

RECORD OF THE SENATE

MONDAY, JULY 31, 2000

OPENING OF THE SESSION

At 3:16 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The fourth session of the Senate in the Third Regular Session of the Eleventh Congress is hereby called to order.

Let us all rise for the opening prayer to be led by Sen. Anna Dominique M. L. Coseteng.

After the prayer, the Philippine Coconut Authority Chorale will lead us in the singing of the national anthem. The chorale will also render another song, entitled *Lupang Sarili*.

Everybody rose for the prayer.

PRAYER

Senator Coseteng.

Yumuko po tayo at taimtim na manalangin.

Panginoong Maykapal, sa Iyong Kaluwalhatian bigyan kami ng Iyong mapaghimalang grasya.

Basbasan Mo, di lamang kaming nasa Kapulungang ito kundi maging ang buong sambayanan upang aming makayanan ang mga pagsubok na humahadlang sa aming minimithing kapayapaan, kasaganaan at kaunlaran.

Ang globalisasyon na umiipit sa aming bayan,

Ang pagtaas ng presyo ng langis kung saan wala kaming kalaban-laban, ang nakawan at katiwalian na hanggang ngayon ang mga kriminal ay nariryan, ang katarungan at kaparusahan ay di napaghahatulan at ang sari-saring hidwaan na animo'y walang katapusan.

Bigyan Mo ng Iyong kalinga ang mga natabunan ng basura sa Payatas, mga kawawang nilalang na sa buhay at kamatayan ay napagkaitan ng dignidad at ginhawa. Tanggapin Mo sila sa Iyong kaharian at sa Iyong kandungan, ipadama ang init ng Iyong pagmamahal.

Pagkalooban Mo rin ng Iyong kalinga ang mga sundalong nagbuwis ng buhay sa labanan sa

Mindanao, Muslim man o Kristiyano, kaming lahat ay Pilipino.

Amang Dakila, bendisyunan Mo at pagpalain ang aming bayan tungo sa Iyong kadakilaan ngayon at magpakailan pa man.

Siya nawa.

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

The President. We express our appreciation to the chorale of the Philippine Coconut Authority for its rendition of the national anthem and *Lupang Sarili*.

ROLL CALL

The Secretary will please call the roll.

The Secretary, reading:

Senator Teresa Aquino-Oreta	Present
Senator Robert Z. Barbers	Present*
Senator Rodolfo G. Biazon	Present
Senator Renato L. <i>Compañero</i> Cayetano ..	Present
Senator Anna Dominique M. L. Coseteng	Present
Senator Miriam Defensor Santiago	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	Present
Senator Ramon B. Magsaysay Jr.	Present
Senator Blas F. Ople	Present*
Senator John Henry R. Osmeña	Present*
Senator Sergio R. Osmeña III	Present
Senator Aquilino Q. Pimentel Jr.	Present
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 17 senators present, there is a quorum.

Senator Sotto. Mr. President.

* On official mission

sponsors, Senators Honasan and Enrile, on the matter of what will constitute the commission, may I seek a reconsideration and place there the MMDA. The reason being that the Manila Metropolitan Development Authority which has been deleted...

Senator Legarda-Leviste. May I correct. The MMDA is part of the commission, Mr. President. That is the Flavier amendment.

The President. That has been resolved, Senator Cayetano.

Senator Cayetano. All right. I thank the distinguished lady Senator.

Senator Legarda-Leviste. Of course, we realize the importance of the MMDA.

SUSPENSION OF CONSIDERATION OF S. NO. 1595

Senator Sotto. All right. Thank you, Mr. President.

Although we are nearing the end of the road of this very important Senate bill, we cannot close the period of individual amendments until we finalize some points. So, may I move that we suspend consideration of Senate Bill No. 1595.

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

BILL ON SECOND READING

S. No. 2038 — Anti-Injunction Act of 2000 (Continuation)

Senator Sotto. Mr. President, I move that we resume consideration of Senate Bill No. 2038.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 2038 is now in order.

Senator Sotto. Mr. President, we are still in the period of interpellations. I ask that the principal sponsor, Sen. Renato L. Compañero Cayetano, be recognized; and for the interpellation, Sen. Juan Ponce Enrile.

The President. Sen. Renato L. Cayetano is recognized; and to avail himself of the period of interpellations, Sen. Juan Ponce Enrile is likewise recognized.

