



Republic of the Philippines
Senate
Pasay City

**UPDATES ON THE
IMPLEMENTATION
OF LAWS**

(as of May 31, 2013)

Fourteenth & Fifteenth Congress

PREFACE

A law that successfully hurdles the legislative mill is a great achievement. But for all the tedious work that goes into the act of legislation, a law passed by Congress is rendered meaningless if it remains nothing more than a signed document on paper. In other words, if the law is not implemented, it becomes a “dead letter law.”

There is therefore a need to continuously monitor and review the implementation of laws. It is in the interest of the citizens to check whether concerned agencies of the government have complied with the requirements, and if the corresponding Implementing Rules and Regulations have been issued. This is to ensure that stakeholders are able to maximize the benefits that these laws were originally designed to provide.

This handbook contains a report on the implementation of laws passed during the Fourteenth and Fifteenth Congress. It aims to provide reference materials for Senators, Senate officials and other interested parties about the laws being implemented by different government departments, including their instrumentalities and agencies. It seeks to shed light on the reasons why some laws are not being fully carried out, as well as the problems encountered by the government agencies concerned in their implementation.

We sincerely hope that this humble report would serve as a useful guide to everyone who may have the opportunity to use it.

**Atty. Crisante J. del Mundo
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Senators of the Republic of the Philippines

14th Congress

HON. EDGARDO J. ANGARA
HON. BENIGNO S. AQUINO III
HON. JOKER P. ARROYO
HON. RODOLFO G. BIAZON
HON. ALAN PETER S. CAYETANO
HON. PIA S. CAYETANO
HON. MIRIAM DEFENSOR SANTIAGO
HON. JUAN PONCE ENRILE
HON. FRANCIS "Chiz" G. ESCUDERO
HON. JINGGOY EJERCITO ESTRADA
HON. RICHARD J. GORDON
HON. GREGORIO B. HONASAN II
HON. PANFILO "Ping" M. LACSON
HON. MANUEL "Lito" M. LAPID
HON. LOREN B. LEGARDA
HON. M. A. "Jamby" MADRIGAL
HON. KIKO PANGILINAN
HON. AQUILINO Q. PIMENTEL, JR.
HON. RAMON "Bong" REVILLA, JR.
HON. MANUEL "MAR" ROXAS
HON. ANTONIO F. TRILLANES IV
HON. MANNY VILLAR
HON. JUAN MIGUEL F. ZUBIRI

15th Congress

HON. EDGARDO J. ANGARA
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HON. PIA S. CAYETANO
HON. MIRIAM DEFENSOR SANTIAGO
HON. FRANKLIN M. DRILON
HON. JUAN PONCE ENRILE
HON. FRANCIS "Chiz" G. ESCUDERO
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HON. AQUILINO "Koko" L. PIMENTEL III
HON. RALPH G. RECTO
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HON. VICENTE C. SOTTO III
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FOURTEENTH CONGRESS

(July 23, 2007 – July 25, 2010)

AGRARIAN REFORM

R. A. No. **AN ACT STRENGTHENING THE COMPREHENSIVE**
9700 **AGRARIAN REFORM PROGRAM (CARP)**
 EXTENDING THE ACQUISITION AND
 DISTRIBUTION OF ALL AGRICULTURAL LANDS,
 INSTITUTING NECESSARY REFORMS, AMENDING
 FOR THE PURPOSE CERTAIN PROVISIONS OF
 REPUBLIC ACT NO. 6657, OTHERWISE KNOWN AS
 THE COMPREHENSIVE AGRARIAN REFORM LAW
 OF 1988, AS AMENDED, AND APPROPRIATING
 FUNDS THEREFOR (S. NO. 2666/H. NO. 4077)
 (Signed Into Law AUGUST 7, 2009)

Features: *Under the law, there will be a five year extension (from July 1, 2009 to June 30, 2014) for the implementation of the program with a ₱150B allocation for land acquisition and distribution, support services, agrarian justice delivery, and other funding requirements during the extension period.*

The new law covers all public and private agricultural lands as provided in Proclamation 131 and Executive Order No. 229 including other lands of the public domain suitable for agriculture.

The measure stipulates that prioritization of coverage is not necessary and that after June 30, 2009, the modes of acquisition will be limited to voluntary offer to sell and compulsory acquisition.

The Carper Law further provides for the creation of a Joint Congressional Oversight Committee to be composed of three members each from the Senate and the House of

Representatives.

The extended Carper Law mandates that the LandBank of the Philippines and other concerned government financial institutions, accredited savings and credit cooperatives, financial service cooperative and accredited cooperative banks shall provide the delivery system for disbursement of the financial assistance to agrarian reform beneficiaries, holders of collective titles and cooperatives.

Funding sources or appropriations shall include:

- proceeds of the sale of the privatization and management office;*
- all receipts from assets recovered and from sale of ill-gotten wealth recovered through the PCGG excluding the amount appropriated for compensation to victims of human rights violations;*
- yearly appropriations of no less than ₱5B from the national budget; and*
- gratuitous financial assistance from legitimate sources.*

<i>Status:</i>	Total Appropriation:	₱21,060,106 M	(FY 2010 GAA)
		₱16,705,416 M	(FY 2011 GAA)
		₱18,283,501 M	(FY 2012 NEP)
	Total Actual Releases:	₱14,067,728 M	(FY 2010 GAA)
		₱ 9,028,805 M	(FY 2011 GAA)

**JOINT RES.
NO. 1**

JOINT RESOLUTION NO. 1 (A JOINT RESOLUTION EXTENDING THE COVERAGE OF AGRARIAN REFORM PROGRAM FOR A PERIOD OF 6 MONTHS TO PRIVATE AGRICULTURAL LANDS WHOSE OWNERS HAVE OFFERED THEIR LANDS UNDER THE VOLUNTARY OFFER TO SELL (VOS) AND UNDER THE VOLUNTARY LAND TRANSFER (VLT) AND FOR THE DEPARTMENT OF AGRARIAN REFORM (DAR) TO CONTINUE ITS SUPPORT SERVICES TO BENEFICIARIES OF LANDS THAT HAVE ALREADY BEEN ACQUIRED AND DISTRIBUTED AS OF DECEMBER 15, 2008. (S. JT. RESOLUTION NO. 19/H. JT RES. NO. 29) (January 23, 2009)

Status: Transmitted on January 23, 2009 to the Secretary of the Department of Agrarian Reform, from the Office of the President, it became effective on even date pursuant to Sec. 27 (1), Article VI of the Constitution.

AGRICULTURE AND FOOD

**R. A. NO.
9496**

AN ACT TO EXTEND THE UTILIZATION PERIOD OF THE AGRICULTURAL COMPETITIVENESS ENHANCEMENT FUND, AMENDING REPUBLIC ACT NO. 8178, ENTITLED AN ACT REPLACING QUANTITATIVE IMPORT RESTRICTIONS ON AGRICULTURAL PRODUCTS, EXCEPT RICE, WITH TARIFFS, CREATING THE AGRICULTURAL COMPETITIVENESS ENHANCEMENT FUND, AND FOR OTHER PURPOSES (S. NO. 1648/H. NO. 2976) (Signed Into Law FEBRUARY 28, 2008)

Features: *The law amended R.A. 8178 by providing among others, that the Agricultural Competitiveness Enhancement Fund shall consist of all duties collected from the importation of*

agricultural products under the minimum access volume mechanism. These are to be credited to the fund, including unused balances and collections from repayments from loan beneficiaries including interest, if any. The fund shall be automatically credited to special account 183 in the general fund of the national treasury provided, that fund releases shall not be subject to any ceiling by the DBM.

The law provides that the fund shall continue to be set aside up to 2015, after which the collection of duties from the MAV mechanism shall terminate. However, any remaining balance at the date of expiration of the fund shall not revert to the general fund but shall continue to be used for the purpose for which it was collected and set aside.

The law further provides that the fund shall be set aside and earmarked:

- a) for the protection of farmers against unfair trade practices; and*
- b) for the increased productivity of farmers by providing the necessary support services.*

The fund shall be set aside and earmarked as follows:

- 70% for agri-based production and post-production, and processing activities;*
- 20% for research and development and commercialization of such;*
- 10% to be used for the funding of a comprehensive scholarship program for agriculture, forestry, fisheries, and veterinary medicine education.*

Status: The ACEF comes from the duties collected by the Bureau of Customs from the importation of agricultural products under the MAV mechanism, more specifically, “in-quota tariff revenues from the importation of agricultural products within the Minimum Access Volume (MAV) shall

constitute the Agricultural Competitiveness Enhancement Fund (ACEF), including unused balances and collections from repayments from loan beneficiaries including interest, if any. The fund has been assigned an account called Special Account 183, which is automatically appropriated in the General Fund. The fund release shall not be subjected to any ceiling by the Department of Budget and Management (DBM). As a continuing fund, the fund will continue to be set aside up to the year 2015 after which setting aside of the amount shall terminate. However, any remaining balance(s) at the date of expiration of the fund shall not revert to the General Fund but shall continue to be used for the purpose for which it was collected and set aside”.

However, there is no fund provision for the MOOE of the ACEF Committees and Secretariat.

FUND STATUS

(As of December 31, 2012)

Detailed utilization

Particulars	Amount (Pesos)
Total Actual Collections in Fund 183 (ACEF)	11,723,478,185.74
Total Cost of ACEF-Executive Committee (EXECOM) Approved Projects	8,851,401,774.92
<ul style="list-style-type: none"> ▪ Released by DBM (for 316 Projects) (2000-2010) ▪ Released by DBM (for NTS/MAVSec Admin Fund) (2003) ▪ FS Fund (Unused/Reverted) (2003) ▪ Scholarship Fund 	8,463,579,802.00 5,033,400.00 10,000,000.00 372,788,572.92
Total Amount Available in Fund 183	2,872,076,410.82

STATUS OF LOANS

(As of December 31, 2012)

Total Amount of Loans Approved (2000-2010)*	5,887,558,884.00
Total Amount of Loans Released to Loan Recipients (2000-2010)*	5,405,853,023.80

Total Amount of Loans Proceeds Not Yet Released to Loan Recipients (as of December 2012)	368,595,865.20
Total Amount Reverted to Treasury	113,109,995.00
Amount Due for Payment as of December 2012*	3,484,904,548.85
Total Payment Made as of December 2012	583,804,099.95
Loan Balance (Starting January 2013 Until Full Payment of Loans)	1,920,948,474.95

*including the ₱ 1 Billion Loan by Quedancor

The status of the Implementing Rules and Regulations (IRR) of the law are herein below stated:

DA AO# 19, S-2008 (11 June 2008) / IRR on the Utilization of ACEF

DA AO# 14, S-2009 (03 August 2009) / Addendum to DA AO# 19, S-2008, Revised Implementation Guidelines on the Utilization of ACEF

A. Current IRR being implemented: (Replaces DA AO# 19, S-2008 and # 14, S-2009 or the IRR on the Utilization of ACEF)

DA AO# 18, S-2011 / (June 2011) / Revised Implementation Guidelines on the Utilization of ACEF

DA AO# 24, S-2012 / (17 September 2012) / Amendment to DA AO# 18, S-2011, or the Revised Implementation Guidelines on the Utilization of ACEF

DA AO# 28, S-2012 / (06 November 2012) / Amendment to DA AO# 24, S-2012, or the Amendments to DA AO# 18, S-2011

B. ACEF Scholarship Program: (current IRR being implemented)

DA AO# 09, S-2009 (27 May 2009); Guidelines on

the ACEF Scholarship Program

DA AO# 13, S-2011 (01 June 2011); Amendments to DA AO# 09, S-2009, Guidelines on the ACEF Scholarship Program.

**R. A. No.
10000** **AN ACT PROVIDING FOR AN AGRICULTURE AND AGRARIAN REFORM CREDIT AND FINANCING SYSTEM THROUGH BANKING INSTITUTIONS (S. NO. 3431/H. NO. 6095) (Signed Into Law FEBRUARY 23, 2010)**

Features: *The “Agri-Agra Reform Credit Act of 2009” institutes an agriculture, fisheries and agrarian reform credit, insurance and financing system to improve the productivity of the agriculture and fisheries sectors. All banking institutions shall set aside at least twenty-five percent (25%) of their total loanable funds for agriculture and fisheries credit in general, of which at least ten percent (10%) of the loanable funds shall be made available for agrarian reform beneficiaries.*

The following compliance mechanisms are available to banking institutions (subject to certain requirements):

- *Investing in bonds issued by the Development Bank of the Philippines (DBP) and the Land Bank of the Philippines (LBP); opening special deposit accounts (SDAs) with accredited rural financial institutions defined by the implementing rules and regulations;*
- *Rediscounting with the universal banks and commercial banks, including local branches of foreign banks eligible paper covering agriculture, fisheries and agrarian reform credits, including loans covered by guarantees of the QUEDANCOR, and the PCTC;*
- *Lending for the construction and upgrading of infrastructure including, but not limited to, farm-to*

market roads, as well as the provision of post-harvest facilities and other public infrastructure that will benefit the agriculture, fisheries and agrarian reform sector;

- *Investing directly in preferred shares of stock in rural financial institutions like rural banks, cooperative banks, farmer's cooperatives and farmer's cooperatives and farmer's cooperative insurance or mutual benefit associations or lend wholesale to rural financial institutions accredited by the BSP*
- *Investing in shares of stock of the QUEDANCOR and the PCIC; and*
- *Providing loans or investing in the activities identified under the AMCFP as enumerated under Chapter 3 Credit Section 23 of Republic Act No. 8435 or the Agriculture and Fisheries Modernization Act.*

Status: The Department of Agrarian Reform (DAR) in its letter to the Senate dated May 17, 2011 transmitted the latest draft of the Bangko Sentral ng Pilipinas (BSP) Circular and the IRR of R.A. 10000. The said draft circular is still subject to the BSP Monetary Board's approval. Meanwhile, the BSP will still make the necessary adjustments to consider therein the comments forwarded by the Department of Agriculture (DA) and by the Department of Agrarian Reform (DAR) prior to the finalization of its IRR by the BSP Agri-Agra Task Force.

R. A. No. 10068 **AN ACT PROVIDING FOR THE DEVELOPMENT AND PROMOTION OF ORGANIC AGRICULTURE IN THE PHILIPPINES AND FOR OTHER PURPOSES (S. NO. 3264/H. NO. 7066) (Signed Into Law APRIL 06, 2010)**

Features: *This measure seeks to promote, propagate, develop further*

and implement the practice of organic agriculture in the Philippines. It establishes a comprehensive organic agricultural program by promoting and commercializing organic farming practices, cultivation and adoption of production and processing methods. It also creates a National Organic Agriculture Board (NOAB) to provide direction and general guidelines for the implementation of the National Organic Agricultural Program. The Bureau of Agriculture and Fisheries Product Standards (BAFPS) will also be strengthened and empowered to fulfill its added role as national technical and administrative secretariat of the NOAB. BAFPS is also designated and authorized to grant official accreditation to organic certifying body or entity, as well as registration of organic food and organic input producers, and proper labeling of organic produce.

Status: The Department of Agriculture has crafted the Implementing Rules and Regulations (IRR) of the law through a series of public consultations and Technical Working Group (TWG) meetings spearheaded by the Bureau of Agriculture and Fisheries Product Standards. Currently, the IRR was adopted by the Secretary of Agriculture and on January 31, 2011 the IRR was approved by the Congressional Oversight Committee on Agriculture and Fisheries Modernization (COCAFAM) and was published in the Philippine Daily Inquirer on March 21, 2011.

