

MONDAY, MAY 22, 2000

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Road; On the SE. along lines 5 to 6 by Portion of Parcel No. II. Executive Proclamation No. 10. Forbes Forest Reservation; On the SW., along lines 6-7-8-9 by Creek; On the W. along lines 9 to 10 by Creek. On the NW. along lines 10 to 11 by Portion of Parcel No. II. Executive Proclamation No. 10. Forbes Forest Reservation. Beginning at a point marked "1" on plan being N. 51. deg. 23' E. 604.02 m.. from Triangulation Station "STORM", Baguio Townsite, thence:

Thank you, Mr. President. Thank you, Majority Leader.

The President. The Majority Leader is recognized.

Senator Tatad. Mr. President, I would like to thank Senator Jaworski for that intervention.

BILL ON SECOND READING

S. No. 1355 -- Landscape Architecture Bill
(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. Is there any objection? [Silence]
There being none, resumption of consideration of Senate Bill No. 1355 is now in order.

Senator Tatad. Mr. President, we are now in the period of amendments. This being a substitute measure, there are no committee amendments. I move that we close the period of committee amendments and proceed with the individual amendments.

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

Senator Tatad. Mr. President, I move that we recognize Sen. Anna Dominique Coseteng, the sponsor of the measure, to propose some individual amendments.

The President. Sen. Anna Dominique Coseteng is hereby recognized.

COSETENG AMENDMENTS

Senator Coseteng. Mr. President, on page 1, line 2, I propose that "1998" be deleted and be replaced with 2000.

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

Senator Coseteng. Mr. President, on page 3, line 26, letter (b), delete the phrase "A landscape architect is" and replace with the words REFERS TO.

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

Senator Coseteng. Mr. President, on page 4, line 5, delete the words "control and" between the words "administrative and supervision."

SUSPENSION OF SESSION

The President. The session is suspended for one minute, if there is no objection. [There was none.]

It was 4:29 p.m.

RESUMPTION OF SESSION

At 4:34 p.m., the session was resumed.

The President. The session is resumed.

Senator Coseteng is recognized once more.

Senator Coseteng. Mr. President, we would like to withdraw the third recommendation.

The President. This is the proposed amendment on page 4, line 5?

Senator Coseteng. Yes, Mr. President.

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

Senator Coseteng. The next one, Mr. President, on page 5, line 13, the period (.) should be deleted and the words INVOLVING MORAL TURPITUDE should be added.

The President. Where do we add the phrase "INVOLVING MORAL TURPITUDE"?

Senator Coseteng. On page 5, line 13, "Has never been convicted of any criminal offense" and then continue on INVOLVING MORAL TURPITUDE.

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

Senator Coseteng. On page 5, line 17, delete the word "and" so that it will read "The Members of the Board shall hold office for a term of three (3) years after their appointment or until their successor shall have been appointed and qualified."

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

Senator Coseteng. On page 6, line 25, to delete the word "specific". So that the sentence reads: "The Board shall exercise the following powers, functions, duties and responsibilities:"

The President. Line 25, page 6 is hereby amended by deleting the word "specific". Is there any objection? [Silence] There being none, the amendment is approved.

Senator Coseteng. On page 7, line 30, insert the word EXAMINATION between the words "the" and "results". Then delete the phrase "of these". So the last word of the sentence would be "results".

The President. There is a proposed amendment on line 30, page 7 by inserting the word EXAMINATION between the words "the" and "results" and the deletion of the phrase "of these". Is there any objection? [Silence] There being none, the amendment is adopted.

Senator Coseteng. On page 8, line 22, insert the phrase WITHIN NINETY (90) DAYS FROM THE APPROVAL OF THIS ACT.

The President. This phrase will be inserted after the subtitle "Implementing Rules and Regulations."

Senator Coseteng. Yes. "WITHIN NINETY (90) DAYS FROM THE APPROVAL OF THIS ACT the Board, with the approval of the Commission, shall adopt and promulgate such rules and regulations," et cetera.

The President. All right. Is there any objection? [Silence] There being none, line 22 on page 8 is hereby amended as indicated by the sponsor. The amendment is approved.

Senator Coseteng. On page 9, line 1, delete the phrase "President of the Philippines through". So the whole sentence from page 8, line 30, would read: "The Board shall, at the close of each calendar year, submit an annual report to the Professional Regulation Commission."

The President. "...to the...."

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Senator Coseteng. Yes. "...to the".

The President. Is there any objection to the amendment?

