



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 47**  
Tuesday and Wednesday, February 7 & 8, 2023

**NINETEENTH CONGRESS**  
**FIRST REGULAR SESSION**

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Senate of the Philippines

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**CALL TO ORDER**

At 3:14 p.m., the Senate President, Hon. Juan Miguel "Migz" F. Zubiri, called the session to order.

**PRAYER**

Sen. Cynthia A. Villar led the prayer, to wit:

*Let us pray:*

Heavenly Father, we are grateful for the life that You have given us. Through our bodies, we could experience the beauty of Your creation. We thank You for the many blessings You have bestowed upon us, like the soil where our crops, fruits, and vegetables sprout, the mountains that protect us from storms, and the sea that provides us with marine bounties.

Dear Lord, we glorify and give You thanks as it is through Your infinite grace that we are able to perform our tasks in the Senate and for the Filipino people with keen dedication and boundless energy. We implore You to be our eternal guide and to pour upon us Your gifts of wisdom, fortitude, and compassion to help us do right, to pursue the common good, and to find ways to respond to the rising prices of commodities, fight crimes and violence, and alleviate our countrymen from poverty and other forms of sufferings and distress.

Please continue to bless us, O Gracious Lord, as we aim to serve the people to the best of our ability. Allow us to always remember and live the words of Jesus that "*Whoever wishes to be great will be your servant... for even the Son of Man did not come to be served but to serve.*"

These we ask, in Jesus' Name.

Amen.

98

**ROLL CALL**

Upon direction of the Senate President, the Secretary of the Senate, Atty. Renato N. Bantug Jr., called the roll, to which the following senators responded:

Angara, S.	Padilla, R. C.
Binay, M. L. N. S.	Pimentel III, A. K.
Dela Rosa, R. B. M.	Poe, G.
Ejercito, J. V. G.	Revilla Jr., R. B.
Estrada, J.	Tolentino, F. T. N.
Gatchalian, W.	Tulfo, R. T.
Go, C. L. T.	Villanueva, J.
Hontiveros, R.	Villar, M. A.
Lapid, M. L. M.	Villar, C. A.
Legarda, L.	Zubiri, J. M. F.
Marcos, I. R.	

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

Senators Cayetano (A), Cayetano (P), and Escudero arrived after the roll call.

**APPROVAL OF THE JOURNAL**

Upon motion of Senator Villanueva, there being no objection, the Body dispensed with the reading of the Journal of Session No. 46 (February 6, 2023) and considered it approved.

**ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS**

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

- DND Sec. Carlito Galvez Jr. and other officials;
- AFP Vice Chief of Staff Lt. Gen. Arthur Cordura and other AFP senior officers;
- Ambassador Bienvenido Tejano;
- DOJ Asst. Sec. Francis John Tejano;
- Mayor Tessa Constantino of Malungon, Sarangani Province;
- Ms. Kira Christianne Azucena, Ambassador nominee to New Zealand; and
- Congressman Tanjuatco from the Province of Rizal.

Senate President Zubiri 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:

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

Letter from the Secretary General of the House of Representatives, dated January 23, 2023, informing the Senate that pursuant to Section 5 of Republic Act No. 11899, the House of Representatives designated the following members as Commissioners of the Second Congressional Commission on Education (EDCOM II):

*gfb*

- As Chairperson* : Rep. Roman T. Romulo  
Chairperson, Committee on Basic Education and Culture
- As Co-Chairperson* : Rep. Mark O. Go  
Chairperson, Committee on Higher and Technical Education
- As Members* : 1. Rep. Jose Francisco "Kiko" B. Benitez  
2. Rep. Mohammad Khalid Q. Dimaporo  
3. Rep. Pablo John F. Garcia

**To the Committee on Rules**

Letter from the House of Representatives informing the Senate that on 23 January 2023, it passed the following House Bills in which it requests the concurrence of the Senate:

House Bill No. 6492, entitled

AN ACT PROTECTING THE RIGHT OF THE PEOPLE TO FREEDOM OF RELIGION IN THE PHILIPPINES GUARANTEED UNDER SECTION 5, ARTICLE III OF THE CONSTITUTION

**To the Committees on Justice and Human Rights; Cultural Communities and Muslim Affairs; and Ways and Means**

House Bill No. 6157, entitled

AN ACT PROVIDING FOR THE MANNER OF DETERMINING THE RANKING OF THE MEMBERS OF THE SANGGUNANG PANLUNGSOD OF THE CITY OF VALENZUELA, FOR PURPOSES OF SUCCESSION, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 8526, OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF VALENZUELA

**To the Committee on Local Government**

House Bill No. 6413, entitled

AN ACT AMENDING THE NAME OF THE CITY OF LAPU-LAPU TO THE CITY OF LAPULAPU, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 3134, OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF LAPU-LAPU

**To the Committee on Local Government**

House Bill No. 6307, entitled

AN ACT DECLARING THE MUNICIPALITY OF DOÑA REMEDIOS TRINIDAD, PROVINCE OF BULACAN, AN ECOTOURISM ZONE

**To the Committees on Tourism; and Finance**

House Bill No. 6374, entitled

AN ACT DECLARING THE KAPARKAN FALLS LOCATED IN BARANGAY CAGANAYAN, MUNICIPALITY OF TINEG, PROVINCE OF ABRA, AN ECOTOURISM SITE, AND ESTABLISHING THE KAPARKAN FALLS DEVELOPMENT COUNCIL



**To the Committees on Tourism; Environment, Natural Resources and Climate Change; and Finance**

House Bill No. 6338, entitled

AN ACT ESTABLISHING A FRESHWATER FISH HATCHERY IN MUNICIPALITY OF TALACOGON, PROVINCE OF AGUSAN DEL SUR, AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Agriculture, Food and Agrarian Reform; and Finance**

House Bill No. 6339, entitled

AN ACT ESTABLISHING A MULTI-SPECIES MARINE HATCHERY IN THE MUNICIPALITY OF BILIRAN, PROVINCE OF BILIRAN, AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Agriculture, Food and Agrarian Reform; and Finance**

House Bill No. 6552, entitled

AN ACT CONVERTING THE SAN ISIDRO SATELLITE CAMPUS OF THE LEYTE NORMAL UNIVERSITY LOCATED IN THE MUNICIPALITY OF SAN ISIDRO, PROVINCE OF LEYTE, INTO A REGULAR CAMPUS OF THE LEYTE NORMAL UNIVERSITY TO BE KNOWN AS THE LEYTE NORMAL UNIVERSITY-SAN ISIDRO CAMPUS, AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Higher, Technical and Vocational Education; and Finance**

House Bill No. 6553, entitled

AN ACT CONVERTING THE BATAAN PENINSULA STATE UNIVERSITY-BAGAC EXTENSION CAMPUS IN THE MUNICIPALITY OF BAGAC, PROVINCE OF BATAAN, INTO A REGULAR CAMPUS OF THE BATAAN PENINSULA STATE UNIVERSITY, TO BE KNOWN AS THE "BATAAN PENINSULA STATE UNIVERSITY-BAGAC CAMPUS," AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Higher, Technical and Vocational Education; and Finance**

House Bill No. 6575, entitled

AN ACT CONVERTING THE BALICUATRO COLLEGE OF ARTS AND TRADES IN THE MUNICIPALITY OF ALLEN, PROVINCE OF NORTHERN SAMAR, INTO A POLYTECHNIC INSTITUTION TO BE ADMINISTERED AND SUPERVISED BY THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY, TO BE KNOWN AS THE NORTHERN SAMAR POLYTECHNIC INSTITUTE, AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Higher, Technical and Vocational Education; and Finance**

House Bill No. 6670, entitled

AN ACT CONVERTING THE AGUSAN DEL SUR SCHOOL OF ARTS AND



TRADES IN THE MUNICIPALITY OF PROSPERIDAD, PROVINCE OF AGUSAN DEL SUR, INTO A TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY-SUPERVISED AND ADMINISTERED POLYTECHNIC INSTITUTION TO BE KNOWN AS THE "AGUSAN DEL SUR POLYTECHNIC INSTITUTE FOR TECHNICAL EDUCATION," AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Higher, Technical and Vocational Education; and Finance**

House Bill No. 6671, entitled

AN ACT CONVERTING THE CAGAYAN DE ORO (BUGO) SCHOOL OF ARTS AND TRADES IN THE CITY OF CAGAYAN DE ORO, PROVINCE OF MISAMIS ORIENTAL, INTO A POLYTECHNIC INSTITUTION TO BE ADMINISTERED AND SUPERVISED BY THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY, TO BE KNOWN AS THE CAGAYAN DE ORO POLYTECHNIC INSTITUTE, AND APPROPRIATING FUNDS THEREFOR"

**To the Committees on Higher, Technical and Vocational Education; and Finance**

House Bill No. 6660, entitled

AN ACT SEPARATING THE TUKURAN TECHNICAL-VOCATIONAL HIGH SCHOOL – BACLAY EXTENSION IN BARANGAY BACLAY, MUNICIPALITY OF TUKURAN, PROVINCE OF ZAMBOANGA DEL SUR FROM THE TUKURAN TECHNICAL-VOCATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS THE BACLAY NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Basic Education; and Finance**

House Bill No. 6661, entitled

AN ACT SEPARATING THE SAPA ANDING NATIONAL HIGH SCHOOL – RAMON MAGSAYSAY EXTENSION IN BARANGAY POBLACION, MUNICIPALITY OF RAMON MAGSAYSAY, PROVINCE OF ZAMBOANGA DEL SUR FROM THE SAPA ANDING AGRICULTURAL VOCATIONAL TECHNICAL SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS THE RAMON MAGSAYSAY NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Basic Education; and Finance**

House Bill No. 6663, entitled

AN ACT CONVERTING THE BUKID ELEMENTARY SCHOOL IN BARANGAY BUKID, MUNICIPALITY OF JOSE ABAD SANTOS, PROVINCE OF DAVAO OCCIDENTAL INTO AN INTEGRATED SCHOOL TO BE KNOWN AS THE BUKID INTEGRATED SCHOOL, AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Basic Education; and Finance**



House Bill No. 6664, entitled

AN ACT CONVERTING THE TRIBAL FILIPINO SCHOOL OF TAMBELANG, KNOWN AS THE TFS OF TAMBELANG ELEMENTARY SCHOOL, IN BARANGAY DATU DANWATA, MUNICIPALITY OF MALITA, PROVINCE OF DAVAO OCCIDENTAL INTO AN INTEGRATED SCHOOL TO BE KNOWN AS THE TFS OF TAMBELANG INTEGRATED SCHOOL, AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Basic Education; and Finance**

House Bill No. 6665, entitled

AN ACT CONVERTING THE KIDAMAN ELEMENTARY SCHOOL IN BARANGAY KALBAY, MUNICIPALITY OF JOSE ABAD SANTOS, PROVINCE OF DAVAO OCCIDENTAL INTO AN INTEGRATED SCHOOL TO BE KNOWN AS THE KIDAMAN INTEGRATED SCHOOL, AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Basic Education; and Finance**

House Bill No. 6668, entitled

AN ACT SEPARATING THE MARIANO PERALTA NATIONAL HIGH SCHOOL – DATU DANWATA EXTENSION IN BARANGAY DATU DANWATA, MUNICIPALITY OF MALITA, PROVINCE OF DAVAO OCCIDENTAL FROM THE MARIANO PERALTA NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS THE GASPAR DANWATA NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Basic Education; and Finance**

House Bill No. 6669, entitled

AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY MABCA, MUNICIPALITY OF SAGÑAY, PROVINCE OF CAMARINES SUR TO BE KNOWN AS THE MABCA NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Basic Education; and Finance**

House Bill No. 1863, entitled

AN ACT TRANSFERRING THE PROVINCIAL AGRARIAN REFORM OFFICE OF LANA DEL NORTE FROM ILIGAN CITY TO THE MUNICIPALITY OF TUBOD, LANA DEL NORTE AND APPROPRIATING FUNDS THEREFOR

**To the Committees on Agriculture, Food and Agrarian Reform; and Finance**

and House Bill No. 6551, entitled

AN ACT DECLARING THE KUYAMIS FESTIVAL AS THE OFFICIAL FESTIVAL OF THE PROVINCE OF MISAMIS ORIENTAL.

**To the Committee on Local Government**





**ADDITIONAL REFERENCE OF BUSINESS**

**BILLS ON FIRST READING**

Senate Bill No. 1832, entitled

AN ACT LOWERING THE OPTIONAL RETIREMENT AGE OF GOVERNMENT WORKERS FROM SIXTY (60) YEARS TO FIFTY-SIX (56) YEARS, AMENDING FOR THE PURPOSE SECTION 13-A OF REPUBLIC ACT 8291, OTHERWISE KNOWN AS "THE GOVERNMENT SERVICE INSURANCE SYSTEM ACT OF 1997"

Introduced by Senator Revilla Jr.

**To the Committees on Civil Service, Government Reorganization and Professional Regulation; Government Corporations and Public Enterprises; and Finance**

Senate Bill No. 1833, entitled

AN ACT PROVIDING FOR A BILL OF RIGHTS FOR AIR PASSENGERS, PENALIZING VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

Introduced by Senator Revilla Jr.

**To the Committees on Public Services; and Finance**

Senate No. 1834, entitled

AN ACT DECLARING MARCH 2 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE PROVINCE OF LA UNION TO BE KNOWN AS "LA UNION DAY," IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY

Introduced by Senator Lapid

**To the Committee on Local Government**

Senate Bill No. 1835, entitled

AN ACT DECLARING AUGUST 11 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE PROVINCE OF SAMAR TO BE KNOWN AS "SAMAR DAY," IN COMMEMORATION OF ITS FOUNDATION DAY

Introduced by Senator Lapid

**To the Committee on Local Government**

Senate Bill No. 1836, entitled

AN ACT DECLARING FEBRUARY 21 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE PROVINCE OF MARINDUQUE TO BE KNOWN AS "ARAW NG MARINDUQUE," IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY

Introduced by Senator Lapid

**To the Committee on Local Government**



Senate Bill No. 1837, entitled

AN ACT CONVERTING THE MUNICIPALITY OF UBAY IN THE PROVINCE OF BOHOL INTO A COMPONENT CITY TO BE KNOWN AS THE SCIENCE CITY OF UBAY

Introduced by Senator Angara

**To the Committee on Rules**

Senate Bill No. 1838, entitled

AN ACT TO ENSURE GENDER RESPONSIVE AND INCLUSIVE PROTOCOLS AND PROGRAMMING TO ADDRESS THE GENDER-DIFFERENTIATED NEEDS OF WOMEN DURING PANDEMICS, PUBLIC HEALTH CONCERNS, EMERGENCIES AND DISASTERS

Introduced by Senator Revilla Jr.

**To the Committees on Women, Children, Family Relations and Gender Equality; Health and Demography; and Finance**

Senate Bill No. 1839, entitled

AN ACT PROMOTING TRANSPARENT GOVERNANCE AND INSTITUTING ANTI-CORRUPTION MECHANISMS IN THE OPERATION OF BANKS, AND OTHER FINANCIAL INSTITUTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 1405, OTHERWISE KNOWN AS "THE SECRECY OF BANK DEPOSITS LAW"

Introduced by Senator Gatchalian

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

Senate Bill No. 1840, entitled

AN ACT PROVIDING FOR THE MAGNA CARTA OF BARANGAY HEALTH WORKERS

Introduced by Senator Gatchalian

**To the Committees on Health and Demography; Local Government; Ways and Means; and Finance**

Senate Bill No. 1842, entitled

AN ACT INSTITUTING THE EXPANDED BALIKBAYAN PROGRAM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6768, AS AMENDED BY REPUBLIC ACT NO. 9174, AND FOR OTHER PURPOSES

Introduced by Senator Tulfo

**To the Committees on Tourism; and Ways and Means**

Senate Bill No. 1843, entitled

AN ACT EXPANDING THE COVERAGE OF FREE SCHOOL MEALS PROGRAM AND MANDATING THE PROCUREMENT FROM SMALL SCALE FARMERS IN THE IMPLEMENTATION OF THE NATIONAL FEEDING PROGRAM AMENDING FOR THE PURPOSE REPUBLIC ACT 11037 OTHERWISE KNOWN AS THE "MASUSTANSYANG PAGKAIN PARA SA BATANG PILIPINO ACT"

Introduced by Senator Tulfo

**To the Committees on Basic Education; and Youth**

Senate Bill No. 1844, entitled

AN ACT IMPOSING EXCISE TAX ON SINGLE-USE PLASTIC BAGS, AMENDING FOR THE PURPOSE SECTION 288 AND ADDING A NEW SECTION 150-C IN THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED

Introduced by Senator Tulfo

**To the Committee on Ways and Means**

Senate Bill No. 1845, entitled

AN ACT PROMOTING OPEN ACCESS IN INTERNET SERVICES AND FOR OTHER PURPOSES

Introduced by Senator Tulfo

**To the Committees on Science and Technology; and Public Services**

Senate Bill No. 1847, entitled

AN ACT STRENGTHENING THE COMMISSION ON ELECTIONS (COMELEC) INCREASING THE MANPOWER COMPLEMENT IN ITS FIELD OFFICES, PROVIDING OFFICE SPACES SEPARATE AND INDEPENDENT FROM LOCAL GOVERNMENT UNITS, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 881, AS AMENDED, OTHERWISE KNOWN AS THE "OMNIBUS ELECTION CODE OF THE PHILIPPINES" AND APPROPRIATING FUNDS THEREFOR"

Introduced by Senator Dela Rosa

**To the Committees on Electoral Reforms and Peoples Participation; Civil Service, Government Reorganization and Professional Regulation; and Finance**

### COMMITTEE REPORTS

Committee Report No. 21, prepared and submitted jointly by the Committees on Culture and the Arts; and Local Government, on Senate Bill No. 1841, with Senators Binay, Legarda, Revilla Jr., and Ejercito as authors thereof, entitled

AN ACT STRENGTHENING THE CONSERVATION AND PROTECTION OF PHILIPPINE CULTURAL HERITAGE THROUGH CULTURAL MAPPING,

AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10066, OTHERWISE KNOWN AS THE "NATIONAL CULTURAL HERITAGE ACT OF 2009,"

recommending its approval in substitution of Senate Bill Nos. 117, 622, and 1094, taking into consideration House Bill No. 5110.

Sponsor: Senator Legarda

**To the Calendar for Ordinary Business**

Committee Report No. 22, prepared and submitted jointly by the Committees on Trade, Commerce and Entrepreneurship; Ways and Means; and Finance, on Senate Bill No. 1846, with Senators Gatchalian, Zubiri, Estrada, Villar (M), Marcos, Legarda, Revilla Jr., Villanueva, Go, and Padilla as authors thereof, entitled

AN ACT PROTECTING CONSUMERS AND MERCHANTS ENGAGED IN INTERNET TRANSACTIONS, CREATING FOR THIS PURPOSE THE ELECTRONIC COMMERCE BUREAU, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 154, 612, 806, 1125, 1250, 1341, 1424 and 1478, taking into consideration House Bill No. 4.

Sponsor: Senator Villar (M)

**To the Calendar for Ordinary Business**

**SECOND ADDITIONAL REFERENCE OF BUSINESS**

**BILL ON FIRST READING**

Senate Bill No. 1848, entitled

AN ACT AMENDING SECTIONS 6, 22, 24, 25, 27, 28, 32, 34, 37, 38, 39, 42, 51, 52, 54, 56, 57, 73, 108, 109, 112, 121, 122, 123, 127, 149, 174, 176, 179, 181, 182, 183, 184, 185, 186, 187, 190, 195, 198, 199, 204, 222, 237, 237-A, 255, 256, 257, 258, 261, 263, 264, 266, 275; INSERTING NEW SECTION 270-A; AND REPEALING SECTIONS 175, 177, 178, 180, 188, 192, AND 193; ALL UNDER REPUBLIC ACT NO. 8424, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED,

Introduced by Senator Tulfo

**To the Committee on Ways and Means**

**COMMITTEE REPORT**

Committee Report No. 23, prepared and submitted jointly by the Committees on National Defense and Security, Peace, Unification and Reconciliation; and Government Corporations and Public Enterprises, on Senate Bill No. 1849, with Senators Estrada, Zubiri and Cayetano (AP) as authors thereof, entitled

AN ACT AMENDING SECTIONS 2, 6, 10, 11 AND 15 OF REPUBLIC ACT NO. 11709 OTHERWISE KNOWN AS "AN ACT STRENGTHENING

PROFESSIONALISM AND PROMOTING THE CONTINUITY OF POLICIES AND MODERNIZATION INITIATIVES IN THE ARMED FORCES OF THE PHILIPPINES, BY PRESCRIBING FIXED TERMS FOR KEY OFFICERS THEREOF INCREASING THE MANDATORY RETIREMENT AGE OF GENERALS/FLAG OFFICERS, PROVIDING FOR A MORE EFFECTIVE ATTRITION SYSTEM, AND PROVIDING FUNDS THEREFOR.”

recommending its approval in substitution of Senate Bill Nos. 1601 and 1603, taking into consideration House Bill No. 6517.

Sponsor: Senator Estrada

**To the Calendar for Ordinary Business**

### **SPECIAL ORDER**

Upon motion of Senator Villanueva, there being no objection, the Body approved the transfer of Committee Report No. 23 on Senate Bill No. 1849 from the Calendar for Ordinary Business to the Calendar for Special Orders.

### **COMMITTEE REPORT NO. 23 ON SENATE BILL NO. 1849**

Upon motion of Senator Villanueva, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1849 (Committee Report No. 23), entitled

AN ACT AMENDING SECTIONS 2, 6, 10, 11 AND 15 OF REPUBLIC ACT NO. 11709 OTHERWISE KNOWN AS “AN ACT STRENGTHENING PROFESSIONALISM AND PROMOTING THE CONTINUITY OF POLICIES AND MODERNIZATION INITIATIVES IN THE ARMED FORCES OF THE PHILIPPINES, BY PRESCRIBING FIXED TERMS FOR KEY OFFICERS THEREOF INCREASING THE MANDATORY RETIREMENT AGE OF GENERALS/FLAG OFFICERS, PROVIDING FOR A MORE EFFECTIVE ATTRITION SYSTEM, AND PROVIDING FUNDS THEREFOR.”

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

Thereupon, the Chair recognized Senator Estrada for the sponsorship.

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

As chairperson of the Committee on National Defense and Security, Peace, Unification and Reconciliation, Senator Estrada delivered his sponsorship speech on Senate Bill No. 1849, under Committee Report No. 23, or An Act Amending Sections 2, 6, 10, 11, and 15 of Republic Act No. 11709, otherwise known as “An Act Strengthening Professionalism and Promoting the Continuity of Policies and Modernization Initiatives in the Armed Forces of the Philippines, by Prescribing Fixed Terms for Key Officers Thereof, Increasing the Mandatory Retirement Age of Generals/Flag Officers, Providing for a More Effective Attrition System, and Providing Funds Therefor.”

*Following is the full text of Senator Estrada's sponsorship speech:*

The Committee Report is a consolidation of Senate Bill No. 1601 authored by this representation, and Senate Bill No. 1603 filed by our Honorable Senate President, Sen. Juan Miguel F. Zubiri.



This Committee also took into consideration House Bill No. 6517, referred to the Committee on January 23, 2023.

Section 3, Article II of the 1987 Philippine Constitution provides that: “xxx The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.”

Further, Section 5 (3), Article XVI of the 1987 Philippine Constitution states that: “Professionalism in the armed forces and adequate remuneration and benefits of its members shall be a prime concern of the State.” Toward this end, several laws were passed to continually enhance the professionalism of our armed forces, the latest of which is Republic Act No. 11709, signed into law on April 13, 2022, and took effect on July 1, 2022.

The enactment of RA 11709 was intended to alleviate the revolving door accommodation on promotions and to allow the AFP leadership a longer period to institutionalize sound policies and implement reforms that will redound to the improvement of the AFP by prescribing fixed terms for key officers and by increasing the mandatory retirement age for generals and/or flag officers.

While this Representation agrees with the intent and purpose for the passage of Republic Act No. 11709, the unintended consequences—I repeat—the unintended consequences in implementing the said law are too far-reaching. It has caused a bottleneck in the promotions of officers and is expected to cause unnecessary and unwanted attrition within the ranks of the Armed Forces of the Philippines.