R. A. No. 10089 **AN ACT CREATING THE PHILIPPINE RUBBER RESEARCH INSTITUTE TO DEVELOP THE PHILIPPINE RUBBER INDUSTRY AND FOR OTHER PURPOSES (S. NO. 1651/H. NO.6882) (Signed Into Law MAY 13, 2010)**

Features: *This law creates the Philippine Rubber Research Institute (PRRI) to be based at the Mindanao State University campus in Naga, Zamboanga Sibugay and to be supervised by the Department of Agriculture. PRRI is empowered to propagate and promote the planting, maintenance and proper use of rubber trees, enable access to quality rubber*

tree seedlings, undertake training and capacity-building programs for stakeholders and initiate research and development projects on rubber. The institute shall be headed by an Executive Director who is responsible for planning, implementation and supervision of relevant programs and activities. An Advisory Board is also created to take charge of developing policies and programs aimed at improving technologies needed by the local rubber industry.

Status: According to the Bureau of Agricultural Research, Department of Agriculture (March 6, 2013), they have already submitted to the office of Secretary Proceso Alcala the final draft IRR of the law for his signature. The draft IRR was finalized through a series of meetings of the Technical Working Group created for this purpose, and consultations with the stakeholders in the rubber industry. The creation of the PRRI is deemed very timely in view of the increasing international demand for natural rubber. The major rubber producing countries, Thailand, Indonesia, Malaysia, India, Vietnam, China, Sri Lanka, and the new comer Cambodia, which are increasing their productions and planted areas at a much faster rate, have national rubber research institutes that have been providing the much needed technical assistance to the various aspects of production of the rubber industry.

An initial funding of One Hundred Million Pesos was recommended in the IRR for the first year of operation of the PRRI based on the prescribed 1% of annual industry GVA. It was estimated that the rubber industry has been contributing to the national economy a yearly average of ₱10 Billion.

The issues and concerns in its implementation have been identified and pointed out by the TWG, and corresponding recommendations have been included in the IRR. The most popular issue was the location of the institute, wherein the law stated that it should be located in Mindanao State University in Naga, Zamboanga Sibugay. In the absence of the MSU in Naga, the TWG has recommended that a transitory headquarter be identified and established based on specific criteria, which were indicated in the draft IRR.

(Letter of Dr. Nicomedes P. Eleazar, CESO IV, Director, Bureau of Agricultural Research to the Senate dated March 6, 2013)

BANKS, FINANCIAL INSTITUTIONS AND CURRENCIES

R. A. No. 9505 **AN ACT ESTABLISHING A PROVIDENT PERSONAL SAVINGS PLAN, KNOWN AS THE PERSONAL EQUITY AND RETIREMENT ACCOUNT (PERA) (S. NO. 1882/H. NO. 3754)(Signed Into Law AUGUST 22, 2008)**

Features: *The law seeks to encourage Overseas Filipino Workers (OFW's) and self-employed individuals and entrepreneurs, who are not required by law to be members of SSS or the GSIS, to save money.*

Under the law, an individual may make a maximum annual contribution of ₱100,000.00 to his or her PERA account, or ₱200,000.00 for married individuals. If the contributor is an OFW, he shall be allowed to double the maximum amount or ₱400,000.00.

Contributions are required to be invested in a qualified "PERA Investment Product", which may be a unit investment trust fund, mutual fund, annuity contract, insurance or pension product, deposit product, pre-need pension plan, shares of stock, exchange-traded bonds or any other investment product or outlet.

Contributors are entitled to an income tax credit equivalent to 5% of the total PERA contribution.

Incomes from contributions as well as the eventual distribution of the proceeds from PERA to the contributor are tax exempt. The amount contributed can be withdrawn when the contributor reaches the age of 55.

Status: According to the National Statistics Office, the labor force consists of about 35.81M, and that only 78% are members of government initiated pension funds (₱26.49M for SSS and ₱1.4M for GSIS).

In the forum held last April 24, 2009, discussion were focused on accreditation, governance and operational issues, delineation of certain terms related to product issued, and perceived conflict of interest. However, due to some unresolved issues among the industry players on certain matters cited above, it was agreed that the industry players shall submit their written comments to the BSP, and to the BIR relative to the tax aspects of the draft IRR, for consideration. The DOF noted that under section 16 of R.A. 9505, the BIR is mandated to issue the Revenue Regulations (RRS) relating to the administration of the tax incentive provision under the law. This is a separate issuance from the PERA mother IRR being formulated.

Incidentally, in May 2009 the DOF was furnished by BSP with a draft Memorandum of Agreement (MOA) which will provide the comprehensive framework for the uniform administration and enforcement of the provisions of the PERA Act of 2008. The DOF have submitted the said draft MOA to the Office of the Deputy Governor Nestor A. Espenilla, Jr. of BSP for consideration.

According to the Bureau of Internal Revenue, the preparation of the Implementing Rules and Regulations of the law is being spearheaded by the Bangko Sentral ng Pilipinas (BSP). The BSP is presently in the process of resolving a number of issues with private sector organizations.

The Bangko Sentral ng Pilipinas through the Office of the Deputy Governor in its letter to the Senate dated April 05, 2011 said that the Implementing Rules and Regulations of the law was issued by the concerned regulatory authorities on 21 October 2009. While the Implementing Rules and Regulations were already issued, the law is yet to be fully implemented in view of the outstanding issues identified by the Bureau of Internal Revenue pertaining to the feasibility

of administration of tax incentives and benefits due to PERA contributors.

The BIR initially drafted revenue regulations covering the implementation of tax provisions of PERA Act but the industry did not find it acceptable due to the restrictions on the tax incentives under the law and the administrative operational requirements from the contributors and market players. Given the urgency of the implementation of the said law, the Capital Markets Development Council composed of representatives from the concerned regulatory authorities and various industry stakeholders initiated the redrafting of the revenue regulations with the end of addressing the outstanding issues. The draft of the aforementioned revenue regulations was already submitted to the BIR for its review and consideration.

R. A. No. 9510 **AN ACT ESTABLISHING THE CREDIT INFORMATION SYSTEM, AND FOR OTHER PURPOSES (S. NO.1881/H. NO. 4260) (Signed Into Law OCTOBER 31, 2008)**

Features: *The Credit Information System will gather consumer credit information from financial institutions such as banks, credit card companies and government lending institutions.*

In effect, financial institutions shall consolidate their records and contribute their credit experience on consumers to the system. To ensure the effectiveness and comprehensiveness of the system, banks and their subsidiaries and affiliates will be compelled in effect, legally, to provide full credit information.

A Central Credit Information Corporation will process the information gathered and distribute them through the "accessing entities" who are likewise the primary providers of credit data (i. e. banks)

Credit rating agencies can source information from the system and may use them to create credit reports and credit ratings, and may add value to the report as required by their customers.

Access to the system will be basically limited to the credit institutions which are likewise the contributors of information.

The Credit Information System will cover all borrowers. It will gather both positive and negative information.

There are also safeguards imposed against breach of confidentiality and misuse of borrower information. Protection of the public and confidentiality of information are given utmost importance.

Under this law, the SEC in coordination with relevant government agencies and existing industry stakeholders shall issue the Implementing Rules and Regulations (IRR), which shall be reviewed, revised and approved by the Oversight Committee to ensure consistency and compliance with the provisions of this act.

Status: In April 2009, a draft IRR embodying the inputs of all the relevant agencies, namely, DOF, DTI, BSP, OIC, CDA and SBC was submitted to the respective Chairman of the Senate and the House of Representatives panels.

In its meeting held on May 22, 2009, the Joint Congressional Oversight Committee approved the proposed IRR for the said law.

The succeeding required courses of action are the designation of the members of the board of credit corporation and the release of funds representing the equity contribution of the national government. For these purposes, the Chairperson of the SEC will make the necessary representation with the Office of the President.

The Securities and Exchange Commission is involved in the proper implementation of the "Credit Information System Act (CISA) and it has been duly represented in meetings discussing the same. As of the present, the Commission has not encountered any difficulties in its implementation and

has received no negative feedback from the entities under its supervision as regards the said law.

₱75M represents the National Government equity contribution for the Credit Information System for FY 2010, the amount of ₱7.5M and ₱10.0M were released in April 23, 2010 and June 3, 2011, respectively. In September, 2011 the National Government equity amounts to ₱17.5M. In FY 2012 NEP, a subsidy of ₱28.41M is also provided on top of ₱37.62M for equity.

R. A. No. 9576 **AN ACT INCREASING THE MAXIMUM DEPOSIT INSURANCE COVERAGE, AND IN CONNECTION THEREWITH, TO STRENGTHEN THE REGULATORY AND ADMINISTRATIVE AUTHORITY, AND FINANCIAL CAPABILITY OF THE PHILIPPINE DEPOSIT INSURANCE CORPORATION (PDIC) AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED THREE THOUSAND FIVE HUNDRED NINETY-ONE, AS AMENDED, OTHERWISE KNOWN AS THE PDIC CHARTER, AND FOR OTHER PURPOSES (S. NO. 2964/H. NO. 5911) (Signed Into Law APRIL 29, 2009)**

Features: *The Maximum Deposit Insurance Coverage (MDIC) for bank deposits has been doubled to ₱500,000 effective June 1, 2009. The law is prospective. The higher MDIC will apply only to deposits in banks ordered closed by the Monetary Board on June 1, 2009 and thereafter. The amended charter also granted PDIC powers to enhance its oversight on banks as well as mitigate the moral hazard posed by the increased coverage to the Deposit Insurance Fund (DIF). The DIF is the funding source for deposit insurance claims payment.*

The law also strengthened PDIC's regulatory oversight on banks through new authorities such as the conduct of special bank examinations, determination of products eligible for deposit insurance and examination of deposit accounts of ailing banks.

Status: Below are the actions taken by Philippine Deposit Insurance Corporation (PDIC) relative to the implementation of RA 9576.

PDIC Regulatory Issuances and Bulletins

In lieu of implementing rules and regulations, the corporation issues Regulatory Issuances (RIs)/Bulletins to implement relevant provisions of its charter. The list of pertinent RIs/Bulletins issued by the corporation as of February 2013 for the purpose of implementing the provisions of Republic Act No. 9576 are listed below:

Regulatory Issuance/Bulletins	Title/Subject
2009 RIs	
2009-05 (Implementing Sec. 8, RA 3591 (eight), as amended by RA 9576)	Rules and Regulations on Examination of Banks
2009-04 (Implementing Sec. 8, RA 3591 (first), as amended by RA 9576)	Rules and Regulations on the Use of PDIC Seal
2009-03 (Implementing Sec. 4(g) in relation to Sec. 21(f), RA 3591, as amended by RA 9576)	Rules and Regulations on the Determination of Beneficial Ownership of Legitimate Deposits
2009-02 (Implementing Sec. 2(1), RA 3591, as amended by RA 9576)	Rules and Regulations on the Use or Issuance of Statements on Deposit Insurance Coverage
2009-01 (Implementing Sec. 8(8), RA 3591, as amended by RA 9576)	Rules and Regulations on Advertisement of PDIC Membership and Deposit Insurance Coverage
2009 Bulletin	
Bulletin No. 2009-27 (Implementing Sec. 4(g), RA 3591, as amended by RA 9576)	Increase in PDIC Maximum Deposit Insurance Coverage and Procurement of New Decals/Stickers and Standees/Desktop

2010 RIs	
2010-01 (Implementing Sec. 6, RA 3591, as amended by RA 9576)	Rules and Regulations on Assessment of Member Banks
2010 Bulletins	
Bulletin No. 2010-18 (Implementing Sec. 17(c), RA 3591, as amended by RA 9576)	Creditable Withholding Tax – BIR Revenue Regulations No. 006-2010 and Filing of Regular Certified Statement (RCS) of Deposit Liabilities with the PDIC
Bulletin No. 2010-31 (Implementing Sec. 4(f), RA 3591, as amended by RA 9576)	Claims for Deposit Insurance
2011 RIs	
2011-04 (Implementing Sec. 4(g), RA 3591, as amended by RA 9576)	Rules and Regulations on Net Out of Obligations to Determine Insured Deposit
2011-03 (Implementing Sec. 8(10), RA 3591, as amended by RA 9576)	Rules and Regulations Governing Requests for Reconsideration of Denied Deposit Insurance Claims
2011-02 (Implementing Sec. 4(f) and (g), RA 3591, as amended by RA 9576)	Rules and Regulations Governing Deposit Accounts or Transactions Excluded from the Coverage of Deposit Insurance
2011-01 (Implementing Sec. 4(f)(3), 7(a), 8(8) and 21(f)(10), RA 3591, as amended by RA 9576)	Rules and Regulations Governing Unsafe and/or Unsound Banking Practices
2012 RIs	
2012-01 (Implementing Sec. 21(g), RA 3591, as amended by RA 9576)	Revised Rules on Administrative Offenses, Fines and Procedure in Administrative Investigations

Copies of these RIs and Bulletins are available at the PDIC website: www.pdic.gov.ph.

Budgetary requirements

The corporate operating budget of PDIC is generally supported by the revenues of the corporation. The corporation does not rely on the national government for budgetary support.

In 2009, however, RA 9576 increased the maximum deposit insurance coverage (MDIC) from P250,000 to P500,000 without the corresponding increase in assessments or additional capital infusion from the government. To cushion the impact of the MDIC increase to the Deposit Insurance Fund, Congress granted PDIC a tax incentive which allowed the corporation to charge “all tax obligations of this corporation for a period of five (5) years reckoned from the date of effectivity of this Act x x x to the Tax Expenditure Fund (TEF) in the annual General Appropriations Act pursuant to the provisions of EO 93 series of 1986 x x x.” The Bureau of Internal Revenue issued BIR Revenue Regulation No. 6-2010 dated July 12, 2010 to implement this particular tax provision. The five (5) year tax incentive will expire on May 31, 2014. Nonetheless, the Corporation will continue to be exempt from income tax, final withholding tax, value-added tax on assessments collected from member banks, and local taxes henceforth.

Implementation problems encountered

The two major concerns encountered during the process of implementing RA 9576 are the following:

- a. Prohibition in the examination and disclosure of deposit information under RA 1405, otherwise known as the Bank Secrecy Act.

As deposit insurer, the PDIC must have sufficient and adequate information on the risks it is insuring as well as the condition of the bank so that it can take steps or measures that will help reduce its risk exposure. Moreover, this is in line with the Core Principles for Effective Deposit Insurance Systems which the International Association of Deposit Insurers (IADI), of which PDIC is a member, developed to protect depositors and contribute to the financial stability based on practical experience of its members. IADI Core

Principle 17 provides:

“The deposit insurance system should give depositors prompt access to their insured funds. **Therefore, the deposit insurer should be notified or informed sufficiently in advance of the conditions under which a reimbursement may be required and be provided with access to depositor information in advance.** Depositors should have a legal right to reimbursement up to the coverage limit and should know when and under what conditions the deposit insurer will start the payment process, the time frame over which payments will take place, whether any advance or interim payments will be made as well as the applicable coverage limits.”

The removal of the prohibitions on disclosure of deposit information in the course of bank examination is a step towards this direction.

b. Legal protection

In the exercise of its three-fold mandate as deposit insurer, receiver/liquidator of closed banks and co-regulator of banks, the corporation and its personnel are prone to harassment suits. To enable the Corporation and its personnel to perform its mandate effectively, they must be provided with sufficient legal protection for acts done by them in good faith in the discharge of their official functions.

This is the same principle espoused in Principle 13 of the IADI. Thus:

“The deposit insurer and individuals working for the deposit insurer should be protected against lawsuits for their decisions and actions taken in “good faith” while discharging their mandates. However, individuals must be required to follow appropriate conflict-of-interest rules and codes of conduct to ensure they remain accountable. Legal protection should be defined in legislation and administrative procedures, and under appropriate circumstances, cover legal costs for those indemnified.”

