



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 39**  
Monday, November 15, 2010

**FIFTEENTH CONGRESS**  
**FIRST REGULAR SESSION**

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Monday, November 15, 2010

**CALL TO ORDER**

At 3:34 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

**PRAYER**

Sen. Vicente C. Sotto III led the prayer, to wit:

O Grand Architect of the Universe,

In Your name we have assembled and in  
Your name we desire to proceed with all  
our doings.

We are grateful for another day in our lives.

We humbly come before You to guide us in  
the path of righteousness.

Make us an instrument in recreating our  
world and restore justice, peace and  
unity.

May we continue to rediscover the joy of  
living by Your Word and obeying Your  
will;

Teach us to love our brothers and sisters of  
every nation and race.

As our Muslim brothers and sisters celebrate  
*Eid'l Adha* tomorrow, let us pray for  
their safety as they perform *Hajj* in the  
Holy Land of Mecca.

Lord, may we learn the values from  
Ibrahim's willingness to sacrifice his  
eldest son, Ishmael, in obedience to a  
command from Allah—and Ishmael's  
acceptance of this command, as we go  
about our daily activities.

Amen.

**NATIONAL ANTHEM**

The Holy Trinity University of Asia High School  
Chorale led the singing of the national anthem and  
thereafter rendered the song, entitled "*Hanggang  
Ngayon.*"

**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:

Angara, E. J.	Legarda, L.
Arroyo, J. P.	Marcos Jr., F. R.
Cayetano, A. P. C. S.	Pangilinan, F. N.
Cayetano, C. P. S.	Revilla Jr., R. B.
Ejercito Estrada, J.	Sotto III, V. C.
Enrile, J. P.	Villar, M.
Guingona III, T. D.	Zubiri, J. M. F.
Honasan, G. B.	

With 15 senators present, the Chair declared the  
presence of a quorum.

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Senators Drilon, Osmeña and Recto arrived after the roll call.

Senators Escudero and Lapid were on official mission, the latter abroad.

Senator Defensor Santiago was on sick leave.

Senator Lacson was absent.

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

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

#### **APPROVAL OF THE JOURNAL OF SESSION NO. 38**

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 38 (November 10, 2010) and considered it approved.

#### **ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS**

Senator Sotto acknowledged the presence in the gallery of the 24 delegates from the Congressional Internship Program for Young Muslim Leaders.

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

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended to allow the Members to go into caucus.

*It was 3:44 p.m.*

#### **RESUMPTION OF SESSION**

At 3:47 p.m., the session was resumed.

#### **PRIVILEGE SPEECH OF SENATOR LEGARDA**

In observance of *Eid'l Adha* or Feast of Sacrifice on November 16, 2010, Senator Legarda availed herself of the privilege hour and spoke on the need for Filipinos to understand other people's faith,

especially Islam, so as to be able to accept and appreciate one another.

*The full text of her speech follows:*

#### **EID'L ADHA**

About 1.57 billion Muslims worldwide will celebrate tomorrow the *Eid'l Adha* – the Feast of Sacrifice – that commemorates a story of dedication and obedience to God.

The *Eid'l Adha* is one of the two important feasts of Islam. While the Philippines is a predominantly Christian nation, it is incumbent upon us to accord the proper respect to other faiths and religions, as any democratic state ought to do. This was our motivation when we pushed the passage of a law that declares the tenth day of the month of *Zhul Hijja* as a national holiday to commemorate the *Eid'l Adha*.

Tomorrow, the whole Filipino nation will finally join our Muslim brethren in commemorating the *Eid'l Adha*, by virtue of Republic Act 9849, which this Representation coauthored.

As we observe this special Muslim occasion, we must also understand its significance to the Islamic faith so that we can create a better understanding with our Muslim brothers and sisters.

The *Eid'l Adha* signifies the end of the Islamic pilgrimage to Mecca wherein Muslims pay homage to the Prophet Ibrahim's supreme act of sacrifice. Ibrahim's love and obedience to Allah was put to a test when he was asked to offer his beloved son, Ishmael. Ibrahim willingly surrendered to the perceived commandment and Allah was pleased. When Ibrahim was about to sacrifice Ishmael, a voice from heaven stopped him and allowed him to sacrifice a ram instead.

