

RECORD OF THE SENATE

MONDAY, MARCH 27, 2000

NATIONAL ANTHEM

OPENING OF THE SESSION

At 3:35 p.m., the session was called to order with the Hon. Vicente C. Sotto III presiding.

The Presiding Officer [Sen. Sotto]. The 77th session of the Senate in 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 Senate President Blas F. Ople.

After the prayer, the Koro Hagonoyeno will lead us in the singing of the national anthem. Thereafter, the Choir will render another song, entitled *Lambingan*.

Everybody rose for the prayer.

PRAYER

Senator Ople.

Jesus Christ, Lord of heaven and earth, we joyfully and gratefully welcome the Great Jubilee of Your mission of salvation as we close the second millennium and open the third millennium of Christianity in the life of mankind.

Lord, in choosing to plant the first seed of Your church in Asia in this humble corner of the world, the Philippines, 500 years ago, You have given our people a covenant as You did to the people of Israel at an earlier time.

The covenant bids us, the Filipino nation, to live faithful Christian lives and to preach your message of salvation to all corners of the earth thus making us a Holy nation.

Bless us, O Lord, so that the Senate of the Philippines will become an even greater institution sanctified by the selfless commitment of its members in the Year of the Great Jubilee.

Bless us, Lord, so that we may conquer mere vanity and insist on meeting the highest standards of truth and the public service based on the authentic teachings of Jesus Christ our Lord and Savior.

Everybody remained standing for the singing of the national anthem.

SUSPENSION OF SESSION

The Presiding Officer [Sen. Sotto]. The session is suspended for one minute, if there is no objection. *[There was none.]*

It was 3:42 p.m.

RESUMPTION OF SESSION

At 3:43 p.m., the session was resumed with the Honorable Senate President Blas F. Ople presiding.

The President. The session is resumed.

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	*
Senator Renato L. Compañero Cayetano ...	Present
Senator Anna Dominique M.L. Coseteng ...	Present
Senator Miriam Defensor Santiago	Present
Senator Franklin M. Drilon	Present
Senator Juan Ponce Enrile	Present
Senator Juan M. Flavie	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 Vicente C. Sotto III	Present
Senator Francisco S. Tatad	Present
The President	Present

The President. With 21 senators present, there is a quorum.

* On official mission

CORPORATION OF THE PHILIPPINES A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES,

recommending its approval with amendments by substitution.

Sponsor: Senator Sotto III

The President. To the Calendar for Ordinary Business

The Secretary. Committee Report No. 208, submitted by the Committee on Public Services, on House Bill No. 7516, introduced by Representative Garcia (M.), *et al.*, entitled

AN ACT FURTHER EXTENDING THE TERM OF THE FRANCHISE GRANTED TO DAVAO LIGHT AND POWER COMPANY, INC. TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN DAVAO CITY AND THE MUNICIPALITIES OF CARMEN, PANABO, DUJALI, AND SANTO TOMAS, PROVINCE OF DAVAO DEL NORTE, FOR A PERIOD OF TWENTY-FIVE (25) YEARS AND FOR OTHER PURPOSES,

recommending its approval with amendments by substitution.

Sponsor: Senator Sotto III

The President. To the Calendar for Ordinary Business

The Majority Leader is recognized.

**MANIFESTATION OF SENATOR DRILON
(On the Sequencing of Bills for Debate)**

Senator Drilon. Mr. President, for this afternoon's session, I wish to manifest that we will be calling three bills in the following order:

1) Senate Bill No. 1355 as reported out under Committee Report No. 12, with Sen. Miriam Defensor Santiago interpellating;

2) Senate Bill No. 1902 as reported out under Committee Report No. 179, the Electronic Commerce Law with Senator Magsaysay as the principal sponsor, period of individual amendments; and

3) Senate Bill No. 1942 as reported out under Committee

Report No. 195, the proposed measure authorizing the liquidation of standard assets and liabilities of the National Power Corporation.

I will be calling these measures in this order, Mr. President.

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

BILL ON SECOND READING

**S. No. 1355--Landscape Architecture Act
(Continuation)**

Senator Drilon. Mr. President, in accordance with that announcement, may I now move that we resume consideration of Senate Bill No. 1355 as reported out under Committee Report No. 12. This is the Act Regulating the Practice of Landscape Architecture in the Philippines. We are in the period of interpellations.

May I ask the Chair to recognize Sen. Anna Dominique M. L. Coseteng.

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

Senator Drilon. Senator Santiago wishes to avail herself of the period of interpellations.

The President. Sen. Miriam Defensor Santiago is recognized.

Senator Santiago. Thank you, Mr. President.

Mr. President, will the lady senator yield the floor to this representation so that she can raise certain questions, please?

Senator Coseteng. Gladly, Mr. President.

Senator Santiago. Thank you, Mr. President. I would like to refer to the provisions of the bill in chronological order as they are printed in the copy that has been circulated and I shall go by page and by line.

