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Republic of the Philippines
CONGRESS OF THE PHILIPPINES
SENATE
Manila

COMMITTEE ON CULTURAL COMMUNITIES
(Technical Working Group)

Date/Time : August 20, 1996 (Tuesday) / 2:00 p.m.
Venue : Velco Conference Room, Velco Centre, Chicago
cor. 13th Sts., Port Area, Manila
Agenda : Ancestral Domain Bills

A T T E N D A N C E

PRESENT:

MS. DIDITH TAYAWA, Presiding Officer
ATTY. RODOLFO NOEL QUIMBO, Office of Senator Flavier
OLAF S. GOTLADERA, Office of Senator Honasan
MR. LINO ONG, Office of Senator Drilon
MR. JESSIE R. ROCALES, Office of Senator Mercado
TIERRA P. FONTANILLA, Office of Senator Mercado
MS. ANDRIA E. FRAGO, Office of Senator Tatad

GUESTS/RESOURCE PERSONS:

ATTY. CARLOS R. BAUTISTA, JR., Assistant Managing Head,
PAGCOR
MR. JOEL C. YUVIENCO, Government Relations Officer,
PAGCOR
MR. FLORO R. FRANCISCO, Confederation of Independent
Unions in the Public Sector (CIU)
MR. CEFERINO LOPEZ, CIU
MR. ED TIOTIOEN, ONCC Employees' Association
MR. ROBERTO G. TIMA, Deputy Executive Director for
Administration, ONCC
MS. OFELIA A. LINGATING, OSCC Employees' Association
MS. GRACE M. CHAVEZ, OSCC
MS. JULIET LANIPAO, ONCCEA
MR. TONY A. ABUSO, ECIP-NS
DATU MANAHAN E. SULANG, FEMMATRICS
MS. CATHERINE S. MAGHACOT, Philippine Tourism Authority
MS. ELENA J. DAMASO, GZO-Peace Institute
DATU DEOGRACIAS T. RAIZ, DED OIC
MS. ELEANOR P. FLORES, CIU
MS. EMAKO MERCEDITA O. NALDUZA, CIU

SENATE SECRETARIAT:

MS. IMELDA J. VICEDO, Committee Stenographer
MS. MILAGROS H. SANTOS, Committee Stenographer
MS. TERESA R. SARMIENTO, Committee Stenographer
MS. PETRITA Y. BONILLA, Committee Stenographer
MS. CLEMENCIA G. CASTRO, Committee Stenographer
MS. PERLA M. MAYOR, Committee Stenographer
MS. ANGELA NICOLAS, LCSS "A"
MR. JOSEPH SAMANO, Audio

AT 2:51 P.M., THE PRESIDING OFFICER, MS. DIDITH TAYAWA, CALLED TO ORDER THE MEETING OF THE TECHNICAL WORKING GROUP.

THE PRESIDING OFFICER (MS. TAYAWA). Good afternoon, ladies and gentlemen.

We would now start the Technical Working Group meeting on the ancestral domain bills. For the information of those who came only now, we already had conducted five committee hearings for the ancestral domain bills which include S.B. Nos. 343 of Senator Arroyo, 618 of Senator Mercado, 1476 of Senator Flavier with Senator Enrile and Senator Honasan as co-authors, and 1486 of Senator Tatad.

After conducting the five series of hearings, we drafted a consolidated report which is the one distributed to the guests right now. If you'll notice the authors--the consolidated version had the different authors of the various versions, so, Senators Arroyo, Mercado, Flavier, Enrile, Honasan, Tatad and the members of the Committee on Cultural Communities.

Last 30th of July, we conducted the first Technical Working Group meeting which focused on the substantial aspect aside from the financial, which include human rights, social justice and human rights, ancestral domain component, the structural component and the educational component.

Right now, we will focus on the financial aspect particularly the source of fund and the tax exemption component. But because of request coming from a group of very interested individuals or groups in the issue, we gave them an opportunity to give their inputs on the previous

aspects taken in the previous meeting. But that will be after the financial and the tax provision of the measure.

By way of introduction, we would like to acknowledge the presence of our guests coming from the Philippine Amusement and Gaming Corporation, PAGCOR, Atty. Carlos Bautista and Atty. Yuvienco; from Philippine Tourism Authority, Ms. Catherine Maghacot; from the Episcopal Commission of Indigenous Peoples, Mr. Tony Abuso; Datu Manahan Sulang, an IP representative; Juliet Lanipao, this is an Employees Association of the Office of Northern Cultural Communities; Mr. Floro Francisco of the Confederation of Independent Unions in the Public Sector with Mr. Ceferino Lopez; Ms. Grace Chavez from the Office of Southern Cultural Communities; Mr. Leonor, also from CIU; and Ms. Ofelia Lingating of the OSMCC Employees Association, Office of Southern Cultural Communities Association; Mr. Roberto Tima, Deputy Director of the Office of Northern Cultural Communities; and representatives of various senators and authors of the measure, from Office of Senator Honasan, Senator Tatad, Senator Enrile--Senator Mercado, I'm sorry. And I'm Didith Tayawa from Office of Senator Flavier with Atty. Rodolfo Noel S. Quimbo. Okay.

So now, as I have mentioned earlier, we will discuss the financial aspect specifically the sourcing of funds. So I would like to ask first PTA to give us an input.

MS. MAGHACOT. Good afternoon, ladies and gentlemen.

We have been--it's in the law--the draft report that we're suppose to contribute, at least, 10 percent of gross receipts of the travel tax not otherwise appropriated for

the implementation of the Agrarian Reform Law. In the first place, I was trying to look at the Agrarian Reform Law na sinasabi dito na pagkukuhanan ng 10 percent. Apparently, the Agrarian Reform or the CARP has not been getting money from the travel tax, as far as I'm concerned, as far as what I have researched yesterday. So I was asking Atty. Quimbo about this. So walang nakukuha ang CARP sa PTA.

But nonetheless, it will not stop us from presenting to you where the travel tax has been distributed for the last how many years, 'no. Of the 100 percent, PTA is actually getting only 28 percent as of this time. I'll give you the rundown of where the 100 percent goes, 'no, if you don't mind. PTA gets 28 percent; National Treasury gets 21.1 percent; the NCCA or National Commission for Culture and Arts gets 10 percent; the Commission on Higher Education gets 40 percent and the NPDC or National Parks Development Committee gets .2 percent. So, you can see that pag kumuha pa ho kayo ng 10 percent sa amin, dilluted na ho masyado ang aming source of fund. And this is the only source that we have now. Wala nang mangyayari sa amin.

This year, we have only 160 million for our projects. And maybe if you are not aware, I would like to inform you that most of these projects are really for the countryside. And our political leaders, the congressmen and the senators have played a major part in getting projects for their constituents. So as you can see, aside from the congressional initiatives, so to speak, that we have--the term that we use now, we also have our asset base which means we are operating entities all over the Philippines.

And this, we have to manage also. We have to improve them, so rehabilitate them, so kailangan din ng pera.

And then we also have our social-based project, so to speak. So iyong mga local governments, if they have requests from us for the development of their tourism projects, kami rin ang magpa-fund.

So at this point, like I told you, we have only 160 million money to spread out for the whole Philippines for 1996. 1997 is another story. So, if you will get 10 percent from us, wala na, I mean, talagang wala na kaming source.

THE PRESIDING OFFICER. Okay. Thank you, Ms. Maghacot.

Actually, I would like to inform you that we have--I, together with Senator Flavier, have talked to GM Ed Joaquin yesterday and he promised us 10 million instead of a 10 percent gross from the travel tax. That's why, I put mark in the draft stating that we will be getting 10 million and it has been promised to us by GM Joaquin. So, 10 million from gross travel tax.

MS. MAGHACOT. This is one shot lang, ha, one shot deal lang. Let's be clear on that, okay.

THE PRESIDING OFFICER. Okay. Actually, it was discussed then, thereafter, it will come from the GAA as been stated here. So iyon binigyan na tayo ng 10 million. So we would ask from PAGCOR if they can also give us money. PAGCOR, please.

MR. BAUTISTA. Good afternoon everybody.

Well, in the first place, I noticed that the draft bill do not contain any provision wherein funding will be coming

from PAGCOR. At any rate, our pre-talk before this meeting--may I know the wordings of the proposed funding which will be coming from PAGCOR, which do not appear on this draft so that I could comment on it?

THE PRESIDING OFFICER. Under Senate Bill Nos. 618 and 1486...

MR. BAUTISTA. About this draft bill, yes.

THE PRESIDING OFFICER. It was not stated there.

MR. BAUTISTA. Yes.

THE PRESIDING OFFICER. Actually, it was missed.

MR. BAUTISTA. So, it's inserted in Section 73, I suppose.

THE PRESIDING OFFICER. Oo, it will be inserted there, at least, 10 percent of gross income..../imjv



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THE PRESIDING OFFICER. At least, ten percent of gross income.

MR. BAUTISTA. At least ten percent.

THE PRESIDING OFFICER. Ten percent of gross income of PAGCOR. Nakalagay po 'yon under Senate Bill No. 618 and 1486, inserted.

MR. BAUTISTA. This will be found in the consolidated draft of the three proposed bills.

THE PRESIDING OFFICER. After the final report. So, we would like to ask from your good --

MR. BAUTISTA. Well, although I do not want to make any commitment, I just want to make remark regarding this funding.

Well, actually, at present, there are several enacted laws which derived their funding from PAGCOR. Republic Act 7722 -- I'll just read the provision so that you will have an idea of how the funding can be sourced from PAGCOR. Republic Act 7722, otherwise known - "An act creating the commission on higher education appropriating funds therefore and for other purposes." This was known as the higher education act of 1994. The appropriation was found in Section 17 which states: -- Incidentally, this was enacted into law last May 18 approved by the President in 1994 so this is now being implemented. Particularly on Section 17, there is a provision known as appropriation and the wording goes like this: "The amount of five hundred (P500) million pesos is, hereby, authorized to be appropriated for the seed capital of the fund. Additional amount of fifty (P50)

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million pesos is, hereby, authorized to be appropriated out of the funds in the National Treasury not otherwise appropriated or out of the Philippine Amusement and Gaming Corporation (PAGCOR) Funds for the initial operation of the commission.

So, the trend is it should not be five percent of gross because this figure is not fixed because every now and then our income changes. So, if you want to get funding from PAGCOR, which we are very much willing because this is precisely the very purpose of the creation of PAGCOR although some sectors opposed on its moral issue but then things like this now come that you will realize how important our corporation is.

So, I would suggest that you get a fix amount, say fifty (P50) million payable in 20 months at five (P5M) million a month, that will be nice.

That is only our proposal in a way that it will not come out as indefinite. Five percent of gross it's hard in budgeting because we are follow-cash accounting method, we do not have retained earnings, every fiscal year zero and simula namin, all are remitted to various -- We do not have any insured retained earnings unlike corporations wherein where they have savings they have retained earnings. Now, actually, we do not have. Every year we start on zero so kikitana naman kami ng bilyon. Incidentally, we project by the end of this 1996, we'll earning around eight (P8B) billion.

MR. ROCALES. Madam Chair.

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THE PRESIDING OFFICER. Ah, okay, please, Mr. Rocales?

MR. BAUTISTA. There is also Republic Act 7356 and the bill is known as the law creating the National Commission for Culture and Arts. Ha, National Commission for Culture and Arts, Republic Act 7356.

So, under Section 20, the funding of this Republic Act goes like this: "The amount of one hundred (P100M) million as seed capital shall be taken from the Philippine Amusement and Gaming Corporation at five (P5M) million pesos per month for 20 months." So, practically, this was the same provision which was copied when 7356 was enacted.

So, the wordings, the amount of one hundred (P100M) million pesos as seed capital shall be taken from the Philippine Amusement and Gaming Corporation (PAGCOR), at five (P5M) million pesos per month for 20 months. So alam namin kung papaano iba-budget 'yan. Kasi aside from this, marami na 'yon. There is still another law. By the way, this is only the existing laws. We had complied with several laws getting fund from us and had complied, say for 20 months, we'll take it for 20 months kaya it's now no longer appearing in our books.

There is Republic Act 7309, "An Act Creating a Board of Claims" under the Department of Justice for victims of unjust imprisonment, on detention and victims of violent crimes for other purposes." This is the act creating the Board of Claims. 'Yung mga victims of injustices, they get funding from us through the enactment of this law and the funding of this particular act goes like this: "The

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subsequent annual funding shall also -- I will start from the very beginning. For the purpose of this act, the initial amount of ten (P10M) million pesos is, hereby, authorized to be appropriated from the funds of the National Treasury not otherwise appropriated. And the second (?) goes like this: "The subsequent annual funding shall also partly come from one percent of the net income of PAGCOR and one percent from the proceeds of the sales and other disposition of military camps in Metro Manila by the Base Conversion and Development Authority. Kasi from these subsequent laws, we were invited and we suggest that instead of this one percent, one percent, we just give a fix amount for a certain period. Kaya this Board of Claims was enacted by the way on March 13, 1992 under President Cory Aquino.