Senator Roco. Mr. President.

The President. Yes. Senator Roco is recognized.

Senator Roco. May we just know why this proposed deletion, considering that even without the deletion, it is really what happens as an administrative matter. But, at least, considering that the PRC is a body that reports to the President, it stands to reason that we should keep the present form.

Senator Coseteng. Actually, Mr. President, this is just to coincide or to jibe with the pending PRC bill which requires the Board to submit its report to the PRC and the PRC is the one that will submit it to the President, not the Board submitting it directly to the President.

Senator Roco. Again, Mr. President, we should revisit the reasoning behind that considering that by deleting the words "President of the Philippines" it looks as though the administrative remedies ends with the Commission. Although I think it is arguable that the administrative body will always prevail and it can always go to the President, there is no harm in maintaining the words, "The President of the Philippines".

Senator Coseteng. No problem, Mr. President.

The President. So the proposed amendment is hereby withdrawn. Is that how I understood it?

Senator Coseteng. That is correct, Mr. President.

Senator Roco. Thank you, Mr. President, and I thank also the Sponsor.

Senator Coseteng. On page 10, line 7, to remove the period (.) and add the phrase "INVOLVING MORAL TURPITUDE".

The President. All right. On page 10, lines 7 and 8, the proposed amendment will remove the period (.) after the word "crime" and to add the phrase INVOLVING MORAL TURPITUDE so that the sentence will now read: "He has not been convicted of any crime INVOLVING MORAL TURPITUDE."

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

Senator Coseteng. On page 10, line 32, delete the period (.) and insert the following sentence to read: THE SUBJECT/S RETAKEN MUST HAVE EACH A RATING OF NO LESS THAN SEVENTY PERCENT (70%) IN ORDER TO QUALIFY AS HAVING PASSED THE EXAMINATION.

The President. Can the sponsor read it again for clarity?

Senator Coseteng. On page 10, line 32, we delete the period (.) and insert the following: THE SUBJECT/S RETAKEN MUST HAVE EACH A RATING OF NO LESS THAN SEVENTY PERCENT (70%) IN ORDER TO QUALIFY AS HAVING PASSED THE EXAMINATION.

The President. Is there any objection? [Silence] The Chair hears none, the amendment as proposed by the sponsor is approved.

Senator Coseteng. On page 11, line 16, change the word "or" to OF.

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

Senator Coseteng. On page 11, line 27, delete the phrase "Commission Chairperson" and replace it with the phrase CHAIRPERSON OF THE COMMISSION.

The President. Is there any objection? [Silence] The Chair hears none, the amendment is approved.

Senator Coseteng. On the same line, delete the phrase "of the Board".

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

Senator Coseteng. On page 12, lines 2 to 4, delete the sentence "This license serves as evidence that the licensee can lawfully practice the profession until the expiration."

The President. Is there any objection? For clarity, since this is an important provision, may we request the sponsor to please read the provision as it will now be amended?

We start with page 11, line 25.

Senator Coseteng. Page 11, line 25. "A professional license bearing the registration number, date of issuance, expiry date and duly signed by the CHAIRPERSON OF THE COMMISSION shall likewise be issued to every registrant who has paid the required fees until the revocation of his certificate of registration or his suspension from the

practice of landscape architecture either after an administrative investigation or removal of his name from the roster of landscape architecture or until the expiry of its validity."

Senator Roco. Mr. President.

The President. Senator Roco is recognized.

ROCO AMENDMENT

Senator Roco. Mr. President, on two small points.

On line 31, would it be all right to put, after the word "removal", the two words FOR CAUSE so that it says: "...either after an administrative investigation or removal FOR CAUSE..."

Senator Coseteng. It is accepted, Mr. President.

The President. There is a proposal to amend line 31 on page 11 by inserting the phrase FOR CAUSE between the words "removal" and "of".

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

Senator Roco. On page 12, Mr. President, just a clarification. When may a license expire under this bill?

Senator Coseteng. Three years after registration, Mr. President.

Senator Roco. Again, Mr. President, I know that we have been constantly discussing this. But the expiration of a license would seem to me to be a deprivation of property without due process and lawyers are not subject to this limitation. I know that some of the professions are subject to that restriction, but it seems that it might be a wiser course not to have an expiration of a license but one can be removed for cause. Because why should one be deprived of a license he worked for? He passed the exams and then given a license as, I think, landscape architect. For what reason should one be given a license only for three years?