Now, we realize that this story is the same with that of the Christian story about Abraham and his willingness to sacrifice his son, Isaac, to God.

The Muslims see Ibrahim's act as a demonstration of unswerving devotion to Allah, as the Christians perceive the act of Abraham as the supreme act of perfect faith in God.

What I would want to show here is that, when we put even just a little effort to understand the faith of other people, we realize that we share something in common. We realize that despite the difference in the belief, there will always be a point where two different faiths would meet, and from there we begin to accept and appreciate one another.

Through the years the government has been trying to resolve conflicting issues with the Filipino Muslims especially in Mindanao. We tackle issues about ancestral domain and autonomy for our Muslims brothers. We have been trying to forge a peace deal with Moro groups, but we have not yet succeeded. And even if we did, peace cannot be attained through such a pact alone. There must be genuine respect for their faith and the ways that they have to live in accordance with their religion.

As Filipinos of different religions join Filipino Muslims in commemorating the *Eid'l Adha*, let us look at this occasion more than just another holiday we must enjoy. As a feast of major importance to the Islamic Faith, let us respect the celebration as a sign of our acceptance to our Muslim brothers and sisters.

## 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. 2582, entitled

AN ACT INSTITUTING THE FORMER CHILD IN CONFLICT WITH THE LAW (FCICL) EMPLOYMENT AND ASSISTANCE PROGRAM, AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Villar

**To the Committees on Justice and Human Rights; Labor, Employment and Human Resources Development; Ways and Means; and Finance**

Senate Bill No. 2583, entitled

AN ACT FURTHER AMENDING PRESIDENTIAL DECREE NO. 1866, AS AMENDED BY REPUBLIC ACT NOS. 8294 AND 9516, BY PROVIDING FOR STIFFER PENALTIES FOR CRIMES RELATING TO FIREARMS, LIGHT WEAPONS AND AMMUNITIONS, AND FOR OTHER PURPOSES

Introduced by Senator Villar

**To the Committees on Public Order and Dangerous Drugs; and Justice and Human Rights**

Senate Bill No. 2584, entitled

AN ACT PROVIDING FOR THE SAFETY AND PROTECTION OF THE UNBORN CHILD AND FOR OTHER PURPOSES

Introduced by Senator Recto

**To the Committees on Youth, Women and Family Relations; and Constitutional Amendments, Revision of Codes and Laws**

Senate Bill No. 2585, entitled

AN ACT REQUIRING THE MANDATORY TEACHING OF HUMAN RIGHTS IN ALL PUBLIC AND PRIVATE ELEMENTARY AND HIGH SCHOOLS IN THE PHILIPPINES

Introduced by Senator Villar

**To the Committees on Education, Arts and Culture; and Finance**

Senate Bill No. 2586, entitled

AN ACT AMENDING TITLES V AND VI, SECTIONS 102 AND 107 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

Introduced by Senator Villar

**To the Committees on Local Government; and Social Justice, Welfare and Rural Development**

Senate Bill No. 2587, entitled

AN ACT TO PROHIBIT THE GOVERNMENT FROM ALLOWING ANY NON-GOVERNMENT ENTITY FROM OCCUPYING ANY BUILDING, OFFICE OR OTHER PREMISES WHERE GOVERNMENTAL FUNCTIONS ARE BEING PERFORMED

Introduced by Senator Villar

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**To the Committee on Civil Service and Government Reorganization**

Senate Bill No. 2588, entitled

AN ACT GRANTING A SPECIAL LEAVE OF ABSENCE OF FIFTEEN (15) DAYS A YEAR WITH FULL PAY TO ALL LEGITIMATE SPOUSES OF OVERSEAS WORKERS IN THE PRIVATE AND PUBLIC SECTORS AND FOR OTHER PURPOSES

Introduced by Senator Villar

**To the Committees on Labor, Employment and Human Resources Development; Civil Service and Government Reorganization; and Ways and Means**

