



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 50
Monday, January 17, 2011

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

SESSION NO. 50
Monday, January 17, 2011

CALL TO ORDER

At 3:19 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

Sen. Teofisto L. Guingona III led the prayer, to wit:

O Lord, You told us that where two or three are gathered in Your Name, there You are in their midst.

We ask You to be with us today as we begin anew this year our task to craft laws—not just laws, but good and just laws—that would uplift and improve the lives of our fellow Filipinos from whose trust and confidence we owe our mandates.

Enlighten us so that we may be able to see and discern what they truly need and not by our own personal agenda and concerns.

Guide us always in all our actions, especially in what we say and do, and not by the dictates of the few who shower us with praise in order to get our attention.

Teach us to emulate Your example by living simple, honest lives—mindful that in our midst, majority of our fellow Filipinos do not have food on their table and the decent abode to rest their weary bodies.

As we end each day, may we learn to live the prayer of St. Ignatius of Loyola:

“Lord, teach me to be generous. Teach me to serve You as You deserve; to give and not to count the cost; to fight and not to heed the wounds; to toil and not to seek for rest; to labor and not to ask for any reward, save that of knowing that I do Your most holy will.”

This we ask in Jesus’ Name. Amen.

NATIONAL ANTHEM

The Senate Choir led the singing of the national anthem.

OATH TAKING OF SENATOR TRILLANES

At this juncture, Senate President Enrile, on behalf of the Members of the Chamber, welcomed Senator Trillanes to the Senate. He then invited Senator Trillanes to ascend the rostrum to formally take his oath of office for the record.

Thereafter, Senate President Enrile administered the oath of office to Senator Trillanes, with Senators Ejercito Estrada, Sotto and Revilla as witnesses.

SUSPENSION OF SESSION

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

It was 3:27 p.m.

[Handwritten signature]

RESUMPTION OF SESSION

At 3:28 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.	Honasan, G. B.
Arroyo, J. P.	Lapid, M. L. M.
Cayetano, A. P. C. S.	Legarda, L.
Cayetano, P. S.	Marcos Jr., F. R.
Defensor Santiago, M.	Pangilinan, F. N.
Drilon, F. M.	Recto, R. G.
Ejercito Estrada, J.	Revilla Jr., R. B.
Enrile, J. P.	Sotto III, V. C.
Escudero, F. J. G.	Trillanes IV, A. F.
Guingona III, T. L.	Zubiri, J. M. F.

With 20 senators present, the Chair declared the presence of a quorum.

Senators Osmeña and Villar arrived after the roll call.

Senator Lacson was absent.

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. 42 (November 23, 24, 25, 26, 30 and December 1, 2010) and the Journal of Session No. 49 (December 15, 2010) and considered them approved.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence in the gallery of the following guests:

- AB Political Science students from De La Salle University-Dasmariñas;
- Mayor Germelina Singson-Goulart and other local executives from Caoayan, Ilocos Sur; and the
- Punong Barangay and other barangay officials of Gundaway, Cabarroguis, Quirino Province.

Senate President Enrile welcomed the guests to the Senate.

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

REFERENCE OF BUSINESS

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

MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

Letter of His Excellency, President Benigno S. Aquino III, dated 23 December 2010, resubmitting to the Senate the following agreements for its concurrence:

Optional Protocol to the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment; Agreement on Technical Cooperation between the Government of the Republic of the Philippines and the Government of Japan; Agreement between the Government of the Republic of the Philippines and the Government of Australia Concerning the Status of Visiting Forces of Each State in the Territory of the Other State; Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocol; Protocol Additional to the Geneva Convention of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I);

Treaty on Extradition between the Republic of the Philippines and the Kingdom of Spain; Treaty on Extradition between the Government of the Republic of the Philippines and the Government of the Republic of India; Treaty between the Republic of the Philippines and the People's Republic of China Concerning Mutual Legal Assistance in Criminal Matters; Convention between the Government of the Republic of the Philippines and the Government of the

for

Democratic Socialist Republic of Sri Lanka for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income; and Convention between the Government of the Republic of the Philippines and the Government of the State of Kuwait for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income.

To the Committee on Foreign Relations

**MESSAGES FROM THE
HOUSE OF REPRESENTATIVES**

Letters from Speaker Feliciano Belmonte Jr. of the House of Representatives, all dated 21 September 2010, designating the following Representatives as Members of the House panel to the following Oversight Committees:

Representatives Mandanas (H.), Daza (R.), Lapus (J.), Tupas Jr. (N.), Cojuangco (C.), Javier (P. E.), Romualdez (F. M.) and Arroyo Jr. (I.) for the Oversight Committee on the Official Development Assistance (ODA), Republic Act No. 8182;

Representatives Mendoza (M. L.), Andaya Jr. (R.), Jaafar (N.), Estrella (R. R.), Guanlao (A.), Sacdalan (J.) and Dimaporo (I.), for the Congressional Committee on Agricultural and Fisheries Modernization, (Republic Act No. 8435);

Representatives Garcia (A. R.) and Matugas (F.) for the Congressional Oversight Committee on the Anti-Dumping, (Republic Act No. 8752);