Senator Enrile. Mr. President, I would just like to ask some questions as a matter of clarification. I am not really against this bill, but I just would like to ask some questions, just a matter of clarification.

I am not really against this bill, but I just want to clarify into the *Record* whether we are constitutionally allowed to do this, if I may.

Senator Cayetano. Thank you, Mr. President. I certainly appreciate the question of the gentleman from Cagayan.

Senator Enrile. Would this law not transgress the separation of powers considering that this involves judicial powers and that judicial powers are lodged by the Constitution in the Supreme Court, and such inferior courts as may be organized by law, were, in effect, curtailing the prerogatives of the judicial system in the performance of their constitutionally mandated power to exercise judicial functions in the land?

Senator Cayetano. I thank the gentleman from Cagayan for that good question.

Mr. President, I do not believe that this bill would violate the provision on the judicial power of the Supreme Court under the Constitution nor violate the separation of powers.

Mr. President, PD No. 1818, which also prohibits lower courts from issuing temporary restraining orders and preliminary injunctions on government infrastructure projects, has been found valid and a legal exercise by then President Marcos in his capacity as legislator under Amendment No. 6 in the 1970 Constitution.

Senator Enrile. Was there a case, Mr. President, decided by the Supreme Court? And if so, when were those cases actually rendered? Were these rendered after the EDSA Revolution, or were these rendered during the martial law years?

Senator Cayetano. The latest case, Mr. President, for the information of our esteemed colleague is the case of *Garcia vs. Burgos* which was rendered only two years ago—in 1998—whereby the Supreme Court declared that the temporary restraining order issued by a Cebu Regional Trial Court was in violation of PD No. 1818.

Moreover, Mr. President, there are several issuances by no less than the Supreme Court where the Supreme Court has enjoined the lower courts to observe PD No. 1818, the latest of which, I believe, was Administrative Order Circular No. 07-99, addressed to all judges of the lower courts regarding “exercise of utmost caution, prudence, and judiciousness in the issuance of temporary restraining orders and writs of preliminary injunction.”

It says here:

Despite well-entrenched jurisprudence and circulars

regarding exercise of judiciousness incurred in the issuance of temporary restraining order or grants of writs of preliminary injunction, reports or complaints of abuses committed by trial courts in connection therewith persist.

No less than the President of the Philippines has requested this court to issue a circular reminding judges to respect PD No. 1818, which prohibits the issuance of TRO in cases involving implementation of government infrastructure projects.

As I may go on, Mr. President, just to cut short, the last paragraph states:

Judges should bear in mind that in *Garcia vs. Burgos*—

This is the case I alluded to earlier, Mr. President.

—291 SCRA 546; 1998, this court explicitly stated: "Section 1 of PD No. 1818 distinctly provides that no court in the Philippines shall have jurisdiction to issue any restraining order, preliminary injunction, or preliminary mandatory injunction in any case, dispute, or controversy involving an infrastructure project of the government to prohibit any person or persons, entity or government official from proceeding with, or continuing the execution or implementation of any such project...

Mr. President, finally, the Supreme Court also said in this circular... No, that is it. This is signed by Hilario B. Davide Jr., Chief Justice, dated June 25, 1999.

Senator Enrile. Mr. President, if we have already a law, PD No. 1818, and that has already been interpreted judicially by the courts, by the Supreme Court of the land, no less, and therefore that PD and the interpretative decisions of the Supreme Court being parts of the legal system of the country, what would be the need for this additional measure?

Senator Cayetano. I would like to thank the gentleman for that question. Mr. President. The present Senate Bill No. 2038 would give substantial benefits to landowners, because under the present law, the required deposit amounts only to about 10 percent of the assessed value of the land. Under this proposed Senate Bill No. 2038, it will be 50 percent of the estimated land value based on the latest zonal valuation by the Bureau of Internal Revenue. So, therein, the landowner is given more opportunity to realize the value of his land. Also, this bill would include projects under the Build-Operate-and-Transfer

Law under Republic Act No. 7718 which, incidentally, has been the object of a number of TROs.

Finally, Mr. President, PD No. 1818 does not have any penal sanction. That is why, perhaps, in spite of the circular by the Supreme Court, we have a number of judges who still issue TRO against the provision of PD No. 1818. Under this Senate Bill No. 2038, any judge who will violate the provision of this law will be penalized by suspension of 60 days. So, those are the basic differences.

