



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 83**  
Monday, May 16, 2011

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

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Monday, May 16, 2011

**CALL TO ORDER**

At 3:25 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

**PRAYER**

Sen. Juan Miguel F. Zubiri, led the prayer, to wit:

Almighty and endlessly merciful Father, fountain of all things great and holy, we exalt You. With our humblest sorrows and repentance, we bow down to You, for all our wrongful thoughts, acts and words that multiply the wounds we afflicted on You.

Today, very much unworthy as we are, we modestly ask for Your divine grace to overwhelm us. Our nation is experiencing many crises, economic problems, natural calamities, and negative acts of our fellowmen who You crowned to be stewards of Your majestic creations. We place in Your hands our deep concerns for our nation. Bless us with Your divine wisdom as we discern and carve the right path to tread for our brothers in the Autonomous Region of Muslim Mindanao. Hear our intentions for our fellowmen whose lives are on the brink of danger due to natural calamities such as the possible ravaging eruption of Mt. Bulusan.

We pray for Your guiding spirit. Unite the Filipino people to bring back the glory

that was our nation. We also lift up our whole being as public servants and living testimonies of Your glory, to give our all and fulfill our pledge with selfless hearts.

All these we humbly lift up to You, in the most sacred heart of Your Son Jesus, whose precious blood cleansed our souls.

Amen.

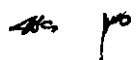
**NATIONAL ANTHEM**

The PAGCOR Voice Symphony led the singing of the national anthem and thereafter rendered the song, entitled "*Bayan Ko.*"

**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.	Osmeña III, S. R.
Cayetano, P. S.	Pangilinan, F. N.
Defensor Santiago, 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.	Villar, M.
Lacson, P. M.	Zubiri, J. M. F.
Lapid, M. L. M.	



With 21 senators present, the Chair declared the presence of a quorum.

Senators Drilon and Honasan were on official mission abroad.

### **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. 82 (May 11, 2011) and considered it approved.

### **INQUIRY OF SENATOR PANGILINAN**

Adverting to page 1327, under the caption *Committee Memberships* of the Journal of Session No. 82, Senator Pangilinan asked to be clarified on the election of Senator Lacson as member of the Committee on Agriculture and Food which he chairs. He stated that he was not aware of the election of Senator Lacson to said committee but he clarified that he was not objecting to it.

Responding thereto, Senator Sotto begged the indulgence of Senator Pangilinan, as he clarified that at the time he nominated Senator Lacson, he tried to get in touch with Senator Pangilinan because there was indeed a vacant slot in the Committee of Agriculture and Food. He thanked Senator Pangilinan for accommodating Senator Lacson.

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

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

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

- Convenors of Reform ARMM Now;
- Guidance counselors from the University of San Carlos Cebu;
- Students from the Philippine Women's University;
- Councilor Cristina Gonzales-Romualdez of Tacloban City;
- Municipal officials of Cabuyao, Laguna headed by Mayor Isidro "Jun" Lebrilla Hemedes Jr.; and
- Gov. Arturo Uy of Compostela Valley.

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

### **REFERENCE OF BUSINESS**

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

### **MESSAGE OF THE PRESIDENT OF THE PHILIPPINES**

Letter of His Excellency, President Benigno S. Aquino III, submitting to the Senate for its consideration and concurrence, the Rome Statute of the International Criminal Court, which was signed by the Philippines in New York on 28 December 2000.

### **To the Committee on Foreign Relations**

### **BILLS ON FIRST READING**

Senate Bill No. 2815, entitled

AN ACT AUTHORIZING THE SECRETARY OF NATIONAL DEFENSE TO ESTABLISH A COMPETITIVE PROGRAM TO MAKE EMERGENCY PREPAREDNESS PLANNING AND IMPLEMENTING GRANTS TO PUBLIC SCHOOLS LOCATED IN AREAS UNDER A HIGH THREAT OF TERRORIST ATTACKS, NATURAL DISASTERS OR PUBLIC HEALTH EMERGENCIES

Introduced by Senator Defensor Santiago

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

Senate Bill No. 2816, entitled

AN ACT AMENDING SECTION 6 OF REPUBLIC ACT NO. 8436, ALSO KNOWN AS "AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998 NATIONAL OR LOCAL ELECTIONS AND IN SUBSEQUENT NATIONAL AND LOCAL ELECTORAL EXERCISES,"

*Handwritten initials*

AS AMENDED BY REPUBLIC ACT NO. 9369, ON THE MINIMUM SYSTEM CAPABILITIES OF THE AUTOMATED ELECTION SYSTEM

Introduced by Senator Defensor Santiago

**To the Committees on Environment and Natural Resources; and Health and Demography**

Introduced by Senator Defensor Santiago

Proposed Senate Resolution No. 467, entitled

**To the Committee on Constitutional Amendments, Revision of Codes and Laws**

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CREATION OF INSTITUTIONAL MECHANISMS TO ADDRESS THE GENDER INEQUALITY IN LABOR MARKETS BY PROVIDING WOMEN WITH ACCESS TO EMPLOYMENT OPPORTUNITIES

**RESOLUTIONS**

Proposed Senate Resolution No. 464, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE NEED TO PROPOSE AND IMPLEMENT ALTERNATIVE MECHANISMS TO MINIMIZE AIR POLLUTION BROUGHT BY MOTOR VEHICLE EMISSIONS AND TO PREVENT THE INCREASE OF RESPIRATORY AND CARDIOVASCULAR DISEASES

Introduced by Senator Defensor Santiago

**To the Committees on Labor, Employment and Human Resources Development; and Youth, Women and Family Relations**

Proposed Senate Resolution No. 468, entitled

Introduced by Senator Defensor Santiago

RESOLUTION HONORING AND REMEMBERING JUSTICE LEONOR INES LUCIANO FOR HER ACHIEVEMENTS AND CONTRIBUTION TO PHILIPPINE SOCIETY AND NATION-BUILDING