I would like to start with page 4, lines 22 to 26, letter (c). This provision states that one of the qualifications of the members of the Board of Landscape Architecture is that the person must be a "(c) Holder of the degree of Bachelor of Landscape Architecture or its equivalent, conferred by a school, academy, college or university in the Philippines or abroad that is recognized and/or accredited by the Commission on Higher Education" or CHED.

My first question for this provision is: What does the sponsor

mean by "holder of the degree of Bachelor of Landscape Architecture or its equivalent?" In other words, the question is: What degrees will be considered the "equivalent" of a degree in landscape architecture?

Senator Coseteng. It means that a person must be a holder of the degree of Bachelor of Landscape Architecture or, for example, a bachelor's degree in architecture provided that he or she also takes 60 units in landscape architecture.

Senator Santiago. So, the minimum academic requirement will be the completion of at least 60 units of landscape architecture. Does this mean that any bachelor's degree holder may take the 60 units and thereafter be considered to be qualified as a member of the board?

Senator Coseteng. Not just a holder of any bachelor's degree but a holder of a bachelor's degree in a related discipline like architecture.

Just to make a correction. He or she does not have to take all of 60 units of landscape architecture but the minimum requirement would be... That is correct, Mr. President. My first answer was correct, that it is a minimum of 60 units landscape architecture.

Senator Santiago. Thank you, Mr. President.

May I have, for the record, an enumeration of what degrees shall be considered equivalent to a degree in landscape architecture. Conceivably, this, of course, would include a degree in architecture.

Would there be any other degrees the holders of which may take the additional units so that they can be considered as qualified to be members of the board?

Senator Coseteng. A degree in environmental planning and also a degree in horticulture, Mr. President.

Senator Santiago. In that case, since we have had several degrees enumerated, is the enumeration conclusive by which I mean that people with degrees other than those that have been enumerated would not be qualified to be members of the board?

Senator Coseteng. That is correct, Mr. President.

Senator Santiago. Thank you, Mr. President. Let me move on, please, to page 5, lines 2 to 7, letter (e).

This provision states that for a person to be eligible for membership in the board he, "(e) Must not, for a period of three

(3) consecutive years prior to appointment, be a member of the faculty of any school, academy, institute, college or university where a regular course in landscape architecture is being taught, nor have pecuniary interest in or administrative supervision over any such institutions of learning."

My first question under this provision is: What is the rationale for the disqualification by which I refer to the provision that "he must not, for a period of three (3) consecutive years prior to appointment, be a member of the faculty of any school," et cetera, "where a regular course in landscape architecture is being taught"? Why do we disqualify a person like this?

Senator Coseteng. Just to avoid the problem that may crop up concerning the conflict of interest, this provision was thought of by the members of the Landscape Architects Association since they would like to avoid leakages, et cetera. They put a ceiling of three years prior to appointment.

Senator Santiago. It seems to me that most of the best-qualified candidates for membership in the board would come from the academe. And if that is the case, if this limitation remains in the statute, we would be limiting our choices possibly to second or even third-rate candidates. Or, let me put my question in another way: Is the eligibility criterion for board members not too stringent, thus, limiting the essentially discretionary power of appointment of the President by indirectly reducing the number of eligibles to a select few who may not exactly enjoy the President's confidence?

I am worried that maybe we are unnecessarily limiting the President's appointing power. Whom would he appoint if we are not going to take his candidates from the academe? Then he would have only the practitioners left.

I always believe that in any major government institution, there should be a proper mix of academicians, on the one hand, and practitioners, on the other hand, for example, in the Supreme Court or in the Cabinet, or even in the Senate, because then they would tend to balance each other. The theory and the practice would hopefully enter into a happy marriage. But in this case, we are disqualifying the academics. That is why I am raising this question.

Senator Coseteng. Yes, I understand. We are open to a compromise so long as it is not just limited to one year prior to his or her appointment. The committee would be willing to accept in the period of amendments, for example, a two-year period or consecutive years' prohibition prior to the appointment.

The numbers also of the members of the board are three.

So that would give both practitioners, who are more in number than the academics, the opportunity to sit as board members, Mr. President.

At this juncture, the Senate President relinquished the Chair to Sen. Vicente C. Sotto III.

Senator Santiago. Thank you. We are happy with this receptive attitude, and we shall act accordingly during the amendments period.

I will still remain on page 5. I will go on to lines 8 to 12, letter (f). I am actually going to apply my most recent questions to the same paragraph (f) which I will read. "Must not, for a period of three (3) consecutive years prior to appointment, be connected with a review center or with any group or association where review classes or lectures in preparation for the licensure examination are offered or conducted at the time of the appointment."

The question will then be: Will it be beneficial for landscape architecture as a profession if we disqualify highly qualified people from being members of the board because they are or used to be connected with the review centers? Since basically my question is the same, would it be safe to assume that Senator Coseteng's answer/reaction would essentially be the same as for the previously raised question?

Senator Coseteng. Actually, Mr. President, this prohibition of three consecutive years prior to appointment was based on the requirement followed by the Board of Architecture and Interior Design as well, where they also have the same provision of three years. In this particular situation, unlike the other examinations for professionals where the questions are mostly, if not all of them, computerized, it is rendering other such design items in the examinations that are not computerized. So they would just like to eliminate the problem of leakages.