So, there is still another act, the Republic Act 6847 - "An act creating and establishing the Philippine Sports Commission defining its powers, functions and responsibilities, appropriating funds therefore and for other purposes." This is known as the Philippine Sports Commission Act. This is the act which created the Philippine Sports Commission which oversee the development of sports in this country. When this act was implemented, we got second place in the sea games. Obviously, because of the funding which come from PAGCOR. I do not want just say but it's a fact that we helped so much sports development because the Philippine Sports Commission derived their funding mostly from PAGCOR.

So, the provision of this law which refers to funding

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goes like this: - This is again very (?). Five percent of gross income which we objected nga kasi ito 'yung mga unang laws e. Up to now, we have a trouble with the Philippine Sports Commission kasi ang five percent of gross, kasi definition of gross sa amin was it after deducting the share of the National Treasury? Kasi, actually, from our gross income, five percent of that goes immediately to BIR as franchise tax. Why not of the 95 percent after deducting five percent goes to the National Treasury so one half of the 95 percent immediately goes to the National Treasury and this is remitted every month. Before, we are remitting it quarterly but to enhance the liquidity of the government we are remitting the share of the National Treasury every month.

So, this perhaps makes the fact that our cash position of the national government little (?) because of the source, definite source of cash liquidity, because we remit cash. So, after deducting the 95 percent then comes now all the laws, existing laws; then comes the remainder goes to the social fund of the President. So we start zero again every year.

So, that's how we distribute the income of PAGCOR. So this is a Board of Claims and lately, 'yung NAPOCOR bill, wherein also a bill which -- remember during the power crisis, there was an urgent law, the Electric Power Act of 1993, otherwise known as the electric power crisis act of 1993 known as Republic Act 7648. At the height of the power crisis, they look upon PAGCOR to solve the problem, they

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created this law and the subsidy we give to NAPOCOR, although now they are stable, they have their own, it goes like this: The Philippine Amusement and Gaming Corporation shall set aside ten percent of its annual aggregate gross earning for the next five years as subsidy to the NAPOCOR. That such percentage allocation shall be based on gross revenue after deducting the five percent franchise tax and the 50 percent.../mhs



MR. BAUTISTA. ... and the 50 percent income share of the National Treasury.

So, in-specify dito. The 10 percent of NAPOCOR will come after deducting the 5 percent franchise tax of BIR and the 50 percent of the remaining 90 percent, 95 percent of the National Treasury, and we are giving this to NAPOCOR. So, this was approved April 5, 1993, and I think this will be for five years.

At any rate, I have given you the idea of how funding-- We are very much willing to help this funding of this Act. But then we suggest that in such a way na ganoon na lang. Kung gusto n'yo 50 million. I do not commit on the amount. It's only an example, kasi depende rin sa financial ano namin. Pero I don't think it will be a major problem. Whatever amount you request PAGCOR, just put it in the draft bill, and we will-- Once the appropriate funding provision is incorporated in the consolidated draft, you send us, together of course with the corresponding note from the sponsor. And that is what we are created for, to help....

THE PRESIDING OFFICER. Thank you very much. So tataya tayo ng lotto para dadami 'yong funding ng ano.

MR. BAUTISTA. Perhaps we can give bigger if we operate jai-alai.

So, 'yon na lang ang suggestion ko, 'no. In the consolidated draft, ilagay n'yo na 'yong provision regarding funding so that the board and ano-- Perhaps on the final deliberation, you might invite as well our Chairman, Mrs. Alicia Reyes.

THE PRESIDING OFFICER. Actually we invited her in

MR. BAUTISTA. At present— Unfortunately, she is now attending the Committee on Games and Amusement sa Congress, exactly 1:30 this afternoon, kaya she just sent me to represent her.

THE PRESIDING OFFICER. Okay, so thank you very much, sir. Sana nga mabigyan, 'no. So, we will just do that. We will be very specific and put a specific amount, just like what we had done with PTA.

Okay, so, if you have.... Nasaan si Jessie? Si Datu Sulang.

MR. SULANG. May tanong lang ako dito sa kay Attorney. After giving that percentage or that 100 million— Ano ang observation? May pera ba? May naiwan ba sa PAGCOR after giving that amount? Kasi baka out of our group magpapalano kami to ask 200 million from your office, then after all you cannot provide it.

MR. BAUTISTA. So far, all those enacted laws we have complied. So far, with the obligations of PAGCOR with regard to those laws enacted, hindi pa naman kami nag-default. At any rate, after the 20 million or 50 million funding for this act, definitely you could ano— I cannot speak for the funding but that is why we are here. Anyway, gambling, sabi nila immoral. So, what is immoral in helping our people? So, wala, zero kami, walang retained earnings kami, lahat ng kita, and we are strictly audited. We took pride in saying na although gambling kami, we are the most — hindi naman pagbubuhay ng bangko pero you read it in the papers — efficiently run in terms of funding. Talagang accounted 'yan up to the last centavo, starting from the

table, gaming tables.

THE PRESIDING OFFICER. Will Atty. Yuvienco have additional inputs?

MR. YUVIENCO. Well, I'm not a lawyer by profession although I was trained by....

MR. BAUTISTA. ... just took the bar. Anyway,.....

MR. YUVIENCO. I guess that's just about it. My boss here has practically covered all the salient points that we need to cover anyway. Unless anybody here has a question, we'll be ready to answer them.

THE PRESIDING OFFICER. Mr. Francisco.

MR. FRANCISCO. I think this is a suggestion which would respond to the question earlier raised by Datu Sulang. I think what would be done is for PAGCOR to have a listing of their annual commitments and from their projected earnings of eight billion for 1996 then we will be able to discern what an approximate estimate we could....

MR. BAUTISTA. Our financial position is published in the newspaper, so it's there. In fact, it is a requirement, 'yong comparative figures for the same period, June 30. This appears in the newspaper. So, we are very transparent on our income.

VOICE. So we can derive from there.

MR. BAUTISTA. Yes, oo, from this you can get our comparative analysis of how our income goes.

THE PRESIDING OFFICER. May we request from the PAGCOR to give us a copy as soon as possible.

MR. BAUTISTA. Yes, I will give you. Anyway this

appears in all the major newspapers.

THE PRESIDING OFFICER. Okay, thank you.

MR. SULANG. Doon sa...?

THE PRESIDING OFFICER. PTA? Do we have any questions sa PTA?

Datu Sulang, okay.

MR. SULANG. Kasi not necessarily 'yong hinihingi dito 'yong proposal na 10 percent out of the PTA fund to be given to the proposed commission. Siguro.... Kasi 'yong tourism may income-generating project kayo, di ba? And out of that income-generating, maybe you could propose percentage para doon sa commission. Kasi 'yong sinasabi mo is, is that money from the government itself or is it the income of the....

MS. MAGHACOT. Travel tax.

MR. SULANG. Ah, travel tax. How about 'yong mga project ninyo? Kasi may mga project kayong income-generating, di ba?

MS. MAGHACOT. Ano, to tell you frankly, itong entities na ino-operate namin, sina-subsidize pa nga namin. Kasi kung baga hindi kami nakiki-compete sa private sector, eh, 'yong ganoong klase. So talagang kung tutuusin mo, mas mataas pa nga 'yong rates namin kaysa 'yong mga prevailing commercial private enterprises. Kasi 'yon ang mandate sa amin, eh. Although we have these entities, some of them have been turned over to us, 'no, FCGG ganoon. So, what we're trying is, we are trying to improve muna the facilities kasi most of them are really not in very good

condition. So, what we are doing now, we are rehabilitating most of these projects that we have until such time that we privatize. So ang goal namin actually is privatization. But at this point, we are still trying to rehabilitate all these entities, trying to put them on the block, which means earning before we can offer them for privatization. So, that's the condition now.

THE PRESIDING OFFICER. So, thank you. Actually you've noted na I've mentioned earlier that they are giving 10 million from the travel tax.

MS. DAMASO. What was the estimate of the travel tax, the income in 1995 when your projected income in 1996 --also in 1997? And what were your priorities in terms of donations of this nature if any, 'no? Because I think the PTA, as one of the engines of the tourism industry in the Philippines, should bear in mind that ecotourism, which is one of your major thrusts, 'no, for the next 20 years or so, I think if you study the profile of ecotourism destinations, they would coincide with ancestral domains of indigenous peoples and other fragile ecosystems in the coastal areas.

So, I think PTA would have a moral obligation in terms of returning back to the people what they got in terms-- Well, it's very obvious that when you engage in campaigns here and abroad to sell the Philippines, you use more teeth, even the very faces of indigenous peoples. When you talk of about Philippine culture selling /trs

MS. DAMASO. so, in a sense, I don't think this P10 Million, what is this, going to be an annual donation for so many years, or is this a one-shot deal?

I don't think the indigenous peoples would be happy with that considering the fact that, you see, even Boracay which used to be the ancestral domains of Aetas, the Palanan wilderness, a major eco-tourism destination, the entire Cordillera, and now even in the SPCPD, DOT is pushing for a major tourism program there, I think it would be callous for the DOT and the PTA, the least, to just drop P10 Million like that, and then put their money elsewhere. Mahirap yata tanggapin 'yun.

We'd rather not receive the P10 Million because it comes with the recognition na, parang policy ninyo na hanggang P10 Million lang ang indigenous peoples. It would not even recompense for per capita, 12 million indigenous peoples, P10 Million. What is that?

THE PRES. OFFICER. Ms. Maghacot.

MS. MAGHACOT. I think you came in late but earlier I was telling the group that our source of income has really been greatly drained by also the contributions that we have given to other government agencies, like the NPDC, the National Treasury, the NCCE and the CHED.

So, I was telling the group about the percentages of where our money goes every year.

So ang natitira na lang talaga sa PTA effectively is 28%, so I don't know, wala nang natira sa 28. Sa

28% na 'yun, numerically, it amounts about P160 Million for 1996 only. So P160 Million for projects, wala na ho, considering na what we do is development of tourism facilities all over the country which are sponsored by our Congressmen and Senators, aside from our social projects that we also have, and aside from the asset-base which means, aside from the usual rehabilitation programs that we have for our existing entities.

MS. DAMASO. May I ask. In such areas that I have pointed out, where you have actively promoted ancestral domains as major tourism destinations, how much of the social package have you invested in the community? Whether these are socially acceptable or not, how much?

For example, in Banawe, we don't know where the so-called UN grants and other monies went.

MS. MAGHACOT. Well, definitely it did not go to PTA. It went to the indigenous people.

MS. DAMASO. But isn't it that you are operating a hotel there?

MS. MAGHACOT. Yes, we are and it's losing.

MS. DAMASO. Losing?

MS. MAGHACOT. Yes. Like I said earlier, again, we don't exactly compete with the private sectors. So sinasabi ko kanila, yung rates namin is really mas mataas kaysa mga private sector rates. Kasi nga, the intention there, the objective in Banawe at first, was really to develop it. So that the park, develop it first and then, so that the private sector will be



encouraged to develop also there. Parang ganu'n. And then now, we are trying to refurbish, rehabilitate the entities, like Banawe Hotel, para until such time that it will be ready to be privatized.

MS. DAMASO. I just like to find out what's your policy in terms of social engineering in areas that are developed for Tourism Estates and you have so-called primary, secondary and tertiary destinations.

MS. MAGHACOT. This is basically to rationalize the overall tourism development of the country. So hindi lang hotspots, kungdi may direction yung development.

Like for example, for Tourism Estates like you said, which is true, we have identified primary, secondary. Ano muna yung mga major areas na pinupuntahan na ng turista ngayon. So we start from there, that's the primary.

And then, we identify also surrounding areas na puedeng second line of defense, so to speak, sa development. Iyon ang isusunod nating ide-develop tapos, tapos yung tertiary.

Ganu'n po ang basic concept po nung tourism development sa Tourism Estate sa master development plan.

MS. DAMASO. So where does the community come in?

MS. MAGHACOT. Always, whatever we develop, we plan, we do community organizing, discussions -- we discuss with the local people, local officials, concerning the proposed development for their area.

Like in Panglao, for example, siya identified na Tourism Estate. Ngayon, what we did, syempre consulta-



tion with the local people, local officials, it turned out na ang mga tao duon, they are not very keen, tapos, and yet some people na started speculating. They were buying a lot of land in the area, yung ganu'ng klase, hanggang sa tumaas na tumaas na ang presyo na hindi na kaya naming bilhin yung lugar nila for development.

So, in the meantime, shelved muna siya until such time na we do some re-thinking towards the development of Panglao.

Sa Samal naman, may cooperative ho kasi duon. So we talked with the local people, the cooperative, that is existing there, and we come up with a partnership. Kaya more or less natuloy yung agreement duon sa Samal Island.

So ganu'n po, more or less, and proseso. Although I am not personally involved because I am with PTA, kasi, basically ho, DOT work ho yun eh, sa community. Pag-nagimplement na ho sa infrastructure, duon po pumapasok ang PTA. Duon po yung mga roads, ganu'n. So PTA na po yun. Pero in terms of policy formulations, sa DOT po yung trabaho na yun. Kami, implementors lang po.

THE PRES. OFFICER. Do you have any other questions, Bing? (Silence). Mr. Francisco.