**To the Committees on Environment and Natural Resources; and Health and Demography**

Proposed Senate Resolution No. 465, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED ABUSES COMMITTED BY TOWING FIRMS

Introduced by Senator Zubiri

**To the Committee on Rules**

Proposed Senate Resolution No. 469, entitled

Introduced by Senator Defensor Santiago

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES AND OTHER APPROPRIATE SENATE COMMITTEES TO CONDUCT A STUDY, IN AID OF LEGISLATION, ON THE STATE OF PHILIPPINE MARINE RESOURCES WITH THE END IN VIEW OF PROVIDING ADEQUATE TRAINING AND TECHNOLOGY TO FISHERFOLKS AND THE ADOPTION OF ENVIRONMENT FOCUSED "GREEN" POLICY ON MARINE UTILIZATION

**To the Committee on Public Services**

Proposed Senate Resolution No. 466, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE DANGEROUS LEVELS OF MERCURY IN THE AIR, PARTICULARLY IN CAMARINES NORTE, PALAWAN, AND BENGUET

Introduced by Senator Villar

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

Proposed Senate Resolution No. 470, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON CLIMATE CHANGE TO LOOK INTO THE INTEGRATION OF CLIMATE CHANGE CONSIDERATIONS INTO THE 2011-2016 MEDIUM-TERM PHILIPPINE DEVELOPMENT PLAN, WITH THE END IN VIEW OF ENSURING THE ACHIEVEMENT OF DISASTER-RESILIENT DEVELOPMENT

Introduced by Senator Legarda

**To the Committee on Climate Change**

Proposed Senate Resolution No. 471, entitled

RESOLUTION REMEMBERING THE 125<sup>TH</sup> BIRTH ANNIVERSARY ON MAY 10, 2011 OF KA FELIX MANALO, FOUNDER OF THE IGLESIA NI KRISTO

Introduced by Senator Zubiri

**To the Committee on Rules**

**COMMUNICATIONS**

Letter from the Office of the Undersecretary for Migrant Workers' Affairs, Department of Foreign Affairs, dated 28 April 2011, submitting to the Senate a soft copy in CD of the Report to Congress on Assistance to Nationals for the period of July to December 2010, pursuant to Section 33 of Republic Act No. 8042, otherwise known as Migrant Workers and Overseas Filipino Act of 1995.

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

Letter from the *Bangko Sentral ng Pilipinas*, dated 2 May 2011, submitting a certified true copy of BSP Circular No. 718, dated 26 April

2011, in compliance with Section 15(a) of Republic Act No. 7653 (The New Central Bank Act).

**To the Committee on Banks, Financial Institutions and Currencies**

Letter from the Embassy of Japan, dated 10 May 2011, transmitting to the Senate a copy of the following resolutions:

RESOLUTION ON GRATITUDE FOR THE INTERNATIONAL SUPPORT TOWARDS THE GREAT EAST JAPAN EARTHQUAKE,"

which was adopted by the House of Representatives on April 22, 2011; and

RESOLUTION TO EXPRESS GRATITUDE FOR THE INTERNATIONAL SUPPORT TOWARDS THE GREAT EAST JAPAN EARTHQUAKE,"

which was adopted by House Councilors of Japan on April 15, 2011.

**To the Archives**

**COMMITTEE REPORTS**

Committee Report No. 36, prepared and submitted jointly by the Committees on Justice and Human Rights; and Constitutional Amendments, Revision of Codes and Laws, on Senate Bill No. 2817, with Senators Escudero, Villar, Defensor Santiago, and Pangilinan as authors thereof, entitled

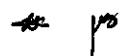
AN ACT DEFINING AND PENALIZING THE CRIME OF ENFORCED OR INVOLUNTARY DISAPPEARANCE,

recommending its approval in substitution of Senate Bill Nos. 100, 1226, 1455 and 2176.

Sponsor: Senator Escudero

**To the Calendar for Ordinary Business**

Committee Report No. 37, prepared and submitted jointly by the Committees on Justice and Human Rights; Civil Service and Government Reorganiz-



ation; and Finance, on Senate Bill No. 2818, with Senators Escudero, Trillanes IV, Villar and Drilon as authors thereof, entitled

**AN ACT STRENGTHENING THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE COMMISSION ON HUMAN RIGHTS, AND FOR OTHER PURPOSES,**

recommending its approval in substitution of Senate Bill Nos. 106, 297 and 2617.

Sponsor: Senator Escudero

**To the Calendar for Ordinary Business**

**SPECIAL ORDER**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 26 on Senate Bill No. 930 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 26  
ON SENATE BILL NO. 930**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 930 (Committee Report No. 26), entitled

**AN ACT TO PROHIBIT GENDER DISCRIMINATION IN EMPLOYMENT ADVERTISING.**

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.

**SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 3:42 p.m.*

**RESUMPTION OF SESSION**

At 3:43 p.m., the session was resumed.

**SUSPENSION OF CONSIDERATION  
OF SENATE BILL NO. 930**

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

**PRIVILEGE SPEECH  
OF SENATOR LEGARDA**

Availing herself of the privilege hour, Senator Legarda paid tribute to Elpidio "Jojo" Malinao, a forest guard of Makiling Centre for Mountain Ecosystems, and condemned his violent death.

*The full text of her speech follows:*

**A TEAR AND JUSTICE  
FOR A FALLEN HERO OF THE FORESTS**

Efforts to reverse the despoliation of our environment is not a harmless job for our environmental workers. At times, lives are sacrificed.

Elpidio "Jojo" Malinao, 49 years old and a forest guard of the Makiling Centre for Mountain Ecosystems of the College of Forestry and Natural Resources University of the Philippines, Los Baños, was fatally shot by a lone gunman at Bay, Laguna last May 9, Monday at 2:15 p.m. He just came from a court hearing in the municipal court of Bay, Laguna, where he was a primary witness and apprehending officer of forest law offenders within the Makiling Forest Reserve. As he entered a store along the national highway in Bay, an assailant followed Jojo and shot him to death in the head with a 45-caliber gun. It was a swift, merciless and needless death of a man who is guilty of nothing but the strong passion for his job to protect the Makiling Forest Reserve at all costs. And even after his death, his wife and family members are being threatened.

