

RECORD OF THE SENATE

TUESDAY, MARCH 14, 2000

OPENING OF THE SESSION

At 3:25 p.m., the Senate President Pro Tempore, Hon. John Henry R. Osmeña, called the session to order.

The President Pro Tempore. The 72nd session of the Second Regular Session of the Eleventh Congress is hereby called to order.

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

Everybody rose for the prayer.

PRAYER

Senator Coseteng. Manalangin po tayo nang buong taimtim.

Ama namin sa kaluwalhatian basbasan at patnubayan kaming buong tapat na sumasampalataya sa Iyo.

Alam namin na kami ay para lamang mga mumunting butil ng buhangin sa kalawakan at kawalang-hanggan ng Iyong Kaharian at sa isang kisap-mata, kami ay maaaring maglaho na parang bula.

Ngunit alam din namin na sa Iyong kandungan ay may langit na naghihintay sa amin at may buhay rin na walang hanggan.

Subaybayan Mo po kami upang sa bawat pagkakamali kami ay matutong magpalago at magpalakas di lamang sa aming mga sarili, kundi maging sa aming paglilingkod sa bayan.

Ngayong Marso ay itinakda na "Buwan ng Kababaihan." Ang aming panalangin ay mawakasan ang lahat ng karahasan laban sa kababaihan.

Ipagkaloob Mo po sa amin ang kapantayan at pagtibayin ang aming mga karapatan; at nawa'y makilala ang aming katangian at likas na katalinuhan upang kami'y makapagbigay nang lubusan sa pagsulong ng sambayanan.

Tungo sa Iyong patuloy na kadakilaan ngayon at magpakailanman.

Siya nawa.

The President Pro Tempore. The Secretary will please call the roll.

ROLL CALL

The Secretary, reading:

Senator Teresa Aquino-Oreta	Present
Senator Robert Z. Barbers	Present
Senator Rodolfo G. Biazon	***
Senator Renato L. Compañero Cayetano ..	Present
Senator Anna Dominique M.L. Coseteng ..	Present
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	Present
Senator Ramon B. Magsaysay Jr.	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 Miriam Defensor Santiago	Present
Senator Vicente C. Sotto III	Present
Senator Francisco S. Tatad	Present
The President	**

The President Pro Tempore. With 19 senators present, there is a quorum.

Senator Drilon. Mr. President.

The President Pro Tempore. The Majority Leader is recognized.

SUSPENSION OF SESSION

Senator Drilon. Mr. President, before I move for the approval of the *Journal* of the previous session, I move that we suspend the session for one minute to enable us to greet a colleague who is celebrating his birthday today, Sen. Gregorio B. Honasan.

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

* Arrived after the roll call

** On official mission

*** On official mission but arrived after the roll call

It was 3:28 p.m.

RESUMPTION OF SESSION

At 3:30 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

The Majority Leader is recognized.

THE JOURNAL

Senator Drilon. Mr. President, I move that we dispense with the reading of the *Journal* of the previous session and consider it approved.

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

MOTION OF SENATOR DRILON (That the Reference of Business Be Read at a Later Hour)

Senator Drilon. Mr. President, there are a number of items in our agenda today. I move that the Reference of Business be read at a later hour.

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

MOTION OF SENATOR DRILON (To Accept the Resignation of Senator Tatad as Chairman of the Labor, Employment and Human Resources Development Committee)

Senator Drilon. Mr. President, the Office of the Senate Majority Leader is in receipt today of the resignation of Sen. Francisco S. Tatad as chairman of the Committee on Labor, Employment and Human Resources Development. I, therefore, move that the Chamber accept with regrets the resignation of Senator Tatad as chairman of the said committee, but that he will still remain as vice chairman of this committee in accordance with our tradition.

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

MOTION OF SENATOR DRILON (Senator Santiago as Chairman of the Labor, Employment and Human Resources Development Committee)

Senator Drilon. Mr. President, in substitution of Senator

Tatad, may I nominate as chairman of the Committee on Labor, Employment and Human Resource Development Sen. Miriam Defensor Santiago.

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

Senator Drilon. For the record, this assumption and resignation is effective March 15, 2000.

The President Pro Tempore. It is noted.