MR. FRANCISCO. Yes, I would like to make a follow-up statement on the issue raised by Bing.

I think this is a very relevant issue and if we look at the commitments of PTA right now, well, these

are commitments but I'm sure this will end.

I think what the indigenous cultural communities and the indigenous peoples would want to see, is for PTA to have a shift in policy thrust, focusing more attention on expenditures that would benefit the ICCs. I'm an ICC myself and I think this is a very relevant issue that has to be addressed, in terms of how you would prioritize your commitments in the future.

Perhaps now, we cannot do anything because these are already commitments, but as far as the policy-thrust in future directions, I think there should be a clear statement from PTA focusing on the issue raised by Bing because this is very important.

MS. MAGHACOT. If you don't mind my asking, what does "ICC" mean?

THE PRES. OFFICER. Indigenous Cultural Communities.

MS. MAGHACOT. All right. Thank you.

For the information of the group, we have organized actually a group already to come up with, parang eco-marine study for the Hundred Islands. We already have a committee headed by Usec Sobrepeña for the integration of a master development plan for the Marcos Park, if some people are from Baguio.

So ang Marcos Park talagang inumpisahan na, although there are a lot of problems in Marcos Park at this time, we are trying to -- there has been a constant dialogue with the local people there.

MS. DAMASO. (Speaking without microphone).

MS. MAGHACOT. Well, this is a big issue I'd rather not -- lest I be misquoted.

THE PRES. OFFICER. Okay. So, anyway, Bing, do you have additional.....?

MS. DAMASO. What's your relationship with PCVC because I understand they also undertake marketing?

MS. MAGHACOT. PCVC is actually our marketing arm.

MS. DAMASO. Your marketing arm.

MS. MAGHACOT. We are the implementing arm, infrastructure. Even in terms of promoting the Philippines as a multi-faceted archipelagic adventure, perhaps later on some policy should be formulated to really put the indigenous peoples in a better light rather than just simply as pawns and chattels in marketing strategies.

I mean, these are strong words but I have studied tourism industry also, in terms of its impact on indigenous peoples.

MS. DAMASO. Rest assured, ma'am, that your message will be relayed to Director Corpus - Danny Corpus.

THE PRES. OFFICER. Okay. So, I think Mr. Francisco has a very good point earlier raised that the policy-thrust of the Philippine Tourism Authority should be re-directed to the protection of our indigenous peoples who are very vulnerable, that's why, right now actually, we are trying to protect.....pyb/



THE PRESIDING OFFICER (MS. TAYAWA). ... we are trying to protect them by enacting this law, actually. And we're asking the PTA to give us some amount. When we talk with GM Walkin he also mentioned about the different laws that has been enacted previously, that's why their budget right now is limited. The travel tax is limited. Of course, he gave us 10 million, siguro pang-umpisa ito.

So, if there are any other sources-- actually the CIU has a proposal.

Mr. Francisco or Mr. Lopez?

MR. LOPEZ. Good afternoon, ho.

Actually I'm from the Manila International Airport Authority, so kaya alam ko itong version na ito.

Actually iyong terminal fee previously hindi exempted iyong DCW, overseas contract workers. Previously inaprobahan ito lahat ng overseas contract workers will be exempted to terminal fee of ₱500.00, 180 from the terminal fee goes directly to the National Treasury. Hindi ko alam kung ano iyong allocation ng National Treasury diyan sa ₱180.00 na iyan.

As of this period, ang Manila International Airport was collecting from three to four point five million a day from the terminal fee. Previously it ranges from six to eight million. Dahil nga nagkaroon ng exemptions iyong DCW, bumaba ito nang from three to four point five million a day, so malaki-laki ho iyan. Hindi namin na-include dito, medyo nire-research ko pa iyong 20 percent share ng national government sa aming income, particularly doon sa aviation fee. Hindi ko alam kung gaano iyong magkano iyong aviation

fee na iyan. Iyan iyong pagpasok ng eroplano sa Philippine territory lalo na pagka kumontak sa Manila Tower Controller so nagbabayad ang mga eroplano diyan, both Philippine Air Lines and all international airlines.

THE PRESIDING OFFICER. So, actually ang proposal po ng CIU is to have a share from the terminal fee in the NAIA. So maybe we would invite NAIA in some future discussions to us kung if they can share o kung saan nagagastos iyong pera nila so we could tap.

MR. LOPEZ. Yes. You can invite General Manager Franciso E. Atayde for that matter.

THE PRESIDING OFFICER. Okay. Thank you.

Jess, may question ka kanina?

MR. ROCALES (SEN. MERCADO). The matter of PAGCOR funding as mentioned a while ago. I was not able to comment.

There is difficulty in earmarking certain percentage of PAGCOR income. One is because the PAGCOR income is not fix, plus with the entry of lotto, there is a projected increase of its income and so even the bill of two percent of the 50 percent government share which is basically around 89 million. So, if you say, ten million of the gross earning of PAGCOR, there was a '95 Report na it drops to around 9.5 billion. So, if you have a ten percent of that, that's a huge amount of money. So, I would agree with the representative of PAGCOR that we put in specific amounts.

And partly it was mentioned by Senator Maceda in one of the Finance hearings that the President doesn't like to earmark PAGCOR earnings by percentages, so that's the trend.

THE PRESIDING OFFICER. So, okay, we will fix our request.

Okay. Actually, one also of the sources of funding for the ancestral domain fund is the Social Reform Council fund for delineation. In the budget it's 75 billion for delineation presumably in the delineation in the 1997 budget. However, the NLR Social Reform Council is not here to comment. But I think this is necessary since DENR already has acceded to that consensus bill which is 1476 and the general framework of this bill is 1476. So, I supposed na puwedeng kunin iyong delineation fund which is 75 million.

MR. ROCALES. Madam Chair.

THE PRESIDING OFFICER. Yes.

MR. ROCALES. I'd like to propose that we tackle the proposed measure section by section so that we can meticulously assess the provisions of the bill.

THE PRESIDING OFFICER. Actually-- this is the first time you have attended the Technical Working Group. We have already discussed in the previous Technical Working Groups the different-- the social justice provisions, the other aspects. In the invitation we asked our guests to focus their attention to the financial and the tax exemption provisions of the bill.

Anyway later on, as I have mentioned earlier, we will discuss specific issues which will be raised by CIU and maybe you can put your input. Anyway, we are still very open. May be the Technical Working Group, staffs of the Senators would discuss this later, iyong tayo-tayo lang, without the guests anymore.

Okay, Mr. Francisco.

MR. FRANCISCO. Yes. I was looking at the initial amount of 100 million being earmarked. I think looking at the three-year timetable of various activities that is expected to be accomplished by the Commission which will be created, 100 million will not be enough. Just looking at the number of people to be displaced, which will have to be paid, assuming they will not be reinstated, and just looking at the amount of work required to do the delineation survey of all ancestral lands, 100 million will not be enough for one year.

THE PRESIDING OFFICER. Actually, if you would notice, that's only on ancestral domain fund. We did not include the funding for operation which will come actually from the budget of the existing abolished offices which is OSCC, ONCC, amounting to about 226 million. If you add up the budget of the two offices is 226 million. The ancestral domain fund is specifically for delineation purposes and for some other development projects, actually for expropriated lands, payment of expropriated lands. So, that specifically the ancestral domain fund for.

As regards the operation, ibang budget po iyon, ONCC or OSCC budget na iyan.

MR. FRANCISCO. But even then, even if you look only at the aspect of delineation, in my experience, it's very expensive to undertake this activity. Right now I'm involve in a project which comprise only of about 14,000 hectares. It's covering about a perimeter of about 220 kilometers and we are already looking at more than ₱14M. So just

magnifying the issue of ancestral lands, this will be very expensive to undertake. But if you were talking about the budget of DENR, that is earmarked not only for ancestral lands, but for all lands that would be covered under the domain of DENR. And I'm sure they will not be able to consider the possibility of transferring those funds.

THE PRESIDING OFFICER. Actually the 75 million is specifically for the survey and delineation of ancestral lands which is under the SRA program. So, I've looked into the budget actually and it's there. It's 75 million for survey and delineation of ancestral domain lands. This is in the 1997 budget, so we could get from there, and the budget from PAGCOR and from PTA. Then in addition to that maybe we can already get the 100 million fund or increase it kung makakakuha tayo sa kanila ng mas marami, iyon. At saka doon sa NAIA.

Datu Sulang.

MR. SULANG. May comment lang ako doon sa 75 million pesos, DENR appropriation for delineation and survey of ancestral domain /cgc



MR. SULANG.

.... delineation and survey iyong ancestral domain. Kasi that is for 1997 budget, hindi ba. Siguro ang gagawin natin diyan, all funds by the DENR intended for the ancestral domain shall be transferred to the Commission. Parang ganon. Kasi it might be that 75M is the starting amount, baka mayroon pa, ganoon.

THE PRESIDING OFFICER. Ganoon iyong thinking. We will not be very specific on the 75M. Nakita ko lang iyon and I'm just inputting it, and so idadagdag natin iyong additional.

Okay iyong suggestion, Datu Sulang. Mayroon pa bang ano, tungkol sa tax. Attorney. Grace. From the representative of the various Senators. Okay na daw sila doon sa pagkukuhanan natin ng pera, mayroon na daw tayong pera.

Mr. Francisco.

MR. FRANCISCO. Ewan ko lang, naglalaro lang ang isip ko ano.

The provincial governments are receiving IRAs, but there are many local governments where there are so many ICCs and ancestral lands. And knowing that they have the power to tax on the utilization of natural resources within their bounds, is it not possible to source part of these fund requirements from them?

THE PRESIDING OFFICER. Datu Sulang actually you also made mention about this.

MR. SULANG. Actually when it comes to taxation doon sa

ancestral domain, the whole--the ancestral domain, in general, cannot be taxed. However, iyong mga ancestral land within the ancestral domain can be taxed. And for those, iyong mga protected areas within the ancestral domain, iyong mga watershed, kasi that cannot be useful for agricultural purposes. That is entirely exempted from tax. However, if that area to be used for--yes, for commercial purposes and that shall be--that can be taxed. Iyon ang discussion natin noon.

And when it comes to local government operation, iyong mga BIR, iyong IRA nila, mayroon iyon eh, nasa New Local Government Code ngayon na talagang iyong Indigenous People, mayroon talaga silang share doon out of the IRA.

So, maybe kung anong suggestion ng grupo, if we will--if there is a need to include that in the proposed bill or law, or to remain at is doon sa New Local Government Code. Pero I'm very sure na existing na iyon eh. Existing na iyon.

THE PRESIDING OFFICER. Maybe iyong fund na iyon, local government IRAs, siguro idadagdag na lang iyon sa operation ng ano, ng Commission, hindi na kasama doon sa ancestral domain fund for delineation. So, maybe we could study that and input it. Maraming sources ng funding eh.

Yes. Si Mr. Francisco muna, sir, tapos si Atty. Bautista.

MR. FRANCISCO. Alam mo kasi iyong, for example, NAPOCOR, 'no, they have a--for example, they have an electricity project, a hydro-power project, for example, in

the mountains. For every energy that is being generated, there is an amount that is supposed to be given to the LGU, but if and most likely, most of these projects are in the hinterlands where they could be part of the ancestral domain, then I think, those funds, for example, from the earnings of NAPOCOR, this could also be a possible source.

I don't know, but nagiging interesado lang ako dito, so pag-aralan natin, 'no.

THE PRESIDING OFFICER. Actually it is included in the provisions of the bill and that was raised also by Senator Roco, during one of the Committee hearings, na iyong mga government projects like plants, mga power plants, mga ganyan, if it's put, if it's established in the IP area, then the IP area has the right to tax.

So, actually it's here. It's inputted in one of the provisions, I don't know where, pero I'm very sure it's here. Iyon.

Yes, Atty. Bautista.

MR. BAUTISTA. There was a query made by Ms. Damaso in private, but then I think it will be of much importance if I will answer it.

She asked me if ever we committed funding from us. How soon will it be paid? I anticipate this because she might be thinking that there will be red tape in the funding or release of fund.

When we commit funding from PAGCOR, we pay directly to your recipient. This is subject to liquidation or audit. No. Once we give the money to the entity, it's up for their

auditor to audit it whether its fund spent in accordance with the projects or funding as required by law.

So, do not worry that our remittance will be delayed. We pay directly to the recipient.

THE PRESIDING OFFICER. Okay. Thank you very much for that input, sir.

Datu Sulang.

MR. SULANG. Ibig sabihin hindi na dadaan sa National Treasury.

MR. BAUTISTA. (Away from the microphone). No.

MR. SULANG. Direct.

MR. BAUTISTA. Because the National Treasury gets the 50% of the 95%. That is the share of the National Treasury. What we allocate for this Republic Act or funding coming from legislations passed by Congress is from the remaining portion of the--after the 50% of the National Treasury.

THE PRESIDING OFFICER. Okay, Datu Sulang.

MR. SULANG. Going back to the comment iyong sa IRA. Kaya one of the proposals of Indigenous People, iyong mga IP area to be created into barangays or municipality as well, so that they could avail the IRA.