Liquidation Concerns

The current legal framework does not allow for a seamless transition from bank closure to liquidation. The law requires that a closed bank be put under a mandatory receivership period with PDIC as receiver. As a receiver, PDIC merely serves as an administrator of the closed bank for purposes of preserving its assets in anticipation of possible rehabilitation. However, PDIC's experience show that rehabilitation is remote after a bank is ordered closed by the Banko Sentral ng Pilipinas. The situation is such that rehabilitating a closed bank is far more expensive than opening a new one because of the huge capital deficiency. Moreover, the delay in the liquidation process contributes to the further erosion of the value of the assets of the bank. The removal of the mandatory receivership period is expected to further streamline the liquidation process and expedite settlement of creditors' claims. It will also facilitate the early exit from liquidation to wind down the affairs of the closed bank.

This is one of the current legislative agenda of PDIC through the proposed Closed Bank Liquidation Act. The proposal includes making available to the liquidator other modes of liquidation such as Bridge Banking to maximize recoveries for the benefit of the creditors of the closed bank.

Effectiveness and relevance of the law to the current milieu

A side-by-side reference of the current PDIC legal framework with the IADI Core Principles for effective deposit insurance systems would reveal some inadequacies in standards that evidently affect the performance and effectivity of the PDIC.

At the core of these existing concerns are the need for a timely access to deposit information and legal protection. Taking out bank examination activities from the ambit of RA 1405 would go a long way towards better depositor protection and more effective bank regulation. Similarly, PDIC personnel should be protected against unwarranted suits taken in good faith while discharging their official duties if they are to be expected to effectively perform their duties.

**R. A. No.
9679**

AN ACT FURTHER STRENGTHENING THE HOME DEVELOPMENT MUTUAL FUND, AND FOR OTHER PURPOSES (H. NO. 5220/S. NO. 2971) (Signed into Law JULY 21, 2009)

Features:

Also known as the "Home Development Mutual Fund Law of 2009," this Act seeks to establish, develop, promote, and integrate a nationwide sound and viable tax-exempt mutual provident savings system suitable to the needs of the employed and other earning groups. It creates the Home Development Mutual Fund (HDMF) of 2009, a mutual provident savings system for private and government employees and other earning groups, supported by matching mandatory contributions of their respective employers with housing as the primary investment. The corporate powers and functions of the fund shall be vested in and exercised by the Board of Trustees appointed by the President of the Philippines.

This law sets regulations on fund coverage, fund generation and contributions, membership term and waiver or suspension of coverage. Composed of appointees from relevant government and private sector organizations, the HDMF Board of Trustees shall exercise the corporate powers and functions of the fund.

Status:

The law amends Presidential Decree 1752 which created the institution in 1980, and integrates all other laws relating to the agency. This will translate to more funds for PAG-IBIG's shelter financing programs.

The housing loan disbursements have been growing consistently for the last eight years and this law will allow the growing demand for affordable housing finance, while still ensuring the long-term stability of the fund and the consistent delivery of benefits to its members.

From ₱3.82 B in 2001, PAG-IBIG released a total of ₱37.3 B in end user housing loans in 2008. As of May 2009, its housing loan disbursement grew by 34%.

R. A. 9679 grants the HDMF Board of Trustees the authority to set the members contribution rate. From only ₱500,000

in 2001, PAG-IBIG has raised the highest loan amount to ₱3M.

The law also restores PAG-IBIG's tax exempt privileges similar to the GSIS and the SSS. PAG-IBIG's tax exemption will free up additional funds that can be ploughed back to housing. From 2001 to 2008 alone, PAG-IBIG paid a total of ₱13.59 B in taxes.

The Home Development Mutual Fund has issued the Implementing Rules and Regulations (IRR) of the law.

**R. A. No.
9829**

AN ACT ESTABLISHING THE PRE-NEED CODE OF THE PHILIPPINES (S. NO. 2077/H. NO. 6407) (Signed Into Law DECEMBER 3, 2009)

Features: *Known as the "Pre-Need Code of the Philippines," this Act seeks to regulate the establishment of pre-need companies and to place their operation on sound, efficient and stable basis. It places all pre-need companies under the supervision of the Insurance Commission, which has the following powers (among others):*

- *Approve, amend, renew or deny any license, registration or certificate issued under this Code;*
- *Fix and assess fees and/or charges;*
- *Regulate, supervise and monitor the operations and management of pre-need companies;*
- *Issue cease and desist orders to prevent fraud and injury to the investing public;*
- *Issue subpoena duces tecum and ad testificandum, order the examination, search and seizure of documents, papers, files, tax returns, books of accounts and other records, in whatever form, of any entity or*

person under investigation;

- *Impose sanctions, institute cases and/or prosecute offenders; and*
- *Suspend or revoke licenses.*

It likewise sets standards with respect to the organization, licensing and management of pre-need companies, registration of pre-need plans, licensing of sales counselors and general agents, default and termination by plan holders, and claims.

Status: Following the enactment of the Pre-need Code on December 03, 2009 transferring to the Insurance Commission (IC) the supervision of the pre-need industry, the IC, in order to carry out its mandate under the code, has taken the necessary actions as follows:

A. The Commission has issued:

1. Office Orders

- a. Constituting a transitory group that handles all the records and files on the pre-need industry that have to be transferred by the Securities and Exchange Commission;
- b. Assigning to the relevant divisions of the IC the additional functions relating to the supervision of the pre-need sector; and
- c. Forming a pre-need team whose primary task is to examine the financial condition of the pre-need companies

2. Circular letters setting out

- a. The guidelines on the licensing and operation of pre-need agents;
- b. The template of trust agreement containing the

provisions prescribed by the code that shall be used by all pre-need companies and trust entities authorized to act as trustees for pre-need trust funds;

- c. The guidelines and minimum documents required for the filing of audited financial statements and annual statements of trust funds by the pre-need companies;
 - d. The requirements under the Anti-Money Laundering Act and its revised Implementing Rules and Regulations which the pre-need companies, sales counselors and general agents have to comply with; and
 - e. The prescribed fees and charges in the exercise of its regulation over the pre-need industry.
- B. In accordance with Section 58 of the Pre-need Code, the Commission has published for two (2) consecutive weeks (March 10 and 17, 2010) in two (2) newspapers of general circulation (the Manila Times and Business Mirror) the Implementing Rules and Regulations of the Pre-need Code which it adopted after consultation with the pre-need companies and other stakeholders.
- C. In accordance with Section 5 of the Pre-need Code authorizing the Commission to reorganize its structure and upgrade its human resource component to be able to effectively and efficiently perform its functions under the code, it has submitted its reorganization plan to the Department of Budget and Management (DBM) for its consideration and approval.

The Commission is awaiting approval of its request by the DBM. Thus, in the eight (8) months that the pre-need industry has been placed under its watch, the Commission has been performing its mandates under the Pre-need Code and Insurance Code with inadequate manpower. The IC needs additional personnel to enable

it to cope with the additional task of supervising the pre-need industry.

- D. As regards the extent of residual authority of the Securities and Exchange Commission (SEC) under Section 57 of the Pre-need Code, the IC has agreed to enter into Memorandum of Agreement with the SEC on the interpretation and implementation of subject section, including coordination in the performance of their respective mandates under the code.

**R. A. No.
9856**

AN ACT PROVIDING THE LEGAL FRAMEWORK FOR REAL ESTATE INVESTMENT TRUST AND FOR OTHER PURPOSES (S. NO. 2639/H. NO. 6379) (Signed Into Law DECEMBER 17, 2009)

Features: *The law establishes the framework for an investment scheme that aims to assist in the funding and development of infrastructure projects and, at the same time, promotes investors' interests.*

A REIT is a stock corporation organized for the purpose of owning income generating real estate assets, such as offices, apartments, shopping centers, hotels and other similar structures.

The company should have a minimum paid-up capital of ₱300M. Its stocks can be acquired through subscription or purchase in a stock exchange.

To attract investments in REITs, the law requires the annual distribution of at least 90 percent of the distributable income as dividends to stockholders not later than the last day of the fifth month of the following year.

To make sure the investors are not shortchanged, the law declares as void and of no effect "any structure, arrangement or provision which would have the effect of diminishing or circumventing in any form this entitlement of dividends".

Status: According to the Securities and Exchange Commission (SEC), the Implementing Rules and Regulations (IRR) of R.A. 9856 has been approved and promulgated by the Commission on May 13, 2010 after consultation and coordination with other government agencies as mandated by said law such as the Bangko Sentral ng Pilipinas, Department of Finance, and the Bureau of Internal Revenue. The IRR took effect on June 10, 2010.

According to the SEC, the provisions of the REIT have proven more difficult to implement. Although the Implementing Rules and Regulations of the REIT were promulgated on May 13, 2010, per the records of the SEC, only two corporations have incorporated under the said law. However, both corporations have failed to file their registration statements on the grounds that 1) they find the Bureau of Internal Revenue Regulations (BIR) rules in connection with real estate investment trusts unreasonable and 2) the requirement that REIT's must have a 40% minimum public float, to be increased to 67% within three (3) years from listing is unacceptable as real estate firms are unwilling to dilute the ownership of their corporations. Also, some sectors expressed the view that a Property Manager that is a related party vis-à-vis the REIT and its promoters/sponsors should be allowed. As a matter of fact, the Commission has, upon request, submitted to the Department of Finance a list of proposed priority bills, one of which is the amendments to the REIT.

R. A. No. 10142 **AN ACT PROVIDING FOR THE REHABILITATION OR LIQUIDATION OF FINANCIALLY DISTRESSED ENTERPRISES AND INDIVIDUALS (S. NO. 61/H. NO. 7090) (Signed into Law JULY 18, 2010)**

Features: *The "Financial Rehabilitation and Insolvency Act (FRIA) of 2010" aims to encourage debtors, both juridical and natural persons, and their creditors to collectively and realistically resolve and adjust competing claims and property rights. It sets standards for both court-supervised and out-of-court or informal rehabilitation, as well as for debt forgiveness. FRIA*

essentially gives financially depressed businesses three options to recover: court-supervised rehabilitation, pre-negotiated rehabilitation, and out of court or informal restructuring agreements or rehabilitation plans.

Status: The Supreme Court has been designated in the FRIA to promulgate rules in relation to the said law that shall govern the proceedings in the regional trial courts.

The Office of the Court Administrator, Supreme Court is still in the process of preparing the necessary documents relative to the implementation of R. A. 10142. Nonetheless, the Financial Management Office, Office of the Court Administrator, has already prepared the budgetary requirements for the creation of the additional courts.

CIVIL SERVICE AND GOVERNMENT REORGANIZATION

**R. A. No.
9646** **AN ACT REGULATING THE PRACTICE OF REAL ESTATE SERVICE IN THE PHILIPPINES, CREATING FOR THE PURPOSE A PROFESSIONAL REGULATORY BOARD OF REAL ESTATE SERVICE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. B. NO. 2963/H. NO. 3514) (Signed into Law JUNE 29, 2009)**

Features: *The law will professionalize and regulate the practice of real estate in the country through the development of technically competent, trained and accountable real estate practitioners in the country.*

Under this law, real estate consultants, appraisers, local government assessors and brokers will be overseen by the Professional Regulatory Board of Real Estate Service under the Professional Regulation Commission (PRC). They will

be subjected to a licensing process that will require them to pass a technical examination, comply with the program of continuing education and training, and observe the code of conduct and responsibilities.

Salespersons, although not considered part of the professional group, will be accredited by the PRC, after undergoing training and working under a licensed real estate broker.

RESA will require real estate practitioners to post a professional indemnity insurance/cash or security bond upon taking their oath to practice the profession before the PRC.

The law is expected to stimulate the property market, encourage investments in construction and development, generate employment and increase revenues for the government.

Status:

The Professional Regulatory Board of Real Estate Service issued Resolution No. 02, Series of 2010, the Implementing Rules and Regulations (IRR) of the law on July 21, 2010. The IRR took effect on August 08, 2010 following its publication in a newspaper of general circulation (Philippine Daily Inquirer) on July 24, 2010.

This law took effect on July 30, 2009 following its publication in Philippine Daily Inquirer on July 15, 2009.

**R. A. No.
9853**

AN ACT AMENDING REPUBLIC ACT NO. 9280, OTHERWISE KNOWN AS THE “CUSTOMS BROKERS ACT OF 2004”, AND FOR OTHER PURPOSES (S. NO. 3396/H. NO. 3274) (Signed Into Law DECEMBER 15, 2009)

Features:

Under this amendatory law, the practice of customs broker is a professional service, admission to which shall be determined upon the basis of individual and personal qualifications. However, nothing in the law shall prevent a

corporation from being registered for the purpose of engaging in the business of custom brokerage as long as the corporation shall engage or hire the services of at least one (1) customs broker.

The phrase “engaging in the business of customs brokerage” shall mean making representations in behalf of importer-clients in the Bureau of Customs (BOC) and other government agencies; provided, that such corporations engaged in the business of customs brokering shall have a minimum paid-up capital of ₱1,000,000.00 before they are accredited by the BOC.

Self-executory.

**R. A. No.
10024**

AN ACT REGULATING THE PRACTICE OF RESPIRATORY THERAPY, CREATING A PROFESSIONAL REGULATORY BOARD OF RESPIRATORY THERAPY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3499/H. NO.6410) (Signed Into Law MARCH 9, 2010)

Features: *This Act seeks to develop and nurture “competent, virtuous, productive and well-rounded respiratory therapists whose standards of practice and service shall be excellent, qualitative, world-class and globally competitive.” It defines the scope of the practice of Respiratory Therapy and creates a Professional Regulatory Board of Respiratory Therapy under the administrative supervision and control of the Professional Regulation Commission. The board has the power to promulgate, administer and enforce rules and regulations, among others.*

Status: The law became effective after its publication on May 26, 2010. The first Professional regulatory Board of Respiratory Therapy composed of Julita V. Toledo, as Chairperson, with Senen O. Teope and Jesus M. Espinas as members of the board were officially sworn into office on

May 22, 2012. After a thorough orientation conducted by the Professional Regulation Commission for the newly appointed members of the board, they immersed themselves with the rigorous task of formulating the Implementing Rules and Regulations of R.A. No. 10024. Consultative meetings were held with the stakeholders of the profession from Luzon, Visayas and Mindanao including the opportunity to present the draft at the annual convention of the Association of Respiratory Care Practitioners of the Phils., Inc. (ARCPP), the Interim Professional Organization of Respiratory Therapists, which was attended by more than four hundred participants from all over the country. The Commission not only supported the board through the availability of its legal consultants but also through proper budget allocation in order to ensure that majority of the stakeholders of the profession will be consulted. After a thorough deliberation with the stakeholders and the officers of the PRC, the Implementing Rules and Regulations of R.A. No. 10024 was finally signed under Resolution No. 3 dated December 10, 2012. It was published in the Official Gazette on January 7, 2013 and became effective on January 22, 2013.

Problems/concerns:

Art. II Sec. 5 (d) of R.A. No. 10024 did not include the academe or respiratory therapists engaged in the teaching profession to be qualified as members of the Board. The inclusion of the same was proposed in their draft of the IRR, but they were advised by the Commission on its inconsistency since it was not provided in the law.

Proposed solution:

Recommended for future amendments to the law in recognition of the importance of the roles of educators and their significant contributions in raising globally competitive respiratory therapists.