For over 25 years, Jojo dedicated the best years of his life as a forest officer tasked to defend the integrity of the Makiling Forests. Despite many good reasons to be disheartened and half-hearted in the discharge of his duties, Jojo displayed exceptional courage and remarkable integrity in enforcing forest laws and regulations governing the management and protection of the forests. His wife, Tina, would sometimes not understand Jojo's commitment to his duty. His family had always been distressed over his job but he would remind them, "*Kung ano man ang aking maging kapalaran ay tanggapin nyo ng maluwalhati dahil ako ang*

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*nasa katuwiran.*" In the process he made lots of enemies because of his unflinching resolve to arrest any and all perpetrators of illegal activities within the forest reserve.

Jojo's colleagues in the UPLB College of Forestry attest that Jojo constantly received threats to harm him, yet he did not waver in his commitment to give nothing but his very best in his job, which he embraced with unquestionable and undeterred dedication. As a result, he was responsible for apprehending the most number of forest law offenders in Makiling Forests which is one reason why the forests remain lush and green to this day. Because of Jojo's valiant efforts to uphold our forest laws, the sustainability of goods and ecosystem services that surrounding communities derive from Mt. Makiling has been secured for many years.

Jojo's death is now a tragic addition to the lengthening list of murdered warriors for the environment.

Remember, on April 12, 2006, Elpidio "Jojo" de la Victoria, the *Bantay Dagat* chief of Cebu City and a dedicated fish warden, was shot dead just outside his own house in Talisay City.

His death was believed to be connected to his zealous work to protect the Visayan Marine Triangle that includes the Bantayan fishing grounds, from over-fishing and illegal fishing.

On November 15, 2010, Leonard Co, a renowned botanist in the country, along with forester Sofronio Cortez and farmer Julius Borromeo, was killed while conducting a biodiversity research in the Manawan-Kananga Watershed in Leyte.

We have partnered with several environmental workers, most often with the forestry and environmental people of UP Los Baños. We have been witness to their dedication and intensity of purpose, the burning passion to do something bold and concrete for the environment. I have seen how they have designed, implemented and created their own successful environmental programs.

The persisting evergreen stature of the Makiling Forests is a testament to the heroism of Jojo. His sacrifice will certainly enrich the legends of Mt. Makiling.

I filed a Senate resolution to honor Jojo's life and his contribution in protecting the Mt. Makiling Forest Reserve and to condemn his very violent death. Let us express our deep sympathies to the family of Jojo, his wife, Tina,

and his five young children, and support them in their quest to achieve justice for their loved one.

An ordinary forest protection officer living with a measly salary of P10,000 for the past 25 years, yet with unparalleled dedication for his work, may Jojo's passing not be in vain. His death revealed the adversities that our forest guards face to protect the country's natural resources. These unsung heroes should therefore be respected, recognized and rewarded for the supreme sacrifice of placing their lives on the line for their routine act for the environment.

## INTERPELLATION OF SENATOR ZUBIRI

Senator Zubiri stated that he is an alumnus of UP-Los Baños and the UPLB Open University, and he proceeded to acknowledge the presence in the gallery of Dean Dr. Rex Cruz, one of the leading luminaries of forest conservation and preservation.

Senator Zubiri stated that the death of Jojo Malinao was not isolated as he recalled that in a speech on the occasion of the International Year of the Forest, he mentioned that many environmentalists were being killed, harassed, tortured and detained for their dedication to the preservation of the environment, citing in particular five members of the Mt. Kitanglad guard volunteers from Lanao del Sur who were killed by illegal loggers in the protected areas of Bukidnon.

Asked if the perpetrator had been identified, Senator Legarda stated that she has no factual evidence and that she had been relying on the information from the media, supposedly based on police reports, particularly the reports on threats to the Malinao family and the identification of the gunman by the Bay police. She confirmed that Mr. Malinao came from a court hearing where he testified against illegal settlements within the mountain area on the day he was killed. She added that it was one of the many cases that Mr. Malinao filed since he had apprehended as many as 16 illegal settlers or poachers in the area. She further pointed out that Mr. Malinao was one of the more active and vigilant forest defenders and that, despite minimal compensation, he did not succumb to bribes.

On whether Mr. Malinao was the first casualty to come from the Mt. Makiling Botanical Garden staff, Senator Legarda answered in the affirmative.

Senator Zubiri recalled that just last April 27, the International Year of the Forest was celebrated at

the Makiling Botanical Garden, and the staff and visitors were in an optimistic mood with the launching of the DENR greening program and the support of the UPLB science community to regain the glory of the forests. He lamented that the killing of Mr. Malinao dampens all efforts to continue the fight for reforestation, conserve and preserve the remaining forests. He emphasized that the people need the forests more than the forests need the people, especially with the advent of climate change. He added that it saddened him that tragic incidents would have to happen to galvanize people to action.

Senator Zubiri condoled with the Malinao family and to the UPLB community. He also noted that the DENR gives the Father Neri Satur Award yearly, an award named after the parish priest of Valencia, Bukidnon who was shot in the 1980s as he was defending the forests. During that time, he recalled that the people, not the government, formed a human barricade on the path of the illegal loggers' trucks to prevent them from passing through.

#### **MANIFESTATION OF SENATOR CAYETANO (P)**

Senator Cayetano (P) explained that in some states of U. S. a law protecting workers in hazardous jobs has been in effect; signs are posted clearly stating the penalty for causing injury to a worker while on duty. It might be helpful, she said, for the Philippines to increase the penalty for crimes directed at foresters. She noted that despite the people's professed desire to be environmentally conscious, these offenses have been continuing. She manifested that she would file a bill on the matter and asked Senators Legarda and Zubiri to support the same.

