



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 84**  
Tuesday, May 17, 2011

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

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**SESSION NO. 84**  
Tuesday, May 17, 2011

**CALL TO ORDER**

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

**PRAYER**

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

Almighty Father, bless us with renewed energy and vigor as we enter the last stretch of the First Regular Session of the 15<sup>TH</sup> Congress. Revitalize our mind, body and spirit so we can make the best use of the coming weeks to pass laws that would contribute to long-term meaningful reform.

Give us clear mind, deep understanding and brave heart as we tackle sensitive and controversial measures such as the postponement of the ARMM elections, the expansion of our basic education to 12 years, and the Reproductive Health bill.

Help us keep the dialogue over these measures calm, productive and enlightening.

Inspire us to find a common ground. Let not debate and public discussion divide us. Rather let it help us grow toward greater understanding and tolerance as we collectively find solutions to our country's manifold ills.

Amen.

**ROLL CALL**

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

Angara, E. J.	Lacson, P. M.
Arroyo, J. P.	Lapid, M. L. M.
Cayetano, P. S.	Legarda, L.
Defensor Santiago, M.	Marcos Jr., F. R.
Ejercito Estrada, J.	Revilla Jr., R. B.
Enrile, J. P.	Sotto III, V. C.
Escudero, F. J. G.	Zubiri, J. M. F.

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

Senators Cayetano (A), Guingona, Osmeña, Recto and Trillanes arrived after the roll call.

Senator Pangilinan, who was on official mission, also arrived after the roll call.

Senators Drilon, Honasan and Villar were on official mission abroad.

**DEFERMENT OF APPROVAL  
OF THE JOURNAL**

Upon motion of Senator Sotto, there being no objection, the Body deferred the consideration and approval of the Journal of Session No. 83 to a later time.

*AS PO*

## ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, Senator Sotto acknowledged the presence in the gallery of Vice Mayor Sajid Sinsuat and councilors of the Municipality of Datu Odin Sinsuat, Maguindanao.

The Senate President 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:

### BILL ON FIRST READING

Senate Bill No. 2819, entitled

AN ACT PROVIDING FOR PARENT SUPPORT, AND FOR OTHER PURPOSES

Introduced by Senator Lacson

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

### RESOLUTION

Proposed Senate Resolution No. 473, entitled

RESOLUTION DIRECTING THE APPROPRIATE COMMITTEES IN THE SENATE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE SUSPENSION OF HOUSING LOANS OF THE GOVERNMENT SERVICE INSURANCE SYSTEM AS A RESULT OF THE INSTITUTION'S FAILURE TO COLLECT PAYMENT OF LOANS AMOUNTING TO PHP11 BILLION

Introduced by Senator Lapid

**To the Committee on Government Corporations and Public Enterprises**

## COMMITTEE REPORT NO. 31 ON SENATE BILL NO. 2802

*(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, 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 the period of committee amendments.

Thereupon, the Chair recognized Senator Angara, Sponsor of the measure.

### TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS

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

### DEFENSOR SANTIAGO AMENDMENTS

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

#### *Page 1*

1. On the title of the bill, change the phrase "CYCLE OF EDUCATIONAL DEVELOPMENT" to CRUCIAL STAGE OF DEVELOPMENT;

Senator Defensor Santiago stated that the early years of 0 to six are crucial years to the child's development, a stage that requires the provision of positive experiences in all the domains of child development, which include physical-motor, socio-emotional, cognitive, language, creative and spiritual. She explained that development aptly describes

*MSA*

what goes on in each domain, which may not be necessarily educational in nature, as she noted that one does not speak of educational development in the socio-emotional nor in the physical-motor aspects.

Likewise, she pointed out that the word "cycle" connotes processes where the changes that occur go full circle such that the whole process is repeated from the first stage. She stated that while human beings go through the life cycle, it cannot be the same in human development. She said that various developmental theories speak of stages and not cycles.