Representatives Teodoro (M.), Cojuangco (E.) and Piamonte (M.) for the Oversight Committee on the Electronic Commerce Act (E-Commerce), Republic Act No. 8792;

Representatives Apostol (S.), Villafuerte (L.), Fariñas (R.), Banal Jr. (J. J.), Yap (S.), Villarosa (M. A.) and Aquino III (J.) for the Congressional Oversight Committee

on the Anti-Money Laundering Act (AMLA), Republic Act No. 9160;

Representatives Garcia (P. J.), Ocampos (L. L.), Acop (R.), De Jesus (E.), Bataoil (L.) and Gonzales Jr. (A.) for the Joint Oversight Committee on the Human Security Act, (Republic Act No. 9372);

Representatives Garcia (A. R.), Marañon III (A.), Espina (R.), Alvarez (A.) and Maliksi (E.) for the Congressional Oversight Committee on the Quality Affordable Medicines, (Republic Act No. 9502);

Representatives Robes (A.), Biron (F.), Nograles (K. A.), Montejo (N. B.), Syjuco Jr., (A.), Arroyo (D.) and Panotes (E.) for the Congressional Oversight Committee on the Credit Information System, (Republic Act No. 9510);

Representatives Miraflores (F.), Abaya (J. E.), Lacson-Noel (J. V.), Vergara (B.) and Durano VI (R.) for the Joint Congressional Oversight Committee on Tourism, (Republic Act No. 9593); and

Representatives Biazon (R.), Balindong (P.), Josen (J.), Haresco Jr. (T.), Suarez (D.) and Arroyo (D.) for the Congressional Oversight Committee on the Philippine Disaster Risk Reduction and Management System, (Republic Act No. 10121).

To the Committee on Rules

BILL ON FIRST READING

Senate Bill No. 2630, entitled

AN ACT PROVIDING FOR URBAN AND COUNTRYSIDE GREENING IN THE PHILIPPINES THROUGH MANDATORY TREE PLANTING AND ADOPTION OF A FOREST SANCTUARY BY PUBLIC SCHOOLS UNDER THE DEPARTMENT OF EDUCATION

Introduced by Senator Legarda

pro

To the Committees on Environment and Natural Resources; Education, Arts and Culture; and Finance

RESOLUTIONS

Proposed Senate Resolution No. 320, entitled

RESOLUTION COMMENDING SENATOR ALAN PETER CAYETANO FOR BEING ONE OF THE RECIPIENTS OF THE TEN OUTSTANDING YOUNG MEN (TOYM) AWARDS

Introduced by Senator Villar

To the Archives

Proposed Senate Resolution No. 321, entitled

RESOLUTION URGING THE COMMITTEE ON AGRICULTURE AND FOOD TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON WAYS TO SUPPORT THE FARMING AND PRODUCTION OF BROWN RICE IN THE PHILIPPINES WITH THE END IN VIEW OF CURBING THE RICE PRODUCTION DEFICIT IN THE COUNTRY

Introduced by Senator Villar

To the Committee on Agriculture and Food

Proposed Senate Resolution No. 322, entitled

RESOLUTION URGING THE COMMITTEE ON HEALTH AND DEMOGRAPHY AND OTHER APPROPRIATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON WAYS TO INCREASE PUBLIC AWARENESS ABOUT LUNG CANCER AND PROVIDE AND ENHANCE THE SCREENING, STANDARD OF CARE, PREVENTION AND TREATMENT OF THOSE AFFLICTED OF THE SAME

Introduced by Senator Villar

To the Committee on Health and Demography

Proposed Senate Resolution No. 323, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE/S AND OTHER GOVERNMENT AGENCIES TO LOOK INTO THE NUANCES OF COMPUTERIZATION OF LAND REGISTRATION IN THE REGISTRY OF DEEDS AND AID THE SAID AGENCY IN UNDERTAKING REFORMS IN ITS AUTOMATED SYSTEM AND AT THE SAME TIME GRANT THE PUBLIC A CONVENIENT AND IMPROVED ACCESS TO GOVERNMENT PROCESSES

Introduced by Senator Villar

To the Committees on Justice and Human Rights; and Civil Service and Government Reorganization

COMMUNICATIONS

Letter from the Intellectual Property Office, dated 10 December 2010, forwarding to the Senate certified true copies of Office Order Nos. 185, series of 2010 – Sworn Statement of Small Entity; and 187, series of 2010 – Requirement of Notice of Registration of Trademarks, Patents, Utility Models, Industrial Designs and Layout Design (Topographies) of Integrated Circuits.

To the Committee on Trade and Commerce

Letter from the Office of the President of the Philippines, dated 15 December 2010, transmitting to the Senate a certified copy of Memorandum Circular No. 10, dated 14 December 2010, entitled “EXTENDING THE SUBMISSION OF THE MEDIUM-TERM PHILIPPINE DEVELOPMENT PLAN (MTPDP) FOR 2011-2016.”