#### **MANIFESTATION OF SENATOR ZUBIRI**

Senator Zubiri stated that the Committee was currently working on the Magna Carta for Environment Workers that aims to help all the environment crusaders by giving them additional benefits and compensations.

#### **REFERRAL OF SPEECH TO COMMITTEES**

Upon motion of Senator Sotto, there being no objection, the Chair referred the speech of Senator Legarda and the interpellation/manifestation thereon

to the Committees on Public Order and Dangerous Drugs, and Environment and Natural Resources.

#### **COMMITTEE REPORT NO. 26 ON SENATE BILL NO. 930 (Continuation)**

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 930 (Committee Report No. 26), entitled

#### **AN ACT TO PROHIBIT GENDER DISCRIMINATION IN EMPLOY- MENT ADVERTISING.**

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

The Chair recognized Senator Ejercito Estrada for the sponsorship.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:02 p.m.*

#### **RESUMPTION OF SESSION**

At 4:03 p.m., the session was resumed with Senator Zubiri presiding.

#### **SPONSORSHIP SPEECH OF SENATOR EJERCITO ESTRADA**

In his sponsorship of Senate Bill No. 930, Senator Ejercito Estrada delivered the following speech:

What you are seeing on the screen are just some of the many subtle and elusive means by which discrimination by reason of sex are effected through employment advertising. This kind of discrimination is widespread and done blatantly and publicly notwithstanding the constitutional mandate for fundamental equality of the sexes under Article II, Section 14 of the 1987 Philippine Constitution.

Senate Bill No. 930 seeks to address and correct this issue. The main objective of the bill



is to institutionalize the protection given to both sexes by eliminating gender discrimination in employment advertising and by providing penalties for violation thereof. The bill specifically provides that –

“It shall be unlawful discriminatory practice for any employer, whether for profit or not, any labor organization or any private employment agency to print, circulate or publish or cause to be printed, circulated or published any statement, circulation or publication relating to employment by such an employer or membership in any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on sex, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination, based on sex, when sex is a bona fide occupational qualification for employment.”

Recognizing, however, that there are certain situations wherein sex is a bona fide occupational qualification for employment, Senate Bill No. 930 includes a proviso that the Department of Labor and Employment shall have the power and it shall be its duty to certify upon request of any person that a particular occupation or position is exempt from the provisions of this Act relating to unlawful employment practices if the Department of Labor and Employment finds that the occupation or position reasonably requires the employment of person or persons of a particular sex and that such certification is not sought as means of circumventing the spirit and purpose of the proposed bill.

In view of the foregoing, the immediate passage of this bill is fervently sought.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 930**

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. 25 on Senate Bill No. 429 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 25 ON SENATE BILL NO. 429**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 429 (Committee Report No. 25), entitled

AN ACT EXPANDING THE PROHIBITED ACTS OF DISCRIMINATION AGAINST WOMEN ON ACCOUNT OF SEX, AMENDING FOR THE PURPOSE ARTICLES 135 AND 137 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES.

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

Thereupon, the Chair recognized Senator Ejercito Estrada for the sponsorship.

#### **SPONSORSHIP SPEECH OF SENATOR EJERCITO ESTRADA**

In presenting Senate Bill No. 429 for plenary deliberation, Senator Ejercito Estrada delivered the following speech:

The human rights of women are inalienable, integral and indivisible part of universal human rights. The equal participation of women in political, civil, economic, social and cultural life and the eradication of all forms of discrimination on the basis of sex are priority objectives of the international community. In the Philippines, it is of no exception. Section 14, Article II of the 1987 Philippine Constitution expressly recognizes the role of women in nation-building and commands the State to ensure, at all times, the fundamental equality before the law of women and men. Corollary thereto, Section 3 of Article XIII requires the State to afford full protection to labor and to promote full employment and equality of employment opportunities for all. Accordingly, in response to the United Nations declaration of the period 1976-1985 as the Decade for Women, the Philippine Government ratified the Convention on the Elimination of all Forms of Discrimination Against Women in 1981.

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However, despite a host of laws and international instruments as well as good intentions, human rights or women's rights for that matter are still being violated on a massive scale every day. Filipino women, like other women all over the world, are still confronted by a legacy of structures of inequality which retards the pace of their personal development, relegates them largely to the reproductive spheres of life, affords them minimal chances and fails to harness their full potential for national development. This situation is carried over to the public economic domain where women are the last to be hired and the first to be fired while at the same time receiving unequal pay for work of equal value. A study made by the Department of Labor and Employment shows that in the private sector there is a disparity of more than a thousand pesos per month between male and female workers, the gap increasing significantly from unskilled to managerial and supervisory levels. Moreover, male workers receive training more frequently, have more fringe benefits and are promoted more often than female workers. The said study further revealed that women are in predominantly low-skilled jobs and only a few of them advance to the top of the organizational hierarchy. One can indeed see the disparities engendered by discrimination. It is indeed a reality that calls for a positive and concerted action.

As the Philippines moves towards aiming for the full realization of gender responsive development, much has to be done to promote women's welfare and status and legislation is needed to ensure that enabling mechanisms are created to fulfill the equality stipulated in the Constitution as well as in the Convention on the Elimination of all Forms of Discrimination Against Women, which our government has committed to when we ratified the said Convention.

This proposed measure seeks to expand the scope of acts of discrimination which are considered unlawful when committed by an employer against women workers as enumerated under the Labor Code. The amendment would encourage employers to recruit and hire more women in the workplace, thereby eliminating the big stumbling block to women's employability considering that there are more equally talented, skilled and qualified women in the country today.

This bill likewise seeks to expand the prohibited acts of discrimination against women on account of sex, sexual orientation, age, ethnic origin or beliefs by declaring unlawful the giving of preference to a male applicant over a female applicant in the hiring process and the favoring

of a male employee over a female employee with respect to dismissal of personnel, the application of the first in-first out policy and the other retrenchment policy of the employer.