*Upang mailarawan nang mas malinaw ang magiging epekto ng RA 11709, may isinagawang actuarial modelling o simulation. Ito po ang mga datos na lumabas sa nasabing pag-aaral.*

*Sa ilalim ng dating umiiral na batas o Republic Act No. 8186, sa loob ng limang taon, nasa tatlo lamang po ang bilang ng one-star general natin na napipilitang magretiro dahil hindi na ma-promote. Ngunit sa ilalim ngayon ng RA 11709—uulitin ko po—93, noventa y tres, o siyamnapu’t tatlo ang magiging bilang ng mga one-star general na mapipilitang magretiro sa susunod na limang taon. Ang attrition ng ating one-star generals sa ilalim ng kasalukuyang batas ay 31 times higher kumpara sa dati.*

*Ang mga two-star generals naman natin, six times higher ang magiging attrition rate. Mula sa dating lima, inaasahan nating tatlumpu’t dalawa o 32 ang mapipilitang magretiro dahil sa attrition sa susunod na limang taon. Sa three-star generals naman ay three times higher ang attrition rate. Mula sa dating tatlo sa loob ng limang taon ay magiging siyam. Ang ating mga colonel, two-times higher. Mula 68 ay magiging 134.*

*Pero hindi pa po ito ang pinakamalaking dagok na dala ng Republic Act No. 11709. Tinatayang nasa 15% din ng ating enlisted personnel ang maaapektuhan ng unnecessary attrition bunsod ng RA 11709. Sa kasalukuyan, 82% ng Armed Forces of the Philippines o nasa higit na 135,000 ng ating kasundaluhan ay binubuo ng magigiting na enlisted personnel. Inaasahang hindi bababa sa 20,000 ng ating mga enlisted personnel ang mapipilitang umalis sa serbisyo sa mga susunod na taon dala ng kanilang forced attrition na nakasaad sa Republic Act No. 11709.*

*Ito po ay iilan lamang sa mga dahilan ng so-called grumblings sa hanay ng ating sandatahang lakas. The concerns of the brave men and women in the Armed Forces of the Philippines are very much valid and understandable, given the perceived uncertainty of their military careers na halos buong buhay nilang pinagtrabahuan. Although unintended, Republic Act No. 11709 has caused uneasiness, demotivation, and adversely affected the morale of our troops.*

*Batay po sa iba’t ibang mga survey, laging ang Armed Forces of the Philippines natin po ang pinakamataas at nangunguna sa mga approval rating, satisfaction rating, at trust rating. Malinaw po na mahusay at maayos nilang ginagampanan ang kanilang tungkulin bilang tagapangalaga ng sambayanang Pilipino at ng ating bansa. Ganito po ba ang dapat nating isukli sa kanilang mga sakripisyo para sa ating bansa?*

We do recognize the hard work and diligence that were poured out by our esteemed colleagues from the previous Congress, many of whom are still part of the present Congress, in crafting RA 11709.

I myself am convinced that RA 11709 is a good law, which sought to institute meaningful reforms and finally resolve the revolving door policy that has hounded the Armed Forces for so

many years and severely hampered the long-term planning, stability, and strategic direction of the defense establishment.

Nonetheless, it is incumbent upon me to listen and respond to the grievances of the members of the Armed Forces. *Hindi natin puwedeng isantabi na lamang at ipagwalang-bahala ang kanilang mga hinaing at punto hinggil sa epekto ng pagpapatupad ng batas na ito.*

The Senate bill therefore seeks to amend five provisions of Republic Act No. 11709, which will definitely address and put the so-called “grumblings” to rest.

Foremost is for matters concerning our enlisted personnel to be removed from the coverage of RA 11709.

We will revert to the previous system where the promotion, separation, and maximum allowable tenure of our listed personnel will be governed by the issuances of the Department of National Defense and the Armed Forces of the Philippines. This will afford the DND and AFP flexibility in adjusting the policies concerning our enlisted personnel depending on their developing and expanding needs.

The Senate bill also reintroduces a one-year period of prohibition for promotions, which was effectively removed by RA 11709, and reinstates the previous tenure-in-grades of colonels/ commanders and brigadier generals and commodores.

Officers may only be eligible for promotion to the rank of brigadier general or commodore, or higher, if he or she has at least one year remaining of active service before compulsory retirement. This will address a major issue in the implementation of RA 11709 by preventing “photo finish” promotions of generals and flag officers despite having a few months or days left before retiring.

Reinstating the one-year prohibition was a result of the consultative meeting between this Representation and the junior officers of the AFP conducted last February 3, 2023.

The reimposition of the one-year prohibition will mean that a colonel with a present tenure-in-grade of eight years has only seven years within which to be promoted to the rank of brigadier general. A brigadier general with a present tenure-in-grade of three years has only two years within which to be promoted as major general.

Given the limited number of officers in the aforementioned positions, a period of seven years for colonels and two years for brigadier generals within which to compete for promotions is quite short and will lead to their unnecessary attrition.

As earlier stated, the attrition rate for colonels under Republic Act 11709 will be doubled and for brigadier generals, it will be 31 times higher. This computation was arrived at without taking into consideration a period of promotion ban. The attrition rate will even be higher should we impose the proposed one-year prohibition.

Thus, the reversion to their previous tenure-in-grades under Republic Act No. 8186, ten (10) years for colonels and five (5) years for brigadier generals, is in order. This will allow them a fair and equitable opportunity to compete and to be promoted to the next rank.

And for the sake of clarity and for the record, your Committee is not against attrition. We believe that weeding out non-performers and lame ducks in the organization is very crucial, if not at the heart of ensuring professionalism and maintaining only the best and the brightest, the cream of the crop in the Armed Forces of the Philippines.

Limiting the tour of duty to five tenured key officers and allowing other key officers lateral movements to key positions is also being sought. The AFP Chief of Staff will still be accorded a maximum tour of duty of three years. The PMA Superintendent will still have a maximum tour of duty of four years. The tour of duty of major service commanders, however, will be shortened from three years to two years. We are still fostering the continuity of policies for the 10-year key positions but, at the same time, affording the subsequent commission classes of fair and equitable opportunity to compete for promotions to these positions. All other key officers, namely, the Vice Chief of Staff, Deputy Chief of Staff, Unified Command Commanders, and the Inspector General will now be allowed lateral movement provided that an appointment to a tenured key position will be covered by the one-year prohibition on promotions. This will grant our Major Generals and



Lieutenant Generals a fair and equitable opportunity to compete for promotions to key positions, which was indiscriminately and unfairly deprived of them by RA 11709.

Moreover, the AFP Board of Generals (BOG) will not be bound by restrictions, particularly the prohibition on lateral movement in determining the best qualified candidates to these key positions.

The introduction of a graduated age of compulsory retirement for generals and flag officers is likewise being espoused by this Senate bill. This is a balancing act as it allows the AFP to maximize the services of our senior generals but at the same time affords the younger colonels and generals the opportunity for career progression.

Under this Senate bill, the compulsory age of retirement for one-star general is 57. For two-star generals, it will be 58. For three-star generals, it will be 59. But if the officer is occupying a tenured key position, the maximum tour of duty will take precedence.

It is worth noting, however, that among the recommendations gathered by this Representation during the consultative meeting with AFP junior officers is to merely impose 57, not graduated, as the uniform age of compulsory retirement for generals and flag officers. The determination of 57 was arrived at given that there are incumbent generals/flag officers who have surpassed the age of 56.

Finally, the Senate bill seeks to reintroduce the percentages on officer grade distribution provided under Republic Act No. 9188, but the basis will be the Armed Forces of the Philippines Table of Organization.

Under RA 11709, the Secretary of National Defense is mandated to ensure the decrease in the number of our generals/flag officers from 190 to 164 before April 13, 2023. This Representation respectfully submits that this significant decrease is not in keeping with the demand of the times given the continued modernization of our armed forces. The AFP needs to be dynamic and highly responsive to the complex, volatile, ambiguous, and evolving local, regional, and global security landscapes. It will be more prudent, therefore, to reinstitute the percentages provided under Republic Act No. 9188, particularly on the number of generals and flag officers, and to give the DND and the AFP leeway in determining their force structure by basing the said percentages on the AFP Table of Organization.

While we are granting the DND and the AFP more flexibility to respond to the current and future security threats, the grant is not without sufficient safeguards. Percentages are in place and allocations for additional positions are still to be justified with the Department of Budget and Management.

As to the application of the amendments we are proposing, this Representation respectfully submits that the tour of duty, compulsory age of retirement, and maximum tenure-in-grade shall be made to apply to those appointed or promoted on July 1, 2022 onwards or during the effectivity of RA 11709.

Doing so will immediately address the issues and concerns, including the bottleneck, in promotions following the implementation of RA 11709. Otherwise, our troops will continue to suffer as the effects of these proposed amendments will only be realized two or three years down the line.

As to the issue of impairing the vested rights of those appointed or promoted during the effectivity of RA 11709, the Supreme Court, in a long line of cases, recognized police power, which is verily lodged in the Legislature, as a valid limitation to the exercise of vested rights. The exercise of police power requires the concurrence of a lawful subject and a lawful method, both of which are readily apparent in the issue at hand.

The passage of Senate Bill No. 1849 under Committee Report 23 will address the gaps, issues, and unintended consequences brought about by the implementation of RA 11709. It will also result in a more dynamic and highly responsive armed forces capable of adapting to the demands of the present time. Most importantly, it will definitely usher a level of improved morale within and among the ranks of our armed forces. Ensuring a level playing field for career advancement is the least we can do for our soldiers, airmen, sailors, and marines who continue to lay their lives on the line protecting the Filipino people and defending our beloved country.

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In closing, may I just say and emphasize that this piece of legislation remains consistent with the spirit and intention of RA 11709 that is anchored on meritocracy and professionalization, while providing the organization with the necessary room for flexibility, ensuring stability, and improving the morale in our Armed Forces.

*At this juncture, Senate President Zubiri relinquished the Chair to Senator Ejercito.*

### **COSPONSORSHIP SPEECH OF SENATOR REVILLA**

In cosponsoring Senate Bill No. 1849, Senator Revilla delivered the following speech:

It is my honor to associate myself as a cosponsor of Senate Bill No. 1849 under Committee Report No. 23, and express my full support to further strengthen the professionalism and promote the continuity of policies and modernization initiatives in the Armed Forces of the Philippines.

*Hindi lingid sa ating kaalaman ang walang katumbas na serbisyo at sakripisyo ng bawat miyembro ng ating Hukbong Sandatahan na patuloy na nag-aalay ng buo nilang kakayahan upang makapagsilbi sa mamamayan at maprotektahan ang ating bayan. Bilang ganti, karangalan natin ang magsulong ng mga panukalang mas makapagtutuon ng nararapat na pansin para sa kabuuang kapakanan ng ating Armed Forces. Kaya naman, hindi tayo titigil sa pagtugon sa pangangailangan ng hanay ng ating mga sundalo, lalong-lalo na kung para ito sa ikauunlad ng buong AFP.*

This measure is a constructive validation that the Senate highly values the proposals and recommendations from the AFP officers and enlisted personnel to enhance some of the provisions of Republic Act No. 11709—for it to be more responsive to the changing needs and the development of the AFP organization.

It is our privilege to cosponsor this measure that will serve as our responsive tool, paving the way for significant long-term plans and programs to further strengthen and modernize the AFP. Indeed, continuity in leadership and excellence in the AFP can never be more vital to the defense and security of our nation. Former President Fidel Valdez Ramos correctly stressed that the armed forces have a critical nation-building function. *Sila ang isa sa mga haligi ng ating lipunan na ang mandato ay itaguyod ang Konstitusyon, tiyakin ang seguridad ng bayan, at gwardiyahan ang ating teritoryo at soberanya.* When we strengthen them, we likewise fortify our strongholds.

This Representation commends the hardworking chairperson of the Committee on National Defense and Security, Peace, Unification and Reconciliation, my good friend, Sen. Jinggoy Ejercito Estrada, for his countless efforts in strengthening the AFP organization.

Lastly, with the permission of the good sponsor, I respectfully manifest my intent of becoming a coauthor of this urgent measure, a meaningful legislation.

### **COAUTHOR**

Upon his request, Senator Revilla was made coauthor of Senate Bill No. 1849.

### **COSPONSORSHIP SPEECH OF SENATOR DELA ROSA**

In cosponsoring Senate Bill No. 1849, Senator Dela Rosa delivered the following speech:

I rise today to cosponsor Senate Bill No. 1849 under Committee Report No. 23, which aims to amend Republic Act No. 11709, a law which seeks to strengthen the professionalism and promote the continuity of policies and modernization initiatives in the Armed Forces of the Philippines.

I have said during the Congress that the passage of the measure is tantamount to hitting two birds with one stone as it will ensure the professionalization of the AFP and, more importantly, it will make us one step closer to resolving the ballooning tension of the military and uniformed personnel, which has now reached 9.6 trillion for the next 20 years. Thus, it gave birth to Republic Act No. 11709 primarily to address these issues.

However, no law is perfect. It is true that the clamor of our military personnel that the unintended consequences of Republic Act No. 11709 have been far-reaching; in fact, even reaching the four corners of this Chamber as it has resulted in unnecessary attrition and bottlenecks in promotion.

This highlights the need to address these issues immediately. As a former military officer, *hindi kaila sa akin kung gaano kahirap ang pinagdaanan ng ating kasundaluhan. Ang pagsasakripisyo para sa bayan nang malayo sa pamilya ay isang laban ng buhay na aming hinaharap sa araw-araw. Matagal na pong retirado sa military si Bato ngunit hindi nagtapos ang pagseserbisyo.*

Today, as a legislator, I continue to battle for the rights and welfare of my brothers in arms. It is within the judgment of this august Body to resolve issues that might have caused unnecessary worries and distress to our uniformed personnel.

Senate Bill No. 1849 amends certain provisions of Republic Act No. 11709, such as the provisions on the tour of duty of key officers for the forced attrition of our enlisted personnel, compulsory retirement for military personnel, and officer grade distribution. Undoubtedly, now is not the time to unnecessarily limit the capability of the AFP especially with the ongoing issue on the West Philippine Sea. We must strengthen our country's defense capability to protect our country's sovereignty. However, we must first find a middle ground to resolve our internal affairs. A timeless saying has never been more appropriate: "United we stand, divided we fall."

As legislators, we must hear the clamor of our military personnel without necessarily compromising the purpose for which Republic Act No. 11709 was passed, to remove the revolving door policy and to resolve the ballooning pension of the AFP.

I humbly appeal to you, my colleagues, to support this measure. Our troops are fighting battles in the field for our sovereignty and freedom. In turn, let us assure them that the battle for their welfare within this hall is not far from victory.

Before I end, I would like to ask the permission of the chairperson of the Senate defense and security committee and the main sponsor of this bill to accept my desire to become a coauthor of this measure.

## COAUTHOR

Upon his request, Senator Dela Rosa was made coauthor of Senate Bill No. 1849. Upon motion of Senator Estrada, Senator Tolentino was also made coauthor of the bill.

## COSPONSORSHIP SPEECH OF SENATE PRESIDENT ZUBIRI

In cosponsoring Senate Bill No. 1849, Senate President Zubiri delivered the following speech:

It is my honor to sponsor our bill amending Republic Act No. 11709 in order to further strengthen the professionalism and, of course, strengthen the Armed Forces of the Philippines.

When we passed the original version of the law in the Eighteenth Congress, our foremost goal was to provide footholds for continuity within the AFP by providing fixed terms for its key officers. This way the AFP will not be hampered by rapid leadership changes which slow down progress and growth for the whole institution. I know this because the presiding officer and I were always pushing for the modernization. *Pero kung every three months to six months pinapalitan iyong chief of staff, wala pong mangyayari sa mga planong modernization ng ating armed forces.*

With this new bill, we will keep that goal of continuity in mind. We also want to open up a healthier environment for promotion within the ranks, allowing our officers a fair chance to step up to leadership positions their whole careers forward.

We are first putting safeguards in place on openings of key positions to officers with at least one year of active service ahead of them before their compulsory retirement so that the AFP will not have to deal with shortened leaderships and where officers have barely begun their service before they are mandated to retire.



Our hope is that, with this bill, we will be able to foster more professional AFP—one with a solid and stable leadership, while also allowing for dynamism and positive change.

I join my colleagues in support of this measure towards a stronger AFP, and we commit to our AFP rank and file, together with the officers, that we will pass this at the soonest possible time.

### MANIFESTATION OF SENATOR LEGARDA

Senator Legarda associated herself with the sponsorship speech of Senator Estrada. As a reserve officer and a graduate of Masters in National Security Administration, she recognized all the valiant men and women of the AFP and the DND. She acknowledged the importance of continuity in the leadership of the armed forces and the resilience in the conduct of its operations.

She then mentioned her being an author of a book based on her thesis titled “Humanitarian Response and Challenges in the Armed Forces of the Philippines.” She suggested that her thesis from the AFP Command and General Staff College (CGSC) be included in the teachings in the AFP, National Defense College of the Philippines (NDCP), and CGSC as she believes that the leadership of the AFP and the new Secretary of National Defense, as the chief implementer of the COVID-19 pandemic response, has a heart for humanitarian response and for disaster risk reduction.

She expressed her support in the passage of the bill that would help solve the difficulties, challenges, or grumblings within the AFP and would provide monetary compensation and benefits as well as due regard for its members’ valiant efforts for the country.

### COAUTHOR AND COSPONSORS

Upon her request, Senator Legarda was made coauthor and cosponsor of Senate Bill No. 1849.

Upon motion of Senator Villanueva, there being no objection, Senators Go, Padilla, and Tulfo were made cosponsors of Senate Bill No. 1849.

### COSPONSORSHIP SPEECHES

Upon motion of Senator Villanueva, there being no objection, the Body approved the insertion of the following speeches into the *Journal and Record of the Senate*:

#### *By Senator Go*

It is my honor to co-sponsor the bill amending Republic Act 11709 to further strengthen and support the needs of our Armed Forces.

*Kung ano ang makakabuti sa ating AFP at kung ano ang mapagkasunduan na win-win approach handa po akong sumuporta. Gusto natin na high morale ang ating military lalo na dahil sa mahalagang gampanin nila na masiguro ang seguridad ng bansa.*

I therefore express my support to this measure so that we can ensure that the best and the brightest *yung mapili natin dito. Walang pabor pabor at mabigyan ng oportunidad yung mga deserving talaga.* This measure will be a dynamic, generous, gradual and flexible approach in dealing with the of the professionalization of the AFP. *Gusto natin lahat maka-angat at mabigyan ng oportunidad dahil para sa akin deserving naman silang lahat.*

I also laud the Committee on National Defense headed by its Chairperson, Senator Jinggoy Estrada for prioritizing this measure. *Patuloy po natin ipaglaban ang kapakanan ng ating uniformed personnel at kung ano ang makakabuti sa kanila at sa bansa.*



**By Senator Padilla**

*Assalamualaikum Warahmatullahi Wabarakatuh.*

*Akin po ang karangalang tumindig sa hapong ito kasangga ng aking kaibigan at ating iginagalang na senador, Sen. Jinggoy Estrada, sa pag-sponsor ng Ulat Ng Komite Bilang 23, na naglalaman ng panukalang pag-amyenda sa mga probisyon ng Republic Act No. 11709, "An Act Strengthening Professionalism and Promoting the Continuity of Policies and Modernization Initiatives in the Armed Forces of the Philippines, by Prescribing Fixed Terms for Key Officers Thereof, Increasing the Mandatory Retirement Age of Generals/Flag Officers, Providing for a More Effective Attrition System, and Providing Funds Therefor".*

*Bilang isang reservist-officer ng Philippine Army, kaisa po ako ng ating unipormadong hanay sa paghahangad na lalo pang pagtibayin ang propesyunalisasyon ng buong organisasyon, pagpapahaba ng liderato upang bigyang puwang ang implementasyon ng mga makabuluhang reporma, at ang tuluyang pagsara sa "revolving door policy" pagdating sa promosyon ng mga opisyal ng AFP.*

*Sa akin pong paninilbihan bilang hepe ng Strategic Communications Committee ng Philippine Army Multi-Sectoral Advisory Board, isa po ako sa mga naging buhay na saksi sa sakripisyo at dedikasyon ng ating kasundaluhan sa kanilang sinumpaang tungkulin. Sa pamamagitan ng panukalang ito, hangad nating mapagtibay ang pagpapatuloy o ang continuity ng mga mabibisang polisiya at programa ng liderato ng ating AFP, gayundin ang pagtataas ng moral ng ating mga sundalo.*

*Tulad po ng ating palagiang sinasambit, ang ating pong kasundaluhan ang kaluluwa ng ating kalayaan. Hindi tayo makakatulog nang payapa at ligtas tuwing gabi kung walang mga taong handang tanuran ang ating bansa laban sa anumang uri ng banta sa seguridad. Kung kaya naman po kailanman ay hindi magmamaliw ang ating pagkilala at suporta sa Sandatahang Lakas ng Pilipinas.*

*Dahil po sa mga nabanggit, akin pong ipinapahayag ang aking intensyon upang maging kapwa-sponsor ng ating panukala.*

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1849**

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

#### **SPECIAL ORDER**

Upon motion of Senator Villanueva, there being no objection, the Body approved the transfer of Committee Report No. 22 on Senate Bill No. 1846 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 22 ON SENATE BILL NO. 1846**

Upon motion of Senator Villanueva, there being no objection, the Body considered on Second Reading, Senate Bill No. 1846 (Committee Report No. 22), entitled

**AN ACT PROTECTING CONSUMERS AND MERCHANTS ENGAGED IN INTERNET TRANSACTIONS, CREATING FOR THIS PURPOSE THE ELECTRONIC COMMERCE BUREAU, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.**

Pursuant to Section 67, Rule XXIII of the *Rules of the Senate*, with the permission of the Body, upon motion of Senator Villanueva, 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 Villar (M) for the sponsorship.

### **SPONSORSHIP SPEECH OF SENATOR VILLAR (M)**

In sponsoring Senate Bill No. 1846 under Committee Report No. 22, Senator Villar (M) delivered the following speech:

As Chairperson of the Committee on Trade, Commerce, and Entrepreneurship, it is my honor to present the approval of Committee Report No. 22 on Senate Bill No. 1846 in substitution of:

- Senate Bill No. 154 by Senators Go, Gatchalian, and Padilla;
- Senate Bill No. 612 by Senate President Juan Miguel F. Zubiri;
- Senate Bill No. 806 by Senator Estrada;
- Senate Bill No. 1250 by Senator Marcos;
- Senate Bill No. 1341 by Senate President Pro Tempore Legarda;
- Senate Bill No. 1424 by Senator Revilla;
- Senate Bill No. 1478 by Senate Majority Leader Villanueva; and
- Senate Bill No. 1125 by this Representation,

taking into consideration House Bill No. 4, entitled “An Act Protecting Consumers and Merchants Engaged in Internet Transactions, Creating for the Purpose the Electronic Commerce Bureau, Appropriating Funds Therefor, and for Other Purposes.”

This is good news for online shoppers and online sellers. The bill we are sponsoring today will protect merchants and consumers against fraudulent practices in internet transactions.

Before I discuss the salient features of the bill, please allow me first to provide a short history of this timely measure. This legislative measure involving internet transactions is not new before this Chamber. In the Eighteenth Congress, Sen. Win Gatchalian filed Senate Bill No. 1591 while Sen. Imee R. Marcos filed Senate Bill No. 1808. And with the Committee on Trade chairperson, now Senate Minority Leader, Sen. Aquilino “Koko” Pimentel III sponsored Senate Bill No. 2489 under Committee Report No. 506 exactly a year ago. I thank our former and current senators who championed this bill in the past Congress.

Now in the Nineteenth Congress, the Committee on Trade conducted two public hearings and two technical working group meetings for the Senate bills filed for the same subject in order to develop a refined version that is responsive to the recent needs and changes in the e-commerce industry.

According to the *Digital 2022: Philippines* report, the Philippines is the top country whose citizens spend most of their time on the internet and social media — out of the country’s 100 million total population, 76 million are internet users. The number of social media users continues to trend up. There are now 92 million social media users in the country with an average usage time of 10 hours and 27 minutes.

Based on the data from e-Conomy Southeast Asia 2021, Google, Temasek, Bain & Company cited the Philippines as the fastest growing internet economy in Southeast Asia.

The report also noted the double-digit growth rates, with the Philippines leading the pack, driven by the government initiatives and mass digital adoption due to the pandemic. The gross merchandise value of the Philippines in the same year was valued as USD17 billion.

The COVID-19 pandemic has accelerated the growth of e-commerce in the Philippines. Due to community quarantine and social distancing measures, consumers and businesses have relied on the internet to buy or sell goods and services. Filipinos were pushed to adopt digitalization and be connected to the internet. The convenience it brought to many consumers has made them shift to various online apps. It even made the life of consumers even easier, with one touch away on their phone screens or laptops.

