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Journal

SESSION NO. 41
Monday, November 22, 2010

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

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CALL TO ORDER

At 3:14 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

Sen. Edgardo J. Angara led the prayer, to wit:

Almighty Father, this week we begin to discuss, debate and deliberate on the national budget in the full plenary.

During this time of deliberation, as we estimate our needs and allocate our resources, guide us so that we may deploy our resources wisely and prevent from scattering them across so many projects and programs that have no or marginal impact.

Help us remember that in preparing the national budget we are doing a vital work of the Senate – to identify our priorities and finance them, in order to grow our country and raise the living standards of the Filipinos.

Amen.

NATIONAL ANTHEM

The Senate Choir led the singing of the national anthem and thereafter rendered the song, entitled *Jingle Bells*.

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

SUSPENSION OF SESSION

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

It was 3:19 p.m.

RESUMPTION OF SESSION

At 3:19 p.m., the session was resumed.

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.
Cayetano, C. P. S.	Marcos Jr., F. R.
Drilon, F. M.	Osmeña III, S. R.
Ejercito Estrada, J.	Pangilinan, F. N.
Enrile, J. P.	Revilla Jr., R. B.
Escudero, F. J. G.	Sotto III, V. C.
Guingona III, T. D.	Zubiri, J. M. F.

With 14 senators present, the Chair declared the presence of a quorum.

Senators Cayetano (A), Honasan, Recto and Villar arrived after the roll call.

Senator Arroyo was on official business.

Senator Defensor Santiago was on sick leave.

Senators Lacson and Lapid were absent.

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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. 40 (November 17, 2010) and considered it approved.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

Senator Sotto acknowledged the presence in the gallery of the following guests:

- Mayor Lorna C. Silverio of San Rafael, Bulacan; and
- Members of the Association of Concerned Residents of Aroroy, Masbate, headed by Mr. Marcial Velasco.

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

MANIFESTATION OF SENATOR GUINGONA

Senator Guingona stated that he received a call from the Executive Secretary over the weekend informing him that Malacañang will be recalling Proclamation No. 50 (amnesty grant) to amend it. In view of Malacañang's intent to amend the proclamation, he believed that the Senate has to suspend any discussion on the matter, either in committee or in plenary. He explained that once Malacañang comes out with a new proclamation, the Committee would have to go through the whole process of conducting a public hearing thereon.

PRIVILEGE SPEECH OF SENATOR LEGARDA

Availing herself of the privilege hour on the occasion of the Global Warming and Climate Change Consciousness Week, Senator Legarda underscored the need for government to act quickly and decisively to reduce the risks of disasters.

The full text of her speech follows:

DISASTER RISK REDUCTION: AN INSTRUMENT FOR ACHIEVING THE MDGs

It cannot be stressed enough that we only have five years left to halve poverty, eliminate illiteracy, improve health, and fully realize the other Millennium Development Goals.

Across the globe, the situation is immensely challenging. The *Global Monitoring Report 2010: the MDGs after the Crisis*, revealed that between 2009 and 2015, 1.2 million more children under five and 262,000 more infants will die. In 2015, an estimated 350,000 more students might not complete their primary education. Moreover, 100 million less people may not have access to safe drinking water.

The picture may even worsen if governments do not take urgent and decisive action to reduce disaster risks. For a single extreme weather event – be it a supertyphoon, surging flood or prolonged drought – can undo years of development efforts.

It is disturbing to discover that in the last 30 years, the number of disaster events has increased three times in the Philippines. Although the reported number of deaths has slightly decreased over the same number of the population affected by disasters, the economic losses from these events have drastically increased by more than seventeen-fold.

These figures show us clearly that disasters have a huge impact on our country's economic growth. In fact, disasters are added misfortunes to the poor who already experience injustices caused by the gross inequality of income among social classes. In order to have a perfect view of what the country is losing or gaining, it would be best to know how different events, including the onslaught of disasters, affect the lives of our people.

The government, perhaps, can use the example of the Kingdom of Bhutan, which uses a "Gross National Happiness" index in measuring their country's development. Along with the gross domestic product and other traditional economic yardsticks that measure mere physical outputs, they take into account other factors that affect the well-being of their people, such as good governance, equitable socio-economic growth, environmental protection and cultural preservation. And in fact, even the United Kingdom and France are considering inputting these economic indices as GNH into their yardsticks.