So may we seek the support of the sponsor against this expiration notion in the various professions?

Senator Coseteng. The Bicameral Conference Committee meeting is going to be scheduled tomorrow, and based on the agreement in the caucus, we have decided to seek the concurrence of the House panel so that instead of a renewal of license, it would be a three-year identification card that is going to be issued by the PRC for which the

professional would be paying the cost equivalent to that of the renewal of license, which would serve as the identification card of the particular professional. So that it is no longer a license that is going to be renewed but rather an identification card to show that he has paid his professional fees or professional dues.

Senator Roco. I have no problem with that, Mr. President, as long as it is understood and maybe we can already put it here that the ID or the identification card issued by the appropriate organization must be issued as a ministerial matter. In other words, he has passed the exams, he paid P200.00, he gets his ID. Because when we refrain by just not giving him an ID, he is an unidentified flying design architect, and it is terrible if that happens.

Senator Coseteng. In other words, just for clarification, Mr. President, a professional is no longer required to pay the P200.00 every three years for the renewal of a license but for the renewal of an identification card without which--

Senator Roco. But without discretion on the part of the one issuing?

Senator Coseteng. Yes. It is an automatic process. After three years, his card is up.

Senator Roco. Then he just goes there like the driver's renewal of a license and then it is issued to him if he has not committed any violation. He pays the fees and it is given to him.

The objection, Mr. President, is the discretion. That by exercise of discretion, somebody who earns his living as an architect all of a sudden finds himself totally helpless to the bureaucracy. So we have no objection to whoever is keeping the fees but it must be given out as a ministerial matter.

Senator Coseteng. So all professionals are still going to be required to renew their identification cards?

Senator Roco. No, Mr. President. In fact, with the teachers, I think, there are three professions where we already agreed that they must...because they worked so hard for it. They really asked that it be deleted altogether. But in the caucus, when it was mentioned that an ID can be acceptable, we did agree to an ID but only if it is ministerial--walang discretion. Pag apply niya, he passed the exams then he is given an.... E, kung hindi naman siya magbayad, e, papaano naman iyon? Sino ang magbabayad ng imprenta? So, okay lamang iyon.

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But we will apply this only here because even the architects are not asking for it except that I am just trying to spread it to all so that every professional is treated the same way.

Senator Coseteng. So the amendment on line 31, page 11 will now read: "...either after an administrative investigation or removal of his name from the roster of landscape architects period (.)"

SUSPENSION OF SESSION

The President. The Chair suspends the session for one minute to enable the crafting of the appropriate language. if there is no objection. [There was none]

It was 4:49 p.m.

RESUMPTION OF SESSION

At 4:50 p.m., the session was resumed.

The President. The session is resumed.

Senator Roco is recognized.

ROCO-DRILON AMENDMENT

Senator Roco. Mr. President, with the gracious consent of the sponsor, may we recommend the following formulation.

On line 1 of page 12, delete "or until the expiry" and put a period (.) after "architects". In lieu of this phrase and the subsequent lines, we then put a provision subject to style that the Commission may however prescribe an appropriate identification card which shall be issued as a ministerial matter upon payment of the required dues, whatever, which shall be reasonable because imagine if we will impose P10,000.

The President. And regularly renewed.

Senator Roco. Mr. President, we leave it to them.

The President. Yes.

Senator Roco. Because then the constituency, if the Commission starts making them renew every year, I am sure they ...

The President. We can say, "renewable every three years."

Senator Roco. Every three years, yes. So it is subject to style. Mr. President. Issue ID, no discretion, ministerial, renewable every three years.

The President. Subject to style, is that acceptable to the sponsor?

Senator Coseteng. Yes, Mr. President.

The President. The Roco amendment has been accepted by the sponsor. Is there any objection? [Silence] There being none, the amendment is approved.

Senator Roco. Thank you, Mr. President.

COSETENG AMENDMENTS

Senator Coseteng. On page 16, Mr. President, between lines 4 and 5 ...

The President. Page? I am sorry I did not get the page?

Senator Coseteng. I am sorry. On page 16, between lines 4 and 5, a new paragraph should be inserted to read:

THEIR APPLICATION FOR REGISTRATION SHALL BE FILED WITH THE PROFESSIONAL REGULATION COMMISSION WITHIN TWO YEARS FROM THE EFFECTIVITY OF THIS LAW SUBJECT TO REVIEW BY THE BOARD OF LANDSCAPE ARCHITECTURE.