Senate Bill No. 2589, entitled

AN ACT REQUIRING ALL GOVERNMENT AGENCIES THAT PROVIDE FRONTLINE SERVICES TO PROVIDE PUBLIC INFORMATION ON HOW TO ACCESS SUCH SERVICES FROM THEIR RESPECTIVE OFFICES

Introduced by Senator Villar

**To the Committees on Civil Service and Government Reorganization; and Public Information and Mass Media**

Senate Bill No. 2590, entitled

AN ACT BANNING THE ISSUANCE AND USE OF LOW-NUMBERED PROTOCOL LICENSE PLATES ON VEHICLES OF RANKING GOVERNMENT OFFICIALS

Introduced by Senator Villar

**To the Committee on Public Services**

**RESOLUTIONS**

Proposed Senate Resolution No. 263, entitled

RESOLUTION DIRECTING THE COMMITTEE ON AGRICULTURE

AND FOOD TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE DETRIMENTAL EFFECTS OF U.S. ECONOMIC SANCTIONS ON IRAN, AND TO RECOMMEND WAYS AND MEANS TO MITIGATE ITS IMPACT ON THE PHILIPPINE BANANA EXPORT INDUSTRY

Introduced by Senator Guingona III

**To the Committees on Agriculture and Food; and Trade and Commerce**

Proposed Senate Resolution No. 264, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE/S TO CONDUCT A COMPREHENSIVE ASSESSMENT, IN AID OF LEGISLATION, ON VARIOUS GOVERNMENT PROCEDURES AND MECHANISMS TO IMPROVE GLOBAL COMPETITIVENESS

Introduced by Senator Villar

**To the Committee on Trade and Commerce**

**ADDITIONAL REFERENCE OF BUSINESS**

**RESOLUTIONS**

Proposed Senate Resolution No. 265, entitled

RESOLUTION CREATING AN *AD HOC* COMMITTEE WITH THE ASSISTANCE OF THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) THAT WILL BE TASKED TO CONDUCT A FEASIBILITY STUDY DETERMINING THE COST EFFICIENCY OF CONSTRUCTING A NEW SENATE BUILDING

Introduced by Senators Defensor Santiago and Trillanes IV

**To the Committee on Rules**

Proposed Senate Resolution No. 266, entitled

RESOLUTION DIRECTING THE PROPER

SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED NEED FOR THE GOVERNMENT TO INVEST ON DISASTER PREPAREDNESS TRAINING AND INTER-GOVERNMENT COORDINATION

Introduced by Senator Defensor Santiago

**To the Committees on National Defense and Security; and Climate Change**

Proposed Senate Resolution No. 267, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE STRICTER IMPLEMENTATION OF THE WILDLIFE ACT TO PREVENT THE EXTINCTION OF ENDANGERED SPECIES

Introduced by Senator Defensor Santiago

**To the Committees on Environment and Natural Resources; and Agriculture and Food**

Proposed Senate Resolution No. 268, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON AGRICULTURE AND FOOD TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE WORSENING HUNGER SITUATION IN MINDANAO DUE TO CONFLICT AND NATURAL CALAMITIES

Introduced by Senator Defensor Santiago

**To the Committee on Agriculture and Food**

Proposed Senate Resolution No. 269, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE GROWING THREAT OF MULTIDRUG-RESISTANT TUBERCULOSIS IN THE COUNTRY

Introduced by Senator Defensor Santiago

**To the Committee on Health and Demography**

Proposed Senate Resolution No. 270, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE WORSENING WATER CRISIS IN THE ASIAN REGION, AND THE NEED FOR THE PHILIPPINE GOVERNMENT TO IMPLEMENT EFFICIENT WATER GOVERNANCE PRACTICES TO COMBAT WATER SHORTAGE

Introduced by Senator Defensor Santiago

**To the Committees on Climate Change; and Public Works**

Proposed Senate Resolution No. 271, entitled

RESOLUTION COMMENDING MANNY PACQUIAO FOR WINNING THE WBC SUPER WELTERWEIGHT CROWN AGAINST MEXICAN ANTONIO MARGARITO EARNING HIM HIS EIGHTH WORLD TITLE