Climate change poses a great challenge to achieving sustainable development. But if we include similar GNH variables in the government's development indicators, which I would gladly work on with our economic managers, then, maybe, our policies that seek to protect the environment and ensure that we have adequate

resources for the future will be strongly enforced. I believe that new indices that factor in environmental protection and investments in disaster risk reduction would more accurately reflect development, particularly of the vast majority of our people who can no longer accept the growing gap between statistics that show continuing progress in growth and the increasing hardships they experience in their daily lives. By pursuing this initiative, perhaps we can also set an example for our neighbor countries in the region.

We have to realize that we are not alone in this plight. Asia Pacific is struck by more disasters as compared to its other regional neighbors. A United Nations Report presented at the Fourth Asian Ministerial Conference on Disaster Risk Reduction held in South Korea last October presented a definitive lay of the land – “People in the Asia-Pacific region are four times more likely to be affected by natural disasters than those in Africa; and 25 times more likely than those in Europe or North America.” Moreover, it is alarming to note that from 2000-2008, the region’s share in global disaster deaths increased to as much as eighty-three percent (83%).

For a region that has 690 million of its population surviving on a \$1 a day, these impacts are daunting.

Disaster risks, by all indications, are increasing exponentially not just for our country but for our Asian neighbors as well. All of our gallant and hard-earned development gains are constantly being defeated by the fusion of socio-economic realities and extreme climatic events. And to this, I pose the question: What are we doing to stop the vicious cycle of devastation from disasters, from having to rehabilitate and start from scratch – with our efforts only to be destroyed by more intense, more devastating disasters that will strike our country and the region in the future?

Given the global scale of disasters, how it affects not only countries, regions and continents regardless of territorial boundaries, nations need to work together to review global and regional progress as well as challenges in disaster-risk reduction. This stock-taking is key as we need to view our challenges from a broad perspective and draw from this knowledge in making coherent and concerted action.

As I speak, leaders from all over Asia, particularly from Afghanistan, Bangladesh, Cambodia, India, Indonesia, Malaysia, Maldives, Nepal and Thailand, are en route to Manila for a Consultative Meeting for Asian Parliamentarians

on Disaster Risk Reduction, which will be held from November 25 to 27. This is a prelude to the Asia Leader’s Summit in Manila next year which I will again jointly organize with the United Nations.

This meeting aims to make disaster-risk reduction a regional, national and community priority in order to increase disaster resilience *and protect our precious development gains*. By this meeting, we also hope to integrate our disaster risk reduction work with efforts to attain the Millennium Development Goals (MDGs). Our experiences have shown that people who are constantly exposed to disaster risks are more likely to remain poor and more vulnerable to disasters, thereby keeping them under the perpetual bondage of poverty.

But the increased regional attention and interest over climate change and disaster impacts cannot be limited to mere understanding of the issues. Our sense of urgency needs to be translated into concrete actions. We need to discuss the ways forward for creating a more enabling environment for:

- First, making disaster risk reduction a tool for achieving sustainable poverty reduction;
- Second, making schools and hospitals safe from disasters;
- Third, making disaster risk reduction gender sensitive; and
- Fourth, increasing national and local investment (both human and finance) in disaster risk reduction.

The onset of this regional conference coincides with the culmination of the national observance of “Global Warming and Climate Change Consciousness Week,” which is being led by the Philippine Climate Change Commission.

The upcoming consultative meeting will leverage on the role and duty of legislators to make change happen. Parliamentarians are political leaders mandated by the people to convey local concerns to national governments, oversee national progress and investments, and campaign on issues affecting the daily lives and livelihoods of their constituents. When we legislate for disaster-resilient development and promote disaster risk reduction in our constituencies, the entire country triumphs.

The Congress of the Philippines has evidently been at the forefront of mainstreaming disaster risk reduction through the passage of the “Climate Change Act of 2009” and the “Disaster Risk Reduction and Management Act of 2010” and the ratification of the

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ASEAN Agreement on Disaster Management and Emergency Response (ADMER).

Clearly, we recognize that sustainable development work requires lasting solutions to poverty and inequity – that we should not train our sights merely on enhancing our capacities to rebuild after each and every disaster; but rather on reducing risks for our people and building lasting communities, so that when disasters strike, we are prepared.

