

RECORD OF THE SENATE

TUESDAY, MAY 29, 2001

RESUMPTION OF THE SESSION

At 3:30 p.m., the session was resumed with the Senate President, Hon. Aquilino Q. Pimentel Jr., presiding.

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

Senator Tatad. Mr. President, I move that we proceed to the Reference of Business.

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

The Secretary will read the Reference of Business.

ADDITIONAL REFERENCE OF BUSINESS

COMMUNICATIONS

The Secretary. Letters from Deputy Executive Secretary Jose T. Tale of the Legal Affairs, Office of the President of the Philippines, transmitting to the Senate two (2) original copies of the following Republic Acts:

Republic Act No. 9042, entitled

AN ACT CREATING A SEPARATE ENGINEERING DISTRICT IN THE SECOND CONGRESSIONAL DISTRICT IN THE PROVINCE OF ZAMBOANGA DEL SUR APPROPRIATING FUNDS THEREOF;

Republic Act No. 9043, entitled

AN ACT CONSTITUTING THE SECOND ENGINEERING DISTRICT IN THE PROVINCE OF CEBU, INTO TWO SEPARATE AND DISTINCT ENGINEERING DISTRICTS, ONE TO BE LOCATED IN THE MUNICIPALITY OF MINGLANILLA AND THE OTHER IN THE MUNICIPALITY OF ARGAO, BOTH IN THE PROVINCE OF CEBU;

Republic Act No. 9044, entitled

AN ACT GRANTING THE CENTRAL MINDANAO UNIVERSITY A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN FOR EDUCATIONAL AND NONCOMMERCIAL PURPOSES RADIO AND

TELEVISION BROADCASTING STATIONS IN CENTRAL MINDANAO UNIVERSITY, MUNICIPALITY OF MARAMAG, PROVINCE OF BUKIDNON;

Republic Act No. 9045, entitled

AN ACT CREATING THE BATANGAS STATE UNIVERSITY (BSU) BY INTEGRATING THE (1) PABLO BORBON MEMORIAL INSTITUTE OF TECHNOLOGY, INCLUDING ITS BRANCHES IN BARANGAY ALANGILAN, BATANGAS CITY, IN THE MUNICIPALITIES OF BALAYAN, BAUAN, LOBO, SAN PASCUAL, ROSARIO, TAYSAN, PADRE GARCIA, LEMERY, CALACA, TAAL, TANAUAN, SAN JUAN AND LIPA CITY, (2) JOSE P. LAUREL POLYTECHNIC COLLEGE IN MALVAR, (3) APOLINARIO R. APACIBLE SCHOOL OF FISHERIES IN NASUGBU, AND (4) POLYTECHNIC UNIVERSITY OF THE PHILIPPINES CAMPUS IN STO. TOMAS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES;

Republic Act No. 9046, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8590, ENTITLED "AN ACT GRANTING THE CALBAYOG TELEPHONE SYSTEM, A FRANCHISE TO CONSTRUCT, ESTABLISH, INSTALL, MAINTAIN AND OPERATE LOCAL EXCHANGE NETWORK IN THE CITY OF CALBAYOG, PROVINCE OF SAMAR" AND ASSIGNING/TRANSFERRING THE SAME IN FAVOR OF WEST SAMAR TELECOMMUNICATIONS, INC.;

Republic Act No. 9047, entitled

AN ACT INCREASING THE NUMBER OF REPRESENTATIVES OF THE CITY OF ANTIPOLO TO THE SANGGUNIANG PANLA-LAWIGAN OF RIZAL FROM THE PRESENT ONE (1) SANGGUNIAN MEMBER TO TWO (2) MEMBERS, AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBERED EIGHTY-FIVE HUNDRED AND EIGHT;

Republic Act No. 9048, entitled

AN ACT AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR OR THE CONSUL GENERAL TO CORRECT A CLERICAL OR

The President. The Chair thanks Senator Coseteng very much.

Are we ready for the ...

Senator Tatad. May I ask that Senator Sotto be recognized.

The President. Senator Sotto is recognized.

Senator Sotto. Mr. President, just a reminder if the Majority Leader would not mind.

When we editorialize the final copy or the final draft of the resolution after we approved it, I think the second "Whereas" and the third "Whereas" be likewise edited because it does not reflect the exact police report. There was no shouting and they were not persuading the men from not making noise. Because, actually, what happened was, I think, there was a robbery and they were trying to prevent the robbery from happening. So the proper editorializing also of these two "Whereases."

The President. Yes.

Senator Tatad. We shall act accordingly, Mr. President.

ADOPTION OF P. S. RES. NO. 941

Mr. President, with the understanding that the final text should reflect the facts as reflected in the police report, I ask for the unanimous adoption of this resolution.

The President. All right. There is a motion for the unanimous adoption of the resolution. Is there any objection? *[Silence]* There being none, the motion is approved unanimously.

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF GUAM CONGRESSMAN ROBERT UNDERWOOD AND HIS PARTY

Senator Tatad. Mr. President, we are honored to have with us in the Chamber this afternoon a delegation from Guam, led by Congressman Robert Underwood, Guam's representative to the US Congress. Among those who are accompanying him is also a distinguished Filipino journalist working in Guam, Mr. Ben Afuang.

SUSPENSION OF SESSION

I move that we suspend the session for a few minutes to allow the members of this Chamber to officially greet Congressman Underwood and his party.