The effectivity of R.A. No. 10024 and its IRR regulates the practice of respiratory therapy in the country to nurture

competent, upright and assiduous respiratory therapists whose standards of professional practice are excellent and globally competitive and to protect the public from inexperienced or untrained individuals offering respiratory therapy services. These will provide the opportunity for all the higher educational institutions (HEIs) to take on the challenge of continuously developing their teaching processes in order to shift from competency to outcomes based curriculum and adapt with the current trends and practices. Moreover, pulmonary laboratories will now have to observe the standards of practice in respiratory therapy, assert the competencies of respiratory therapists through the licensure examination and continuous professional education and more importantly, to protect the public from fake and/or erring professionals. Filipino respiratory therapists continue to dominate the market in Asia and the Middle East. The law and its IRR will harness the strengths and further boost the employment opportunities of overseas contract workers to compete at par, not only in terms of practice and discipline but also in salaries offered, with the licensed respiratory therapists from western countries.

Other issues and recommendations:

The Philippine Standards Occupational Classification, 2002 update, of the National Statistical Coordination Board has classified respiratory therapists under “Other Health Professionals” (Code: 2229) performing the following functions:

“massaging clients or patients to improve circulation, soothe or stimulate nerves, facilitate elimination of waste matter, stretch contracted tendons and produce other therapeutic effects”.

Recommendations:

The said functions are definitely inconsistent with the practice of respiratory therapy as stated in the law and its IRR. In this light, the Board is recommending the reclassification of respiratory therapists according to the

practice of respiratory therapy stated in R. A. No. 10024 and its IRR.

The Professional Regulatory Board of Respiratory Therapy continues to perform all its duties and responsibilities as stated in the law. As a matter of fact, it was able to submit its Competitiveness Roadmap, along with all the regulated professions, to the Office of the President of the Philippines during the First Philippine Professional Summit held last October 18-19, 2012 at the Manila Hotel. The formulation of the Respiratory Therapy Competitiveness Roadmap was done in cooperation with its Interim Professional Organization following the Board's submission of the IRR to the Officers of PRC for deliberation. The Board's activities for the year were anchored on the objectives set by the Commission. These were accomplished during the recently concluded Annual Planning Session of the PRC held last January 31 to February 1, 2013. At present, the Board has now started accepting applications for the Registration Without Examination since February 5, 2013. This process has been made available online in order to improve the screening process and to accommodate more applicants. Moreover, the Board will also be embarking on roadshows to advocate the respiratory profession and to give orientation on the IRR. The Chairman of the Board was invited to be the resource speaker on the "Role of Educators" during the 1st Respiratory Therapy Educators Meeting held last February 8, 2013 at the Lung Center of the Philippines. Given such opportunity, the Board was able to encourage active participation of the Deans from different higher educational institutions offering Respiratory Therapy in the PRC's Convergence Program, Respiratory Therapy Competitiveness Roadmap, Career Advocacy Program and Table of Specifications. In the coming weeks, the Board will be conducting ocular inspection in different hospitals in Metro Manila with the objective of informing the practitioners about the IRR, monitor the standards of practice of the profession, and to implement administrative sanctions against fake and/or erring professionals. All efforts of the Board are now being concerted on the screening of applicants for the

Registration Without Examination and the formulation of the Table of Specifications for the licensure examination which will again be subjected to consultation with the academe, the accredited professional organization and CHED. Hopefully, the Board will be able to meet the challenge of conducting the first licensure examination for respiratory therapists by the last quarter of this year (2013).

The Professional Regulatory Board of Respiratory Therapy shall continue to promulgate, administer and enforce rules and regulations necessary for carrying out the provisions stated in the Republic Act 100024 and its Implementing Rules and Regulations under the direct supervision and control of the Professional Regulations Commission.

**R. A. No.
10029** **AN ACT TO REGULATE THE PRACTICE OF PSYCHOLOGY CREATING FOR THIS PURPOSE A PROFESSIONAL REGULATORY BOARD OF PSYCHOLOGY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3498/H. NO. 6512) (Signed into Law MARCH 16, 2010)**

Features: *The “Philippine Psychology Act of 2009” seeks to nurture competent, upright and assiduous psychologists whose standards of practice and service shall be excellent and globally competitive. It defines the scope of the practice of Psychology and creates a Professional Regulatory Board of Psychology under the administrative supervision and control of the Professional Regulation Commission. The board has the power to promulgate, administer and enforce rules and regulations, among others.*

Status: The Professional Regulatory Board of Psychology was duly constituted on May 22, 2012. The Board issued the Implementing Rules and Regulations (IRR) of R.A. No. 10029 and approved by the Professional Regulation Commission in November 2012 and published in the Official Gazette on December 24, 2012.

I. Status of the Implementing Rules and Regulations

Upon the effectivity of the IRR on January 8, 2013, a series of dissemination campaigns through various media and orientation briefings for stakeholders in coordination with schools and PRC Regional Offices across the country were done by the Board to explain the spirit, substance and implications of the law to the practice of the profession. Also discussed in these forums were the requirements and procedure for application.

Aside from these IRR briefings, the Board also conducted:

- Consultative Meetings with the CHED Technical Panel and the Psychology Chairs of HEIs across the country at Assumption College on February 26, 2013 for the development of the Table of Specifications which shall be for the Board Exams.
- Consultative Meeting and Open Forum with practitioners from Business and Industry on the “Meaning, Intent and Implications of R.A. No. 10029 and its IRR to Human Resource Management” on March 8, 2013 at the PMAP Office in Mandaluyong.

Planned Activity: April 15, 2013

Orientation briefing for government psychologists, OFW clinics (proprietors, psychologists and psychometricians), test service providers of the PNP and other providers of psychological services for government institutions.

The Board is still open to legitimate requests of psychology practitioners from the other regions/provinces, in the pursuit of advocacy and fair implementation of the law.

Applications

On-line applications for Registration without Examination opened on February 5, 2013, for all qualified psychologists and psychometricians who have fulfilled requirements before June 2, 2010. The Board has since then been accepting and evaluating the documents of

qualified applicants.

II. Budgetary Requirements

The Commission has been supportive of the efforts of the Board in the implementation of the law, including the promulgation of its IRR. A budget has been set aside for consultation meetings on the IRR and TOS.

III. Problems/Concerns in its Implementation and Proposed Solutions or Amendments Thereto

The field and practice of psychology is rather wide and varied with many specializations. To date, the American Psychological Association has 56 divisions; the Psychological Association of the Philippines is certifying Psychologists in 7 specialty areas: Clinical Psychology, Assessment Psychology, Counseling Psychology, Industrial-Organizational Psychology, Social Psychology, Developmental Psychology and the Teaching of Psychology.

1. The Philippine Psychology Law regulates all psychology practitioners in the country regardless of specialization, but some social psychologists and industrial-organizational psychologists still continue to believe that they are not covered by the law, arguing that the law is skewed to the practice of Clinical, Counseling and Assessment Psychology. These psychologists believe that their practice should not be regulated “like how it is in other countries” as they claim, and since accordingly, they are mainly in teaching, research and consulting work, not really in the actual delivery of psychological services as defined in the law. Yet, they still want to be called as psychologists. The law however defines “Psychologist” as a natural person who is duly registered and holds a valid certificate of registration and a valid professional identification card as professional psychologist, issued by the Professional Regulatory Board of Psychology and the Professional Regulation Commission pursuant to R.A. 10029 for the purpose of delivering the different

psychological services defined in the law. Fully aware of the intent of the law, the Board holds the position that no one can claim or call himself a psychologist unless he is duly registered and licensed as such by the PRC. The Psychological Association of the Philippines (PAP) nonetheless holds a different opinion, hence, plans to lobby in Congress for an amendment to the law.

2. The PAP further argues that the Board Exam Subjects for psychologists, as defined and prescribed under the law are not offered under the graduate curriculum of the other specialty areas in psychology like Social Psychology, Industrial-Organizational (I/O) Psychology, Experimental Psychology, Cognitive Psychology, etc. The question is, should we change the Board Exam subjects to fit the diverse curricular offerings of schools across specialty areas? Or should we change and/or realign the graduate curriculum of psychology programs in keeping with the Board Exam subjects which are at the core of psychological practice and/or delivery of psychological services as defined in the law? The Board hopes that CHED will look into this concern and realign the curriculum accordingly.
3. The PAP is in the process of credentialing and certifying psychologists in 7 specialty areas. This undertaking was done long before the Psychology Bill became a law, but the PAP continues to do so to this day. The Board recommends that the certification of psychologists in the various areas of specialization, be done only after the licensure and registration of the practitioner as a psychologist, and that the renewal of those psychologists who have already been certified in specialty areas should be contingent with the registration of the practitioner as a psychologist.

IV. Effectiveness or Relevance of the Law to Current Milieu

The law is very relevant to the needs of the country, more so with the demands for quality assurance and global

competitiveness of professionals, following the Philippine and ASEAN Qualifications Framework, and the mobility of workers across the globe. Credentialing and regulation of the practice is especially needed in response to the changing needs of a growing population and the great upheaval across countries, economic or otherwise. In the Philippines in particular, many families lack the needed resources to meet the physical, financial, emotional, social and educational needs of their children, contributing significantly to the deterioration of the psychological and environmental health of Filipinos; thus, the increase in criminality, suicidal acts, mental dysfunctions, underuse of potentials and a host of other problems affecting individuals, families and the society at large. Confronted with all these risks and vulnerabilities, , it is very important that only qualified Psychologist are allowed to handle those needing psychological assistance for the prevention and remediation of psychological problems.

The demands for quality psychological assessment is also very crucial in support of management and administrative decisions (related to both local and overseas employment, the authority and permit to carry firearms, etc.), psychological intervention and psychiatric treatment, and court action, among other concerns. This pressing need calls for competent psychometricians and psychologists.

V. Other Issues and Recommendations

1. R. A. No. 8981 requires all teachers of professional subjects covered in the Board Exams to be licensed. Under R. A. No.10029 however, teaching is not covered under practice of the profession which is defined under the law as “the delivery of psychological services which includes, but is not limited to psychological intervention, psychological assessment and psychological programs.” To comply with R. A. 8981, the Board would like to initiate a resolution that includes the teaching of professional and skills-based subjects like Psychological Assessment, Psychological Counseling and Psychotherapy and core courses like Theories of Personality and

Abnormal Psychology which call for case assessment and psychological intervention, in the practice of the profession, and/or delivery of psychological services.

2. The CHED prescribed curriculum for Psychology Programs and was only released in November 2010 under CMO 38 and 39. Prior to this, HEIs where applicants (for licensure and registration as psychologists and psychometricians) graduated from, offered course titles in their respective curriculums different from what is defined in the Psychology Law which also took effect in 2010. The Board therefore is initiating action together with the CHED Technical Panel to determine the specific objectives, scope and coverage of these Subject Courses in relation to the Board specified subjects for equivalency.

3. Title of Degree Program obtain by applicant is not Psychology but in an equivalent field, like Behavioral Science, Social Science, Philippine Studies, Family Studies, Development Studies and the like. Some claim that the contents are the same and that these graduates have been in the practice of psychology for the number of years prescribed for licensure without examination. There is a dissenting opinion however that these courses are multidisciplinary in nature, covering such areas as sociology, political science, etc. The Board believes that this concern is specifically within the purview of CHED, so that any action from the CHED on this issue will be duly recognized.

4. Psychological Testing for OFWs are done in OFW clinics under the supervision and regulation of the Department of Health as stipulated under Rule 11 of R.A. No. 10022. These OFW clinics are managed by Medical Doctors and that these doctors are not trained in psychological testing. Physical health is totally different from mental health though both forces can have a combined interactive effect on human functioning. Administrative Order 2010-0022 which was issued by then President Gloria Macapagal-Arroyo, directs the Department of Health, Department of Labor and the Philippine Overseas Employment Administration to set policies in the conduct of

psychological examinations for overseas job applicants. The issuance by President Arroyo of this AO was prompted by the alarming number of OFWs who have been suffering from psychological disorders resulting to their repatriation. Administrative Order 2013-0006 issued by the DOH on February 7, 2013 further defines the guidelines and role of DOH relative to Rule XI of R.A. No. 10022. Now, Article VIII Sec. 33-B of R.A. No. 10029 stipulates that no corporation, partnership, association, or entity shall operate a psychology or psychometrics office, center, clinic or otherwise engage in the practice or allow the practice of psychology or psychometrics within its premises without securing a permit from the Board and that permit shall be issued only after the Board is satisfied that such establishment is competently staffed by a psychologist and equipped with sufficient and adequate psychology-related instruments and facilities. What if the demands and ethics of the profession are not in accord with the requirements of DOH? What if the assessment done by the Psychologist is not aligned with the targets of the OFW clinic? Who has the ultimate decision, control and authority over psychological testing in OFW clinics? For instance, one critical purpose of psychological testing among OFW migrants is the identification of mental disorders, but the tests OFW clinics are using today, particularly the 16PF as specified by the DOH cannot really determine mental dysfunctions. The Board sincerely hopes that this problem should be looked into. A joint meeting of the PRC, the DOLE, POEA, DOH and OFW clinics may be in order.

(Letter of Ms. MIRIAM P. CUE, PhD., Acting Chairperson, Professional Regulatory Board of Psychology to the Senate, dated March 26, 2013)

**R. A. No.
10084**

AN ACT GRANTING SURVIVORSHIP BENEFITS TO THE SURVIVING LEGITIMATE SPOUSE OF A DECEASED RETIRED MEMBER OF THE COMMISSION ON AUDIT, CIVIL SERVICE COMMISSION AND THE OMBUDSMAN, AND FOR OTHER PURPOSES (S. NO. 3567/H. NO. 5444) (Signed into Law MAY 5, 2010)

Features: *The law provides that in case of death of a retired chairman or commissioner of the Commission on Audit, the Commission on Elections, the Civil Service Commission and the Ombudsman, the surviving legitimate spouse of said deceased retiree shall be entitled to receive on a monthly basis all the retirement benefits that the said deceased retiree was receiving at the time of his/her demise under the provisions of applicable retirement laws then in force.*

The said surviving legitimate spouse shall continue to receive such retirement benefits during his/her lifetime or until he/she remarries. Provided, that if the surviving legitimate spouse is receiving benefits under existing retirement laws, he/she shall only be entitled to the difference between the amount provided for in this act and the benefits he/she is receiving.

Funds for the initial implementation of this law shall be taken out of the current appropriations for the retirement of the chairman and commissioners of the Constitutional Commissions as well as the Ombudsman and/or savings of said Constitutional Commissions and the Ombudsman. Thereafter, such sums as may be necessary for the continued implementation of the law shall be included in the annual General Appropriations Act.

The law took effect on June 23, 2010, 30 days following its publication in two (2) newspapers of general circulation on May 24, 2010.

Status: The funds needed are to be included in the annual budget of COA, CSC and COMELEC in the annual GAA. No provision for 2012 NEP.

Meanwhile, for FY 2010 and FY 2011, the PS requirement of OMBUDSMAN under this Act shall be sourced from available funds of the said agency. The budgetary requirement for this Act was not included in FY 2012 budget. It may be mentioned that the OMB has no request for the inclusion of this in their FY 2012 budget.

**JOINT RES.
NO. 4**

**SENATE AND HOUSE OF REPRESENTATIVES JOINT
RESOLUTION NO. 4 (MODIFYING THE EXISTING
COMPENSATION AND POSITION CLASSIFICATION
SYSTEM OF CIVILIAN PERSONNEL AND THE BASE
PAY SCHEDULE OF MILITARY AND UNIFORMED
PERSONNEL IN THE GOVERNMENT)**

Status: To implement the provisions of this joint resolution, the President issued on June 17, 2009 Executive Order No. 811 (adopting the first tranche of the modified salary schedule of civilian personnel and base pay schedule of military and uniformed personnel in the government, as well as the modified position classification system pursuant to senate and House of Representatives Joint Resolution No. 4, S. 2009.

The second and third tranches were already adopted/implemented.

