

RECORD OF THE SENATE

WEDNESDAY, DECEMBER 6, 2000

OPENING OF THE SESSION

At 4:47 p.m., the Senate President, Hon. Aquilino Q. Pimentel Jr., called the session to order.

The President. The 42nd session of the Third Regular Session of the Eleventh Congress is hereby called to order.

We shall be led in prayer by Sen. Vicente C. Sotto III.

Everybody rose for the prayer.

PRAYER

Senator Sotto.

Lord God Almighty, as we go about living our life and doing our work, we pray for the grace that we may do so only out of our love for You. O Lord; so that others may come to know You as they see You in our actions and hear You in our words.

Father, grant us the courage to follow you always. We ask that You direct our hearts and minds with Your very own wisdom and knowledge.

Thank You, dear God, that You call us to serve You even in this most difficult task of acting as impartial judges. While this is a privilege, Lord, we ask that You continue to humble us that we may proclaim You only and not ourselves.

Lord, remind us always, lest we forget, that everything that goes on in our lives is a spiritual warfare, a battle of the forces of good and evil and as Your followers and believers, we should always be confident as we confess with our hearts and lips that we are always on the winning side of truth, for who can doubt the very words that You once said, "If You are on our side who can be against us."

Almighty Father, we also pray for unity among us and our people. May it be Your love that calls us together in unity. Please be at the center of our relationships and guide us only in service to You so that we may bring glory to Your Name. Let Your righteousness be made manifest in us and in our decisions.

O Lord, purify us, create in us a pure heart; that's what we long for; a heart that follows hard after You; a heart that's undivided, that longs to please no man but

You only and only You, Lord. And as we acknowledge the gifts and the talents that You bestowed upon us, grant us the grace to use them only to pursue truth and righteousness, that in all that we think, in all that we say, in all that we do, we glorify only You, dear Lord.

Come, O Holy Spirit, and set our hearts on fire even as we embrace Your transforming hand today.

Amen.

The President. The Secretary will please call the roll.

ROLL CALL

The Secretary, reading:

Senator Teresa Aquino-Oreta	Present
Senator Robert Z. Barbers	Absent
Senator Rodolfo G. Biazon	Present
Senator Renato L. Compañero Cayetano ...	Present
Senator Anna Dominique M.L. Coseteng ...	Absent
Senator Miriam Defensor Santiago	Absent
Senator Franklin M. Drilon	Present
Senator Juan Ponce Enrile	Present
Senator Juan M. Flavies	Present
Senator Teofisto T. Guingona Jr.	Present
Senator Gregorio B. Honasan	Present
Senator Robert S. Jaworski	Present
Senator Loren B. Legarda-Leviste	Absent
Senator Ramon B. Magsaysay Jr.	Present
Senator Blas F. Ople	Present
Senator John Henry R. Osmeña	Absent
Senator Sergio R. Osmeña III	Absent
Senator Ramon B. Revilla	Present
Senator Raul S. Roco	Present*
Senator Vicente C. Sotto III	Present
Senator Francisco S. Tatad	Present
The President	Present

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

THE JOURNAL

Senator Tatad. Mr. President, I move that we dispense with the reading of the *Journal* of Session No. 41 of Monday and Tuesday afternoon, December 4 and 5, 2000, and consider it approved.

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

* Arrived after the roll call

court to issue *subpoena ad testificandum* and *subpoena duces tecum* to parties concerned.

The President. Yes. Does the Chair hear any objection?

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

Senator Guingona. Not an objection, Mr. President, just a clarification.

The President. Yes.

Senator Guingona. We will be furnished copies of the requested subpoenas.

The President. Yes, definitely.

Senator Guingona. Therefore, each senator would be given an opportunity, if he so feels, to give his opinion.

The President. I suppose so, yes.

Senator Guingona. Thank you, Mr. President.

Senator Tatad. May I reiterate the motion, Mr. President.

Senator Guingona. And one last clarification. Does this not amend the *Rules*?

The President. No, no. It is just an acquiescence of the senators. So, we have made that plain. This is only an acquiescence of the senators to enable the Chief Justice to issue *subpoena ad testificandum* and *subpoena duces tecum* to parties concerned.

Senator Roco. Mr. President.

The President. Sen. Raul S. Roco is recognized.

Senator Roco. Just also for the record, Mr. President.

I would rather believe the interpretation. It is clear in the *Rules* that when the Chief Justice does something unless one of us objects, that becomes the stand of the Senate. Hence, that is how I sort of understand the issuance of this ancillary, interlocutory, incidental or corollary orders so that we are really adhering to the *Rules*. But because the parties themselves agree, who are we to tell the parties how to go about their business?

The President. Exactly, Senator Roco.

Senator Roco. Thank you, Mr. President.

The President. Is there any objection to the motion? [*Silence*] The Chair hears none; the motion is approved.

The Majority Leader is recognized.