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

It was 4:16 p.m.

RESUMPTION OF SESSION

At 4:23 p.m., the session was resumed.

The President. The session is resumed.

BILL ON SECOND READING

S. No. 2191 — Governance of Basic Education Act of 2001 (Continuation)

Senator Tatad. Mr. President, I move that we resume consideration of Senate Bill No. 2191 under Committee Report No. 433. This is the Governance of Basic Education Act of 2001.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 2191 is now in order.

Senator Tatad. We are still in the period of interpellations, but I understand from the sponsor that those who had earlier signified their intention to interpellate have since withdrawn their reservation. I now move that we close the period of interpellations.

The President. Shall we now recognize Senator Aquino-Oreta?

Senator Tatad. She is the sponsor, Mr. President.

The President. Senator Teresa Aquino-Oreta is recognized.

Senator Aquino-Oreta. Thank you, Mr. President.

Mr. President, we were in the period of interpellations, but I understand that there are no more questions from my colleagues. So can we move to close the period of interpellations?

The President. The Majority Leader is recognized.

Senator Tatad. I so move, Mr. President.

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

Senator Tatad. Mr. President, there are no proposed committee amendments. I move that we close the period of committee amendments.

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

Senator Tatad. I move that we now consider individual amendments, if there are any. I propose that we go through the bill page by page.

The President. May we start on page 1 then? Are there any individual amendments?

TATAD AMENDMENT

Senator Tatad. In line 2.

The President. Line 2, page 1.

Senator Tatad. Page 1. I propose to amend the figure "2000" to 2001.

The President. The figure "2000" is amended to reflect reality, to 2001. Is there any objection? *[Silence]* There being none, the amendment is approved.

Shall we go to page 2?

Senator Tatad. Page 2, Mr. President.

Page 3.

The President. Page 3.

Senator Tatad. Page 4.

The President. Page 4.

Senator Tatad. Page 5.

The President. Page 5.

Senator Tatad. Page 6.

The President. Page 6.

Senator Tatad. Page 7.

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Senator Tatad. Page 9.

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Senator Tatad. Page 10.

The President. Page 10.

Senator Tatad. Page 11.

The President. Page 11.

Senator Tatad. Page 12.

The President. Page 12.

Senator Tatad. Page 13.

The President. Page 13.

Senator Tatad. Page 14.

The President. Page 14.

Senator Drilon. Mr. President.

The President. Sen. Franklin M. Drilon is recognized.

Senator Drilon. Just on Section 12 before I raise any amendment, may I know what is the source of the P10-billion fund that is being appropriated here?

Senator Aquino-Oreta. Mr. President, we leave that to the House Committee on Appropriations to look for that setting-up fund for the modernization of our schools.

Senator Drilon. Because this is in addition to whatever appropriation is provided for the DECS for the fiscal year following the provision of this Act. I would assume this would refer to the General Appropriations Act.

Senator Aquino-Oreta. Yes, Mr. President.

Senator Drilon. We have been complaining, Mr. President, in this Chamber about the unfunded bills. I think one of our colleagues, Senator Biazon, raised this issue a number of times before. Will this be another law which will be unfunded because of lack of source of funds?

Senator Aquino-Oreta. In the beginning, Mr. President, like the other agencies, we looked into the Pagcor earnings, but we deleted that and decided that we would leave it to the House of Representatives Committee on Appropriations to look for the funds for this. If we will focus really on the quality of education and we would like to upgrade our schools and make the schools the heart of the learning institution, then by all means, I am sure we will be able to look for funds and ask the House to put it in the GAA.

Right now, we cannot think of where to get the funds in the sense that we do not want also to look at taxes or more taxes, or we do not want to generate income through taxes.

So, Mr. President, we left it open and we will try to look for funds somehow to start modernizing the schools in the country.

Senator Drilon. Will these funds be sourced out of the General Appropriations Fund or a special fund under a special law?

Senator Aquino-Oreta. We were looking at the General Appropriations Fund in the sense that if we will really look closely into our GAA, we may be able to cut some resources that are allocated to other items but, maybe, can be allocated to us. We left it really open because, to be very honest with the gentleman, we did not know where to get the source for this project. As I said earlier, we were looking at the earnings of Pagcor, but we decided to delete that.

Senator Drilon. Because if that is the case, then we might as well leave the appropriation under the General Appropriations Act rather than the special law that we are proposing to pass.

Senator Aquino-Oreta. There is no special law that we are proposing for the School Innovation and Improvement Fund.

Senator Drilon. No, Mr. President. This is a special law in itself. This bill, once it is passed and signed into law, is a special law in relation to the General Appropriations Act. So that if we are looking at the General Appropriations Act as the source of the fund, we might as well source it from there rather than appropriating it in a special law which I am afraid will remain unfunded in the immediate future. I do not see how this special fund can be funded except out of the General Appropriations Act.

Senator Aquino-Oreta. If the gentleman has an amendment for this, we wanted these funds to come from our GAA.

Senator Drilon. That is correct.

Senator Aquino-Oreta. So if we can just have an amendment somehow to start at least improving our schools, then it is the proper act to follow. We were not looking at this that this will happen immediately, but yearly, if schools will be improved, then we will agree to that.