I will not raise false expectations and say that this consultative meeting to be held this weekend will save our country from the perils of disasters and climate change, I can, however, say that after this conference, the Philippines will attain invaluable knowledge from its neighboring countries and will build a strong working relationship with each other for the well-being of our countries, and Asia as a whole.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator Legarda to the Committee on Climate Change.

ACKNOWLEDGMENT OF THE PRESENCE OF GUEST

At this juncture, Senator Sotto acknowledged the presence in the gallery of Representative Nur-ana Sahidula of the 2nd District of Sulu.

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

SUSPENSION OF SESSION

Upon motion of Senator Cayetano (P), the session was suspended.

It was 3:34 p.m.

RESUMPTION OF SESSION

At 3:35 p.m., the session was resumed.

PRIVILEGE SPEECH OF SENATOR CAYETANO (P)

Availing herself of the privilege hour on the occasion of the Global Celebration Against Gender

Violence on November 25, 2010, Senator Cayetano (P) encouraged the government to do more to protect women against violence.

The full text of her speech follows:

GLOBAL CELEBRATION AGAINST GENDER VIOLENCE

Introduction

November 25 marks the celebration of two important global events: the “International Day of the Elimination of Violence Against Women” and the beginning of the “16 Days of Activism Against Gender Violence.”

The worldwide 16-day campaign seeks to emphasize the connection between women, violence and human rights. The campaign, which runs from November 25 to December 10, highlights significant dates such as:

*November 25 – International Day
of the Elimination of Violence
Against Women*

December 1 – World AIDS Day

*December 6 – Anniversary of
the Montreal Massacre*

*December 10 – International
Human Rights Day*

In the Philippines, this campaign is extended by virtue of Proclamation No. 1172 until December 12, since we observe this day as the “International Day of Trafficking.” On this note, I would like to inform the Body that your Committee on Youth, Women and Family Relations has created a Subcommittee on Trafficking chaired by Sen. Loren Legarda which is now in the process of finalizing the committee report.

Current Theme

Each year, the 16-day celebration focuses on a particular theme. For this year, the theme is “*Building partnerships to combat violence against women,*” which essentially revolves around bringing about a change in mentality and the mobilization of public opinion with a view towards eliminating gender-based violence. This can be attained through partnerships between and among national and local authorities, mediators and human rights organizations, victims of violence, civil society organizations, religious and community leaders, the media, schools and universities and the private sector.

Existing Laws and Data

There has been significant progress in addressing the issue of violence against women through the passage of laws in our country such as the Magna Carta of Women (RA 9710), the Anti-Violence Against Women and Children Act (RA 9262), the Anti-Rape Law (RA 8353), the Rape Victim Assistance and Protection Act (RA 8505), the Anti-Sexual Harassment Law (RA 7877) and the Anti-Trafficking of Persons Law (RA 9208).

However, despite the fact that we are at the forefront of providing legislative protection to women against domestic violence, the number of cases of violence against women is still increasing. In 2009, the number of cases of violence against women reported to the police rose by 37.4% from 2008.

This is not even conclusive because even more cases remain unreported due to our culture and the sensitivity of the issues involved in said cases.

In the words of United Nations Secretary General Ban Ki-Moon:

Violence against women and girls continue unabated in every continent, country and culture. It takes a devastating toll on women's lives, on their families and on society as a whole.

Most societies prohibit such violence – yet the reality is that too often, it is covered up or tacitly condoned.

Just recently, the PNP reported that the number of human trafficking cases has significantly decreased. I would just like to be enlightened on how the PNP can issue such a statement when we always receive reports of women being trafficked almost every day. In fact, we have been in the U.S. Trafficking Tier 2 watchlist for two years in a row already and now in danger of being downgraded to Tier 3 which means that we are being branded as a country whose government does not fully comply with the Trafficking Victims Protections Act's (TVPA) minimum standards and are likewise not making significant efforts to do so. This will spell disaster to our country as countries placed in Tier 3 may be subject to sanctions such as the withholding of all non-humanitarian, non-trade-related foreign assistance and the elimination of all educational and cultural exchange programs for government officials.

Activities

The Inter-Parliamentary (IPU), the oldest

organization of members of parliaments from all over the world, has always been actively spearheading and supporting moves to eliminate *discrimination and violence against women*. Every year, the IPU encourages members of Parliaments from all over the world to commemorate the "International Day of the Elimination of Violence Against Women."

As Chair of the Senate Committee on Youth, Women and Family Relations and the former President of the Coordinating Committee of Women Parliamentarians of the IPU, I stand before you today to bring attention to the fact that we can still do much to protect the rights of our women.