Senator Santiago. Leakages or partiality.

Senator Coseteng. Yes, partiality, Mr. President.

Senator Santiago. Yes, but I am worried that we are cutting too broad a sway, that is to say, that the law might be overbroad since the evil that we seek to remedy might be remedied by a narrower limitation or a narrower standard.

Just to dispose of the question. May I request the technical working group under the supervision of the distinguished sponsor to spend second thoughts on this provision and see whether we can make the qualification less rigid?

Senator Coseteng. As I have mentioned to the lady

senator concerning subsection (e) on page 5, the committee is amenable to accept the necessary amendments at the proper time.

Senator Santiago. Thank you, Mr. President.

I am still on page 5. I am going down now to lines 15 to 23. I am referring to Section 5 which provides:

SECTION 5. Term of Office. - The members of the Board shall hold office for a term of three (3) years after their appointment or until their successors shall have been appointed and qualified.

Each member of the Board may be reappointed for one full term of three (3) years. Of the members of the Board first appointed under this Act, one (1) member shall be appointed and hold office as Chairperson for three (3) years, one (1) member for two (2) years; and one (1) member for one (1) year.

I would just like to raise certain legalistic questions if we may apply that term to Section 5. I do not really have any strong objections to it in principle. I just want to eliminate any technical questions that might arise once this bill becomes a law.

So I would like to enter into the *Record* this question: Of the members of the board first appointed under this Act, if the one-year term of the member who was appointed for one year expires, will he be eligible for another one year reappointment, or will he be eligible for one full term of three years?

Senator Coseteng. He would be eligible for reappointment for one year, Mr. President.

Senator Santiago. May I know what is the reason for this choice of consequence—he will be eligible for another one year but not for another term of three years?

Senator Coseteng. The term of three years, Mr. President, applies only to the chairperson, and a member would sit for two years. Since the one member sits for one year, he or she would be eligible for another year term.

Senator Santiago. That answer is satisfactory.

So with the indulgence of the distinguished sponsor, I would like to move on now to page 9, lines 18 to 20, letter (a). This provision allows a citizen of a foreign country or state with which the Philippines has reciprocity in the practice of landscape architecture to take a written technical examination to enable him to practice here in the Philippines.

May I know what are the foreign countries with which the

Philippines has reciprocity agreements in the practice of landscape architecture? I would like to know what volume of competition to local practitioners we might expect under this reciprocity provision.

Senator Coseteng. At the moment, Mr. President, there are no existing reciprocity agreements with any other country concerning landscape architecture for the reason that landscape architecture is not a fully recognized profession. And this is one of the items that this bill seeks to cure—that when we pass this bill into law, landscape architecture will be recognized as a legitimate profession.

Senator Santiago. May I know whether we have done any background research on the question of reciprocity in other provisions where there is reciprocity between the Philippines and a foreign country? What normally is the condition for reciprocal practice in our country? Is it to take a written technical examination? Is it to apprentice or to intern with a local practitioner? May I know if we have studied the practices in foreign countries?

I am raising this point because it might be that other countries do not give written technical examinations for a reciprocal practice or for reciprocity. It might be that they instead have an apprenticeship program. And in that case, we might encounter problems later on with a particular country.

Senator Coseteng. Other countries, Mr. President, have a system of licensing foreign practitioners or foreign professionals. And the reciprocity clause pertains to licensed professionals in their respective countries.

So one can be a Filipino professional as long as he is licensed to practice in his country, for example, nurses or other such professionals; he is eligible to work or he is eligible to practice in that country. But apprenticeship or just taking a few courses related to the particular field of specialization will not be acceptable, Mr. President.

Senator Santiago. I myself prefer a written technical examination for screening out potential competitors for local practitioners. So I do not really have any objection in principle to this action.

Senator Coseteng. This is a problem that we face right now, Mr. President, because foreign practitioners come to our country and practice their profession. The Professional Regulation Commission, which is the agency that gives the license or approves their practice in the country has not received a single application from foreign practitioners or foreign professionals to practice in the country. And yet, they are accepted to practice their profession here.

Some of these foreign professionals come into the country as consultants so they are able to skirt the law. In many situations, other legal problems arise especially in settling taxes, in settling other accounts. Because when the foreign professional leaves the country, he actually leaves the local partner or the local company to settle all these obligations. I think we are not very strict or we are not very diligent in exercising our right to allow them or disallow them to practice here.

Senator Santiago. I agree absolutely with the point raised. So I would like to respectfully recommend the consideration of the distinguished sponsor that this bill we are presently examining should contain a criminal penalty clause and possibly confer or vest police powers on the board that we are constituting in order that it can prevent those malpractices that have been rampant in other professions. We do not want these foreigners to come in here and because of a technical loophole practice landscape architecture, in the same way that we do not want them to practice any other profession unless they meet the qualifications of our government.