E-commerce in the Philippines evolved throughout the years since its inception as early as 2000. Many schemes and complaints were raised and filed by consumers but remain unresolved.

98

archived, and forgotten—not because the regulators are not competent to resolve the issues. The main reason for this is due to the lack of a measure specifically covering internet transactions.

*At this juncture, news clippings about online fraud were flashed onscreen.*

Shown on the screen is the collection of news article clippings on the increasing digital fraud incidents against businesses and consumers during the COVID-19 pandemic in the country. The usual complaints of the public are missing parcels, delay in the delivery of packages, false advertisement, non-delivery of already paid goods, and multiple fake booking deliveries, to mention a few.

The most notable that I can remember is the case of a third-year college student in Guimaras who ordered through an online platform a laptop worth P24,000.00 for his online class during the pandemic. Upon receiving his package, however, he unboxed his parcel and to his dismay, no laptop was seen but three large stones were placed instead to make it appear that a valid delivery was made. While the student, a son of a fisherman, received his refund, digital fraud was already consummated and damage was caused to the parties.

Another trending Grab transaction fraud issue was the complaint from a famous TV personality in July of 2021, who sought for help as she received at her home address 23 fake Grab food deliveries without any idea who placed the order in her name.

I would like to state that while consumers are the usual victims, online platforms and delivery riders are also vulnerable and have been subjected to online fraud. In June of 2022, a Grab delivery driver was booked to deliver food items worth P2,000 by a cash-on-delivery service. Unfortunately, the address provided in the booking was non-existent. Clearly, it cannot be denied that digital fraud remains prevalent and increasing in the Philippines.

Any one, whether a customer, delivery, or even online platforms, are exposed to fraudulent transactions as the total number of complaints involving internet transactions increase significantly every year.

From January to December of 2022, the DTI, through the Fair Trade Enforcement Bureau, received 27,947 consumer complaints. Out of the total consumer complaints received, there were 12,170 online consumer complaints, out of which are the prominent nature complaints: communications and internet concerns – 2,649; defective products – 2,530; and deceptive, unfair, or unconscionable sales act or practices – 2,180.

The Consumer Act of the Philippines serves as the code and the bible that protects the interest of the consumers, promotes the general welfare, and establishes the standard conduct of business and industry.

We have other policies relating to e-commerce, like Republic Act No. 8792, or the Electronic Commerce Act of 2000, which covers managing electronic transactions, e-signatures, and electronic banking. However, almost 23 years after its enactment, a magnitude of changes has emerged, especially in the behavior of Filipino consumers and how businesses operate. For this reason, a consumer protection law specifically covering all matters relating to internet transaction must be passed by this Congress.

In fact, this measure is one of the priority bills of this administration. President Ferdinand Marcos Jr., in his first State of the Nation Address, mentioned that “we need to establish an effective regulation of commercial activities through the internet or electronic means to ensure consumer rights and data privacy are protected, innovations are encouraged, fair advertisement practices and competition are promoted, online transactions are secured, and intellectual property rights are protected.”

To address the concerns arising from the online platforms, the Senate Committee on Trade, Commerce and Entrepreneurship filed Senate Bill No. 1846 under Committee Report No. 22. The bill seeks to promote the growth of e-commerce in the country by building mutual trust between online sellers and consumers and ensuring that all goods and services transacted digitally be in accordance with specifications and be reliable, secure, and accessible to all consumers for the purpose of increasing the productivity and efficiency of business.



*Ako po ay naniniwala na ito ay naaangkop at napapanahon. Dapat ay magkaroon tayo ng batas na magbibigay-solusyon sa mga isyu at problema ukol sa industriya ng e-commerce.*

This bill identifies the scope, which includes any stage of all business-to-business and business-to-consumer internet transactions. However, the bill does not cover consumer-to-consumer transactions and will remain to be covered by existing consumer protection law.

The most notable provision of this bill is the provision stated under Section 26 defining the liabilities of e-market places and digital platforms. Through this bill, digital platforms or e-market places shall be subsidiarily liable with the online merchant or retailer if it fails to perform its responsibilities as laid down in the bill that caused damage to the consumer. The bill also establishes a code of conduct for all businesses involved in e-commerce in order to safeguard and advance consumer interest.

To accomplish the objectives thereof, the bill provides for the creation of the E-Commerce Bureau under the Department of Trade and Industry, which shall have the authority over activities conducted over the internet that are currently not regulated. Along with the creation of the bureau is the additional authority of the DTI Secretary to issue, take down orders, and to make a website, webpage, online application, social media account, or other similar platforms, including advertisements posted through digital platforms and e-market places be taken down and made inaccessible in the Philippines if the good, service, or digital product advertised is imminently injurious, unsafe, or dangerous to the public.

The E-Commerce Bureau also establishes and manages an online business registry to keep all records of all merchants offering their goods and products to the public through the internet. This registry shall aid the public in verifying the relevant and needed information involving internet transactions.

To provide assurance of safety and security in transactions over the internet, Section 28 of the bill provides the creation of an E-Commerce Trustmark that will be provided to trustworthy online platforms to prove that the public may rely on the advertisement posted on the internet. The DTI shall periodically assess the effectiveness of this trustmark and has the control to determine whether the industry-led private sector effort can achieve the goals of the trustmark.

Finally, and to exact accountability of the parties in an internet transaction, Section 29 of the bill prescribes the penalties against e-marketplaces, e-retailers, online merchants, and digital platforms that shall violate consumer rights. The bill also provides several prohibited acts punishable with a fine of up to P1,500,000.

It is my hope that the Internet Transactions Act will now formalize and organize e-commerce in the Philippines. This matters as e-commerce will play a vital role in revitalizing the country's economy, which was heavily crippled by the pandemic. Now more than ever, it is high time to support and maintain a robust e-commerce environment and build trust between online merchants and consumers through secure and reliable e-commerce platforms where goods, services, and digital products are transacted online with appropriate transparency and utmost efficiency.

We must continue to protect both the consumers and sellers from fraud and abuses and build a trading environment that is grounded on our shared values of accountability. With that being said, I would like to solicit everyone's full support for the passage of this bill.

## **COSPONSORSHIP SPEECH OF SENATOR VILLANUEVA**

In cosponsoring Senate Bill No. 1846, Senator Villanueva delivered the following speech:

It is my honor and privilege to cosponsor Senate Bill No. 1846 under Committee Report No. 22, entitled "An Act Protecting Consumers and Merchants Engaged in Internet Transactions, Creating for this Purpose the Electronic Commerce Bureau, Appropriating Funds Therefor, and for Other Purposes."

When the COVID-19 pandemic hit our country, everything stopped. Mobility was restricted, and economic activities were abruptly halted. However, one thing flourished, the digital economy.



According to the Philippine Statistics Authority, the digital economy in 2021 amounted to P1.87 trillion, contributing 9.6% of the Philippines' gross domestic product. This is a significant increase of 7.8% from the P1.73 trillion recorded in 2020. In addition, the digital economy employed 5.01 million Filipinos in 2020, eventually reaching 5.59 million in 2021, representing an increase of 11.6% year-on-year.

The Bangko Sentral ng Pilipinas also reported that as of the first quarter of 2021, around 53% of adult Filipinos had electronic money accounts. It is higher than the 29% in 2019. The Department of Trade and Industry noted in its E-Commerce Philippines 2022 Roadmap, citing Euromonitor, that in 2019, the share of retail trade in our gross domestic product was 20% or US\$63 billion, out of that amount, e-commerce accounted for 4.5% or US\$2.4 billion.

Meanwhile, in the seventh edition of the e-Conomy, Southeast Asia Report of Google, Temasek and Bain & Company, it showed that digital decade in the Philippines continues its upward trend at 20% year on year to reach US\$20 billion in gross merchandise value in 2022. Compared *po ito roon sa* US\$16 billion in 2021.

So, e-commerce is projected to propel the growth of the country's digital economy to US\$30 billion by 2025 and US\$100 billion to US\$150 billion by 2030.

Alfa Beta Consultancy Firm also reported that effective leverage of digital transformation can deliver P5 trillion or an estimated US\$97 billion to the Philippine economy by 2030.

There is no holding back on the growth of digital economy, however, with this rapid development comes inherent risks and loopholes that can be exploited by both consumers and sellers.

I remember last Congress, no less than our Minority Leader pointed this out and this Representation was one of the avid supporters in calling for this particular measure.

To illustrate, a netizen named Ice Idanan was scammed of P18,000 for a hospital bed her mother urgently needed when she transacted with an online seller who offered the medical equipment for only P5,000. Unfortunately, she never received her money back nor was the bed delivered to her.

Another victim was Frank Lester Amistoso who was duped into paying P63,000 for two cellular phones he bought online. After transferring the payment, he could no longer contact the seller. Thankfully, because he was able to trace the location of the seller, and after filing criminal case against the seller, the seller was ordered to return the money to Amistoso. But, again, not every scammed buyer or seller was as lucky as Amistoso.

Thus, this Representation filed Senate Bill No. 1478 also known as the "Internet Transactions Act" that will ensure sustainable and fair e-commerce business practices through transparent and appropriate information disclosure; secured online transactions; the maintenance and protection of data privacy rights; the promotion of innovation, competition, and use of fair advertising practices; and an emphasis on the paramount importance of product safety.

This Representation is grateful that our bill was taken into consideration by no less than our chairperson of the Committee on Trade, Commerce, and Entrepreneurship, Sen. Mark Villar.

With this measure, we can harness the value and potential of digital transactions in accelerating our economic growth, increasing productivity, and creating more jobs for Filipinos.

Again, we thank our good sponsor for prioritizing this very important measure, which is one of the legislative measures mentioned by no less than our Pres. Bongbong Marcos in his first SONA.

Again, the good sponsor can expect our full support in seeing to it that the objective of this bill—the protection of both the consumers and merchants engaged in digital transactions—will come to fruition.

#### **COSPONSORSHIP SPEECH OF SENATOR GO**

At the instance of Senator Go, upon motion of Senator Villanueva, there being no objection, the following cosponsorship speech of Senator Go was inserted into the *Record*:





The pandemic required us to explore new ways and more convenient options to shopping. As we enter the new normal, it is undeniable that online transactions have been a necessity, if not the new norm for all of us.

*Napakarami pong* covered ng e-commerce: from our basic needs like food, drink, and clothing; our medical needs; and even our mobile devices can be availed online, *talaga pong* anything under the sun.

*Protektahan po natin ang ating mga maliliit na negosyo at ating mga* online sellers *na ang gusto lamang ay mag-hanapbuhay para sa kanilang mga pamilya, lalong-lalo na po ngayong panahong ito.* This is very crucial to the recovery of our country.

Given the rising number of consumer opting to more convenient and safer ways of making their purchases, it is therefore incumbent to the State, to provide its constituents the protection it can give, to ensure that the rights and safety of both the customer and merchants are upheld in every transaction.

Therefore, I express my utmost support to the passage of the measure before us today. In fact, I co-authored the measure filed by Senator Win Gatchalian.

To our consumers and merchants, *makakaasa po kayo* that we are doing everything that we can to protect your rights and interest.

I hope the Senate will continue to pursue measures like this such as the measure I filed, Senate Bill 194 or the proposed E-governance Act to strengthen data sharing among government agencies and digitize paper-based and other traditional modes of workflows for a more efficient and transparent public service.

#### **COSPONSORSHIP SPEECH OF SENATOR ESTRADA**

At the instance of Senator Estrada, upon motion of Senator Villanueva, there being no objection, the following cosponsorship speech of Senator Estrada was inserted into the *Record*:

I am lending my full support to the passage of Senate Bill No. 1846 under Committee Report No. 22 submitted by the Committees on Trade, Commerce and Entrepreneurship; Ways and Means; and Finance. With the permission of the sponsor, Sen. Mark Villar, it will be my honor to be a cosponsor of the proposed Internet Transactions Act of 2022.

Internet transaction is inevitable in the globalized world that has entered the fourth industrial revolution where we are now in. We cannot escape nor delay it. Instead, we should embrace it to optimize its benefits while at the same time guard our economy and our people from its deceptive and unfair practices.

In recognition of these facts, I filed Senate Bill No. 806 which is included in the substitute bill of the committee. In the recent years, we have seen the flourishing of the online markets and platforms which made the transactions faster, more convenient and accessible. Especially during the height of the COVID-19 pandemic when health protocols were strictly implemented, internet transactions were widely used and facilitated the delivery to our doorstep of almost all our needs. It also provided livelihood to thousands of workers, mostly delivery riders, during the imposition of community quarantines. Even now that we are slowly returning to our usual activities, many still prefer to purchase goods and services through online platforms because of the convenience of the transaction, lower prices of goods and services, and wider variety of choices. All of these are proofs that internet transaction is here to stay.

However, internet transaction in the country is continuously being beleaguered with various challenges. As identified in the Philippine Development Plan 2023-2028, "the disparity in access to and high costs of digital services in the country indicate inadequate investments in digital infrastructure." The digital divide that we are experiencing now is a serious obstacle towards reaping the full benefits of internet transactions. From the end of the consumers, the sellers, and the digital platforms, there are unscrupulous individuals who take advantage of the other stakeholders in the market.



This measure is included in the priority bills in the first State of the Nation Address of President Ferdinand “Bongbong” Marcos Jr. to be able to “establish an effective regulation of commercial activities through the internet or electronic means to ensure that consumer rights and data privacy are protected, innovation is encouraged, fair advertising practices and competition are promoted, online transactions are secured, intellectual property rights are protected and product standards and safety are observed”.

I am enjoining our colleagues to support the passage of this measure.

### **SUSPENSION OF SESSION**

Upon motion of Senator Villanueva, the session was suspended.

*It was 4:30 p.m.*

### **RESUMPTION OF SESSION**

At 4:31 p.m., the session was resumed.

### **COSPONSORSHIP SPEECH OF SENATOR GATCHALIAN**

In cosponsoring Senate Bill No. 1846, Senator Gatchalian delivered the following speech:

A greater appreciation of the digital economy has emerged in the wake of the global pandemic. Our nation witnessed the rapid adoption of e-commerce and the widespread acceptance of the need for digital transformation in businesses, public services, and citizens.

*Sa panahon ngayon, halos lahat ay puwede mo nang bilhin sa online apps. Isang click mo lamang puwede ka nang mag-add-to-cart ng pagkain, appliances, mga damit, pati na pang regalo sa girlfriend para sa nalalapit na Valentine’s Day.*

The e-commerce sector in the Philippines has experienced rapid growth over the past few years. And an upward trend is expected to continue in the years to come. In 2021, the country’s e-commerce market sales reached \$7 billion, largely contributed by 73 million online active users. This is estimated to reach \$24 billion with 17% growth up to the year 2025, according to the International Trade Administration.

Despite the plausible growth in the e-commerce industry, the Philippine e-commerce sector has a long way to go until it reaches its full potential. But, at this point, we need to refocus ourselves on the most important aspect—the protection of merchants and consumers against fraudulent practices in order for us to strengthen digital consumer and market confidence in our digital economy.

In 2020, the Department of Trade and Industry received roughly 16,000 complaints related to online transactions from consumers, a 540% increase from the year 2019 reported complaints which were only 2500.

Given this context, this humble Representation seeks to institutionalize Senate Bill No. 1846, or the Internet Transactions Act which paves the way for the establishment of the e-Commerce Bureau under the Department of Trade and Industry, that will act as a one-stop-shop for consumer complaints on unresolved e-commerce transaction and compliance monitoring, among others. Through this measure, we can further bolster the digital consumer’s confidence in e-commerce transactions by establishing clear channels for redressing complaints, outlining clear roles for various stakeholders, and defining the regulatory authorities’ oversight of e-marketplaces, e-retailers, online merchants, and other digital platforms that sell or allow the sale or exchange of goods. The passage of this act will also supplement the implementation of Republic Act No. 8792 or the Electronic Commerce Act of 2000. In addition, this can serve as the focal point in the monitoring and implementation of the Philippine e-commerce roadmap.

98

The future is e-commerce. By championing this measure, we are also championing the future of our micro, small and medium enterprises—the backbone of our economy—since it will provide them with opportunities for growth and innovation.

With the objective of harnessing the full potential of the Philippine e-commerce market, I call on our distinguished colleagues to support the passage of this measure. Together, let us put e-commerce at the forefront of rebuilding our economy while also strengthening digital consumer confidence in e-commerce transaction.

Lastly, allow me to express my gratitude to the sponsor of this bill, Sen. Mark A. Villar, and to my fellow coauthors for their keen insights in drafting this important measure.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1846**

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

*At this juncture, Senator Ejercito relinquished the Chair to Senate President Zubiri.*

#### **SPECIAL ORDER**

Upon motion of Senator Villanueva, there being no objection, the Body approved the transfer of Committee Report No. 20 on Senate Bill No. 1806 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 20 ON SENATE BILL NO. 1806**

Upon motion of Senator Villanueva, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1806 (Committee Report No. 20), entitled

**AN ACT PROVIDING FOR THE BILL OF RIGHTS AND OBLIGATIONS OF TAXPAYERS, CREATING THE OFFICE OF THE NATIONAL TAXPAYER ADVOCATE, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.**

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Villanueva, 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 Gatchalian for the sponsorship.

#### **SPONSORSHIP SPEECH OF SENATOR GATCHALIAN**

Senator Gatchalian, on behalf of the Committee on Ways and Means, submitted for plenary consideration Senate Bill No. 1896 under Committee Report No. 20.

*The full text of Senator Gatchalian's sponsorship speech follows:*

The taxation laws of the Philippines have been strengthened over the years. The government has embarked on an ambitious tax reform program to realize the country's national vision of poverty reduction and decrease in equality.

Let us give credit where credit is due. The previous Congresses carried the heavy burden of implementing two major tax packages as part of the government's Comprehensive Tax Reform Program or CTRP, the Corporate Recovery and Tax Incentives for Enterprises or CREATE Act, and

the Tax Reform for Acceleration and Inclusion or TRAIN Act. These tax reforms enabled the government to collect more revenues and increase a larger rate of GDP in taxes.

In 2017, a year prior to the implementation of the Comprehensive Tax Reform Program, our tax effort reached 13.6%. As of third quarter of 2022, we raised our tax to GDP collection by about 15.3%, .3% above the World Bank's prescription of 15% baseline to achieve sustainable growth. With these figures, we can say that we have successfully boosted the effectiveness of our tax collection efforts. But in order for us to further reinforce and maximize the potential of our tax reforms, we have to refocus ourselves on the most important personality in the tax reform—our taxpayers.

*Kung sa pagnenegosyo, halimbawa, ang ating mga taxpayer ang nagsisilbing mamimili, nagbabayad sila kapalit ang kalidad na serbisyo mula sa gobyerno. Bilang mga consumer, hindi ho ba't nararapat lamang na maging mulat sila sa mga pinanghahawakan nilang karapatan bilang mga tagapagbayad ng buwis?*

Apparently, there are existing statutes that already affirm the rights of taxpayers, specifically in setting limitation to the taxing power of the state, providing reliefs and remedies to taxpayer's complaints. These provisions are provided for in the 1987 Constitution; the National Internal Revenue Code of 1997, as amended; the Customs Modernization and Tariff Act; Republic Act No. 11525 creating the Court of Tax Appeals, as amended; Book II of the Local Government Code of 1991, as amended; and other laws, rules and regulations, and other issuances.

Given that these rights are not simplified and are found in various laws and issuances, most people are left clueless about their legal entitlements as taxpayers. This leaves affected taxpayers with no choice but to hire lawyers, certified public accountants, and qualified professionals to know and enforce their rights. Unfortunately, not everyone can hire tax professionals considering that tax laws are complicated and highly technical. Taxpayers who cannot afford the services of private counsel or qualified professionals are at a disadvantage.

For instance, our taxpayers under the marginal income earners are composed of more than 220,000 based on the 2021 Annual Report of BIR. Marginal income earners are those individuals who are self-employed and deriving gross sales or receipts not exceeding P100,000 during any 12-month period. Given the level of income generated by marginal income earners, they might find it financially burdensome to hire tax professionals to assist them.

In relation to this context, the existing reports of abuses committed by revenue authorities against taxpayers are not surprising. While RA 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, lays out specific rules and actions and behavior of government employees, there are still complaints of alleged abuses or harassment filed against some officers and employees of the Bureau of Internal Revenue and the Bureau of the Customs.

In the April 2022 report of the Revenue Integrity Protection Service of the Department of Finance, 55% of the 468 employees investigated from the period July 2016 to February 2022 were from the BOC while 38% were from the BIR. This investigation led to the dismissal of 16 employees from service, on top of 10 who were found guilty in criminal cases. Furthermore, on July 11, 2022, the BOC reported that three of its personnel were dismissed, 27 relieved, one was reprimanded and seven were suspended for having been found to have engaged in irregular activities. Their investigations further led to 249 employees being reshuffled to other offices and ports from January to June of 2022.

In addition, the Anti-Red Tape Authority (ARTA) disclosed in 2020 that the BIR topped its lists of more complained agencies receiving more than 900 complaints from the public. Moving forward, we should also recognize that informing taxpayers of their rights is only half of the equation. While we are seeking the rights of taxpayers, we are also aiming to remind taxpayers to comply with their tax obligations, hence, it will be a win-win situation for both sides of the government and taxpayers as it will increase the tax collections.

A fair and just system leads to tax compliance and trust should be established within taxpayers and tax authorities, for there should be a symbiotic relationship with one another. A taxpayer's charter is a key part of building this trust, as it lays out the basic rights and principles that will protect taxpayers. On top of this, a robust tax system will lead to more investors that will boost



our country's economy. Since there are numerous laws that include provisions promoting taxpayer's rights, it means that these rights are scattered in numerous laws as well. Therefore, there must be a consolidated law for the ease of reference for the taxpayers.

Given that context, I am sponsoring the Taxpayers Bill of Rights and Obligations Act. This piece of legislation aims to assist taxpayers in understanding their fundamental rights and responsibilities without requiring them to consult the tax code and numerous tax laws. Through this measure various rights will be codified into a single law.

Furthermore, this bill also seeks the active part of the government to inform and educate the taxpayers about their rights.

Specifically, the following basic taxpayer's rights are enumerated in this bill: the right to information, the right to fair and faithful application of laws, the right to challenge the position of and be heard by revenue authorities, the right to present evidence and witnesses, the right to be assisted and represented by a qualified professional, the right to timely and expeditious completion of tax audits, the right against baseless assessment, the right to be given an opportunity for amicable settlement, the right to avail installment payment, the right to relief from paying taxes and penalties, the right to recover actual cost and damages arising from judicial actions, the right to quality service and assistance, and, finally, the right to privacy.

Accordingly, the taxpayers are expected to observe and comply with tax obligations enumerated in this Act and in other relevant laws, rules, and regulations that are implemented by revenue authorities.

Complimentary to the taxpayer's rights are the following duties and responsibilities of the taxpayer: observe and comply with tax laws, rules, and regulations truthfully and timely disclose complete and correct information about the taxpayer; timely lodge and submit all relevant information to revenue authorities; exercise reasonable care and diligence in complying with all tax obligations; keep accurate records and make them available for examination by revenue officers following proper procedures; cooperate with revenue authorities in the latter's conduct of tax audits; and, lastly, timely pay the tax due to the government.

Now that we codified this taxpayer's principle into a single charter, one question arises. What are these rights for if the taxpayers are not empowered to enforce these rights?

This is where the Office of the Taxpayer Advocate (ONTA) comes into play. The ONTA is set to champion the welfare of taxpayers to assist them in identifying and resolving their problems with their dealings with the revenue authorities and to ensure that these rights are protected.

Under this legislation, the ONTA will assist the taxpayers, particularly those who are having financial difficulty in their tax queries and concerns relative to tax and customs laws. Considering the intention of this Act to provide representation to taxpayers who experience significant hardship in engaging the services of private counsel or a qualified professional, it will also set out the qualifications and disqualifications of taxpayers who shall be given priority by the offices representation services.

The ONTA will be headed by the chief taxpayer advocate who will oversee the office's powers and functions. The chief taxpayer advocate will be assisted by deputy taxpayer advocates — one each for National Capital Region, Luzon, Visayas, and Mindanao. In addition, the office will stand as an independent and autonomous office attached to the Department of Justice for purposes of policy and program coordination.

Meanwhile, the Congressional Oversight Committee on the Comprehensive Tax Reform Program shall exercise oversight powers over the implementation of this Act. Once enacted into law, accessibility will also be top priority. The sole purpose of this legislation will be much more effective if more taxpayers can easily access their rights and obligations.