In view of the foregoing, approval of this bill is earnestly sought.

### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 429**

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. 36 on Senate Bill No. 2817 from the Calendar for Ordinary Business to the Calendar for Special Orders.

### **COMMITTEE REPORT NO. 36 ON SENATE BILL NO. 2817**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2817 (Committee Report No. 36), entitled

### **AN ACT DEFINING AND PENALIZING THE CRIME OF ENFORCED OR INVOLUNTARY DISAPPEARANCE.**

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.

Thereupon, the Chair recognized Senator Escudero for the sponsorship.

### **SPONSORSHIP REMARKS OF SENATOR ESCUDERO**

Preliminarily, Senator Escudero manifested that Senate Bill No. 2817 was in substitution of Senate Bill No. 100, introduced by himself; Senate Bill No. 1226, introduced by Senator Villar; Senate Bill No. 1455, introduced by Senator Defensor Santiago; and Senate Bill No. 2176, introduced by Senator Pangilinan. Thereafter, at the instance of

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Senator Escudero, the explanatory notes as contained in the aforementioned bills were considered as the sponsorship remarks of the respective authors.

Additionally, as part of his sponsorship remarks, Senator Escudero delivered the following speech:

**THE PROPOSED “ANTI-ENFORCED OR INVOLUNTARY DISAPPEARANCE ACT”**

The bill adopts the definition of enforced disappearance under the International Convention for the Protection of All Persons from Enforced Disappearance that considers the offense as “the arrest, detention, abduction or any other form of deprivation of liberty committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law.”

Among others, this bill seeks to do the following:

1. It proscribes enforced disappearance and the suspension of fundamental safeguards for its prevention under all circumstances including political instability, threat of war, state of war or any other public emergency;
2. It considers enforced disappearance as a continuing offense as long as the perpetrators continue to conceal the fate and whereabouts of the victim, and the victim has not reappeared;
3. It provides that the prosecution of persons responsible for the commission of enforced disappearance shall not prescribe unless the victim surfaces alive, in which case, the prescription period shall be 25 years starting from the date of such reappearance;
4. It guarantees the right to information on the whereabouts of detained persons and access to the places where they are held by their families, relatives, lawyers, judges and any other persons and/or official bodies with legitimate interest in such information and the condition of the detention;
5. It provides for preventive suspension or summary dismissal of perpetrators of and other participants in the commission of enforced disappearance as a result of a preliminary investigation conducted for that purpose;
6. It requires the holding of persons deprived of liberty only in officially recognized and controlled places of detention where an up-to-date register of such persons shall be maintained at all times;
7. It mandates the expeditious disposition of *habeas corpus* and *amparo* proceedings and immediate compliance with any release order by virtue of such proceedings;
8. It holds the commanding officer and/or superior or equivalent senior official of the offender liable for failure to prevent or uncover an enforced disappearance under the principle of command responsibility;
9. It prescribes penal sanctions for enforced disappearance ranging from *arresto mayor* to *reclusion perpetua* depending on the gravity of the offense;
10. It entitles victims of enforced disappearance who reappeared alive to compensation, rehabilitation and restitution, and for relatives within the fourth civil degree of consanguinity or affinity to claim compensation under applicable laws and other financial relief programs of government without prejudice to other legal remedies that may be available to them;
11. It provides a non-exclusivity clause in relation to international investigations, trials or decisions involving the same act/s constituting involuntary disappearances; and, finally,
12. It excludes the crime of forced involuntary disappearance from the application of amnesty.

As a final note, Senator Escudero said that the bill reached the Second and Third Readings in the last Congress. He then urged the Body to support the passage of the measure.

**SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2817**

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. 37 on Senate Bill No. 2818

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

**COMMITTEE REPORT NO. 37  
ON SENATE BILL NO. 2818**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2818 (Committee Report No. 37), entitled

**AN ACT STRENGTHENING THE  
FUNCTIONAL AND STRUCTURAL  
ORGANIZATION OF THE COMMISSION ON HUMAN RIGHTS, 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.

Thereupon, the Chair recognized Senator Escudero for the sponsorship.

**SPONSORSHIP REMARKS  
OF SENATOR ESCUDERO**

In presenting Senate Bill No. 2818 for plenary deliberation, Senator Escudero manifested that the measure was in substitution of Senate Bill Nos. 106, 297 and 2617 which he, Senator Trillanes and Senator Villar sponsored, respectively. Thereafter, at the instance of Senator Escudero, the explanatory notes as contained in the aforementioned bills were considered as the sponsorship remarks of the respective authors.

By way of additional sponsorship remarks, Senator Escudero stated that the Commission on Human Rights (CHR) is a body created under and by virtue of the 1987 Constitution, and its powers and functions were enunciated by virtue of an executive order issued by the late President Corazon C. Aquino under her lawmaking powers. He noted that the bill would be the first piece of legislation which seeks to strengthen the Commission on Human Rights.

Senator Escudero then enumerated the following salient features of the bill:

1. It strengthens the Commission on Human Rights' role to promote, protect and fulfill the

political, civil, economic, social and cultural rights of the Filipino people;

2. It seeks to clarify the nature of the Commission as an independent constitutional office and as the national human rights institution of the Philippines, and like the other Constitutional Commissions, it shall enjoy fiscal autonomy;
3. It seeks to clarify the composition of the Commission and the respective terms of office of its commissioners;
4. It seeks to provide and clarify the general powers and functions of the Commission under the Constitution and by virtue of the aforesaid executive order;
5. It seeks to provide concurrent prosecutorial powers and functions which to a large extent would be residual to that of the Department of Justice and the Office of the Ombudsman, as the case may be;
6. It seeks to provide the Commission on Human Rights with its own Witness Protection Program, Financial Assistance Program, Legal Assistance Program, and the ability to create *ad hoc* truth commissions, as well as the capacity and the ability to protect citizens residing, working or living abroad;
7. It seeks to create a Joint Congressional Oversight Committee to ensure that any other future needs of the Commission insofar as the rules to be issued in pursuance of the bill would not subvert the intent of Congress in the passage of the measure; and,
8. It seeks to formulate additional rules to implement the bill in coordination not only with the Commission of Human Rights but with the Department of Justice, the Department of National Defense, the Department of the Interior and Local Government, the Department of Social Welfare and Development, the Armed Forces of the Philippines, the Philippine National Police, and any other agencies.