The President. Inquiry from the Chair. Can the sponsor explain a little bit the phrase SUBJECT TO REVIEW? What does that exactly mean?

Senator Coseteng. Mr. President, there are provisions for acceptance to the profession and one of them is completion of units in landscape architecture by the applicant or the professional. So that is one of the provisions.

Senator Roco. Mr. President.

The President. Senator Roco is recognized.

Senator Roco. Yes, we may be back to the old problem. What we are trying to avoid, Mr. President, precisely, is the discretion that renders the professionals helpless. Even without that phraseology, I think the registration without examination is fairly clear.

What would happen normally, Mr. President, is, under the presumption of regularity, anybody who applies will attach all the proofs and I guess that can be examined in the ordinary course. Or if he gets approved... even in the Court of Appeals before, somebody who was not a lawyer was appointed. So it happens. It can happen to the best. But when that happens, somebody who complains--and this will be unusual--will therefore effect a cancellation or a review. It may be the association, it may be somebody who is a competitor. But we leave it to the vigilance on the part of the association or on the members of the landscape architect. But we do not give again discretion to the Commission as regards whether one can continue to earn his living as a landscape architect.

Senator Coseteng. Mr. President, it is not the PRC, but it is the Board of Landscape Architecture that would review whether the professional is qualified. So it is not the PRC that will determine whether they can or cannot be landscape architects.

Senator Roco. No, I am fine with that, Mr. President, but Section 25, as is, can sufficiently authorize the Board to do what I think is sought to be done by the proposed addition, without giving rise to the....

Senator Coseteng. Without the additional phrase?

Senator Roco. Without the additional phrase that the sponsor is recommending which, can give rise to misinterpretation. All that the sponsor desires can already be achieved under the present Section 25.

Senator Coseteng. All right. The amendment is withdrawn, Mr. President.

Senator Roco. Thank you, Mr. President.

Senator Coseteng. Mr. President, on page 18, line 9, after the word "Act", insert the words AND THE BOARD'S BYLAWS.

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

Senator Coseteng. On page 18, line 30, change the word "Regulatory" to REGULATION.

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

Senator Coseteng. On page 18, line 31, insert a comma (,) after the word "Architecture" and add the words AND THE DEPARTMENT OF LABOR AND EMPLOYMENT.

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

Senator Roco. Mr. President.

The President. Senator Roco is recognized.

Senator Roco. Just to ask a question, Mr. President. Why do we want to do that? Why do we want a review by the Department of Labor and Employment?

Senator Coseteng. The permits for foreign nationals to perform professional services as landscape architects normally have to go to the DOLE.

The President. For the information of Senator Roco, this is also an existing provision in the....

Senator Roco. All right. I yield, Mr. President.

Senator Coseteng. Thank you, Mr. President. On page 19, line 17, delete the comma (,) after the word "architects" and insert the words SHALL JOINTLY AND SEVERALLY BEAR ALL; delete the word "including" between the words "architects" and "liabilities". So line 17 would read: "Foreign and Filipino landscape architects SHALL JOINTLY AND SEVERALLY BEAR ALL liabilities and taxes due the Philippine Government," et cetera.

The President. What is the pleasure of Senator Roco?

ROCO AMENDMENT

Senator Roco. Yes, Mr. President. I have no particular question here, and I have no objections to the concept. I was wondering, if the distinguished sponsor will consider--I introduced it in another bill--if the idea which is similar to the most-favored-nation treatment is acceptable. So that we should put a provision--and I do not have the formulation here--on reciprocity, how they treat us in the other country is how they will be treated here. So that in the very liberal regimes like some European countries, then we get in liberally. And if they come here, maybe they are treated the same way. But in the regimes where they are restrictive, then we are restrictive.

So if that concept--and maybe the staff can formulate, Mr. President.... because we visualize even in law, when we send a document to New York, are they practicing here? But how in heaven's name can we prevent this? Because the e-mail and the fax are so fast that it is almost ridiculous not to allow the New York lawyers to come into the documents. So an appropriate terminology "equal

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treatment" or "reciprocal treatment" will be good in the future when the world is shrinking, or when it shrinks faster. If that concept is acceptable to the lady.

The President. May I invite the attention of Senator Roco that on page 18, lines 3 to 7, that appears to be providing for the concept that he is looking for.

Senator Roco. Yes, Mr. President. Maybe just some phraseology that is similar to the most-favored-nation clause.