Hence, the Taxpayer's Bill of Rights and Obligations shall be made available to all formats. The bill shall be posted in revenue authorities' offices and shall be made digitally available on their websites both English and Filipino languages.

At this juncture, allow me to thank the coauthors of this legislation—Sen. Manuel "Lito" M. Lapid and Sen. Ramon Bong Revilla Jr—for their insights in drafting this important measure.



This bill will not be established as well without the active participation of numerous public and private stakeholders following a public hearing and four technical working group meetings of the Committee on Ways and Means.

As chairperson of the committee, I would like to take this opportunity to thank them for the invaluable contribution. From the public sector— Department of Finance, Bureau of Internal Revenue, Department of Justice, Department of Trade and Industry, Bureau of Customs, National Tax Research Center, Anti-Red Tape Authority, National Privacy Commission, Department of Budget and Management, and Commission on Higher Education.

From the private sector—the Tax Management Association of the Philippines, Philippine Institute of Certified Public Accountants, Philippine Chamber of Commerce and Industry and other private stakeholders.

I have elaborated on the most prevalent issues our taxpayers faced. As early as the Sixteenth Congress, efforts to pass a taxpayers bill of rights were already initiated. During the Seventeenth and Eighteenth Congress, ten bills related to the same subject were also introduced.

By passing this measure, we can make it simpler for our taxpayers to know their rights as they interact with tax authorities, thereby increasing their trust and confidence in the government. Once we gain their trust and confidence to pay their fair share taxes, we can definitely boost revenue collection.

*Ang bawat sentimo ng buwis ay pinahirapan ng ating mga kababayan. Napapanahon na upang masuklian natin ang kanilang kontribusyon na instrumento tungo sa kaunlaran ng ating bansa.*

*Bilang mga mambabatas, palaganapin natin ang ating papel sa pag-protokta ng karapatan ng ating mga taxpayers. Para sa bayan at para sa kapakanan ng ating mga kababayan, isulong natin ang panukalang ito.*

It is up to the Nineteenth Congress now to make this vision a reality. After all, when else could be a better time than now to pass the Taxpayers Bill of Rights and Obligations Act.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1806**

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

#### **SUSPENSION OF SESSION**

Upon motion of Senator Villanueva, the session was suspended.

*It was 4:52 p.m.*

#### **RESUMPTION OF SESSION**

At 4:53 p.m., the session was resumed.

#### **COMMITTEE REPORT NO. 19 ON PROPOSED SENATE RESOLUTION NOS. 120 AND 134**

Upon motion of Senator Villanueva, there being no objection, the Body resumed consideration of Committee Report No. 19 on Proposed Senate Resolution No. 120, entitled

**A RESOLUTION DIRECTING THE SENATE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS (BLUE RIBBON), TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED OVERPRICED AND OUTDATED LAPTOPS PROCURED BY THE**

96

DEPARTMENT OF EDUCATION (DEPED) THROUGH THE DEPARTMENT  
OF BUDGET AND MANAGEMENT PROCUREMENT SERVICE (DBM-PS);

and Proposed Senate Resolution No. 134, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ACCOUNTABILITY  
OF PUBLIC OFFICERS AND INVESTIGATIONS (BLUE RIBBON) TO  
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE PROCURE-  
MENT BY THE DEPARTMENT OF EDUCATION, THROUGH THE PROCURE-  
MENT SERVICE OF THE DEPARTMENT OF BUDGET AND MANAGEMENT,  
OF LAPTOPS FOR TEACHERS FOR USE IN DISTANCE LEARNING.

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

Thereupon, the Chair recognized Senator Tolentino, sponsor of the measure, and Senator Pimentel for his interpellation.

**INTERPELLATION OF SENATOR PIMENTEL**

At the outset, Senator Pimentel thanked Senator Tolentino for immediately acting on the former's resolution calling for an investigation of the procurement of laptops in the DepEd, leading to the more than 197 committee hearings. Senator Pimentel, however, noted his separate opinion dated 30 January 2023, highlighting some aspects which he felt were not sufficiently emphasized in the committee report.

Adverting to the committee recommendations for legislation and remedial administrative measures, Senator Pimentel stated that the report called for the abolition of the Procurement Service of the Department of Budget and Management (PS-DBM). He inquired whether PS-DBM was created by law, hence the need for a repealing law, or whether it could be abolished by Executive action.

Senator Tolentino replied that PS-DBM was created by virtue of the lawmaking powers of President Ferdinand Marcos Sr. who, in the early 1970s, was allowed to issue presidential decrees and letters of instructions. He said that the issuance of Letter of Instructions No. 755 on 18 October 1978 created PS-DBM. Although the Administrative Code of 1987 empowers the President to continuously reorganize agencies within the Executive department, he averred that an Executive action at this time could not totally repeal Letter of Instructions No. 755 which has the force of law, because of which the committee recommended the abolition of PS-DBM through an act of Congress.

Senator Pimentel believed that while Congress could initiate a measure to abolish PS-DBM, it could also call on the Executive to make a presidential issuance repealing Letter of Instructions No. 755. Senator Tolentino agreed, suggesting that the President could also transfer some of its functions to another agency. However, he noted that on January 30, he already filed Senate Bill No. 1802 otherwise known as "An Act Abolishing the Procurement Service of the Department of Budget and Management (PS-DBM) and for Other Purposes," which was referred to the Committee on Civil Service, Government Reorganization and Professional Regulation.

Senator Pimentel pointed out that the subject of the investigation was the procurement of laptops for the DepEd. He asked why the committee report called for the abolition of PS-DBM. In reply, Senator Tolentino disclosed that the root cause of everything that transpired was not just in the DepEd but also in the PS-DBM acting as the procurement agency which had the sole, unbridled discretion with respect to the amount, quantity, and quality of laptops to be procured,



as well as the receiving entity which violated several provisions of RA 9184 (Government Procurement Reform Act). He revealed that during the course of the investigation, the Senate Blue Ribbon Committee was able to uncover not only the issue on laptops, but that through the documents provided by the Commission on Audit, PS-DBM was holding high-yielding savings account amounting to P3.001 billion with the Development Bank of the Philippines when the same should have been remitted to the Bureau of Treasury.

He further disclosed that PS-DBM was in possession of numerous unutilized accounts running into billions, and was not paying VAT worth P1.265 billion, thereby depriving the national government of potential revenues. He underscored that PS-DBM did not return the funds to its respective sources despite the fact that it was not expended.

Senator Tolentino then enumerated established facts to justify the abolition of PS-DBM, to wit:

- There was no need for PS-DBM to intervene with the laptop transactions because DepEd had its own technical people who were competent and proficient to secure the necessary laptops for their own use; PS-DBM was not the sole repository of knowledge pertaining to the procurement of technical gadgets.
- It seemed that PS-DBM imposed itself upon the procuring entity's autonomy with respect to what supplies were necessary. PS-DBM was supposed to hasten the procurement process but instead caused delay after it took months to draft a memorandum of agreement, which was even antedated and might have affected the legality of the contract; thus, the raw deal that the government received in terms of the procured laptops originated from the wrong decisions of PS-DBM.

*At this juncture, Senate President Zubiri relinquished the Chair to Senator Gatchalian.*

Asked if the PS-DBM was supervised by an undersecretary of the DBM, Senator Tolentino supposed that it was still part of DBM's umbrella organization. Senator Pimentel observed that Congress was misled by the organizational charts because the DBM Secretary had claimed that he had no knowledge or control, or interest with what PS-DBM had done, particularly with contracts being antedated, and non-compliance to the specifications, yet items were still delivered and accepted by procuring entities.

On Senator Pimentel's observation that PS-DBM was acting as if it had its own separate government, Senator Tolentino averred the "Frankenstein unit" had grown so big that it could decide on its own, which showed a sad state of bureaucratic governance. Senator Pimentel surmised that such was the reason why the committee recommended that the monster be slayed.

Noting that the PS-DBM was supposed to be an expert in the procurement of supplies commonly used by the entire government, Senator Pimentel inquired if laptops should now be considered as commonly used supplies that theoretically fall under the procurement jurisdiction of PS-DBM. Senator Tolentino believed that even generic laptops should not be considered as common supplies because they evolve as technology develops.

Senator Pimentel pointed out that the DepEd's delegation to the PS-DBM to acquire laptops was already improper, given that the latter, which was established in 1978, specializes in common-use supplies.

Regarding the funding source that the DepEd utilized to procure the equipment, Senator Tolentino noted that the initial intention was to obtain internet or cellular connection so that students could interact with their teachers during lockdown. Nevertheless, he noted that the devices were eventually changed into tablets and then in laptops. He added that the broad requirement and





description as to how the funds would be used would encompass connectivity, tablets, and eventual acquisition of laptops.

Senator Tolentino revealed that he had also evaluated the technical malversation viewpoint and believed that it never reached that point. In addition, he agreed with Senator Pimentel that the arbitrariness of modifying the items to be procured was an indication of indiscretion. Senator Pimentel concurred with Senator Tolentino's observations, noting that the funds were authorized under the Bayanihan 2 Law. He noted that the objective of the appropriation could be found in the law and that it permitted the PS-DBM to deliver the procured laptops to the DepEd.

Asked if the delivered laptops complied with the DepEd's published specifications, Senator Tolentino replied that the required technical specification for the speed of the laptops was 1.9 gigahertz. On whether the laptops met the advertised requirements of the DepEd, he stated that a comparison of the purchased laptops to those available in the market for a similar price revealed that the procured items were of poorer quality. He then compared the specifications of the procured laptops to those available for the same price in the market, namely, boot-up speed of 48.65 seconds as opposed to 18.97 seconds, and speed in launching the Microsoft Word application of 10.36 seconds as opposed to 1.15 seconds. In addition, he stated that the required specification in the bidding document was 1.9 gigahertz, however, what was delivered was just 1.8 gigahertz.

On whether the said delivery violated the fundamental premise of the Procurement Law, which states that the provider must supply what the purchasing organization specifies, Senator Tolentino replied in the affirmative. Senator Pimentel then inquired if the supplier could lawfully deliver laptops with processing speeds of 1.8 gigahertz instead of 1.9 gigahertz. In reply, Senator Tolentino stated that there were variances in the matter at hand. He informed the Members that prior to the acceptance of the goods, the DepEd provided a technical opinion, as well as Bid Bulletin No. 4 issued by the PS-DBM, which stated that the agency would defer to the DepEd's competence in terms of technical criteria. He reasoned that the acceptance of the DepEd of the laptops, although of lower quality, was due to the technical justifications given during the bidding process, and that it reached a stage where the deliveries were approved by the DepEd, which was also agreed upon by the PS-DBM. Furthermore, he stated that the "chain of circumstances" depicted revealed the events to not only convoluted, but also to the point that the committee report already labeled it "a conspiracy." Senator Pimentel said that a criminal conspiracy constitutes a violation of the law. Senator Tolentino concurred.

Senator Pimentel expressed general agreement with the report's findings, saying that the public has a right to know what transpired. He also stated that to be fair to those who conduct public biddings in accordance with law and its implementing rules and regulations, they always ensured that the items delivered were compliant with or better than the specifications published at the outset of the bidding. He believed that in the instance of the DepEd laptops, the winning bidder justified delivering the laptops with slower processing speeds in exchange for a larger cache. He surmised, however, that the Committee did not accept the rationale, arguing that the deliveries should conform to the published processor speed of 1.9 gigahertz, and that using other features to justify the 1.8 gigahertz as superior was questionable. He then commended the Committee for its firm stance on the issue.

Senator Tolentino surmised that two things could have transpired but did not, that 1) the supplier could have delivered according to the specifications; and 2) the delivery could have been rejected by the DepEd. In this regard, he believed that there was collusion in the "chain of circumstances."

In response to further queries, Senator Tolentino stated that the amount involved in the purchase of the laptops was P2.4 billion. Senator Pimentel then inquired as to what month in 2021 the laptops with 1.8 gigahertz processors were delivered to the DepEd, surmising that if the

9

processors were considered old, outdated, or obsolete, some unscrupulous individuals might have profited from the P2.4 billion transaction. Senator Tolentino said that the laptops would not be obsolete in June 2021, although he believed that the speed would not be deemed top-of-the-line. He emphasized that what was actually delivered differed from what has been requested. Senator Pimentel believed that the laptops with 1.8 gigahertz CPU speeds would cost roughly P23,000 based on current pricing. Senator Tolentino stated that the laptops that year cost P23,434 each.

Senator Pimentel then queried if, indeed, purchasing in bulk worth P2.4 billion actually increased the unit price to roughly P55,000. Senator Tolentino responded by stating that a single laptop device costs P58,270. Senator Pimentel believed that an explanation was needed because PS-DBM was considered an expert in procurement, having been in operating for more than 40 years; and yet they made two basic mistakes in the case of the DepEd laptops: 1) accepting non-compliant items; and 2) failing to capitalize on the economies of scale.

Adverting to page 129 of the committee report, Senator Tolentino noted that the Intel Celeron 6305 was the 11<sup>th</sup> generation model with a 1.8 gigahertz frequency that was released in the fourth quarter of 2020. He reasoned that it had already expired since it was only valid until the second quarter of 2022. He stated that upgrading the laptops would need further technological updates.

Senator Pimentel inquired as to the veracity of the committee's finding that a memorandum of agreement (MOA) existed between the DepEd and the PS-DBM, delegating to the PS-DBM the authority to procure—making it the DepEd's agent in procurement matters. He noted, however, that the MOA was antedated.

Senator Tolentino confirmed the matter. He noted that obtaining the piece of information, as well as securing a copy of the Notary Public's death certificate had not been simple. He stated that the MOA was notarized after the death of the Notary Public in May or June 2021, despite the fact that was intended to be dated February of that year. He said that the antedated MOA was merely one of the discoveries made throughout the inquiry. Senator Pimentel stated that he was perplexed by the need to antedate the MOA.

Senator Tolentino stated that the agencies were attempting to reach a deadline, which he estimated to be the second quarter of 2021, when everything would have to be spent, making February 16, 2021 a plausible option to satisfy the criteria regarding the disbursement timeline. If the act of antedating not been done, Senator Pimentel asked if all acts by the DepEd as principal, or by the PS-DBM as the agent, before the actual date of the MOA signing has become invalid. Senator Tolentino replied that the same could be inferred from the scenario.

Senator Tolentino then informed the Body that when the P2.4 billion was obligated on February 18, 2021, the notarization date had to fall on February 16 that year in order to fit within the desired timeline, since June was deemed too far. As to whether the act of antedating the MOA would render all acts by the two agencies invalid, he stated that the Committee veered away from the issue because it would entail colliding with various operative facts, particularly that an event prior to invalidation would have to be considered regular, especially when benefits were also secured by the government. He said that in the case of the DepEd laptops, the government was able to procure the items despite not meeting the specifications, and the bags were also procured, despite the fact that the polyester material did not satisfy the initial criterion.

Senator Pimentel stated that he disagreed with the Committee's recommendation that the overprice, valued at P979 million, be returned to the government. He said that the MOA, which was designed to underpin the transactions, was void and unenforceable since it was signed in May 2021 but was made to appear to have been executed in February of the same year.



He stated that because the MOA was signed in May but was made to appear to have been executed in February by the principal, the agreement and all subsequent actions prior to the actual execution of the contract were illegal and void for being falsified. He then demanded that the supplier refund the entire P2.4 billion it had received from the government through the DepEd and PS-DBM. He also urged the government to return the laptops to the supplier. However, he said that collecting the P2.4 billion was not contingent on the government; since it is a separate obligation due to the invalidity of the contract. He stated that he disagreed with Senator Tolentino because he would like for the entire amount to be returned.

Senator Tolentino then showed on the screen the actual amount of P979 million plus and the computation by which the committee arrived at the figure. He said that they were able to secure a copy of the bill of lading where the actual price was indicated.

He also noted that although Senator Pimentel's call for the supplier to return the P2.4 billion may have some merit, the fact that the government had previously entered into several agreements without a MOA should also be taken into account. He noted that even the Government Procurement Reform Act was silent on the need for a MOA, as shown by the fact that other government procurements do not need MOAs.

Senator Pimentel said that he relied on the invalid MOA as one of the basis for his argument that the transaction with the joint ventures supplying the laptops was unlawful. In addition, he said that there had been non-compliance with some mandatory provisions in the Procurement Act, as was the case of *Jacomille vs. Abaya*, dated April 22, 2015, wherein the Supreme Court ruled that failure to comply with the mandatory provisions of the Procurement Law renders the procurement process null and void.

Since the investigation on the Pharmally issue was conducted during the COVID-19 pandemic in 2021, Senator Tolentino asked if the Pharmally procurement occurred before or after the purchase of the laptops. He surmised that no MOA had been executed for the Pharmally deal.

Senator Pimentel stated that, on the contrary, a MOA existed for the P42 billion given by the DOH to the PS-DBM since the amount transferred was between P8 billion to P11 billion. Senator Tolentino, however, maintained that no MOA had been signed for the procurement of the supplies involved in the deal. He explained that the MOA for the laptops was invalid since the notary's dates and signature were incorrect, which was part of the lapses committed by the PS-DBM.

Senator Pimentel stated that the conclusion that everything was void was owing, among other things, to the fact that the MOA was invalid, falsified, antedated, and notarized by a deceased notary public, among other factors. He said his conclusion was that the specifications for the laptops were custom-tailored for the supplier that had been identified in advance, as only a Dell laptop could meet the specifications that other bidders objected to, such as: 1) Connectivity flip-down RJ-45 LAN port; 2) Security-Wedge-Shaped Chassis Security Lock Slot; and 3) pre-installed optimization performance improvement. He added that the price per unit had been changed by the PS-DBM by using the price quoted by one of the joint venture's components, which carried solely Dell laptops, and that Sunwest Construction's joint venture was ineligible to bid on such a procurement.

He noted that all components for joint ventures wishing to bid on a certain procurement must have a business permit directly related to the item that bidders want to supply the government. However, he noted that the P2.4 billion deal was ineligible because, in addition to the fact that one of the joint venture's components is a construction business, the firm could not meet the technical specifications of supplying laptops with 1.9 gigahertz processor speed.

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He further noted that the Bids and Awards Committee (BAC) and the head of the procurement entity of the PS-DBM did not follow the proper procedure and number of days for addressing protests by dissatisfied bidders. He concluded that because the MOA and the procurement process were void, the transaction with the supplier was likewise invalid; hence the P2.4 billion must be returned to the government's coffers.

Concurring with Senator Pimentel on the matter of joint ventures, Senator Tolentino said that the current Government Procurement Reform Act must be updated to include joint ventures. He said that he also filed Senate Bill No. 1803, which proposes an amendment to existing laws requiring all partners of a joint venture to have the same primary goal. He emphasized that the main objective of each member of the joint venture must align with the bid specifications. For example, he said that the bidders for a subway project should have competency in railways. In situations of breach or failure to comply with the project's requirements, such as SEC registration and barangay certifications, among others, he emphasized that each participant of a joint venture must be jointly and severally accountable to the procuring entity.

Senator Pimentel expressed concern that the Procurement Law, which has been in effect since 2010, permits joint ventures which are not SEC-registered to participate in billion-peso biddings.

He then asked if one of the executives of one of the joint venture's partners who participated in the P2.4 billion bidding did not know the location of their joint venture's office. Senator Tolentino replied in the affirmative. Nonetheless, he informed the Body that the measure that he filed requires corporate joint ventures to be licensed by the SEC and registered with the BIR and the local government for tax purposes.

Senator Tolentino agreed with the notion that the Body should act swiftly because if there are fly-by-night corporations, there might also be fly-by-night joint ventures. He added that even the Corporation Code should be amended. He said that interim board of directors for a joint venture, their lifetime, and their juridical personality should be specified.

Senator Pimentel recalled that during the Pharmally investigation, senators were provided with a list of winning bidders and the contract amount, which included a Chinese construction company as one of the top three suppliers of PPEs.

Noting that the committee report recommended filing criminal charges against the government officials involved in the laptop deal, Senator Pimentel asked what would happen to those who conspired with the said officials, such as the three separate corporations comprising the Sunwest Construction's joint venture. Senator Tolentino said that the committee's recommendation was consistent with a number of several Supreme Court judgments, notably with regard to holding private partners or participants as accountable as public officials. He explained that the principal's representatives and/or agents of the joint ventures or partners who may have conspired, as supported by competent evidence, are likewise violators of Section 3 of RA 3019. Therefore, those who colluded with government officials must be held accountable.

On whether the private personalities were identified in the report, Senator Tolentino replied in the negative, citing the fact that they were discussing joint ventures with three juridical personalities separate from the members of the board of incorporators, hence, the names were omitted.

However, he stated that the actual names of the firms were Sunwest Construction and Development Corporation, LDLA Marketing and Trading, Inc., and VST ECS Phils. Inc. He said that it was the responsibility of the Ombudsman or the Sandiganbayan to pierce the veil of corporate fiction and identify the individuals behind the entities.

In light of the fact that corporation cannot be criminally charged under Philippine laws, Senator Pimentel noted that in a conspiracy case, only the officials of erring corporations may be criminally charged.

Senator Tolentino concurred, explaining further that just as the PS-DBM could not be indicted as a conspirator, but rather its erring officials, so too could the DepEd.

He also confirmed that the committee had established that there was a deliberate intent to commit an infraction, thereby establishing a conspiracy. Senator Pimentel agreed and noted that the conspiracy included not just government officials identified in the report, but also between government officials and private individuals. He agreed that the Ombudsman was the competent authority to identify the private sector personalities.

Senator Pimentel commented that they may investigate the potential of legally punishing corporations with penalties and their dissolution, as in the case in other U.S. jurisdictions.

*At this juncture, Senator Gatchalian relinquished the Chair to Senate President Zubiri.*

Senator Tolentino pointed out, however, that even if corporations are dissolved, the persons involved could still form another corporation and engage into more felony. Senator Pimentel said that the persons implicated would still be held accountable for their actions, since juridical entities can only operate through human agents.

Senator Pimentel said his separate view that he would request the Ombudsman to investigate the likelihood of a conflict of interest among the individuals engaged in the case, and to submit a complaint if such a conflict of interest was found to exist.

Senator Tolentino stated that the committee would not have concluded its probe without the active participation and support of the Minority. In response, Senator Pimentel commended Senator Tolentino on his comprehensive report, with which he generally agreed.

#### **SUSPENSION OF SESSION**

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

*It was 6:01 p.m.*

#### **RESUMPTION OF SESSION**

At 6:02 p.m., the session was resumed.

#### **SUSPENSION OF CONSIDERATION OF COMMITTEE REPORT NO. 19**

Upon motion of Senator Ejercito, there being no objection, the Body suspended consideration of the Committee Report.

#### **COMMITTEE REPORT NO. 17 ON SENATE BILL NO. 1604**

*(Continuation)*

Upon motion of Senator Ejercito, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1604 (Committee Report No. 17), entitled

**AN ACT ESTABLISHING AN ACADEMIC RECOVERY AND ACCESSIBLE LEARNING (ARAL) PROGRAM, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.**



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

Thereupon, the Chair recognized Senator Gatchalian, sponsor of the measure, and Senator Tolentino for his interpellation.

### **INTERPELLATION OF SENATOR TOLENTINO**

Senator Tolentino stated at the outset that he was supportive of the ARAL Program. He added that he had come to realize the extent and gravity of the situation facing the majority of the country's learners, to the point that he believed that the program's two-year duration would not be sufficient to recover what had been lost.

In reply to Senator Tolentino's queries, Senator Gatchalian stated that Section 2 of the bill would cover learners who did not enroll for School Year 2020-2021 and those who fell below the minimum proficiency levels in Language, Math, and Science. He stated that part of the program's objectives was for DepEd to develop an assessment tool that would determine the learning level of students who did not enroll in the said period. He explained further that a learner would be enrolled in the program if he or she fell below the minimum proficiency levels in the three specified subjects.

Senator Tolentino then inquired if the ARAL Program was comparable to President George W. Bush's "No One Left Behind" initiative. Senator Gatchalian replied in the affirmative, but explained that ARAL was in the context of a pandemic. He recalled presenting statistics showing that 95% of the country's 10-year old students could not read or comprehend a simple narrative. He noted that the situation called for a massive intervention program to enable the youngsters to catch up and be at par with other students their age.