To the Committee on Economic Affairs

Letters from the *Bangko Sentral ng Pilipinas*, dated 16 and 22 December 2010, furnishing the Senate with a certified true copy of BSP Circular Nos. 700, 701 and 702, series of 2010, dated 6, 13 and 15 December 2010, respectively, in compliance with Section 15 (a) of Republic Act No. 7653 (The New Central Bank Act).

js

To the Committee on Banks, Financial Institutions and Currencies

Letter from Executive Secretary Paquito N. Ochoa Jr. of the Office of the President of the Philippines, dated 28 December 2010, transmitting to the Senate a copy of the General Appropriations Act for FY 2011 (Republic Act No. 10147) and a certified true copy of the Veto Message of the President.

To the Committee on Finance

ADDITIONAL REFERENCE OF BUSINESS

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Letter from the Secretary General of the House of Representatives, dated 11 January 2011, informing the Senate that on 13 December 2010, the House of Representatives passed House Bill No. 3759, entitled

AN ACT REVISING THE CHARTER OF THE CITY OF BAGUIO,

in which it requested the concurrence of the Senate.

To the Committee on Local Government

BILLS ON FIRST READING

Senate Bill No. 2631, entitled

AN ACT ESTABLISHING A NEW OFFICE UNDER THE DEPARTMENT OF AGRICULTURE TO INCREASE THE EMPHASIS ON URBAN AGRICULTURAL ISSUES, EFFECTIVELY ENCOURAGE LOCAL AGRICULTURAL PRODUCTION, AND INCREASE THE AVAILABILITY OF FRESH FOOD IN URBAN AREAS, PARTICULARLY UNDERSERVED COMMUNITIES EXPERIENCING HUNGER, POOR NUTRITION, OBESITY, AND FOOD INSECURITY

Introduced by Senator Defensor Santiago

To the Committees on Agriculture and Food; and Health and Demography

Senate Bill No. 2632, entitled

AN ACT TO PROVIDE FOR THE PUBLIC DISCLOSURE OF PRICES FOR HOSPITAL AND AMBULATORY SURGICAL CENTER PROCEDURES AND DRUGS

Introduced by Senator Defensor Santiago

To the Committees on Health and Demography; and Finance

RESOLUTIONS

Proposed Senate Resolution No. 324, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE PLIGHT OF OVERSEAS FILIPINO WORKERS VIS-À-VIS THE RAMPANT HUMAN TRAFFICKING WITH THE END IN VIEW OF STRENGTHENING THE LAWS THEREOF

Introduced by Senator Villar

To the Committees on Labor, Employment and Human Resources Development; and Foreign Relations

Proposed Senate Resolution No. 325, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC SERVICES AND THE SENATE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE ALLEGED ACTS OF TAXI OPERATORS IN CHARGING EXHORBITANT BOUNDARY RATES AND ADOPTING OTHER SIMILAR SCHEMES, FOR THE PURPOSE OF SAFEGUARDING THE DAILY

JKS

WAGES OF TAXI DRIVERS AND
PREVENTING ANY DIMINUTION
THEREOF

Introduced by Senator Villar

**To the Committees on Public Services; and
Labor, Employment and Human Resources
Development**

Proposed Senate Resolution No. 326, entitled

RESOLUTION DIRECTING THE
PROPER SENATE COMMITTEES
TO CONDUCT AN INQUIRY, IN
AID OF LEGISLATION, ON THE
REPORTS THAT ONE OUT OF FIVE
FILIPINOS INFECTED WITH THE
HUMAN IMMUNE-VIRUS (HIV)
ARE OVERSEAS WORKERS

Introduced by Senator Defensor Santiago

**To the Committees on Labor, Employment
and Human Resources Development; and
Health and Demography**

Proposed Senate Resolution No. 327, entitled

RESOLUTION DIRECTING THE PROPER
SENATE COMMITTEES TO CONDUCT
AN INQUIRY, IN AID OF LEGIS-
LATION, ON THE RECENT
SCIENTIFIC FINDINGS THAT THE
ANTIMICROBIAL COMPOUNDS
TRICLOSAN AND TRICLOCARBAN
ARE HAZARDOUS TO HEALTH
AND ENVIRONMENT

Introduced by Senator Defensor Santiago

**To the Committees on Health and Demo-
graphy; and Environment and Natural
Resources**

Proposed Senate Resolution No. 328, entitled

RESOLUTION DIRECTING THE COM-
MITTEE ON PUBLIC SERVICES
AND OTHER APPROPRIATE
SENATE COMMITTEES TO CONDUCT
AN INQUIRY, IN AID OF LEGIS-
LATION, ON THE PROVISIONAL

FARE HIKE OF THE MASS RAIL
TRANSIT SYSTEMS

Introduced by Senator Zubiri

To the Committee on Public Services

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUEST**

At this juncture, Senator Sotto acknowledged the presence in the gallery of Mayor Leo Rodriguez of Bato, Catanduanes.

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 13 on Senate Bill No. 2625 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 13
ON SENATE BILL NO. 2625**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2625 (Committee Report No. 13) entitled

AN ACT AMENDING REPUBLIC ACT
NO. 9208, ENTITLED "AN ACT TO
INSTITUTE POLICIES TO ELIMI-
NATE TRAFFICKING IN PERSONS
ESPECIALLY WOMEN AND CHILD-
REN, ESTABLISHING THE NECES-
SARY INSTITUTIONAL MECHAN-
ISMS FOR THE PROTECTION AND
SUPPORT OF TRAFFICKED PERSONS,
PROVIDING PENALTIES FOR ITS
VIOLATIONS, AND FOR OTHER
PURPOSES," OTHERWISE KNOWN
AS THE "ANTI-TRAFFICKING IN
PERSONS ACT OF 2003."