BILL ON SECOND READING S. No. 1355--Landscape Architecture Act (Continuation)

Senator Drilon. Mr. President, I move that we resume consideration of Senate Bill No. 1355 as reported out under Committee Report No. 12.

The President Pro Tempore. Is there any objection?
[Silence] There being none, resumption of consideration of Senate Bill No. 1355 is now in order.

Senator Drilon. Mr. President, I ask that the principal sponsor, Sen. Anna Dominique M. L. Coseteng, be recognized.

The President Pro Tempore. Sen. Anna Dominique M. L. Coseteng is recognized.

Senator Drilon. Mr. President, we are now in the period of interpellations. May I ask the Chair to recognize the Minority Leader, Sen. Teofisto T. Guingona Jr.

The President Pro Tempore. Sen. Teofisto T. Guingona Jr. is recognized.

Senator Guingona. Thank you, Mr. President.

Will the distinguished sponsor yield for some questions?

SUSPENSION OF SESSION

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

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

It was 3:32 p.m.

RESUMPTION OF SESSION

At 3:33 p.m., the session was resumed.

The President Pro Tempore. The session is resumed. The Minority Leader is recognized.

Senator Guingona. Will the distinguished sponsor yield for some questions?

Senator Coseteng. Yes, Mr. President.

Senator Guingona. First, the basics, Mr. President. Is there a need for landscape architecture? Is this not subsumed under the profession of architecture itself?

Senator Coseteng. Mr. President, landscape architecture is different from architecture. Landscape architects have been practicing in the country over the last 30 years. So they would like to be one of the professions recognized and regulated by the PRC.

Senator Guingona. What is the main difference? May we know?

Senator Coseteng. By training, landscape architects are only five percent similar to building architects academically. The subjects offered in the course of landscape architecture are not totally the same as those offered in architecture.

Senator Guingona. Yes, but the scope of the profession includes architectural design of buildings as well. Does it not?

Senator Coseteng. It does not include the design of buildings. It is more focused on horizontal development rather than vertical development, Mr. President.

Senator Guingona. But it includes the structures, including the component sites, does it not?

Senator Coseteng. That is correct, Mr. President. Because in any given project, we will have to deal with the contour of the land, for example. We will have to deal with the overall environment so that the building architect makes the design for the vertical structure and the landscape architect in turn designs the surroundings, the spaces around the buildings. Sometimes, to some extent, also the spaces inside the building.

Senator Guingona. Yes, because it includes architectural detailing, lighting, electrical plumbing and other utility systems.

Senator Coseteng. Outside the building, Mr. President.

Senator Guingona. Inside the building, it is different. It is the architecture itself.

Senator Coseteng. Yes, Mr. President. Normally they work hand in hand, they work together rather than against each other or in competition with each other.

Senator Guingona. May we know how many landscape architects are there in the country?

Senator Coseteng. There are about 130 landscape architects registered in the country, Mr. President.

Senator Guingona. At present, they are subsumed under architecture.

Senator Coseteng. They fall under a specialty board. It is a specialty board under the Board of Architecture.

Senator Guingona. Specialty Board. But they are subsumed under architecture?

Senator Coseteng. For now, Mr. President.

Senator Guingona. With this number-130-is there need to lay out bureaucratic structure?

Senator Coseteng. At the moment, there are over 120 students who are pursuing this course in the University of the Philippines. As a matter of fact, in other countries, when the construction, for example, of roads, bridges or even townships and communities is being considered, the landscape architects normally are one of the professionals being called to render their expertise or their opinion on how to maximize the use of the land and to contribute to the aesthetics of the project.

Senator Guingona. If the site is a flat land, there is no need of landscape architecture.

Senator Coseteng. There still is, Mr. President. Even more so, they will have to landscape the project or the area to ensure that it is not only the owners who would benefit from the beauty of the landscaping but also the rest of the citizenry who would pass that way.

As we can see, for example, in cities like Kuala Lumpur or Singapore, the main thoroughfares or the big buildings are surrounded by very pleasant gardens or garden-like surroundings or parks. This is the major difference between those cities and the City of Manila where landscape architecture or the general landscaping of the city leaves much to be desired.

But going back to the question of the gentleman concerning

the number of landscape architects who are practicing and the students who are currently enrolled in the course of 130 and 120, respectively, in the case of metallurgical engineering, when it was legislated into law as a profession, there were actually only three practitioners in that particular field of engineering, Mr. President.