My office has sent letters to different schools, colleges and universities all over the country encouraging them to commemorate this global event by holding activities such as drawing contests, forums, essay writing contests, exhibits, speech writing contests, audio-visual presentations, debates and documentary and film showings. I believe that schools play a crucial role in influencing and shaping the students' awareness of this issue through education and information dissemination.

We also intend to do the same by encouraging our government offices and local government units to also come up with their own set of activities to support this cause and awareness campaign.

My office has also put together an exhibit showcasing global and local statistics of cases of violence against women, photographs and other materials to raise awareness on gender-based violence. This will be set up next week and will last until December 10.

Local government units likewise play a vital role in the protection of women against gender-violence. Various laws including RA 7192 (Women in Development and National Building Act), EO 273 (Philippine Plan for Gender-Responsive Development) and the Magna Carta of Women (RA 9710) mandate agencies, including government-owned and -controlled corporations (GOCCs) and local government units (LGUs), to allocate a minimum of 5% of their total appropriations for gender and development programs and projects.

Some activities and programs LGUs could implement as a response to this mandate are the establishment of violence against women desks in all barangays; the training of local government leaders, especially at the barangay level on gender sensitivity and on violence against

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women; the formation of quick response teams to report, and act on, domestic violence cases; the establishment of livelihood and employment programs and opportunities to women; and the provision of a corresponding micro-lending program for capital and marketing assistance. *LGUs can also give employment counseling or organize job fairs to help provide job opportunities here and abroad accessible to women.*

Conclusion

To conclude, I strongly feel that the campaign to eliminate violence against women can only be achieved if we all do our part and work together towards this common goal. Each and every one of us play a crucial role in influencing and shaping awareness of the issue in order to end violence against women and children. Let us join the rest of the world in working to have a future free from violence.

INTERPELLATION OF SENATOR SOTTO

Preliminarily, Senator Sotto stated that he has very low regard for men who commit violence against women, adding that he was brought up that way because of the fact that his mother was one of the founders of the women's rights movement and the President *Emerita* of the *Kababaihan Rizalista*.

In reaction, Senator Cayetano (P) noted that many countries address the problem of violence against women by precisely tapping male organizations to highlight the fact that physical abuse against women is not a matter to be taken lightly.

Relative thereto, Senator Sotto sought clarification on the rising number of cases of violence against women. Senator Cayetano (P) pointed out that there was a 37% increase in the number of reported cases between 2008 and 2009, but representatives from the NGOs and the Philippine Commission on Women who attended the last meeting of the Committee on Youth, Women and Family Relations believed that the number could be on the low side because it is common knowledge that many incidents remain unreported owing to the stigma attached to such crimes.

On whether the increase can be attributed to more women willing to report the crimes or to an actual increase in the number of crimes, Senator Cayetano (P) replied that it can be both. For instance, she pointed out that pertinent laws require every barangay to put up a women's desk and some cities have taken a pro-active stance to encourage more

women to speak up. She stated that the rise in drug-related incidents can also be a factor in the rise in the number of crimes against women. The change in the nuclear family brought about by the growing number of overseas Filipino workers, she said, is contributory to the problem. She explained that the absence of a protective mother or father in the household leads to situations where young girls are exposed to violent acts by relatives or neighbors.

Upon further queries, Senator Cayetano (P) said that while it is helpful to have more information on such crimes, the rise in the number of reported cases is not good news at all.

Asked for information on court convictions in cases involving violence against women, Senator Cayetano (P) said that while the government has a sufficient awareness campaign on trafficking, the lack of convictions in such cases is a reason why the Philippines is in danger of being downgraded to Tier III under the U.S. Trafficking watch list. She said that she cannot even recall such a case reaching the Supreme Court because filing a case against a husband or a boyfriend goes against the local culture. She noted that victims of domestic violence in other countries can easily report the incidents to the police but Filipino women who file complaints with the barangay captains end up having their cases compromised.

In this regard, Senator Cayetano (P) underscored the importance of educating and training barangay officials as they tend to mediate between the two parties when supposedly their role is to arrest the aggressor. She said that she was still trying to determine the number of cities that are complying with the requirements for training barangay captains.