In closing, Senator Escudero urged the Body to support the immediate passage of the measure.

**SUSPENSION OF CONSIDERATION  
OF SENATE BILL NO. 2818**

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

*as pb*

**COMMITTEE REPORT NO. 33  
ON SENATE BILL NO. 2808  
(Continuation)**

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2808 (Committee Report No. 33), entitled

AN ACT AMENDING ARTICLE 39 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE.

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

The Chair recognized Senator Escudero, Sponsor of the measure.

**MANIFESTATION OF SENATOR SOTTO**

Senator Sotto manifested that Senator Arroyo has already withdrawn his reservation for interpellation.

**TERMINATION OF THE PERIOD OF INTERPELLATIONS**

There being no other reservation for interpellation, upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations and proceeded to the period of amendments.

**TERMINATION OF THE PERIOD OF AMENDMENTS**

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

**APPROVAL OF SENATE BILL NO. 2808 ON SECOND READING**

Submitted to a vote, there being no objection, Senate Bill No. 2808 was approved on Second Reading.

**SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2808**

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

**COMMITTEE REPORT NO. 31  
ON SENATE BILL NO. 2802  
(Continuation)**

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2802 (Committee Report No. 31), entitled

AN ACT RECOGNIZING THE EARLY YEARS FROM ZERO (0) TO SIX (6) AS THE FIRST CYCLE OF EDUCATIONAL DEVELOPMENT AND FOR THIS PURPOSE STRENGTHENING THE EARLY CHILDHOOD CARE AND DEVELOPMENT COUNCIL, RENAMING THE DAY CARE CENTER AS CHILD DEVELOPMENT CENTER, AND FOR OTHER PURPOSES.

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

**SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:25 p.m.*

**RESUMPTION OF SESSION**

At 4:27 p.m., the session was resumed.

Thereupon, the Chair recognized Senator Angara, Sponsor of the measure, and Senator Osmeña for his interpellation.

**INTERPELLATION OF SENATOR OSMEÑA**

Asked by Senator Osmeña whether the P230-billion budget of the Department of Education (DepEd) would include appropriation for the Early Childhood Care and Development (ECCD), Senator Angara explained that only P2.3 billion of the amount is allocated for existing early childhood day care learning and kindergarten.

As to the number of day care centers at present, Senator Angara said that there are currently 49,000

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day care centers which are independent of the primary school infrastructure.

Upon further queries, Senator Angara replied that although there is essentially one day care center for each of the 41,000 barangays around the country, some of the rich barangays have more than one. He explained that the exclusion of six-year old children from the total 17 million children younger than six years of age would mean that about two to three million kids would be entitled to services in day care centers and another two to three million could enter kindergarten.

On whether there are enough centers to accommodate all the five-year olds who need to be placed in day care centers, Senator Angara replied in the negative. He said that precisely, the measure aims to address the lack of facilities and limited teaching staff considering that only 46% or about a 2.5 million children are being accommodated by these day care centers. As such, he estimated that about 100 pre-school children are in day care attending either the morning or afternoon sessions.

As regards the observation that 100 preschool children in one day care center would result in having the school turn into a playroom rather than a place for learning, Senator Angara agreed. He said that the bill aims to shift the concept of the day care center from a playroom to a learning center by rationalizing and restructuring the day care center into an early childhood learning center.

Asked whether the measure aims to address the shortage in day care centers by quadrupling the existing number, Senator Angara replied that the measure aims to increase the teaching force as well.

Senator Osmeña noted that the training of additional childhood development teachers ought to also be incorporated into the budget.

Asked regarding the cost for constructing one day care center, Senator Angara replied that the P2-million budget for putting up one day care center would also cover the curriculum and the training of its teachers. He explained that the infrastructure cost for these centers is borne by the local government units (LGUs) in line with an executive order signed by former President Corazon Aquino in 1986 which mandated (LGUs) to establish day care centers in their respective barangays. He stressed that the bill

intends to strengthen the system by providing the curriculum as well as teachers for these facilities.

Senator Osmeña asked whether there was a way for the national government to provide financial assistance to the barangays in light of the huge expenses involved in the construction of these day care centers with one facility alone costing about P500,000. Senator Angara said that such an arrangement would be the ideal model. However, he explained that since this is just the beginning of the program, the LGUs are still encouraged to fill the deficiencies while the national government could give assistance by strengthening the curriculum and the teaching force. He expressed hope that enough classrooms would be built during the five-year period to accommodate the two and a half to three million age group.

To the suggestion that the LGUs either be directed to allocate a portion of their internal revenue allotment (IRA) for this program or be given incentives to complete the construction of these facilities within the five-year period, Senator Angara replied that while financing is at the root of the program, there is no independent source for such funding save for the barangay's share of the real estate tax and the IRA. He suggested that the national government distribute the 30% VAT collection to the localities so that these could become a potential source of financing.

To the suggestion that the towns and cities use revenues from real estate taxes to help fund the measure, Senator Angara agreed that such alternatives ought to be studied as the day care centers could not be financed solely by the barangays. He clarified that while the bill seeks to make these barangays primarily responsible for the day care centers, appropriation for early childhood learning ought to be included in the budget of the national government in the same manner as primary education.

Senator Osmeña pointed out that the national government ought to allot a budget for early childhood learning since the LGUs, without any access to huge funds, could not shoulder the expenses for the construction of day care centers. He noted that only barangays located in major urban areas could afford to implement the same. He expressed concern that unless these barangays are provided with the wherewithal to build their hard infrastructure, only very little would be accomplished.