Senator Tolentino inquired as to whether the same approach might also be used to the ARAL program, in reference to his proposal for a short-term Executive Reserve Officers' Training Corps (ROTC) program for people who would want to expedite their ROTC while pursuing their academic studies. Senator Gatchalian responded affirmatively and emphasized that the program was learner-centered. He said that experts consulted during the hearings were of the opinion that there was no one-size-fits-all solution to the issue and that the intervention program must be focused based on the unique requirements of the learners. He pointed out that fast learners may be enrolled in a fast-track executive program, while others may need longer periods to catch up.

He further said that before developing a program that is specifically tailored for each of the learners, it was necessary to determine each learner's requirements and how that person should be taught in terms of intervention.

Senator Tolentino then alluded to the possibility of an amendment to the bill that would include an Executive ARAL Program or an abbreviated Summer ARAL Program. According to Senator Gatchalian, a similar initiative called Summer Reading Camp is being implemented in Valenzuela. Instead of having children attend weekend or after-school sessions, he said that the program lasted for 20 to 30 days throughout the summer break.

Senator Tolentino cited a 2019 research conducted by the Singapore-based kids digital company named Totally Awesome, which revealed that eight out of every 10 Filipino children between the ages of four and 16 chose internet access over television. In addition, he said that the study revealed that children spend an average of 82 hours online every month.

Citing the bill's provision about the allocation of airtime in each broadcasting network for supplemental video materials, Senator Tolentino asked whether materials delivered via tele-

94

vision would be effective, given the study's findings. Senator Gatchalian pointed out that RA 8370, or the Children's Television Act of 1997, mandated networks to air children-oriented programs one hour per day, based on the idea that the networks should contribute to the well-being of the nation's children.

He acknowledged that the law's effectiveness and efficiency had yet to be proven, but said the measure intended to employ all forms of access to children, including television.

Adverting to the earlier interpellation of Senator Pimentel on Committee Report No. 19 regarding the overpriced and outdated laptops for DepEd, Senator Tolentino suggested that tutorial television classes supervised by teachers using DepEd school hours could be an alternative for the students' better facilitated learning. That way, he said, difficulties with regard to electricity cost and internet connectivity would be avoided and students' learning would be monitored. Given the data that eight out of 10 learners would rather have internet access to online learning—which could also give access to online games—than learning modules, he then asked whether his suggestion which would provide conducive learning environment and better attitude for the learners, would be an acceptable amendment.

Senator Gatchalian opined that internet would be the best modality for learning, particularly for interventions such as the ARAL Program, as it enables individual learners to control one's pace, rewind online lessons, and receive asynchronous learning. However, he noted that during the pandemic, only less than 10% of learners had access to the internet and that only 2% used online learning since 98% of the country's learners used modules due to lack of internet access, spotty connections, and the high cost of internet service. Nonetheless, he observed that self-learning modules were also not so effective.

Citing a World Bank study, he said that the younger learners are less likely to learn from self-learning modules because they still need guidance and help in order to learn, while the independent learners or older kids learn well from the modules. On the average, he noted, younger learners only learned 20% to 30% of what they were supposed to learn from self-learning modules.

But Senator Gatchalian pointed out that in the bill, all forms of learning would be tapped, including the use of television.

Senator Tolentino observed that it has been a practice in the family that mothers, grandmothers, and older sisters—after they have finished household chores—usually teach school lessons to younger learners and even with the lack of teaching qualifications, they have contributed significantly to a child's learning.

Citing Section 17 of the bill on parental involvement, he then suggested to also involve the services of parents as para-teachers. He noted that parents-teachers associations (PTAs) have been reestablished after the institutionalization of in-person classes, so qualified PTA members could be tapped to be part of the program. Based on studies, he said that involving parents and other stakeholders in planning and conducting activities would be useful in improving the student readiness level and physical condition.

Senator Gatchalian welcomed the suggestion and agreed to have an amendment about it at the proper time. He recalled that Grades 1 to 3 students during the pandemic had problems learning through soft-learning modules. He said the parents, as well, were either busy or had difficulties on how to teach their children. But he stated that he had witnessed how retired school teachers banded together and organized a community tutoring program and voluntarily reached out to kids in need of additional tutoring, whether online or in-person.



**MANIFESTATIONS OF SENATORS VILLANUEVA AND GATCHALIAN**

At this point, Senator Villanueva congratulated Senator Gatchalian for having been conferred his doctorate degree in education *honoris causa* from the Philippine Normal University.

Senator Gatchalian informed the Body that Senator Villanueva was also conferred his doctorate degree by the Bulacan State University.

**SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1604**

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

**CREATION OF SUBCOMMITTEE**

Pursuant to Section 18 of the *Rules of the Senate* and upon the instruction of Senator Villar (M), Senator Villanueva manifested the creation of a subcommittee, with Senator Angara as chairperson, which shall tackle Senate Bill No. 90 (Exports and Investments Act); Senate Bill Nos. 97, 536, 583, 782, 1041 and 1441 (Poverty Reduction Through Social Entrepreneurship Act); Senate Bill No. 761 (Shared Service Facilities, a Project for Micro, Small, and Medium Enterprises); Senate Bill Nos. 628 and 793 (National Quality Infrastructure Development Act); and Senate Bill No. 1127 (Philippine Accreditation Act of 2022).

**MANIFESTATION OF SENATOR TOLENTINO**

Senator Tolentino corrected his earlier statement that Senate Bill No. 1802 (Abolishing the Procurement Service of the Department of Budget and Management) was referred to the Committee on Civil Service, Government Reorganization and Professional Regulation, as it was actually referred to the Committee on Finance. He then requested the change of the bill's referral to the Committee on Civil Service, Government Reorganization and Professional Regulation.

Senate President Zubiri suggested that the bill be referred to the Committee on Rules for further study and for proper referral the next day.

**CHANGE OF REFERRAL**

Upon motion of Senator Villanueva, there being no objection, the Body approved the change of primary committee referral of Senate Bill No. 1802 (Abolishing the Procurement Service of the Department of Budget and Management) from the Committee on Finance to the Committee on Rules.

**SUSPENSION OF SESSION**

Upon motion of Senator Villanueva, there being no objection, the session was suspended until three o'clock in the afternoon of the following day.

*It was 6:28 p.m.*

**RESUMPTION OF SESSION**

At 3:07 p.m., Wednesday, February 8, 2023, the session was resumed with Senate President Pro Tempore Legarda presiding.





## ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- Rep. Paul Daza of the First District of Northern Samar;
- Mayor Maria Lourdes Alejandrino of Arayat, Pampanga;
- Vice Mayor Emmanuel Bonifacio Alejandrino of Arayat Pampanga;
- Vice Mayor Mac Dexter Malicdem of Lingayen, Pangasinan;
- Councilor Jolo Lopez of Lingayen, Pangasinan;
- Ms. Leslie Malicdem;
- Ms. Luz Velasco;
- Vice Gov. Jose Gambito of Nueva Vizcaya and Cagayan Valley;
- Ms. Luz Gambito Baclig;
- Ms. Teena Baclig;
- Mr. Kenneth Baclig;
- Dr. Ivan Henares;
- Dir. Jeremy Barnes of the National Museum of the Philippines (NMP);
- Chairperson Arthur Casanova of the Komisyon ng Wikang Filipino (KWF);
- Arch. Reynaldo Lita of the National Historical Commission of the Philippines (NHCP);
- Exec. Dir. Oscar Casaysay of the National Commission for Culture and the Arts (NCCA);
- Deputy Asst. Sec. Gonar Musor of the Department of Foreign Affairs (DFA);
- Atty. Joseph Inocencio, President of Integrated Bar of the Philippines-Bulacan Chapter;
- Atty. Nenita Dela Cruz Tuazon;
- Dr. Cecilia Gascon, President of the Bulacan State University (BulSU);
- Mr. Bong Quiroga; and
- Ms. Laura Llanera;

Senate President Pro Tempore Legarda welcomed the guests to the Senate.

## THIRD ADDITIONAL REFERENCE OF BUSINESS

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

### COMMITTEE REPORTS

Committee Report No. 24, prepared and submitted jointly by the Committees on Agriculture, Food and Agrarian Reform; Finance; and Ways and Means, on Senate Bill No. 1850 with Senators Escudero, Marcos, Lapid, Revilla Jr., Villanueva, Dela Rosa, Villar (C) and Angara as authors thereof, entitled

AN ACT EMANCIPATING AGRARIAN REFORM BENEFICIARIES FROM THE DEBT BURDEN ARISING FROM THE AWARD OF AGRICULTURAL LANDS UNDER THE COMPREHENSIVE AGRARIAN REFORM PROGRAM AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 55, 178, 922, 1112, 1179, 1405, 1476, 1660, 1661, 1662, and 1804, taking into consideration House Bill No. 6336.

97

Sponsor: Senator Villar (C)

**To the Calendar for Ordinary Business**

Committee Report No. 25, submitted by the Committee on Agriculture, Food and Agrarian Reform, on Proposed Senate Resolution No. 350, introduced by Senator Marcos, entitled

**RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO  
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE SOARING  
MARKET PRICES OF LOCAL ONIONS**

recommending the adoption of the recommendations contained therein and their immediate implementation.

Sponsor: Senator Villar (C)

**To the Calendar for Ordinary Business**

**FOURTH ADDITIONAL REFERENCE OF BUSINESS**

**RESOLUTIONS**

Proposed Senate Resolution No. 423, entitled

**RESOLUTION AFFIRMING THE DECLARATION BY THE NATIONAL  
HISTORICAL COMMISSION OF THE PHILIPPINES OF CERTAIN PORTIONS  
OF THE STA. ANA DISTRICT IN THE CITY OF MANILA AS AN IMPORTANT  
HERITAGE ZONE AND URGING THE LOCAL GOVERNMENT CONCERNED  
TO HELP IN PRESERVING THESE AREAS THEREOF**

Introduced by Senator Legarda

**To the Committees on Culture and the Arts; and Local Government**

Proposed Senate Resolution No. 425, entitled

**RESOLUTION CONGRATULATING AND COMMENDING FILIPINA ACTRESS  
DOLLY EARNSHAW DE LEON ON HER INTERNATIONAL ACCLAIM FOR  
HER ROLE IN THE PALME D'OR TRIANGLE OF SADNESS**

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 426, entitled

**RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO  
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALLEGED  
IRREGULARITIES IN THE OPERATIONS OF THE PHILIPPINE CHARITY  
SWEEPSTAKES OFFICE (PCSO)**

Introduced by Senator Marcos

9

**To the Committees on Accountability of Public Officers and Investigations; and Games and Amusement**

Proposed Senate Resolution No. 427, entitled

RESOLUTION CONGRATULATING AND COMMENDING FILIPINO CELEBRITY AND DANCER BILLY JOE LEDESMA CRAWFORD FOR WINNING THE GRAND PRIZE OF THE 12<sup>TH</sup> SEASON OF THE FRENCH REALITY DANCE COMPETITION, *DANSE AVEC LES STARS*

Introduced by Senator Marcos

**To the Committee on Rules**

Proposed Senate Resolution No. 428, entitled

RESOLUTION CONGRATULATING THE PHILIPPINE ESPORTS TEAM, ECHO ESPORTS, FOR THEIR EXCEPTIONAL PERFORMANCE AT THE MOBILE LEGENDS: BANG BANG M4 WORLD CHAMPIONSHIP

Introduced by Senator Villanueva

**To the Committee on Rules**

Proposed Senate Resolution No. 429, entitled

RESOLUTION CONGRATULATING THE 19 FILIPINO STUDENTS WHO WERE AWARDED GOLD MEDALS AT THE WORLD INTERNATIONAL MATHEMATICAL OLYMPIAD

Introduced by Senator Villanueva

**To the Committee on Rules**

Proposed Senate Resolution No. 430, entitled

RESOLUTION RECOGNIZING AND COMMENDING THE FILIPINO MATH WIZARD FOR THEIR IMPRESSIVE MEDAL HAUL IN THE 2022 WORLD INTERNATIONAL MATHEMATICAL OLYMPIAD (WIMO) HELD ON JANUARY 7-8, 2023 IN BANGKOK, THAILAND

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 431, entitled

RESOLUTION RECOGNIZING AND HONORING THE HEROISM AND BRAVERY OF CORPORAL JERRY R. PALACIO (INF), PA FOR HIS SELFLESS SACRIFICE OF PUTTING HIS LIFE ON THE LINE DURING THEIR CONDUCT OF HUMANITARIAN ASSISTANCE AND DISASTER RESPONSE OPERATIONS AT SAN ISIDRO, NORTHERN SAMAR

91

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 432, entitled

RESOLUTION CONGRATULATING AND RECOGNIZING THE PHILIPPINE FENCING TEAM FOR THEIR MEDAL HAUL IN THE 2023 SOUTH EAST ASIAN FENCING FEDERATION CHAMPIONSHIPS HELD ON JANUARY 5-13, 2022 IN KUALA LUMPUR, MALAYSIA

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 433, entitled

RESOLUTION CONGRATULATING AND COMMENDING FILIPINO AMERICAN FASHION DESIGNER AND BEAUTY QUEEN R'BONNEY NOLA GABRIEL FOR BEING CROWNED AS THE 71<sup>ST</sup> MISS UNIVERSE

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 434, entitled

RESOLUTION CONGRATULATING AND RECOGNIZING ECHO PHILIPPINES FOR WINNING THE CHAMPIONSHIP IN MOBILE LEGENDS: BANG BANG (M4) WORLD CHAMPIONSHIP HELD ON JANUARY 1-15, 2023 IN JAKARTA, INDONESIA

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 435, entitled

A RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF EXISTING GOVERNMENT ORDERS/ISSUANCES RELATIVE TO THE MANAGEMENT OF COVID-19 HEALTH RELATED WASTE DISPOSAL

Introduced by Senator Villar (M)

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

Proposed Senate Resolution No. 436, entitled

RESOLUTION CONGRATULATING AND COMMENDING CHERRY ANN "SIST" RONDINA AND PHILIPPINE ARMY SGT. JOVELYN GONZAGA, AND FLOREMEL RODRIGUEZ AND GENESA ESLAPOR, FOR WINNING THE

91

GOLD AND SILVER MEDALS, RESPECTIVELY, IN THE WOMEN'S DIVISION OF THE VOLLEYBALL WORLD BEACH PRO TOUR FUTURES HELD IN SUBIC BAY, ZAMBALES FROM 08 TO 11 DECEMBER 2022

Introduced by Senator Cayetano (AP)

**To the Committee on Rules**

Proposed Senate Resolution No. 437, entitled

RESOLUTION CONGRATULATING AND COMMENDING E-SPORTS (ELECTRONIC SPORTS) ATHLETES FROM ECHO AND BLACKLIST INTERNATIONAL FOR FINISHING AS CHAMPIONS AND RUNNERS-UP, RESPECTIVELY, IN THE MOBILE LEGENDS M4 WORLD CHAMPIONSHIP HELD IN JAKARTA, INDONESIA FROM 01 TO 15 JANUARY 2023

Introduced by Senator Cayetano (AP)

**To the Committee on Rules**

Proposed Senate Resolution No. 438, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE ATENEO DE MANILA UNIVERSITY DEBATE TEAM, ESPECIALLY DAVID AFRICA AND TOBI LEUNG, FOR PARTICIPATING AND WINNING IN THE 2023 WORLD UNIVERSITIES DEBATING CHAMPIONSHIP HELD ON DECEMBER 29, 2022 TO JANUARY 3, 2023 IN MADRID, SPAIN

Introduced by Senator Villar (C)

**To the Committee on Rules**

Proposed Senate Resolution No. 439, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE PHILIPPINES NATIONAL FENCING TEAM FOR WINNING EIGHT GOLD MEDALS, SEVEN SILVER MEDALS AND ELEVEN BRONZE MEDALS THEREBY EMERGING AS THE SECOND OVER-ALL CHAMPION AT THE 2023 SOUTHEAST ASIAN FENCING FEDERATION CHAMPIONSHIPS HELD ON JANUARY 5 TO 13, 2023 AT KUALA LUMPUR, MALAYSIA

Introduced by Senator Villar (C)

**To the Committee on Rules**

Proposed Senate Resolution No. 440, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE OUTSTANDING YOUNG MEN (TOYM) 2022 AWARDEES FOR THEIR EXEMPLARY CONTRIBUTION TO THE COUNTRY

Introduced by Senator Angara

**To the Committee on Rules**



Proposed Senate Resolution No. 441, entitled

RESOLUTION COMMENDING GUINNESS TITLE HOLDER SANDI MENCHI ABAHAN AND ARMY STAFF SERGEANT ANDRICO S. MAHILUM FOR EMERGING AS CHAMPIONS IN THE ALTITUDE OCR (OBSTACLE COURSE RACING) WORLD CHAMPIONSHIPS MOUNT EVEREST IN THE HIMALAYAS HELD ON NOVEMBER 8-22, 2022

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 442, entitled

RESOLUTION RECOGNIZING AND HONORING SENATE PRESIDENT PRO TEMPORE LOREN LEGARDA FOR BEING ONE OF THE 2022 ASEAN BIODIVERSITY HEROES

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 443, entitled

A RESOLUTION DIRECTING THE SENATE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS INVESTIGATIONS (BLUE RIBBON), TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ANOMALOUS PROCUREMENT BY THE PHILIPPINE AMUSEMENT AND GAMING CORPORATION (PAGCOR) OF ITS THIRD-PARTY AUDITOR, GLOBAL COMRCI

Introduced by Senator Pimentel III

**To the Committees on Accountability of Public Officers and Investigations; and Games and Amusement**

Proposed Senate Resolution No. 444, entitled

RESOLUTION URGING THE CONCERNED GOVERNMENT AGENCIES, THROUGH THE DEPARTMENT OF FOREIGN AFFAIRS, TO EXPEDITE THE SUBMISSION OF THEIR RESPECTIVE CERTIFICATES OF CONCURRENCE IN VIEW OF THE COUNTRY'S RATIFICATION OF THE UNESCO 2005 CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

Introduced by Senator Legarda

**To the Committee on Foreign Relations**

Proposed Senate Resolution No. 445, entitled

RESOLUTION URGING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE SURGE IN PRICES OF

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ONIONS AND SHORTAGE IN ITS SUPPLY, AS WELL AS FACTORS  
HINDERING SELF-SUFFICIENCY

Introduced by Senator Legarda

**To the Committee on Agriculture, Food and Agrarian Reform**

Proposed Senate Resolution No. 446, entitled

RESOLUTION CONGRATULATING AND RECOGNIZING THE UNDER-22  
NATIONAL BOXING TEAM FOR THEIR SUCCESSFUL RUN IN THE 2023  
ASBC ASIAN U22 BOXING CHAMPIONSHIPS HELD LAST JANUARY 17-26,  
2023 IN BANGKOK, THAILAND

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 447, entitled

RESOLUTION COMMENDING FILIPINO SURFER ROGELIO "JAYR" ESQUIVEL,  
JR FOR BEING THE CHAMPION IN THE WORLD SURFING LEAGUE LA  
UNION INTERNATIONAL PRO LONGBOARD QUALIFYING SERIES HELD  
IN SAN JUAN, LA UNION

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 448, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO  
CONDUCT AN INQUIRY IN AID OF LEGISLATION TO REVISIT, RE-EXAMINE  
AND REVIEW THE EXISTING BILATERAL AGREEMENT AND STANDARD  
EMPLOYMENT CONTRACT GOVERNING OFWS IN KUWAIT, WITH THE  
END VIEW OF ESTABLISHING STRICTER POLICIES, PREVENTIVE  
MEASURES AND APPLICABLE SANCTIONS OR BAN IN THE DEPLOYMENT  
OF OFWS IN KUWAIT

Introduced by Senator Tulfo

**To the Committees on Migrant Workers; and Foreign Relations**

**FIFTH ADDITIONAL REFERENCE OF BUSINESS**

**RESOLUTIONS**

Proposed Senate Resolution No. 449, entitled

RESOLUTION CONGRATULATING AND COMMENDING FILIPINO POLE  
VAULTER ERNEST JOHN OBIENA FOR BAGGING THE GOLD MEDAL AT  
THE RECENTLY CONCLUDED PERCHE EN OR IN ROUBAIX, FRANCE

98

Introduced by Senator Lapid

**To the Committee on Rules**

Proposed Senate Resolution No. 450, entitled

RESOLUTION CONGRATULATING AND COMMENDING MAPUA UNIVERSITY FOR WINNING THE PHILIPPINES' FIRST GOLD AWARD FOR DIGITAL READINESS FROM 2023 THE WHARTON SCHOOL – QS QUACQUARELLI SYMONDS REIMAGINE EDUCATION AWARDS

Introduced by Senator Lapid

**To the Committee on Rules**

Proposed Senate Resolution No. 451, entitled

RESOLUTION CONGRATULATING AND COMMENDING FILIPINA VETERAN ACTRESS DOLLY EARNSHAW DE LEON FOR HER MULTIPLE INTERNATIONAL AWARDS AND NOMINATION FOR HER WORK IN THE FILM "TRIANGLE OF SADNESS"

Introduced by Senator Lapid

**To the Committee on Rules**

Proposed Senate Resolution No. 452, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS (BLUE RIBBON) TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE QUESTIONABLE PROCUREMENT BY THE PHILIPPINE GAMING CORPORATION (PAGCOR) OF THE THIRD PARTY AUDITOR, GLOBAL COMRCI, TO AUDIT THE GROSS GAMING REVENUES OF THE PHILIPPINE OFFSHORE GAMING OPERATORS (POGOS) DULY LICENSED BY THE PAGCOR

Introduced by Senator Gatchalian

**To the Committees on Accountability of Public Officers and Investigations; and Games and Amusement**

Proposed Senate Resolution No. 453, entitled

RESOLUTION CONGRATULATING DOLLY DE LEON FOR BEING THE FIRST FILIPINO ACTOR TO BE NOMINATED FOR THE BRITISH ACADEMY FILM AWARDS (BAFTA) AND THE GOLDEN GLOBE AWARDS

Introduced by Senator Hontiveros

**To the Committee on Rules**

Proposed Senate Resolution No. 454, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON BASIC EDUCATION

98



TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE STATUS OF THE IMPLEMENTATION OF REPUBLIC ACT NO. 10627, OTHERWISE KNOWN AS "THE ANTI-BULLYING ACT OF 2013," FOR THE PURPOSE OF FORMULATING AND RECOMMENDING POLICY AND LEGISLATIVE INTERVENTIONS FOR ITS EFFECTIVE ENFORCEMENT

Introduced by Senator Gatchalian

**To the Committee on Basic Education**

Proposed Senate Resolution No. 455, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON BASIC EDUCATION TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE STATUS OF THE IMPLEMENTATION OF THE EDUCATION PROVISIONS OF REPUBLIC ACT NO. 11054 OR THE ORGANIC LAW FOR THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO (BARMM) AND THE BANGSAMORO EDUCATION CODE OF 2021, FOR THE PURPOSE OF ADDRESSING THE LOW BASIC EDUCATION NET ENROLLMENT RATE AND POOR LEARNER OUTCOMES, AND IMPROVING ACCESS TO QUALITY BASIC EDUCATION IN BARMM

Introduced by Senator Gatchalian

**To the Committee on Basic Education**

Proposed Senate Resolution No. 456, entitled

RESOLUTION URGING THE EXECUTIVE DEPARTMENT TO RATIFY THE INTERNATIONAL LABOUR ORGANIZATION CONVENTION NO. 190 CONCERNING THE ELIMINATION OF VIOLENCE AND HARASSMENT IN THE WORLD OF WORK

Introduced by Senator Villanueva

**To the Committee on Foreign Relations**

Proposed Senate Resolution No. 457, entitled

RESOLUTION CONGRATULATING AND COMMENDING MARIA LUISA VARELA FOR WINNING THE MISS PLANET INTERNATIONAL PAGEANT

Introduced by Senator Villanueva

**To the Committee on Rules**

Proposed Senate Resolution No. 459, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE NICKEL AND METALLIC MINING ACTIVITIES IN SIBUYAN ISLAND, ROMBLON, WITH THE END IN VIEW OF CONSERVING THE ISLAND'S ENDEMIC FLORA AND FAUNA, DEFENDING ITS COASTAL COMMUNITIES FROM

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LONG-TERM ECOLOGICAL DEVASTATION, AND PROTECTING THE  
RESIDENTS FROM THE VIOLENT INCURSIONS OF MINING COMPANIES

Introduced by Senator Hontiveros

**To the Committee on Environment, Natural Resources and Climate Change**

Proposed Senate Resolution No. 460, entitled

RESOLUTION CONGRATULATING AND COMMENDING THE PHILIPPINE PARA  
CHESS TEAM FOR WINNING THE BRONZE MEDAL IN THE 1<sup>ST</sup> FIDE CHESS  
OLYMPIAD FOR PEOPLE WITH DISABILITIES HELD IN SERBIA

Introduced by Senator Villanueva

**To the Committee on Rules**

Proposed Senate Resolution No. 461, entitled

RESOLUTION CONGRATULATING AND COMMENDING ERNEST JOHN "EJ"  
OBIENA FOR WINNING THE GOLD MEDALS AT THE PERCHE EN OR  
TOURNAMENT IN FRANCE AND 2023 ORLEN CUP IN POLAND

Introduced by Senator Villanueva

**To the Committee on Rules**

Proposed Senate Resolution No. 462, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CON-  
DUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALARMING INCREASE  
OF PREGNANCIES AMONG 10 TO 14-YEAR-OLDS, WITH THE OBJECTIVE  
OF TAKING A WHOLE-OF-GOVERNMENT APPROACH IN DEVELOPING A  
POLICY FRAMEWORK TO PREVENT EARLY CHILDBEARING AND ITS  
NEGATIVE CONSEQUENCES

Introduced by Senator Angara

**To the Committees on Women, Children, Family Relations and Gender Equality; and  
Health and Demography**

Proposed Senate Resolution No. 463, entitled

RESOLUTION RAISING THE ALARM ON THE REPORTED "BUKAS MALETA"  
INCIDENTS AT THE NINOY AQUINO INTERNATIONAL AIRPORT (NAIA)  
WITH THE END IN VIEW OF ENSURING A SECURE BAGGAGE AND  
PASSENGER SYSTEM IN ALL PHILIPPINE AIRPORTS

Introduced by Senator Poe

**To the Committee on Public Services**

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Proposed Senate Resolution No. 464, entitled

RESOLUTION CONGRATULATING AND RECOGNIZING THE PHILIPPINE TEAM  
IN THE ASIAN KICKBOXING CHAMPIONSHIPS FOR THEIR MEDAL HAUL  
IN BANGKOK, THAILAND LAST DECEMBER 10-18, 2022

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 465, entitled

RESOLUTION CONGRATULATING AND RECOGNIZING PHILIPPINE PARA  
CHESS TEAM FOR THEIR IMPRESSIVE PERFORMANCE IN THE 1<sup>ST</sup> FIDE  
CHESS OLYMPIAD FOR PEOPLE WITH DISABILITIES HELD IN BELGRADE,  
SERBIA

Introduced by Senator Revilla Jr.