Senator Drilon. That is precisely our point, Mr. President. If we are going to source this from the General Appropriations Fund, then we do not have to indicate any amount here. Maybe we can just say, **FOR THE EFFECTIVE IMPLEMENTATION OF THIS ACT, THERE IS HEREBY ESTABLISHED A SCHOOL INNOVATION AND IMPROVEMENT FUND WHICH SHALL BE SOURCED FROM THE GENERAL APPROPRIATIONS ACT** or words to that effect, if that is the intention of the author.

Senator Aquino-Oreta. But can we also categorically say, **FOR THE IMPROVEMENT OF THE SCHOOL?** So that the money will go precisely to that to improve our schools.

Senator Drilon. We have no problems with that statement of the purpose. It is the appropriation which poses a problem to us if it is stated here when, in fact, the funding will be sourced out of the General Appropriations Act. We have no problems with the statement of the purpose of the fund, Mr. President.

Senator Aquino-Oreta. We will amend this portion, Mr. President. It will just categorically say that the funds for the improvement and innovation of the schools will come from the GAA, and maybe it will come in a regular form. Also we will indicate that this amount or appropriation is precisely for the innovation of the school.

Senator Drilon. Yes, Mr. President. Thank you.

Senator Tatad. Mr. President, may I ask that Senator Cayetano be recognized.

The President. Senator Cayetano is recognized.

Senator Cayetano. Mr. President, with the permission of the sponsor, may I just ask certain questions before we deal with certain amendments.

Senator Aquino-Oreta. Yes, Mr. President.

Senator Cayetano. Mr. President, I note that indeed, this is an all-encompassing bill that will revolutionize the responsibility and authority of the Department of Education, Culture and Sports, and would also cut off from its present organizational setup certain agencies that are now under the Department of Education, Culture and Sports.

For instance, Mr. President, may I call the attention of the lady senator to page 12, Section 7 where it says:

The Komisyon ng Wikang Pilipino, National Historical Institute, Records Management and Archives Office and the National Library shall now be administratively attached to the National Commission for Culture and the Arts (NCCA) and no longer with the Department of Education...

Mr. President, this is quite a drastic reorganization being sought by this bill.

Likewise, Mr. President, on page 13, under Section 8, it says: "The Bureau of Physical Education and School Sports shall be

absorbed by the Philippine Sports Commission." Again, this is a drastic innovation of the organizational responsibility on physical education and school sports which are now lodged with the Department of Education, Culture and Sports.

So, Mr. President, I hope the lady senator will not mind, because over and above this organizational setup being proposed, I also note that this bill empowers the secretary of the Department of Education, Culture and Sports with so many responsibilities over and above what seems to be the responsibility of the department secretary under the Administrative Code and under the Education Act.

Mr. President, under Section 6, from pages 6 to 11, it also creates a new set of offices starting on page 7, line 7—the creation of many regional offices, as well as the career path of regional directors, division level, school district level, career path of schools district supervisors, school heads, and so on and so forth, without mentioning that as a last observation, the Department of Education, Culture and Sports under the Declaration of Policy in Section 2, page 1, will now be tasked not only with providing free compulsory education in the elementary level and free education in the high school level, but also alternative learning system for out-of-school youths and adult learners.

So, we are really changing the role now of the Department of Education, Culture and Sports, Mr. President.

Senator Enrile. Mr. President.

The President. Senator Enrile is recognized.

Senator Enrile. With the permission of the distinguished Minority Leader, I do not want to be a *KJ*. May I know the status of this bill? I think we are in the period of amendments. We have passed the period of interpellations.

Senator Cayetano. Mr. President, I did ask the sponsor her permission to ask these preliminary questions and the lady senator, for the record, accepted my comment.

Senator Enrile. I stand corrected, Mr. President.

Senator Cayetano. Thank you, Mr. President. I would just like to point out this because...

Senator Aquino-Oreta. Mr. President, may I answer the queries of the gentleman.

Senator Cayetano. Yes, Mr. President.

Senator Aquino-Oreta. On the transfer, actually, Mr. President, these agencies were already transferred by Executive Order No. 80.

Senator Cayetano. Which one, Mr. President?

Senator Aquino-Oreta. Executive Order No. 80—I would like to read—transferring the Cultural Center of the Philippines, the Commission on Filipino Language, the National Museum, the National Historical Institute, the National Library, and the Records Management and Archives Office to the National Commission for Culture and Arts for policies and program coordination.

So these agencies which were formerly with the DECS were already transferred and we just put them here so that it will now be clear when this bill is passed into law that these agencies are not attached to the Department of Education, Culture and Sports anymore.

Now, when it comes to the other problem...

Senator Cayetano. May I just interrupt?

Senator Aquino-Oreta. Yes, Mr. President.

Senator Cayetano. I would like to express my appreciation for that information. But may I know what EO is this, Mr. President?

Senator Aquino-Oreta. Executive Order No. 80 and also Executive Order No. 81 which also transferred the sports programs and activities of the Department of Education, Culture and Sports to the Philippine Sports Commission and defining the role of DECS in school-based sports.

In other words, we need physical education and culture in our curriculum but they will be part of the subjects. But expenses and this Palarong Pambansa that they usually hold will now be under the auspices of the Philippine Sports Commission. That is the reason we placed them here so that henceforth it will be clear that these agencies are not attached to the DECS anymore.

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

Senator Aquino-Oreta. Now, as to the other query of the gentleman about putting up new offices, we beg to disagree. These are already offices found in the DECS right now. What we are just emphasizing here is the shared governance for both. Because actually, Mr. President, the way the DECS is being run is exactly the same way as it was founded a hundred years ago. Schools, school heads, follow only memoranda from the central office and school heads do not participate in any decision-making.

