



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 37
Tuesday, November 9, 2010

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 37
Tuesday, November 9, 2010

CALL TO ORDER

At 3:30 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

Sen. Ralph G. Recto led the prayer, to wit:

Almighty God, we begin this plenary session today by invoking Your loving presence in this Chamber. It is our prayer, Lord, that You fill our hearts and minds with Your wisdom and Your inspiration. We seek Your guidance so that our words, our thoughts and our deeds would be for Your greater glory.

Lord, we ask You to make us effective legislators who, in the midst of confusion, deprivation, and hopelessness, will continue to provide selfless and dedicated service to our country and our people.

We humbly implore Your blessing and Your protection as we face trials and tribulations that come our way.

We ask You, Lord, to strengthen our spirit and our determination as we struggle in our ability to build a government anchored on integrity, transparency, accountability and efficiency.

Lord, we rest our hopes in Your compassion and generosity as we face

a future that is hopeful even as it is challenging.

Lord, if there will be floods, let it be the floods of hope and not the kind that washes out lives and livestock.

If there will be strong winds, let it be, Lord, the wind of renewal that we direly need in these times of greed and material gratification.

If You have to shake us to shape us, let it not be through natural tragedies that topple down dreams and homes but through personal pains that build character and a nation.

And if there will be inevitable "additions" in our lives, we pray that it won't be additional taxes, toll fees, higher oil prices and fare hikes.

Dear Lord, we thank You for the daily explosions of love and kindness and not the lethal kind of explosion that threatens, maims and kills — and injures a nation's pride.

Thank You for the burst of life and laughter and not the kind of burst from a leaking oil pipe that terrorizes our community and well-being.

Lord God, carry us and light our path as we continue our journey as elected representatives of our people.

Amen.



ROLL CALL

Upon direction of the Chair, the Secretary of the Senate, Atty. Emma Lirio-Reyes, called the roll, to which the following senators responded:

Arroyo, J. P.	Honasan, G. B.
Cayetano, A. P. C. S	Legarda, L.
Cayetano, C. P. S.	Osmeña III, S. R.
Drilon, F. M.	Pangilinan, F. N.
Ejercito Estrada, J.	Recto, R. G.
Enrile, J. P.	Revilla, R. B.
Escudero, F. J. G	Sotto III, V. C.
Guingona III, T. D.	Zubiri, J. M. F.

With 16 senators present, the Chair declared the presence of a quorum.

Senators Defensor Santiago, Lapid, Marcos and Villar were on official mission abroad.

Senators Angara and Lacson were absent.

Senator Trillanes was unable to attend the session as he was under detention.

APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 36 (November 8, 2010) and considered it approved.

At this juncture, Senate President Enrile relinquished the Chair to Senate President Pro Tempore Jinggoy Ejercito Estrada.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence in the gallery of municipal budget officers from 11 towns in the province of Compostela Valley headed by Ms. Eva Jean Licayan, OIC – Municipal Budget Office.

Senate President Pro Tempore Ejercito Estrada welcomed the guests to the Senate.

REFERENCE OF BUSINESS

The Secretary of the Senate read the following matters and the Chair made the corresponding referrals:

BILLS ON FIRST READING

Senate Bill No. 2575, entitled

AN ACT TO ENSURE EQUAL EMPLOYMENT OPPORTUNITIES TO MEMBERS OF INDIGENOUS CULTURAL COMMUNITIES AND FOR OTHER PURPOSES

Introduced by Senator Villar

To the Committees on Labor, Employment and Human Resources Development; and Cultural Communities

Senate Bill No. 2576, entitled

AN ACT AMENDING CHAPTER 2, TITLE V OF EXECUTIVE ORDER NO. 20 OTHERWISE KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

Introduced by Senator Villar

To the Committees on Ways and Means; and Constitutional Amendments, Revision of Codes and Laws

Senate Bill No. 2577, entitled

AN ACT TO PROVIDE FURTHER INCENTIVES TO LABOR AND INDUSTRIAL ENTERPRISES TO THE END THAT BOTH PRODUCTIVITY AND INCOME WILL BE INCREASED

Introduced by Senator Villar

To the Committees on Labor, Employment and Human Resources Development; and Ways and Means

Senate Bill No. 2578, entitled

AN ACT GRANTING ONE THOUSAND (P1,000.00) PESOS MONTHLY ALLOWANCE TO ALL BARANGAY TANODS AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Villar

**To the Committees on Local Government;
and Finance**

Senate Bill No. 2579, entitled

AN ACT ADVANCING THE RIGHTS OF STREET CHILDREN BY STRENGTHENING THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC) AND ESTABLISHING AN INCENTIVES SYSTEM FOR THE PRIVATE SECTOR ENGAGED IN THE PROMOTION OF THE WELFARE OF STREET CHILDREN, AND FOR OTHER PURPOSES