Senator Guingona. But there is only one school that is offering this course?

Senator Coseteng. Yes. For now, Mr. President, it is the University of the Philippines in Diliman, Quezon City.

Senator Guingona. How would that jibe with the distinguished lady senator's requirement that the members of the proposed board of landscape architecture are not graduates of a certain school within three years?

Senator Coseteng. The University of San Carlos, Mr. President, is ready to open the course in its institution, and it will probably be set up next year. At the moment, the selection of the members of the board would come basically from the members of the faculty and the members of the association.

Senator Guingona. I would like to thank the distinguished lady senator for that.

How many years is the course?

Senator Coseteng. It is a four-year course, Mr. President.

Senator Guingona. Does it cover ecology and nature conservation?

Senator Coseteng. Yes, Mr. President.

Senator Guingona. I read somewhere here that there are differences between the terms "softscape" and "hardscape." Is there any difference?

Senator Coseteng. The difference, Mr. President, is that "softscape" refers to the plants and the planting materials that go into a particular landscape. And the "hardscape" would entail construction work of maybe pathwalks or benches, retaining walls, fountains, lights, utilities, etcetera.

Senator Guingona. How about trees, would that be hardscape?

Senator Coseteng. Softscape, Mr. President. They are part of the planting materials.

Senator Guingona. But they are hardwood—narra?

Senator Coseteng. Yes, but maybe they separate these from living things and nonliving things.

Senator Guingona. There is a provision here—I do not exactly know what section—which makes reciprocity for foreigners to practice here. Would that be correct?

Senator Coseteng. Yes, Mr. President.

Senator Guingona. Considering the global and international dimensions of world trade which would include goods and services, does the distinguished sponsor not believe that reciprocity may become irrelevant because the basis for global services would be most-favored-nation clause? In other words, what is extended to one country is extended to all the member-countries.

Senator Coseteng. Precisely, Mr. President, this provision is incorporated in the bill at hand to enable us to protect our professionals. The reality is that foreign practitioners or foreign professionals have been able to practice in the country without allowing, on a reciprocity basis, our professionals to practice in their countries.

I think this is one of the major issues raised by the engineers and the architects in some of our hearings precisely because the Department of Labor, the PRC, for example, have not authorized a single foreign professional to practice in the country and yet they have been doing so. They are constructing billboards to identify themselves and yet our own professionals are unable to do the same in the countries where the foreign practitioners come from, Mr. President.

Senator Guingona. But those foreigners who practice here in that case would be doing so illegally. Would they not?

Senator Coseteng. Yes, Mr. President.

Senator Guingona. Therefore, would it not be more advantageous for our 120 landscape architects that we scrap this reciprocity provision, because the foreign practitioners are many and we have a few, and the realities tell us that out of 120 very few would practice abroad?

Senator Coseteng. With the reciprocity provision, Mr. President, at least the 120 and the 120 more students who will become landscape architects and those after them, would be given the same opportunity to practice overseas. At the moment, our landscape architects are not allowed to practice overseas but these foreign professionals are, in effect, practicing here openly.

Senator Guingona. That is why these foreign professionals are practicing here illegally.

Senator Coseteng. Yes, Mr. President.

Senator Guingona. All right. Therefore, unless and until there is an extended most-favored-nation clause, these foreign professionals cannot or should not practice here without the necessary license.

Senator Coseteng. The distinguished gentleman is correct, Mr. President.

As a matter of fact, the committee has made the same representation and conveyed this to the PRC. In fact, the PRC responded that the issue of the illegal practice of aliens has been raised before the National Bureau of Investigation and the Philippine National Police. It has also been raised during the conferences of the different professional boards, but to date, nothing has happened, Mr. President.

Senator Guingona. That seems to be a very tragic report. Is there a Philippine Association of Landscape Architects?

Senator Coseteng. Yes, Mr. President. The Philippine Association of Landscape Architects and its officers are present in the Hall.

Senator Guingona. Is there only one association?

Senator Coseteng. Yes, Mr. President.

Senator Guingona. Since the landscape architects are the ones concerned, may we know what they have done aside from reporting the illegal practice of aliens concerning their profession?