BILL ON SECOND READING

S. No. 2113 — Amending the Philippine Science High School Act of 1997 (Continuation)

Senator Tatad. Thank you, Mr. President.

Mr. President, I move that we now resume consideration of Senate Bill No. 2113 under Committee Report No. 383. This is the Philippine Science High School System.

We are still in the period of interpellations.

The President. Is there any objection? [*Silence*] There being none, resumption of consideration of Senate Bill No. 2113 is now in order.

Senator Tatad. Mr. President, I ask that Senator Aquino-Oreta be recognized.

But before that, the Minority Leader would like to raise a parliamentary inquiry.

The President. The Minority Leader is recognized.

PARLIAMENTARY INQUIRY OF SENATOR GUINGONA (Re Arrangements for Impeachment Trial)

Senator Guingona. Yesterday, Mr. President, we inquired about the arrangements for tomorrow's announced desire of some groups who would like to be present in front of the Senate. I understand they will be marching from Malate Church. We were informed that the Sergeant-at-Arms and the Secretariat were in consultation with these groups. May we know when we will be informed of the results?

The President. If the distinguished gentleman will forbear with us while we go through the agenda, right after the session, if that is possible.

Senator Guingona. Yes, Mr. President.

The President. Shall we recognize now Sen. Teresa Aquino-Oreta?

Senator Roco. Mr. President.

The President. Sen. Raul S. Roco is recognized.

**PARLIAMENTARY INQUIRY OF SENATOR ROCO
(On the Security Arrangements During the
Impeachment Trial)**

Senator Roco. Again, a small point on this, Mr. President. There is a memorandum that we have received in our respective offices detailing how the security arrangements and how the pro or anti—I am not quite sure who they are referring to when they say “pro” or “anti”: Pro what? Pro-Erap, Anti-Erap, Pro-Impeachment, Anti-Impeachment? The memorandum is not clear.

The President. Yes.

Senator Roco. In any event, Mr. President, for some reason, the Sergeant-at-Arms or whoever issued that memorandum restricted it to 1,000 people. It seems to me—as I remember the JBL rule and I am sure the Senate President is very familiar with the JBL rule—even if they were not given any permit as long as they keep walking, there is nothing that we can do about people who walk around this building as long as they use the pavement, the appropriate pedestrian lane. There is nothing in the Constitution that we can do. They do not even need permits. So I am wondering—and I appreciate the need for security—what is the basis for this arbitrariness in allowing 1,000 people. Why not 20,000? Why not 20 people? How can we restrict when the Constitution is not suspended by the impeachment process?

So, I am just raising an attention to this, Mr. President. Maybe we can address that in caucus, but it is serious to me what we may be establishing as precedence.

The President. All right. So we will take that up after the session then, Senator Roco.

Senator Roco. In a caucus? So are we having a caucus afterwards?

The President. Afterwards.

Senator Roco. Thank you, Mr. President.

The President. The Majority Leader is recognized.

Senator Tatad. May I now reiterate my motion, Mr. President.

Senator Cayetano. Mr. President.

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

**REMARKS OF SENATOR CAYETANO
(On Assurance of Security of the Senate)**

Senator Cayetano. Mr. President, before that, I just want to add my voice to what Senator Roco said. Unfortunately, I could

not attend the session because of an important personal matter which would require my presence—I mean the caucus. My daughter is in the hospital. But I would like to be assured that we do reconsider in the caucus the possibility, in fact, of getting as many as the space will provide as long as the security of the Senate is well-secured in order not to jeopardize not only the members of the Senate but also our visitors. I would just like to express that because I could not attend the caucus.

Thank you, Mr. President.

The President. The Chair thanks Senator Cayetano. His views will certainly be taken into account.

Shall we now recognize Sen. Tessie Aquino-Oreta?

Senator Tatad. Mr. President, we are now discussing Senate Bill No. 2113. We are still in the period of interpellations. Two senators have made reservation to interpellate but I am informed that they have since withdrawn their reservations, may I ask the sponsor to kindly confirm this for the record.

Senator Aquino-Oreta. Yes, Mr. President. I was waiting for Senator Defensor Santiago and we asked her if she still wanted to interpellate on this Philippine Science High School System and she said she would forego her interpellation.

The President. All right.

Senator Tatad. How about the second reservation?

Senator Aquino-Oreta. Senator Revilla also said that he would forego his interpellation on this bill.

Senator Tatad. In which case, Mr. President, we can move ahead. I move that the period of interpellations on this bill be closed.

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

Senator Tatad. I move that we now consider the committee amendments.

The President. Are there any committee amendments?

COMMITTEE AMENDMENTS

Senator Aquino-Oreta. Thank you, Mr. President. Before I go to my committee amendments, I would just like to put on record that Committee Report No. 383 already includes House Bill No. 11651.

And so for the committee amendments, Mr. President, they are only some words for correction. On page 4, line 22, the word “bequest” be...