What we are emphasizing here is the shared governance of the different departments or the different levels in the DECS hierarchy so that somehow we are focusing on the school as the heart of the education institution and that is the reason we have

placed the shared governance. We did not dictate to the DECS on what it should do. As far as the central office is concerned, we left it to the discretion of the DECS Secretary because the DECS Secretary would know what to do with the central office.

As far as the regional and the district division offices are concerned, we emphasized there the shared governance that they will have with the central office so that it will be a departure from the present management. This present management that the DECS is following, Mr. President, is already 100 years old. So maybe it is time to change the management style and really focus on the school where the teaching-learning process is happening.

Senator Cayetano. I would like to thank the distinguished lady senator for that information, Mr. President.

There is just one more point because I am really satisfied with that explanation of the lady senator, the sponsor of this bill.

How about this "Declaration of Policy," Mr. President, in line 8 where it includes the responsibility of the Department of Education, Culture and Sports on alternative learning system for adult learners, is this also a present function?

Senator Aquino-Oreta. Mr. President, this is an existing program of DECS because aside from educating our young, aside from giving the basic education, I think it is also the responsibility of the Department of Education, Culture and Sports to give education to adults who have never had the opportunity of acquiring formal education. This is a function or this is a duty being done right now. We would just like to emphasize that so that somehow we will be giving education to all sectors of our society.

Senator Cayetano. May I just be enlightened, Mr. President.

Right now, is the alternative learning system for adult learners being undertaken by the Department of Education, Culture and Sports?

Senator Aquino-Oreta. Yes, Mr. President. It is undertaking that, but not on a grand scale. But it does have alternative learning system.

For example, if a jeepney driver wants to finish high school, he need not go, let us say, from grade one to grade six and from first year to fourth year. Maybe the experience that he has already acquired in driving will be credited to him. He will be given a little more education in order to get a high school diploma.

Senator Cayetano. Mr. President, I wish to thank the lady senator and sponsor of this bill for a brilliant explanation of the comments and very adequate reason for providing all these information.

Thank you, Mr. President, and I also wish to thank the lady senator.

The President. With the permission of the Majority Leader, may the Chair pose one question to the sponsor.

Senator Aquino-Oreta. Yes, Mr. President.

The President. One of the things that really anger our people is the fact that a lot of cheating during elections take place. Obviously, in some instances—I am not saying all but in some instances—some of our public school teachers could conceivably be involved in these anomalies. Are we placing anything here in this law that can deter or place them under some sanctions by their superiors for that purpose?

The reason the Chair asks that question is, normally, election offenses are treated primarily as matters within the competence of the Commission on Elections. *Kaya iyong pagdidisiplina sa mga maestrang kasangkot*, let us say, in election anomalies will have to start at the level of the Comelec. I do not know whether it would be possible to include some provisions here that would give the authorities of the DECS some kind of a disciplinary authority over their subordinates in election-related offenses.

Senator Aquino-Oreta. Mr. President, maybe we can have another bill. I would like to address that too in another bill. But in this governance bill, we are talking only of shared responsibility of the different levels of divisions in the DECS. Right now, what we are doing here is just sort of changing the management style of the DECS. As regards the teachers who somehow allow themselves to be used, maybe we can craft another bill to precisely address that issue. Because it is a very sad state that some of our teachers, who are supposed to be teaching our young to be honest and upright citizens, are being used or allow themselves to be used to cheat during elections.

The President. Thank you.

The Majority Leader is recognized.

DRILON-TATAD AMENDMENT

Senator Tatad. Mr. President, to concretize the proposed amendment of Senator Drilon based on the questions that he propounded earlier, I propose that we now amend Section 12 on page 14, to read as follows:

In line 11 up to line 14, we delete all the words after "SIIF" in parentheses, and in lieu thereof, we insert the following words: TO BE FUNDED REGULARLY UNDER THE GENERAL APPROPRIATIONS ACT.

The President. What does the sponsor say?

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

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

Senator Drilon. Mr. President.

The President. Senator Drilon is recognized.

Senator Drilon. Given that acceptance of that amendment, I was wondering whether or not the provision starting with line 21 would still be relevant.

TATAD AMENDMENT

Senator Tatad. I was going to propose that we rewrite this completely. In line 22, we delete the words appearing after "school" up to the word "SIIF" in line 23. So that the sentence will now read as follows: "THE SIIF SHALL BE UTILIZED IN ACCORDANCE WITH THE GUIDELINES TO BE PROMULGATED BY THE SECRETARY OF EDUCATION; PROVIDED, THAT THE SIIF TO BE ALLOCATED TO EACH PUBLIC SCHOOL SHALL BE IN ADDITION TO THE REGULAR ALLOTMENT FOR MAINTENANCE AND OTHER OPERATING EXPENSES (MOOE) OF THE SCHOOLS PROVIDED IN THE GENERAL APPROPRIATIONS ACT." I would stop at the word "Act" and delete the subsequent words in that line.

The President. What does the sponsor say?

Senator Aquino-Oreta. Yes, it is accepted, Mr. President.

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

Senator Tatad. Are there no further amendments on that page? Let us now go to page 15, Mr. President.

The President. Yes, page 15. Just one question of the sponsor, if the lady senator would not mind.

Senator Aquino-Oreta. No, Mr. President.