So may I just request the sponsor's consideration of this humble proposal. Could we have a...

Senator Coseteng. If we may just take a look at SECTION 35 under *Illegal Practice of Landscape Architecture and Penalties*. It provides:

No person shall practice landscape architecture in the Philippines or use the title 'Landscape Architect' or words, letters, figures, signs and cards or other means to indicate in any manner whatsoever that he is qualified to perform the work of a landscape architect such as by the use of...terms that suggest the work of a landscape architect, as mentioned in Section 27 of this Act unless he has been issued a certificate of registration...by the Board of Landscape Architecture...

It goes on to specify that:

Any person who shall practice or offer to practice landscape architecture in the Philippines without being registered or exempted from registration...in accordance with the provisions of this Act; or any person presenting or attempting to use as his own the certificate of registration or...seal of another; or any person who shall give any false or forged evidence of any kind to the Board or any of its members in obtaining a certificate of registration...; or any person who shall falsely impersonate any registrant with like or different name; or any person who shall attempt to use a revoked or suspended certificate of registration...; or any person

who shall use or advertise any title or description tending to convey the impression that he is a landscape architect when he is not; or any person who shall violate any provisions of this Act,....shall upon conviction by the court, suffer penalties.

The penalties shall be imprisonment of two (2) years and a fine of Twenty Thousand Pesos (P20,000.00).

However, should the distinguished lady senator have other recommendations, we would be more than happy to avail ourselves of the wisdom of our colleague concerning this matter.

Senator Santiago. I would like to thank the distinguished sponsor for that.

Section 35 is a commendable provision. However, it is exactly just like hundreds, if not thousands, possibly of other criminal provisions in administrative legislation. This piece of legislation we are considering right now is actually administrative in nature. Normally, the criminal provisions penalize certain acts or certain failures to act and then leave them to the regular law enforcement machinery to enforce those provisions. What I was thinking of was giving penal powers to the board so that it could immediately act on the transgressor or on the malefactor since our judicial machinery is already overworked and will have to wait for somebody to discover the malpractice and go to the bother and the inconvenience of filing a criminal complaint with a fiscal and then going on to the court. Whereas, if we gave penal powers to the board itself, the matter could be disposed of summarily because the board would have more time and more technical competence than a regular court of justice.

So I will just recommend this for the consideration of the lady senator together with the technical working group. We could retain Section 35 but add another section or another paragraph in this section so that we can empower the board to act also on criminal violations of the bill.

Senator Coseteng. Yes, I think that is an excellent suggestion, Mr. President. Since the PRC bill is now in the bicameral conference stage, I think it should not just pertain to landscape architecture but to 41 other professions that are under the jurisdiction of the PRC.

Senator Santiago. I will certainly support that kind of a development. But for the moment, we would have to limit ourselves to landscape architecture, because if we insert it in this bill, it will be considered a rider.

Senator Coseteng. Yes, that is correct, Mr. President. We definitely would, and I welcome that suggestion.

Senator Santiago. Thank you, Mr. President.

I move on to page 10, lines 27 to 32. This is the provision which states:

...an examinee who obtains a weighted general average rating of seventy-five (75%) percent or higher but obtains a rating below sixty percent (60%) in any given subject must take the examination in the subject or subjects where he obtained a grade below sixty percent (60%) within two (2) years from the date of his last examination.

My questions are as follows: The bill, as far as I can see, does not provide the mechanism for conducting the examination in the subject where an examinee obtained a grade below 60 percent. Will it be a special examination for the subject or will it be given during the scheduled board examination?

Senator Coseteng. It will be a special examination, Mr. President.

Senator Santiago. That means that he will not have to wait for the next scheduled board examination.

Senator Coseteng. No, Mr. President.

Senator Santiago. But it will also mean that the Board of Examiners will be put out at greater lengths. That is to say, it will have to make an extra effort just for these people.

Senator Coseteng. Yes, Mr. President. I believe that is part of the duties of the examiners.

Senator Santiago. As long as the technical working group thinks that this would be for the better interest of all those involved. However, it seems to me like we are rewarding the person who flunked the subject because the board goes out of its way to help him. Maybe that is not such a bad attitude. We can think about it, but that is acceptable.

My next question under this provision: What will happen if the examinee after taking one or two examinations in the subject where he obtained a grade below 60 percent still fails to pass the said subject? Will he be allowed to take the removal examinations again until he passes the subject, or will he be required to take the entire examination for a second time?

In other words, what I would like to know is: Can this person have open-ended opportunities to remove his failing grade? Or will he be limited only to a certain number of times

after which he will have to be penalized by taking the entire examination?

Senator Coseteng. After two failures in a given subject, he will have to take the entire examination all over again.

Senator Santiago. Will the committee be presenting this as a committee amendment?

Senator Coseteng. Yes, Mr. President.

Senator Santiago. Then let me move on.

What if in the removal examination he got a much lower grade, such that if his weighted general average is recomputed, it becomes lower than the required 75 percent? Will he then be required to take the entire examination again?

Senator Coseteng. Yes, Mr. President. He will be.