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 Legarda for the sponsorship.



SPONSORSHIP SPEECH OF SENATOR LEGARDA

In presenting Senate Bill No. 2625 for plenary consideration, Senator Legarda delivered the following speech:

EXPANDED ANTI-TRAFFICKING ACT OF 2010

Nine hundred forty-nine trafficking in persons cases in ten years or nearly a hundred Filipinos victimized each year — such was the situation seven years ago when Republic Act 9208 or the Anti-Trafficking in Persons Act was enacted. Today, it is estimated that more than 2,000 Filipinos fall prey to trafficking each year.

Behind these numbers are stories of individuals whose freedom of choice is impaired by desperation or helplessness, thus rendering them vulnerable to exploitation. Victims are subjected to forced labor, domestic servitude and forced marriage, organ removal and sale, sex trade, and exploitation.

The situation is not unique to the Philippines. Globally, the scale of human trafficking continues to grow.

The United Nations estimates that more than 2.4 million people are currently being exploited as victims of human trafficking. Human trafficking affects every country of the world, as country of origin, transit or destination. The UN reports that victims from 127 countries undergo exploitation in at least 137 nations.

The situation prompted the United Nations General Assembly to pass in July 2010 the UN Global Plan of Action to Combat Trafficking in Persons. Underscoring the gravity of the problem, Secretary-General Ban Ki-Moon launched in November 2010 the UN Voluntary Trust Fund for Victims of Trafficking in Persons.

The global community has acted to reverse the increasing onslaught of trafficking. We can do no less.

The Trafficking Scourge Remains

Seven years after our Anti-Trafficking in Persons Act was passed, we are nowhere near eradicating or even effectively controlling the scourge that trafficking inflicts upon our people.

A media audit has revealed strings of documented human trafficking cases even after we have passed an anti-trafficking law. Let me cite a few:

- Human trafficking cases in Eastern Visayas are said to be “alarming”;

- Filipino children sell kidneys to help parents;
- NBI raises alarm on child-organ trafficking;
- Hi-tech human trafficking in RP getting worse;
- Trafficking of Filipinos “all-time high”; and
- Policemen pimping on human trafficking victims are not punished

These reports could very well sum up the state of human trafficking in the country today.

The 2009 Global Report on Trafficking in Persons of the United Nations Office of Drugs and Crime reported that on the average, 2,000 Filipinos were assisted by the Visayan Forum each year in 2006 and 2007. This does not even include the number of trafficking victims assisted by the Department of Foreign Affairs, the police and other agencies of the government.

The same report also showed the increasing number of trafficking victims as reported by the Department of Social Welfare and Development from 2004 to 2007, reaching a peak of 359 in 2007 alone. These covered only the cases brought to the agency’s attention.

There are thousands more victimized each year.

The 2010 Trafficking in Persons Report of the United States Government reinforces these findings. The said report cites that “A significant number of Filipino men and women who migrate abroad for work are subjected to conditions of involuntary servitude worldwide. Men, women and children were subjected to conditions of forced labor in factories, construction sites, and as domestic workers in Asia and increasingly throughout the Middle East.”

Trafficking in the domestic front, according to the same report, has also become prevalent with hundreds of victims trafficked each day “in well-known and highly visible business establishments.”

These figures reveal that we are not better off since the passage of the Anti-Trafficking Law.

Trafficking in Persons is a complex problem and its full dimensions are hard to measure. Furthermore, trafficking modes and patterns continue to evolve over time as perpetrators of the crime seek to outflank policies and regulations of government.

I recognize that it is by understanding the depth and scope of the problem that we will be able to address the issue of trafficking squarely.

As perpetrators become more innovative in their actions, so should government be more

deliberate in its efforts to strengthen policies, improve on enforcement, and enhance inter-agency coordination, both at the local and international level.

Issues Identified

The Philippines is one among about 100 countries that have passed legislation on trafficking in persons.

The Global Report on Trafficking in Persons reported that “47 countries reported making at least 10 convictions per year, with 15 making at least five times this number.”

The Philippines, on the other hand, has made only 33 convictions over a period of seven years. Such dismal conviction rate, according to law enforcement agencies, may be attributed to a number of policy gaps that can only be addressed through a stronger anti-trafficking law.

There are currently over 380 pending or ongoing trafficking cases filed in our courts. It takes about three to four years to conclude each case. Worse, convictions are hard to come by because of certain policy gaps that have been observed.

I have consulted the various implementing and law enforcement agencies, as well as international organizations on ways by which our anti-trafficking efforts may be improved and strengthened. All of them were one in voicing key issues that require our attention as well as theirs.

Let me share with you our findings.

The issues at hand can be classified into the following categories: first, policy; second, institutional capacity; and third, enforcement and prosecution.

Allow me to share with you our findings on these issues.