The President. Page 4, line 22. All right. The word "bequest"?

Senator Aquino-Oreta. Yes, Mr. President, we will make it plural, bequests.

The President. Pardon?

Senator Aquino-Oreta. We will just add the letter S on the word "bequest". So, it has to be plural, bequests.

The President. All right.

Senator Aquino-Oreta. Under...

The President. May we take it up now for approval?

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

Senator Aquino-Oreta. On the same page, Mr. President, in line 25, the word "function" is again plural, FUNCTIONS.

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

Senator Aquino-Oreta. Again, Mr. President, on the same page, line 27, delete the word "gain" and replace it with the word DONOR.

The President. What is the word again, please?

Senator Aquino-Oreta. Delete the word "gain" and replace it with the word DONOR.

The President. DONOR.

Senator Aquino-Oreta. Yes, Mr. President. And so...

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

Senator Aquino-Oreta. That is all for the committee amendments, Mr. President.

The President. Shall we close the period of committee amendments?

Senator Tatad. I move that we close the period of committee amendments.

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

Senator Tatad. The sponsor is now ready to receive the individual amendments, if any.

The President. Are there any individual amendments?

Senator Tatad. There is no indication of...

Senator Flavier. Mr. President.

The President. Senator Flavier is recognized.

FLAVIER AMENDMENT

Senator Flavier. Mr. President, on page 4 line 1.

The President. On page 4, line 1, all right.

Senator Flavier. Delete the phrase "fix the site of the" and in its place, insert the words ESTABLISH A. So that line 1 will read, thus: "ESTABLISH A PSHS campus in each of the administrative regions;"

The President. Is the individual amendment acceptable to the sponsor?

Senator Aquino-Oreta. It is accepted, Mr. President.

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

Senator Tatad. Mr. President, there are no further individual amendments. I move that the period of individual amendments be closed.

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

APPROVAL OF S. NO. 2113 ON SECOND READING

Senator Tatad. I move that we vote on Second Reading on Senate Bill No. 2113.

The President. Is there any objection? *[Silence]* There being none, we shall now vote on Second Reading on Senate Bill No. 2113, 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. 2113, as amended, is approved on Second Reading.

SUSPENSION OF CONSIDERATION OF S. NO. 2113

Senator Tatad. I move that we suspend consideration of Senate Bill No. 2113.

The President. There is a motion to suspend consideration of Senate Bill No. 2113. Is there any objection? *[Silence]* There being none, the motion is approved.

SUSPENSION OF SESSION

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

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

It was 5:09 p.m.

RESUMPTION OF SESSION

At 5:10 p.m., the session was resumed.

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

BILL ON SECOND READING
S. No. 2048 – The AFP Tax Exemption
for Pay and Allowances Act of 2000
(Continuation)

Senator Tatad. Mr. President, I move that we resume consideration of Senate Bill No. 2048 as reported out under Committee Report No. 360.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 2048 is now in order. Whom do we recognize here?

Senator Tatad. Mr. President, this is the tax exemption bill for members of the Armed Forces of the Philippines. We are still in the period of interpellations. I ask that the sponsor, Sen. Juan Ponce Enrile, be recognized, and for the interpellation, Sen. Franklin M. Drilon.

The President. Sen. Juan Ponce Enrile is recognized, and Sen. Franklin M. Drilon to interpellate.

Senator Drilon. Thank you, Mr. President.

Before anything else, we wish to manifest for the record that we are supportive of this bill under consideration, Senate Bill No. 2048. In fact, this representation is listed as a coauthor of this measure, and we thank the sponsor for including us as a coauthor.

Indeed, Mr. President, every possible assistance to our government workers not only to our soldiers is most welcome at this time. Indeed, this is one of the measures which can help our soldiers. It is in that context that I ask the sponsor to yield the floor for a few questions.

Senator Enrile. Gladly, Mr. President.

Senator Drilon. Mr. President, may we know if the exemption sought to be granted under the bill for the armed forces personnel is also being granted to our police personnel?

Senator Enrile. The police personnel are now enjoying this tax exemption, Mr. President.

Senator Drilon. So the purpose of the bill is to equate the income tax treatment between the police and the armed forces?

Senator Enrile. That is correct, Mr. President.

Senator Drilon. Would the incomes enumerated in Section 3 of this measure or the income enumerated here be the same income that the PNP would receive, Mr. President?

Senator Enrile. I do not know whether they are the same, but more or less, I think, with some differences because of the nature of the work of the members of the two organizations.

Senator Drilon. Mr. President, for example, would the PNP personnel have a longevity pay and would they be exempted from income taxation?

SUSPENSION OF SESSION

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

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

It was 5:13 p.m.

RESUMPTION OF SESSION

At 5:13 p.m., the session was resumed.

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

Senator Enrile. Mr. President, according to the best information I received, the uniformed personnel of the Department of the Interior and Local Government receive a longevity pay allowance.