Senator Santiago. That is clarified. So I will go on to page 11, lines 8 to 11. I am referring to Section 17, which I will read:

SEC. 17. Oath. — All successful candidates in the examination shall be required to take an oath of profession before the Board or any government official authorized to administer oaths.

My question is: Who are these government officials authorized to administer oaths? To avoid confusion, can we not just give either the board or the commission the sole authority to administer the oath?

Senator Coseteng. Yes, Mr. President. I think that would simplify matters.

Senator Santiago. I will take note and then propose that or the committee can raise this as a committee amendment. I prefer the latter.

Senator Coseteng. Yes, Mr. President.

Senator Santiago. My next question will refer to page 12, lines 20 to 32, paragraph (b). It states that no officer of the government shall accept or endorse any landscape plans or approve payment for any work, the plans or specifications of which have not been so prepared, signed and sealed by a duly licensed landscape architect, provided, that the cost of construction or alteration of the landscape shall be more than three hundred fifty thousand pesos (P350,000.00).

My question is: What is the rationale for allowing the

construction or alteration of the landscape even though its plans and specifications were not duly prepared by a licensed landscape architect as long as these constructions and alterations are below P350,000.00?

Senator Coseteng. Based on present costing, Mr. President, if the construction or alteration of the landscape will be more than P350,000, then it will be considered a drastic change in the entire design. But anything less than P350,000 could mean just a variation in planting materials, or perhaps a variation in the size of the planting materials, or a little bit of the lighting or a little bit of the paving will be sacrificed. However, any cost running higher than P350,000 would greatly affect the overall design.

Senator Santiago. That is the point I was getting at. I just wanted to confirm my initial impression.

So this means that constructions and alterations below P350,000 are insignificant and will not affect the overall natural scenery—

Senator Coseteng. Yes, Mr. President.

Senator Santiago. —therefore allowing that we can dispense with the professional advice of a landscape architect.

Senator Coseteng. There will be just minor changes, Mr. President.

Senator Santiago. My impression has been confirmed and I am satisfied.

I will now go to page 18, lines 6 to 12. This is the provision that reads:

A landscape architect duly registered with the Board shall automatically become a member of the integrated national organization and shall receive the benefits and privileges provided for in this Act upon payment of the required fees and dues.

My question is: In which sections of this proposed bill are the provisions enumerating the abovementioned benefits and privileges to be enjoyed by landscape architects found? In other words, since this provision mentions benefits and provisions provided for in this Act, may I know where in this Act are the benefits and privileges provided for?

Senator Coseteng. The benefits and privileges are not provided for in this Act, Mr. President. It is actually just stipulated by the association of landscape architects in their bylaws. So I think there should be a change.

Senator Santiago. Then we will have to change the style

here a little bit. It should read something like: "shall receive the benefits and privileges CONTEMPLATED BY this Act," or something like that. But we cannot choose it as it is presently styled.

Senator Coseteng. Or perhaps, "as provided for in the bylaws of the integrated organization."

Senator Santiago. Yes, that may also be possible.

Let me go on, but I will remain on page 18. I am still on page 18. I am now moving down to line 13, Section 31, up to the next page, page 19, Section 32, line 20. Pages 18 to 19. These provisions enumerate the requirements to be met by a foreign landscape architect to enable him to practice his profession here in the Philippines. But this bill is silent as to the provision mandated by PD No. 442 also known as the Labor Code of the Philippines under Article 40, which provides:

Art. 40. Employment Permit for Non-Resident Aliens. — Any alien seeking admission to the Philippines for employment purposes and any domestic or foreign employer who desires to engage an alien for employment in the Philippines shall obtain an employment permit from the Department of Labor.

The employment permit may be issued to a non-resident alien or to the applicant employer after a determination of the non-availability of a person in the Philippines who is competent, able and willing at the time of application to perform the services for which the alien is desired.

My question under Article 40, which I used to implement when I was Immigration Commissioner is this: Our bill at present does not mention that foreign nationals must comply with the provisions of our labor laws. In view of this omission, I believe that certain safeguards are necessary in order to protect our local practitioners.

May I then ask if any measures or steps have been taken by the committee to ensure that the provisions concerning the practice here of foreign landscape architects are in consonance with the provisions and requirements of our Labor Code and other labor laws?

Senator Coseteng. It is not as specific as that, Mr. President. I think we will have to insert an additional section to specify that. Because, for now, the provisions of Sections 31 and 32 do not specifically point to the provision that the distinguished lady senator has just read.

Senator Santiago. Yes, please. I would certainly support

a committee amendment that will insert Article 40 of the Labor Code into our present bill in the form of an additional section.

Senator Coseteng. Yes, Mr. President.

Senator Santiago. I will now turn for the last time to page 19, lines 17 to 20. This is the provision that states:

"Foreign and Filipino landscape architects, including liabilities and taxes due the Philippine Government, if any, according to their participation in, or professional services rendered to the project."

My question under this provision is: I am afraid that the provision might be incorrect syntactically and grammatically.