The President. Is the lady senator sure that we are going to allow the Regional Education Secretary for the ARMM to exercise the same powers?

Senator Aquino-Oreta. We were following the law. We believe that the secretary of Education of the ARMM can do the same. And so as not to alienate them too, we said

that what the Regional Director will enjoy should also be enjoyed by the equivalent of the secretary of Education of the ARMM.

The President. The reason I ask that is, there have been complaints from teachers in the ARMM about certain irregularities in the observance of the payment of their salaries, for example, things of that kind. I wonder if this issue has been brought up to the lady senator's attention.

Senator Aquino-Oreta. There are existing laws, Mr. President, that will specifically address this concern. But what we are saying here is that if the rest of the regional directors will enjoy the shared responsibility and shared governance in the management of DECS, we also feel that the secretary of Education of the ARMM will likewise enjoy the shared responsibility and authority in the management of the education in the ARMM.

Actually, what is happening now is that we already give the ARMM its budget, and in that budget it already includes its expenses for education. Sometimes that happens also to the other regions in the country being covered or being taken care of by the DECS management. But when it comes to the ARMM, they say that the ARMM has already its own budget. In spite of this, we are saying that whatever shared responsibility or governance that will be exercised by the Central Office, the same will also be shared by the secretary of Education of the ARMM. He will not be alienated. Just because we give their appropriations in whole, it does not mean that the secretary of Education of the ARMM will be separated from whatever policies and programs that are being shared with the rest of the regional directors in the country.

The President. Would the distinguished senator not object...

Senator Aquino-Oreta. And also, Mr. President, salaries, including the ARMM, will still come from the central office.

PIMENTEL AMENDMENT

The President. Yes. In the Reference of Business this afternoon, we just learned that the amendments to the Organic Act for Muslim Mindanao had lapsed into law.

Would the lady senator mind if we insert probably in line 5, after the word "Act", the phrase WITHOUT PREJUDICE TO THE PROVISIONS OF REPUBLIC ACT so and so?

Senator Aquino-Oreta. Yes, Mr. President, we will accept that.

The President. Republic Act No. 9054, "AN ACT TO STRENGTHEN AND EXPAND THE ORGANIC ACT FOR THE

AUTONOMOUS REGION OF MUSLIM MINDANAO" et cetera. Because there are provisions relative to education in the ARMM.

So if the lady senator will not object, we can add the phrase WITHOUT PREJUDICE TO THE...

Senator Aquino-Oreta. Yes, we will accept that, Mr. President.

The President. So the Majority Leader can probably take note of that.

Senator Tatad. Mr. President, the proposed amendment is on page 15, line 5...

The President. Line 5. After the word "Act", delete the period (.) and then add the following phrase: WITHOUT PREJUDICE TO THE PROVISIONS OF REPUBLIC ACT NO. 9054. And then we quote the entire title of the Act.

Senator Tatad. That amendment has been accepted by the sponsor, Mr. President.

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

TATAD AMENDMENTS

Senator Tatad. Mr. President, there are no further amendments on the last page. May I go back to page 1, line 10.

Would the sponsor mind replacing the word "nationalistic" with the word PATRIOTIC?

"Nationalism" is a very good word but sometimes it has adverse meanings. The history of the Nazi-Germany is a case of extreme nationalism, but "patriotism" is a word that everyone approves of.

Senator Aquino-Oreta. We will gladly accept that, Mr. President.

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

Senator Tatad. I have one final amendment, Mr. President. I propose that the same amendment just approved be reflected in the title. And that in the title also, we delete the words "APPROPRIATING FUNDS THEREFOR" since we decided not to appropriate but simply to authorize appropriations to be carried in the General Appropriations Act.

The President. So, first, replace the word "nationalistic" with PATRIOTIC. That was accepted. Is there any objection? [Silence]

There being none, the amendment is approved. And then we delete the phrase "APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES" and in lieu thereof...

Senator Tatad. I believe we retained "AND FOR OTHER PURPOSES".

The President. So just delete "APPROPRIATING FUNDS THEREFOR"?

Senator Tatad. Yes, Mr. President.

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

Senator Drilon is recognized.

Senator Drilon. With the permission of the Majority Leader and the sponsor, may we go back to page 7 for this representation to propose an amendment, Mr. President?

The President. On page 7, if there is no objection, please do so.

DRILON AMENDMENT

Senator Drilon. We propose to delete lines 1 to 6, Mr. President.

The President. What does the sponsor say to his proposal to delete lines 1 to 6?

Senator Drilon. This refers to the broad authority to reorganize the Department of Education, Culture and Sports.

Senator Aquino-Oreta. May we know the reason, Mr. President, for its deletion.

Senator Drilon. Mr. President, the authority is very broad. There are no standards set. It can cause the termination and dismissal of Civil Service eligibles. There can be some problems as far as the constitutionality of this provision is concerned. There are no standards set as to how the reorganization will be done.

Senator Aquino-Oreta. Mr. President, we would just like to call the attention of my colleagues that what we said here is, first, for the approval of the President, and then pursuant to the revised Administrative Code of 1987. And so the secretary of Education will be bound by the Administrative Code and he cannot go beyond that.

Also, if we approve this bill, we expect an IRR to follow. We are not dictating to the DECS on what it should do. We

think that the secretary of the Department of Education, Culture and Sports will know what is best. But what we are saying here, what we are just emphasizing is to change the management style of the present DECS. That is the reason we included lines 1 to 6—to emphasize that we are not telling the officials what to do, but we are telling them that they have to change the management style. Anyway, it has been a hundred years old.

