMBONG,

NUEVA VIZCAYA; GOA, CAMARINES SUR; JARO, ILOILO CITY; PALO, LEYTE; TUGBOK, DAVAO CITY; AND BALO-I, LANA DEL NORTE, SHALL BE KNOWN AS THE PSHS MAIN CAMPUS, PSHS CAGAYAN VALLEY, PSHS BICOL REGION, PSHS WESTERN VISAYAS, PSHS EASTERN VISAYAS, PSHS SOUTHERN MINDANAO AND PSHS MINDANAO AND PSHS CENTRAL MINDANAO, RESPECTIVELY.

THE NUEVA VIZCAYA SCIENCE HIGH SCHOOL, ESTABLISHED UNDER REPUBLIC ACT NO. 7622, AS AMENDED BY REPUBLIC ACT NO. 8364, IS HEREBY ABSORBED BY THE PSHS SYSTEM AND SHALL BECOME PSHS CAGAYAN VALLEY CAMPUS.

THE PSHS BICOL CAMPUS LOCATED IN THE MUNICIPALITY OF GOA, CAMARINES SUR, ESTABLISHED UNDER REPUBLIC ACT NO. 8304, AS AMENDED BY REPUBLIC ACT NO. 8619, SHALL BE CONSIDERED DISTINCT AND SEPARATE FROM THE SAN RAFAEL NATIONAL HIGH SCHOOL IN THE MUNICIPALITY OF TIGAON, CAMARINES SUR. THE SAN RAFAEL NATIONAL HIGH SCHOOL SHALL CONTINUE TO EXIST UNDER THE SUPERVISION OF THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS (DECS) PURSUANT TO THE PROVISIONS OF BATAS PAMBANSANG 580, AS AMENDED, AND SHALL MAINTAIN ALL PERSONNEL, ASSETS, LIABILITIES AND RECORDS PREVIOUSLY TRANSFERRED AND ABSORBED BY THE PSHS BICOL CAMPUS.

IN THE ESTABLISHMENT OF FUTURE CAMPUSES, THE BOARD OF TRUSTEES SHALL CONSIDER SAN ILDEFONSO, ILOCOS SUR AND ABORLAN, PALAWAN AS THE SITES OF PSHS ILOCOS REGION AND PALAWAN CAMPUSES."

SEC. 4. A new Section 6 is hereby inserted between Sections 5 and 6 of the same Act, to read as follows:

"SEC. 6. *RESTRICTION ON THE CONVERSION OF HIGH SCHOOLS INTO A PHILIPPINE SCIENCE HIGH SCHOOL.* - IN ADDITION TO THE GUIDELINES/CRITERIA THAT MAY BE ESTABLISHED BY THE PSHS BOARD OF TRUSTEES IN THE ESTABLISHMENT AND OPERATION OF PHILIPPINE SCIENCE

HIGH SCHOOLS, THE CONVERSION AND INCLUSION OF EXISTING HIGH SCHOOLS INTO THE PSHS SYSTEM SHALL NOT BE ALLOWED."

SEC. 5. Section 6 of the same Act is hereby amended to read as follows:

"Sec. [6] 7. *Overall Coordinating Authority.* - The PSHS System shall be under the administrative supervision of the Department of Science and Technology (DOST). THE PSHS SYSTEM BOARD OF TRUSTEES (BOT) SHALL BE THE GOVERNING BOARD OF ALL THE PSHS CAMPUSES WHEREVER SITUATED.

SEC. 6. Section 7 of the same Act is hereby amended to read as follows:

"SEC. [7] 8. *Board of Trustees.* - There shall be a Board of Trustees composed of the secretary of the DOST as *ex-officio* Chairman, the secretary of DECS as *ex-officio* Vice Chairman, and the following members: The President of the U.P., the Executive Director of PSHS, the Director of the Science Education Institute (SEI), [and] the President from the PSHS National Alumni Association, AND THE CHAIRPERSONS OF THE CONGRESSIONAL COMMITTEES ON SCIENCE AND TECHNOLOGY as *ex-officio* members; and one (1) representative each from the private sector representing higher education, education for the gifted, industry, agriculture, and new and emerging technologies. The private sector representatives shall be appointed by [the Chairman subject to the confirmation of] the Board of Trustees UPON RECOMMENDATION OF A DULY CONSTITUTED SEARCH COMMITTEE. AS MUCH AS PRACTICABLE, THE PRIVATE SECTOR REPRESENTATIVES SHALL COME FROM THE VARIOUS GEOGRAPHIC REGIONS. For the first set of appointments, three (3) of them shall serve for four (4) years, while the other two (2) for two (2) years, thereafter, succeeding appointments shall have a fixed term of four (4) years.