**To the Committee on Rules**

Proposed Senate Resolution No. 466, entitled

RESOLUTION DIRECTING THE APPROPRIATE COMMITTEE OF THE SENATE  
TO UNDERTAKE AN INQUIRY IN AID OF LEGISLATION ON THE STATUS OF  
THE PRIZE FUND TAX REMITTED BY THE PHILIPPINE CHARITY SWEEP-  
STAKES OFFICE (PCSO) TO THE BUREAU OF INTERNAL REVENUE (BIR)

Introduced by Senator Tulfo

**To the Committees on Games and Amusement; and Ways and Means**

Proposed Senate Resolution No. 467, entitled

A RESOLUTION REQUESTING THE COMMITTEE ON HEALTH AND  
DEMOGRAPHY TO CONDUCT AN INQUIRY IN AID OF LEGISLATION ON  
REPORTS OF BULLYING IN THE HOSPITAL HIERARCHY AFFECTING  
CLERKS, INTERNS, RESIDENTS, NURSES, AND OTHER MEDICAL  
PROFESSIONALS

Introduced by Senator Tulfo

**To the Committee on Health and Demography**

Proposed Senate Resolution No. 468, entitled

RESOLUTION EXPRESSING THE PROFOUND SYMPATHY AND CONDOLENCES  
OF THE SENATE OF THE PHILIPPINES ON THE DEATH OF THE FORMER  
MINISTER OF TRADE AND INDUSTRY, ROBERTO "BOBBY" VELAYO  
ONGPIN

Introduced by Senator Marcos

**To the Committee on Rules**

Proposed Senate Resolution No. 469, entitled

RESOLUTION EXPRESSING THE PROFOUND SYMPATHY AND CONDOLENCES  
OF THE SENATE OF THE PHILIPPINES ON THE DEMISE OF NATIONAL  
SCIENTIST DR. ANGEL C. ALCALA

Introduced by Senator Marcos

To the Committee on Rules

**MANIFESTATION OF SENATOR HONTIVEROS**

Senator Hontiveros inquired on the status of Committee Report No. 15. Relative thereto, she delivered the following statement:

In December of last year, I was ready to sponsor Committee Report No. 15, or an Act Prohibiting Discrimination on the Basis of Sexual Orientation, Gender Identity or Expression. *Pebrero na po ngayon, at tinatanong na po sa akin ng mga miyembro ng LGBTQIA+ community kung ano na nga ba ang nangyari sa bill. Ngayong hapong nga din lamang, pagbaba ko dito sa session, may kaka-email lamang din po muli. Itinatanong din kung ano na ang nangyari sa bill. Bakit daw hindi ko pa ito inii-sponsor. They want to know what is happening.*

I owe them an answer. And we owe them an answer in public, here in Plenary. I have been made to understand that the good Majority Leader has obtained 19 signatures to remand the committee report to the Committee on Women, Children, Family Relations and Gender Equality because a number of pastors and bishops still want to speak. This was a couple of weeks ago. Today, I am still waiting for it to be remanded. And I have no illusions that the bill will sail through this Chamber quickly. And I am ready to defend it on the Floor as a sponsor defends any bill with arguments and logic. What I was not ready for was for this bill to be in some kind of suspension or limbo.

While I will always defer to the majority of our collegial body, perhaps some points need to be made for the historical record. *Dahil tatalima po ako at mayroon din pong sasabihin.*

Firstly, while I believe in genuine participation and consultations, indeed, the evangelical groups participated actively in our committee hearing and in the technical working group. *Ito po ang mga naimbitahan sa hearing at TWG, at lumahok din po, either sa hearing, or sa TWG, or sa pareho: United Church of Christ in the Philippines, National Council of Churches in the Philippines, Iglesia Filipina Independiente, Union Theological Seminary, Intercessors for the Philippines, Inc., Mindanao Evangelical Leaders Council, Catholic Bishops Conference of the Philippines, Philippine Council of Evangelical Churches, Catholic Educational Association of the Philippines, Jesus Is Lord, Bible Values Movement, The Lord Who Cares Foundation, Living Waters Philippines, Simbahang Kristianong Lumad, Davao Region Evangelical Association Ministers, Philippines for Jesus Movement, at Christian Coalition Movement. Maliban po rito ay ako po ay nakipag-dialogue sa Philippine Council of Evangelical Churches bago mag Pasko at sa aking pagtingin ay mabunga ang aming pinag-usapan.*

Secondly, and, perhaps my dear colleagues also need to hear this in open session to allay any fears that none of the recommendations of the religious groups were accepted, I already agreed on a number of concessions. These include the explicit exemption of marriage licenses in the provision of licenses *para malinaw na* this is not a bill that legalizes gay marriages; the explicit inclusion of the principle of academic freedom and the non-disturbance of parental responsibility in the Family Code. And I agreed to reconsider criminal liabilities on schools that impose heteronormative uniform requirements and parents who seek medical tests to determine the SOGIESC of their children. And some of our dear colleagues have expressed concerns about this.

Thirdly, I am willing to begin a conversation on trimming some of the criminal prohibitions. *Mahalaga lang po sa akin na manatili ang pagbabawal sa:*

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- Workplace prohibition – *dahil ito po ay karapatan nating lahat bilang mga manggagawa;*
- Expulsion from schools on the basis of SOGIE, because this is not in accord with the best interests of the child;
- Discrimination in access to emergency and necessary medical services, because this is against the principles of the Universal Health Care Law and basic humanity;
- SOGIE-based abuse against persons deprived of liberty; *at*
- Discrimination in access to socio-protection instruments *gaya ng ayuda.*

Fourthly, we have been listening to and hearing our religious groups for 23 years, among all groups. I am willing to keep on engaging and listening in good faith, and I can engage with those who speak from a place of faith and religion, being a woman of faith myself. But I was voted by the Republic to pass secular laws; laws that protect the least of us. Laws that reflect our commitments to international law and to human rights norms.

I hope the Body agrees with me that the oppressions that visit our LGBTQIA+ community are real, documented and undeniable. *Huwag na sana nating ipagkait sa kanila ito.*

Yes, we will revert the bill to committee, as I submitted to our colleagues. And, yes, we will hold another hearing if that is what our dear colleagues want.

But I ask this of each of my colleagues: if we still think that the oppressions against LGBTQIA+ people are imagined or exaggerated, reach out to a member of the community. Ask a staffer who is gay. A friend who is a lesbian. A family member who identifies as bisexual. Ask them about the aggressions and microaggressions they face each day.

Our God is a God of love, of inclusion, of compassion, of lifting up those at the margins. In the words of Pope Francis, “We are all children of God and God loves us as we are, and for the strength that each of us fights for our dignity.” When we pass measures that protect those that society cast aside, we do God’s work.

To my friends in the LGBTQIA+ community, I will continue to fight with and for you. Love is the currency of our struggle, and love always wins.

## STATEMENT OF SENATOR VILLANUEVA

In response to the manifestation of Senator Hontiveros, Senator Villanueva stated that the Body is governed by rules such as Rule X, Section 32 of the *Rules of the Senate*, which states that “When a report is returned to a committee or is transmitted to another, unless it is returned for purposes of conducting further public hearings on new matters arising after the report, all previous proceedings in connection therewith shall be deemed to be void and that matter in question shall revert to its original status.”

He disclosed that he and other Members received letters from concerned religious groups after the Committee on Women, Children, Family Relations and Gender Equality submitted Committee Report No. 15 on December 6, 2022. He informed the Body that new issues had arisen following the submission of the committee report for sponsorship.

*At this juncture, Senator Villanueva showed the Members the numerous letters that he had received.*

He said that he had been bullied and crucified by some groups after the first committee hearing on the measure because they thought that only one hearing had been held on the very controversial issue. He also disclosed that he discussed the issue with his colleagues and had presented the options that were available. He stated that remanding the committee report to the original committee was not the only option, so he decided to refer it to the Committee on Rules.

He stated that he informed Senator Hontiveros of the situation of some of Members, specifically Senator Cayetano (A), who wanted to come up with a holistic approach to improving the measure so that it would not only target one specific group, but all sectors of society.

He clarified that he had nothing against the LGBT community and that his sister, the late Bocaue Mayor Joni Villanueva, had several close friends who are LGBTs and was very close to the secretary general of the LGBT national office.

He stated that some LGBTs claimed they were not consulted during the technical working group meeting, while some concerned stakeholders and 17 to 18 senators claimed that they had not been given the opportunity to participate in the hearings. As a result, he said that he suggested that the measure be referred to the Committee on Rules for further study.

At this juncture, Senator Legarda noted that Senator Villanueva proposed referring the committee report to the Committee on Rules for further study, despite the fact that it had already received enough signatures for plenary sponsorship, but that due to opposition from several sectors and some senators, he, after consulting with Senate President Zubiri and the other Members, decided to request Senator Hontiveros to discuss the matter in the Committee on Rules.

Senator Hontiveros believed that Section 32 does not apply to the status of the committee report because it only applies "when a report is returned to a committee or is transmitted to another committee, unless it is returned for purposes of conducting further public hearings 'on new matters' arising after the report."

She pointed out that Senator Villanueva had mentioned that it would be referred back to the Committee on Women, Children, Family Relations and Gender Equality for additional public hearings. Furthermore, she stated that Section 32 specifically mentioned "new matters," which does not apply to the status of the committee report.

She stated that she initially believed that 19 senators signed the letter requesting that the report to be returned to the Committee on Rules, but later learned that it was actually 17 or 18. She stated that if it had been 17, the number of signatories would have been the same as those who signed the committee report. However, after learning that it was 19, she stated that she agreed that the committee should schedule and stated that she would hold on to the commitment.

She stated that she would welcome the presence of Senator Cayetano (A) in the next hearing if he wanted to present a comprehensive approach to improving the measure.

Despite not having heard any formal motion from Senator Villanueva, Senator Hontiveros stated that she would object to a motion to return the committee report to the Committee on Rules, pointing out that it was the Committee on Rules that referred the three bills to the Committee on Women, Children, Family Relations and Gender Equality during the First Reading, as stated in Section 13 of the *Rules of the Senate*:

*"Women, Children, Family Relations and Gender Equality. – Nine members. All matters relating to women, the welfare and protection of children, family relations, and equality before the law of women and men."*

She stated that she would accept having the report remanded to the Committee on Women, Children, Family Relations and Gender Equality, but that if Senator Villanueva would move to remand the committee report to the Committee on Rules, she would object.

Having been a Majority Leader in 2001, Senator Legarda said she knew that Section 13 of Rule X of the *Rules* was applicable to the situation because all matters affecting the *Rules*,

97

the Calendar, the parliamentary rules, the order and manner of transacting business, and the creation of committees fall under the purview of the Committee on Rules. As a result, she stated the decision of the Majority Leader, after consultation with the Minority and Majority, would take precedence.

Senator Hontiveros, on the other hand, stated that she had explicitly requested that the committee report be remanded to the Committee on Women, Children, Family Relations and Gender Equality in order to accommodate the request of the sectors who had allegedly not been consulted on the measure. She also stated that the report would be recommitted to the Committee on Rules, which would then recommit it to the Committee on Women, Children, Family Relations and Gender Equality.

As one of the authors and an advocate of the bill, Senator Legarda stated that she wanted to confirm the procedure with Senator Villanueva so that she could also be assured that the committee report would not languish under the Committee on Rules but would be recommitted to the Committee on Women, Children, Family Relations and Gender Equality for further hearings. She then sought Senator Villanueva's assurance that the committee report would eventually be recommitted to the committee of Senator Hontiveros.

In response, Senator Villanueva adverted to Section 34 of the *Rules*, which states that "the motion for the study of any report submitted by the Committee on Rules shall always be in order, and while the report is pending considering no motion may be entertained unless it is a motion to adjourn; if this latter motion is disapproved, no dilatory motion on the aforesaid report shall be admitted." He said that they could debate the particular issue for as long as they wanted, but that new matters had arisen since the committee report was submitted for sponsorship. He opined that it had been clearly stated and manifested that they must carefully consider their decision and allow other sectors to be heard.

He stated that not allowing the committee report to be sponsored on the Floor does not automatically remand it to the original committee.

Senator Villanueva also assured that the measure would be taken up by the Committee on Rules; however, the action taken on the bill would not be solely his decision.

Senator Legarda clarified that Senator Hontiveros did not state that the report would be remanded to her committee automatically. She explained that it was precisely why she mentioned the rule that the matter falls under the jurisdiction of the Majority Leader who would be responsible for hearing it in the Committee on Rules.

Senator Villanueva said that he recently spoke with Senator Hontiveros about possible solutions to the problem.

Senator Legarda stated that in accordance with Section 34 of the *Rules*, which states that a motion for the study of any report submitted by the Committee on Rules shall always be in order, it was clear that the committee report could be recommitted to the Committee on Rules for further study, after which it could either be remanded to the Committee on Women, Children, Family Relations and Gender Equality or be recommended for sponsorship in Plenary.

She averred that while it was preferable for the Senate to hold an open discussion on the measure in which all points of view could be heard, the possibility of it languishing in the Committee on Rules was a real possibility. She then asked Senator Villanueva that the measure would not suffer such a fate.

Senator Villanueva responded that while he could not speak for the entire committee, he would respect the decisions made during the process.

Asked what options the Committee on Rules had with regarding the committee report, Senator Villanueva presented four scenarios:

- That the measure should be studied further, taking into account the input of committee members such as Senator Cayetano (A), who wanted to review the bill in a more comprehensive manner;
- That stakeholders who were not invited and heard during the hearings be given an opportunity to present their views on the matter;
- That the measure be referred for Plenary sponsorship; or
- That the measure be remanded to the Committee on Women, Children, Family Relations and Gender Equality.

He emphasized his intention to hold the hearings and not let the bill languish in his committee. He then pointed out that the Minority senators were also members of the Committee on Rules.

Senator Hontiveros expressed her willingness to accede to the wishes expressed in the letter signed by a majority of the senators, but expressed disappointment that the measure would be referred to the Committee on Rules rather than the Committee on Women, Children, Family Relations and Gender Equality. She recalled having a conversation with Senate President Zubiri in which he stated that additional hearings on the bill would be held by her.

She stated that any proposal from the Members to improve the measure would be welcomed during the committee hearing and subsequent hearings.

She said that she acted in good faith and was committed to upholding the *Rules* unequivocally. She, however, drew parallels between the situation and the biblical story of a mother giving up her claim to her child to another woman in order to save the infant's life when King Solomon decided to cut the child in half. She described how the bill felt torn from the bosom of its mother committee, which had shepherded it for more than two decades.

She then reiterated her commitment to following the *Rules*, but said that the decision to refer the measure to another committee did not reflect the spirit of the Chamber's sacrosanct rules. She also stated that she and the LGBTQIA+ community would fight for the measure until the end.

Senator Legarda, for her part, stated that she understood the sentiments of Senator Hontiveros and the LGBTQIA+ community. She pointed out, however, that the Committee on Rules had jurisdiction over the measure because it was already in Plenary, and that as Majority Leader, Senator Villanueva has the prerogative to hold additional hearings to study the measure as requested by the majority of the Members, or to have the committee decide on any of the previously mentioned options.

At this juncture, Senator Villanueva stated that the letter that was signed by a majority of the senators on January 23, 2023 superseded the committee report. He reiterated that the Senate is governed by the *Rules* and lamented the backlash from the LGBTQIA+ community, many of whom may be unfamiliar with the legislative process. He also stated that the issue was not on the length of time it takes for a measure to become a law, noting that the Occupational Safety and Health Standards Bill, which he introduced as a congressman, took 18 years to become law. He also stated





that Senator Hontiveros' biblical parallel was inappropriate to the situation. He emphasized that, just as God carefully planned all of His creation, legislators should carefully consider what is best for the measure.

Senator Legarda proposed that the Majority and the Minority senators meet to discuss the issue in order to facilitate the bill's progress through the legislative mill.

Senator Hontiveros clarified that, while she submits to the *Rules*, she objects to the decision not to remand the bill to the Committee on Women, Children, Family Relations and Gender Equality.

Responding to the statement made by Senator Legarda that the bill was clearly already within the jurisdiction of the Committee on Rules, Senator Villanueva stated that he was still in the process of speaking with the senators who had signed the letter and that he was not yet inclined to make any motion on the matter.

Senator Legarda reiterated that the request for the measure to be studied further and for consultations to be conducted by the Committee on Rules was motivated by the desire of the signatory senators to improve the bill. She then asked whether the upcoming hearings would result in the a sponsorship of the measure. Senator Villanueva responded that the Committee on Rules would make the decision, adding that he was not the only member of the said committee, and that Senators Pimentel and Hontiveros were also members.

Senator Legarda expressed her appreciation to the manifestation of Senator Hontiveros who raised such valid and relevant issues. The former acknowledged that certain bills had undergone a very long legislative process, as she cited the Expanded National Integrated Protected Area Systems (ENIPAS) Act (RA 11038) which was first proposed in Congress some 20 to 30 years ago and before she became a neophyte senator in 1998, during which there were only 13 protected areas. She said that it was during her third term as a senator, or about three decades since the bill was first proposed, when Senator Villar (C) finally sponsored it in plenary before it finally became a law.

Stating that she greatly values the LGBTQ+ community's contributions to the country, Senator Legarda expressed hope that the SOGIE bill would not have to go through three decades before its passage into law.

#### **MANIFESTATION OF SENATOR PIMENTEL**

Senator Pimentel noted the apparent desire of the Body to follow the letter of the *Rules of the Senate*. Therefore, considering that Section 34 of Rule XI on meetings and reports of the committees had been cited, he suggested that the Committee on Rules conduct a meeting on the matter and follow the *Rules* by having the committee members decide through a majority vote before making a motion as a committee and not as an individual Member. He said that the decision that would prevail should be reflected in the committee report on the SOGIE bill that would be reported out by the Committee on Rules.

#### **CHANGE OF REFERRAL**

Upon motion of Senator Villanueva, with Senator Hontiveros dissenting, the Body approved the referral of Senate Bill No. 1600 under Committee Report No. 15 to the Committee on Rules for further study.

Senator Pimentel stated that the Minority would be expecting a schedule of meeting of the Committee on Rules to discuss the matter. Senate President Pro Tempore Legarda then clarified



that it was not the intention of the Body to archive the proposed measure or to have it languish in the Committee on Rules.

Senator Villanueva stressed that the Senate is governed by the *Rules* and not by one senator only.

### **SPECIAL ORDER**

Upon motion of Senator Villanueva, there being no objection, the Body approved the transfer of Committee Report No. 24 on Senate Bill No. 1850 from the Calendar for Ordinary Business to the Calendar for Special Orders.

### **COMMITTEE REPORT NO. 24 ON SENATE BILL NO. 1850**

Upon motion of Senator Villanueva, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1850 (Committee Report No. 24), entitled

AN ACT EMANCIPATING AGRARIAN REFORM BENEFICIARIES FROM THE  
DEBT BURDEN ARISING FROM THE AWARD OF AGRICULTURAL LANDS  
UNDER THE COMPREHENSIVE AGRARIAN REFORM PROGRAM 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 Villanueva, 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 Villar (C) for the sponsorship.

### **SPONSORSHIP SPEECH OF SENATOR VILLAR (C)**

Senator Villar (C), on behalf of the Committee on Agriculture, Food and Agrarian Reform, submitted for plenary consideration Senate Bill No. 1850 under Committee Report No. 24.

*Following is the full text of Senator Villar's sponsorship speech:*

I rise today to sponsor Senate Bill No. 1850 under Committee Report No. 24, or the "New Agrarian Emancipation Act" which recommends the approval of the condonation all loans including interests, penalties and surcharges, due from such loans arising from the award of agricultural lands under the Comprehensive Agrarian Reform Program (CARP) as of December 31, 2022, in substitution of:

- Senate Bill No. 55 authored by Senator Escudero;
- Senate Bill No. 178, authored by Senator Marcos;
- Senate Bill No. 922, authored by Senator Escudero;
- Senate Bill No. 1112, authored by Senator Marcos;
- Senate Bill No. 1179, authored by Senator Lapid;
- Senate Bill No. 1405, authored by Senator Revilla Jr.;
- Senate Bill No. 1476, authored by Senator Villanueva;
- Senate Bill Nos. 1660, 1661, and 1662, authored by Senator Marcos; and
- Senate Bill No. 1804, authored by Senator Dela Rosa,

taking into consideration House Bill No. 6336.

91

More than half of the Philippines' 113 million people live in rural areas and 36% of them are poor and dependent on agriculture as their primary and often only source of income.

According to the land reform history:

- 1961 to 1965—Pres. Diosdado Macapagal signed RA 3844 or the Agricultural Land Reform Code;
- 1965 to 1986, Pres. Ferdinand Marcos Jr. issued PD 2, proclaiming the entire country as land reform area;
- 1986 to 1992, Pres. Corazon Aquino signed RA 6657 or the Comprehensive Agrarian Reform Law; EO 229 series of 1987, providing the mechanisms for the implementation of the Comprehensive Agrarian Reform Program (CARP); and Proclamation No. 131, instituting a Comprehensive Agrarian Reform Program ;
- 1992 to 1998, Pres. Fidel Ramos signed RA 8532, An Act Strengthening Further the Comprehensive Agrarian Reform Program;
- 1998 to 2001, Pres. Joseph Estrada issued EO 290 series of 2000, streamlining the structure and functions of the Department of Agrarian Reform and for other purposes;
- 2001 to 2010, Pres. Gloria Macapagal-Arroyo signed RA 9700, the Comprehensive Agrarian Reform Program Extension with Reforms (CARPER);
- 2010 to 2016, Pres. Benigno Aquino III continued the CARP; and,
- 2016 to 2022, Pres. Rodrigo Roa Duterte did the same.

The PSA report also confirmed the glaring poverty gap between cities and rural areas. The Metro Manila region and urban centers have the lowest poverty incidents (13%) which are higher among rural inhabitants (36%).

Although the causes of poverty in rural areas vary, common issues include a decline in agricultural productivity, unprofitable smallholder farming operation and unsustainable practices. Rural areas lag in economic growth partly due to their lack of access to productive capital, financial services, and to limited market access.

This emphasizes the need for urgent government action in this regard.