Policy Reform

In the policy front, we need to harmonize policies and definitions on trafficking in persons, child labor, and forced labor. As such, Republic Act No. 9208 needs to be harmonized with pertinent provisions of Republic Act No. 9231 (on the worst forms of child labor), and Republic Act No. 7610 (on child abuse and discrimination). Varying, if not conflicting definitions on trafficking weakens our capacity to prosecute and bring perpetrators to answer for their crimes.

Legal protection to our trafficked victims will also need to be strengthened. In many instances, victims refuse to cooperate in the investigation

because they are not assured of government protection.

Penalties will also need to be revisited to ensure that we exact the appropriate punishment, taking into consideration the gravity of offenses.

Building Capacity, A Must

On the second point of institutional capacity-building, law enforcement needs to be supported with funding. Our law becomes a mere scrap of paper if enforcement is not supported by resources.

Just to highlight this point, there is not even a permanent secretariat of the Inter-Agency Council Against Trafficking (IACAT) to speak of.

Funding support for temporary shelters for trafficking victims now being maintained by the DSWD is also deficient.

Key to the effective implementation of our anti-trafficking measure is the collection of comprehensive criminal justice data on trafficking in persons. We have none.

We have observed that government agencies implement their respective databases on trafficking in persons. Harmonization and standardization of data sets do not exist at all. This will not allow us to answer the question on the scale and magnitude of human trafficking in our country. It will only result in false assumptions that will lead our agencies into devising strategies crafted with the best intentions, but are bound to fail in outmaneuvering these scheming perpetrators of trafficking.

Strengthening Enforcement and Prosecution

In the area of enforcement, the Philippine National Police has established dedicated desks for women’s and children’s concerns. The National Bureau of Investigation, on the other hand, has created an Anti-Human Trafficking Division.

These initiatives mean nothing if the requisite case build-up, and prosecution will not prosper. Our efforts will only be as good as the number of people we will manage to put behind bars.

Proposed Amendments

Our Committee is submitting for the Body’s consideration, under Senate Bill No 2625, substantive amendments to the law. Allow me to enumerate its key features.

At this juncture, President Pro Tempore Ejercito Estrada relinquished the Chair to Senator Zubiri.

MS

First, we have worked out a distinct definition of the "act of trafficking" for the purpose of involuntary servitude and forced labor. This includes devising and carrying out a scheme, plan, or pattern intended to cause the victim to believe that he or she would suffer serious harm or physical restraint if he or she do not perform such labor or services.

Second, we included the act of trading children, including the act of buying and selling a child for any consideration, as a punishable offense. UNICEF estimates that 60,000 to 100,000 children in the country are involved in prostitution rings and an undetermined number of children are forced into exploitative labor operations.

Third, we are filling the void in the law which has so far failed to sustain prosecutions for acts of trafficking that were preempted. Thus, we are proposing a new section enumerating acts that shall constitute attempted trafficking in persons, and be punishable *per se*.

Acts to be considered attempted trafficking shall include:

- facilitating the travel of a child who travels alone to a foreign country without valid reason and/or permits from the DSWD or the parents or legal guardian; and,
- adopting a child, recruiting women or couples to bear children, simulating birth, or soliciting children from among low-income families, hospitals, and day-care centers, all with the intent of selling the children for consideration.

Fourth, we are expanding the enumeration of acts that promote trafficking, to include an act to destroy or tamper with evidence, to influence witnesses in an investigation, or to utilize one's public office to impede an investigation or the execution of lawful orders.

Fifth, we are removing the privilege of confidentiality now being enjoyed by the accused in a trafficking case. Confidentiality under the law is a recognition of the right to privacy of a victim of a crime, but this Representation sees misplaced wisdom in protecting the privacy of an accused who may very well be on the way to ensnaring his next victim.

Sixth, we are extending protection to trafficked victims in various stages of the investigation and prosecution process in the form of custody and interim protection under the power of the DSWD or an accredited shelter institution.

Seventh, to boost prosecution efforts, we shall, to a reasonable extent, shield our

law enforcement officers and social workers from harassment suits, for lawful acts done in good faith during authorized rescue operations, and investigation or prosecution of a case; and

Eighth, in pursuit of continuity of programs and taking the battle against anti-trafficking to a higher plane of strategic action and public awareness, we are establishing a permanent secretariat within the IACAT, to be attached to the Department of Justice and funded through the annual budget.

Conclusion

We need an effective legal framework if we are to achieve some degree of success in our fight against trafficking in persons.

We have a myriad of special laws that seek to address the issue of trafficking. These include the Anti-Trafficking in Persons Act; the Special Protection of Children Against Abuse, Exploitation and Discrimination Act; the Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protections for the Working Child; the Inter-Country Adoption Law; the Mail Order Bride Law; and the Migrant Workers and Overseas Filipinos Act. As in this instance, the preponderance of laws sometimes leads to disjointed and weak policies.

Our challenge now is to harmonize our policies, build capacities of agencies, and strengthen enforcement and prosecution.

As a social policy, it is vital that our strengthened anti-trafficking measure promotes complementation in the roles of various agencies.

As a transnational crime, it is also vital that we adopt policies that conform to minimum standards and principles embodied in international instruments that are directed at arresting the widening reach of trafficking.