So far iyong mga IP areas, barangays, talagang they already benefited that IRA, pero we still encourage those subject or suitable for creation of barangays to be created. Mayroon--nasa under iyong sa New Local Government Code, only subject for congressional act or action. Parang ganoon.

So, maybe the creations of this ancestral domain commission will be the solutions to that problem. Kasi pag

ancestral domain na iyon, it's easy to the CAD on there, or CADI, CAD holder to create their community into barangays. Parang ganoon.

So, for me, when it comes to taxation in local government operation, walang problema doon. Ang problema lang pag hindi ma-create itong Commission.

THE PRESIDING OFFICER. Hindi ma-create. We will all help one another para maipasa iyong bill, ano.

Actually last Friday, it was the International Day of the Indigenous People's, observance of the International Day of Indigenous People's, and the President, President Ramos was there, and he made mention of the Commission on Indigenous People's, which will be--after it will be reported out will be certified urgent bill. So, he already made a commitment during the International Day of Indigenous People's. So, hopefully this will pass.

Now, maybe we can move on to the tax exemption provision, it's Section 62. Anyway this was a proposal by--amendment actually of Senator Enrile. So, if there are no questions. Section 62 of the Consolidated Report, which says:

"That all lands certified to be ancestral domains shall be exempt from real property taxes, special levies, and other forms of exaction except such portion of the ancestral domains as are actually used for agriculture, forest plantation, commercial and residential purposes."

Actually when he proposed these changes, this provision, he was already made co-author after proposing: So, he is a co-author already. So, maybe there will be no

questions anymore.

Yes, Mr. Francisco.

MR. FRANCISCO. What if the agricultural practice is not economically sustainable?

THE PRESIDING OFFICER. For commercial purposes. It's for commercial purposes.

.../pmm



Senate Archives (LRAS)

THE PRESIDING OFFICER. ...Commercial purposes. It's for commercial purposes.

MR. FRANCISCO. No, it says here agriculture. Assuming they will practice agriculture and it is only just for purposes of meeting the needs of...

THE PRESIDING OFFICER. Maybe we would be very specific, that is for commercial quantity.

MR. FRANCISCO. Okay.

THE PRESIDING OFFICER. So we will clarify that matter. We will input it. Thank you.

Yes, sir.

MR. BAUTISTA. Anyway, I'm not concerned with this provision but after forms of exaction, you should--if you may add whether national or local.

THE PRESIDING OFFICER. Yes.

MR. BAUTISTA. Kasi we have problem with this provision when the Local Government Code was enacted. Every municipality thought they were an independent kingdom. They are imposing taxes when you are a nationally-created entity. So to be specific, lagyan ninyo na whether national or local para mawala iyong local government.

MR. SULANG. Subject for deliberations.

THE PRESIDING OFFICER. Oo, subject for deliberations. So we will put that. Okay ba iyon? Ah, Jessie.

Siguro pupunta na tayo, if there are no questions on our proposals or amendments on the financial aspect of the bill, then maybe we would focus on the specific provision. Okay.

No, actually, sir, if you have inputs, we will welcome it very...

MR. BAUTISTA. Yes, we will stay in that case anyway. I thought this will be an internal deliberation in the...

THE PRESIDING OFFICER. Actually, it's part of the deliberation. But they asked us to make some clarifications as regards the previous provisions discussed in the previous meetings.

MR. FRANCISCO. Just one last comment. The figure of 100 million, it looks beautiful but I still would like to suggest if we have a ballpark figure of the estimate of how large a tract of land is the total ancestral domain to be considered. Maybe just for--to be safe, let's have this assumed estimate and try to ask the experts if how much it would really cost to delineate this because I really fear it would not be enough.

THE PRESIDING OFFICER. Okay, Bing.

MS. DAMASO. I think your concern is genuine. But looking at the SRA proposal of DENR in 1995, they targetted about a hundred thousand (100,000) hectares to the tune of 100 million pesos. So parang ganoon iyong ratio, 'no, 99,999 hectares. And they were requesting for a hundred million pesos (P100M) but, unfortunately, they were given only 72.3 million.

THE PRESIDING OFFICER. Seventy-two point three (72.3).

MS. DAMASO. And this does not include actually the investments also coming from the non-government and people's organizations, which roughly would be the equivalent to

about half of that, more than half, if you consider the counterpart of the communities as a whole, parang equivalent na rin.

THE PRESIDING OFFICER. So what is your proposal, to increase?

MS. DAMASO. I think his concern is well-founded, to increase it. And if Atty. Dunuan(?) herself would-- I mean, around, she would have pointed it too, unless, this is construed as seed fund for the first year of operations, thereafter, to be--parang continuing appropriation.

THE PRESIDING OFFICER. Yes, Mr. Francisco.

MR. FRANCISCO. Anyway, I'm just raising that issue and I leave it to the Secretariat to think about. But I really think 100 million is not enough.

THE PRESIDING OFFICER. So, we will study it.

Yes, Datu Sulang.

MR. SULANG. Siguro kahit sinabi mo and we will stand on it pero valid pa rin iyong suggestion, iyong comment. Kasi kung titingnan mo iyong 72.3 million requested by the DENR, fortunately, approved iyong target areas dahil maliit lang iyon. But if we think this Commission will be realigned, kung titingnan natin iyong tract of lands, tract of ancestral domain, talagang maliit iyon. Kasi hindi lang delineation ng activities eh, maraming mga components doon ng activities.

So maybe, we'll ask the proponent to the suggestion to really fix the amount kung how much, parang ganoon. So that later on--anyway, may deliberation naman iyon, kung sabihin

ng iba, hindi ano, at least, mayroon tayong sinasabi at saka mayroon tayong sinasabing amount.

MR. FRANCISCO. If you could give me the estimate of the land area, maybe, I could make some rough estimates. But also I was thinking, because at the latter part of the bill, there is an intention for the Commission to have its own internal capability in doing the land survey. And if you are going to do that, it means that you have to acquire a lot of equipment. And just for equipment requirements alone, you will be spending a lot of money. And the figure presented by DENR is on the assumption that they will be doing it by themselves with already existing equipment available.

THE PRESIDING OFFICER. No, actually, in doing that, actually, ita-tap pa rin ang DENR for the first three-year period because there is this adjustment period for three years. So ita-tap mo iyong experts from DENR including their equipment para hindi agad na magbibigay ng pera iyong Commission, which will be subject to a MOA, which was discussed during the previous committee hearings in the Senate.

MR. FRANCISCO. If I may react again, 'no. That's a nice idea also but you should think that DENR has its own priorities. Just to give you an insight, maybe you should try to monitor how much is the performance of DENR in the set targets for the survey and delineation of these specific ancestral domain lands and you will find out.

Right now, we are also--I work in an agency under DENR,

and we also have problems in land survey. And we have a lot of difficulty trying to get people from them. So they have their own specific targets; they have their own deadlines. And I'm sure it's quite easy to put it here but in reality, it will be difficult to achieve.

THE PRESIDING OFFICER. Okay, Datu Sulang.

MR. SULANG. Actually, kung pag-uusapan natin iyong total land area for ancestral domain, so far, mayroon tayong, more or less, 16 million hectares of public lands wherein iyon ang focus ngayon ng ancestral domain, di ba? Although not exactly or not totally, siguro subject for ancestral domain pero iyong target ng IPs, iyon talaga, kasi nandoon na iyong mga water, sea, ganoon. Although the DENR, their target for 1998 ancestral domain claims is two million, two million hectares. Pero iyong gusto ng IP more than that two million.

THE PRESIDING OFFICER. Siguro isang input which was raised by Senator Flavio during the committee hearings na huwag nating masyadong i-complicate because this bill is very complicated. So dapat punta muna tayo doon sa first stage which is the passage. And then sabi naman, there was an assurance that Senator Enrile will help in the budget hearings kapag napasa na ito into law. It will be passed into law. Our first purpose muna is for its passage. And then we will help one another in looking for other--iyong mga ganyang financial provisions. So it will be taken later. So iyon sana muna ang isipin. We should not complicate matters at the moment para lang maipasa ito,

which is one of the priority measures of the President himself.

MS. DAMASO. Didith, but can you just relay kasi you're going to have an inter-staff, ano, iyong technical session also, 'no. The concerns here that 100 million would just be a minimum. And if there is a way of increasing that, which is to do justice to the issue.../imjv



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MS. DAMASO. ...issue, then very well we can do that. Because as of now, what are the indicators, June 1996, DENR has already delineated 786 thousand hectares and they are looking forward to about a million hectares by the end of the year. And so, they said that they are on target, 'no, 'yung two million hectares nila, but in the meantime, per annum, they are requesting about P75 million pesos, so, they have started this in 1994, 'yung SRA ano. So if you total the amounts that they have requested, it would be greater than 100 million and even without the equipment that at their current capability, no, wala silang equipment to conduct the GPS and GIS surveys.

THE PRESIDING OFFICER. The NGOs.

MS. DAMASO. Yeah, that's where the NGOs come in and that's why we are saying that NGOs and POs would have more or less the same amount also as what government puts in. I think, the NGOs put in two point for every single peso about two pesos sa NGOs, POs.

THE PRESIDING OFFICER. Okay. 'Yan, okay, we will -- Anyway, nandito naman 'yung mga technical staff so alam na nga nila 'yung points.

So kung wala ng question doon punta na tayo doon sa -- May binigay ang CIU na proposal, amendments, corrections sa measure. Maybe we can ask them to raise...

MR. LOPEZ. Good afternoon ho uli. Sa Section 5 letter (b), mayroon lang ho kaming pinasingit doon sa the right to be informed and to intelligently participate. So, medyo in-arrange lang namin ng konti 'yung Section 5 letter (b).

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THE PRESIDING OFFICER. Anyway, parang pareho rin naman yata ang ibig sabihin. The right to inform and intelligent participation at saka 'yung the right to be informed and intelligently participate. Actually, the same essence.

MR. LOPEZ. Tapos ho 'yun sa Section 48, 'yung qualification, tenure, and compensation, 'yung pagpili ho duon sa mga commissioners. So ang nakalagay ho duon - for at least ten years within an ICC, IP community and/or any government agency involved in ICC or IP. Pinasingit namin 'yon para ho magkaroon naman ng tyansa 'yung present na nasa ONOS na mga commissioners na mapili kung saka-sakali po.

THE PRESIDING OFFICER. Tony, do you have any input?

MR. ABUSO. Duon siguro sa, duon sa particular provision na duon sa 748 na sinasabi, nagtatrabaho 'yung pipiliin na commissioner duon sa community ano, na talagang galing siya duon sa community. Kasi, maraming mga assumption na maraming commissioner o maraming empleyado ang ICC, ONCC na hindi naman katutubo. So, minarapat na ilagay ng mga drafting committee na 'yun talagang hihirangin na bilang myembro ng commission ay talagang katutubo na nagtrabaho doon sa particular community ng sampung taon pataas.

MR. FRANCISCO. Hindi. Kasi duon sa unahan pa lang, kinlarify na dapat katutubo siya. So ang sinasabi lang namin, for example, right now marami kaming mga myembro na empleyado ng ONCC at saka OSCC hindi sila mismo duon sa community pero lahat ng trabaho nila naka-focus pa rin sa ICC. So ang sinasabi namin, 'yung mga bonafide na mga

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members ng ICC na nagtrabaho sa mga ahensiyang ito, not necessarily duon sa community mismo, eh i-consider din.

THE PRESIDING OFFICER. Bing?

MS. DAMASO. Well, this is a modification of the original phraseology. I think to a certain extent it would be acceptable because the choice of public service of an IP is narrowed down as of the present in three agencies, di ba, if we count OMA as one and there is no reference to, specific reference to any other office, I think, Tony, we can take this in advisement na lang

THE PRESIDING OFFICER. Sige pag-aralan natin 'yung proposal.

MS. DAMASO. Basta hindi matanggal 'yung original formulation. Kasi, 'yan yung sinabi ng mga katutubo noon sa national consultation.

MR. FRANCISCO. Anyway ang...

MS. DAMASO. But in the spirit of the continuity of service din, for example an administrative law, we can understand 'yung formulation na ito.

MR. FRANCISCO. Para ang sinasabi lang namin baka mamaya maski na doon ka mismo sa ONCC nagtrabaho buhat noong pagka-graduate mo at lahat ng trabaho mo dedicated na sa ICC, dahil hindi maliwanag 'yan ay hindi ka na puedeng maging commissioner. Ang kapalpakang ng gobyerno ngayon, karamihan ng mga namumuno sa gobyerno hindi nagtrabaho na bilang rank and file nuong mga opisina na 'yon kaya pag lateral entrant niyan, hindi niya naiintindihan kung papaano patakbuhan ang opisina.

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So, ang lagi naming posisyon bilang mga unionista sa gobyerno, laging may preference din kami na mapasamang maging head ng agency namin. And maliwanag naman na dapat bonafide member ng ICC. So, I think, dapat din tignan 'yon. And besides, siguro for example kung DSWD siya, ICC member siya sa DSWD siya nagtatrabaho and he is servicing a community under ICC domain, puede rin sigurong maconsider 'yon.

So, 'yun lang ho ang gusto naming maconsider.