The Board shall exercise the following powers:

(a) Formulate policies and guidelines for the administration and operation of the PSHS System;

(B) ESTABLISH A PSHS CAMPUS IN EACH OF THE ADMINISTRATIVE REGIONS;

(c) [Formulate policies on the] APPROVE appointment, promotion, retention, [removal,] renewal, rewards and incentives for [administrators,] faculty and staff, FIX THEIR COMPENSATION AND OTHER CONDITIONS OF EMPLOYMENT, AND REMOVE THEM FOR CAUSE AFTER PROPER INVESTIGATION AND HEARING;

(D)[c] Approve the curricula submitted by the Executive Director;

(E)[d] Approve the criteria for the selection and admission of students;

(F)[e] Approve the grant of scholarship, stipend and such allowances for students;

(G)[f] Approve the graduation of successful candidates from the various PSHS campuses;

(H)[g] Formulate policies and rules of discipline for students, faculty and staff;

(I)[h] Approve the PSHS System budget, RECEIVE and appropriate to the ends specified by law such sums as may be provided by law for the support of the System;

(J)[i] Receive grants whether cash, land, buildings and improvements thereof; donations, contributions, bequestS, gifts, and to formulate policies for the administration thereof;

(K) APPROVE THE USE OF ALL INCOME GENERATED BY THE SCHOOL IN THE PURSUIT OF ITS FUNCTIONS AND DONATIONS RECEIVED IN TRUST BY INDIVIDUAL CAMPUSES, ACCORDING TO THE PURPOSE OF THE DONOR AND INTENTION OF THE DONATION. IN CASES WHERE INCOME/DONATION RECEIVED IS NOT INTENDED FOR A PARTICULAR CAMPUS, THE BOARD SHALL LIKEWISE APPROPRIATE THE SAME FOR THE BENEFIT OF THE SYSTEM OR ANY PART THEREOF;

(L)[j] Develop policies for the expansion of enrollment in the campuses under the PSHS System;

(M)[k] [Set] ESTABLISH policies and FORMULATE GUIDELINES/criteria, REQUIREMENTS NECESSARY to rationalize the establishment AND OPERATION of science high schools under the System IN ORDER TO MAINTAIN THE QUALITY AND UNIFORM STANDARD INHERENT OF A BONA FIDE PSHS [, for its evaluation and approval thereof]; and

(N)[l] Prepare strategic plans to enhance the capability of the System in developing human resources with focus on youth with special talents in science and mathematics."

SEC. 7. Section 8 of the same Act is hereby amended to read as follows:

"Sec. [8] 9. *Executive Director (ED)*. - There shall be an Executive Director who shall be appointed by [the Chairman, subject to the approval of] the Board and shall [be conferred] HAVE the rank [equivalent to] OF a bureau director, with a fixed term of six (6) years, renewable for another term. The ED shall [coordinate the implementation] EXERCISE ADMINISTRATIVE SUPERVISION OVER ALL CAMPUS DIRECTORS AND SHALL BE THE PRIMARY IMPLEMENTOR of policies and guidelines set by the Board of Trustees. As a member of the Board of Trustees, the ED shall articulate to the Board the mutual concern of all the campuses."

SEC. 8. A new Section 10 is hereby inserted between Sections 8 and 9 of the same Act, to read as follows:

"SEC. 10. - *DEPUTY EXECUTIVE DIRECTOR (DED)*. - THERE SHALL BE A DEPUTY EXECUTIVE DIRECTOR (DED) WHO SHALL BE APPOINTED BY THE BOARD FOR A TERM OF SIX (6) YEARS, RENEWABLE FOR ANOTHER TERM. THE DED SHALL PERFORM THE DUTIES AND FUNCTIONS ASSIGNED BY THE EXECUTIVE DIRECTOR."

SEC. 9. Section 9 of the same Act is hereby renumbered as Section 11.

SEC. 10. Section 10 of the same Act shall be amended, to read as follows:

"Sec. [10] 12. *Executive Committee*. - There shall be an Executive Committee IN THE PSHS

SYSTEM composed of the Executive Director AS *EX-OFFICIO* CHAIRPERSON and the Campus Directors [in the PSHS System] as members. [The committee shall be collegial in character.]

SEC. 11. Sections 11, 12, 13, 14 and 15 of the same Act are hereby renumbered accordingly.

SEC. 12. *Separability Clause.* - If, for any reason, any provision of this Act is declared unconstitutional or invalid, the other parts of provisions hereof which are not affected shall continue to be in full force and effect.

SEC. 13. *Repealing and Amending Clause.* - All laws, executive orders, presidential decrees, rules and regulations or parts thereof which are inconsistent with any provision of this Act are hereby repealed or amended accordingly.

SEC. 14. *Effectivity.* - This Act shall take effect immediately upon its approval.

Approved,

CONFERENCE COMMITTEE ON
S. NO. 1734/H. NO. 12029
(National Athletes, Coaches and Trainers
Benefits and Incentives Act of 1999)

Senator Tatad. Mr. President, I move that we now constitute the Senate panel to the Conference Committee on the disagreeing provisions of Senate Bill No. 1734 and House Bill No. 12029. For this purpose, I hereby nominate Sen. Robert S. Jaworski as chairman; and as members, Sen. Vicente C. Sotto III, Sen. Miriam Defensor Santiago and Sen. Juan M. Flavier.

The President. There is a motion to create the Conference Committee panel of the Senate as named by the Majority Leader. Is there any objection? [*Silence*] There being none, the motion is approved.

SUSPENSION OF SESSION

Senator Tatad. Mr. President, I move that we suspend the session until 10 o'clock tomorrow morning.

The President. Is there any objection? [*Silence*] There being none, the session is suspended until 10 o'clock tomorrow morning.

It was 10:50 a.m.