2. On line 5, replace the phrase "and its special needs" with AS WELL AS THE NEED TO PROVIDE DEVELOPMENTALLY APPROPRIATE EXPERIENCES TO ADDRESS THEIR NEEDS.

**Page 2**

3. On line 12, replace the phrase "cycle of educational" with CRUCIAL STAGE OF;
4. On line 17, change the phrase "physical, social, emotional, cognitive, psychological, spiritual and language development of young children" to PHYSICAL-MOTOR, SOCIO-EMOTIONAL, COGNITIVE, LANGUAGE, PSYCHOLOGICAL AND SPIRITUAL DEVELOPMENT OF YOUNG CHILDREN;
5. On line 19, change the word "enhance" to REINFORCE;
6. Change the denomination of items 1 to 6 as follows:

**Page 2**

- Line 21, change "1." to "C";
- Line 19, "c" to "G"

**Page 3**

- Line 6, "4." to "D";
- Line 9, "5." to "E";
- Line 1, "2." to "F";
- Line 3, "3." to "H";
- Line 12, "6." to "I";

Senator Defensor Santiago stated that the objectives of the National ECCD System should be presented in a more organized manner so that all related objectives are successively enumerated before others that fall under a different category are listed. She said that the amendment takes the following order:

- Objectives related to children;
- Objectives related to service providers;

- Objectives related to parents and communities;
- Objectives related to maintaining quality standards

**Page 3**

7. On line 1, change the word "enhance" to UPGRADE AND UPDATE;
8. On line 10, replace the phrase "giftedness and development disorders and disabilities in children" with THE WIDE RANGE OF CHILDREN WITH SPECIAL NEEDS;

Senator Defensor Santiago stated that the term "children with special needs" has a wide coverage which includes giftedness, development disorders, and disabilities.

**Page 4**

9. On line 19, change the word "teacher-aiders" to TEACHER-AIDES;
10. On line 12, delete the phrase "age-appropriate and";

Senator Defensor Santiago explained that according to the report of the National Association of Educators of Young Children (NAEYC), the concept of developmental appropriateness refers to three significant points that need to be addressed in the development of children. She stated that planning the experiences and the learning environment for children takes into account age-appropriateness, individual appropriateness and cultural appropriateness. She said that knowledge of the typical behavior of children at different ages is taken into consideration in planning a nurturing climate for them; and each child has to be recognized as a unique individual with his/her own timing of growth, particular learning style and family background. Moreover, she pointed out that cultural appropriateness reflects the learning experiences of children that are "meaningful, relevant, and respectful for them and their families" since their social and cultural contexts are taken into careful consideration.

11. On line 13, after the word "objectives," insert the phrase AND PRACTICES; and after the word "experiences," replace the word "and" with a comma (,);
12. On line 14, between the words "materials" and "for," insert the phrase AND APPROPRIATE ASSESSMENT;
13. On lines 17 and 18, replace the phrase "integrating local language, local learning

*AS MB*

experiences and indigenous learning materials" with THAT ARE AGE-APPROPRIATE, INDIVIDUAL APPROPRIATE AND CULTURALLY-RELEVANT;

**Page 5**

14. On lines 5 and 6, replace the phrase "according to their individual needs and socio-cultural background" with AND TAKES INTO ACCOUNT AGE, INDIVIDUAL AND SOCIO-CULTURAL APPROPRIATENESS;
15. On line 12, insert the word AS before the words "active" and "advocates"; and on line 13, before the word "pillars";
16. On line 22, after the word "reporting," insert the phrase TO PERSONS CONCERNED;

**Page 7**

17. Delete paragraphs "1)" and "2)"
18. On line 20, change item "3)" to "2)";
19. On line 18, change item "2)" to "4)";

**Page 8**

20. On line 1, change item "4" to "3)";

Senator Defensor Santiago stated that the items that have to do with service providers should be discussed ahead of items mentioning support for the parent cooperatives.