THE PRESIDING OFFICER. Okay. Sige i-consult natin 'yan kay Senator Flavier, sa authors at saka sa ibang authors ng bill kung iko-consider nila. Kasi, magmi-meeting pa kami ng technical working group.

Mr. Sulang?

MR. SULANG. Actually para sa akin, ano, itong provision na ito, itong sinasabi - the chairperson and the four commissioners for at least ten years, hindi naman siguro ibig sabihin na excluded na 'yung government employees na nagtatrabaho duon sa IPs. Kasi, ang tinitingnan dito, the direct or indirect services to the indigenous cultural communities. Pag sabihin natin community, it's either indirect or direct so long as you work for the indigenous people. And I do believe that the staff of OACC and OSCC is indirectly or directly doing service to the indigenous people, parang ganoon. So for me, not necessarily any employees organization involved in the ICCs, parang ganoon.

THE PRESIDING OFFICER. O sige. 'Yun siguro ang...

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Okay 'yung input ni Mr. Francisco na dapat i-clarify. Kasi pag nag-appoint na baka mamaya ay i-exempt 'yung mga nagtrabaho from ONCC or NCC or other government agencies.

MR. FRANCISCO. Siguro, importanteng marecord itong position namin dahil pag kinwestyon namin 'yan in the future we can go back to the Archives; that we have raised this issue, ano? Kasi, kung community, community is different from an office, 'no? So...

MS. DAMASO. We are just saying that the formulation was derived from the national consultation so this was how the IP participants, then, saw it. So, we will also discuss this among ourselves and 'yung sa conveners and then submit our recommendations later.

THE PRESIDING OFFICER. Okay.

MR. FRANCISCO. Yeah. Siguro, puede bang i-define din natin what a bonafide member.../mhs



MR. FRANCISCO. ... natin what a bonafide member means. Ano ba 'to, full-blooded, both mother and father is ICC or half lang siya o he grew up in the ICC? Baka kailangang i-define natin ito. Dahil maraming nagpapanggap lalo na 'pag commissioner ka na.

THE PRESIDING OFFICER. Datu Sulang.

MR. SULANG. Actually kung sabihin nating indigenous people, no matter two percent ng dugo mo basta indigenous people. But it is not the indigenous people who are baptized to become indigenous people. Ang point siguro dito, so long as you are a bonafide member of indigenous people, meaning, you are blooded indigenous cultural community, then you will be accepted. Pero mas mauna pa rin 'yong full, parang ganon, full-blooded. Pero kung titingnan mo, parang mahirap ng merong first class at second class indigenous people. Kasi ang tingin natin 'pag may dugo siyang indigenous people, wala ng classification doon. He is already or she is already an indigenous people.

MS. DAMASO. Madam Chairperson, I think that issue is very vital even in the current situation where you have one office there whose an OIC is not even a member of the indigenous people whom he is purported to serve. So, I think it should be placed here that full-blooded and consanguinal ang factor na ano.

THE PRESIDING OFFICER. Okay.

MR. TIOTIEN. Good afternoon. I am Ed. I represent the employees association of ONCC. I think we have an adopted, some sort of a definition when we refer to so-called bonafide members of indigenous cultural communities.

I for one is one-half Ibaloi and what makes me different from a full-blooded Ibaloi-- di ba tipong ganoon-- aside from my bloodline? So maybe the issue regarding the definition of a bonafide ICC or IP should be left to the discretion of the so-called people who are experts on indigenous peoples. And when we talk about experts, usually we refer to the elders that we have from our communities. Usually they are the ones who can really say if you are a bonafide member of indigenous cultural communities.

THE PRESIDING OFFICER. May I ask from ONCC or OSCC how do they give the certificates of tribal membership? How do they define bonafide membership in cultural communities?

MS. CHAVEZ. I'd rather that our President of the ONCC Employees Association, Mrs. Lingating, will answer that since she is the one handling the issuances of CTMs.

MS. LINGATING. Now, in issuing certificate of tribal membership, we had some requirements that first, the applicant should be a bonafide tribal member. When we say bonafide, it's by consanguinity, at least 50 percent. So, there are other requirements aside from that. They have to be certified by the tribal leader in their community that their parents are really cultural community members, and then another certification from the barangay captain and a joint affidavit of two disinterested persons attesting to their tribal membership.

THE PRESIDING OFFICER. Okay. So now we have a definition of what a bonafide is. Maybe we will adopt how they....

MS. DAMASO. Can we also take that on advisement? We need to confer with the convenors.

THE PRESIDING OFFICER. Okay.

MR. FRANCISCO. I'd like to make further clarification. The reason why I raised this is because I've had this experience before. I was also a grantee of the National Integrated Study Grant Program, and it pains me to see many people benefitting from this grant who are not actually ICCs, 'no. So, it is very important that this should be defined. And in this definition, I feel that it would be quite difficult for ICC members who are now residing in urbanized areas where their link to so-called tribal leaders will now be quite difficult to really establish, 'no. So, I would rather suggest that the NGOs and other groups involved in this Committee to really study this carefully because in the end it will be to the advantage of the ICC.

THE PRESIDING OFFICER. Okay, Datu Sulang.

MR. SULANG. May comment lang ako doon sa 50 percent. Kasi kung sabihin mo by consanguinity, blood ang pinag-usapan doon, eh. Meaning, kung blood ang pinag-uusapan, no matter how many percent ang blood mo, talagang indigenous people ka. Kung sabihin mong 50 percent, debatable pa rin 'yon, parang ganoon.

So, siguro 'yong ka-officemate ko, si Mrs. Lingating who is our OSCC President, hanggang ba ngayon 'yon ang sinusunod natin, 'yong 50 percent blooded to be certified as tribal member?

MS. LINGATING. (Nodding)

MR. SULANG. Fifty percent-- not less than 50 percent?

(MS. LINGATING). (Nodding)

MR. SULANG. How about those 25 percent? Kasi kung titingnan mo dugo pa rin ng indigenous people 'yon.

MS. LINGATING. The reason for that is we consider those who are already less than 50 percent integrated to the mainstream Filipinos since they have more on the culture of the mainstream, especially they do not know anymore their dialect, their practices, they are no longer practicing that. That's why we have to interview them to find out if they really have this culture in them to maintain their being a cultural community. So, by that we have to consider their consanguinity up to 50 percent only. Kasi 'pag sinabing 25 percent or 10 percent na lang or what, parang nandoon na sila sa mainstream, wala na silang alam sa kanilang culture and traditions. Kasi ang kinukuwan natin doon is because this certification helps the applicants in some benefits katulad ng NAPOLCOM. Most of them cannot pass kung 'yong talagang medyo, 'yong pure pa sila dahil kung titingnan natin, merong pagkakaiba 'yong kanilang, 'yong standard nila sa kanilang education kaya hindi sila makapasa-pasa dahil medyo kulang, dahil most of them are in the hinterlands. So, binibigyan ng chance na makapasa sila by giving some percentage sa NAPOLCOM. So, kung nakikita natin na talagang advanced na sila, we do not consider them especially if they no longer possess the 50 percent.

THE PRESIDING OFFICER. Yes, Ms. Maghacot and then Mr. Francisco.

MS. MAGHACOT. I would just like to make a comment. Because she said if somebody is 25 percent blooded lang, eh, considered sa mainstream na siya, integrated in the mainstream. What is to stop a 50 percent blooded person to be integrated in the mainstream, di ba? So, I was thinking, let's not be bogged down by, you know, this percentage again and consanguinity and all that stuff, but let us see how he lives. Siguro, for me, that's the main consideration. Does he lives like an Ibaloi? Does he lives like whatever cultural groups you have like an Igorot or what? Yong ganoong klase ba. It's how you live, how you breathe, how you sleep, how you deal with your people. And it says here, expert in ethnic affairs. So, ganoon siguro. Anyway, isa lang namang basis 'yong bonafide membership, so let's not be bogged down siguro by that, 'no. Like if we have an outstanding regulation, at least 50 percent, let's start from there. Parang start off lang naman 'yon, eh. Then after that, if we find out na hindi dapat 50 percent, it has to be more or less, then that's the time.... /trs



MS. MAGHACOT. ... it has to be more or less, then that's the time we can amend the law, di ba? So we can proceed with the other provisions.

THE PRES. OFFICER. Okay. Thank you. Yes, Mr. Francisco and then

MR. FRANCISCO. Contextual lang yung isyu. As far as being a Commissioner to the Commissioner, I think we should have stricter standards in terms of bona fide membership. But as far as enjoying the benefits of the programs and projects under the Commission, then that's a different story. But if I were to make a position on this, I would recommend for a stricter definition of what a bona fide membership is, in terms of who should sit in the Commission.

THE PRES. OFFICER. Yes, Tony?

MR. ABUSO. Tungkol duon sa sinabi ni Atty. Floro Francisco, bale kasi basi yun sa eksperiensiya ng mga katutubo na kung saan dito sa mga government agency karaniwan, ang mga namumuno ay hindi naman talaga mga katutubo.

So, siguro, yung sinabi niya, ngayon magbigay siguro tayo ng mas estriktong mga pamamaraan para makita o mapili talaga yung tunay na maglilingkod, kasi, parang sa tingin nila, yung mga nakaraang nakaupo diyan, hindi naman katutubo, so hindi nakakapaglingkod sa mga katutubo.

So, siguro ngayon, sa Komisyon na ito, na yung ilalagay na talagang katutubo, maaaring mas makita niya yung tunay na problema, yung sitwasyon ng mga kapwa

niya katutubo. So, yun lang.

THE PRES. OFFICER. Okay. Thank you. Si Emma.

Anyway, before you start, actually, siguro yung diyan sa definition ng "bona fide" ilalagay na lang yan natin sa IRR. Hindi na natin ipasok dito sa "Qualifications, Tenure and...." dito sa provision na ito.

MS. DAMASO. Rejoinder duon sa comment mo, ano. I think it's very material that we establish it here because otherwise it would be given to interpretation again sa IRR.

We are talking about the top-level team - management team. Yun lang.

MS. NALDOZA. Magandang hapon sa ating lahat. Ako si Emako Mercedita Naldoza. I'm the President of the Union of Statistics Employees and the Executive Vice Chairperson of the Confederation of Independent Unions in the Public Sector and the National Chairperson of the National Womens Committee of CIU.

So, palagi kasi nating pinaguusapan na ang tinungo ng gobierno ay ang pagpapalakas sa mga kababaihan, so dini-discuss natin kanina yung mga qualifications ng miembro ng Komisyon, so may I suggest that certain percent of the membership of the Commission be reserved for indigenous women.

THE PRES. OFFICER. Magandang punto. Sige, we will take note.

MR. SULANG. Actually, siguro, in general naman itong provision, whether women or men are already qualified for the position. Parang ganu'n, eh. Pero, siguro yung concern ng -- in fact previously, yung

OSCC was ran by women, di ba? And previously our President is a woman.

Pero, siguro, para sa akin, not necessarily na ilagay natin na one of the Commissioners would be IP woman, parang ganu'n kasi.....

MR. ROCALES. Madam Chair.

MR. SULANG. But at any rate, siguro maganda rin yung suggestion. Comment lang yung akin, pero maganda yung suggestion.

MR. ROCALES. I would like to agree the proponent that certain numbers of the top-level executives should be women. The call for women empowerment particularly in positions of authority, has been an international wisdom. Particularly in cultural communities whereby the status of women is lower than the status of males, particularly in tribal cultures.

Well, that might be arguable in a lot of -- depending na lang on cultural setting and a gender-power relations but it has been argued in many women conferences particularly in Beijing that in cultural communities it's the male takes the head of the family and women as child-bearers.

So that culture has been adopted, like women as baby machines while men as workers and macho image. So, even the whole concept of bringing power to women, maybe we could also incorporate that in this bill to further reinforce the government's position that women are as equally capable as men in managing their affairs.

So I would go for that provision.

THE PRES. OFFICER. Okay, Datu Raiz.

MR. RAIZ. Good afternoon everyone. I am sorry I am late because I have so many visitors in the office.

Now, I have been hearing the discussion regarding the membership of the Commission, whether it is a male or a female.

You know, if the Commission is already established by the government and the President will be appointing the Commissioners, I think that depends on the appointing authority whether he will appoint a Chairman coming from the women sector or a Chairman coming from the male sector.

You know, we cannot say that both men and women are really entitled to be the Commissioner or to be the Chairman of the Commission. But I think there is no debate on that. Let us just wait the time that the Commission is already born, then the President has to select among the recommendees whether it is a woman or a man to head the Commission.

THE PRES. OFFICER. Yes, Jessie?

MR. ROCALES. I would like to explain my argument.

We are drafting here a law that will determine our intervention on indigenous peoples' community. While we put the discretion to the President to appoint the members, it is of equal value that we incorporate specific provisions that women should be represented.

Now, with that, then the President is mandated by law to provide allocations for women.



In fact, in the proposed bill filed by Sen. Shahani, there is even a proposal to, at least 30% -- at least, ha? 35 or 30, at least 1/3 of the positions of the government should be occupied by women. This has been based on the studies that most of the top-level executives of any government interventions are dominated by males and females occupied the clerk and rank-and-file positions.