**CONSTITUTIONAL AMENDMENTS,
REVISION OF CODES AND LAWS**

**R. A. No.
9849**

**AN ACT DECLARING THE TENTH DAY OF ZHUI
HIJJA, THE TWELFTH MONTH OF THE ISLAMIC
CALENDAR, A NATIONAL HOLIDAY FOR THE
OBSERVANCE OF EIDUL ADHA, FURTHER
AMENDING FOR THE PURPOSE SECTION 26,
CHAPTER 7, BOOK I OF EXECUTIVE ORDER NO.
292, OTHERWISE KNOWN AS THE
ADMINISTRATIVE CODE OF 1987, AS AMENDED
(S. NO. 3283/H. NO. 6400) (Signed into Law
DECEMBER 11, 2009)**

Features: *This measure declares the tenth day of Zhul Hijja, the twelfth month of the Islamic Calendar as a national holiday for the observance of Eidul Adha. Edul Adha is a tenth day in the month of Hajj or Islamic Pilgrimage to*

Mecca wherein Muslims pay homage to Abraham's supreme act of sacrifice.

Status: Eidul Adha is observed on the tenth day of Zhul Hijja, the month of Islamic Pilgrimage to Mecca, Kingdom of Saudi Arabia. It is determined upon declaration by the Saudi government of the Yaumul Arafah, or Arafah day on the ninth of Ahul Hijja, the culmination of pilgrimage. Thus, the Commission will actively coordinate with the Royal Embassy of Saudi Arabia in Manila for the immediate information of the Office of the President.

The National Commission on Muslim Filipinos (NCMF) coordinates with the Ulama or Muslim Religious Groups regarding the declaration of Eidul Fitre and Eidul Adha as national holidays for appropriate recommendation to the Office of the President.

R. A. No. 10023 **AN ACT AUTHORIZING THE ISSUANCE OF FREE PATENTS TO RESIDENTIAL LANDS (S. NO. 3429/H. NO. 5618) (Signed into Law MARCH 9, 2010)**

Features: *This law empowers any Filipino citizen who is an actual occupant of a residential land to apply for a Free Patent Title subject to certain requirements.*

Status: The DENR has already issued the Implementing Rules and Regulations (IRR) of the said law on May 05, 2010 under DENR Administrative Order No. 2010-12, entitled "Rules and Regulations for the Issuance of Free Patent to Residential Lands Under Republic Act No. 10023".

Pursuant to the said IRR, the DENR through the regional land management sector has already started its implementation nationwide. Corollary to this, a new judicial form prescribed under DENR Administrative

Order No. 2010-13 was introduced for uniform application. To date, all regional offices of the DENR are already accepting Free Patent (FP) applications.

The law has the following features:

1. **Wider coverage** – R.A. 10023 allows the issuance of free patents to all zoned residential areas not intended for public service or public use. It supplements the Public Land Act of 1936 which covers the issuance of free patents to agricultural lands.
2. **Security of tenure** – Filipinos will be able to have the land they occupy titled in their own names and all subsequent transactions monitored, reducing the risk of fake titling.
3. **Shorter occupancy eligibility** – The occupancy eligibility has been reduced from thirty to ten years.
4. **Smaller land area requirement** – Area of land applied for titling shall not exceed 200 sq. m. for highly urbanized cities; 500 sq. m. for other cities; 750 sq. m. for first and second class municipalities; and 1,000 sq. m. for other municipalities.
5. **Less documentary requirements** – Documents to be submitted include a DENR approved survey plan, technical description of the land applied for, and affidavit of two (2) disinterested persons from the same area.
6. **Shorter administrative proceedings** – After promulgation of the act's Implementing Rules and Regulations (IRR) by the Land Management Bureau, application shall be filed at the nearest DENR Community Environment and Natural Resources Office and processed within 120 days. The recommendation shall then be approved or

disapproved by the Provincial Environment and Natural Resources Office within five (5) days.

7. **No restrictions** – Restrictions after the issuance of the patent under Commonwealth Act 141 are not applicable to patents issued under R.A. 10023. These include the five-year ban on encumbrance and alienation, and the five-year right of repurchase.
8. **More beneficiaries** – R.A. 10023 will benefit approximately 39 million Filipinos especially those occupying 7.8 million parcels of untitled lands classified as residential, provide economic stimulus to land market, and contribute to the country's economy.

**R. A. No.
10072**

AN ACT RECOGNIZING THE PHILIPPINE NATIONAL RED CROSS AS AN INDEPENDENT, AUTONOMOUS, NONGOVERNMENTAL ORGANIZATION AUXILIARY TO THE AUTHORITIES OF THE REPUBLIC OF THE PHILIPPINES IN THE HUMANITARIAN FIELD, TO BE KNOWN AS THE PHILIPPINE RED CROSS (S. NO. 3285/H. NO.6509) (Signed into Law APRIL 20, 2010)

Features:

The Philippine Red Cross Act of 2009 is basically a move to further strengthen PRC's ability to respond to Filipinos' humanitarian needs in times of armed conflicts, natural disasters, and other emergencies. It is an affirmation of the country's "conformity with the Geneva Convention of 1949 and their additional protocols, and the statutes of the International Red Cross and Red Crescent Movement", as well as a confirmation of PRC's stand as a "voluntary, independent and autonomous non-governmental society auxiliary to the authorities of the Republic of the Philippines in the humanitarian field".

Included in the new provisions under R.A. 10072 is PRC's

exemption from real property taxes, direct and indirect taxes, duties and fees that will emerge from its operations and its exclusive importations and purchases. Likewise, PRC is also exempted from donor's tax. Instead, the said tax will be deducted from the donor's gross income for income tax purposes.

COOPERATIVES

R. A. No. 9520 **AN ACT AMENDING THE COOPERATIVE CODE OF THE PHILIPPINES TO BE KNOWN AS THE " PHILIPPINE COOPERATIVE CODE OF 2008" (S. NO. 2264/H. NO. 4312) (Signed into Law FEBRUARY 17, 2009)**

Features: *This law amends certain provisions of Republic Act No. 6938. It seeks to ensure the provision of technical guidance, financial assistance and other services to enable said cooperatives to develop into viable and responsive economic enterprises. It defines a cooperative as "an autonomous and duly registered association of persons, with a common bond of interest, who have voluntarily joined together to achieve their social, economic, and cultural needs and aspirations by making equitable contributions to the capital required, patronizing their products and services and accepting a fair share of the risks and benefits of the undertaking in accordance with universally accepted cooperative principles." Cooperatives operate under the following principles:*

- *Voluntary and open membership;*
- *Democratic member control;*
- *Member economic participation;*
- *Autonomy and independence;*
- *Education, training and information;*

- *Cooperation among cooperatives; and*
- *Concern for community.*

This law sets standards for the organization and registration of cooperatives and defines the responsibilities, rights and privileges of cooperatives. It also exempts cooperatives from taxes and fees imposed under the National Internal Revenue Code.

Status: According to the Director of the Legal and Registration Department of the Cooperative Development Authority, as of February, 2013, the law including its Implementing Rules and Regulations (IRR) as approved by the Joint Congressional Oversight Committee on Cooperatives (JCOCC) is in full swing on its implementation. The CDA has not encountered serious problems on its implementation as of this time.

Related therewith, the Cooperative Development Authority (CDA) said that in as much as the law has expanded the areas in which the CDA needs to regulate, it requests the support of the Senate in seeking the amendment of the charter of CDA (R.A. 6939) so that it could be more effective in enforcing the provisions of R.A. 9520 including its IRR.

CULTURAL COMMUNITIES

**R. A. No.
9997** **AN ACT CREATING THE NATIONAL COMMISSION ON MUSLIM FILIPINOS DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES AND APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3482/H. NO. 4253) (Signed into Law FEBRUARY 18, 2010)**

Features: *Known as the “National Commission on Muslim Filipinos Act of 2009,” RA 9997 seeks to ensure the rights and well-being*

of Muslim Filipinos with due regard to their beliefs, customs, traditions and institutions through the creation of a new commission. This commission covers both local and national affairs with respect to the implementation of economic, educational, cultural and infrastructure programs catering to Muslim Filipinos. It shall assume the functions of the Office on Muslim Affairs (OMA) which is hereby abolished.

The National Commission on Muslim Filipinos shall be composed of nine full-time members headed by a cabinet-ranked secretary. It shall organize a secretariat to assist the secretary and serve as technical arm of the commission. The amount necessary for the initial implementation of this Act will be charged against the current appropriations of OMA, plus an additional PhP 100 million. Subsequent appropriations shall be included in the General Appropriations Act.

Status: According to Secretary Dianalan-Lucman in her letter to the Senate of May 11, 2011, that immediately after her appointment as the first secretary together with that of the other eight (8) commissioners, they immediately buckled down to work especially in drafting the Implementing Rules and Regulations (IRR) of the commission which they submitted to the Department of Budget and Management (DBM) as early as June 2010 for comment and/or possible approval. Thereafter, the DBM gave its initial comments that prompted them to submit a second draft. Since then, the commission has yet to receive a formal communication from DBM on the status of the draft IRR.

Also, out of the ₱100M supplemental amount stipulated in R.A. No. 9997, the DBM has released only about ₱8M to defray the salaries and allowances of the secretary and the eight (8) commissioners. They have submitted requests coupled with project proposals and itemized expenditures for the said supplemental budget but the DBM has yet to act on them.

In sum, Secretary Dianalan-Lucman said that except for the change in name and the appointments of the secretary and

the commissioners, the commission is still operating based on the structures and limited resources of its predecessor, the abolished Office on Muslim Affairs (OMA), virtually defeating the very intent of the authors of R.A. No. 9997 to create a more responsive and effective national government agency for the Muslim Filipinos.

They are requesting for the intercession of the Senate for the early approval of the IRR and the release of the said supplemental budget so that they could effectively pursue their mandated functions, especially the Development of the Philippine Halal Industry that could boost their export capability as well as operationalized new and important bureaus (i.e. Bureau of Legal Affairs and Bureau of Peace and Conflict Resolutions) and many other similar projects that are on hold because of the aforementioned deficiencies.

The Secretary also mentioned that it is regrettable that as indicated in Article I, Sec. 6 of Republic Act 9997, her position as Secretary of the NCMF is with cabinet rank, but she has yet to be invited in any cabinet level meetings. The same is true with Article II, Section 8 (d) where it is so stipulated that “the Secretary or his/her duly designated representative shall sit as a regular member of the Government’s Peace Panel”.

These are but a few of the difficulties the commission is undergoing.

ECONOMIC AFFAIRS

**R. A. No.
9728**

AN ACT CONVERTING THE BATAAN ECONOMIC ZONE LOCATED IN THE MUNICIPALITY OF MARIVELES, PROVINCE OF BATAAN, INTO THE FREEPORT AREA OF BATAAN (FAB), CREATING FOR THIS PURPOSE THE AUTHORITY OF THE FREEPORT AREA OF BATAAN (AFAB), APPROPRIATING FUNDS THEREFOR

AND FOR OTHER PURPOSES (S. NO. 2118/H. NO. 5344) (Signed into Law OCTOBER 23, 2009)

Features: *This Act creates the Authority of the Freeport Area of Bataan (AFAB) with authorized capital stock of ₱ 2 billion with option to increase capitalization upon discretion of the AFAB, divided into 20,000 no par share fully subscribed and paid up by the Republic of the Philippines. The National Government is mandated to appropriate PhP 500 million a year to AFAB for the next five years.*

The AFAB is mandated to manage and operate the FAB. The Bataan Economic Zone was deemed abolished upon the organization of the AFAB, which was on June 30, 2010, the date when it officially started its operations.

The vision of the AFAB is to be the primary hub for trade in the country by 2020, becoming the center of innovation and sustainable development in Asia. The AFAB aims to achieve this vision by building a Freeport community with world-class capabilities and leading edge equipment and facilities.

Status: Herein below is the update on the status of implementation of the law:

On the status of the IRR of R.A. 9728

The Implementing Rules and Regulations of the FAB Law were finalized on June 9, 2010, and were published on June 14, 2010 in the Manila Standard Today and again on June 18, 2010 in the Manila Times. The Authority of the Freeport Area of Bataan (AFAB) took over the operations of the former Bataan Economic Zone on June 29, 2010.

On the AFAB budgetary requirements

The FAB Law provides Five Hundred Million Pesos (₱500M) annually for the first five years of operations; however, it did not receive any budget for 2010, and was only given One Hundred Million Pesos (₱100M) for 2011, 2012 and 2013 respectively.

On problems/concerns in its implementation

One of the major challenges of the Authority in its more than two years of operation is the absence of an approved plantilla for the organization. Currently, the Chairman and Administrator of the Authority is the only regular employee of the agency. The AFAB has submitted its proposed staffing pattern to the DBM but is still waiting for the approval of the same from the Department.

On the effectiveness and relevance of the law to current milieu

There is a current proposal pending before the Congress to harmonize all fiscal incentives. Majority of the other Investment Promotions Agencies are proposing to use the incentives similar to the FAB Act of 2009.

On other issues of the AFAB

- There is a perceived lack of awareness of FAB as a new Freeport and of the AFAB as a newly created government-owned and controlled corporation. The AFAB is working doubly hard in raising the awareness and addressing the concern.
- The presence of informal settlers within the Freeport area. The Authority has partnered with the National Housing Authority (NHA) to conduct a Tagging and Census Operations of informal settler families within the Freeport to establish a comprehensive database for future policy making of the AFAB.
- The Freeport has limited and aging/dilapidated infrastructure and lacks recreational amenities such as restaurants, cinemas, shopping malls, among others. The AFAB continues to promote the area and talk to different investors to attract them to locate in the Freeport.
- Accessibility to the FAB is limited, and its locators use the Manila ports to ship their goods.

- The AFAB has financial constraints as highlighted above by its budgetary requirements, and thus it has limited ability to market the FAB.
- Other Investment Promotions Agencies (IPAs) are somewhat ahead compared to the AFAB.
- The lack of an approved plantilla for the organization, presence of holdover employees from the former Bataan Economic Zone under the Philippine Economic Zone Authority.
- The FAB Charter specifies that the entire municipality of Mariveles is the Freeport Area of Bataan and there are issues and challenges regarding how to go about expanding the jurisdiction of the Freeport within the municipality.
- The transfer of land titles to the name of the AFAB. The land titles of all the properties are still named under the Export Processing Zone Authority and have never been transferred to its succeeding agencies.

(Letter of Mr. DEOGRACIAS G. P. CUSTODIO, Chairman & Administrator, Freeport Area of Bataan to the Senate dated February 12, 2013)

R. A. No. 10083 **AN ACT AMENDING REPUBLIC ACT NO. 9490, OTHERWISE KNOWN AS THE 'AURORA SPECIAL ECONOMIC ZONE ACT OF 2007' (S. NO. 3470/H. NO.6213) (Signed into Law APRIL 22, 2010)**

Features: *This law creates the Aurora Pacific Economic and Freeport Zone to be operated, administered, managed and developed by the Aurora Pacific Economic Zone and Freeport Authority (APECO). APECO has the power to license, set fees, regulate and undertake the establishment, operation and maintenance of infrastructure, utilities and other services, as well as raise or borrow adequate and necessary funds from local or foreign sources to finance its projects and programs.*

EDUCATION, ARTS AND CULTURE

R. A. NO. 9500 **AN ACT TO STRENGTHEN THE UNIVERSITY OF THE PHILIPPINES AS THE NATIONAL UNIVERSITY (S. NO.1964/H. NO. 2845) (Signed into Law APRIL 29, 2008)**

Features: *The University of the Philippines has a new charter that would help it to be on equal footing with its international counterparts by among others, allowing it to significantly raise the salaries of its faculty, improve its facilities and enhance its research capability. The new charter will exempt UP from the coverage of the salary standardization law. The new charter also allows an additional ₱100M over and above its regular appropriation each year for the next five (5) years.*

Status: For FYs 2009 – 2011, no amount was specifically provided. It was considered that the entire UP budget would serve the purpose of the new Charter.