Senator Coseteng. Mr. President, Section 31 deals with the issue of reciprocity, and it says:

No foreign landscape architect shall be registered and issued a certificate of registration and a professional license to practice the landscape architecture profession or consultancy thereof or be entitled to any of the rights and privileges under this Act unless the country of which he is a subject or citizen specifically permits Filipino landscape architects to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.

We have a problem here, Mr. President, just to briefly explain. Some of the landscape architects come here. They have no permit from the DOLE; they have not applied with the PRC. As a matter of fact, the PRC has a sterling record of zero applications for foreign professionals practicing in the country and yet, we see specific jobs where names of architects, engineers, landscape architects, et cetera, appear on billboards, brochures, or selling kits or tools to entice and give credibility or give prestige to such projects.

Senator Roco. Yes, Mr. President. If the sponsor feels that this is adequately covered by the provisions....

Senator Coseteng. Does the distinguished gentleman have any recommendations? We are open to that, Mr. President.

Senator Roco. Yes, Mr. President. Let me reflect on it. I think there is no disagreement in principle on the idea of granting reciprocal opportunity, and that we will treat them in exactly the same way that they treat us. It is something like, "In whatever way you apply your law, that is exactly how we will apply the law on you." So no one can complain. They cannot say, "World Trade Organization, liberalization" and we will say, "No, no.

you are not nice guys; we will not be nice guys. You are nice guys, we will be exactly as nice as you are to us."

Again, just a concept, Mr. President.

Senator Coseteng. Perhaps in Section 31, another paragraph could be added to cover the point being raised by Senator Roco, and subject to style, it can be incorporated as a second paragraph to Section 31.

Senator Roco. Yes, we leave it to the discretion of the Chair, Mr. President.

The President. All right. First, so that there is an additional paragraph that will be inserted in Section 31 which is on line 13 of page 18 to incorporate the ideas propounded by Senator Roco, if the present wording of Section 31 is not yet sufficient to cover that concept.

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

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

The President. There is a pending amendment presented by the sponsor on page 19, line 17. This will involve the deletion of the comma (,) after the word "architects" and the word "including" after the comma (,) on line 17 and in lieu thereof, put the phrase SHALL JOINTLY AND SEVERALLY BEAR ALL. Is there any objection? [Silence] There being none, the amendment is approved.

COSETENG AMENDMENT

Senator Coseteng. On page 19, Mr. President, line 24, insert the words AND THEREAFTER after the word "enactment".

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

Senator Coseteng. I understand that Senator Santiago has other amendments, Mr. President, but she is not here to present them. So may I ask that these amendments be taken up at a later date.

The President. The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF S. NO. 1355

Senator Tatad. Mr. President, in view of that manifestation, I move that we suspend consideration of Senate Bill No. 1355.

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

BILL ON SECOND READING
S. No. 1742--Lifting the Political Ad Ban

Senator Tatad. Mr. President. I move that we consider Senate Bill No. 1742 as reported out under Committee Report No. 71.

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

Consideration of Senate Bill No. 1742 is now in order. With the permission of the Body, the Secretary will read only the title of the bill without prejudice to inserting in the Record the whole text thereof.

The Secretary. Senate Bill No. 1742, entitled

AN ACT LIFTING THE BAN ON ELECTION PROPAGANDA FOR
PARTIES AND CANDIDATES SEEKING NATIONAL
ELECTIVE OFFICES

Senator Tatad. Mr. President, to sponsor the measure. I ask that the Chairman of the Committee on Electoral Reforms, Suffrage and People's Participation, the honorable Sen. Raul S. Roco, be recognized.

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

SPONSORSHIP SPEECH OF SENATOR ROCO

Senator Roco. Mr. President, on behalf of the Committee on Electoral Reforms, Suffrage and People's Participation; and the Committee on Public Information and Mass Media chaired by Sen. Ramon B. Revilla, we are pleased to recommend approval of Senate Bill No. 1742, entitled

AN ACT LIFTING THE BAN ON ELECTION PROPAGANDA FOR
PARTIES AND CANDIDATES SEEKING NATIONAL
ELECTIVE OFFICES

In the interest of brevity, we will ask for a vote that this whole sponsorship speech be therefore reflected in the records as having been read. We just want to point out, Mr. President, that the sponsorship speech--this is of course if there is no objection, otherwise I will read through nine pages and it can be tedious for our colleagues--will be distributed. This is purely for sponsorship. I understand from the Majority Leader that we will not debate on this today. So it will be appropriate for us to debate on this at some other time.