Thus, the Comprehensive Agrarian Reform Program aims to improve the lives of small farmers by offering them land tenure security and support services. Many farmers who were beneficiaries of the agrarian reform program have been waiting for their titles but they have been saddled by issues on how to pay their loans' annual amortization, interests, including penalties and surcharges, which hinder their full ownership over their land.

Without land in their name, these farmers cannot access credit as they lack collateral to secure the same.

This proposed measure seeks to emancipate ARBs from debt burden through the condonation of all unpaid principal and interests, including penalties or surcharges, from these loans.

This condonation bill shall cover two types of loans to agrarian reform beneficiaries:

- ARBs that have Agrarian Reform Receivables (ARR) Account with the LANDBANK and have not paid or have incomplete payments of their amortization on the principal, interests, penalties, and surcharges for their lands under PD 27, RA 6657 and subsequent amendments to RA 665. This involves 409,206.91 hectares of agricultural land with 273,622 owners—debt amounting to P14,499,890,626.97 to be written off from the books of the Land Bank, and
- Voluntary Land Transfer Scheme and Direct Payment Scheme (VLT/DPS) as provided by RA 6657 (Section 20 and 21) for under which has 92,824 ARBs; with the land area of 178,063.95 hectares amounting to P199.61 million to be paid from the Agrarian Reform Fund, for a total of, as of today, P14.62 billion.

Likewise, all cases related to the nonpayment of loans of ARBs with the DAR shall be dismissed *motu proprio* and that ARBs will be exempted from payment of estate tax.

However, the 10-year provision in the bill is only a reiteration of the provision in RA 6657 that the land shall not be sold, transferred, or conveyed except through hereditary succession, or to the government, or the Land Bank of the Philippines, or to other qualified beneficiaries through the DAR from the issuance of the CLOA.

This bill seeks to help alleviate the plight of ARBs who are farmers, for them to recover and overcome the fallout of the COVID-19 crisis, the devastating African swine fever, the ongoing Avian Influenza, the increasing cost of fertilizer, fuel and other farm inputs, and climate change.

Condoning their amortization will provide them the much-needed financial resources that shall help them develop their farms, increase their productivity and advance an agriculture driven economy, improve their lives and that of their families, reduce poverty, accelerate rural development, and promote food security.

Thus, I urge for the passage of this measure.

### **COAUTHOR**

Upon her request, Senate President Pro Tempore Legarda was made coauthor of Senate Bill No. 1850.

### **COSPONSORSHIP SPEECH OF SENATE PRESIDENT PRO TEMPORE LEGARDA**

Upon request of Senate President Pro Tempore Legarda, her cosponsorship speech on Senate Bill No. 1850 was deemed read and inserted into the *Record of the Senate*.

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

At this juncture, Senator Villanueva acknowledged the presence in the gallery of Margielyn Didal, a Philippine national athlete and Olympic skateboarder, and Carl Sambrano, president of Skateboard Pilipinas.

Senate President Pro Tempore Legarda congratulated and welcomed the guests to the Senate.

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

Senator Cayetano (P) stated that Ms. Didal decided to take skateboarding, a new Olympic sport, at the age of 12. She said that despite the objections from the parents of Ms. Didal, the skateboarder spent most of her time practicing skateboarding tricks. She revealed that it took time before the family of Ms. Didal accepted the young athlete's passion for skateboarding because of the risks of the sport and the difficulties of being an athlete.

Senator Cayetano (P) opined that Ms. Didal had many times proudly represented the country very well and has gained a huge international following through the sport—with hundreds of comments from all over the world at her social media posts. She praised the athlete's demeanor, humility, and cheerfulness—despite missing the podium—as she even cheered for rivals in the sport. She said she was really proud of Ms. Didal for bringing honor to all Filipinos and for exuding exemplary sportsmanship.

Finally, Senator Cayetano (P) informed the Body that the homegrown skateboarding star from Cebu would be leaving soon to train in Los Angeles even as she was still recovering from injury and going through therapy.

### **ACKNOWLEDGMENT OF THE PRESENCE OF GUEST**

Senate President Pro Tempore Legarda also acknowledged the presence in the gallery of Mayor Mar Mission of San Remigio, Antique.

## COAUTHORS

Upon their request as manifested by Senator Villanueva, Senators Dela Rosa and Binay were made coauthors of Senate Bill No. 1850.

## COSPONSORSHIP SPEECH OF SENATOR GO

Upon request of Senator Go, his cosponsorship speech on Senate Bill No. 1850 was inserted into the *Journal and Record of the Senate*:

I rise to cosponsor Senate Bill No. 1850 under Committee Report No. 24 emancipating the agrarian reform beneficiaries from the debt burden arising from the award of agricultural lands under the Comprehensive Agrarian Reform Program.

Our country, being considered as an agricultural country, is built on the foundations of our agricultural sector. We must therefore institute policies to protect and promote the welfare of our farmers who work tirelessly to feed the nation.

The needs and concerns of our farmers particularly the agrarian reform beneficiaries have already been considered as an inter-generational problem in the country. The burden of debt has been a constant challenge among agrarian reform beneficiaries and has resulted in their inability to further invest in their livelihood and farmlands.

I therefore support the objectives of this measure to unburden our agrarian reform beneficiaries. In fact, I recently co-authored the bill of Senator Bato Dela Rosa which has been considered in this Committee Report.

*Malaking bagay ito sa ating mga magsasaka para imbes na magbayad sila ng amortization at interes sa kanilang lupang sinasaka, magagamit nila ang kanilang kita para sa kanilang araw araw na pangangailangan at puhunan para mas mapag-yaman ang kanilang pagsasaka.*

President Ferdinand Marcos Jr. endorsed this proposed measure during his first State of the Nation Address (SONA) to ensure the success of the administration's food security program. According to the President, the condonation of the existing agrarian reform loan will benefit around 654,000 agrarian reform beneficiaries.

*Suportahan po natin ang ating mga magsasaka.* We must help them overcome the difficulties caused by the recent pandemic. *Malaki ang papel nila sa muling pagbangon ng ating ekonomiya.* Rural development in the country could be achieved if those in the agricultural sector are given more economic opportunities and their rights to own lands are further promoted and protected.

*Ang payo ko naman sa mga mga agrarian reform beneficiaries, sana po gamitin ninyo ang mga lupaing ito para mapabuti ang inyong pamumuhay at makaambag sa inaasam nating food security sa bansa.*

Lastly, I congratulate the Chairperson of the Committee on Agriculture, Senator Cynthia Villar, for prioritizing this measure. This will be a step towards instituting genuine agrarian reform and equitable land distribution among our farmers.

## COSPONSORSHIP SPEECH OF SENATOR VILLANUEVA

In cosponsoring Senate Bill No. 1850, Senator Villanueva delivered the following speech:

It is this Representation's honor and privilege to coauthor and cosponsor this landmark piece of legislation. I would like to thank our dear colleague, our principal in the House, the honorable senator from Las Piñas, Sen. Cynthia A. Villar, *ang ninang ng bayan, ninang po namin iyan ni Gladys*, for all her hard work on this particular measure, which is a priority measure of the President.

The emancipation of Filipino farmers from the bondage of tenancy has been a dream and a tale almost as old as our nation's history. From the encomienda system during the Spanish colonization which evolved into the hacienda, shared tenancy and the inability to fully reap the fruits of their hard-earned labor contributed to the abject poverty that has beset farmers for decades.

According to the Philippine Statistics Authority, the agriculture sector posted the highest poverty incidence in 2018 at 31.6%. We are an agricultural country and we take pride in our local produce, and yet almost one in every three farmers is poor and barely getting by.

To give a full picture, as of 2020, a quarter, or 24.8%, of the country's total employment is from the agriculture sector and most of them are poor and disadvantaged. For example, the distribution of agrarian reform beneficiaries is highest in Region VI, or the Western Visayas Region, where there is a total of 341,293 ARBs recorded as of 2021. According to PSA, the poverty incidence among farmers in the region was a whopping 36.1% in 2015 and 26.2% in 2018. The second highest distribution is recorded in Region XII, or SOCCSKSARGEN, where there are about 301,198 ARBs, and the poverty incidence in the region was 52.6% in 2015, or one in every two farmers, and 40.1% in 2018.

This august Body recognized the urgency of addressing the concerns of the agriculture sector and we saw a tremendous increase in the budget for agriculture this 2023—thanks to our dear colleagues. This should translate to higher incomes of our farmers, increased productivity of the sector, improved competitiveness of our local producers, and higher supply and reduced cost of agricultural and food products for our people. Together with the passage of this bill on the condonation of ARB loans, we are on track in making a lasting and more meaningful impact on the agriculture sector.

*At this juncture, Senate President Pro Tempore Loren Legarda relinquished the Chair to Senator Ejercito.*

For indeed, it is this Representation's belief that the emancipation of agrarian reform beneficiaries from the debt burden arising from the award of agricultural lands under the Comprehensive Agrarian Reform Program (CARP) is necessary if we are to seriously address rural poverty and improve the lives of Filipino farmers.

The Comprehensive Agrarian Reform Program sought to achieve social justice to empower landless farmers and farm workers through the equitable distribution of land and the provision of support services and to uplift the lives of each farmer beneficiary. The promised economic empowerment of ARBs has been impeded by low loan repayment rates, low productivity, increasing prices of farm inputs, and natural disasters, among others. As our farmers struggle to make both ends meet with their unjustly low earnings, it has become even more difficult for them to pay their agrarian loans.

It is our hope that this important measure will help end the cyclical and generational poverty among our ARBs. The condonation of a total of P57.557 billion principal debt of 610,054 ARBs tilling a total of 1.17 million hectares shall emancipate them from debt burden and shall help them refocus their resources and energies instead in increasing their productivity and improving their lives.

We hope that the eventual and immediate passage of this measure shall usher in the revitalization and full modernization of our agriculture sector toward food security.

## **COSPONSORSHIP SPEECH OF SENATOR DELA ROSA**

In cosponsoring Senate Bill No. 1850, Senator Dela Rosa delivered the following speech:

I stand to cosponsor Senate Bill No. 1850 under Committee Report No. 24, entitled "An Act Emancipating Agrarian Reform Beneficiaries from the Debt Burden Arising From the Award of Agricultural Lands Under the Comprehensive Agrarian Reform Program and for Other Purposes."

Before anything else, I would like to commend the good chairperson of the Committee on Agriculture, Food and Agrarian Reform, whom we all fondly call "Mama Bear," Sen. Cynthia A. Villar, for speedily championing this measure.

"Most things except agriculture can wait."—words credited to Jawaharlal Nehru, India's first Prime Minister, and they ring true even today.



Agriculture, which hangs on a delicate, almost mathematical balance of the elements cannot be made to wait. *Hindi maaaring ipagpaliban ng magsasaka ang panahon ng pagtatanim, maging ang panahon ng pag-aani.* There is a reason why food remains a basic need, and there can be no delay in fulfilling this need. *Hindi tayo mabubuhay ng walang pagkain. Ganiyan kahalaga ang ginagampanang papel ng ating mga magsasaka.* Agriculture is, and always will be, an urgent matter.

In recognition of its urgency, Republic Act No. 6657 was enacted into law, otherwise known at the Comprehensive Agrarian Reform Law of 1988. This law aimed to uphold a just and equitable distribution of land to landless farmers, putting premium on their welfare. The vision of CARP was social justice by providing our farmers and farm workers with the opportunities to enhance their dignity and improve the quality of their lives through greater productivity of agricultural lands while at the same time attaining authentic rural development industrialization.

However, for today, let us take a look at Section 26 of the said law. *Nakasaad sa nasabing section na ang mga lupaing iginawad sa ating mga agrarian reform beneficiaries ay babayaran nila.* The total is divided across 30 annual amortizations at an interest rate of 6% per annum.

*Kung atin pong susuriin, maaari pong para sa ilan ay maliit na halaga lamang ang buwanang hulog na nagkakahalaga sa karaniwan ng dalawang daang piso, ngunit para sa atin pong mga magsasaka na ang tanging pinagkukuhanan ng kanilang kabuhayan ay ang kanilang mga pananim, ang buwanang hulog na ito ay sapat na pangkain ng kanilang pamilya, pampagamot sa tuwing may sakit, at pampaaral sa kanilang mga anak.*

*Bukod sa pang-araw-araw na gastos, nawawala rin ang pambayad ng ating magsasaka sa kanilang lupa sa tuwing sinasalanta ng bagyo ang kanilang mga pananim. Ang ilang buwang hirap sa pag-aalaga ng tanim at gastos sa mga binhi at pataba ay tila bula na nawawala sa tuwing dumarating ang bagyo sa kanilang taniman. Nawala na ang pambayad ng lupa, nawala na rin po ang panggastos para sa kanilang pamilya. Sa maraming pagkakataon, napipilitan na lamang mangutang ang ating mga magsasaka.*

Sadly, this is probably the reason why in 2018, data from the Philippine Statistics Authority showed that poverty incidence of farmers was at roughly 31%. *Marami sa ating mga magsasaka ay nanatiling mahirap.* I speak today as one proud and grateful member of this Congress because under Senate Bill No. 1850, we are now emancipating them from the clutches of these financial burdens.

*Sa panahon na bumabangon pa lamang ang lahat mula sa bangungot ng COVID-19, lalong-lalo na ang ating mga farmers, hindi na natin dadagdagan ang kanilang mga hinaharap na pagsubok.*

*Nito lamang hearing tungkol sa pagtaas ng presyo ng sibuyas, nalaman natin na may ilang magsasaka na piniling magpakamatay dahil hirap na hirap na sila.* How heartbreaking to know that the ones who work the hardest to ensure that we can eat and live are now the ones who give up on their lives. We say, "No more." We stand with our agriculture sector. It is time for this Congress to look at our farmers, feel their hardships, and resolve, once and for all, that they do deserve better from their Senate.

Agriculture is urgent and it must not be made to wait. Let us see to it that Senate Bill No. 1850 gets passed into law.

### **COSPONSORSHIP SPEECH OF SENATOR ESTRADA**

At the instance of Senator Estrada, upon motion of Senator Villanueva, there being no objection, the following speech of Senator Estrada was inserted into the *Journal and Record of the Senate*.

With the indulgence of the author and sponsor, I would like to cosponsor Senate Bill No. 1850 under Committee Report No. 24, entitled "An Act Emancipating Agrarian Reform Beneficiaries from the Debt Burden Arising from the Award of Agricultural Lands Under the Comprehensive Agrarian Reform Program and for Other Purposes."

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*Hindi lingid sa kaalaman ng lahat na bagama't ang Pilipinas ay isang agricultural country, kung saan malaking porsiyento ng ating GDP ay nakasalalay sa agrikultura, ang ating mga magsasaka ay isa pa rin sa pinakamahirap na sektor sa ating bansa.*

*Sa kabila ng ating pagpupunyagi para sa agrikultura, at sa kabila ng ating mga natamasang biyaya na dulot ng comprehensive agrarian reform program na tumakbo ng ilang dekada, ay hindi natin maikakaila na sadlak pa rin sa tanikala ng kahirapan ang ating mga kawawang magsasaka.*

It is for this reason that I commend the committee on agriculture, under the leadership of our chairperson, the champion of Philippine agriculture — Senator Cynthia Villar, along with our esteemed colleagues, for filing these legislative measures on the New Agrarian Emancipation Act.

Although this will not solve the abject poverty dilemma of our farmers, this will surely help ease their financial burden.

*Malaking bagay po para sa ating mga magsasaka ang gumising sa umaga at harapin ang araw-araw na hamon ng pagsasaka sa gitna ng kahirapan, ng epekto ng climate change, ng nagmamahal na farm inputs at pataba, at ng hagupit ng inflation, na hindi na niya kailangang isipin pa at magkumahog pa sa pagbabayad ng amortization, interests, surcharges, at penalties sa kanilang lupa dahil sa pagbibigay ng condonation na ito sa kanilang mga utang.*

*Napakalaking gaan sa kalooban yung alam mong wala ka ng utang sa lupa at mahahawakan mo na ang titulo sa lupang pinaglalaanan mo ng iyong buhay. At iyan ang kaligayahang maibibigay natin sa kanila sa pagpapasa ng panukalang batas na ito. This is a way of showing our farmers that we hear their cries and that we understand their pain and sacrifices. Although this is not enough, at least, sa pagkakataong ito, may nagawa tayong konkreto at direktang makagagaan sa kanilang kalooban at sa kanilang pamumuhay.*

This effort is in line with President Ferdinand “Bongbong” Marcos’ commitment in emancipating agrarian reform beneficiaries from the agrarian reform debt burden.

The journey toward true agrarian reform objectives, which are reducing inequalities in income, wealth and living standards and further strengthening independent and self-reliant farmers, is still a long way to go. But at least we are on track and we do not lose hope.

Again, congratulations to the Committee on Agriculture headed by our champion, Senator Cynthia Villar.

## **COSPONSORSHIP SPEECH OF SENATOR PADILLA**

In cosponsoring Senate Bill No. 1850, Senator Padilla delivered the following speech:

*A'oodhu billahi min ash-shaytaan-ir-rajeem. Bismillah er rahman er rahim.*

*Ako po ay nagpupugay, unang-una, sa tinatawag kong ina ng Senado, Senator Cynthia Villar, sapagkat alam ninyo, sa loob ng pitong buwan ko rito sa Senado, at ako ay nagiging panauhin ng ating mahal na senadora sa kanyang mga pagdinig sa Komite ng Agrikultura, doon ko nakita ang tunay na pagmamalasakit ng senadora sa ating mga magsasaka. Katunayan po, tuwing pinanonood ko siya, lagi kong sinasabi na sana habang buhay na siya rito sa Senado.*

*Alam ninyo po, mga mahal kong kababayan, itong napakagandang panukala na ito na Senate Bill No. 1850, Committee Report No. 24, ang New Agrarian Emancipation Act, ay napakagandang pakinggan. Katunayan, ito na siguro ang pinakamagandang panukalang narinig ko rito sa Senado sa loob ng aking pitong buwan sapagkat ito ay may kinalaman sa ating magsasaka. Bilang ako po ay taga-Bicol at taga-Nueva Ecija, at ang aking mga ninuno ay galing pa sa Pangasinan, huwag na ninyong tanungin bakit ang dami naming pinagmulan sapagkat napakarami pong Padilla, sa maraming dahilan.*

*Alam ninyo po, ang ating mga magsasaka, tunay ang sinabi ni Senator Villanueva at ni Senator Bato dela Rosa, na kung mayroong hirap na hirap na sa panahon na ito, ay ang ating mga magsasaka. Katunayan, ang karamihan po ryan ay ayaw nang turuan ang kanilang mga anak na magsaka dahil ano pa ang mahihita nila, wala namang kinabukasan silang nakikita.*

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*Ito pong panukala na ito, nadinig ko na ang magagandang talumpati. Ang pakiusap ko lamang po, sana ay maging kasing bilis ito sa tinatawag nating SIM card registration. Sana po ganoon kabilis ang pagpapatupad nito para maging batas, sapagkat ito po ay talagang mararamdaman ng ating mga magsasaka. Sa wakas, mayroon pong mararamdaman ang ating mga magsasaka.*

*Kaya, inuulit ko po ang aking buong-pusong pasasalamat. Kasama po ang mga magsasaka, kami ay nagpapasalamat sa ating mahal na ina na Senadora Cynthia Villar sa panukala na ito. At muli po ay hinihiling ko sa aking mga kasama rito sa Senado na ito ay maipasa kaagad at maging batas.*

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1850**

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

#### **SPECIAL ORDER**

Upon motion of Senator Villanueva, there being no objection, the Body approved the transfer of Committee Report No. 21 on Senate Bill No. 1841 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 21 ON SENATE BILL NO. 1841**

Upon motion of Senator Villanueva, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1841 (Committee Report No. 21), entitled

AN ACT STRENGTHENING THE CONSERVATION AND PROTECTION OF PHILIPPINE CULTURAL HERITAGE THROUGH CULTURAL MAPPING, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10066, OTHERWISE KNOWN AS THE NATIONAL CULTURAL HERITAGE ACT OF 2009.

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

The Chair recognized Senator Legarda for the sponsorship.

#### **SPONSORSHIP SPEECH OF SENATOR LEGARDA**

As the chairperson of the Committee on Culture and the Arts, Senator Legarda delivered the following sponsorship speech on Senate Bill No. 1841 under Committee Report No. 21:

The bills relating to the proposed measure—Senate Bill No. 622 introduced by this Representation, Senate Bill No. 117 introduced by Sen. Nancy Binay, and Senate Bill No. 1094 introduced by Sen. Ramon Revilla Jr.—were referred to the Committee on Culture and the Arts. I know that our colleagues will have their cosponsorship speeches.

I stood here on our first session day this year on a matter of privilege sounding the alarm for the climate. I wish to take this opportunity to reiterate that changing climate threatens our very way of life, including our heritage.

It is for this reason that we need changes in our Heritage Law, now almost 14 years old, to include what we missed and to address new threats from a fast-changing cultural landscape brought about by a digital tidal wave. And I do this in February which is Arts Month.

Since we passed Republic Act No. 10066, or the National Cultural Heritage Act of 2009, which I cosponsored and coauthored, and Sen. Sonny Angara was the principal author in the House of

93

Representatives, we have a good record of preserving important cultural properties but still lost quite a number of structures.

The collective experience of its implementation has led the cultural agencies to: a) protect, preserve, conserve, and promote the nation's cultural heritage, its properties and histories, and the ethnicity of local communities; b) establish and strengthen cultural institutions; and c) protect cultural workers and ensure their professional development and well-being, to band together and seek the necessary changes we are asking for in this bill.

To further strengthen heritage conservation in our country, this bill seeks to mandate local government units to conduct a cultural heritage mapping of their areas for both tangible and intangible, and natural and built heritage.

The proposed amendments aim to harmonize the relationships between the cultural agencies and update definitions and coverages, taking into consideration laws and regulations since the original law was enacted in 2009.

The proposal also aims to be more sensitive to intangible cultural heritage (including heritage in the performing arts), as well as audio-visual and broadcast heritage. The proposal includes a provision that will protect visual sightlines.

The re-classification of terminologies also includes the classification of intangible cultural heritage listed in the UNESCO register as Grade I Cultural Properties. The same is true for properties listed in the UNESCO Memory of the World (MOW) register.

The Film Development Council of the Philippines (FDCP), as the agency mandated to administer the Philippine Film Archives (RA No. 9167 and Administrative Order No. 26 [s. 2012]), is made responsible for heritage in film and the broadcast arts.

The institutionalization of cultural mapping is sought as a way to make heritage an inclusive tool for local and national development. In particular, cultural mapping employs a grassroots approach that empowers local communities to identify and assign cultural value to properties – both tangible and intangible, built and movable, cultural and natural – that are important to them.

The proposed amendments assign local government units as the lead in conducting comprehensive cultural mapping activities in their respective areas. Meanwhile, the National Commission on Culture and the Arts (NCCA), together with other cultural agencies, are mandated to provide technical and financial assistance to LGUs to comply with the cultural mapping mandate.

In addition to tangible cultural properties, the following are also considered as covered by the cultural mapping mandate:

- heritage crops, products, technologies, agricultural heritage systems, food sources, and natural and nontraditional fibers;
- natural heritage sites, including national parks, habitats of endemic species, unique biodiversity, and cultural landscapes;
- natural dyes, traditional textiles and apparel materials, designs, techniques, processes, and machines;
- traditional medical practices and medicinal formulations; and
- indigenous knowledge systems skills and practices.

NCCA's experience in working with local government units shows the importance of a participatory approach in cultural preservation as a way to address issues on community consent and feedback that often comes from a centralized, outside-looking-in perspective in heritage management.

The Philippine Registry of Cultural Properties (PRECUP) was earlier mandated under Section 14 of the National Cultural Heritage Act. This is operationalized at the local level by the submission of Local Cultural Inventories by LGUs.

Based on an agreement between the NCCA and DILG, the submission of LCIs is now included in the criteria to qualify for the Seal of Good Local Governance.

As of December 2022, 980 of the 1,715 LGUs have complied with the submission of LCIs. The total number of properties registered with the PRECUP, including those registered by the cultural agencies, is 10,385.