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 272, entitled

RESOLUTION CONGRATULATING AND HONORING MANNY "PACMAN" PACQUIAO FOR HIS STUNNING VICTORY OVER MEXICAN ANTONIO MARGARITO IN THE WORLD BOXING COUNCIL'S SUPER WELTERWEIGHT TITLE-BOUNDS HELD AT THE COWBOYS STADIUM IN ARLINGTON CITY, TEXAS, USA ON NOVEMBER 13, 2010 WHICH CATAPULTED HIM TO BOXING IMMORTALITY FOR BEING THE FIRST AND ONLY MAN IN THE HISTORY OF PROFESSIONAL BOXING TO BECOME A WORLD TITLE-HOLDER IN EIGHT (8) DIFFERENT WEIGHT DIVISIONS

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Introduced by Senator Zubiri

**To the Committee on Rules**

Proposed Senate Resolution No. 273, entitled

RESOLUTION COMMEMORATING  
AND EXPRESSING SOLIDARITY  
WITH FILIPINO MUSLIMS AND  
MUSLIMS ALL OVER THE WORLD  
IN THE OBSERVANCE OF *EID' L  
ADHA*

Introduced by Senator Guingona III

**To the Committee on Rules**

Proposed Senate Resolution No. 274, entitled

RESOLUTION COMMENDING MANNY  
PACQUIAO FOR HIS OUTSTAND-  
ING VICTORY AGAINST ANTONIO  
MARGARITO AND FOR SETTING  
A NEW WORLD RECORD OF  
BEING THE FIRST BOXER TO  
GAIN WORLD TITLES IN EIGHT  
DIFFERENT DIVISIONS

Introduced by Senator Legarda

**To the Committee on Rules**

Proposed Senate Resolution No. 275, entitled

RESOLUTION DIRECTING THE  
SECRETARY OF FOREIGN AFFAIRS  
TO INQUIRE WITH THE HOUSE OF  
COUNCILORS OF JAPAN (THE DIET  
OF JAPAN) THE STATUS OF THE  
LEGISLATION PROMOTING THE  
RESOLUTION OF ISSUES CONCERN-  
ING VICTIMS OF WARTIME  
SEXUAL COERCION

Introduced by Senator Cayetano (P)

**To the Committee on Foreign Relations**

Proposed Senate Resolution No. 276, entitled

RESOLUTION CONGRATULATING  
AND COMMENDING CONG.  
MANNY PACQUIAO FOR WINNING

OVER ANTONIO MARGARITO  
DURING A BOXING MATCH  
HELD ON 13 NOVEMBER 2010  
IN ARLINGTON, TEXAS, U.S.A.

Introduced by Senator Enrile

**To the Committee on Rules**

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

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

*(Continuation)*

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

AN ACT PROVIDING FOR ADDI-  
TIONAL BENEFITS AND PROTEC-  
TION TO THE HOUSEHELPERS  
THEREBY AMENDING FOR THIS  
PURPOSE ARTICLES 141, 142, 143,  
148, AND 151 OF CHAPTER III OF  
P.D. 442, AS AMENDED, OTHER-  
WISE KNOWN AS THE LABOR  
CODE OF THE PHILIPPINES.

Senator Sotto stated that the parliamentary status  
was the period of interpellations.

Thereupon, the Chair recognized Senator Ejercito  
Estrada, Sponsor of the measure, and Senator Sotto  
for his interpellation.

**INTERPELLATION OF SENATOR SOTTO**

At the outset, Senator Sotto congratulated Senator  
Ejercito Estrada for a very worthy measure which,  
he said, would affect many Filipinos once it becomes  
a law.

Asked by Senator Sotto to give a brief background  
of the measure, Senator Ejercito Estrada stated that  
the *Kasambahay* bill was approved by the Senate  
during the 13<sup>th</sup> Congress but it was unfortunate its  
counterpart measure did not prosper at the House of  
Representatives. He said that he has talked with  
several congressmen urging them to file a similar bill.