Senator Enrile. Mr. President, may this law not suffer from invalidity on the ground that while the title seeks to prohibit lower courts from issuing temporary restraining orders, there is a strange provision which deals with eminent domain, requiring the amount, as the distinguished sponsor says, dealing with acquisition procedures of property for infrastructure right of way? This has nothing to do with a temporary restraining order.

Senator Cayetano. Mr. President, in reply to our esteemed colleague's question, there is... In fact, the relevance of expropriation or eminent domain under the Constitution is quite clear in this provision, because normally, what is being sought here is an exercise by the government of acquiring private property for public use. That is, of course, what we call expropriation or eminent domain as defined in the Constitution, and that is what is being sought under this bill that no judge shall issue a TRO or preliminary injunction in cases where expropriation is initiated by the national government or local government under the power of eminent domain in the Constitution.

Senator Enrile. It does not say in the body of this Section 4, Mr. President, that no TRO shall be allowed. It speaks of the procedure of acquisition of road right-of-way.

Senator Cayetano. Yes, Mr. President, that is true, but the prohibition is stated in Section 8. That is on page 4.

Senator Enrile. What does it say, Mr. President?

Senator Cayetano. Section 8 states:

SEC. 8. Prohibition on the Issuance of Temporary Restraining Orders and Preliminary Injunctions. -- No court, except the Supreme Court, shall issue any Temporary Restraining Order, Preliminary Injunction or Preliminary Mandatory Injunction, in any case, dispute, or controversy involving an infrastructure project of the government; or prohibit any person or persons, entity or government official from proceeding with, or continuing the execution or implementation of any such project; or pursuing any lawful activity necessary for such execution...

Senator Enrile. This is germane, Mr. President, to the title of the bill, but I have a difficulty in relating Sections 4, 5 and 7 with the title of the bill.

Senator Cayetano. Mr. President, these are really interrelated or intertwined, so to speak, because Section 4 speaks of acquiring through expropriation certain private lands for infrastructure projects. Here, we lay down that under this bill how much will be paid or deposited on behalf of the landowner before the taking of such land can be done through expropriation.

Now, under Section 7, *Bidding and Award of Contract*, this refers to certain situations where under the BOT law, there are certain requirements of bidding and award of contract. But Section 8 is really what we might call the mechanism in the acquisition of these private properties which are for public use upon payment of just compensation. This is where the provision comes in.

Senator Enrile. Mr. President, if the government has instituted an expropriation proceeding and a deposit has been made, I doubt whether any injunction could be issued in that respect. Am I correct in my assumption that the government cannot possibly prevent a citizen of the country to protect his rights from being transgressed by the State, if it occupies his land, sets up, for instance, a power line over his land without any expropriation proceeding in which case a TRO is proper in that case? Will that be covered by this prohibition?

Senator Cayetano. Yes, Mr. President. There are two requirements here: That the taking of the private land must be for public use; and that it must be accompanied with just compensation.

Senator Enrile. But there is no taking yet, Mr. President, because it will just squat on the land. This is going on at the present time. In fact, in our consideration of the appropriation measure of the government in 1996, if I remember correctly, I raised the question with the secretary of Public Works and Highways regarding the taking over of a land in Tanay. I think it is somewhere there in Tanay where the Public Works agency constructed the Marcos Highway without any valid expropriation. It just took the property of the owner and the owner has not been paid. Is the sponsor telling us that with this bill the owner cannot go to court if that is repeated and he cannot obtain a TRO?

Senator Cayetano. Mr. President, obviously, that is an illegal takeover because it certainly violated even the present law, PD No. 1818 and also the *Rules of Court* on expropriation. But there are remedies, not TRO, however. This individual can

be sued civilly; this individual can be sued criminally. And also, under the present *Rules of Court* where the court finds that the taking is illegal, or not for public use, or that the individual has not been paid just compensation, the court may then order that such government agency return to the lawful owner the piece of land with such damages as the court may determine.

Senator Enrile. Mr. President, is the gentleman suggesting that we have to forget Section 1 of the Bill of Rights that "no person shall be deprived of life, liberty, or property without due process" in a situation where if the government wants to put up an infrastructure, for instance, a light railway transit system, it just takes over one's property without going to the court first and institute the proper eminent domain proceedings, and one cannot go to court and prevent the government from doing that? If that is the import of this measure, if we will pass it...