Introduced by Senator Recto

To the Committees on Youth, Women and Family Relations; Social Justice, Welfare and Rural Development; and Ways and Means

Senate Bill No. 2580, entitled

AN ACT TO ENSURE THE ACCOUNTABILITY OF GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS, GOVERNMENT FINANCIAL INSTITUTIONS, AND OTHER SIMILAR AGENCIES IN THE PUBLIC SECTOR BY REQUIRING THESE ENTITIES TO BE EVALUATED AND SUBJECTED TO THE TEST OF ECONOMIC AND FINANCIAL VIABILITY, CREATING A CONGRESSIONAL OVERSIGHT COMMITTEE, AND FOR OTHER PURPOSES

Introduced by Senator Recto

To the Committees on Finance; and Government Corporations and Public Enterprises

RESOLUTION

Proposed Senate Resolution No. 260, entitled

RESOLUTION TO RENAME THE SENATE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO COMMITTEE ON PUBLIC ORDER

AND DANGEROUS DRUGS, AMENDING FOR THE PURPOSE SECTION 13 (32) RULE X OF THE SENATE RULES

Introduced by Senator Sotto III

To the Committee on Rules

COMMITTEE REPORT

Committee Report No. 8, prepared and submitted jointly by the Committees on National Defense and Security; and Finance, on Senate Joint Resolution No. 8, with Senators Ejercito Estrada, Trillanes IV, Legarda, Revilla Jr., Escudero and Drilon as authors thereof, entitled

JOINT RESOLUTION TO INCREASE THE COMBAT DUTY PAY OF OFFICERS AND ENLISTED PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES (AFP) FROM A MINIMUM OF FIVE PER CENTUM (5%) TO A MAXIMUM OF TWENTY-FIVE PER CENTUM (25%) OF THE BASE PAY OF A PRIVATE AND PROVIDING FUNDS THEREFOR,

recommending its approval in substitution of Senate Joint Resolution No. 1, Senate Bill Nos. 2355 and 2402.

Sponsors: Senators Escudero, Drilon, Ejercito Estrada and Legarda

To the Calendar for Ordinary Business

ADDITIONAL REFERENCE OF BUSINESS

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

Letter of His Excellency, President Benigno S. Aquino III, dated 8 November 2010, certifying to the necessity of the immediate enactment of House Bill No. 3101, entitled

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE

TO DECEMBER THIRTY ONE, TWO THOUSAND ELEVEN, AND FOR OTHER PURPOSES,

to address the urgent need to maintain continuous government operations following the end of the current fiscal year, to expedite the funding of various programs, projects and activities for FY 2011, and to ensure budgetary preparedness that will enable the government to effectively and efficiently perform its constitutional mandate.

To the Committee on Rules

**MESSAGE FROM THE
HOUSE OF REPRESENTATIVES**

Letter from the Secretary General of the House of Representatives, informing the Senate that on 8 November 2010, the House of Representatives passed House Bill No. 3101, entitled

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY ONE, TWO THOUSAND ELEVEN, AND FOR OTHER PURPOSES,

in which it requested the concurrence of the Senate.

To the Committee on Finance

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 3:38 p.m.

RESUMPTION OF SESSION

At 3:39 p.m., the session was resumed with Senator Honasan presiding.

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 7 on Senate Bill No. 78 from

the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 7
ON SENATE BILL NO. 78**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 78 (Committee Report No. 7), entitled

AN ACT PROVIDING FOR ADDITIONAL BENEFITS AND PROTECTION TO HOUSEHOLD HELPERS THEREBY AMENDING FOR THIS PURPOSE ARTICLES 141, 142, 143, 148 AND 151 OF CHAPTER III OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Sotto, only the title of the bill was read without prejudice to the insertion of its full text into the Record of the Senate.

The Chair recognized Senator Ejercito Estrada for the sponsorship.

**SPONSORSHIP SPEECH
OF SENATOR EJERCITO ESTRADA**

In presenting Senate Bill No. 78 for plenary consideration, Senator Ejercito Estrada delivered the following speech:

The Labor Code of the Philippines (P. D. No. 442) was promulgated on May 1, 1974, and took effect on November 1, 1974, which includes the provisions on the employment of householders (Articles 141 to 152).