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Noting that the education of children below three years of age is not within the ambit of the DepEd, Senator Osmeña suggested that the DSWD handle the implementation of the measure in consonance with its Conditional Cash Transfer (CCT) program such that early child schooling would be made a condition to avail of the benefit. However, Senator Angara clarified that the CCT is intended to benefit families who have a child in elementary school but not those in preschool.

Rather than forming another bureaucracy that would take care of the children covered by the bill, Senator Osmeña suggested that the DSWD personnel infrastructure handling the distribution of the CCTs as well as visiting and monitoring their beneficiaries, be tapped to handle the program. Senator Angara pointed out that the DSWD funds could also be used for school-feeding programs in day care centers. He gave assurance that his Committee will find a formula that would incorporate such a concept.

Senator Osmeña noted the importance of enhancing early childhood education in view of the fact that the Senate is about to consider a proposal seeking to extend basic education to 12 years. Senator Angara agreed, noting that statistics would show that 40% of children entering Grade I are not ready for school and, as such, four out of 10 children drop out of school at the elementary level and never return to complete their education.

Senator Osmeña asked the Committee to look into the possibility of bringing the DSWD into the program and expanding its CCT mandate.

As regards the training of day-care teachers who eventually would be the playroom teachers, Senator Osmeña asked whether they would get their training from universities like the Philippine Normal University as he believed that the education of kindergarten teachers is just as important as that of Grade 6 teachers. Senator Angara replied in the affirmative as he clarified that there is a specialized curriculum for early childhood teaching. He confirmed that the Philippine Normal University and other teaching institutions offer the program.

Senator Osmeña believed that at the higher-income levels, there are qualified teachers trained to teach the starters. Considering that there would be a shortage of classrooms in the next five years once the program commences, he asked if there would be

a subprogram to make the course attractive enough for young college students to switch to. Senator Angara noted that the Philippine Normal University and the University of the Philippines offer BS Elementary Education courses with focus on early childhood teaching.

Asked how many students have completed the course, Senator Angara promised to gather the data, pointing out that the bill proposes a budget of P200 million to fund the special scholarship programs.

Senator Osmeña contended that P200 million might be an unrealistic budget given that the government is allocating P21 billion for the CCT. He said that government ought to allocate at least P5 billion for kids aged 0 to five. Senator Angara clarified that the P200 million budget is intended to train at least 8,000 teachers, some of whom are holders of bachelor degrees in elementary education and who needed to go back to school for just one year to undergo training in the early childhood education program. He stressed that the teachers only need one year to finish 18 units.

Senator Osmeña noted that there are 49,000 day care centers all over the country that need at least 200,000 teachers within the next five years unless, he said, each teacher would be given two teaching loads – one in the morning and another in the afternoon. In response, Senator Angara admitted that the program is a crash program, a necessary remedial action to save kids who are already entering the formal basic education program, otherwise, only half of them would survive Grade I.

Senator Osmeña agreed as he underscored that the first year is critical considering that 1.5 million kids would be starting their formal schooling in June 2011 and another 1.5 million in 2012.

To the observation that government needed a crash program as soon as possible, Senator Angara revealed that there were, in fact, students enrolled in courses on early childhood specialization.

As regards the number of students taking these courses, Senator Angara promised to give Senator Osmeña the data as soon these are made available to the Committee.

As regards the education of special children or those with learning disabilities, Senator Osmeña

asserted that these kids have a greater chance of living normal lives if their deficiency is spotted early. He observed that even special education schools are having difficulty in getting trained teachers; that families cannot afford the high tuition fees imposed by special schools because they have to engage learning-challenged kids in one-to-one tutorials. He maintained that a budget of P100 million is too low and asked if government can make it P5 billion. Senator Angara agreed.

If the government is spending P230 billion for education, Senator Osmeña suggested that at least P5 billion or two percent must be allocated for kids aged six to 18. He believed that the government should spend an appropriate per capita, *pro-rata* budget for the kids. Senator Angara acknowledged the suggestions and promised to do a recalculation, keeping in mind what the DSWD can contribute to the fund. For instance, he noted that the P3 billion allocation for school feeding, for instance, can be rechanneled into the early years program.

Senator Osmeña suggested that the government continue selling its assets to cover its recurring expenditures. He also hoped that a policy can be crafted mandating that the proceeds would be used for hard expenditures like infrastructure and school buildings that will last a hundred years. He noted that proceeds from the sale of government properties within Fort Bonifacio, the FTI and even Camp Aguinaldo would assure that money would go to the school system and infrastructure. Senator Angara agreed and cited Norway which set aside a percentage of its earnings from gas and oil in the "Legacy Fund" for social services, for instance, pensions and educational funds of all Norwegians. He recalled that five years ago, he suggested that government set aside part of the royalties of Malampaya gas reserve for social services.

Senator Osmeña disclosed that the government is collecting US\$600 million or about P20 billion to P30 billion a year from Malampaya but it was never made known how the collection was spent since the Department of Energy, the DBM and the Bureau of Treasury always deny collecting the money.

Senator Angara stated that according to a new report, the DENR secretary has increased mining fees and created royalty fees from gold, copper and other minerals. He asked whether the government could set aside a portion of its earnings as a heritage

fund to sustain education, health and infrastructure needs.

However, Senator Osmeña opined that the proposal of the DENR secretary would not work as the collection was only 1.5% when the level should be 2%. Also, he asked whether the tax collection would be buoyant because prices of minerals keep going up. He observed that a mining enterprise, for instance, has to recover its expenses for the first seven years. But looking at the abandoned mines in Bagacay, Lonok and Palawan, he said, the damage cost more than the royalties paid. He agreed that a legacy fund should be set aside for future generations.

*During the course of the interpellation, Senator Zubiri relinquished the Chair to Senate President Pro Tempore Ejercito Estrada.*

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:59 p.m.*

#### **RESUMPTION OF SESSION**

At 5:01 p.m., the session was resumed.