The management order that we are following now is a management order that has begun in 1900, and up to now it is the style that is being followed. With the pending learning revolution that we are going to face, with IT and all that, I think it is about time we changed the style.

SUSPENSION OF SESSION

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

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

It was 5:01 p.m.

RESUMPTION OF SESSION

At 5:11 p.m., the session was resumed.

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

Senator Drilon. Mr. President, just for the record, we submit that legally, only the President has the continuing authority to reorganize the Office of the President. The secretaries of the departments have no continuing authority to reorganize the departments. There must be specific authorization. So that the provision from lines 1 to 3 on page 7, referring to the Revised Administrative Code, would not refer to the secretary of DECS and to the Department of Education, Culture and Sports but to the President having authority to reorganize the Office of the President only. That is the continuing authority under the law. That is my submission.

Senator Aquino-Oreta. Mr. President.

The President. Senator Aquino-Oreta is recognized.

Senator Aquino-Oreta. Mr. President, there is a proposal from the gentleman that lines 1 to 6 be deleted.

The President. Yes. Does the lady senator have any objection to that?

Senator Aquino-Oreta. We have no objection to deleting lines 1 to 6. But we will indicate also the offices that the secretary of DECS will have to deal with. Because our primary objective was to take out the heavily laden management order of the central office. We believe that a lot of offices are there in the central office which can be brought down to the regional and division offices.

The President. Will Senator Drilon respond to that?

Senator Drilon. Mr. President, if we can do it one at a time, if the sponsor has no objection to the deletion of lines 1 to 6 on page 7,—

Senator Aquino-Oreta. We have no objection to that.

Senator Drilon. —and then after that we move to the proposed committee amendment or individual amendment on that particular paragraph. We can proceed with the period of amendments.

So, since there is no objection to the deletion of lines 1 to 7, we move that the Body act on the individual amendment.

The President. All right. There is a motion to delete lines 1 to 7—

Senator Aquino-Oreta. Lines 1 to 6, Mr. President.

The President. —lines 1 to 6 on page 7 which has been accepted by the sponsor. Is there any objection? *[Silence]* There being none, the amendment is approved.

The Majority Leader is recognized.

Senator Tatad. I ask that Senator Cayetano be recognized.

The President. Senator Cayetano is recognized.

Senator Cayetano. Thank you, Mr. President.

With the permission of the Majority Leader, I would like to propose certain amendments by deletion and addition.

May I call the attention of the sponsor of this bill to page 10, beginning in line 9. I will read the beginning sentence there.

“Schools districts already existing at the time of the passage of this law shall...”. I propose that the phrase “continue to” be deleted so that it shall read: “...shall be maintained”.

And after the word “maintained”, insert the following: **AND NOT TO BE INCLUDED IN CLUSTERS OF SCHOOLS**. That is the amendment.

So, it is a deletion of the phrase "continue to" because it is already redundant and so it will be read "shall be maintained". Then add the phrase AND NOT TO BE INCLUDED IN CLUSTERS OF SCHOOLS.

If the lady senator would like my explanation, I could explain it.

Senator Aquino-Oreta. Mr. President, we are talking here of the district level.

Senator Cayetano. Yes, Mr. President.

Senator Aquino-Oreta. And, so, the district level is an office. We do not have schools in the district level.

Senator Cayetano. Well, still, Mr. President, there is a proposal that in the district there will be a creation of additional school supervisors.

Senator Aquino-Oreta. What we are saying here is that the schools district, the district level...

Senator Cayetano. Yes, Mr. President.

Senator Aquino-Oreta. ...their offices will be maintained.

Senator Cayetano. Yes, Mr. President.

Senator Aquino-Oreta. These will not be taken out.

Senator Cayetano. Yes, but if without, however, my proposed amendment by addition, it is possible that these schools districts will not only be maintained but these may be included in the clusters of schools, which may result in the loss of jobs of present school supervisors.

Senator Aquino-Oreta. Mr. President, the schools districts here we are talking about are already existing.

Senator Cayetano. Yes, I am aware of that, Mr. President.

Senator Aquino-Oreta. These are just offices.

Senator Cayetano. Yes, Mr. President.

Senator Aquino-Oreta. These are not schools but these are called "schools districts."

Senator Cayetano. Yes, Mr. President.

Senator Aquino-Oreta. But in reality these are offices. The term "schools district" is just being used by the DECS. And so, what we are saying here is that, yes, we will continue. We will

maintain these schools districts. Because there was a move from the DECS to take away these schools districts which are in reality offices. So, we are not talking of any school as a learning institution in this level.

Senator Cayetano. Yes, I am quite aware of that. I think I share the view of the distinguished sponsor, Mr. President, that indeed there is an effort to do away with school supervisors of schools districts. And precisely, we want to ensure that the school supervisors in these present schools districts are maintained. What might happen is, we may have schools districts which are offices but these may be pooled into clusters of schools. So much so, for instance, if there are, say, three schools districts now in an area—let us say, in a city or in provinces—it may be possible that these may be clustered in one school. So that we would lose two supervisors and only one schools district supervisor will remain. That is the point I am trying to bring home.

The President. With the permission of the gentleman and the lady senator. In Cagayan de Oro, for example, I know that there are schools in the north district and the south district. And the lady senator says, the district does not represent schools?