For his part, Senator Sotto offered to submit statistics from Cebu City, specifically data collated by the Women and Children's Crisis Center. He stated that the center is annexed to the Vicente Sotto Memorial Medical Center and that he organized it with the help of the Zonta Women's Club of Cebu. He added that the center, also known as the Pink Room, has health and police desks, a doctor and a psychologist that operate 24/7. Senator Cayetano (P) suggested that the center be replicated in other areas of the country.

Asked how the present laws can be strengthened given the situations mentioned, Senator Cayetano (P)

stated that there are various laws that require GOCCs, LGUs and other government agencies to allocate 5% of their budgets to gender-sensitivity programs. She presumed that the programs need not be extravagant because the laws just require putting up a women's desk in every barangay. Thus, she called on all LGU heads to check whether there are indeed women's desks in their barangays, and whether those manning the women's desks were properly trained. Like how the Pink Room operates in Cebu, she suggested that the people manning the women's desks coordinate with the concerned authorities with regard to the medical, psychological and law enforcement aspects. For the urban areas, especially cities with big budgets, she suggested that the LGUs come up with more programs to empower the women sector, like livelihood and micro-financing programs. She asserted that women empowerment is financial empowerment that allows a woman to have the financial security to fend for her children when she decides to leave her abusive husband. Also, she requested her colleagues to ask the local officials who visit them frequently about the situation of women in their localities.

On the proposal of Senator Sotto to invite the LGU heads to the hearings, Senator Cayetano (P) agreed and added that Senator Marcos, chair of the Committee on Local Government, was already on board on the women empowerment and the elimination of violence against women programs.

REFERRAL OF SPEECH TO COMMITTEES

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator Cayetano (P) to the Committee on Youth, Women and Family Relations and the Committee on Local Government.

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. 2597, entitled

AN ACT AMENDING SECTION 4 OF
REPUBLIC ACT NO. 7309 ENTITLED,

AN ACT CREATING A BOARD OF
CLAIMS UNDER THE DEPARTMENT
OF JUSTICE FOR VICTIMS OF
UNJUST IMPRISONMENT OR
DETENTION AND VICTIMS OF
VIOLENT CRIMES AND FOR
OTHER PURPOSES

Introduced by Senator Trillanes IV

**To the Committees on Justice and Human
Rights; Social Justice, Welfare and Rural Develop-
ment; and Finance**

Senate Bill No. 2598, entitled

AN ACT EXEMPTING ALL MANUFAC-
TURERS AND IMPORTERS OF
HYBRID VEHICLES FROM THE
PAYMENT OF CERTAIN TAXES
AND FOR OTHER PURPOSES

Introduced by Senator Trillanes IV

**To the Committees on Ways and Means;
and Trade and Commerce**

Senate Bill No. 2599, entitled

AN ACT TO PROTECT PHILIPPINE
FORESTS AMENDING FOR THE
PURPOSE SECTION 80 OF PRES-
IDENTIAL DECREE 705, OTHER-
WISE KNOWN AS THE REVISED
FORESTRY CODE OF THE PHILIP-
PINES, AS AMENDED BY PRES-
IDENTIAL DECREE 1775

Introduced by Senator Villar

**To the Committee on Environment and
Natural Resources**

Senate Bill No. 2600, entitled

AN ACT AMENDING SECTION 13 OF
REPUBLIC ACT 7160, OTHERWISE
KNOWN AS THE LOCAL GOVERN-
MENT CODE OF 1991

Introduced by Senator Villar

To the Committee on Local Government

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RESOLUTIONS

THEFT GROUPS OPERATING IN THE COUNTRY

Proposed Senate Resolution No. 282, entitled

Introduced by Senator Villar

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO INVESTIGATE, IN AID OF LEGISLATION, THE ALARMING INCREASE IN CASES OF FILIPINOS, ESPECIALLY WOMEN, WHO ARE BEING USED AS DRUG MULES BY INTERNATIONAL DRUG SYNDICATES

To the Committee on Public Order and Dangerous Drugs

Proposed Senate Resolution No. 285, entitled

Introduced by Senator Cayetano (P.)