21. On line 4, after the word "support," insert the phrase AND TAKE ACTIVE PARTICIPATION IN;
22. On line 8, change the phrase "learning and development" to DEVELOPMENT AND LEARNING;

**Page 10**

23. On line 8, delete the phrase "and culturally relevant"; and
24. On line 22 delete the phrase "early childhood disabilities, developmental problems and giftedness."

Senator Defensor Santiago reiterated that the deleted phrase was already mentioned in the category of children with special needs.

**SUSPENSION OF SESSION**

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

*It was 3:43 p.m.*

**RESUMPTION OF SESSION**

At 3:46 p.m., the session was resumed.

**INQUIRIES OF SENATOR CAYETANO (P)**

Senator Cayetano (P) stated that as a child of an educator who owned one of the first preschools in the country and as a supporter of many day care centers, one of the first bills she wanted to propose was on early childhood education but it was brought to her attention that indeed there was already an existing law.

Asked by Senator Cayetano (P) on the shortcomings of the Early Childhood Care and Development (ECCD) Act which necessitated a new law, Senator Angara replied that basically, RA 8980 provided for a child care center with very little element of learning that prepared the kids for the next step in the education cycle. He explained that in the bill, there is a basic shift from the day-care concept of play center to a learning center with teachers, who have been trained under a professionally approved curriculum formulated by educators and educationists, attending to kids. In other words, he said that the day care centers would be converted into learning centers in preparation for the next cycle in the learning stage which, under the proposed new system, is kindergarten to Grade I.

Senator Angara pointed out that under the old system, the Early Childhood Council was placed under the Council for the Welfare of Children which was attached to the Department of Social Welfare and Development, hence, the kids were regarded as wards of the State and taken care of by the welfare department rather by an education and learning department. He reiterated that the shift in supervision signals the shift from the concept of play to the concept of learning.

Finally, he said that with this catch-up measure, there would be an effort to professionalize the teaching force in day care centers, the new learning centers under the proposed law. He said that teachers trained in early childhood learning would be recruited because teaching pre-school children requires some special skills for which an ordinary graduate might not have the aptitude.

Senator Angara believed that with these structural reform and shift, the Philippines, within the next five

years, would make every child, aged three to six, school-ready so that when they enroll in Grade I, they would not drop out. He pointed out that of those entering Grade I, only about 60% are school-ready and therefore almost 40% drop out immediately upon reaching Grade I.

Senator Cayetano (P) said that RA 8980 mandates that the curriculum shall focus on the child's total development including health, nutrition and early childhood education. She noted that the University of the Philippines College of Education seems to have a very detailed and comprehensive pre-school education program. However, she surmised that the problem in the implementation of the law stems from the fact that the ECCD Council was under the Council of the Welfare of Children. She expressed support for the shift in policy and the standardization of the program.

As regards the training of teachers, Senator Cayetano (P) recalled Senator Angara mentioning in his sponsorship speech that the teachers managing the day care centers were not necessarily teachers.

Asked on the short-term plans with regard to the training of teachers, Senator Angara disclosed that of the 49,000 day care teachers, only half were board-certified teachers, meaning many of them have college baccalaureate degrees but not teaching degrees. Taking this in mind, he said that the short-term immediate plan would be to give a crash program to retrain these teachers who already have experience to handle early learners and to recruit some more who have already been trained on early childhood learning. He said that he was surprised to find out that so many young Filipinos graduate every year but they are not employed or referred to the proper schools to which their training fits them.

Asked whether it is possible to adopt the ladderized method of instruction or program for the retraining of teachers for day care centers, similar to the program for health workers, Senator Angara replied that since the teachers need to earn 18 units of specialized training which is equivalent to one semester, it is indeed necessary to pursue a quicker mode of training, something like the ladderized method.

With regard to the budget of P500 million per year, Senator Cayetano (P) recalled that Senator Angara had mentioned that very little needs to be spent on infrastructure because the day care centers

were already existing. She said that a part of the budget, therefore, could be spent instead on the education of teachers.