All we have to do is look at how we have performed over the past years to convince ourselves we need to do more

It is on this score that I call on your support for the measure I am sponsoring to provide a lasting and effective solution to the scourge of trafficking in persons.

COSPONSORSHIP SPEECH OF SENATOR CAYETANO (P)

In support of Senate Bill No. 2625, Senator Cayetano (P) delivered the following speech:

Jo *AK*

I rise to express support for Senate Bill No. 2625 under Committee Report No. 13, entitled, AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER PURPOSES, OTHERWISE KNOWN AS "THE ANTI-TRAFFICKING IN PERSONS ACT OF 2003."

Slavery has existed in one form or another throughout human history. Although outlawed in many countries centuries ago, it still exists in its contemporary form – human trafficking.

Human trafficking has developed into an illicit global enterprise estimated to be worth US\$32 billion. In the Philippines alone, there are 60,000 to 100,000 children and 300,000 to 400,000 women trafficked annually. Sadly, most of the children trafficked are girls to be sexually exploited. Actually, these figures are still understated as these do not include incidents that are not reported which we believe to be very high. Reports of women being used as drug mules are likewise not included in these figures.

As a sovereign nation, we have the duty to protect our citizens from human trafficking. But because human trafficking is a transnational crime, there have also been international efforts to curtail the same. There is a watch list of countries which do not fully comply with the Trafficking Victims Protection Act and are not making significant efforts to do so. The Philippines was identified to be among the countries which have made only some progress to stop human trafficking. As a result, we are in danger of being downgraded to Tier 3 in this watch list.

In my privilege speech on the celebration of *International Day for the Elimination of Violence Against Women* which I delivered last November 23, I already mentioned but would like to emphasize again the repercussions of ending on the Tier 3 list. If the Philippines is categorized as a Tier 3 country, we 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. This is another reason we should put an end to trafficking.

In the hearings that were conducted, there was an explanation given by our local panel wherein they explained that it is simply a matter of explaining to the officials involved in

categorizing a country under Tier 1, 2, or 3, that we have different laws governing trafficking. We have the law on illegal recruitment and the law on trafficking, so this has caused confusion in terms of tabulating how many cases have actually been filed and prosecuted. So this is one of the reasons this law has to be tightened because, as mentioned by Senator Legarda, there is a basis for our agencies to work closely together to ensure that our facts and figures are properly relayed to the international bodies monitoring our progress.

The Need for Amendment

The passage of Republic Act No. 9208 or the Anti-Trafficking in Persons Act of 2003 was a victory for human rights protection. The law defines and punishes trafficking in persons and other similar acts. However, seven years after it took effect, the Philippines has still a long way from a goal of totally eliminating trafficking. As such, the Committee is pushing for certain amendments as a stepping stone towards the achievement of this goal. I will discuss some of the proposed amendments as the Sponsor has already elaborated on the changes made.

Inclusion of the Crime of Attempted Trafficking

Republic Act No. 9208 only penalizes consummated acts of recruiting, transporting, transferring, harboring, providing or receiving a person by any means for the purposes of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or death bondage, among others. It does not punish attempted acts of trafficking. This creates a problem because the issue of trafficking is often dealt with by intercepting victims of trafficking at the airport before their flights. Without any provision penalizing attempted acts of trafficking, this preventive measure would actually allow human traffickers to go unpunished and enable them to repeat the cycle.

Inclusion of the Act of Adoption as a Possible Means of Trafficking and the Corresponding Need to Provide Means for Temporary Protection

On December 17, 2008, nine babies were found by law enforcement agencies in a house allegedly operating as a shelter for abandoned children. The birth certificates of the babies were simulated and later investigations revealed that they were purchased from economically vulnerable birth parents for purposes of illicit inter-country adoption. This incident has opened the eyes of the authorities to the growing practice of using adoption as a means of trafficking.

Handwritten signature

Considering, as I had mentioned earlier, that 60,000 to 100,000 children are trafficked annually in the Philippines, there is a need to include a provision in our law to offer temporary custody and interim protection orders to the women and children who are victims of trafficking.

Amendment of the Confidentiality Provision

Section 7 of Republic Act No. 9208 prohibits disclosure of the name and personal circumstances of trafficked persons and persons accused of human trafficking. However, in the light of the growing number of cases of trafficking, there is an impending need to disseminate information regarding people accused of and involved in human trafficking in order to warn possible victims. The amendment will thus remove the confidentiality provision with respect to the accused.

By lifting the confidentiality provision favoring persons accused of human trafficking while maintaining the protection intended for trafficked victims, the government as well as the media and other NGOs will be able to disseminate information to the public and warn them of persons who might victimize them into this illicit global enterprise.

We do not have laws, programs and policies in place to combat human trafficking sufficiently. There is much to do by way of legislation, executive and judicial action.

In my capacity as Chair of the Committee on Youth, Women and Family Relations, I created a Subcommittee on Anti-Trafficking chaired by my esteemed colleague, Senator Loren Legarda.

It is hoped that the immediate passage of this bill will not only remove us from the Tier 2 watch list, but eventually eliminate trafficking in all its forms. The Committee will likewise work closely with the executive and judicial branches to find other solutions, such as education and information campaigns for our judges, prosecutors and other law enforcers, and strict implementation of the laws by the Bureau of Immigration, Department of Justice and of other government agencies.