From the time the Labor Code took effect in 1974, only one provision was amended – Article 143 – on this matter, and it took the legislature to amend said provision after almost 19 years. The said amendment, Republic Act No. 7655, approved on August 19, 1993, pertains only to the increase of the minimum wage of household helpers. In Section 2 of the said law, the penalty of imprisonment of not more than three months or a fine of not more than two thousand pesos (P2,000.00), or both, at the discretion of the court, shall be imposed on any violation of the said Act.

RL

The *Kasambahay* bill has been languishing in the legislative mill since 1996 when Senator Francisco Tatad first filed a Senate bill for household helpers during the 10th Congress, as a response to the recommendations of the 1st National Consultation on Child Domestic Workers in the Philippines. It is now the right time to revive the *Kasambahay* bill in order for household helpers to have a decent living.

A study conducted by the Philippine Commission on Women, the national situation of household helpers are as follows:

- The estimated number of household workers in the Philippines ranges from 600,000 to 2.5 million. Of the estimated 2.5 million household workers, Visayan Forum, an NGO concerned with the plight of household workers, estimates that one million are children.
- Majority of household workers are female, with figures ranging from a high of 92% from the 2002 NSO Labor Force Survey to a low of 86% from the 1995 survey.
- Household workers tend to be very young, usually 15-17 years old. Child household workers are perhaps the second largest group of working children, next to agriculture workers, with estimates ranging from 230,000 to 631,000 to one million.
- The abuses of household workers remain rampant and hidden today despite strong public outcry. These abuses happen because household work is a lowly regarded work. Despite their vital contribution to the economy and society, household workers are considered to be one of the most vulnerable sectors in society.
- The most common types of abuses against household workers include:
 - Exposure to physical, psychological and sexual abuse;
 - Exposure to harmful and hazardous working condition, low, unpaid or delayed wages;
 - Vulnerability to trafficking and debt bondage;
 - Long working hours with no days off;
 - Performing multiple and all-around work;
 - Working in isolation and without support networks;
 - Lack of social security or health benefits; and
 - Lack of opportunities for education and self-improvement.

Based on the International Labour Office *Kasambahay* handbook:

“The domestic worker is the person commonly under a live-in employment arrangement with his/her employer, providing household services. He/she is traditionally referred to in many ways such as “*katulong*,” “*chimay*” or “*chimoy*,” “boy,” “*tsuper*,” “*yaya*,” “maid,” “DH,” “domestic or household helper,” or “servant,” among others. The more humane reference to the domestic worker is “*kasambahay*” which literally means house companion and such other references like “*kuya*,” “*manang*,” or “*inday*.”

“Many domestic workers are migrants from the provinces or poverty areas of the country. A great number of them make their way to become overseas migrant domestic workers.

“The Labor Code defines the domestic worker in terms of the domestic or household service he/she is expected to render. This covers services in the employer’s home which is usually necessary or desirable for the main-tenance and enjoyment thereof and includes ministering to the personal comfort and convenience of the members of the employer’s household, including services of family drivers.”

In order to further effectively carry out our intention of alleviating the plight of our destitute *kasambahay*, this Representation has made additional consultations with concerned non-government organizations, particularly, the Visayan Forum Foundation, Inc., a Philippine-based national NGO that mobilizes countrywide efforts by championing the cause of trafficked women and domestic workers, most especially children. And as a result of this, a modified legislative measure on the *kasambahay* was conceived by this Representation.

This modified legislative measure on the *kasambahay* highlights the following:

1. Family drivers are no longer included in the definition of household helpers or *kasambahays*;
2. A new section was added to define and recognize the rights of child helpers;
3. A 13th month pay is also included as a new benefit;

tlw

4. A provision granting *kasambahays* PhilHealth, Pag-IBIG and ECC benefits wherein the premiums are paid for by their employers;
5. A new section was also added to promote their human rights and their rights to work which guarantees them to: a) their right to form association for their mutual benefits and protection; b) elimination of all forms of forced or compulsory labor; c) elimination of all kinds of human trafficking; and d) elimination of discrimination in respect of employment and occupation;
6. It mandates LGUs to conduct a registration of employers and household helpers for the purpose of monitoring and regulating the employment of the same;
7. It shall also endeavor to have a gender-responsive and/or friendly plans and programs set forth by the LGUs.

This Representation has continuously been pushing very hard for the passage of this bill into law since the time he was first elected as chair of the Committee on Labor, Employment and Human Resources Development. This bill has always reached the Third Reading in this Chamber in the two previous Congresses. Now is the time to make the dreams of the *kasambahay* into a reality. The immediate passage of this long-deserved *Batas Kasambahay* is, thus earnestly and fervently sought.