Asked if a basic course in dealing with children with special needs would be included in the training program for teachers, Senator Angara said that the expansion that was proposed by Senator Defensor Santiago would cover the needs of special children.

Senator Cayetano (P) informed the Body that she initiated a program in Taguig City, which includes teaching the parents to be the first teacher of their children, particularly in honing their reading skills. Based on the ladderized approach, she recommended that, apart from teachers with the basic education degree, Ph.D. in Special Education, the mothers could also participate as assistants in the program. She said that she would be happy to join the Sponsor in overseeing the success of the program by utilizing the parents themselves.

#### **COSPONSOR**

Upon her request, Senator Cayetano (P) was made cosponsor of the bill.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:03 p.m.*

#### **RESUMPTION OF SESSION**

At 4:04 p.m., the session was resumed with Senate President Enrile presiding.

Thereupon, the Chair recognized Senator Angara, Sponsor of the measure.

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

#### **ANGARA AMENDMENTS**

As proposed by Senator Angara, there being no objection, the Body approved the following amendments, one after the other:

1. On page 14, delete lines 7 and 8;

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2. On the same page, lines 9 and 10, replace the words and figure "Five Hundred Million Pesos (P500,000,000.00)" with ONE BILLION PESOS (P1,000,000,000.00);
3. On the same page, line 10, delete the word "from"; and
4. On the same page, line 12, insert a new paragraph to read: THEREAFTER, SUCH SUMS AS MAY BE NECESSARY FOR THE OPERATIONS OF THE COUNCIL SHALL BE INCLUDED IN THE GENERAL APPROPRIATIONS ACT.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:08 p.m.*

#### **RESUMPTION OF SESSION**

At 4:14 p.m., the session was resumed.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2802**

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

#### **COAUTHOR**

Upon his request, Senator Villar was made coauthor of Senate Bill No. 429.

#### **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 committee amendments.

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

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:15 p.m.*

#### **RESUMPTION OF SESSION**

At 4:21 p.m., the session was resumed with Senate President Enrile presiding.

#### **MANIFESTATION OF SENATOR EJERCITO ESTRADA**

Preliminarily, Senator Ejercito Estrada stated that the committee amendments were put forth in line with the 22-point platform and policy pronouncement of President Benigno Aquino III on labor and employment to align the country's labor policies with international treaties and conventions in a sound and realistic manner, fully cognizant of the country's commitment to undertake a series of measures to end all forms of discrimination against women, including abolishing all discriminatory laws and adopt appropriate ones, and taking into consideration the inputs of Senator Defensor Santiago as well as those of other senators. He added that the amendments were made to conform to ILO Convention No. 71 that embodies the modern equality-based normative approach to the nightwork of women.

#### **COMMITTEE AMENDMENTS**

As proposed by Senator Ejercito Estrada, there being no objection, the Body approved the following committee amendments:

1. On page 1, lines 1 and 2, replace the phrase "further amended to read as follows" with the word REPEALED;
2. Delete lines 3 to 11 on page 1, lines 1 to 23 on page 2 and lines 1 to 3 on page 3;
3. On page 3, lines 4 and 5, replace the phrase "further amended to read as follows" with the word REPEALED;

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4. Delete the entire Article 131 from lines 6 to 24 on page 3, and lines 1 to 18 on page 4 and in lieu thereof, insert the following four (4) new sections to read:

SEC. 3. A NEW CHAPTER IS HEREBY INSERTED AFTER BOOK III, TITLE III OF PRESIDENTIAL DECREE NO. 442 TO READ AS FOLLOWS:

CHAPTER V

EMPLOYMENT OF NIGHT WORKERS

ART. 154. *COVERAGE.* – THIS CHAPTER SHALL APPLY TO ALL PERSONS WHO SHALL BE EMPLOYED OR PERMITTED OR SUFFERED TO WORK AT NIGHT, EXCEPT THOSE EMPLOYED IN AGRICULTURE, STOCK RAISING, FISHING, MARITIME TRANSPORT AND INLAND NAVIGATION, DURING A PERIOD OF NOT LESS THEN SEVEN CONSECUTIVE HOURS, INCLUDING THE INTERVAL FROM MIDNIGHT TO FIVE O’CLOCK IN THE MORNING, TO BE DETERMINED BY THE SECRETARY OF LABOR AND EMPLOYMENT, AFTER CONSULTING THE WORKERS’ REPRESENTATIVES/LABOR ORGANIZATIONS AND EMPLOYERS.