With these actions and with the support of the Members of this august Chamber, I look forward to the time when the Philippines will no longer be considered a haven for traffickers, trafficked women and children, drug mules and prostitutes.

I look forward to the time when traffickers will say, "*Huwag na tayong pumunta sa*

Pilipinas dahil huhulihin tayo diyan, ikukulong tayo at hindi tayo kikita sa bansang iyan." That is the time when I can proudly say, "It is good to be a Filipino. The Philippines is a safe place for our children and our women."

With that, I thank the Senate President and look forward to working on this bill to make it a law with our colleague, Senator Loren Legarda, and the rest of the Chamber.

MANIFESTATION OF SENATOR EJERCITO ESTRADA

In support of Senate Bill No. 2625 (Expanded Anti-Trafficking in Persons Act of 2010), Senator Ejercito Estrada gave the following manifestation:

Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003" was enacted in the Twelfth Congress under the stewardship of the then Chairperson of the Committee on Youth, Women and Family Relations, Senator Luisa "Loti" Ejercito Estrada, a staunch advocate of women's rights and welfare.

As early as 2009, it was brought to my attention that despite the Anti-Trafficking Law, there is still a significant number of Filipinos who were caught victims of trafficking in our country and abroad, and there is an urgent need to strengthen the law. Various private organizations, including the Blas F. Ople Policy Center and Visayan Forum Foundation, have been helping our government to arrest and eliminate trafficking in persons, and I believe that one significant way to make our efforts worthwhile is to immediately pass the proposed legislation crafted with the active participation and invaluable contribution of the stakeholders themselves.

Senate Bill No. 2625, or the "Expanded Anti-Trafficking in Persons Act" under Committee Report No. 13 has undergone intensive deliberations in the committee and, as it embodies the necessary amendments to make the law sponsored by my dear mother more responsive to the current times, I am lending my full support to this measure. And, should the good Chairpersons of the Committee on Youth and the Sub-Committee on Anti-Trafficking allow, it will be my honor to be a coauthor of this laudable piece of legislation.

My mother took the first step; I am taking the next, and many more, if necessary, for the protection of our people, especially women and children, from trafficking.

JS

COAUTHOR

Upon his request, Senator Ejercito Estrada was made coauthor of Senate Bill No. 2625

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2625

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

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 1 on Senate Bill No. 2468 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 1 ON SENATE BILL NO. 2486

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2486 (Committee Report No. 1), entitled

AN ACT TO STRENGTHEN AND
PROPAGATE FOSTER CARE FOR
ABUSED, ABANDONED, NEGLECTED
AND OTHER CHILDREN WITH
SPECIAL NEEDS, PROVIDING
APPROPRIATIONS THEREFOR
AND FOR OTHER PURPOSES.

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 Cayetano (P) for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR CAYETANO (P)

Senator Cayetano (P) presented for plenary consideration of the Body Senate Bill No. 2486.

Hereunder was her sponsorship speech:

FOSTER CARE ACT OF 2010

It is my pleasure to stand here and sponsor

the very first committee report filed in the 15th Congress. This measure seeks to protect our children, especially those who, unfortunately, do not have parents willing and able to take care of them.

Background

Based on the 2009 Annual Report submitted by the DSWD, there are 10,815 children placed under institutional care in 42 facilities managed by the Department. This number represents children who are abandoned, neglected or in conflict with the law, and girls undergoing difficult circumstances. Also, in 2009, the DSWD helped 42,672 cases of children who were in need of special protection, noticeably the highest among their community-based services.

It is disheartening and alarming to hear of such news, especially in a country where people are proud of having strong ties with, and high regard for, the family. Acts of abandonment such as these are considered taboo in our society.

But still, we continue to receive reports of abandoned children, most of them ending up in our streets.

Under Article XV of the Constitution, "the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development." It then becomes the State's obligation to protect these children.

Republic Act No. 7610, or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act," mandates the formulation of a comprehensive program to protect children against any form of abuse which could endanger their survival and normal development.

Republic Act No 9344 or the Juvenile Justice and Welfare Act of 2006 promotes the protection of the child's best interest through measures that will ensure the observance of international standards of child protection involving children at risk and children in conflict with the law

Further, under Republic Act No.7160 or the Local Government Code, local government units have a primary role in the development and growth of communities, vesting in them the exercise of service delivery functions such as delivery of health and welfare services and the implementation of programs and projects for street children.

There is an alarming number of children in the streets. No study has pegged the exact number, but in a study commissioned by UNICEF in 2002, there was an estimated number of 45,000 to 50,000 "highly visible children on the streets" in 22 major cities of the country. These street children are considered to be those that are in need of priority action

In 1998, the Department of Social Welfare and Development (DSWD), through its "*Ahon sa Lansangan*" (Rescue Operation/Program of DSWD) document, reported an estimate of 222,417 street children in 65 major cities in the country.

Given this alarming number, the DSWD, in the year 2000, issued Department Order No. 13 which outlined guiding principles for policies and program interventions that promote and safeguard the rights of street children. This involves a multi-sectoral initiative to enable government, non-government agencies, business sectors, socio-civic-religious groups and communities to assume collective responsibility in protecting children.