So, incorporating this into a law would give us a landmark legislation that we are serious in our goal towards this endeavor.

MR. RAIZ. We are not debating here whether the women are greater in number in government service or male for that matter.

Do I understand from the gentleman that in this proposed bill are you going to incorporate there or make mention in the bill that a woman should be the Commissioner?

THE PRES. OFFICER. No. Actually, it's not the Commissioner. It's the members....

MR. RAIZ. That's why I asked the issue this afternoon that if the Commission is already there, then it's up to the President to appoint the Commissioners. Whether it's a female or a male, we cannot question the prerogative of the President. But most, I might say here that, if we consider the number of male that is now in the government, I think the male are more in greater number than the women in government services, especially the head of agency. Thank you.

THE PRES. OFFICER. Okay. Yes. Mr. Francisco.

MR. FRANCISCO. I think what is being raised here is the conscious effort to integrate in our systems the recognition that women should be part of any institution. And as far as management of institutions are concerned, we should also, in the same manner as we are now trying to push for the recognition of indigenous peoples, we should also put forth the recognition of women.

The same justification that we are now pushing that ICCs and IPs should be recognized, is the same justification why women should also be integrated into this.

So I think the idea ispyb/



MR. FRANCISCO. ... the idea is just to have at least a representation of women in the Commissioners. And whether that would be one or two, I leave that to the Technical Working Group. But as a rule of thumb, in many international organizations and conferences that I have attended, it seems that right now the target globally is 35 percent. And 35 percent is about one-third.

MS. MAGHACOT. May I say something?

THE PRESIDING OFFICER. Yes.

MS. MAGHACOT. Just an observation.

Maybe what we can do is, let's not include the qualification of a commissioner as being a woman in this section. So maybe we can make it as an objective para ang mangyayari niyan lahat na ng activities, programs ng Komisyon, one of its objectives is woman empowerment. That's my observation.

THE PRESIDING OFFICER. Siguro isa ring suggestion. But this is subject to the approval of our chairman of course, the members of the Committee, the authors of course, iyong a proviso na me representation ang women sa Komisyon not necessarily the chairperson. So kasi iyong gusto yata ni Datu Raiz kanina iyong chairperson is a woman?

MR. RAIZ. Hindi naman.

THE PRESIDING OFFICER. Hindi naman. Okay, so iyon iyong ano-- so siguro but this is subject, of course, to the approval of our principals, kasi we are just here to get the comments.

Sige, tuloy.

MR. LOPEZ. Section 49, iyong nominations nang mga commissioners kung saan pipili iyong ating Presidente, we also include any employees' organization involved in the ICC, IP, during and/or before the expiration of their term proposed. Kasi ang aming kuwan dito kung community per se lang, katulad nung fear ng mga kasamahan natin sa NGO at saka IPs, 'no, sa peoples' organization, ang fear naman namin baka ang mangyari dahil hindi lang nakakatugon iyong isang commissioner sa pangangailangan ng isang specific IC, eh, ire-request na nila sa ating Presidente, ire-recommend na for termination, for replacement. So, ang sinasabi namin kung meron kapangyarihang ganoon ang mga community, ng IC or PO, sana bigyan din naman ng pagkakataon iyong magiging empleyado nung Commission or a certain government agencies or organizations involve in ICC or IP works. Iyon ang aming ano dito.

MS. MAGHACOT. Maybe what happens here is that-- let us not be very specific about employees organization, but any organization involved in the ICC, so which means we go back to Section 48 ganoon din doon, any organization involved in ICC, so consistent pa rin.

THE PRESIDING OFFICER. Sige, next.

MR. LOPEZ. Section 53, specifically iyong letter (a), iyong office, ancestral domain office. Nagkaroon kami ng pagtatalo dito, iyong pagkukuwan ng-- "responsible for the identification, delineation, recognition of ancestral lands domains."

Ang tanong namin, gaano katagal ito? Habang nage-exist

ba iyong opisina? Kung 100 years, 100 years ba nilang gagawin iyan? So we put doon sa specific job na iyan for 30 years kailangan matapos nila iyong pagi-identify, delineation, identification at saka recognition of ancestral lands and domains.

THE PRESIDING OFFICER. Hindi naka-mention kasi dito iyong ancestral domain rights. If you would go back to the ancestral domain rights provisions, hindi lang iyong delineation ang ginagawa, so bakit mo kailangang lagyan siya ng time frame na hanggang doon lang iyong office niya?

MR. LOPEZ. Hindi, hindi naman natin ia-abolish iyong office, iyong specific function niya ng identification, delineation at saka recognition within 30 years dapat matapos niya para iyong iba pang function magawa niya later on.

THE PRESIDING OFFICER. Baka masyado ma-ano pa iyong ano...

Yes.

MR. FRANCISCO. Siguro para maging magmukhang perpetual iyong function, kasi itong delineation eh madaling matapos ito, siguro idagdag natin iyong management.

THE PRESIDING OFFICER. Yes, Datu Sulang.

MR. SULANG. May comment lang ako doon sa delineation should be done within 30 years, no. Siguro para sa akin hindi lang 30 years, iyong sinasabi perpetual ang maganda. Kasi kung titingnan natin who knows kung within the ancestral domain meron pang isusukat na ancestral domain for indigenous people, parang ganoon, eh. So that is another activities of the Commission. So why not to limit the

delineation activities.

And maybe I would like to subscribe the suggestion that we will include the management so that it could be continuing. And may suggestion dito si

THE PRESIDING OFFICER. Yes, Tony.

MR. ABUSO. Siguro iyong partikular na limitasyon na kung ilang taon gagawin iyong delineation, identification, siguro puwedeng ilagay doon sa implementing rules and regulations. Pero ang isa pang kuwan nito-- marami kasi ngayon, halimbawa, although hindi naman 30 years pero marami pang mga leases na inaprobahan ng DENR na matatapos after 25 years, so parang matagal ano. So after that baka magkaroon pa ng mga leases pa uli iyan na aaprobahan uli ng kung sinong mga agency, so hindi lang dapat umabot doon sa tatlumpong taon kung hindi talagang tuloy-tuloy. So, iyon ang parang rationale dito.

MR. LOPEZ. Yes, kaya pinadadagdagan ng kasama natin ng management para maging perpetual na iyong ganyang function.

MR. SULANG. Another input iyong ano-- baka magkaroon tayo ng accretion na maging ancestral domain ng indigenous people, then we will still delineate that accretion area for the ancestral domain.

THE PRESIDING OFFICER. Yes, Bing.

MS. DAMASO. In principle, last meeting we agreed that a master plan or something would be drawn up and it would be the responsibility of the Office of Planning, Research and Development, which would in turn feed the other program offices as to their priorities. I think the issue of circumscribing, iyong delineation functions should be taken

in the context of the planning which is going to be a regular activity of the NCRP. Let's say for five years you have this much target and so on. Because as rightly pointed out by Datu Sulang here and Tony, that there are certain permits and issuances that had been granted by DENR which would lapse only within 25 to 50 years, in IPMAS, FLAs, TLAs, ISS, other stewardships. And if we delimit within 30 years iyong function na iyon baka ma-forfeit and therefore it would require an amendment to this law. Perhaps, the idea of delimiting it is to emphasize the urgency which I think could be properly inputted in the IRR.

MR. FRANCISCO. I think it was clear ...

THE PRESIDING OFFICER. Three-year period?

MS. DAMASO. That's for the remaining two million hectares.

THE PRESIDING OFFICER. Adjustment period lang iyong during the transition period where there will be a MOA with DENR na siyang mag-delineate ng-- iyong within three-year period.

MR. FRANCISCO. And understanding ko kasi three years, otherwise, I would agree to her that we should set a deadline on this because people might drag the issue to the extent that it will be forgotten. So, we should set a timetable for the NCIP to accomplish the delineation eventually, either in the IRR or here in the main act.

THE PRESIDING OFFICER. Sa IRR na lang siguro. Okay.

MR. FRANCISCO. In addition to Section 53, I don't know if this is /cgc

MR. FRANCISCO.

... In addition to Section 53, I don't know if this is still necessary, 'no, but I think either in the field offices or in the main office of NCIP. If we are to recognize the differences still existing in various tribal groups, I think there should be a tribal desk for every tribal group that will be so recognized. And by that, I think, we should be clearly enumerating which the tribal groups are still recognized as ICCs, because I know that there are debates now considering other--previously considered ICCs as already integrated into the mainstream, 'no.

So one, there should be a tribal desk for each tribal group; and two, all the tribal groups so recognized should be enumerated.

THE PRESIDING OFFICER. Sa IRR? Can we put that in the IRR or kailangan substantial?

MR. FRANCISCO. Dito sa offices ng kuwan, ng NCIP...

THE PRESIDING OFFICER. Mga desks?

MR. FRANCISCO. Oo. Sa regional offices.

THE PRESIDING OFFICER. Medyo kasi may problema tayo diyan, because during one of our hearings, mayroong nabanggit ang DBM na actually ayaw nga nila nong specific office ilagay, because of problems later on na baka kailangang mag-create tayo, eh mag-a-amend tayo ng batas. And even the functions, ayaw din nilang ilagay, but we insisted on it because of the substantial provisions na nadoon na sa different rights. So, kung maglalagay tayo

baka--mas maganda sa IRR na lang iyon.

MR. SULANG. Take note also that there are 110 and even more than 110 tribes all over the Philippines. Kaya kung magkaroon tayo desk for every tribe, maraming desks, 110 eh.

MR. FRANCISCO. No. I think this is essential especially in the regional field offices. Otherwise, it will be a tyranny of the majority again, which is always an issue within ONCC and OECC. We should recognize this fact and we should give due representation.

MR. SULANG. Unless i-declare natin nasa regional level, nandodoon. I would agree kung regional level because, like for example in Bukidnon, made-determine na natin kung ilang tribes nandoon sa Region X and Region IX. Ganoon.

So maybe in that case, siguro sa IRR, puede natin ilagay iyon.

THE PRESIDING OFFICER. Yes, Bing.

MS. DAMASO. Last, well, sorry, if we keep on referring to the last meeting agreements or consensus points, but we agreed to include a general proviso which would enable the NCIP to create offices as may be necessary to discharge of its functions, and perhaps without specifically referring to ICC desks for tribe. The whole spirit of that could be incorporated in that general proviso.

The enumeration should be included in the IRR.

MR. SULANG. My insight pa na may mga comment din iyong ibang tribes na pagdating doon sa employment, parang na isolate sila, like for example some Regions in the South,

mayroong region dominated two or four tribes lang wherein kung titingnan mo mayroong seven, may eight na tribes na nandoodon pero it is only dominated by two, three or four tribes. Parang ganon.

So, dapat titingnan din natin doon sa staffing equity, iyong equal representation. Not necessarily the equal representation, kasi mayroon namang tribes na talagang iilan lang ang graduates na qualified. Parang ganon.

THE PRESIDING OFFICER. So, thank you. Actually doon sa iyong Section 55 ninyo, maganda iyong point actually na, in areas where there are no such newspapers, iyong broadcasting and a radio station will be a valid substitute.

Actually sa ibang mga bills nakalagay iyan eh. We just failed to input it here, so ilalagay natin iyan.

MR. FRANCISCO. Mayroon sana akong idagdag, ano, doon sa letter g. Kasi maski na sa publication eh, maski na sa broadcast kung minsan hindi iyan nakakarating eh. I still believe that there should be some form of a public hearing on aspects such as this, public notices. Kung minsan kasi pag hindi na nakaabot, hindi na makaangal iyong ibang tao, ano. Pag hindi nila nabasa iyong publication, wala na silang laban, and then may prescription period tayo.

This is normally done when they issue zoning ordinances and municipal town plans, they go to all barangays and do the public hearing. And I think, at least for the initial years of the programs of NCIP, this should be adopted.

THE PRESIDING OFFICER. Pag-aralan.

MR. FRANCISCO. Kasi ano eh, na te-technical ang mga

ICC, 'no. Maraming natalo sa kaso dahil sa prescription period. So...We are talking about us, so let's be realistic about it.

THE PRESIDING OFFICER. Okay.

MR. LOPEZ. Iyong Section 73, hindi ko na babasahin dahil binasa ko na kanina ito.

Iyong Section 75, iyong penalties sa violation. We increase it from six to nine months, then we retain the maximum of twelve (12) years. From 50,000, we increase it to 100,000; iyong 100,000, we increase it to P500,000.00.

Ang rationale kasi dito, kung masyadong maliit, 'no, iyong penalty eh iba-violate na iba-violate iyan kasi kaya ko naman i-produce eh. So, kung mas malaki iyong penalty, medyo magdadalawang isip ka, lalo na iyong mga hindi ka-grupo, ano.

THE PRESIDING OFFICER. Anong masasabi ng ating mga abogado?

MR. LOPEZ. Tapos iyong Section 78, iyong winding up, 'no, as discussed with Didith previously, sabi niya, maikli iyong six months, so we make it twelve (12) months, 'no, para--bakit ganyan ang tingin mo.

MR. FRANCISCO. Tingin natin.