Besides this provision is deemed suggestive or exhortative in nature as also emphasized during the drafting of the law. However, an amount of ₱30 M, was provided under the FY 2010 GAA as a Congressional Initiative/Insertion, which was vetoed and shall no longer be released.

Further, earlier in 2011, an amount of ₱100 M (MOOE) was released under SARO No. NCR-11-001 dated February 7, 2011 through the initiative of Senator Santiago for the purpose chargeable against R.A. 9970 under continuing appropriations.

In the FY 2012 NEP, there was no provision for R.A. 9500.

**R. A. No.
9519** **AN ACT CONVERTING THE MINDANAO POLYTECHNIC STATE COLLEGE IN CAGAYAN DE ORO CITY, PROVINCE OF MISAMIS ORIENTAL INTO A STATE UNIVERSITY TO BE KNOWN AS THE MINDANAO UNIVERSITY OF SCIENCE AND TECHNOLOGY (MUST) AND APPROPRIATING FUNDS THEREFOR (H. NO. 4470) (Signed into Law JANUARY 07, 2009)**

Features: *This Act converts the Mindanao Polytechnic State College in Cagayan de Oro City, Misamis Oriental into a state university to be known as the Mindanao University of Science and Technology (MUST) integrating the satellite campuses in Jasaan, Misamis Oriental; Alubijid, Misamis Oriental; Panaon, Misamis Occidental; and Oroquita City. The Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. RA 9519 appropriates an additional PhP 50 million a year for 5 years to be used for the construction and improvement of facilities.*

Status: No amount has been appropriated yet for the purpose under GAA/NEP.

**R. A. No.
9521** **AN ACT GRANTING THE NATIONAL BOOK DEVELOPMENT TRUST FUND TO SUPPORT FILIPINO AUTHORSHIP (S. NO. 2409/H. NO. 4213) (Signed into Law MAY 5, 2009)**

Features: *This law establishes the National Book Development Trust Fund to support and promote Filipino authorship especially in science and technology and in subject areas wherein locally authored books are either few or nonexistent. Fund contributions shall come from the General Appropriations Act, Philippine Amusement and*

Gaming Corporation and Philippine Charity Sweepstakes Office.

Status: The Implementing Rules and Regulations (IRR) of the law was approved by the National Book Development Board on September 30, 2009 under Board Resolution No. 01-176, Series of 2009. It was published in the October – December 2009 issue of Book Watch, pages 8 and 9, and in the February 20, 2010 issue of the Manila Bulletin.

According to the OIC, Deputy Executive Director of NBDB, to date, the agency was able to collect a total of ₱20,000,000.00; ₱5M from PAGCOR and ₱15M from PCSO for the trust fund, equally distributed between the two (2) government banks. The agency has not received any allotment yet from the annual General Appropriations Act (GAA of 2010).

**R. A. No.
9647** **AN ACT DESIGNATING THE PHILIPPINE NORMAL UNIVERSITY AS THE COUNTRY'S NATIONAL CENTER FOR TEACHER EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3157/H. NO. 6049) (Signed into Law JUNE 30, 2009)**

Features: *The PNU as the National Center for Teacher Education in addition to the powers and functions provided for in its charter, shall perform the following:*

- ❖ *Provide technical support to the DepEd and CHED in their programs and projects that chart policies and recommendations on teacher's training, teacher's education, continuing professional education of teachers and academic supervisors and teacher education curricula;*
- ❖ *Build and develop a database of education policies to serve as a resource to the country's policymakers ;*

- ❖ *Conduct researches, case studies, and other appropriate methodologies to enhance curriculum and training designs for teacher training, teacher education and continuing professional education of teachers and academic supervisors; and*
- ❖ *As may be directed by congress, provide assistance to legislators in the design and analysis of legislative proposals concerning teachers training, teachers education, continuing professional education of teachers and academic supervisors, teacher education curricula, and other issues affecting teacher education.*
- ❖ *As the National Center for Teacher Education, the PNU shall make an annual presentation to the DepEd, CHED, the House and Senate committees on education, and other educational institutions on its proposed standards for teacher training, teacher education, etc.*
- ❖ *The PNU shall establish an education policy research and development office which shall, among others, establish and maintain a database of education policies and significant issues facing the country's education system as well as education systems of other countries especially in the Asia Pacific Region.*
- ❖ *The PNU shall prepare a modernization plan to fulfill its mandate as the national center for teacher education, and to upgrade its capability to provide pre-service and in-service formation for our country's teachers.*

Status:

According to Ms. ESTER B. OGENA, President of Philippine Normal University in her letter-reply to the Senate dated February 6, 2013, the Implementing Rules and Regulations (IRR) of the law are still being finalized for submission to and approval of the PNU Board of Regents as the university's governing body. The proposed IRR has undergone rigorous process of consultation with stakeholders from various agencies both in the government and non-government sector.

As regards budgetary requirements, she stated that the provisions for capital outlay in the amount of Two Hundred Fifty Million Pesos (₱250M) for the year 2009 and One Hundred Million Pesos (₱100M) for the succeeding five (5) years as provided for under Sec. 8 of the law have yet to be included in the annual appropriations for PNU. For FY 2010 the amount of One Hundred Fifteen Million Pesos (₱115M) was appropriated in the PNU budget for capital outlay as Congressional Initiative/Insertion but no allotment release was issued by the DBM in this regard because it was vetoed by the President and shall no longer be released.

The mandate of PNU to establish the Education Policy Research Development Office under Sec. 5 of the Act will soon be carried out when the Board of Regents approves this year the new organizational structure of the University where such office is hereby created to perform its functions.

As the National Center for Teacher Education, PNU is currently undertaking various researches on teacher training and teacher development in the country in compliance with the provisions under Sec. 3. These R & D activities are considered relevant in the light of the K to 12 Curriculum of the Department of Education because these studies are focused towards teacher training, teacher education and continuing professional education of teachers and academic supervisors as expected of PNU to perform under this Act.

**R. A. No.
9717**

AN ACT CONVERTING THE CAMARINES SUR STATE AGRICULTURAL COLLEGE IN THE MUNICIPALITY OF PILI, PROVINCE OF CAMARINES SUR INTO STATE UNIVERSITY TO BE KNOWN AS THE CENTRAL BICOL STATE UNIVERSITY OF AGRICULTURE AND APPROPRIATING FUNDS THEREFOR (H. NO. 4360) (Signed into Law OCTOBER 12, 2009)

Features: *This Act converts the Camarines Sur State Agricultural College in Pili, Camarines Sur into a state university to be known as the Central Bicol State University of Agriculture. The Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. Within 120 days, the university is required to accomplish the following:*

- *Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;*
- *Undergo a management audit in cooperation with the CHED; and*
- *Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key officials.*

Status: **Compliance of Section 20 of R. A. 9717.**

a) Submit a five (5)-year development plan, including its corresponding program budget to the CHED for corresponding recommendation to the DBM.

A five (5)-year development plan (2011-2015) was submitted to the Board of Regents (BOR) for its approval during its 1st regular quarterly meeting last February 04, 2010 at the CHED central office conference room but deferred by the BOR pending on the result of the study being conducted by the Development Academy of the Philippines (DAP) entitled "Development of Standards for the Organizational Structure & Staffing of State Universities and Colleges (SUCs). The result of the study will be submitted to CHED probably in May or June 2010.

b) Undergo a management audit in cooperation with the CHED.

As of this date (April 21, 2010), there is no schedule yet from CHED with regards to the conduct of the management audit.

c) Accordingly set up its organizational, administrative as well as academic structure including the appointment of the university key officials.

The same was also submitted to the BOR for approval last February 04, 2010 but deferred pending the result of the DAP study.

Compliance of Section 25 of R. A. 9717.

Implementing Rules and Regulations. – The Board, in consultation with the CHED, shall formulate the guidelines to fully implement the provisions of this act.

The Implementing Rules and Regulations (IRR) was submitted to the CHED for review last February 04, 2010. As of this date (April 21, 2010), no information is received from CHED regarding the IRR.

**R. A. No.
9718**

AN ACT CONVERTING THE NAVAL INSTITUTE OF TECHNOLOGY IN THE MUNICIPALITY OF NAVAL, PROVINCE OF BILIRAN INTO A STATE UNIVERSITY TO BE KNOWN AS THE NAVAL STATE UNIVERSITY, INTEGRATING THEREWITH THE BILIRAN NATIONAL AGRICULTURAL COLLEGE IN THE MUNICIPALITY OF BILIRAN AND APPROPRIATING FUNDS THEREFOR (H. NO. 4414) (Signed into Law OCTOBER 14, 2009)

Features:

This Act converts the Naval Institute of Technology in Naval, Biliran into a state university to be known as the Naval State University (NSU). The Board of Regents shall

serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. Within 120 days, the university is required to accomplish the following:

- *Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;*
- *Undergo a management audit in cooperation with the CHED; and*
- *Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key officials.*

Status: **Status of the Implementing Rules and Regulations (IRR) of the law**

1. Sec. 26 of Republic Act 9718 mandates that “The Board, in consultation with the CHED, shall formulate the guidelines to fully implement the provisions of the Act”;

2. After a thorough study, deliberations and consultations with the different stakeholders conducted by the Preparatory and Review Committees duly constituted pursuant to Board Resolution No. 20, S. 2009, the Committee recommended for the adoption of the draft Implementing Rules and Regulations;

3. The NSU-Board of Regents adopted Board Resolution No. 51, S. 2010 on June 17, 2010 approving the Implementing Rules and Regulations of Republic Act 9718 subject to further review or comments by the members of the NSU-Board of Regents and consultation with the Commission on Higher Education (CHED);

Budgetary Requirements

Notwithstanding the budget cuts for SUCs, the University managed to implement its various projects through the different IGP schemes which all SUCs were authorized to undertake to assist the government raise funds for subsistence to address economic woes.

Problems/concerns in its implementation and, if any, proposed solutions or amendments thereto

So far, the implementation of Republic Act 9718 went on smoothly as proper monitoring and close coordination by and with CHED is regularly observed.

Effectiveness and relevance of the law to current milieu

The implementation of Republic Act 9718 served as a welcome treat for all Biliranons and nearby provinces on the following aspects:

1. It eventually solved the parental concern of sending their children to the city as it opened the opportunity for said children to avail world-class education right at their doorstep as NSU is now being considered one of the top performing schools in the field of maritime, criminology, nursing and education;
2. It contributed to the economic progress in the Municipality of Naval where the main campus is located as the boom in the construction of boarding/lodging houses, hotels, restaurants and various business establishments is unprecedented brought about by the increasing number of enrollees not to mention those who decided to seek permanent place of abode due to the peacefulness and beauty of the capital town.

Other issues and recommendations to point out

Public Service is as always the order of the day in the government. As government institution, the NSU is duty-

bound to give its best for the common good. As ally in the delivery of quality education, the Naval State University vows to continually give its fair share no matter what the odds. Any problem can be resolved through collective effort and self-initiative.

(Letter of Ms. Edita S. Genson, Ed.D, President, Naval State University to the Senate dated February 28, 2013)

**R. A. No.
9719**

AN ACT CONVERTING THE TIBURCIO TANCINCO MEMORIAL INSTITUTE OF SCIENCE AND TECHNOLOGY IN CALBAYOG CITY INTO A STATE UNIVERSITY TO BE KNOWN AS NORTHWEST SAMAR STATE UNIVERSITY, INTEGRATING THEREWITH THE SAMAR STATE COLLEGE OF AGRICULTURE AND FORESTRY IN THE MUNICIPALITY OF SAN JORGE, BOTH LOCATED IN THE PROVINCE OF WESTERN SAMAR AND APPROPRIATING FUNDS THEREFOR (Signed into Law OCTOBER 14, 2009)

Features:

This Act converts the Tiburcio Tancinco Memorial Institute of Science and Technology in Calbayog City, Western Samar into a state university to be known as the Northwest Samar State University and integrating the Samar State College of Agriculture and Forestry in the Municipality of San Jorge. The Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. Within 120 days, the university is required to accomplish the following:

- *Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;*

- *Undergo a management audit in cooperation with the CHED; and*
- *Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key officials.*

Status: The university officially kicked-off with the well-attended inauguration ceremony and installation of Dr. Socorro O. Bohol as the first university president held on the 12th day of December 2009 with the officials of the various local government units in the service area of the university in attendance. The affair was more graced with the presence of no less than the Chairman of the Commission on Higher Education (CHED) Dr. Emmanuel Y. Angeles as the guest of honor.

Updates:

1. The Governing Board

Section 5 of Republic Act No. 9719 provides for the composition and term of office of the members of the governing board of the university to be referred to as the Board of Regents.

Condition: The board has been officially constituted as provided under Section 5, R. A. 9719, except for the appointment of two (2) private sectors representatives. It has already convened twice as a constituent body, the first was on December 12, 2009 and the second was on March 17, 2010 and officially performed its functions, powers, and duties as provided under section 6 and 7 of the law.

Progress: Creation of the search committee that will formulate the criteria in the selection and appointment of the two (2) private sectors representatives is now under consideration by the

university president for the board of regents to pass upon.

Needs: Immediate time and consideration by the university president and the board of regents in constituting the search committee for the selection and appointment of two (2) private sectors representatives is necessary as mandated by law.

NORTHWEST SAMAR STATE UNIVERSITY
CALBAYOG CITY, SAMAR

Key Result Areas	Progress	Condition	Needs
Filling the composition of the board of regents under Sec. 5, R. A. 9719	Composition filled except the two (2) private sector representatives	Search committee under consideration	Appoint-ment of two (2) private sector representa-tive Search and appoint-ment of two (2) private representa-tives
Designation of university campus director as mandated under Sec. 10, R. A. 9719	Appointed OIC campus director	Appoint-ment of university campus director	BOR to set guidelines / criteria for campus director Creation of search committee

<p>Formulation of academic policies and rules and regulations on discipline as required under Sec. 12, R. A. 9719</p> <p>a. Faculty and staff development</p> <p>b. Scholarship program</p>	<p>Established linkage with CHED, Nanyang University and NWSSU</p> <p>Provided scholarship program and other affirmative action programs to assist poor but qualified deserving students</p>	<p>Sent first batch of trainees</p> <p>Functional scholarship program</p>	<p>Strengthen linkage to send more trainees</p> <p>Increase slots, funding of beneficiaries</p> <p>Establish more linkage for scholarship sponsors</p>
<p>Resources management under Sec. 19, R. A. 9719</p> <p>a. Human resources</p> <p>b. Real properties</p>	<p>Inventory of personnel</p> <p>Conducted inventory of resources</p>	<p>Accounted</p> <p>On-going</p>	<p>Consolidation of PSI-POP of the university campuses</p> <p>Transfer of ownership of real properties from TTMIST and SSCAF to NWSSU</p>

c. Facilities development	Secured approval of BOR for the construction and repairs of buildings, equipments and other facilities	Continuing program	Additional funding support
Submission of five (5) year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM as provided under Sec. 21 (a), R. A. 9719	Submitted to CHED	Complied and for recommendation to DBM	Board approval/ Recommendation to DBM DBM funding
Management audit as mandated under Sec. 21 (b), R. A. 9719	Preparing for management audit	For CHED schedule	Follow-up and secure guidelines
Organizational, administrative, and academic structure as provided under Sec. 21 (c), R. A. 9719	For BOR approval	Set-up	Dissemination and implementation

Appointment of key officials of the university as mandated under Sec. 21 (c), R. A. 9719	For BOR approval	Proposed for approval	Immediate BOR action
Implementing Rules and Regulations with CHED for the full implementation of R. A. 9719 as mandated under Sec. 26, R. A. 9719	BOR created a committee	Planning stage	Convene local committee

**R. A. No.
9720**

AN ACT CONVERTING THE IFUGAO STATE COLLEGE OF AGRICULTURE AND FORESTRY IN THE MUNICIPALITY OF LAMUT AND ALL ITS EXISTING EXTENSION CAMPUSES LOCATED IN THE PROVINCE OF IFUGAO INTO A STATE UNIVERSITY TO BE KNOWN AS THE IFUGAO STATE UNIVERSITY AND APPROPRIATING FUNDS THEREFOR (H. NO. 4409) (Signed into Law OCTOBER 14, 2009)

Features:

This Act converts the Ifugao State College of Agriculture and Forestry the Municipality of Lamut, including its existing branches in Alfonso Lista, Lagawe, Hungduan and Tinoc, all located in the Province of Ifugao, into a state university to be known as the Ifugao State University. The Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and

the private sector. Within 120 days, the university is required to accomplish the following:

- *Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;*
- *Undergo a management audit in cooperation with the CHED; and*
- *Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key officials.*

Status: The Implementing Rules And Regulations (IRR) of the law was approved by the board of regents of the university.