Senator Coseteng. After filing their complaint, they were told that the laws are not enough to ensure their protection because they are not considered as professionals. They are only considered as specialty board under the architecture board. They would like to become a full-blown professional board and this would give them more muscle to defend themselves.

Senator Guingona. Yes. But the basis for the illegal practice is regardless of what the status is of the present landscape architects here. The basis is that foreign landscape architects are not allowed to do business, to work here because they are not licensed to do so.

Senator Coseteng. That is correct, Mr. President.

Senator Guingona. So, what have they done to make those foreign landscape operators accountable?

Senator Coseteng. They have already made representations and have filed their complaint. It is now lodged with the

PRC, on one level. On the other level, they are precisely coming to us, to Congress, to seek the passage of this law to ensure their recognition as professionals so that when they feel they have been violated, then they can seek courses of action as legitimate professionals.

Senator Guingona. Is it their position that reciprocity should be the avenue rather than not having any clause like that so that they can go after the illegal operators?

Senator Coseteng. Mr. President, the illegal practice of any profession should, of course, be prohibited and the existing sanctions should be enforced. However, there seems to be a breakdown in the enforcement side because it is not just landscape architects who are complaining. The engineers and architects of different specializations are also complaining on the same matter.

In 1989, the association has actually cited a foreign consulting firm on behalf of one of their members for infringement based on the old architectural law or RA No. 545, in which landscape architecture was actually piggybacked. So they sought audience with the PRC officials. In the PRC's opinion, since there was no enabling act regulating landscape architecture itself as a profession, all PRC could do was to cite the offender administratively.

Obviously, this action was meaningless since the foreign consultant could not be administratively sanctioned as it is not under the ambit of any regulation by the PRC in the first place. So in their request for the speedy passage of this bill—and they have been lobbying since the Eighth Congress—they would like to be eventually considered as full-fledged professionals and not just one of the specialty professions under the Board of Architecture.

As a matter of fact, Mr. President, the distinguished gentleman was the first sponsor of the landscape architecture bill.

Senator Guingona. So I should withdraw any objection, and I will therefore short-circuit this interpellation. *[Laughter]*

I will just ask a few questions.

First, is the Board of Landscape Architecture going to be placed under the control and supervision of the Professional Regulation Commission?

Senator Coseteng. Yes, Mr. President.

Senator Guingona. Second, in Section 9, it only says "administrative supervision." Can we clarify this?

In Section 3, it says "administrative control and supervision;" in Section 9, it is "administrative supervision."

Senator Coseteng. I believe Section 9 is the operative provision. It is "Administrative Supervision" rather than "Supervision and Control."

Senator Guingona. In the period of amendments, that can be rectified.

Senator Coseteng. Yes, Mr. President. I thank the distinguished gentleman for bringing that to our attention.

Senator Guingona. What is the meaning of the last paragraph in Section 32 of the bill, which reads: "Foreign and Filipino landscape architects, including liabilities—"

Senator Coseteng. It should read: "Foreign and Filipino landscape architects jointly..."

Senator Guingona. —including liabilities and taxes due the Philippine government, if any, according to their participation in...

Senator Coseteng. There is a missing phrase here, Mr. President.

Senator Guingona. "...shall be liable..."

Senator Coseteng. "Foreign and Filipino landscape architects jointly..."

SUSPENSION OF SESSION

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

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

It was 3:55 p.m.

RESUMPTION OF SESSION

At 3:56 p.m., the session was resumed.

The President Pro Tempore. The session is resumed. Senator Coseteng is recognized.

Senator Coseteng. Mr. President, the missing words are "jointly bear all." To read line 17 on page 19, the last paragraph of Section 32: "Foreign and Filipino landscape architects shall jointly bear all liabilities and taxes due the Philippine government, if any, according to their participation in, or professional services, rendered to the project."

The basis of this particular provision is that, in many instances, the foreign landscape architects, when they leave the country after a project is undertaken or completed, no longer pay their liabilities and taxes due the Philippine government, leaving the local counterpart or leaving the local partners the responsibility of settling these liabilities with the government, Mr. President.

Senator Guingona. Is it "jointly" or "jointly and severally?"

Senator Coseteng. In the period of amendments, we can include that phrase "jointly and severally," Mr. President.

Senator Guingona. Yes. I thank the lady sponsor for that.