“NIGHT WORKERS” MEANS ANY EMPLOYED PERSON WHOSE WORK REQUIRES PERFORMANCE OF A SUBSTANTIAL NUMBER OF HOURS OF NIGHTWORK WHICH EXCEEDS A SPECIFIED LIMIT. THIS LIMIT SHALL BE FIXED BY THE SECRETARY OF LABOR AFTER CONSULTING THE WORKERS’ REPRESENTATIVES/LABOR ORGANIZATIONS AND EMPLOYERS.

ART. 155. *HEALTH ASSESSMENT.* – AT THEIR REQUEST, WORKERS SHALL HAVE THE RIGHT TO UNDERGO A HEALTH ASSESSMENT WITHOUT CHARGE AND TO RECEIVE ADVICE ON HOW TO REDUCE OR AVOID HEALTH PROBLEMS ASSOCIATED WITH THEIR WORK.

- (A) BEFORE TAKING UP AN ASSIGNMENT AS A NIGHT WORKER;
- (B) AT REGULAR INTERVALS DURING SUCH AN ASSIGNMENT;
- (C) IF THEY EXPERIENCE HEALTH PROBLEMS DURING SUCH AN ASSIGNMENT WHICH ARE NOT CAUSED BY FACTORS OTHER THAN THE PERFORMANCE OF NIGHT WORK.

WITH THE EXCEPTION OF A FINDING OF UNFITNESS FOR NIGHTWORK, THE

FINDINGS OF SUCH ASSESSMENTS SHALL NOT BE TRANSMITTED TO OTHERS WITHOUT THE WORKERS’ CONSENT AND SHALL NOT BE USED TO THEIR DETRIMENT.

ART. 156. *MANDATORY FACILITIES.* – SUITABLE FIRST-AID FACILITIES SHALL BE MADE AVAILABLE FOR WORKERS PERFORMING NIGHTWORK, INCLUDING ARRANGEMENTS WHERE SUCH WORKERS, WHERE NECESSARY, CAN BE TAKEN IMMEDIATELY TO A PLACE FOR APPROPRIATE TREATMENT. THE EMPLOYERS ARE LIKEWISE REQUIRED TO PROVIDE SAFE AND HEALTHFUL WORKING CONDITIONS, AND ADEQUATE OR REASONABLE FACILITIES SUCH AS SLEEPING OR RESTING QUARTERS IN THE ESTABLISHMENT AND TRANSPORTATION FROM THE WORK PREMISES TO THE NEAREST POINT OF THEIR RESIDENCE.

ART. 157. *TRANSFER.* – NIGHT WORKERS WHO ARE CERTIFIED AS UNFIT FOR NIGHTWORK, DUE TO HEALTH REASONS, SHALL BE TRANSFERRED, WHENEVER PRACTICABLE, TO A SIMILAR JOB FOR WHICH THEY ARE FIT TO WORK.

IF SUCH TRANSFER TO A SIMILAR JOB IS NOT PRACTICABLE, THESE WORKERS SHALL BE GRANTED THE SAME BENEFITS AS OTHER WORKERS WHO ARE UNABLE TO WORK, OR TO SECURE EMPLOYMENT DURING SUCH PERIOD.

A NIGHT WORKER CERTIFIED AS TEMPORARILY UNFIT FOR NIGHTWORK SHALL BE GIVEN THE SAME PROTECTION AGAINST DISMISSAL OR NOTICE OF DISMISSAL AS OTHER WORKERS WHO ARE PREVENTED FROM WORKING FOR REASONS OF HEALTH.