He then proceeded to elaborate on the highlights of the bill as follows:

- It covers housemaids, cooks, houseboys and *yayas* who provide daily service either on a full-time, live-in or live-out basis but excludes family drivers;
- Household working arrangements or agreements shall be covered by a written contract in a language or dialect understood by both employer and household helper, the terms of which shall include the following:
  1. Period of employment which shall not exceed two (2) years;
  2. Monthly compensation and the mode of payment;
  3. Annual salary increase;
  4. Duties and responsibilities of the household helper;
  5. Working hours and day-off schedules; and
  6. Living quarters or sleeping arrangements.
- The minimum monthly wages were pegged as follows: Metro Manila, P3,000; chartered cities and first-class municipalities, P2,500; and, in other municipalities, P2,000;

It also provides that one year after the effectivity of the law and every year thereafter, the Regional Tripartite Wages and Productivity Boards shall review and, if proper, determine and adjust the appropriate wage rates.

- The costs of benefits like SSS and PhilHealth will be shouldered by the employer; and
- The employer must provide the household helpers food, medicines as well as the equipment needed to enable them to do their chores.

As to why the House of Representatives did not pass its counterpart measure in the 13<sup>th</sup> Congress, Senator Ejercito Estrada cited as reason the reluctance of a majority of the congressmen who perceived the bill to be anti-middle class. However, he maintained that it is a pro-poor bill that would benefit two million domestic workers.

As regards the income of a middle-class family, Senator Ejercito Estrada stated that it is P20,000 a month, more or less.

Asked by Senator Sotto if a middle-class family living in Metro Manila can afford P2,500 or P3,000 for a *kasambahay*, Senator Ejercito Estrada said that the proposed bill pegged the minimum wage for *kasambahay* at P3,000 which, he believed, employees in Metro Manila can easily afford.

On whether there is an elbow room as far as the wage rates are concerned, for instance, depending on the income of the family, Senator Ejercito Estrada replied that it would depend on the employers if they want to increase the salaries of their *kasambahay* but this should be stipulated in the contract agreement for the protection of the employers and the *kasambahay*.

Asked for the current minimum wage of *kasambahay*, Senator Ejercito Estrada said that the Labor Code pegged the minimum wage for *kasambahay* at P800, while the proposed bill is seeking to increase it to P3,000.

To the observation that the increase from P800 to P3,000 would be too much for a middle-class family, Senator Ejercito Estrada maintained that it is affordable enough. He added that the *kasambahay* should also be provided with suitable and sanitary living quarters, and adequate food, among others.

Further, Senator Ejercito Estrada disclosed that based on a survey conducted by the DOLE in 2007, NCR households pay an average of P111.84 per day to their domestic helpers, which is around P3,300 a month, and according to information provided to him, the rate is even higher in Zamboanga City.

Senator Sotto indicated that at the proper time, he would propose an amendment to categorize middle-class families depending on what they can afford to pay for the service of a *kasambahay*, as well as an amendment to explicitly include laundrywomen and gardeners. Senator Ejercito Estrada replied that the proposals could be deliberated on at the proper time.

## SUSPENSION OF SESSION

With the permission of the Body, the Chair suspended the session.

*It was 5.17 p.m.*

## RESUMPTION OF SESSION

At 5:23 p.m., the session was resumed.

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**REMARK OF SENATOR SOTTO**

Senator Sotto said that during the break, he was told that Senator Drilon has a reservation to interpellate on the bill.

**SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 5:23 p.m.*

**RESUMPTION OF SESSION**

At 5:25 p.m., the session was resumed.

**TERMINATION OF THE PERIOD OF INTERPELLATIONS**

Senator Sotto informed the Body that Senator Drilon was withdrawing his reservation to interpellate.

There being no further interpellation, upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations.

**SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 78**


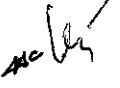
Upon motion of Senator Sotto, there being no objection, the Body suspended consideration of the bill.

**ADJOURNMENT OF SESSION**

Upon motion of Senator Sotto, there being no objection, the Chair declared the session adjourned until three o' clock in the afternoon of Wednesday, November 17, 2010.

*It was 5:26 p.m.*

I hereby certify to the correctness of the foregoing.

  
EMMA LIRIO REYES  
Secretary of the Senate 

Approved on November 17, 2010