COSPONSORSHIP REMARKS OF SENATOR LEGARDA

At the outset, Senator Legarda congratulated Senator Ejercito Estrada for sponsoring the bill as she expressed hope that the *Kasambahay* bill would finally be enacted into law in the 15th Congress. She recalled that a similar bill reached Third Reading in the previous Congresses, and that she filed a similar measure in 1998, believing that it would be revolutionary in a way because it would provide the unsung heroes — the househelpers — the humane working arrangements they deserve. She then cited some important features of the bill, to wit:

- The measure will make it mandatory for all household working arrangements to be in writing in a language or dialect understood by both the employer and the household helper; and
- Household helpers shall be entitled to 13th month pay, social security, PhilHealth, vacation leave and maternity benefits.

She stressed that these are very basic humane needs of the domestic helpers. She stated that even without a law, she has been according her household helpers such benefits. In closing, she urged the Members to give the household helpers, some of whom she described as victims of unfair labor practice, their due share.

COSPONSOR

Senator Sotto manifested that Senate President Enrile is a cosponsor of the measure.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 78

Upon motion of Senator Sotto, there being no objection, the Body suspended consideration of the bill.

ACKNOWLEDGMENT OF THE PRESENCE OF GUEST

Senator Sotto acknowledged the presence in the gallery of Dr. Peter Koepfinger, representative to the Philippines of the Konrad-Adenauer-Stiftung Foundation.

The Chair welcomed the guest to the Senate.

PROPOSED SENATE RESOLUTION NO. 260

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 260, entitled

RESOLUTION TO RENAME THE SENATE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS, AMENDING FOR THE PURPOSE SECTION 13(32) RULE X OF THE SENATE RULES.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Sotto, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

COSPONSOR

Senator Sotto manifested that Senator Honasan is a cosponsor of the resolution.

PH

SPONSORSHIP REMARKS OF SENATOR SOTTO

Senator Sotto informed the Body that in the international community, it has been commonly agreed to use the term "dangerous drugs" instead of "illegal drugs," owing to the fact that certain drugs that fall under Schedules 1, 2 and 3 of the Vienna Convention have been removed from the parameter of illegal drugs and, thus, have become legal but are still dangerous.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 260

Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 260 was adopted by the Body.

AMENDMENT TO RESOLUTION NO. 18

Senator Drilon stated that on September 1, 2010, the Chamber adopted Senate Resolution No. 18 which created the Oversight Committee on Public Expenditures to be composed of the Chair of the Committee on Finance as *chairman*, and six members to be appointed by the Senate President, with the Minority represented by at least one member.

After a review and reassessment of the jurisdiction and mandate of said oversight committee, he cited the need for Senate Resolution No. 18 to be amended by increasing its membership from six to seven in order to afford a wider participation and representation from the Members.

Thereupon, Senator Drilon proposed to amend the resolatory clause of Senate Resolution No. 18, as follows:

"NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, THAT THE OVERSIGHT COMMITTEE ON PUBLIC EXPENDITURES IS HEREBY CONSTITUTED. THE CHAIRMAN SHALL BE THE CHAIRMAN OF THE FINANCE COMMITTEE, AND THIS COMMITTEE SHALL BE COMPOSED OF SEVEN (7) MEMBERS TO BE APPOINTED BY THE PRESIDENT: *PROVIDED*, THAT THE MEMBERS OF THE MINORITY SHALL BE REPRESENTED BY AT LEAST ONE (1) MEMBER.

MANIFESTATION OF SENATOR ARROYO

Senator Arroyo questioned the propriety of increasing the membership of the Committee that

would only involve the Majority. He underscored the need for the Majority and Minority to be proportionately represented.

SUSPENSION OF SESSION

Upon motion of Senator Drilon, the session was suspended.

It was 3:55 p.m.

RESUMPTION OF SESSION

At 4:01 p.m., the session was resumed.

Senator Drilon said that in consultation with the Minority Leader and after a review of the formula in determining the proportional representation of members belonging to the Majority and the Minority in the Chamber, and applying it to the membership of the Oversight Committee on Public Expenditures, the proper ratio is 6:1 or six members from the Majority to one member from the Minority.

Thereafter, upon motion of Senator Drilon, there being no objection, the Body approved the increase in the membership of the Oversight Committee on Public Expenditures from six (6) to seven (7) members.

ACKNOWLEDGMENT OF THE PRESENCE OF GUEST

Senator Sotto acknowledged the presence in the gallery of former North Cotabato Governor Manny Piñol.


The Chair welcomed the guest to the Senate.

ADJOURNMENT OF SESSION

Upon motion of Senator Sotto, there being no objection, the Chair adjourned the session until three o'clock in the afternoon of the following day.

It was 4:03 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

Approved on November 10, 2010