ART. 158. *WOMEN NIGHT WORKERS.* – MEASURES SHALL BE TAKEN TO ENSURE THAT AN ALTERNATIVE TO NIGHTWORK IS AVAILABLE TO WOMEN WORKERS WHO WOULD OTHERWISE BE CALLED UPON TO PERFORM SUCH WORK:

- (A) BEFORE AND AFTER CHILDBIRTH, FOR A PERIOD OF AT LEAST SIXTEEN WEEKS, OF WHICH AT LEAST EIGHT WEEKS SHALL BE BEFORE THE EXPECTED DATE OF CHILDBIRTH;

*Handwritten initials/signature*



(B) FOR ADDITIONAL PERIODS, IN RESPECT OF WHICH A MEDICAL CERTIFICATE IS PRODUCED STATING THAT SAID ADDITIONAL PERIODS ARE NECESSARY FOR THE HEALTH OF THE MOTHER OR CHILD;

(I) DURING PREGNANCY;

(II) DURING A SPECIFIED TIME BEYOND THE PERIOD, AFTER CHILDBIRTH IS FIXED PURSUANT TO SUBPARAGRAPH (A) ABOVE, THE LENGTH OF WHICH SHALL BE DETERMINED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT AFTER CONSULTING THE LABOR ORGANIZATIONS AND EMPLOYERS.

DURING THE PERIODS REFERRED TO IN THIS ARTICLE:

(A) A WOMAN WORKER SHALL NOT BE DISMISSED OR GIVEN NOTICE OF DISMISSAL, EXCEPT FOR JUST OR AUTHORIZED CAUSES PROVIDED FOR IN THIS CODE THAT ARE NOT CONNECTED WITH PREGNANCY OR CHILDBIRTH.

(B) A WOMAN WORKER SHALL NOT LOSE THE BENEFITS REGARDING HER STATUS, SENIORITY, AND ACCESS TO PROMOTION WHICH MAY ATTACH TO HER REGULAR NIGHT WORK POSITION.

PREGNANT WOMEN AND NURSING MOTHERS MAY BE ALLOWED TO WORK AT NIGHT ONLY IF A COMPETENT PHYSICIAN, OTHER THAN THE COMPANY PHYSICIAN, SHALL CERTIFY THEIR FITNESS TO RENDER NIGHTWORK, AND SPECIFY, IN THE CASE OF PREGNANT EMPLOYEES, THE PERIOD OF THE PREGNANCY THAT THEY CAN SAFELY WORK.

THE MEASURES REFERRED TO IN THIS ARTICLE MAY INCLUDE TRANSFER TO DAY WORK WHERE THIS IS POSSIBLE, THE PROVISION OF SOCIAL SECURITY BENEFITS OR AN EXTENSION OF MATERNITY LEAVE.

THE PROVISIONS OF THIS ARTICLE SHALL NOT HAVE THE EFFECT OF REDUCING THE PROTECTION AND BENEFITS CONNECTED WITH MATERNITY LEAVE UNDER EXISTING LAWS.

ART. 159. *COMPENSATION.* – THE COMPENSATION FOR NIGHT WORKERS IN THE FORM OF WORKING TIME, PAY OR SIMILAR BENEFITS SHALL RECOGNIZE THE EXCEPTIONAL NATURE OF NIGHT WORK.

ART. 160. *SOCIAL SERVICES.* – APPROPRIATE SOCIAL SERVICES SHALL BE PROVIDED FOR NIGHT WORKERS AND, WHERE NECESSARY, FOR WORKERS PERFORMING NIGHTWORK.