Now, would the association recommend the initial membership of the Board of Landscape Architecture in accordance with Section 3? Is the association already organized?

Senator Coseteng. Yes, Mr. President. It has been a specialty board since 1977. An association, rather. The Philippine Association of Landscape Architects has been in existence since 1977.

Senator Guingona. Section 10 of the bill empowers the Board of Landscape Architecture to promulgate rules and regulations necessary for carrying out this Act.

Section 10 specifically requires that the rules and regulations be approved by the PRC. Section 8, on the other hand, does not require such submission. Is this consistent with the other?

Senator Coseteng. Under powers and duties of the board, is that the question, Mr. President?

Senator Guingona. Yes, under Sections 8 and 10.

Senator Coseteng. It also states that the policies, resolutions, rules and regulations, orders or decisions issued or promulgated by the Board shall be subject to the review and approval of the Commission.

In Section 10, it reads:

The Board, with the approval of the Commission shall adopt and promulgate such rules and regulations to carry out the provisions of this Act as approved by the Commission...

It is consistent, Mr. President.

Senator Guingona. It is consistent. So, it will have to be approved by the Commission.

Senator Coseteng. That is correct, Mr. President.

Senator Guingona. I would like to thank the lady senator for that answer.

Section 13 provides that as basis for refusing to register or give license to one "He has not been convicted of any crime. [offense involving moral turpitude.]" Are the words in parentheses part of the bill or are these intended to be deleted?

Senator Coseteng. The committee is open if the gentleman would feel that there is a need for its inclusion as part of the bill.

Just a note, Mr. President. During the debates in the committee, we have actually tried to look for the proper words on how to express this particular provision. We seek the wisdom of the Minority Leader should he have any recommendation because maybe to some extent, it is very difficult to qualify or to describe the issue of moral turpitude.

Some representations were made towards the situation where even if one is not convicted of any crime but if it is of public knowledge or of common knowledge that this particular person is not acceptable in some ways, then he should not be considered. However, we really could not find the right words to properly phrase or illustrate this. That is why, as I was saying, perhaps the Minority Leader would have a better version in the period of amendments.

Senator Guingona. Thank you, Mr. President. May I suggest that there be a legal basis because if there is no final judgment against a person by the court of competent jurisdiction of any crime involving moral turpitude or if he is not found guilty of immoral or dishonorable conduct or judicially declared of unsound mind as stated in Section 21, then the judgment to exclude him may be arbitrary and would be questioned.

Senator Coseteng. As I mentioned earlier, we look up to the recommendation or the wisdom in the period of amendments for a properly phrased qualifier.

Senator Guingona. I would like to thank the lady senator for that. Considering that I was once a sponsor of this bill, I would like to terminate my interpellation and thank the distinguished lady senator.

Senator Coseteng. Thank you, Mr. President.

The President Pro Tempore. The Majority Leader is recognized.

Senator Drilon. Mr. President, there are still two of our

colleagues who would wish to interpellate Senator Coseteng. Unfortunately, they have requested that they be given more time to review the measure. These are Senators Jaworski and Miriam Defensor Santiago.

SUSPENSION OF CONSIDERATION OF S. NO. 1355

Thus, we are moving that we suspend consideration of Senate Bill No. 1355 as reported out under Committee Report No. 12.

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

SUSPENSION OF SESSION

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

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

It was 4:04 p.m.

RESUMPTION OF SESSION

At 4:05 p.m., the session was resumed with Sen. Juan M. Flavie presiding.

The Presiding Officer [Sen. Flavie]. The session is resumed.

BILL ON SECOND READING S. No. 1595 -- Integrated Solid Waste Management Act of 1999 (Continuation)

Senator Drilon. Mr. President, in order to complete the interpellation of Sen. Teresa Aquino-Oreta on Sen. Loren Legarda-Leviste's Senate Bill No. 1595, I move that we resume consideration of Senate Bill No. 1595 under Committee Report No. 52. This is the proposed Act instituting an Integrated Solid Waste Management Program.

The Presiding Officer [Sen. Flavie]. Is there any objection to the motion? [Silence] There being none, resumption of consideration of Senate Bill No. 1595 is now in order.

Senator Drilon. We are still in the period of interpellations. May I ask the Chair to recognize Senator Legarda-Leviste, the principal sponsor.