Senator Aquino-Oreta. No, wait. Schools district means in this, schools districts are offices at present supervising a cluster of schools as learning institutions. Now, these offices are there to take care of the curriculum and other subjects of the schools.

Now, schools districts, these are called "schools districts" but these are in reality offices, a division of the bureaucracy of the DECS.

The President. So probably, if we are referring to schools district as an office, we better say so.

Senator Aquino-Oreta. Yes, Mr. President.

The President. Otherwise, the terminology might create some confusion. Because as I said, the north district in Cagayan de Oro is composed of several schools. It is not only an office. The southern district, the eastern district, several schools compose the district, and that the terminology is still being used referring to several schools in a particular geographical area of the city.

I know that because we just awarded the 10 outstanding public school teachers of Cagayan de Oro and they came from the various districts.

Senator Aquino-Oreta. To avoid confusion, Mr. President, maybe we will include it in the definition because we are actually using the present term being used by the DECS. So as not to

burden everyone, we can add the definition of what a schools district is, whether it is a cluster of schools or whether it is an office in the bureaucracy of the DECS.

Senator Cayetano. Mr. President, I would like to thank the President for that illustration because I was about to make the same illustration.

The point I am trying to make by this amendment by addition is not only to ensure that the present schools districts are now maintained but that they will not be pooled into a cluster of schools so much so that, let us say, we have now three schools districts, suddenly, the Department of Education, Culture and Sports says only one cluster of schools district. The two schools districts will disappear, the consequence of which will be the loss of job of two school supervisors.

So if the lady senator is amenable, and I am agreeable, we can write the correct phraseology of this. I will accept that.

Senator Aquino-Oreta. I get it now. Actually, Mr. President, I do not think the fear of the gentleman will happen because precisely the more schools that will be established, the more schools districts we will have. So a clustering of schools will not abolish a schools district.

Senator Cayetano. Well, I do not want to repeat myself, Mr. President, but there is a threat, a real threat, for some schools districts supervisors to have their jobs taken out as either they retire or in the guise that schools supervisors are superfluous in the hierarchy of the organization.

We just want to ensure, Mr. President, that while we maintain—and this is a good provision of the bill—that present schools districts will remain as such or be maintained, we want to ensure also that these will not be clustered, so that in my example where we have now three schools districts, let us make sure that these three schools districts will not be clustered into one district so much so that the consequence is, there will only be one district clustered and only one supervisor and two supervisors losing their jobs.

So if that is clear, we can agree on whatever terms or provision may be written up. That will be enough.

Senator Aquino-Oreta. Mr. President, we will not object to that if this will ensure that the supervisors of these districts will not be eliminated in the process. We have no objection to that.

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

On the same page 10, line 17...

The President. Just to clarify, Senator Cayetano.

Senator Cayetano. Yes, Mr. President.

The President. The amendment of Senator Cayetano will end at the word "maintained".

Senator Cayetano. No, Mr. President. There will be a continuation. The continuation will be the following phrase: AND NOT TO BE INCLUDED IN CLUSTERS OF SCHOOLS.

PIMENTEL-CAYETANO AMENDMENT

The President. Why do we not say AND SHALL NOT BE INCLUDED?

Senator Cayetano. Yes, better yet, Mr. President. I thank the Chair for that amendment.

The President. All right. Can we approve that? The sponsor accepts the amendment, I assume.

Senator Aquino-Oreta. Yes, Mr. President.

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

Senator Cayetano. Thank you, Mr. President.

In line 17, it ends with the conjunction "and". I would like to propose an amendment by inserting a new paragraph (b). This is of course duties and responsibilities of schools district supervisors. It is to SUPERVISE SCHOOL PRINCIPALS IN THE DISTRICT, because right now, this is exactly their job.

Again, the reality is, there are efforts to minimize, if not remove, the principal function of school supervisors, which is to supervise school principals in the district. I just want it to be there to ensure that their primary functions remain as such.

Therefore, what appears as paragraph (b) in line 18 will now be subparagraph (c).

The President. What does the sponsor say?

Senator Aquino-Oreta. Mr. President, may I just explain. There are two school supervisors. One is for the academic function and the other is for the administrative function. As such, if these two supervisors will dictate to the principals, then our thrust in reducing the level of bureaucracy might not be met. Also, the thrust of this governance bill really is to flesh out the importance of the school as the heart of education here. In that heart, we have the teacher, the student, and the school head.

What we are trying to do here is to bring to the forefront the school itself. In fact, right now, there is a move in the DECS to do away with the school supervisor in charge of administrative and leave that function to the principal. If the principal, the school head will be dictated upon by these two school supervisors, we might not be able to achieve what we want to do here—putting to the forefront the school itself. Meaning, putting to the forefront the school head, the teacher, and the student.

Senator Cayetano. Mr. President, I would like to thank the sponsor for that enlightenment. That is precisely my point.

Not too long ago, I was a speaker before the school supervisors all over the land. One of the points that they complained about was, in most cases, their job to supervise school principals is now being removed or have been removed simply because—and I may be inaccurate here—the Japanese government—I know it is a foreign government that funded a study of the organizational setup of the DECS—has recommended the abolition of school supervisors.

This is the reason this representation would like to ensure that the traditional function of the school supervisors, among which is to supervise school principals, remain as such. What is good for the Japanese education is not necessarily good for the Philippines. This representation knows that this is precisely one of the complaints of the school supervisors.