ART. 161. *NIGHTWORK SCHEDULES.* – BEFORE INTRODUCING WORK SCHEDULES REQUIRING THE SERVICES OF NIGHT WORKERS, THE EMPLOYER SHALL CONSULT THE WORKERS' REPRESENTATIVES/LABOR ORGANIZATIONS CONCERNED ON THE DETAILS OF SUCH SCHEDULES AND THE FORMS OF ORGANIZATION OF NIGHTWORK THAT ARE BEST ADAPTED TO THE ESTABLISHMENT AND ITS PERSONNEL, AS WELL AS ON THE OCCUPATIONAL HEALTH MEASURES AND SOCIAL SERVICES WHICH ARE REQUIRED. IN ESTABLISHMENTS EMPLOYING NIGHT WORKERS, CONSULTATION SHALL TAKE PLACE REGULARLY.

SEC. 4. *APPLICATION.* – THE MEASURES REFERRED TO IN THIS CHAPTER SHALL BE APPLIED NOT LATER THAN SIX (6) MONTHS FROM THE EFFECTIVITY OF THIS ACT.

SEC. 5. *GUIDELINES.* – THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL PROMULGATE APPROPRIATE REGULATIONS IN ADDITION TO EXISTING ONES TO ENSURE PROTECTION, SAFETY AND WELFARE OF NIGHT WORKERS.

SEC. 6. *PENALTIES.* – ANY VIOLATION OF THIS ACT, AND THE RULES AND REGULATIONS ISSUED PURSUANT HEREOF SHALL BE PUNISHED WITH A FINE NOT LESS THAN THIRTY THOUSAND PESOS (P30,000.00) NOR MORE THAN FIFTY THOUSAND PESOS (P50,000.00) OR IMPRISONMENT OF NOT LESS THAN SIX (6) MONTHS, OR BOTH, AT THE DISCRETION OF THE COURT. IF THE OFFENSE IS COMMITTED BY A CORPORATION, TRUST, FIRM, PARTNERSHIP OR ASSOCIATION, OR OTHER ENTITY, THE PENALTY SHALL BE IMPOSED UPON THE GUILTY OFFICER OR OFFICERS OF SUCH CORPORATION, TRUST, FIRM, PARTNERSHIP OR ASSOCIATION, OR ENTITY.

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5. Renumber the succeeding sections accordingly; and
6. On page 1, amend the title of the Act to read:

AN ACT ALLOWING THE EMPLOYMENT OF NIGHT WORKERS, THEREBY REPEALING 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.

#### **TERMINATION OF THE PERIOD OF COMMITTEE AMENDMENTS**

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

#### **CLEAN COPY**

Senator Sotto instructed the Secretariat to prepare a clean copy of the bill incorporating the approved committee amendments per request of Senator Cayetano (P) and other senators.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2701**

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

#### **COAUTHOR**

Upon her request, Senator Legarda was made coauthor of Senate Bill No. 2701.

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

#### **COMMITTEE REPORT NO. 29 ON SENATE JOINT RESOLUTION NO. 9 (Continuation)**

Upon motion of Senator Sotto, there being no objection; the Body resumed consideration, on Second Reading, of Senate Joint Resolution No. 9 (Committee Report No. 29), entitled

RESOLUTION EXTENDING THE PERIOD OF EXISTENCE OF THE JOINT CONGRESSIONAL POWER COMMISSION.

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

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

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:38 p.m.*

#### **RESUMPTION OF SESSION**

At 4:47 p.m., the session was resumed.

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

After conferring with Senators Osmeña and Angara, Senator Sotto said that it was agreed that the interpellations on Senate Joint Resolution No. 9 be scheduled the following day.

#### **SUSPENSION OF CONSIDERATION OF SENATE JOINT RESOLUTION NO. 9**

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

#### **CHANGE OF REFERRAL**


Upon motion of Senator Sotto, there being no objection, the Body approved the change of primary referral of Senate Bill No. 2236 from the Committee on Civil Service and Government Reorganization to the Committee on Science and Technology.

#### **ADJOURNMENT OF SESSION**

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

*It was 4:48 p.m.*

I hereby certify to the correctness of the foregoing.

  
EMMA LIRIO REYES  
Secretary of the Senate

Approved on May 18, 2011