#### **TERMINATION OF THE PERIOD OF INTERPELLATIONS**

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. 2802**

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

#### **COMMITTEE REPORT NO. 23 ON SENATE BILL NO. 2748**

*(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2748 (Committee Report No. 23), entitled

AN ACT REQUIRING ALL CONCERNED



GOVERNMENT AGENCIES TO ENSURE THE RELEASE OF THE RETIREMENT PAY, PENSIONS, GRATUITIES AND OTHER BENEFITS OF RETIRING GOVERNMENT EMPLOYEES WITHIN A PERIOD OF THIRTY (30) DAYS AFTER HIS OR HER ACTUAL DATE OF RETIREMENT.

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

Thereupon, Senator Sotto recognized Senator Trillanes, Sponsor of the measure.

**TERMINATION OF THE PERIOD OF INTERPELLATIONS**

There being no interpellation, upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations, and proceed to the period of committee amendments.

**COMMITTEE AMENDMENTS**

On page 1, line 16, before the phrase "within a period of," as proposed by Senator Trillanes, there being no objection, the Body approved the replacement of the word and the figure "thirty (30)," with the word and figure NINETY (90).

**TERMINATION OF THE PERIOD OF AMENDMENTS**

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

**APPROVAL OF SENATE BILL NO. 2748 ON SECOND READING**

Submitted to a vote, there being no objection, Senate Bill No. 2748 was approved on Second Reading.

**SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 5:05 p.m.*

**RESUMPTION OF SESSION**

At 5:07 p.m., the session was resumed.

**RECONSIDERATION OF THE APPROVAL ON SECOND READING OF SENATE BILL NO. 2748**

Upon motion of Senator Sotto, there being no objection, the Body reconsidered the approval of Senate Bill No. 2748 on Second Reading.

As a consequence, upon motion of Senator Sotto, there being no objection, the Body reopened the period of committee amendments.

Thereafter, the Chair recognized Senator Trillanes, Sponsor of the measure.

**WITHDRAWAL OF COMMITTEE AMENDMENT**

Upon motion of Senator Trillanes, there being no objection, the Body approved the withdrawal of the committee amendment.

**COMMITTEE AMENDMENT**

On page 2, line 2, as proposed by Senator Trillanes, there being no objection, the Body approved the change of the number "thirty (30)" to NINETY (90).

**SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 5:09 p.m.*

**RESUMPTION OF SESSION**

At 5:12 p.m., the session was resumed.

**COMMITTEE AMENDMENTS**

On the same page, line 2, as proposed by Senator Trillanes, there being no objection, the Body approved change of the number "six (6)" to THREE (3).

**TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS**

There being no other committee amendment,

upon motion of Senator Sotto, there being no objection, the Body closed the period of committee amendments.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 5:13 p.m.*

#### **RESUMPTION OF SESSION**

At 5:14 p.m., the session was resumed.

#### **MANIFESTATION OF SENATOR SOTTO**

Senator Sotto stated that Senator Recto would propose individual amendments the next day.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2748**

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

#### **COMMITTEE REPORT NO. 18 ON SENATE BILL NO. 2701**

*(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2701 (Committee Report No. 18), entitled

AN ACT EXPANDING THE EXCEPTIONS FROM THE NIGHTWORK PROHIBITION OF WOMEN EMPLOYEES, THEREBY AMENDING ARTICLES 130 AND 131 OF PRESIDENTIAL DECREE NUMBER FOUR HUNDRED FORTY TWO (PD 442), AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES.

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

#### **TERMINATION OF THE PERIOD OF INTERPELLATIONS**

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. 2701**

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

#### **ADDITIONAL REFERENCE OF BUSINESS**

The Deputy Secretary for Legislation, Atty. Edwin B. Bellen, read the following matters and the Chair made the corresponding referrals:

#### **MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

Letter from the Secretary General of the House of Representatives, informing the Senate that on 10 May 2011, the House of Representatives elected Representative Romualdez (F.M.) as an alternate to Representative Lagman (E.) to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 4067 and Senate Bill No. 2640, both entitled

AN ACT TO PROMOTE FINANCIAL VIABILITY AND FISCAL DISCIPLINE IN GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND TO STRENGTHEN THE ROLE OF THE STATE IN ITS GOVERNANCE AND MANAGEMENT TO MAKE THEM MORE RESPONSIVE TO THE NEEDS OF PUBLIC INTEREST AND FOR OTHER PURPOSES.

**To the Committee on Rules**

#### **RESOLUTION**

Proposed Senate Resolution No. 472, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE TO HONOR THE LIFE OF FOREST GUARD ELPIDIO "JOJO" MALINAO AND HIS CONTRIBUTION IN PROTECTING THE MT. MAKILING FOREST RESERVE AND TO CONDEMN HIS VIOLENT DEATH

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Introduced by Senator Legarda

To the Committee on Rules

**PROPOSED SENATE RESOLUTION NO. 472**

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 472, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE TO HONOR THE LIFE OF FOREST GUARD ELPIDIO "JOJO" MALINAO AND HIS CONTRIBUTION IN PROTECTING THE MT. MAKILING FOREST RESERVE AND TO CONDEMN HIS VIOLENT DEATH.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its text into the Record of the Senate.

**COAUTHOR**

Upon his request, Senator Zubiri was made coauthor of the resolution.

**ADOPTION OF PROPOSED SENATE RESOLUTION NO. 472**

Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 472 was adopted by the Body.

**COAUTHOR**


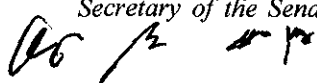
Upon his request, Senator Villar was made coauthor of Senate Bill No. 2748.

**ADJOURNMENT OF SESSION**

Upon motion of Senator Sotto, there being no objection, the Senate President Pro Tempore declared the session adjourned until three o'clock in the afternoon of the following day.

*It was 5:19 p.m.*

I hereby certify to the correctness of the foregoing.

  
EMMA LIRIO REYES  
Secretary of the Senate  


Approved on May 18, 2011