The lady sponsor admitted that, indeed, there is an effort to phase out the school supervisors. That is precisely my point, Mr. President. I do not want the school supervisors to be phased out simply because a foreign government which funded the study of our education has suggested it.

The President. What does the sponsor say?

Senator Aquino-Oreta. Mr. President, actually, it is not Japanese. It is an ADB proposal to the DECS. The DECS had a study made on how to improve the management order of the DECS. That was one of the proposals. They gave three proposals. One of them was to take out the school supervisors.

But precisely, Mr. President, we are not doing that, we are not taking them out. What we are saying is for the school supervisor to focus on the curriculum because in the administration of the affairs of the school, we are saying that the principal knows best how to administer or how to run the school better. And so, we are saying here that school supervisors will be there contrary to the view of that ADB study. We will maintain them, but the focus of the school supervisors will be on the curriculum of the schools.

Senator Cayetano. Mr. President, again I thank the lady senator. But again let us look at who supervisors of schools are.

Supervisors of schools once upon a time were all school principals. They rose from the ranks, that is why they are fully aware of the administrative as well as the instructional capability of the principals now who are under them. To remove their right to supervise,—now it is the ADB, I am correct, the lady senator is correct because as I said I was not sure—to remove this traditional function would really render the supervisors practically without anything to do. That is why they are now being justified that henceforth there will be no principals that will be promoted as school supervisors because when the school supervisors reach the age of retirement and retire, no principals shall be promoted to that level. But these school supervisors now, Mr. President, were once upon a time in their professional lives principals, and they know best how the schools should be run—administratively and instructionally. That is the reason for that, Mr. President.

The President. What does the sponsor say?

Senator Cayetano. So, may I ask the sponsor to accept this, Mr. President.

Senator Aquino-Oreta. Mr. President, what was the amendment?

Senator Cayetano. To insert a new paragraph, paragraph (b) in line 18, which states: SUPERVISE SCHOOL PRINCIPALS IN THE DISTRICT.

The President. May I suggest, THE SUPERVISION OF SCHOOL PRINCIPALS IN THE DISTRICT, because—

Senator Cayetano. Yes, Mr. President.

The President. —the antecedent for that is, “The schools district supervisor shall be responsible for”.

Senator Cayetano. That is right, Mr. President. Supervision, yes.

The President. What does the sponsor say?

Senator Aquino-Oreta. Mr. President, may I have one minute?

SUSPENSION OF SESSION

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

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

It was 5:33 p.m.

RESUMPTION OF SESSION

At 5:43 p.m., the session was resumed.

The President. The session is resumed.

SUSPENSION OF CONSIDERATION OF S. NO. 2191

Senator Tatad. Mr. President, we are still trying to find a way out of these conflicting points of view on the role of the supervisor. To allow the parties to have a little more time to work on this, I move that we suspend consideration of Senate Bill No. 2191.

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

SPECIAL ORDERS

Senator Tatad. Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 645 on Senate Bill No. 2270, entitled

AN ACT CONVERTING THE SAN NARCISO
VOCATIONAL HIGH SCHOOL IN THE
MUNICIPALITY OF SAN NARCISO, PROVINCE
OF QUEZON TO BONDOC PENINSULA
TECHNOLOGICAL INSTITUTE AND
APPROPRIATING FUNDS THEREFOR.

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

Senator Tatad. I ask that Senator John H. Osmeña be recognized for a short manifestation.

The President. Senator Osmeña is recognized.

MANIFESTATION OF SENATOR J. OSMEÑA
(That the Senate Panel on the Power
Restructuring Bill Be Reconvened)

Senator J. Osmeña. Thank you, Mr. President.

It is simply to put on the record that the Senate panel on the conference committee for the disagreeing provisions of what is commonly known as the Power Restructuring Bill met this morning at ten o'clock until about 2:40 this afternoon, and that we have

arrived at a version that the panel of the Senate will now bring with it to a conference committee.

Unfortunately, however, after that version was agreed upon, some changes—claimed to be minor—have now overtaken that particular draft. So that as of this time at 5:45 p.m., we do not have a draft yet, and I refuse. I think in fairness to all the members of the panel, we have to reconvene the panel because it is not proper for staff members of the House to be calling the staff members of the Senate to change language in the draft without even clearing it with the committee itself. I do not want to impair the integrity of the process, and therefore I would like to reconvene the Senate panel so that we can again look into the changes with specific instructions to the staff that no changes whatsoever should be made without the knowledge of the panel.

Thank you, Mr. President.

The President. Would the distinguished gentleman be able to do that tomorrow morning?

Senator J. Osmeña. We will try to do it tomorrow morning by nine o'clock, Mr. President.

The President. Thank you very much. The Majority Leader is recognized.

Senator Tatad. Mr. President, there being no further business for the moment, I move that we suspend the session until three o'clock in the afternoon tomorrow, Wednesday.

The President. Before we act on the motion, is there any news about the supplemental budget? *Wala pa?*

Senator Tatad. We have not heard of any. We are awaiting—

The President. Action by the House?

Senator Tatad. —the transmittal of the document from the House, Mr. President.

SUSPENSION OF SESSION

The President. So there is a motion to suspend the session until three o'clock tomorrow afternoon. Is there any objection? *[Silence]* There being none, the session is suspended until three o'clock tomorrow afternoon.

It was 5:47 p.m.