MR. LOPEZ. Ah tingin mo iyan sa akin. Twelve (12) months muna, ano, bago totally ma-abolish iyong dalawang offices. Ang rationale diyan, kasi iyong papasok na bagong empleyado, hindi naman gapoon eh, so magtuturuan pa sila--iyong transition period, ano.

THE PRESIDING OFFICER. Datu Sulang.

MR. SULANG. Actually kung one year, parang sa tingin ko iyon, it's too long eh. Parang makalimutan na natin iyong totoong issue. Parang ganoon eh. (Laughing). Kasi kung titingnan mo, at least kung iyong mga applicants sa certain position, mayroon namang naka-set doon na qualification at saka kung titingnan natin iyong mga civil service eligibility, ganoon.

So, there is no need to do it na masyadong malayo, na matagal, iyong one year kung titingnan. In fact, iyong New Local Government kung titingnan natin, nagkaroon tayo ng devolution sa mga offices, hindi ba. Ang medyo matagal lang iyong mga very sensitive government offices na na-devolved doon sa local. Realistic iyong six months. In fact, nangyari iyon sa New Local Government Code na within six months nagkaroon tayo ng devolution from national to local. Parang ganoon.

So, kung titingnan natin ang DECC, ONCC, maliit na office iyon i-compare natin doon sa mga office affected doon sa New Local Government Code, and yet, six months lang iyong transitory period. Parang ganoon.

So, kung titingnan natin kahit patagalan mo iyon, at least--kahit patagalan mo iyon, kahit one year pa iyon, ganoon din, ma-displace ka rin pag ano. So, why prolong the agony. Parang ganoon eh. (Laughing).

At saka that could create more access, hindi ba, kung nandodoon na, one year pa ako magpe-prepare, ganoon. So, it could establish access whether private or the government ano, so that I could be able to get the positions.../pmm

MR. SULANG. ...so that I could be able to get the positions that I want, parang ganoon iyong ano natin.

MR. ROCALES. Madam Chair.

THE PRESIDING OFFICER. Yes.

MR. ROCALES. For the sake of information, we have here a number of representatives from OSCC and ONCC. We would like to get their feedback as regards to the idea of the abolition of their--would you like to give your reactions to that? Anybody from the office?

MR. RAIZ. Okay. With regards to the abolition of the office, if the NCIP is already a law, siguro naman tayo ay tao rin, ano. We are human beings. Now, if we abolish the two offices immediately, that will create problems to the employees, especially those who have loans, housing loans, hindi maiiwasan iyan.

Ngayon ang para sa akin dito, since the beginning that we have been meeting, I am always battling on the merging not abolition. Why? Because we want to secure the tenure of office of the personnel. Mahirap iyong kara-karaka abolish, saan pupunta iyong mga tao? Good for those who are retiring, but those who are not retiring, what will happen to them? Madali bang maghanap ng trabaho, mahirap. Even if this Commission is already at birth, nandiyan na, nag-a-apply ngayon ang mga tao, how sure that they are going to be absorbed or taken by the office. It is the way I look at it. Baka magkaroon tayo ng screening diyan, titingnan kung sino ang miyembro ng cultural communities, titingnan kung sino iyong hindi miyembro. Papaano ang mangyayari ngayon sa mga tao?

how to...

MR. RAIZ. Maybe if the intention of the bill is to really abolish the office, then I think the members of the cultural communities that are involved in this might rally to the sponsors of the bill and the members of the panel, that instead of abolition we are asking for the merging. And I think it is the right of the people to petition that their security of tenure of office must be protected.

Thank you.

THE PRESIDING OFFICER. Tony.

MR. ABUSO. Siguro po iyong bale buod nitong abolition kaya po lumabas ito doon sa mga previous bills noon pang unang kongreso pagkatapos ng 19--iyong sa Konstitusyon, sinasabi po kasi na iyong mga opisina ng gobyerno na tumututok sa mga katutubo ay hindi naman nakakatulong. Iyon po ang eksperiyensa ng marami partikular po sa aming mga tinutulungan na hindi nakakatugon sa pangangailangan nila. So doon po sa mga konsultasyon naman na ginawa noong isang taon, lumalabas po rin iyan hanggang ngayon, na itong mga opisinang ito hindi man po doon sa pagbibigay ng batik doon sa mga manggagawa ng mga opisinang iyan, pero iyong opisina ay hindi talaga nakakatugon. So sinabi nila, "Ano pang halaga ng isang opisina kung ganyan din lang, eh, di i-abolish na at gumawa ng panibago na kung saan magkakaroon ng masusing pag-aaral at tiyak na tutugon doon sa pangangailangan nila." So iyon po iyong buod niyan.

Therefore, doon sa usapin po ng manggagawa, doon sa security of tenure, iba pong usapin iyon. Nandoon po kami at sinabi po natin sa mga nakaraang mga hearings na susundin

Now, even taken for granted, but they are not members of the cultural communities, but they are already organic, in the sense that they are already in that office for how many years. Can you attempt to avail their position without considering their families? Mahirap iyon.

Ngayon, the law for me, I am always battling on the merging of the two offices but not abolition. After all, the employees will require to reapply. Now, in reapplying, well, I think that's the time that if there is a screening committee, those who do not really belong to the tribe, medyo masa-sideline iyon. Iyong talagang mga miyembro ng tribu, tulo-tuloy sila, based on their qualifications, of course, because you cannot employ people who does not possess the minimum requirements. What do we mean by minimum requirements, four years degree college, civil service eligible. Now, even if the position is there, if they are not eligible and there are eligible ones, doon din nagtatalo; doon din nagkakaroon ng battlement.

So I am asking that instead of the word "abolition", let us delete the word "abolition" and insert the word "merging", for the security of tenure of the personnel.

Thank you.

THE PRESIDING OFFICER. Thank you.

Actually, we have already discussed this issue for so many, many times already, for how many hearings, five hearings and then technical working groups and so on. We have taken your point but the decision is with our principals. You know, they have--all the bills actually, 343, 618, 1476, 1486 are for the abolition. I don't know

po natin iyong patakaran ng Civil Service Law at iyong iba pang benepisyo na maaaring ibigay doon sa mga deserving na manggagawa ng mga opisina ng ito. So iyon lang po.

MR. ROCALES. I decided to raise that issue because in the government we are faced with two dilemmas especially in the legislation. One of it is maximizing efficiency of existing resources whereby there are existing resources or agencies that have been perceived by the constituents as inefficient. So one intervention is to maximize efficiency of existing agencies. That is one principle behind the idea of streamlining and strengthening existing resources.

The other approach is to remove that agency and to create another one. Well, the creation of another agency, it will also be subject to inefficiencies and that's the dilemma. That's the reason why I brought that topic.

Now, while we are in the principle that we need an efficient agency that will address the needs of the constituents not as perceived by the one giving the program but as the impact. Tingnan natin iyong impact sa cultural communities. That is the dilemma that this issue will be put in the floor. If this issue will be pushed, the abolition, one question that I think senators will trace, how efficient is the existing agency doing this function and why they create another one.

So first, you have to prove that the existing agency is inefficient, then you create another one. But that in itself is approving kuwan. We cannot say that--like, it has been raised by Tony na it has not been addressed but you need to put facts in that.

Now, we cannot just--my point is, if this is a collective wisdom, I understand that this went through a process of deliberation and consultation. I understand the concern, 'no. But the point is, if you are pushing this provision, for whoever will file this bill, you should have the facts of the reason to remove that agency because it is not functioning. It's like in court, 'no, before you can even be proven guilty, you should get the facts. That is my point when I raise that one. I think I had no...

THE PRESIDING OFFICER. Yes.

MR. FRANCISCO. Although we already started to keep silent about the issue of abolition, many of our members still believe that merger is the best alternative as far as the interest of the workers are concerned. You can still create NCIP by merging two existing agencies and you can still come up with the bill. The accusation of inefficiency is something that has to be clearly defined because--yes, there might be some inefficiencies but why, and in what areas. It would be grossly unfair to blame such inefficiency to the whole bureaucracy existing in the two agencies. Because who knows such inefficiency might be the fault of those in management and not in the rank-and-file. But who is to suffer most, it's the rank-and-file.../imjv

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MR. FRANCISCO. ...it's the rank and file that suffers most. Because in all the programs for compensation when there are terminations and abolitions, those that are in the higher positions are in the most advantageous position to resettle quite easily and this I must say should also be an issue that should be studied by the group, 'no? Because by merger, I don't see any excesses as far as the rank and file is concern because you are talking here of two different geographical areas and there is no conflict. The same number of people would perhaps be required to service the same area because you are just merging two offices which formerly has two different geographical service area. Maybe, there will be displacements in the top positions but I think if you look at the rank and file level, you would be requiring the same size.

So, as far as we are concerned, in the employees organizations, we still believe that the option of merger should be reconsidered. And if there is inefficiency, even if we are going to create a new agency and abolish these two agencies, still it is very important to identify those inefficiencies because if we don't then we might be repeating the same inefficiencies in the next agency that we will be creating.

So, it would be totally unfair to really -- Simply because you feel there is inefficiency, just because of perception without detailed analysis, we let the rank and file suffer for such decision.

THE PRESIDING OFFICER. Okay. Yes, additional input.

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MS. LINGATING. Gusto ko lang tugunan 'yung accusations na walang nagagawa ang opisina.

Kaming mga empleyado ay talagang willing kaming magtrabaho. Ang problema, kulang ang trabaho dahil kulang ang perang ibinibigay sa aming agency para matugunan ang lahat ng pangangailangan ng mga community sa cultural communities. Sa ngayon, meron lang kaming ilang project sa child care at saka adult literacy, dahil 'yun ang division ko. Kung iisipin, hindi sapat ang isang project sa isang probinsiya but 'yun ang nangyayari, 'yung ang nangyayari ngayon. Kakulangan sa budget ang problema hindi sa mga empleyado. Kasi, kung maraming ibinibigay sa amin na project para matugunan ang lahat ng pangangailangan, siguro ang lahat ng mga empleyado ay magiging busy. Kaya, hindi natin masasabi na dahil hindi nakakatulong, hindi natutugunan ang mga pangangailangan ay i-aabolish ang opisina. Ilang beses ng nangyari na nagkaroon ng abolition, ng mering, ng mga pagbabago. Simula pa noong sa CNI, naging PANAMIN, OMACC, OACC, ONCC, ganoon pa rin hindi pa rin natutugunan ang pangangailangan dahil nga sa kakulangan ng budget. At dahil diyan kung magkakaroon ng abolition ang gagastusin ng gobyerno kung titingnan natin ay mas malaki kaysa idadagdag sa project sa kasalukuyang ahensiya. Biro mo 'yung babayaran ng gobyerno sa mga terminal fee, terminal leave ng mga empleyado. Kung 'yung ibabayad na 'yon idadagdag na lang sa budget ng agency, o kung gusto mang mag merge, okay lang 'yon, basta matugunan ang mga pangangailangan ng mga cultural communities.

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Yon lamang po.

THE PRESIDING OFFICER. Jessie?

MR. TIOTUEN. On the part of ONCC, Kasamang Tony, we just like to inform you we have been voted as the most service oriented, most efficient government agency by the, what do you call this paper in Baguio, Midland Courier for three consecutive years. So, I think, your sweeping statement regarding inefficiency is out of order.

MR. ABUSO. Hindi po statement ko ito na personal pong galing sa akin, ito po 'yung lumabas nuong mga konsultasyon. At hindi lang po itong mga nakaraang konsultasyon ng nakaraang taon kundi nuon pang mga nagdaang panahon nuong nagkaroon. Nang na-elect na si Cory Aquino, naitayo 'yung Constitutional Commission na nag draft ng Constitution, tapos 'yung mga na-elect na mga Senador na kung saan inumpisahan ni Congressman Andolana 'yung paglalalatag ng isang panukalang batas, 'yung House Bill 428. 'Yun ang unang-una na kung saan duon pa lang sa usapin na 'yon, basi rin sa mga konsultasyon, lumalabas na diyan ang gusto ng mga tao duon sa, particular sa mga area, e abolisyon ng OICC, ONCC. Unang-una kasi, binanggit na rin po ni Mrs. Lingating na 'yung panahon pa na CNI, to PANAMIN, to OMACC, to OICC/ONCC, lagi pong may kwestyon diyan. Actually, kasama po rin 'yung ibang mga tao na umuupo sa OACC duon pagke-create na, nuong sa paghiwalayin 'yung OMACC ay hiwalay 'yung para sa mga katutubo kasi nga laging nadodominahan ng mga hindi mga katutubo o mga muslim. So hiniwalay po ni Cory Aquino. Pero po ang problema duon 'yun pong panukalang

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inilatag ng mga tao duon sa konsultasyon na 'yon duon sa reorganisasyon na 'yon hindi po 'yon ang nasunod so lumabas po 'yung Executive Order na 122A, 122B, 122C, na kung saan pagkalatag po na 'yon umupo sa (?) 'yung ibang mga taong nanduon sa konsultasyon na 'yon.