Foster Care

Traditionally, our government has sought to care for homeless children through institutional care by placing them in orphanages and youth centers. However, in addition to the fact that there are not enough institutions to cater to the needs of the numerous abandoned and neglected children, these institutions, no matter how well-meaning they may be in taking care of our children, can never give the warmth and affection that only a family could provide.

In European countries such as Spain and Italy, measures have already been explored and undertaken to avoid placing children in institutions. Similarly, in South American countries such as Argentina, Chile and Uruguay, non-governmental organizations help out in finding ways to avoid placing children under institutional care.

As a result, the DSWD issued Administrative Order No. 63 setting out the philosophical base, objectives, policies and standards for Foster Care Service. Pursuant to this order, the DSWD, along with accredited nongovernmental organizations, provides home care to neglected and abandoned children by placing them in foster care.

Studies show that foster care creates a better living environment and develops better individuals as opposed to institutional care. Through foster care, children are given more

attention and care in a home setting, thus providing more opportunities for normal mental, spiritual, emotional and physical growth.

Under foster care, abused, abandoned, and neglected children are placed in foster families for a certain period of time. The goal of foster care is to prepare such children for eventual reunion with their biological families or for possible adoption, with priority given to their foster families.

Unfortunately, foster care has not been given much attention and consideration as a primary child care program for abused, abandoned and neglected children in the country.

In the Philippines, the Child and Youth Welfare Code declares that the assignment of a child to a foster home is preferred over institutional care. However, during the hearing conducted by the Committee on Youth, Women and Family Relations, it was revealed that, in addition to the DSWD, there are only six licensed/accredited child placements agencies which implement foster care programs in the country, most of which are based only in the major cities.

Salient features of SB 2486

Senate Bill No. 2486 promotes and institutionalizes foster care as a preferred way of caring for children. By pairing them with a family, foster children are given the proper care and attention that only families can provide.

The bill also aims to recognize foster care as an important step towards the child's return and reintegration to his biological family, if possible, or placement with an adoptive family

To ensure that his health will be well cared for, a foster child also automatically becomes a PhilHealth beneficiary of his foster parent under the bill.

Foster families are likewise given subsidies to ensure that the needs of the child will be met and to lighten the additional burden on the foster parents who willing to provide foster children the love and care of a family.

A foster child is also considered a dependent under the National Internal Revenue Code of 1997 granting foster parents an additional tax exemption.

The bill also mandates the DSWD, Local government units and agencies to assist foster families by providing support care services such as counseling, visits, training on child care and development, skills trainings and livelihood assistance.

Local government units will also be utilized to help the DSWD in creating programs to ensure that a foster care system will be established in every city and municipality in the country.

Conclusion

The current program of government for children who are abused, abandoned and otherwise neglected could be strengthened through foster care. Let us help these abused, abandoned and neglected children experience the joy of being in a loving family. It is about time that we encourage Filipino families to help in rearing the future of our country in a proactive way.

Let us open the doors for these children

For these reasons, I urge for the immediate approval of Senate Bill No. 2486 under Committee Report No. 1

Thereafter, Senator Cayetano (P) acknowledged the presence of NGOs that have worked very hard for many years on this Foster Care Act of 2010.

COSPONSORSHIP SPEECH BY SENATOR EJERCITO ESTRADA

In support of Senate Bill No. 2486 for plenary consideration, Senator Ejercito Estrada delivered the following speech:

For the welfare of the thousands of abandoned and neglected children in our country, I am lending my full support for the immediate enactment of Senate Bill No. 2486, entitled "Foster Care Act of 2010" under Committee Report No. 1 submitted by the Committees on Youth, Women and Family Relations; Social Justice, Welfare and Rural Development; Ways and Means; and Finance.

I would also like to commend the Chairperson of the Committee on Youth, Sen. Pia Cayetano, for prioritizing this relevant piece of legislation and making it the first committee report submitted in the 15th Congress.

As author of Senate Bill No. 536, otherwise known as "Alternative Child Care Code of 2010," and Senate Bill No. 680, also known as "Foster Care Act of 2010," which were both included in this Committee Report, I earnestly acknowledge the importance of the need to enact a law on foster care.

Being a family-oriented society, Filipinos place great value on the love, care, discipline and

learnings that children receive from the family and it has been proven that the support and affection that the children receive from their family is a great factor in determining their future – their triumphs and failures. Hence, the best service that the government can give to children who are deprived of the love and guidance of a family is to provide them with the opportunity to be nurtured and cherished by foster parents and foster families. Foster care may not be the be-all and end-all solution to our problem regarding children who were abandoned, neglected and with other special cases and needs, but the semblance of being a part of a family which they can experience from foster care is the next best thing we can provide them.

I understand that the Department of Social Welfare and Development (DSWD) and several dedicated and unrelenting private organizations are already committed to foster care activities in the country today. But this legislative measure will make a milestone on all the selfless efforts they have been doing throughout these years.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2486

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

NEXT DAY'S AGENDA


Senator Sotto announced that in the next day's session, the Body would resume interpellations on Senate Bill No. 455 also known as "Media Killings" 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 4:24 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate

Approved on January 18, 2011