



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 87
Tuesday, May 24, 2011

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

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CALL TO ORDER

At 3:32 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

PRAYER

Sen. Pia S. Cayetano led the prayer, to wit:

Let us put ourselves in the presence of the Lord.

Heavenly Father, we acknowledge with gratitude our special privileges. Your people: You are the Father and we are Your children.

We understand, Father, that as Your children, we are to work together to carry out our task in harmony with the best intentions and with utmost respect for each other's views and opinions.

Lord, we know You are the giver of wisdom, peace and unity. We ask that we be given peace and patience to listen to each other and wisdom to discern what is the best for the Filipino people especially the poor.

As another typhoon comes our way, we humbly ask that its path be diverted. But in the meantime, we pray that our LGUs are prepared to mobilize our people. We pray that disaster preparedness and awareness become second nature to us so we are not caught off-guard, vulnerable and defenseless.

All these we pray in Your Holy Name.
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:

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

With 19 senators present, the Chair declared the presence of a quorum.

Senators Angara, Cayetano (A) and Guingona arrived after the roll call.

Senator Villar was 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. 86 (May 23, 2011) and considered it approved.

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

PS

REFERENCE OF BUSINESS

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

BILLS ON FIRST READING

Senate Bill No. 2836, entitled

AN ACT PROVIDING FOR PROTECTION, SECURITY AND BENEFITS OF WHISTLEBLOWERS AND FOR OTHER PURPOSES

Introduced by Senator Lacson

To the Committees on Justice and Human Rights; and Finance

Senate Bill No. 2837, entitled

AN ACT MANDATING THE REPRESENTATION OF COOPERATIVES IN THE BOARD OF DIRECTORS OF THE LAND BANK OF THE PHILIPPINES, AMENDING THEREFOR REPUBLIC ACT NO. 3844, AS AMENDED

Introduced by Senator Zubiri

To the Committees on Cooperatives; and Banks, Financial Institutions and Currencies

Senate Bill No. 2838, entitled

AN ACT FURTHER STRENGTHENING WORKERS' RIGHT TO SELF-ORGANIZATION, AMENDING FOR THIS PURPOSE ARTICLES 234, 235, 236, AND 237 OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED

Introduced by Senators Ejercito Estrada and Trillanes IV

To the Committee on Labor, Employment and Human Resources Development

Senate Bill No. 2839, entitled

AN ACT STRENGTHENING THE ANIMAL INDUSTRY AND VETERINARY SERVICES IN THE PHILIPPINES

Introduced by Senator Angara

To the Committees on Agriculture and Food; and Finance

RESOLUTIONS

Proposed Senate Resolution No. 486, entitled

RESOLUTION URGING THE COMMITTEES ON SCIENCE AND TECHNOLOGY; AND YOUTH, WOMEN AND FAMILY RELATIONS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE EMERGING AND INCREASING INCIDENTS OF IDENTITY THEFT TARGETING CHILDREN IN THE PHILIPPINES WITH THE INTENTION OF TIGHTENING AND STRENGTHENING EXISTING STATUTES ON CYBERCRIMES *VIS-À-VIS* PROTECTION OF CHILDREN

Introduced by Senator Villar

To the Committees on Science and Technology; and Youth, Women and Family Relations

Proposed Senate Resolution No. 487, entitled

RESOLUTION URGING THE COMMITTEES ON GOVERNMENT CORPORATIONS AND PUBLIC ENTERPRISES; AND CIVIL SERVICE AND GOVERNMENT REORGANIZATION TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE FINANCIAL VIABILITY OF THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS) AND ITS LONG TERM SUSTAINABILITY TO SUPPORT ITS GROWING RETIREES AND MEMBERS WITH THE END IN VIEW OF ASSURING THE CONSTI-

**TUENTS AND THE STAKE-
HOLDERS OF THE PROPER
MANAGEMENT OF THE GSIS**

Introduced by Senator Villar

**To the Committees on Government
Corporations and Public Enterprises; and Civil
Service and Government Reorganization**

Proposed Senate Resolution No. 488, entitled

**RESOLUTION URGING THE SENATE
COMMITTEES ON EDUCATION,
ARTS AND CULTURE; AND
YOUTH, WOMEN AND FAMILY
RELATIONS TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION,
ON THE REPORTED INCREASES
OF MISCELLANEOUS FEES
IMPOSED BY SOME COLLEGES
AND UNIVERSITIES, WHICH ADD
TO THE BURDEN OF HIGH
TUITION COSTS, WITH THE END
IN VIEW OF RATIONALIZING AND
ITEMIZING ALLOWABLE MIS-
CELLANEOUS CHARGES IN THE
INTEREST OF TRANSPARENCY**

Introduced by Senator Villar

**To the Committee on Education, Arts and
Culture**

COMMUNICATION

Letter from the *Bangko Sentral ng Pilipinas*, dated 16 May 2011, furnishing the Senate with certified true copies of BSP Circular Nos. 719 and 720, series of 2011, both dated 6 May 2011.