So, umiikot po 'yan. Hindi lang naman po personal naming opinyon ito kung hindi po ito 'yung mga nakaraang opinyon pa nuon pa. Although si Congressman Andolana ayun duon sa balita namin na duon sa kanyang House Bill 33 ay kumporme siya duon sa merging, ano, pero po parang itong mga kasama namin na kinunsulta itong mga nakaraang konsultasyon, nanduon pa rin po sila sa posisyon na abolisyon. Pero po 'yung sinasabi n'yo na kailangan maglatag ng mga ebidensiya hindi lang po sweeping statement siguro po dapat din, ano, para makita talaga. Pero po hindi po namin ito pinepersonal na nakatauon duon sa mga manggagawa ng OACC, ONCC. Ito po ay nanduon lang po kami duon sa mga partikular na mga polisiya na kung saan dapat po na talagang dapat makatulong ang OACC, e, kabaligtaran ang nangyayari. Lalu pong nagke-create ng gulo duon sa mga ibang area na 'yon po ay base rin sa mga experyensa nila. Halimbawa po duon sa Cotabato na kung saan 'yung isa sa mga tinamaan e kasama duon sa mga sinasabi na kasama duon sa isang konsultasyon na wala naman, na nagremit ng pera, 'yung mga ganuon ba, 'yung mga actual experiences 'yan. Kaya ayaw nila ng OACC.

So, 'yun lang po 'yon, base ito sa mga aktwal na experyensa ng mga katutubo na kasama duon sa konsultasyon.

So, wala po itong personalan o hindi po namin sinasabi

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na inefficient or 'yung lahat ng myembro o lahat ng manggagawa ng ONCC/OACC. So, wala po itong personalan. Sana po maintindihan n'yo.

MR. ROCALES. Madam Chair.

THE PRESIDING OFFICER. Okay. Actually, gusto ko lang sabihin na sasabihin namin lahat ng inputs na pinresent n'yo ngayon and then actually we cannot decide as technical staffs. We will present this to our principals pero as I have mentioned earlier, marami na nga pong konsultasyon and they have already decided. I don't know if I can change their mind by giving this input.

MR. ROCALES. I would just like to input this in relation to that, no. I think the OACC or ONCC or ICC is not the only department that is being affected by the present move of the government to streamline the bureaucracy. In fact there is a pending bill giving the President the authority to streamline the whole departments, the whole agency of the government, 'no. Part of that is the merging of some offices of the government hiring and firing and kung baga sa tao 'yan tinatanggal 'yung taba iniwan na lang 'yung muscles for the government to become more efficient, 'no.

So, that is the theme of the government, that is the theme of the executive and part of that will really post a lot of issues, 'no, so this issue is in the context of a broader issue on a macro level.

So, that is the trend. As to the discernment of that trend, depende na lang sa, the one who decides.

THE PRESIDING OFFICER. Anyway.../mhs

THE PRESIDING OFFICER. Anyway, also, nabanggit din doon sa isang hearing na 'yong DBM is in accordance with the abolition.

MR. FRANCISCO. We are not against the moves of government to streamline the bureaucracy. What we are against is when we hear blanket statements that government bureaucracy is inefficient because we, as government workers, are part of that bureaucracy.

And so, we have been helping DBM and Congress and Senate in studying the issues because we want the issues to be clearly shifted, 'no. Intindihin natin mabuti because even if we abolish or merge agencies, it will not mean that we are already solving perceptions because many of these issues are perceptions because they are not clearly defined and characterized. So, ang sa amin lang, let's characterize the issue and define it and make comparisons. So, ang tanong ko ngayon, what is the advantage of a new agency from merged agencies. On what basis were these comparisons made? Kung sasabihing hindi nakapag-deliver, bakit? Ano'ng dahilan? We might be making solutions for the wrong issues. 'Yon lang ho 'yong lagi naming sinasabi. We are not against the move of government to streamline. In fact, we are even helping them.

And we also want to make clear that we, in the public sector workers unions, are not there to protect those members who are inefficient. We are also concerned about the efficiency and productivity of government. But please don't make us the sacrificial lambs of all these moves and decisions because we also have our constituencies, and we

are also part of the constituency.

So, I hope our friends from the NGOs --- we are also partly NGO, and we have also our analysis of the issue. So, let's be clear about issues because sweeping statements do hurt people.

THE PRESIDING OFFICER. Bing muna and then Emma, and then we will move on after sa... Meron pa yata silang ano, eh, last na lang.

MS. DAMASO. Actually, there were three issues or streams of thought that were put forth for the past 20 minutes or so. I think you said it already that whether it's a merger or dissolution equation that DBM has handed in its opinion already although I think it is within the rights of the unions to question that on particular cases. This is where I think the issue of performance or financial audit and other charges of graft and corruption and inefficiency would come in. That's the second stream.

The third issue is, the bill has specified that in six months' time there would be a phase-in and phase-out that the ONCC and OSCC would be given six months to wind up their affairs. And in the same period, within six months from effectivity of this law, the NCIP will have already conducted its evaluation of personnel and also the required transfer of assets and other resources would have been effected, and there is that window.

Now, there is a counterproposal from CIU that instead of six months, it be extended to one year. We'd like to find out the basis for this because even in the Local

Government Code which is a massive devolution of powers, meaning, reorganization from Executive Department to the local government units, they were given only six months to accomplish this.

Also, I have with me the... which is relevant to current issues, 'yong Organic Act for the ARMM. It was given also six months within to phase-in and phase-out. But within that period, personnel who have been absorbed would enjoy, would retain their seniority rights, compensation and other benefits, and this would not derogate from the full rights and privileges of Civil Service employees. I think those issues should be treated according to the particular, as you said, characteristics. And I think the technical staff and their principals of the Senate would also have their own time to deliberate on the wisdom of the opinions already expressed.

THE PRESIDING OFFICER. Okay. So, as regards the Section 80 amendment, I think this is subject to the DBM availability of funds, and we will have.... Dapat i-invite natin sila for this, so I cannot discuss, I cannot give time for this.

MR. LOPEZ. (Not using the microphone.)

THE PRESIDING OFFICER. Kapag nandito na lang 'yong DBM.

Doon sa screening procedure, you gave me a....

MS. NALBOSA. Meron pa akong pahabol doon sa discussion natin kanina. Tungkol lang doon sa pagbanggit pa rin ng NFA inefficiency kasi masyado kaming apprehensive pagdating doon

sa bagay na 'yan. Kasi 'pag sinabi kasi natin na inefficient 'yong opisina, sabi nga ni Floro, ang madalas na tamaan diyan 'yong mga empleyado. So, 'pag ginamit natin 'yong term na 'yon, discriminating na kaagad, nasa disadvantage na kaagad ng mga existing na employees within 'yong two offices. Kaya sana iwasan natin na magamit 'yon. We are just hoping na itong pagbubuo ng isang bagong opisina ay hindi politically motivated. Kasi malapit na ang election, so ito ang maaaring makita nilang legal na paraan para sa ganon mailagay 'yong kanilang mga proteges. At tsaka isa pa, sana sa pag-e-evaluate ng inefficiency ng opisina, particularly 'yong OSCC at tsaka 'yong ONCC, sana binigyan naman ng pagkakataon na iyong mga employees union or association matanong din sila kung gaano nga ba katotoo 'yong sinasabi na inefficiency ng mga opisina. Kasi ang parang nangyari yata, ang napakinggan lang yata na side ay those coming from the outside. Hindi sila nagtanong din from the inside kasi malaki nga naman ang posibilidad na naging efficient 'yong isang opisina because of mismanagement. So, pinangangalagaan lang namin 'yong karapatan ng mga nakapaloob na ngayon doon sa dalawang ahensya na 'yon kasi baka disadvantageous nga sa kanila at agad-agad may biases na, "Ops, miyembro 'yan, empleyado 'yan noong nakaraan na administrasyon ay hindi dapat na makuha ulit 'yan dahil inefficient 'yan."

THE PRESIDING OFFICER. No. Actually meron provision dito na 'yong mga employees... It's a Civil Service rule na 'yong employees, 'yong na-abolish na offices, have prior

rights doon sa... priority rights doon sa pagpasok sa bagong opisina. It's very clear. Actually binigyan nga ako kanina ng CIU and I really appreciate it. May nakalagay doon and we will input it dito sa consolidated version.

MS. NALBOSA. 'Yon lang pahabol sana na 'pagka, 'yong sinabi ko nga na 'pagka gumagawa ng assessment tungkol sa mga opisina, sana bigyan ng weight 'yong mga sinasabi na mga employees organizations.

THE PRESIDING OFFICER. Siguro naging problema lang 'yan kasi hindi namin alam na merong ganoong organization sa ONCC, OSCC, and we only invited the main, you know, the directors and the officials.

MS. DAMASO. Actually during the term of Pat Sto. Tomas, the former chair of the CSC, she encouraged public sector unionism, and I think this is one of the expressions of that. And in principle, I think there would be no reason why we would object to the inclusion of the CIU or union representative in whatever body that would review the performance and/trs



MS. DAMASO. would review the performance and even to a certain extent the financial audit of concerned personnel.

THE PRES. OFFICER. Yes, Mr. Francisco.

MR. FRANCISCO. Siguro, duon sa performance evaluation, I would suggest that we go down the level of the rank-and-file as well, because once statements such as that agency is inefficient, it's a blanket statement and if you do not have proof of your efficiency, it's now a reverse situation.

Now you have to prove that you are efficient to be rehired and that's a very difficult precarious position for our members.

Although I am not saying that all our members are 100% efficient, but I'm sure many of our members are efficient and it's not their fault if their management is not efficient.

MR. ABUSO. Puedeng sagutin, Didith? Maiksi lang.

THE PRES. OFFICER. Okay.

MR. ABUSO. Siguro naman statement na sinabi ko nga kanina, hinddi yun personal statement, kung hindi statement yun ng mga katutubo na nanduon sa area. Maaaring blanket statement yun, hindi nila alam talaga kung ano yung daynamismo ng opisina kung hindi ang nakikita lang nila yung mga hindi nagagawa. So sinabi nila yun.

Pero ang sinasabi namin dito na, yan yung reaksyon o yan yung resulta ng konsultasyon.

Pero pagdating naman duon sa isyu ng mga mangaga-

wa, duon po tayo sa manggagawa. Kaya ayon sa binabanggit ni Bing kanina na, kung ano man yung representasyon ng unyon duon sa gagawin na kuwan, sama po kami duon, particularly yung mga NGOs.

THE PRES. OFFICER. O, sige. Last na.

MR. LOPEZ. Last request sa ating secretariat, laluna kay Didith.

We are requesting through the CIU kung puede kaming magkaroon ng miting with the principals, para mai-push namin yung aming ipinu-push nuon pa sa iyo na we are not very "result" sa abolition, baka mayroong in between.

So we will justify our position para mai-kwan sa kanila na ganu'n, kung possible na magkaroon ng arrangement with them na magkaroon kami ng miting sa kanila.

THE PRES. OFFICER. Are you referring to all the authors or....?

MR. LOPEZ. Kung kakayanin, isang upuan nandidiyan sila, o kung hindi naman kaya, we are very willing na kahit isa-isa, ha harap kami sa kanila to justify na hindi sagot yung abolition para sa isang efficiency ng isang opisina yung service sa tao.

MR. ROCALES. Well, that is the anxiety. I see the spirit of anxiety in many of us people working in government most especially our offices are under the discretion of the Executive.

I would like to assure that this floor deliberation passes through the eye of the needle in the wisdom

of the floor. Thirty Senators of different perspective, some people are Chairman of Science and Technology, some people are Chairman of Business. These people have been there in their positions something. They have experienced creating agencies and abolishing agencies, based on certain premises.

So, the process in the floor, dadaanan ng interpellation yan, dadaanan ng amendments yan, dadaanan ng deliberations in all of these measures and maybe to push that concerns, it would be helpful to put your positions in a black and white paper and submit it to the Senators, so that they will know your positions and since they are the ones elected, they have the power to decide. So, that is the process.

THE PRES. OFFICER. So yon. You can submit your positions and kung gusto niyo, for our part I can ask Sen. Flavier to sit down with you. Depende na yun sa ibang Senators because depende na yun sa kanila. Pero on our part, puede.

MS. FRAGO. On my part naman, you just write a letter to my Principal, Sen. Tatad to sit down on this.

THE PRES. OFFICER. Okay. So, pagkatapos -- Bing, last..

MS. DAMASO. Parang ano lang, corollary issue because we have been talking about movement of personnel and I was just joking with my seatmate here, that perhaps the money that would be coming from them would all go to gratuities and early retirement benefits and perhaps this should also be one dimension that should

be considered when the Technical Staff of the Senate would deliberate on the justifiable budget figure.

THE PRES. OFFICER. Okay. Thank you, Bing.

Siguro we would adjourn the meeting. Thank you very much for coming and for your very

MS. DAMASO. Are you going to call another or is this the last?

THE PRES. OFFICER. I think this is the last.

MS. DAMASO. Anyway, we would like to thank you also for inviting us and similarly with CIU, the NGO-PO convenors would like to participate in whatever further clarifications which may arise in connection with this.

THE PRES. OFFICER. So, thank you very much for coming. Sana magtulongan tayo para maipasa. Thank you.

It was 4:52 P.M.