Senator Coseteng. Mr. President, this was pointed out during the period of sponsorship. Actually, a typographical error in line 17 has been committed so that the words JOINTLY BEAR would need to be inserted after the word "architects," and before the word "including" to read:

"Foreign and Filipino landscape architects JOINTLY BEAR including liabilities and taxes due the Philippine Government, if any, according to their participation in, or professional services rendered to the project."

Senator Santiago. Please let me have just a second so that I will see whether these lines as just recently read by the sponsor will become intelligible in light of the introduction.

Senator Coseteng. Those are typographical errors.

Senator Santiago. This is the introductory paragraph of Section 32 on page 18 which is continued in the jumped page of page 19. I will begin with page 19, the top of the page, the first line reads: "...provided that certain conditions are satisfied as follows:"

Will the distinguished sponsor kindly read the paragraph again, as corrected, from lines 17 to 20?

Senator Coseteng. "Foreign and Filipino landscape architects SHALL JOINTLY AND SEVERALLY BEAR ALL liabilities and taxes due the Philippine Government, if any, according to their participation in, or professional services rendered to the project."

Senator Santiago. As most recently read, that has now become intelligible.

That is all with this bill, Mr. President.

Thank you, Mr. President.

Senator Coseteng. Thank you, Mr. President.

The Presiding Officer [Sen. Sotto]. The Majority Leader is recognized.

Senator Drilon. Mr. President, Sen. Ramon B. Revilla wishes to avail himself of the period of interpellations. May I ask the Chair to recognize Senator Revilla.

The Presiding Officer [Sen. Sotto]. Sen. Ramon B. Revilla is recognized for the continuing interpellation.

Senator Revilla. Thank you, Mr. President.

Mr. President, I would like to congratulate the distinguished sponsor of this noble piece of legislative measure.

I would like to note that this sponsor is in full support of any measure that seeks to improve the professional qualifications, professional ethics and standards in the practice of one's profession.

There are provisions in this proposed measure that this representation would like to be enlightened about. With that, Mr. President, will the distinguished sponsor yield for some clarificatory questions?

Senator Coseteng. Yes, Mr. President. Gladly, to the gentleman from Cavite.

Senator Revilla. Thank you, Mr. President.

Mr. President, I understand that Section 2 of this proposed measure has elaborately defined the term "landscape architecture".

My question is this: Just for clarificatory purposes, may we know the delineation and difference in the scope of work between the practice of architecture as the common man would know it, and then the term "landscape architecture" as defined under Section 2 of this proposed measure.

Senator Coseteng. In its broadest definition, Mr. President, the dividing line between the practice of architecture and landscape architecture is the fact that in landscape architecture, we deal more with horizontal construction and design while in the case of architecture, we deal with the vertical.

Senator Revilla. I thank the distinguished lady senator for that answer, Mr. President.

Mr. President, may we know what are the loopholes, if any,

under the present setup that led the sponsor of this measure to propose this piece of legislative measure?

Senator Coseteng. At the moment, Mr. President, the practice of landscape architecture is not classified as a fully recognized profession. So it is actually governed by a special board under the Board of Architecture. This is rather an anomalous situation because the landscape architects are entitled to the recognition and the supervision by their own boards.

They are not given adequate protection because of the fact that they are not considered as professionals. For example, as far as the practice of foreign nationals is concerned, we also find many pseudo-landscape architects who have never studied or have never taken up courses in landscape architecture or who basically just dabble in what they consider landscape architecture and charge professional fees for such services without the proper recognition and the proper training.

We have to be able to delineate the difference between "landscape architects" as professionals and landscapers maybe, nursery managers, nursery owners, gardeners, maintenance contractors or any other such titles that other people loosely use, and somehow associate or equate with the actual practice of landscape architecture.

This particular bill, after it is passed into law, duly recognizes the landscape architects as full-fledged professionals, Mr. President.

Senator Revilla. Thank you, Mr. President. Does the distinguished sponsor have any statistics and data as to how many graduates and professionals are practicing the profession of landscape architecture all over the country today?

Senator Coseteng. There are 130 practicing landscape architects as professionals in the country and currently, there are 160 students taking up landscape architecture. Out of that, 20 students are enrolled in a masteral program for the course.

Senator Revilla. I thank the distinguished sponsor for that answer, Mr. President.

My next concern would deal with the demand and supply of landscape architects in the Philippines today. It is my assumption that some people are earning a substantial amount of income by professing that they are landscape architects even if they are not licensed. That is why there is a need for legislative action to solve this problem.

My questions are: Do we have the statistics as to how much is the estimated annual income derived from the practice of this

profession? What is the total worth or value? How much is the industry percentage of landscape architecture in the Philippines?

Senator Coseteng. Mr. President, I think we are faced with several problems concerning the questions that the distinguished gentleman has brought to the attention of this Chamber.

First, foreign professionals practice landscape architecture freely in the country and so we are unable to quantify this kind of expense.

Second, landscape architects have been taken for granted so much so that the professional fees that they deserve to collect are normally not given completely to them because of a lot of other pseudo-practitioners who precisely pose as landscape architects.