RESOLUTION DIRECTING THE SENATE COMMITTEES ON ECONOMIC AFFAIRS; AND TRADE AND COMMERCE TO CONDUCT A STUDY, IN AID OF LEGISLATION, ON THE PRESENT STATE OF THE LOCAL STEEL INDUSTRY, WITH THE END IN VIEW OF PROMOTING GROWTH AND GENERATING EMPLOYMENT OPPORTUNITIES IN THE SECTOR

To the Committee on Public Order and Dangerous Drugs

Introduced by Senator Villar

Proposed Senate Resolution No. 283, entitled

To the Committees on Economic Affairs; and Trade and Commerce

RESOLUTION URGING THE SENATE COMMITTEES ON HEALTH AND DEMOGRAPHY; AND YOUTH, WOMEN AND FAMILY RELATIONS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED MARKETING OF HUMAN ORGANS INVOLVING MINORS WITH THE END IN VIEW OF IMPLEMENTING MEANINGFULLY THE EXISTING STATUTE ON ORGAN TRAFFICKING

COMMUNICATION

Introduced by Senator Villar

Letter from the Office of the Ombudsman, dated 15 November 2010, reporting to the Senate how the Confidential and Intelligence Funds (CIF) of the Office for FY 2010 in the amount of P4.5M were utilized to carry out highly confidential and intelligence activities involving purchase and gathering of information to build up cases for the period 1 July to 30 September 2010, in compliance with Section 22, General Provisions of Republic Act No. 9970 (The 2010 General Appropriations Act).

To the Committees on Health and Demography; and Youth, Women and Family Relations

To the Committee on Finance

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

Proposed Senate Resolution No. 284, entitled

It was 4:03 p.m.

RESOLUTION URGING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE RISE OF CAR THEFTS IN THE METRO, WITH THE END IN VIEW OF INTENSIFYING PUBLIC CAMPAIGNS ON DRIVERS' SAFETY AND STAMPING OUT NOTORIOUS CAR

RESUMPTION OF SESSION

At 4:25 p.m., the session was resumed with Senator Honasan presiding.

**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 ADDITIONAL BENEFITS AND PROTECTION TO THE HOUSEHELPERS THEREBY AMENDING FOR THIS PURPOSE ARTICLES 141, 142, 143, 148, AND 151 OF CHAPTER III OF P.D. 442, AS AMENDED, OTHERWISE KNOWN AS "THE LABOR CODE OF THE PHILIPPINES."

Senator Sotto stated that the parliamentary status was the period of committee amendments.

Thereupon, the Chair recognized Senator Ejercito Estrada, Sponsor of the measure.

COMMITTEE AMENDMENTS

As proposed by Senator Ejercito Estrada, there being no objection, the following Committee amendments were approved by the Body, one after the other:

1. On page 1, line 8, change the word "maintainance" to MAINTENANCE;
2. On page 2, line 1, add new paragraphs to Section 1 to read as follows:

A CHILD HOUSEHOLD HELPER IS ANY PERSON WHO IS FIFTEEN (15) YEARS AND ABOVE BUT BELOW EIGHTEEN (18) YEARS. THE PROVISIONS OF SECTION 10(A), PARAGRAPH 2 OF SECTION 12-A AND PARAGRAPH 4 OF SECTION 12-D OF REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT," ARE HEREBY INTEGRATED AS PART OF THIS ACT TO PROTECT THE WELFARE OF A CHILD HOUSEHOLD HELPER.

ANY EMPLOYER WHO HAS BEEN SENTENCED BY A COURT OF LAW OF ANY OFFENSE AGAINST A CHILD HELPER AND THEREAFTER FOUND GUILTY OF

ANY OR SIMILAR OFFENSE OF THIS ACT, SHALL BE METED WITH A HIGHER PUNISHMENT AND SHALL BE PROHIBITED FROM HIRING A CHILD HOUSEHOLD HELPER;

3. On the same page, line 29, insert a space between the semicolon (;) and the word "AND";
4. On page 3, line 28, change the words "AD" and "JUST" to ADJUST;
5. On page 4, line 2, between the words "MADE" and "DIRECTLY," insert the words ON TIME;
6. On the same page, line 3, between the word "MONTH" and the period (.), insert the words AND SHALL RECEIVE A 13TH MONTH PAY GRANTED BY THE EMPLOYER;
7. On the same page, line 21, change the word "LRBOR" to LABOR;
8. On the same page, line 29, delete the letter "S" from the word "EMPLOYERS";
9. On page 5, line 3, change the word "WITHOLDING" to WITHHOLDING;
10. On the same page, line 16, change the word "COUATERAL" to COLLATERAL;
11. On the same page, line 21, change the word "THIS" to THESE;
12. On page 6, line 14, add the letter "S" to the word "PROVISION";
13. On the same page, line 20, change the number "1611" to 1161;
14. On page 7, line 2, in between the word "(PHILHEALTH)" and the dash (-), insert a comma (,) and the words HOME DEVELOPMENT MUTUAL FUND OR PAG-IBIG, AND EMPLOYEES COMPENSATION COMMISSION (ECC);
15. On the same page, line 4, in between the words "(PHILHEALTH)," and "IN," insert a comma (,) and the phrase HOME DEVELOPMENT MUTUAL FUND OR PAG-IBIG, AND EMPLOYEES COMPENSATION COMMISSION (ECC);
16. On the same page, line 7, before the word "CONTRIBUTIONS," insert the acronyms PAG-IBIG and ECC;
17. On page 8, line 9, add a new section to read as follows:

SEC. 9. THE EMPLOYER SHALL TAKE MEASURES TO PROMOTE THE HUMAN

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RIGHTS OF ALL HOUSEHOLD HELPERS AND RECOGNIZE THE FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- A) FREEDOM OF ASSOCIATION FOR THEIR MUTUAL PROTECTION AND BENEFIT;
 - B) THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOR;
 - C) THE ELIMINATION OF ALL KINDS OF HUMAN TRAFFICKING; AND
 - D) THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION;
18. On the same page, line 11, change the word "ICASAMBAHAY" to KASAMBAHAY;
 19. On the same page, line 12, before the acronym "LGU," insert the phrase LGUs SHALL ALSO CONDUCT A REGISTRATION OF EMPLOYERS AND HOUSEHOLD HELPERS FOR THE PURPOSE OF MONITORING AND REGULATING THE EMPLOYMENT OF THE SAME. THE;
 20. On the same page, line 14, between the words "PLANS" and "PROGRAMS," delete the word "AND" and insert the words GENDER-RESPONSIVE AND/OR FRIENDLY;
 21. Renumber the sections accordingly.

TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

There being no further committee amendment, upon motion of Senator Sotto, there being no objection, the Body closed the period of committee amendments and proceeded to the period of individual amendments.

SOTTO AMENDMENTS

As proposed by Senator Sotto, and accepted by the Sponsor, there being no objection, the Body approved the following amendments, one after the other:

1. On page 1, reword line 14 as follows: THE TERM SHALL INCLUDE BUT NOT LIMITED TO MAIDS, COOKS, HOUSEBOYS AND "YAYAS" WITH THE EXCEPTION OF FAMILY DRIVERS;

2. On page 3, line 5, change "Art. 143-(1)" to Art. 143-A and delete the small letter (a);
3. On the same page, line 8, change the words and figure THREE THOUSAND PESOS (P3,000.00) to TWO THOUSAND FIVE HUNDRED PESOS (P2,500.00);
4. On the same page, line 14, change the words and figure TWO THOUSAND FIVE HUNDRED PESOS (P2,500.00) to TWO THOUSAND PESOS (P2,000.00);
5. Still on the same page, line 17, change the words and figure TWO THOUSAND PESOS (P2,000.00) to ONE THOUSAND FIVE HUNDRED PESOS (P1,500.00).

SUSPENSION OF SESSION

Upon motion of Senator Ejercito Estrada, the session was suspended.

It was 4:38 p.m.

RESUMPTION OF SESSION

At 4:43 p.m., the session was resumed.

6. On page 3, on the amended line 8, insert the words AT LEAST before the words and figure "TWO THOUSAND FIVE HUNDRED PESOS (P2,500.00)";
7. On the same page, on the amended line 14, insert the words AT LEAST before the words and figure "TWO THOUSAND PESOS (P2,000.00)";
8. Still on the same page, on the amended line 17, insert the words AT LEAST before the words and figure "ONE THOUSAND FIVE HUNDRED PESOS (P1,500.00)";

Asked by Senator Sotto if the last paragraph on page 3 serves as a safety net to ensure that the salaries or wages of the *kasambahays* would be adjusted if warranted in the future, Senator Ejercito Estrada replied in the affirmative.

At this point, Senator Sotto manifested that Senator Cayetano (A) and the Sponsor himself would be proposing a provision to ensure that *kasambahays* who are receiving more than P2,500 would not be affected by the passage of the law.

9. On page 4, line 7, change the word WORER to WORKER; and

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10. On the same page, line 8, change the word PROMISORY to PROMISSORY.