On November 25, 2022, I am happy to note, the Province of Antique, my home province which I represented for three years during the pandemic, completed its cultural mapping. It was done in partnership with the NCCA, the University of the Philippines (UP) in Visayas, the Department of Education (DepEd), culture and history experts, the teachers of our dear province, who hailed from various elementary and secondary schools of the municipalities of Antique as cultural mappers. This representation was a member then of the House of Representatives. *Nakakatuwa po.*

*Nakakatuwa po noong naka-lockdown po tayo sa panahon ng pandemya, Zoom po ako nang Zoom dahil natuto po akong mag-Zoom. Low-tech me, naturuan ng Zoom, wala pong ubos ang aking creativity at ang boses at pinaggagagawa. Napaka-excited ko po. Natuto akong mag-Zoom kaya sinu-Zoom ko ang mga magsasaka, fisherfolk, teachers, katutubo, mayor, kapitan, lahat—dahil sa lockdown. At naging matagumpay po ang ating pagsu-Zoom, kasama ang UP Visayas na nagtiyaga sa aking kakulitan, at nag-train sila ng mga guro upang maging culture mappers. Sa panahon ng pandemya— this is a mental health issue as well—naging prolific at creative po, at imbes na tayo ay malungkot at malugmok sa frustration at hirap, ang dami nilang homework noong tatlong taon.*

The 21-volume compendium records Antique's rich heritage and significant research material. I know that the City of San Juan has this, and many do it. The Province of Bulacan—how interesting if Bocaue can have a culture mapping. *Noong bata po ako, naaalala ko, basaan kapag Hulyo. Sumasakay ako ng bangkang malaki sa tiyuhin kong taga-Bulacan. Sa Cagayan de Oro at Misamis Oriental, sigurado ako, mayroon namang culture mapping, at magandang magsagawa nito. Sa Capiz din, magandang gumawa; at sa iba-ibang lugar, lalo na sa Bangsamoro Autonomous Region in Muslim Mindanao.*

So, this proposed amendment also includes stipulations on compliance with the Data Privacy Act of 2012, as well as the requirement for prior consultation with indigenous cultural communities. *Mahalaga po na mayroon tayong paalam sa ICC.*

*Kasama ko po ang isang GAMABA awardee sa litratong iyan, si Mr. Caballero, na kumanta rito at nag-perform noong aking una o pangalawang termino na siguro wala pa po kayong lahat noong 1998 o noong 2004. Iyan po si Mr. Caballero at ang mga taga-Calinog, Iloilo na Panay-Bukidnon Indigenous People's Group na nag-perform dito. Sana ay maimbitahan ko silang muli. At isa po sila sa higit sa 100 na IP groups na siyang hinihingan natin ng FPIC. Napakahalaga—free, prior, and informed consent.*

*Kapag tayo po ay nagsusuot ng iba't ibang gamit na disenyo nila, sana ay ipinaalam doon sa mga gumagawa. Alam natin, pero ibang isyu po ito, na ibang mga bansa ay nagnanakaw na lamang ng intellectual property at disenyo ng ating mga katutubo. But that is a different matter altogether.*

Cultural heritage value is bestowed by society. Hence, it is a decision that is attended by agreement.

*Iyan naman po ay sa Cordillera sa Ifugao. Bumaba po ako sa bangaan higit 10 taon na ang nakaraan.*

*Iyan naman ay isa sa mga elders ng Ifugao indigenous people's group.*

So, we need a level of consensus as well to how society values itself and the shared experiences that make our society a cohesive one. These values include historical accounts that connect us with our shared past and provide continuity; symbolic value that lends power and meaning to our identity; spiritual value that gives sanctity and transcendence; aesthetic value for simple pleasures and inspiration; and social value that makes us a cohesive whole and promotes connectedness to reduce conflict and tension.

I really believe—if we know our culture well, both natural and built, movable, tangible, and intangible—that there will be less tension and conflict. We may be different, but it is our differences that finds us as a people and as a nation. So, for these reasons, I propose that heritage values,

including intangible cultural property and natural heritage, must be held up for greater public appreciation and collective concurrence.

*Dunâ Kinaiya Kag Paranubliin*, A Cultural Inventory of the Province of Antique, Significant Intangible Cultural Heritage, Volume I. *Pasensiya na po, hindi ko kayang dalhin ang 21 na mga aklat sa aking tanggapan, pero susubukan kong mag-upload ng soft copy. Hindi ko lamang alam kung kaya lahat ng U.P. Visayas ito i-upload.*

So, what do we have to do? We have to ensure that these resources are accessible, *na hindi lamang po tayo-tayo ang nagkakaintindihan dito. Baka naman ang iba sa atin ang sabi, "Ano ang pinagsasabi pa ng senador na ito, na pinaka-senior dito, sa cultural heritage?" At para makita ng lahat ang diperensya ng built at saka ng movable, ng natural, at ng intangible at tangible, hindi ba? Iyong kinain nating pansit; o ang ating itinanim na halaman; o ang ating medicinal herb; o ang kantang narinig natin sa radyo, sa transistor radio; o iyong gong na nai-play sa isang lugar; lahat iyan ay may ibig sabihin. Pati ang ating sulat. Tingnan po ninyo sa aking tanggapan. Noong bumisita si Sen. Robinhood C. Padilla at Sen. Raffy T. Tulfo ay tinanong, "Ano ba iyang script?" Iyan ay Baybayin. At bisitahin natin ang Baybayin gallery sa National Museum.*

*Ilan lamang po iyan sa mga parte ng ating intangible heritage. Dahil nga intangible, hindi po mahawakan at hindi makita, pero parte ng ating kaalaman.*

So, we must make all of these accessible and shared. *Gusto ko po sana, dahil hindi naman ako maalam sa vlogging, iyong may mga 25 million followers dito gaya ni Senator Tulfo, at iyong milyon-milyon ni Senator Padilla, ay mapag-usapan ito at ilabas natin ang kahalagahan ng abaka gaya ng itinatak na nakasuot sa aking katawan ngayon at marami pang iba.*

So, it is not just beauty. It more than just beauty and inspiration. It has a deeper meaning of the processes that goes with it, of the thoughts of the history, of the knowledge. So, we must preserve it to undertake wide-scale culture mapping. And who knows, maybe we will realize that we are the wealthiest nation in Asia and in the world, and I believe we are one of (the wealthiest nations). *Wala man tayong archeological sites gaya ng Ehipto, at hindi man tayo gaya ng New York City o Paris na madalas puntahan ng ating mga Pilipinong gustong mag-tour, pero ang yaman po ng ating intangible at tangible heritage ay hihigit pa sa maraming kultura.*

This bill aims to allow multiple agencies to bring this about.

Especially when threatened by climate change and biodiversity loss, our heritage values must be protected as a source of our connectedness and resilience, to help us get through the direst times in unison using the best available means that promote our interrelation.

Cultural values are not fluff. I will be offended if they say arts and culture is fluff. No, cultural values are who we are as a people. We are not luxury. No, we are grassroots, community-based, and community-driven. They are not soft. *Ang sabi, "soft issues." Naku, hindi po. Malalim po ito.* Nor are they the first to be sacrificed in the face of trial. That is why I tried to prove that during times of trial like a pandemic, we were able to come up with something productive like the cultural mapping. *Kasi po, ang ginagawa ng iba sa gobyerno, kapag mayroong trials ang ating bansa, ang unang titigbakin—iyan ang salitang ginamit ko—o tatanggalin ay iyong mga soft, iyong mga fluff, iyong mga ganito, iyong mga ganiyan, sa NCCA, sa KWF or sa NHCP. Hindi po iyon fluff; iyan po ay parte ng ating pagkatao.* So, they are, in fact, a bridge to each other and to the other side of these twin crises. What are these twin crises? This Chamber knows this so well— climate and biodiversity laws and our sustainable pandemic recovery.

So, I might be boring this Chamber. I am grateful to this Chamber for listening, and I can hear a pin drop. Those who opted to listen to this Representation face to face instead of eating *merienda*, thank you *po*. But I am certain that those who are not here feel the same way.

This Representation is grateful to those who coauthored the measure, those who will cosponsor the measure, and even without cosponsorship and coauthorship, this Chamber's support will go a long way in trying to bridge the gap among the 108 million Filipinos in the whole archipelago of 30 million hectares and beyond. We are the ties that bind.



*At this juncture, Senator Ejercito commended Senator Legarda for consistently upholding and promoting culture and history. Senator Villanueva also lauded her for mentoring the new senators, including himself.*

Senator Legarda thanked Senator Gatchalian for reminding that her love for culture and heritage was second nature to her, and for recommending that the Committee on Culture and the Arts be a standing committee.

## **COSPONSORSHIP SPEECH OF SENATOR BINAY**

Senator Binay delivered the following cosponsorship speech on Senate Bill No. 1841:

*Tayo ngayon ay tumitindig para ipanukala ang report ng Committee tungkol sa pagtataguyod ng cultural mapping sa bansa.*

As Filipinos and as lawmakers, the value of our heritage and culture must not be lost on us. *Wika nga: Ang bayang nakakalimot ay bayang naliligaw.*

*Tuwing may pagkakataon tayong umikot sa buong bansa, ating personal na nakikita at nasasaksihan ang ganda, husay, at mga nakamamanghang mga tangible and intangible cultural assets natin. Ngunit ang malungkot na katotohanan, naging mga piping saksi rin tayo sa pagkawasak at paglaho ng mga ito dahil sa kawalan ng tamang kaalaman at impormasyon, mabisang proteksyon at Sistema, at kakulangan ng kamalayan upang pangalagaan ang mga ito.*

*Bilang mambabatas, minarapat nating bigyan ng maayos na sistema ang pangangalaga, pagpapanatili, at pagpapaunlad sa ating mga yamang kultura. Dito pumapasok ang cultural mapping upang mas bigyan natin ng mas komprehensibong pagtukoy at pagrepaso ng ating natitirang yamang kultura.*

*Sa pag-amyenda ng Republic Act No. 10066, o ang National Cultural Heritage Act of 2009, mas pinalawak natin ang saklaw ng batas at ating binigyan-pagtuon ang pagsalba ng mga ito sa pamamagitan ng komprehensibo at sistematikong pag-iimbentaryo at pagmamapa. Layon ng inamyendahang National Cultural Heritage Act na gawing mahalagang katuwang ang mga lokal na pamahalaan sa patuloy na pag-update ng Philippine Registry of Cultural Property.*

*Sa nasabing amyenda, minamandato ng batas ang mga lokal na pamahalaan na magsagawa ng cultural heritage mapping ng tangible, intangible, natural, at built heritage sa kanilang mga komunidad. Kasama po ito sa mga ipinanukala ko sa Senate Bill No. 117 na inihain ko, at nagpapasalamat po tayo sa chairperson ng Committee, ang ating Senate Pro Tempore Loren Legarda, sa pagkonsidera nito. Bukod pa rito, kikilalanin din ang karapatan ng ating mga indigenous peoples na magsagawa ng kanilang sariling cultural mapping. Sa pamamagitan naman ng Cultural Mapping, Research and Planning Division na itatatag sa ilalim ng National Commission for Culture and the Arts ng Joint Congressional Oversight Committee at ng iba pang ahensya, matitiyak na ang bawat antas ng pamahalaan ay kumikilos upang mapanatili at maprotektahan ang mga yaman ng ating lahi.*

If we are to effectively conserve and protect our tangible and intangible, natural and built heritage, which are all critical aspects of our culture and identity, we need to have a systematic and comprehensive way of identifying our treasures. We hope to be able to do just that through this proposed measure.

As is often said, "Knowledge is power." By knowing what we have, what we lack, what we can replicate, and what needs to be done, we have the power to change, develop, and make these treasures available for our people now, rather than a mere memory that can be forgotten.

Through this measure, we ensure that the heritage that grounds us remain as guideposts amid the ever-shifting sands. *Ngayong Pebrero po ay itinatanghal natin ang Pambansang Buwan ng Sining. Napapanahon po at simbolikong pagpapahayag ang pagpasa natin ng Cultural Mapping Bill sa buwang ito upang mabigyang diin ang halaga ng mga pamana ng ating lahi.*

I hope for your support on this bill.



### **COSPONSORSHIP REMARKS OF SENATOR PADILLA**

Senator Padilla informed the Body that he had been reposting Senator Legarda's posts on his social media accounts as a believer of her advocacy in promoting and preserving the country's cultural heritage. He asserted that the Philippines was richest in terms of culture and language because the archipelago had stored Austronesian languages in addition to traditional weaving by indigenous groups and native arts and crafts by creative artisans. He believed that the passage of Senate Bill No. 1841 would also be an instrument in reliving Filipino culture and values to help the youth in reaching a state of moral conservatism which could address many issues like women's rights including early pregnancy.

In quoting Dr. Jose Rizal who stated, "He who does not know how to look back at where he came from will never get to his destination," Senator Padilla hoped that people would not forget how and where they began in order to appreciate and maintain their national identity as Filipinos.

### **COSPONSORSHIP SPEECH OF SENATOR REVILLA**

At the instance of Senator Revilla, upon motion of Senator Villanueva, there being no objection, the Body approved the insertion of his cosponsorship speech on Senate Bill No. 1841 into the *Journal and Record of the Senate*.

*Following is the full text of Senator Revilla's cosponsorship speech:*

I would like to commend our Senate President Pro Tempore Senator Loren Legarda for her consistency and passion for championing our culture.

*Bilang isang tagapangalaga ng Agimat ng Agila, malinaw at buo sa aking loob ang halaga ng paglikha ng mga sistemang magpapayabong sa ating kultura.*

*Ayon sa UNESCO, ang cultural mapping ay isang kritikal na bahagi ng pagkilala at pangangalaga sa ating kultura. Idinurugtong nito ang ating nakaraan sa kasalukuyan, patungong hinaharap. Tunay na ang diwa at kaluluwa ng isang bayan ay nagmumula sa kanyang paglingon at paglinang sa sariling kultura.*

*Ang pag-ibig sa tinubuang lupa ay may kaakibat na obligasyong panatilihin at pagyabungin pa ang kayamanan ng ating bansa. Tungkulin natin na pangalagaan ang ating kasaysayan at kultura, at siguraduhing ang susunod na henerasyon ay hindi lamang magiging tagapagmana nito, kung hindi bilang tagapangalaga rin.*

*Hinihimok ko ang aking mga kapwa mambabatas na tumindig kasama ng ating butihing Senate President Pro Tempore Loren B. Legarda sa pag-sulong ng mahalagang panukalang ito.*

### **COSPONSORSHIP SPEECH OF SENATOR ESTRADA**

At the instance of Senator Estrada, upon motion of Senator Villanueva, there being no objection, the Body approved the insertion of his cosponsorship speech on Senate Bill No. 1841 into the *Journal and Record of the Senate*.

*Following is the full text of Senator Estrada's cosponsorship speech:*

I fully support this measure filed by the staunch advocate of Philippine culture and the arts, and the champion of the rights of the indigenous peoples in the Senate. This is yet another feather in her cap in her fruitful public service career, which has ushered in the strengthening of heritage conservation policy and efforts in our country.

Cultural mapping is a crucial tool by which we can record and protect the rich cultural assets of our society. With cultural mapping we can bring to the forefront the heritage and cultural dimensions of the different parts of our country.



It is important to have a record keeping of our tangible and intangible heritage for the empowerment of our communities and the education of the younger generation and the wider population.

Former National Commission for Culture and the Arts Chairperson Felipe M. de Leon, Jr. once said, "Ignorance of our cultural strengths and positive qualities as a people results in lack of pride in being Filipino. Lack of pride in being Filipino causes lack of commitment to the nation, a low level of achievement, or even mediocrity."

I would like to commend the efforts of our chairperson of the Committee on Culture and the Arts for her passion and dedication in the promotion, preservation, and protection of our nation's cultural heritage and legacy.

With the indulgence of the good sponsor, I would like to be made coauthor of Senate Bill No. 1841 under Committee Report No. 21.

### **COSPONSORSHIP SPEECH OF SENATOR VILLANUEVA**

Upon motion of Senator Villanueva, there being no objection, the Body approved the insertion of his cosponsorship speech on Senate Bill No. 1841 into the *Record of the Senate*.

### **COSPONSORSHIP SPEECH OF SENATOR CAYETANO (P)**

Senator Cayetano (P) delivered the following cosponsorship speech on Senate Bill No. 1841:

The 1987 Constitution provides that all the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be protected by the State which may regulate its disposition (Article XIV, Section 16).

Article XIV, Section 15 further states that the State shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations.

Culture is an integral component of the United Nations' sustainable development agenda as it can be a driver and an enabler of the economic social and environmental dimension of sustainable development.

According to UNESCO, the safeguarding and promotion of culture contribute directly to many of the SDGs, namely: SDG 5 - Gender Equality; SDG 8 - Decent work and economic growth; SDG 10 - On reduced inequalities; SDG 11 - Sustainable cities and communities— making cities and human settlements inclusive, safe, resilient, and sustainable is part of the SDGs. In fact, target 11.4 calls for strengthening efforts to protect and safeguard the world's cultural and natural heritage.

UNESCO has emphasized that "culture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs."

It is high time that we passed this measure. It will be recalled that our law, the National Cultural Heritage Act of 2009, already requires the protection of the visual site lines, core, and buffer zones of a cultural property. It states that there shall be consultation with cultural communities or indigenous people before properties that belong to them are included in the registry. And, to that extent, the new law will further strengthen the constitutional provisions and the United Nations' sustainable development agenda which we are supportive of.

I would like to point out that for the last few years, when this Representation chaired the committee on education and the cultural agencies, we coordinated with NCCA and worked with various local governments to have training sessions to empower the local governments to start the process of cultural mapping. We actually did a five-day training program in Taguig in 2018, which we did with the members of the community, and this was actually very successful.

So, we hope that we will be able to replicate this in many parts of the country as this is actually mandated by existing law. And the current bill that we are tackling simply strengthens this measure

that is already available to us. But we are always supportive when we are giving more teeth to the laws that we want to see, manifest, and come full circle.

So, on this note, this is our obligation to the future generation. We share a common future with them. We need to ensure that we preserve our identity as a country and as a people. We must prepare everyone for whatever the future is before us, and this includes preserving our culture and traditions, and being able to register them so that we do have a record of all of these.

### **COAUTHORS**

Upon their request, there being no objection, Senators Villar (C) and Padilla were made coauthors of Senate Bill No. 1841.

### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1841**

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

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

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

#### **RESOLUTIONS**

Resolution of Both Houses No. 3, entitled

A RESOLUTION OF BOTH HOUSES OF CONGRESS PROPOSING AMENDMENTS TO ECONOMIC PROVISIONS, SPECIFICALLY SECTIONS 2, 3, 7, 10, AND 11 OF ARTICLE XII; SECTION 4(2) OF ARTICLE XIV; AND SECTION 11(1) AND (2) OF ARTICLE XVI, OF THE 1987 CONSTITUTION

Introduced by Senator Padilla

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

Proposed Senate Resolution No. 470, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON BANKS, FINANCIAL INSTITUTIONS, AND CURRENCIES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE PROLIFERATION OF BANK-RELATED SCAMS AND FRAUDS RESULTING IN LOSS OF BILLIONS OF PHILIPPINE PESOS AND ADVERSE IMPACTS ON SENIOR CITIZENS

Introduced by Senator Hontiveros

**To the Committees on Banks, Financial Institutions and Currencies; and Social Justice, Welfare and Rural Development**

Proposed Senate Resolution No. 471, entitled

RESOLUTION CONGRATULATING AND COMMENDING JULIE UYCHIAT FOR BEING THE FIRST FILIPINA TO FINISH THE WORLD MARATHON CHALLENGE, WINNING FOUR OF THE SEVEN MARATHONS IN ITS 2023 EDITION



Introduced by Senator Villanueva

**To the Committee on Rules**

Proposed Senate Resolution No. 472, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON TOURISM TO EXAMINE THE CREATION OF POLICY REFORMS AND BUDGETARY EXPENDITURES TO DEVELOP THE PHILIPPINES' POTENTIAL TO BE THE LEADING COUNTRY IN THE WORLD FOR SUSTAINABLE NATURE-BASED TOURISM (NBT)

Introduced by Senator Angara

**To the Committee on Tourism**

**CREATION OF SUBCOMMITTEE**

Upon motion of Senator Villanueva, there being no objection, pursuant to Section 18 of the *Rules of the Senate*, and with the conformity of the chairperson of the Committee on Tourism, Senator Binay, the Body approved the creation of a subcommittee on the following measures, with Senator Angara as subcommittee chairperson:

- 1) Senate Bill No. 238 (Northern Antique Protected Seascape and Landscape Act of 2022);
- 2) Senate Bill No. 1166 (Pag-Asa Island Ecotourism Cluster and Protected Area);
- 3) Senate Bill No. 1615 (Baler, Aurora as the Birthplace of Philippine Surfing); and
- 4) Proposed Senate Resolution No. 472 (Resolution Directing the Senate Committee on Tourism to Examine the Creation of Policy Reforms and Budgetary Expenditures to Develop the Philippines' Potential to be the Leading Country in the World for Sustainable Nature-Based Tourism).

**LETTER OF AUTHORIZATION ON PROPOSED SENATE RESOLUTION NO. 466**

Upon motion of Senator Villanueva, there being no objection, pursuant to the letter from the chairperson of the Committee on Games and Amusement, Senator Lapid, the Body authorized Senator Tulfo, vice chairperson of the Committee on Games and Amusement, to preside over meetings, conduct technical working groups, prepare committee reports, sponsor the same before the Plenary, and perform all tasks necessary to complete the legislative process relative to Proposed Senate Resolution No. 466 (Resolution Directing the Appropriate Committee of the Senate to Undertake an Inquiry in Aid of Legislation on the Status of the Prize Fund Tax Remitted by the Philippine Charity Sweepstakes Office to the Bureau of Internal Revenue).

**ADJOURNMENT OF SESSION**

Upon motion of Senator Villanueva, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Monday, February 13, 2023.

*It was 5:28 p.m.*

I hereby certify to the correctness of the foregoing.

Atty. RENATO N. BANTUG Jr.  
Secretary of the Senate

Approved on February 13, 2023

**SENATE BILL NO. 1841 UNDER COMMITTEE REPORT NO. 21**

An Act Strengthening the Conservation and Protection of Philippine Cultural Heritage through Cultural Mapping, Amending for the Purpose Republic Act No. 10066, Otherwise Known as the National Cultural Heritage Act of 2009

**Co-Sponsorship Speech | Sen. Joel Villanueva**

08 February 2023

Mr. President, dear colleagues:

This Representation is a proud product of Bulacan, a province rich in culture and history. We have some of the top historical sites in the country, including the Barasoain Church, dubbed as the “Cradle of Democracy in the East, the most religious building in the Philippines”; the Casa Real Shrine, which served as the printing press during the Malolos Republic and home of relics and memorabilia during the Philippine revolution; the Malolos Historic Town Center, commonly called the Camestisuhan or Pariancillo District of Malolos, a long stretch lined with Spanish and American-era houses and government structures; and the Our Lady of Assumption Parish Church, commonly known as the Bulakan Church, which was declared a Marked Historical Structure of the Philippines in 2007, to name a few.

Thus, it is my honor and privilege to co-sponsor Senate Bill No. 1841 under Committee Report No. 21, which seeks to strengthen the conservation and protection of Philippine cultural heritage through cultural mapping. We commend and thank the sponsor, our Senate President Pro Tempore, Senator Loren Legarda, for championing this very important measure.

Article XIV, Section 15 of our Constitution provides that “The State shall conserve, promote, and popularize the nation’s historical and cultural heritage and resources, as well as artistic creations.” This led to the passage of Republic Act No. 10066 or the National Cultural Heritage Act of 2009. It mandates local government units to maintain an inventory of cultural property under their jurisdiction. The Cultural Mapping Program of the National Commission for Culture and the Arts was created to assist LGUs in identifying and documenting their cultural assets in compliance with the law.

Mr. President, this measure seeks to institutionalize cultural mapping in order to strengthen the conservation and protection of our cultural



heritage. LGUs are mandated to conduct a cultural heritage mapping of their areas for both tangible and intangible, and natural and built heritage. They can partner with various government agencies, with their respective institutional responsibilities, for this undertaking. Furthermore, the categories of cultural property are amended to: Grade I Level for world heritage sites and other cultural and natural heritage properties inscribed or designated by international conventions like the UNESCO; Grade II Level for important cultural properties, heritage zones and houses, and other structures with historical markers; and Grade III Level for all other cultural properties registered in the Philippine Registry of Cultural Property. Indigenous cultural communities and IP communities can also conduct a comprehensive cultural mapping of their tangible and intangible heritage, whether or not located within their ancestral lands or domains.

Mr. President, now is always the time to celebrate, protect, and preserve our Filipino identity and collective pride as a nation. We need to strengthen our laws to conserve and promote our cultural heritage for we owe it to our children and future generations so that they may witness its beauty and richness for many years to come.

Thank you and may God bless us all.