Senator Cayetano. Mr. President, as I said, we already have Presidential Decree No. 1818 which has been sustained by the Supreme Court many times over, and this bill is no different from that as far as the requirement is concerned. If there is any agency or government official who will violate the rights of this landowner as the esteemed gentleman states, then TRO is not the cure for that.

Senator Enrile. What is the cure, Mr. President?

Senator Cayetano. He can file a civil case against this individual for damages. He can file a criminal case.

Senator Enrile. Can he sue the State, Mr. President? Can he sue the government which is taking the property without due process?

Senator Cayetano. Mr. President, in a case like this, this is no longer a government official action because this is beyond the authority of the government. The procedure, as outlined by the *Rules of Court* on expropriation, would require a filing in court. When a government agency, through its executive officials, takes over a piece of land and does not go to court, then that is not a government official action.

Senator Enrile. If that is the case, Mr. President, if it is not a government official action, the more so that an injunctive relief ought to be available to the aggrieved party.

If the State is not involved at all, if the government is not involved at all, then by what principle of law can we prevent as legislators the exercise of a citizen of this country to protect himself by applying for a TRO?

Senator Cayetano. Mr. President, as I said, there are remedies and the Supreme Court itself may issue a TRO in a situation like this.

The President. With the permission of the two gentlemen. The way I understand the law, the TRO can still be issued only by the Supreme Court.

Senator Cayetano. I just said that, Mr. President.

Senator Enrile. But, Mr. President, why should we put our citizens in that position where he has to go to the Supreme Court? If a poor ignorant farmer's property is being taken, why deprive him of the right to go to the regional trial court which is quite near to him instead of his getting an expensive lawyer to go to the Supreme Court?

Senator Cayetano. Mr. President, the example of the esteemed colleague really would be something different from what is being contemplated by the present law, PD No. 1818, and also this present Senate bill. But I do not know how often or how frequent that situation occurs because that would really subject the public official, as I said, to criminal, civil, and administrative liabilities.

What I am saying, Mr. President, is, that is something which I consider a rarity. But again, we have PD No. 1818. In a situation like that, this PD No. 1818 has already been sustained by the court.

Senator Enrile. Precisely, Mr. President, PD No. 1818 was there. But precisely this particular case happened and I am telling the gentleman. It is not a question of whether it is frequent. One violation is enough to make the law unconstitutional. We respect the rights of each and every citizen of the Republic. That is the nature and purpose and concept of the Bill of Rights. It is a Bill of Rights for every Filipino.

Senator Cayetano. I do not dispute that, Mr. President, I share that opinion as well. If the gentleman would have a better way of putting that in our bill in the period of amendments, we certainly would like to consider that.

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

Mr. President, this Section 7 requires that in a case of public bidding, the appeal must be done through the President. What chance has the losing bidder have if he appeals to the President when the President, let us say, is himself interested in the result of the public bidding?

Senator Cayetano. Mr. President, the decision of the

Office of the President can be reviewed by the Supreme Court. That is where the remedy lies as far as any decision of the Office of the President is concerned. So he is not a citizen aggrieved as illustrated by our esteemed colleague and is not without a legal remedy. He can go to the Supreme Court.

Senator Enrile. Is the gentleman saying that the appeal of the aggrieved party in a public bidding, appeal to the President, will stay the award of the contract to the winning bidder?

Senator Cayetano. Yes, Mr. President. There is a catchall clause. May I refer my esteemed colleague to page 4, line 10, paragraph d, which says here and may I read:

Notwithstanding the above provision, the Office of the President may direct or order a rebidding if the bidding procedure and/or award is found to be infirmed as to affect its legality or regularity.

Senator Enrile. No, Mr. President. But that is if it wants to order a rebidding but if, let us say, a bid was made, there was a public bidding, the PBAC of the agency awards the bid to A and B wants to appeal the decision of the PBAC of the agency concerned, awarding the contract to A, to the Office of the President, will the award made by PBAC be stayed by the appeal made to the Office of the President?

Senator Cayetano. It is quite possible, Mr. President, that the President may still...

Senator Enrile. No, I am asking the gentleman whether that situation is contemplated by this law.

Senator Cayetano. Not in its express term, Mr. President, but...

Senator Enrile. Would the gentleman care to accept an amendment at the proper time that an appeal of the award by the PBAC of the concerned agency to the Office of the President will stay the award of the contract and that any appeal made by the losing bidder to the Supreme Court will equally stay the award of the contract?