CAYETANO (A) AMENDMENTS

At the outset, Senator Cayetano (A) congratulated Senator Ejercito Estrada for fighting for the rights of the *kasambahays*. He asserted that *kasambahays* are a different kind of laborers in the sense that they enjoy the trust and confidence of their employers and that they are called *kasambahays* precisely because they are considered as part of the family. As such, he said that both sides have their respective obligations: the homeowners or employers have to respect the rights of the workers and to treat them as family; and the workers, on the other hand, have to do their duties.

Senator Cayetano (A) pointed out that the requirements of due process for an employee ~~in a Corporation~~ is that when he/she is caught red-handed, he/she is still entitled to present his/her case in a hearing. Since the *kasambahays* would now be covered by a contract, he asked whether it would be correct to assume that the usual disciplinary actions or measures that are part of tradition would still be accorded to a *kasambahay* who, for instance, slapped her ward or to a family driver who failed to come to work because he waited the whole day to place his bet in a lottery.

Senator Ejercito Estrada replied that in a situation where a *yaya* slapped a child under her care, the employer has the right to terminate her contract and bring proper charges against her.

Senator Cayetano (A) explained that he wanted the matter clarified to avoid any misunderstanding in the future where a driver who stole the car of his owner could claim he cannot be removed or terminated from his employment based on his contract. But he believed that the contract should have a provision that a *kasambahay* can be removed for cause and that its provisions shall be subject to existing rights guaranteed by the Constitution and the Labor Code.

Senator Ejercito Estrada clarified that family drivers are excluded in the coverage of the bill as proposed by Senator Sotto.

On the obligations of the LGU under the measure, Senator Cayetano (A) said that he would propose

specifically under Section 9, that LGUs shall facilitate access of a *kasambahay* to all existing programs and services; that through the local department plan, the LGUs shall prioritize concerns of *kasambahays* and develop and implement plans and programs in support of the law; and that the city and the municipality, in coordination with the barangay, shall once a year provide for a venue or an assistance desk in coordination with SSS, PhilHealth, among others.

He believed the bill could be made more friendly to the househelpers by providing that the contracts will be delivered to them rather than requiring them to go to the employment agencies. He said that he would leave it to the Committee to rephrase the section.

Senator Ejercito Estrada stated that he supports the idea of Senator Cayetano (A) to rephrase Section 9.

SUSPENSION OF SESSION

Upon motion of Senator Ejercito Estrada, the session was suspended.

It was 4:56 p.m.

RESUMPTION OF SESSION

At 4:58 p.m., the session was resumed.

Accepted by the Sponsor, there being no objection, the Body approved the proposed amendments of Senator Cayetano (A) to Section 9, subject to style.

Asked if househelpers would be required to have contracts with their employers even if they were actually hired through an agency, Senator Ejercito Estrada clarified that the contract would be between the agency and the househelper.

Senator Cayetano proposed, subject to style, to include a provision in the bill stating that there will be no diminution in the present salaries of househelpers and that if their contracts are with the agency, the minimum benefits provided for in the law would also apply to them.

Senator Ejercito Estrada accepted the amendment and there being no objection, the same was approved by the Body, subject to style.

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Senator Cayetano (A) proposed the inclusion of a provision in the bill to the effect that upon registration of a househelper with the LGU, the LGU will provide him/her with a copy of the law in his/her dialect, subject to style.

Senator Ejercito Estrada stated that he has no objection to the proposal as he gave assurance that he would work it out with the staff to come up with the provisions.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto manifested that Senator Drilon would no longer propose amendments to the bill.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

There being no other individual amendment, upon motion of Senator Sotto, there being no objection, the Body closed the period of individual amendments.

COAUTHORS

At the instance of Senator Ejercito Estrada, Senators Cayetano (A), Revilla, Honasan and Sotto were made coauthors of Senate Bill No. 78.

REQUEST FOR A CLEAN COPY

Upon the request of Senator Sotto, the Chair directed the Secretariat to produce a clean copy of

the bill incorporating all the committee and individual amendments.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 78

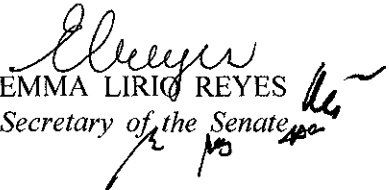
Upon motion of Senator Sotto, there being no objection, the Body suspended consideration of the bill.

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 the following day.

It was 5:03 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

Approved on November 23, 2010