A status report on the implementation of R. A. 9720 dated April 27, 2010 was submitted to the Senate by Mr. Serafia L. Ngohayon, Ph. D., University President, specifically on the programs / projects / activities, progress / condition and needs of the Ifugao State University.

R. A. No. 9721 **AN ACT CONVERTING THE ROMBLON STATE COLLEGE IN THE MUNICIPALITY OF ODIONGAN, PROVINCE OF ROMBLON INTO A STATE UNIVERSITY TO BE KNOWN AS THE ROMBLON STATE UNIVERSITY AND APPROPRIATING FUNDS THEREFOR (H. NO. 5217) (Signed into Law OCTOBER 14, 2009)**

Features: *This Act converts the Romblon State College in the Municipality of Odiongan, Romblon province into a state university to be known as the Romblon State University, integrating the satellite campuses in the municipalities of San Fernando, Cajidiocan, San Agustin, Romblon, Calatrava, San Andres, Santa Fe and Santa Maria. The*

Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. Within 120 days, the university is required to accomplish the following:

- *Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;*
- *Undergo a management audit in cooperation with the CHED; and*
- *Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key officials.*

Status: *No data available.*

R. A. No. 9722 **AN ACT CONVERTING THE CENTRAL VISAYAS STATE COLLEGE OF AGRICULTURE, FORESTRY AND TECHNOLOGY, ITS UNITS AND SATELITE CAMPUSES IN THE CITY OF TAGBILARAN AND IN THE MUNICIPALITIES OF BILAR, CANDIJAY, CLARIN , CALAPE AND BALILIHAN, ALL LOCATED IN THE PROVINCE OF BOHOL TO BE KNOWN AS THE BOHOL ISLAND STATE UNIVERSITY (BISU) AND APPROPRIATING FUNDS THEREFOR (H. NO. 5638) (Signed into Law OCTOBER 14, 2009**

Features: *This Act converts the Central Visayas State College of Agriculture, Forestry and Technology, its units and satellite campuses in the City of Tagbilaran and in the municipalities of Bilar, Candijay, Clarin, Calape and Balilihan, all located in the Province of Bohol, into a state university to be known as the Bohol Island State University*

(BISU). The Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. Within 120 days, the university is required to accomplish the following:

- *Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;*
- *Undergo a management audit in cooperation with the CHED; and*
- *Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key officials.*

Status: *No data available.*

R. A. No. 9744 **AN ACT CONVERTING THE CEBU STATE COLLEGE OF SCIENCE AND TECHNOLOGY SYSTEM IN THE CITY OF CEBU AND ALL ITS SATELITE CAMPUSES LOCATED IN THE PROVINCE OF CEBU INTO A STATE UNIVERSITY TO BE KNOWN AS THE CEBU TECHNOLOGICAL UNIVERSITY (CTU) AND APPROPRIATING FUNDS THEREFOR (H. NO. 5641) (Signed into Law NOVEMBER 10, 2009)**

Features: *This Act converts the Cebu State College of Science, including its satellite campuses in Moalboal, Argao, Tuburan, Daanbantayan, San Francisco, Danao, Carmen, Mandaue, Barili and Sibonga, into a state university to be known as the Cebu Technological University. The Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of*

relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. Within 120 days, the university is required to accomplish the following:

- *Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;*
- *Undergo a management audit in cooperation with the CHED; and*
- *Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key officials.*

Status: *No data available.*

R. A. No. **AN ACT CONVERTING THE POLYTECHNIC STATE COLLEGE OF ANTIQUE IN THE MUNICIPALITY OF SIBALOM INTO A STATE UNIVERSITY TO BE KNOWN AS THE UNIVERSITY OF ANTIQUE, INCLUDING ITS EXTENSION CAMPUSES IN THE MUNICIPALITIES OF HAMTIC AND TIBIAO, ALL LOCATED IN THE PROVINCE OF ANTIQUE AND APPROPRIATING FUNDS THEREFOR (H. NO. 4415) (Signed into Law NOVEMBER 10, 2009)**
9746

Features: *This Act converts the Polytechnic State College of Antique in Sibalom including its satellite campuses in Hamtic and Tibiao, all in the province of Antique, into a state university to be known as the University of Antique (UA). The Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector.*

Within 120 days, the university is required to accomplish the following:

- *Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;*
- *Undergo a management audit in cooperation with the CHED; and*
- *Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key officials.*

Status: As of March 19, 2013, the formulated Implementing Rules and Regulations (IRR) of the law has been reviewed by the university legal counsel and scheduled for approval by the Board of Regents on the 2nd quarter of FY 2013.

The newly formulated university code, after a thorough deliberation with stakeholders on February 8, 2013, has been approved by the Academic and Administrative Councils on February 21, 2013 and scheduled for approval by the Board of Regents (BOR). UA is also at the stage of finalizing its 10-year strategic plan (2013-2022).

To effectively implement the plans, programs and projects of the university towards the achievement of its vision, mission, goals and objectives (VMGO), UA revised its organizational structure which was approved by the Administrative and Academic Councils on February 21, 2013 and scheduled also for approval by the BOR.

R.A. 9746 has been effective and relevant to the current milieu and has brought the following changes to UA:

Appropriations

Since the conversion of Polytechnic State College of Antique (PSCA) into University of Antique (UA), the

institution has its 3-year appropriations included in the General Appropriations Act (GAA) as shown below:

Item	2010	2011	2012
PS	75,988	86,515	87,607
MOOE	12,923	11,923	13,920
CO	-	-	-
Total	88,911	98,438	101,527

3-year Appropriations (in millions of pesos)

Enrolment

The university enrolment has significantly increased at an average rate of 12% annually. Enrolment data are shown below:

2009-2010		2010-2011		2011-2012		2012-2013	
1 st	2 nd	1 st	2 nd	1 st	2 nd	1 st	2 nd
7,514	7,065	8,763	8,259	9,952	9,446	10,470	10,097

Faculty Profile

The faculty profile of the university has improved over the past three (3) years and UA aims to continuously improve the profile of its human resources in the future, both for permanent and part-time faculty members.

Board performance

UA has been producing performing graduates in engineering, education and criminology courses.

UA produced graduates who ranked 3rd in the country in the Teacher's Board Examination for the Bachelor of Elementary Education (BEED) program last April 2010 and ranked 7th in the same program last September 2012.

Curricular offerings

Currently, UA is offering forty-seven (47) curricular offerings, two (2) of which were implemented in SY 2012-2013. These two (2) programs are Master of Arts in Education (MAEd) major in Biological Science, Filipino

and Social Science and Bachelor in Elementary Education (BEED) major in Pre-School Education.

The following curricula were revised to make them more responsive to the needs of industry and community:

1. BS in Fisheries – BOR Res. #166 S. 2011
2. BEED major in General Education – BOR Res. #29 S. 2012
3. BSED major in English, Filipino, Mathematics, Biological Science, and Social Studies – BOR Res. #29 S. 2012
4. BS in Computer Science – BOR Res. #29 S. 2012
5. BS in Information Technology – BOR Res. #29 S. 2012
6. BS in Civil Engineering – BOR Res. #25 S. 2012
7. BS in Electrical Engineering – BOR Res. #25 S. 2012
8. BS in Electronics Engineering – BOR Res. #25 S. 2012
9. BS in Architecture – BOR Res. #25 S. 2012
10. BS in Entrepreneurship – BOR Res. #48 S. 2012

Out of the forty-seven (47) programs of the university, twenty-one (21) programs were accredited candidate status as of August 2012 which gave award to the university as one of the top performing SUCs in the country based on the number of programs awarded candidate status. The university also ranked 3rd among the top eleven (11) performing SUCs nationwide with most number of assessed programs.

Monitoring and Evaluation of Curricular Programs

The Commission on Higher Education Region 6 (CHED-

RO6) has been monitoring the curricular programs of the university periodically.

Research Outputs

To complement its main function which is instruction, UA has produced a total of thirty-nine (39) researches from 2010-2012. These research outputs include social, researches, researches on agriculture and fisheries.

Extension Projects / Activities

UA has a pool of experts in different fields who have been very active in extending their expertise to the community as part of its social responsibility.

Infrastructure

Under the new leadership and management of the university, UA gained the support of Local Government Units (LGUs) particularly the Office of the Congressman and the Office of the Governor of Antique. UA received grants amounting to Nineteen Million Nine Hundred Thirty One Thousand Seven Hundred Thirty Pesos and Forty-Nine Centavos (₱19,931,730.49) for the construction of buildings for the College of Engineering and Architecture (CEA) and the College of Maritime Studies (CMS). With the strong linkage of the university and because of its outstanding financial performance in the past, UA was able to avail of loan amounting to Seventeen Million Three Hundred Seventy One Thousand Sixty Six Pesos and Ten Centavos (₱17,371,066.10) from the Development Bank of the Philippines (DBP) for the construction of the 16-classroom building ready for occupancy by June 2013.

**R. A. No.
9832**

AN ACT CONVERTING THE DON HONORIO VENTURA COLLEGE OF ARTS AND TRADES IN THE MUNICIPALITY OF BACOLOR, PROVINCE OF PAMPANGA INTO A STATE UNIVERSITY TO BE

**KNOWN AS THE DON HONORIO VENTURA
TECHNOLOGICAL STATE UNIVERSITY (DHVTSU)
AND APPROPRIATING FUNDS THEREFOR (H. NO.
6319) (Signed into Law DECEMBER 9, 2009)**

Features: *This Act converts the Don Honorio Ventura College of Arts and Trades in Bacolor, Pampanga including its satellite campus in Mexico, Pampanga into a state university to be known as the Don Honorio Ventura Technological State University (DHVTSU). The Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. Within 120 days, the university is required to accomplish the following:*

- *Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;*
- *Undergo a management audit in cooperation with the CHED; and*
- *Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key officials.*

Status: The Implementing Rules and Regulations (IRR) of the law was approved by the university board of regents through BOR Resolution No. 54, Series of 2010 dated July 22, 2010.

A copy of the report on the progress, needs and conditions of the Don Honorio Ventura Technological State University from January, 2010 to May, 2010 relative to the implementation of the law was submitted to the Senate on May 18, 2010.

The report answers deficiencies identified by the

Technical Working Groups of both CHED and Congress and it details the translation of university plans into action programs.

R. A. No. 9850 **AN ACT DECLARING ARNIS AS THE NATIONAL MARTIAL ART AND SPORT OF THE PHILIPPINES (S. NO. 3288/H. NO. 6516) (Signed into Law DECEMBER 11, 2009)**

Features: *RA 9850 declares arnis as the Philippine national martial art and sport. This shall be promulgated by inscribing the symbol of arnis in the official seal of the Philippine Sports Commission (PSC) and by making it as the first sport competition to be played by participating teams on the first day in the annual Palarong Pambansa. PSC shall be the lead agency to implement the provisions of this Act.*

Status: On March 22, 2011, the Committee on Education, Arts and Culture joint with the Committee on Games, Amusement and Sports conducted a public hearing on Senate P.S. Resolution 392 introduced by Sen. Juan Miguel F. Zubiri (Resolution Directing the Department of Education, the National Commission for Culture and the Arts and the Philippine Sports Commission to Immediately Promulgate the Implementing Rules and Regulations of Republic Act No. 9850, otherwise known as “Arnis Law”)

The Philippine Sports Commission as the lead agency submitted a proposed timeline and action plan in drafting the law’s IRR.

April 2011

The PSC shall call, in the most immediate time possible, a series of collaboration with the CHED, DEPED, NCCA, POC and other Arnis Associations/Organizations for the creation of a TWG-IRR 9850 that shall oversee the crafting of an IRR. The group shall establish a structure

that will have the representation (or may be composed) of interest and professional groups in the government and private sectors.

May 2011

1. Logo design of PSC with the Arnis inscription, design and symbol
2. Arnis Incorporation in the national centerpiece competition program of PSC, the Pinoy Games and Batang Pinoy
3. Adoption of LGUs and SKs in its youth and sports structures and program; identifying allocation and/or sources of funds
4. The teaching of arnis as special module/subject in the secondary and tertiary P.E. curriculum
5. LGUs to allocate and develop space for conversion to Arnis Zone (parks)
6. Formulate a short and medium term arnis sports and recreation development plan 2012-2016
7. Hosting of Southeast Asian games level arnis competition in the soonest possible time, or before 2013.

July 2011

Writing phase of the Implementing Rules and Regulations

August 2011

Ready for submission to IRR-approving authority

**R. A. No.
9852**

AN ACT CONVERTING THE JOSE RIZAL MEMORIAL STATE COLLEGE (JRMSC) IN THE CITY OF DAPITAN, PROVINCE OF ZAMBOANGA DEL NORTE INTO A STATE UNIVERSITY TO BE KNOWN AS THE JOSE RIZAL MEMORIAL STATE UNIVERSITY (JRSMU), INTEGRATING THEREWITH THE KATIPUNAN NATIONAL AGRICULTURAL SCHOOL (KNAS) IN THE MUNICIPALITY OF KATIPUNAN AND THE ZAMBOANGA DEL NORTE AGRICULTURAL COLLEGE (ZNAC) IN THE MUNICIPALITY OF TAMPILISAN, BOTH MUNICIPALITIES LOCATED IN THE PROVINCE OF ZAMBOANGA DEL NORTE AND APPROPRIATING FUNDS THEREFOR (H. NO. 5642) (Signed into Law DECEMBER 15, 2009)

Features: *This Act converts the Jose Rizal Memorial State College (JRMSC) in the City of Dapitan, Province of Zamboanga del Norte into a state university to be known as the Jose Rizal Memorial State University (JRMSU) integrating the Katipunan National Agricultural School (KNAS) in the Municipality of Katipunan and the Zamboanga del Norte Agricultural College (ZNAC) in the Municipality of Tampilisan. The Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. Within 120 days, the university is required to accomplish the following:*

- *Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;*
- *Undergo a management audit in cooperation with the CHED; and*
- *Accordingly set up its organizational, administrative as well as academic structure, including the*

appointment of key officials.

Status: Relative to the conversion, a formal launching of the university hood was held on January 29, 2010. Likewise, the institution is now adopting a new university seal and new university hymn. Further, a dissemination of the conversion was made to the different offices which include the Professional Regulation Commission, the Department of Budget and Management, Commission on Higher Education, Civil Service Commission, International Standardization Organization, National Economic and Development Authority, Department of Science and Technology and the State Universities and Colleges all over the Philippines, among others.