Third, in the absence of any legislation governing this particular profession, landscape architects are unable to demand, for example, the same fees as those of architects, engineers or other such professionals who take out automatically a certain percentage for fees out of the overall construction or planning cost. With this law in place, this will allow the professionals of landscape architecture to charge accordingly which will be recognized as their due as professionals.

Senator Revilla. I thank the distinguished sponsor for that answer.

In Section 3 of this proposed measure, it provides that the Board of Landscape Architecture shall be composed of one chairperson and two members to be appointed by the President.

Mr. President, at the appropriate time and subject to style, will the distinguished sponsor of this noble measure be amenable to the proposal of increasing the number of membership of the Board of Landscape Architecture from two members to six members to be appointed by the President?

Senator Coseteng. Mr. President, six members would normally be the size for boards of professions where there are hundreds or thousands of professionals. But in the case of landscape architecture, there are only 130 of them so we do not want to have an overly large board. The ratio of board members to practitioners would be so large.

Senator Revilla. Mr. President, I propose that we increase the membership of the board from two to six to be appointed by the President. To be realistic about it, considering the volume of work and the seriousness of the responsibility of providing an objective, globally competitive standard, and total quality in the practice of landscape profession in the country, there is a need for more inputs and a wide array of perspective and

intellectual discipline in order to cover the complex and multidisciplinary needs of the landscape architecture profession. That is why there is a need to increase the number of membership of the proposed board of landscape architecture.

Senator Coseteng. Normally, the members of the board would be proportionate to the number of examinees because we would have, for example, in a given year seven or eight examinees, passing out of 12 examinees. So if we have the same number of examinees as the same number of board members, I think we will find ourselves in a ridiculous situation, Mr. President.

Senator Revilla. *Ganoon lamang ba kadami ang mga examinees?*

Senator Coseteng. *Pipito lamang po ang pumapasa sa labindalawang kumukuha ng exam. Kung iyong board members ay kasing dami na noong pumapasa, hindi po yata tama ang sitwasyon.*

Senator Revilla. *Kung ganoon po ang dami ng mga mag-e-examine ay binabawi ko na rin ang pino-propose ko sa inyo para sa board members ng landscape architecture.*

Salamat po sa inyong paalala na kakaunti pala ang pumapasa. Kaya lamang naiisip ko bakit pa natin pinag-kakaabalahan pa na gumawa ng bill na ito kung kakaunti lamang sila.

Senator Coseteng. *Balang araw ay darami rin iyan.*

Senator Revilla. *Salamat po.*

Mr. President, Section 12 of this proposed measure provides that all applicants for registration for the practice of landscape architecture shall be required to undergo and pass a written technical examination. At present, may we know how the landscape architecture graduates are ranked or evaluated, as to whether these graduates are required to undergo a written technical examination similar to that board of examination before they can practice their profession, Mr. President?

Senator Coseteng. It is a four-year course that is required: a bachelor of science in landscape architecture, a bachelor of science in architecture, a bachelor of science in horticulture, or a bachelor of science in urban planning. This is the minimum requirement for a person to be eligible to take the examinations, Mr. President.

Senator Revilla. Mr. President, on page 15 under Article V, Section 25, paragraph (a) of this proposed measure, it provides that a person may register as a landscape architect without

examination if the landscape architect has taken at least 60 academic units of landscape architecture, and has been practicing for 10 years prior to the effectivity of this Act.

Senator Coseteng. This is a situation because landscape architecture is relatively a new course. For the moment only the University of the Philippines is offering this particular course. The University of San Carlos in Cebu is contemplating of offering this course as well in the future. Perhaps it is not going to be immediately this school year.

This being the situation, many other landscape architects have already graduated several years ago and have obtained a degree in bachelor of science in architecture, or urban planning or horticulture which are degrees that have been offered prior to the offering of landscape architecture as a degree. If they have fulfilled the 10 years of practice and have taken at least 60 academic units of landscape architecture, then they should no longer be required to take the examination.

This is also because of registration under the grandfather clause where those registered practitioners are exempted because they have the required experience, Mr. President.

Senator Revilla. *Halimbawa, ang isang arkitekto ay nagsimulang magtrabaho bilang arkitekto, pero tumigil, hindi continuous.*

Halimbawa nagtrabaho siya ng tatlong taon, nabakante ng another three years, nagtrabaho na naman ng four years, iyon bang hindi continuous ang kaniyang pagtrabaho. Pero kung susumahin natin, makaka-10 years ng pagiging arkitekto niya. Iyon ba ay puwedeng ibilang kahit na hindi continuous ang kanyang paglilingkod bilang arkitekto?