Senator Cayetano. We will consider that particular proposal at the proper time. Offhand...

Senator Enrile. And that we will prohibit here the practice of some agencies of government of requiring bidders to waive their right of access to the court to question the award of the contract.

Senator Cayetano. As far as this Section 7 is concerned, any question on the bidding or award will have to go to the Office of the President.

Senator Enrile. Precisely, Mr. President, but I am concerned about the effect of the decision of the PBAC of an agency.

Senator Cayetano. Yes, Mr. President.

Senator Enrile. If it opens the financial bids and then finally decides to award it to A, B, C, and D who are bidders, can they appeal to the Office of the President? And if they appeal, would the effectiveness of the award be stayed in the meantime while the appeal is pending?

Senator Cayetano. As I said, Mr. President, we will consider the proposal of the esteemed colleague and certainly we appreciate the point. At the proper time, we can work out the wordings or the...

Senator Enrile. And if it is with the Office of the President, we are now dealing with check and balance, Mr. President.

Senator Cayetano. Yes, Mr. President.

Senator Enrile. If the Office of the President sustains the PBAC and B, C, or D will appeal to the Supreme Court for a TRO will the appeal or the elevation of the case to the Supreme Court equally stay the award of the contract?

Senator Cayetano. Offhand, Mr. President, I doubt if we can do that. Because the moment an aggrieved party of the decision of the Office of the President goes to the Supreme Court, we cannot tell the Supreme Court that the decision of the President should stay or not.

Senator Enrile. No, I am asking, Mr. President, to write it in the law that the award will be stayed.

Senator Cayetano. All right, we will look into this proposition of the esteemed gentleman as the period of individual amendments closes.

Senator Enrile. Thank you, Mr. President. Anyway, I will deal with these at the proper time. But, is this proposed measure a restatement of PD No. 1818?

Senator Cayetano. Yes and no, Mr. President. As far as the definition of what constitutes infrastructure project and declaration of policy is concerned, it is basically a restatement.

Now with respect to Section 4, Mr. President, this is more or less an amendment as far as the amount to be deposited is concerned.

Senator Enrile. No, but is this Section 4, Mr. President, also written in PD No. 1818?

Senator Cayetano. No, Mr. President.

Senator Enrile. This is a new provision. And that is why I am raising the question that this is not germane to the prohibition on TROs to be issued on infrastructure. This is a subject matter altogether which to me is a total stranger to the title of the bill.

Now, in the case of Section 6, *Appropriation for Acquisition*, is this also written in PD No. 1818, Mr. President?

SUSPENSION OF SESSION

Senator Cayetano. 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 5:32 p.m.

RESUMPTION OF SESSION

At 5:33 p.m., the session was resumed.

The President. The session is resumed.

Senator Cayetano. There is none, Mr. President, as regards providing appropriation for concerned government implementing agency.

Senator Enrile. Is this a copy of PD No. 1818, Mr. President, or not?

Senator Cayetano. There is no provision.

Senator Enrile. In PD No. 1818.

Senator Cayetano. Yes, Mr. President.

Senator Enrile. So is this a new provision?

Senator Cayetano. Yes, in the sense that it is here. But as we know, in the budget of, for instance, the Department of Public Works and Highways, there is always a provision there about an *x* amount for the use of payment of acquisition of right of way, Mr. President.

Senator Enrile. And Sec. 7, Mr. President, is this also written in PD No. 1818?

Senator Cayetano. No, Mr. President, this is completely a new one.

The reason for this, with the permission of the esteemed colleague, is, this is precisely, as we know the bane created by a number of courts issuing TRO on BOT projects. And that is why in the definition on what is an infrastructure project, it covers the projects under the BOT law. This is completely a new one, Mr. President.

Senator Enrile. Then maybe at the proper time, Mr. President, we should recast this and put this provision that no TRO shall be available from inferior courts on: one, relocation of squatters; two, acquisition of property for road right-of-way and other easements for infrastructures of the government; and, three, on awards of contracts done under a public bidding conducted by the Prequalification, Bids and Awards Committee of agencies of government.

Senator Cayetano. Yes, Mr. President. We will consider that suggestion. Although may I call the attention of the distinguished gentleman that that is really covered in Section 8, which is really the last paragraph.

As I read earlier, Section 8 speaks of *Prohibition on the Issuance of Temporary Restraining Orders and Preliminary Injunctions*.