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

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

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

- Members of the League of Municipalities of Davao del Norte, namely: Mayor Nestor L. Alcoran of New Corella;

Mayor Lolita A. Moral of Braullo E. Dujali; Mayor Joseph Nilo Parreñas of Asuncion; Mayor Maximo M. Estela of Sto. Tomas; Mayor Rosebella Abelita-Nana of San Isidro; Mayor Edgardo L. Timbol of Kapalong; Mayor Perandos of Carmen; Mayor Jose L. Silvosa, Sr. of Panabo; Mr. Arturo B. Manigo, Jr. (Project Coordinator), Tagum, and Mr. Arnel Pacio also of Sto. Tomas; and

- Members of the Sangguniang Kabataan (SK) of Parang, Maguindanao of the Autonomous Region in Muslim Mindanao, together with officials of the DILG.

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

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 3:39 p.m.

RESUMPTION OF SESSION

At 3:49 p.m., the session was resumed with Senator Zubiri presiding.

**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 EXCEP-
TIONS FROM THE NIGHTWORK
PROHIBITION OF WOMEN
EMPLOYEES, THEREBY AMEND-
ING 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 individual amendments.

AS *YS*

Thereupon, the Chair recognized Senator Ejercito Estrada, Sponsor of the measure, and Senator Cayetano (P) for her amendments.

CAYETANO (P) AMENDMENTS

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

1. On page 6, line 7, insert a comma (,) after the word "RESIDENCE" and add the phrase SUBJECT TO EXCEPTIONS AND GUIDELINES TO BE PROVIDED BY DOLE.

Senator Cayetano (P) underscored the need to ensure that the benefits demanded for the protection of women are reasonable and not too burdensome on their employers. She wished, however, that owners of small establishments who cannot afford to provide full transportation services for their female workers should, subject to DOLE guidelines, at least offer some transport service, such as tricycle ferries.

2. On page 7, delete lines 5 to 7, and in lieu thereof insert the phrase WHICH SHALL BE DIVIDED BETWEEN THE TIME BEFORE AND AFTER CHILDBIRTH;

Senator Cayetano (P) pointed out that the expected date of childbirth could not always be predetermined, particularly in women who are infanticipating for the first time. She said that the amendment would give some flexibility as it does not specify the expected date of childbirth as the reckoning point in determining when an alternative to nightwork could be offered to pregnant workers.

3. On page 8, reword lines 1 to 5 to read as:
(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, CHILDBIRTH, AND CHILD CARE RESPONSIBILITIES;

Senator Cayetano (P) stated that based on her understanding of the intent of the provision, an employer cannot terminate his employee because she is pregnant. She said that she was putting on record the intent of the provision to ensure that women who are unable to fulfill their duties in the workplace due to pregnancy are given due consideration.

She narrated that when she was told that her unborn child had a debilitating congenital disorder and that he would not live many days beyond his birth, she went on indefinite leave, which her employer allowed, to care for her child who lived longer than the time he was expected to die. In the interest of fairness, she suggested that the DOLE provide guidelines in such situations to prevent cases from being filed because of the vagueness of the law in interpreting the rights of a mother.

COSPONSOR

Upon her request, Senator Cayetano (P) was made a cosponsor of Senate Bill No. 2701.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL ON SECOND READING OF SENATE BILL NO. 2701

Submitted to a vote, there being no objection, Senate Bill No. 2701 was approved on Second Reading.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2701

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

for

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 individual amendments.

MANIFESTATION OF SENATOR OSMEÑA

Senator Osmeña informed the Body that after meeting with the ECCD proponents, he was accepting the amendments proposed by the Committee and, as such, he was withdrawing his reservation to present amendments to the bill. He believed that the national government ought to find a way of sourcing the estimated P9.6 billion budget for the program.

SUSPENSION OF SESSION

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

It was 4:06 p.m.

RESUMPTION OF SESSION

At 4:14 p.m., the session was resumed with Senate President Pro Tempore Ejercito Estrada presiding.

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

APPROVAL OF SENATE BILL NO. 2802 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 2802 was approved on Second Reading.

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 still the period of individual amendments.

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

RECTO AMENDMENTS

On behalf of Senator Recto, as proposed by Senator Sotto and accepted by the Sponsor, there being no objection, the Body approved the following amendments:

1. On page 2, line 3, between the word "retirement" and the period (.), insert a semicolon (;) and the proviso PROVIDED, FURTHER, THAT IN THE CASE OF THE GSIS, IT SHALL PAY THE RETIREMENT BENEFIT OF THE RETIRING EMPLOYEE ON HIS LAST DAY OF SERVICE TO THE GOVERNMENT, PURSUANT TO THE GSIS CHARTER; and
2. On the title of the bill, insert the word EARLY before the word "RELEASE," and delete the phrase "WITHIN A PERIOD OF THIRTY (30) DAYS AFTER HIS OR HER ACTUAL DATE OF RETIREMENT."

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

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

46

**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.

NEXT DAY'S AGENDA

As agreed upon with Senators Angara and Osmeña, Senator Sotto stated that in the next day's session, the Body would resume the interpellations on Senate Joint Resolution No. 6 (Committee Report No. 17) and Senate Joint Resolution No. 9 (Committee Report No. 29) and thereafter proceed to the period of amendments.

ADDITIONAL REFERRAL


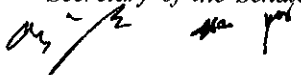
Upon motion of Senator Sotto, there being no objection, the Chair referred the Citizens' Petition, which was primarily referred to the Committee on Rules, to the Committee on Health and Demography as the secondary committee.

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.

It was 4:19 p.m.

I hereby certify to the correctness of the foregoing.


EMMA LIRIO REYES
Secretary of the Senate


Approved on May 25, 2011