Senator Coseteng. *Hindi ho puwede dahil nakasulat dito sa letter (a) ng Section 25: "All landscape architects who have taken at least 60 academic units of landscape architecture and..." Ang nandito ay salitang "and". Hindi ho puwedeng "or". So, kahit nakatapos siya ng landscape architecture or architecture at hindi siya nakapag-practice ng sampung taon, hindi ho siya kasali doon sa...*

Senator Revilla. *Sunud-sunod na sampung taon iyon ha?*

Senator Coseteng. *Opo.*

Senator Revilla. *Kung may patlang, hindi kabilang iyon?*

Senator Coseteng. *Hindi ho puwede.*

Senator Revilla. *Salamat po.* Mr. President, Section 30 of

this proposed measure provides that the landscape architecture profession shall be integrated into one national organization which shall be recognized by the board and accredited by the commission as the one and only integrated and accredited association of landscape architects.

Mr. President, based on the present setup, may we know how many are the existing landscape architect associations and organizations all over the country?

Senator Coseteng. It is only one, Mr. President, the Philippine Association of Landscape Architects.

Senator Revilla. *Isa po lamang?*

Senator Coseteng. Yes, Mr. President.

Senator Revilla. I see. *Salamat po.* Maraming salamat sa pagpapaliwanag ng ating distinguished sponsor. I would like to congratulate the sponsor for this very important piece of legislation.

MANIFESTATION OF SENATOR REVILLA (As Coauthor of S. No. 1355)

Kung maaari po sana ay isama na ninyo ako bilang coauthor ng panukalang-batas na ito.

Senator Coseteng. Yes, Mr. President, gladly.

Senator Revilla. Thank you, Mr. President.

The Presiding Officer [Sen. Sotto]. The manifestation is noted. The Majority Leader is recognized.

Senator Drilon. Mr. President, Sen. Ramon B. Magsaysay Jr. wishes to avail himself of the period of interpellations. May I ask that he be recognized.

The Presiding Officer [Sen. Sotto]. Sen. Ramon B. Magsaysay Jr. is recognized.

Senator Magsaysay. Thank you, Mr. President. I just have one item that I want clarified by the lady senator from Quezon City and Iloilo, Panay.

Senator Coseteng. Yes, Mr. President.

Senator Magsaysay. On page 3, line 20, Subsection 9, it says that "The planning layout and utilization of open spaces within and around buildings or structures, including their sites,

environment, and urban designs, site planning, outdoor space planning, landscape architectural detailing..."

Now we will go to line 20, "landscape architectural lighting, laying out of associated"—this is the one I would like to be clarified on—"laying out of associated mechanical, electrical, sanitary, plumbing and other utility systems" as part of the scope of landscape architect. I was wondering if this is not encroaching on the other disciplines like mechanical, electrical, sanitary, and plumbing.

Senator Coseteng. This is limited actually to the aesthetics aspect or layout of what has been described in Item No. 9. However, the technical specifications are left to the professionals of their specific fields of specialization.

Senator Magsaysay. What the lady senator is saying is that these are just for aesthetics?

Senator Coseteng. Yes, Mr. President. In other words, the lampposts, whether these are going to be five meters high, whether these are going to be made out of BI pipe or concrete or whatever, would now depend on the landscape architect to ensure that these blend well with the entire landscaping. However, the number of, maybe, watts or the other technical specifications, whether they are going to use mercury lamps or flood lights or the wiring, whatever gauge this wiring will be, will be dependent on the electrical engineer, and so on and so forth as far as plumbing is concerned and so with the sanitary and other utility systems.

Senator Magsaysay. I understand, Mr. President. So, with this clarification, I am satisfied.

Thank you, Mr. President.

Senator Coseteng. I would like to thank the gentleman for his interpellation.

At this juncture, Sen. Vicente C. Sotto III relinquished the Chair to Sen. Juan M. Flavie.

Senator Drilon. Mr. President, that terminates the period of interpellations on Senate Bill No. 1355 as reported out under Committee Report No. 12. I therefore move that we close the period of debates.

The Presiding Officer [Sen. Flavie]. Is there any objection? *[Silence]* There being none, the motion is approved.

SUSPENSION OF CONSIDERATION OF S. NO. 1355

Senator Drilon. Mr. President, I move that we suspend consideration of Senate Bill No. 1355.

The Presiding Officer [Sen. Flavie]. Is there any objection? *[Silence]* There being none, the motion is approved.

SUSPENSION OF SESSION

Senator Drilon. 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 4:45 p.m.

RESUMPTION OF SESSION

At 4:46 p.m., the session was resumed.

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

BILL ON SECOND READING S. No. 1902—E-Commerce Law (Continuation)

Senator Drilon. Mr. President, I move that we resume consideration of Senate Bill No. 1902 under Committee Report No. 179.

The Presiding Officer [Sen. Flavie]. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1902 is now in order.

Senator Drilon. Mr. President, we are now in the period of amendments. May I ask the Chair to recognize Sen. Ramon B. Magsaysay Jr., the principal sponsor of the measure.

The Presiding Officer [Sen. Flavie]. Senator Magsaysay is recognized.

Senator Magsaysay. Thank you, Mr. President.

We are now on page 5, Section 12.

Senator Santiago. Mr. President, please.

The Presiding Officer [Sen. Flavie]. Sen. Miriam Defensor Santiago is recognized.