Senator Enrile. That is correct, Mr. President.

Senator Cayetano. The last phrase, beginning in line 21, it states here: "or to stop, prevent or in any manner suspend the holding of public bidding or award of contracts under Section 7 hereof."

Senator Enrile. That is correct, Mr. President. I agree with the sponsor. It is there. But precisely as I am pointing out, Sections 4, 5, 6, and 7 are instances where TROs are intended not to be applied. But, unfortunately, as this proposed legislation has been crafted and reads right now, it speaks of procedure of acquisition of land in Section 4. And Section 5 speaks of *Squatter Relocation Sites*, and then Section 6 speaks of the *Appropriation for Acquisition of Right-of-Way*. These are not germane to the subject matter covered by the title of the bill. These are riders.

Senator Cayetano. As I said, Mr. President, we will consider the points of our esteemed colleague. Let me just say that the point he raised certainly will find its way into this bill as it is amended.

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

Senator Cayetano. Thank you, Mr. President.

Senator Sotto. Mr. President.

The President. The Majority Leader is recognized.

Senator Sotto. Mr. President, Sen. Aquilino Q. Pimentel Jr. would like to avail himself of the period of interpellations of this bill.

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

Senator Pimentel. Thank you, Mr. President.

If the distinguished sponsor will kindly yield for one or two questions on the issue of the availability of remedy for an oppressed litigant.

Senator Cayetano. Yes, by all means, Mr. President, with great honor from the gentleman of Mindanao.

Senator Pimentel. Thank you, Mr. President.

My reservation really is the fact that if we limit the grant of the TRO only to the Supreme Court, No. 1, we are wittingly adding to the backlog of cases in the Supreme Court which is trying to unload several of the cases back to the Court of Appeals; and I know that the distinguished gentleman is a member of the Judicial and Bar Council.

Then No. 2, what would be an effective remedy for a poor litigant residing in far-flung areas who have no means to come to Manila to file a case with the Supreme Court?

Implicit in this question, Mr. President, if the distinguished sponsor will allow me, is the fact that the guarantees of the Bill of Rights will be nullified by a legal enactment of this nature which makes it virtually impossible for litigants who have no means to access the remedy that is supposed to be there.

So, just those points, Mr. President, if the sponsor pleases.

Senator Cayetano. This bill, just like PD No. 1818, certainly does not deny completely any legal remedy on the part of our unfortunate brothers and sisters who live in the provinces. They may not have access to the Supreme Court as much as they could. But the gentleman will agree with me that since expropriation proceedings are required to be brought before the court, the only thing that we are prohibiting here is for the court to issue a Temporary Restraining Order. The court can certainly examine whether the land being acquired is for public use. That is the most important element of expropriation. Any landowner—small or big—can certainly question whether that piece of land being acquired is for public use. Of course, No. 2 is the payment of just compensation. So, without issuing

even a TRO, the landowner may certainly oppose the acquisition or the taking of the land. That has not been taken away from him by this bill.

Senator Pimentel. That is correct, Mr. President, except for the fact that the taking will now be a matter of fact. In other words, *hindi na mapigilan dahil wala nang TRO*. In any event, these are the concerns that I have in my mind.

Senator Cayetano. I recall the gentleman's point earlier on. I said I share it but this is really a question of the sovereign power of the State—to exercise eminent domain.

Senator Pimentel. That is correct but the exercise of eminent domain must be tempered with what is just especially in light of the circumstances of poor litigants who are living so far away from Metro Manila that they could not come to Manila and litigate the case. *Hindi nga kaya, Ginoong Pangulo*. I think in many instances that would be a reality.

Senator Cayetano. As I said, Mr. President, I share the concern of the gentleman. *Kung may ipapasok dito na amendments* which somehow *mapoproteksiyunan natin iyong maliliit at mga mahihirap*, I will be amenable to that.

Thank you, Mr. President.

Senator Sotto. Mr. President, I move that we close the period of interpellations on Senate Bill No. 2038.

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

SUSPENSION OF CONSIDERATION OF S. NO. 2038

Senator Sotto. I move that we suspend consideration of Senate Bill No. 2038.

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

ADJOURNMENT OF THE SESSION

Senator Sotto. Mr. President, I move that we adjourn the session until three o'clock tomorrow afternoon.

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

It was 5:44 p.m.