The five-year development plan of the university was presented to and approved by the JRMSU board of regents.

The law took effect on January 26, 2010 after its publication in two (2) newspapers of general circulation.

The university charter was published in Manila Times and Manila Standard on January 11, 2010. Pursuant to Section 23 and 26 of the law, the university likewise published the Implementing Rules and Regulations (IRR) on October 18, 2010.

According to its president, the university has doubled its efforts to perform its mandated functions as a research-based institution of higher learning and as instrument of the government to offer advanced and quality higher education to less privileged yet deserving students in the Province of Zamboanga del Norte and other neighboring communities in Mindanao.

Status of the Implementing Rules and Regulations (IRR) of the law

The IRR, as prepared by the University was approved by

the Board of Regents (BOR) on April 24, 2010.

Budgetary Requirements

The amount of ₱220 M was submitted as budgetary allocation for the initial operation of the university upon the approval of R.A. 9852. The amount has not yet been release as to date. The university's operation is supported by its regular budgetary allocation from GAA with the augmentation from income of tuition fees and miscellaneous fees.

With the requirements for quality and excellence in Higher Education Institution, it is hoped that the allocation shall be afforded to the university.

Problems/concerns in its implementation and, if any, proposed solutions or amendments thereto

Problem No. 1. Needs faculty with specialization along the courses offerings

Solution: Implement strong faculty development plan with government subsidy

Problem No. 2. Lack classrooms due to increase population after its conversion

Solution: Allocate budget for capital outlay for the purpose

Problem No. 3. Lack of state of the art facilities and equipment due to financial constraints

Solution: Increase budget of the University for the acquisition of the resources

Effectiveness and relevance of the law to the current milieu

The conversion of the Institution from State College to University is very relevant to the current trends of quality education in Higher Education Institution as it,

- Provided the parents with affordable education in this part of Mindanao.
- Provided quality education producing individuals who become contributors for the National development.
- Offered an education that is accessible in the developing potential leaders in the country coming from the masses.
- Program offerings cater the industrial needs.
- Conducted researches and extension programs that help reduce and alleviate the conditions of the poor.
- Boosted confidence and integrity among people and students of the Institution.
- Perpetuated the national hero – Dr. Jose Rizal’s legacies.

Other issues and recommendations

Request the budgetary allocation for the implementation of NBC 461 Cycle 5 to boost the morale of faculty and retain the best educators in the country.

Provide Capital Outlay for classrooms as the student population is increasing every year from 3,000 in the year 2009 to 10,000 students at present.

Provide allocation for faculty development program leading to vertically articulated teaching force.

Provide financial support for the state of the art laboratories.

**R. A. No.
9854**

AN ACT ESTABLISHING THE CARAGA STATE UNIVERSITY IN THE CARAGA REGION BY INTEGRATING THE NORTHERN MINDANAO STATE INSTITUTE OF SCIENCE AND TECHNOLOGY (NORMISIST) IN AMPAYON, BUTUAN CITY AND THE NORTHERN MINDANAO COLLEGE OF ARTS AND SCIENCE AND TECHNOLOGY (NMCAST) IN

**CABADBARAN, AGUSAN DEL NORTE AND
APPROPRIATING FUNDS THEREFOR (H. NO. 5110)
(Signed into Law DECEMBER 16, 2009)**

Features: *This Act establishes the Caraga State University (CSU) by integrating the Northern Mindanao State Institute of Science and Technology (NORMISIST) in Ampayon, Butuan City and the Northern Mindanao College of Arts, Science and Technology (NMCAST) in Cabadbaran, Agusan del Norte. The main campus of the university shall be in Butuan City. The Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. Within 120 days, the university is required to accomplish the following:*

- *Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;*
- *Undergo a management audit in cooperation with the CHED; and*
- *Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key officials.*

Status: **I. Transition of the School to State University**

The newly born university has conducted the following activities to usher in a new era and officially celebrate its transition from NORMISIST to Caraga State University:

January 06, 2010 – although the signing of R. A. 9854 was officially done on December 16, 2009, a reenactment of the signing took place at the university gymnasium on this date and was graced with the

presence of President Gloria Macapagal Arroyo.

February 18-19, 2010 – a series of events and ceremonies throughout the 2-day launching activity marked the transition in both festive and reflective ways, and involved students, staff, faculty, administrators and alumni from both campuses. Highlights of which include motorcade in the two cities where both campuses are located, street dancing around Butuan City, tree-planting, bonfire and fireworks display. The CSU community gathered together at the gym on the second day for the first university convocation where the president delivered her “state-of-the-university” address. The winning entry for the logo competition was also announced during the occasion.

January 21-22, 2010 – the university conducted an assessment and pre-planning workshop with the following objectives: (i) to assess the present programs and proposed new programs based on the new mandate for June 2010, (ii) lay out the timelines of the university strategic planning process, and (iii) to address immediate concerns for the enrolment in June 2010 as the university is anticipating a big increase in enrolment.

April 20-22, 2010 – the first university strategic plan was conducted with the presence of Dr. Rose Fuentes of Saidi as the resource speaker. This is where the direction of the university was set, the vision and mission were crafted and goals were set.

March 29, 2010 – the university has also selected its new hymn through a competition participated by both insiders and outsiders.

II. Present Condition and Needs of the University

The output of the recently concluded CSU strategic planning will be submitted a little later. Will contain the detailed plans, needs and corresponding budget of the university. In what follows is just a list of major projects and needs of the university.

1. Teaching and Administrative Force

The following table gives information of the present university teaching and administrative force and its needs based on actual and projected enrolment. From the 'Organizational Structure for Chartered State Colleges and Universities', the standard teacher-student ratio is 1:25.

	No. of actual personnel working	No. of plantilla positions	Teacher-student ratio (based on 4200 enrolment)	Teacher-student ratio (based on 6000 projected enrolment by June 2010)
Teaching personnel	165	91	1:46	1:66
Admin personnel	128	39		
Total	293	130		

The next table presents the additional personnel needs of the university. Figures below are based on the standard teacher-student ratio of 1:25 and teacher-staff ratio of 1:2.

	Based on actual need	Based on 6000 enrolment projection by June 2010
Additional teaching plantilla positions	74	149
Additional administrative plantilla positions	43	81

2. Physical Facilities

While change is inevitable, such as the university's name, its commitment to who it is and what it hope to become remains as compelling and passionate as any moment in its long and distinguished history. The aim of the university to deliver quality education can be realized if it is coupled with appropriate and updated facilities to complement its programs and strong faculty line-up. With the change to university status, it is anticipating a big increase in enrolment and thus, an increase in needs in terms of classrooms, laboratories, library space and housing facilities.

- **Completion of Science and Technology Bldg.:
₱35M**

The science and technology bldg. is about 3000 sq. m. big and is designed to cater to all science and technology laboratories. At present, with 50% completion, it houses almost all laboratories of the university, such as biology lab, chemistry lab, physics lab, robotics lab, computer lab, soils lab, and others. The much needed second half of the building will be utilized for two theater-type lecture halls, additional computer laboratories, chemistry and biology laboratories, lecture rooms and faculty rooms.

- **Acquisition of Additional Laboratory Equipment:
₱50M**

With an expanded mandate and its commitment to respond to the needs of the region, the university is offering two new additional programs by June 2010. These are BS Information System and BS in Mining Engineering, which are both laboratory-intensive programs. It is one of the priorities of the present administration to establish the needed laboratories. Aside from these, the existing science laboratories should also be upgraded and supplemented to address increasing needs.

• **New Library Building: ₱50M**

The existing library building is getting smaller for the university since it is expanding in terms of enrolment and in terms of services. However, it is not also wise to renovate and expand from the existing building since it is already very old and dilapidated. Thus, a new building is necessary.

• **New Ladies Dormitory – Phase I: ₱20M; Phase II: ₱25M**

The establishment of new ladies dormitory has been approved in principle by the BOR and is only awaiting funds to start the project. The existing ladies dormitory is already very old and dilapidated and was recommended already for demolition by proper authorities. In fact, by June 2010, the said dormitory will no longer accommodate residents.

The Implementing Rules and Regulations (IRR) will still be formulated. Committees have been formed to look into this.

**R. A. No.
9966**

AN ACT CONVERTING THE SULTAN KUDARAT POLYTECHNIC STATE COLLEGE (SKPSC) IN THE CITY OF TACURONG AND ITS DESIGNATED CAMPUSES IN THE MUNICIPALITIES OF LUTAYAN, KALAMANSIG, PALIMBANG AND ISULAN, ALL LOCATED IN THE PROVINCE OF SULTAN KUDARAT INTO A STATE UNIVERSITY TO BE KNOWN AS THE SULTAN KUDARAT STATE UNIVERSITY (SKSU) AND APPROPRIATING FUNDS THEREFOR (H. NO. 6311) (Signed into Law JANUARY 18, 2010)

Features:

This Act converts the Sultan Kudarat Polytechnic State College (SKPSC) in the City of Tacurong together with its duly designated campuses in the municipalities of Lutayan, Kalamansig, Palimbang and Isulan, all located in the Province of Sultan Kudarat into a state university to be

known as the Sultan Kudarat State University (SKSU). The Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. Within 120 days, the university is required to accomplish the following:

- Submit a five (5)-year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM;*
- Undergo a management audit in cooperation with the CHED; and*
- Accordingly set up its organizational, administrative as well as academic structure, including the appointment of key officials.*

Status: The Sultan Kudarat State University through its president submitted to the Senate the following documents highlighting on the undertaken conducted by the university upon its conversion on January 18, 2010:

Five Year Development Plan Including Its Corresponding Program Budget (SY 2010-2015)

The plan serves as an indispensable tool for the institution in coping with change, promoting effectiveness, implementing the set goals, objectives and targets, and in giving direction to the management in steering the helm of the university as well as providing the basis for the rational assessment of institutional growth and development.

The five year development plan is an emerging picture of how SKSU management will make a real difference to institutional change. It reflects the continuing effort of the university to chart its future course to be in the best

strategic position to contribute to the country's educational and development objectives. The plan represents the collaborative efforts of the faculty, staff and officials in envisioning goals and translating them into concrete and comprehensive programs/projects and activities.

Moreover, the plan incorporate the values, beliefs and best thinking of administrators and faculty members from the 10 SKSU satellite campuses who provided inputs and suggestions in a participatory process through series of conferences and workshops. During the group sessions, thrusts and priority projects and their corresponding budgetary requirements were received and discussed.

**R. A. No.
10066**

AN ACT PROVIDING FOR THE PROTECTION AND CONSERVATION OF THE NATIONAL CULTURAL HERITAGE, STRENGTHENING THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS (NCCA) AND ITS AFFILIATED CULTURAL AGENCIES, AND FOR OTHER PURPOSES (S. NO. 3014/H. NO.6733) (Signed into Law MARCH 26, 2010)

Features: *Unless declared already by the pertinent cultural agency (National Commission for Culture and the Arts, National Historical Institute, National Museum and National Archives) the following could be declared "Cultural Property".*

- ❖ *Works by a Manlilikha ng Bayan (national folk artist) or by a national artist*
- ❖ *Archaeological and traditional ethnographic materials*
- ❖ *Works by national heroes*
- ❖ *Marked structure*

- ❖ *Structures dating at least 50 years old*
- ❖ *Archival material and/or documents dating at least 50 years old.*

According to the law, all cultural properties declared as national cultural treasures and national historical landmarks, sites or monuments shall be entitled to the following privileges:

- a) Priority government funding for protection, conservation and restoration;*
- b) Incentive for private support of conservation and restoration through commission's conservation incentive program for national cultural treasures;*
- c) An official heritage marker placed by the cultural agency concerned indicating that the immovable cultural property has been identified as national cultural treasures and/or national historical landmarks, sites or monuments; and*
- d) In times of armed conflict, natural disasters and other exceptional events that endanger the cultural heritage of the country, all national cultural treasures or national historical landmarks, sites or monuments shall be given priority protection by the government.*

Cultural properties declared as "important" may also receive government funding for their protection, conservation and restoration.

The law will establish the Sentro Rizal to promote Philippine arts, culture and language throughout the world. Sentro Rizal shall have branches or offices in countries where there are children of Overseas Filipino Workers who need to be educated about their roots, as well as developed countries where there are large Filipino communities.

The Sentro Rizal shall offer Filipino language courses for children and adults, and hold exhibits, small concerts, poetry reading, and Philippine cuisine lessons.

Status: According to the National Commission for Culture and the Arts (Pambansang Komisyon Para sa Kultura at mga Sining) the Implementing Rules and Regulations of Republic Act 10066 have already been approved, published and took effect. It was deposited at the University of the Philippines Law Center – Office of the National Administrative Register (ONAR) on April 3, 2012. On the same date, The NCCA applied for its publication in the Official Gazette from the National Printing Office (NPO) and it came out on its June 25, 2012 issue. Immediately after submission to the ONAR, the NCCA Management Information System Office (MISO) uploaded the IRR in the NCCA Website on April 4, 2012. Finally, the IRR was published on the April 18, 2012 (Wednesday) issues of the Manila Standard and The Manila Times.

The law addresses urgent concerns, such as, but not limited to the protection of endangered sites, the declaration of as yet unrecognized heritage property, the trafficking of cultural property and the lack of awareness of the importance of heritage and the laws that enforce their protection are but samples of pressing matters. The NCCA as administrator of said Cultural Heritage Law has organized a secretariat in order to implement the specific requirement of the new law.

In addition, it is coordinating with its affiliate six (6) cultural agencies and has established clear boundaries of jurisdiction in order to enforce the strict mandate of the law for the protection, preservation and conservation of our National Cultural Heritage. Moreover, it has strengthened its Technical Working Group (TWG), composed of representatives from the NCCA, National Historical Commission of the Philippines (NHCP) and the National Museum of the Philippines (NM) – created to coordinate the restoration and conservation of the

heritage sites with joint or shared jurisdictions. Under the new law, more areas of shared cooperation are also being identified, and, specific duties allocated.

Delineation of work as well as the coordinative function from and among the Cultural Agencies, specifically with the NM and the NHCP has been threshed-out. The works of the *Manlilikha ng Bayan*, the *National Artist* and the *World Heritage Sites*, as well as intangible heritage in general all fall within the ambit of the jurisdiction of the NCCA. Pending publication are the guidelines and processes on the issuance of *Cease and Desist Orders* and the rules and conduct on *Pending and Practice in Heritage Cases*, recently approved by the Board of Commissioners. Other specifics, rules and guidelines that shall be made by the Commission will be annexed to the existing IRR of the law.

The major hindrance in the implementation of the law pertains to the release of funds and budget for both the **Heritage Law** and the **Sentro Rizal** (pertaining to Sections 47 – appropriation for the Sentro Rizal and 50 – National Endowment for Culture and the Arts in the amount of ₱100 Million and ₱500 Million respectively).

What impedes the operationalization of the Heritage Office is the lack of funding to hire more staff with complete expertise, and establish the full administrative needs of the office.

The NCCA is therefore earnestly requesting for the facilitation of the immediate release of endowment funds to operationalize its administrative office and to be able to act on the immediate heritage issues the NCCA, NHCP and NM are being deluged with. Similarly, it is also seeking for the initial amount for the implementation of the Sentro Rizal, which it is coordinating with the Department of Foreign Affairs and the Commission on Filipino Overseas.

The NCCA hoped that funding could be released within the first semester of this year (2013) so it can already

start implementation of both the conservation of the tangible and intangible heritage, begin with some software projects for the Sentro Rizal and the very urgent dissemination/ information campaign, and educational awareness with the LGUs and the various stakeholders on the law.

According to the NCCA, it is already very much delayed into the implementation of the law which was signed in 2010. The office is slowly being deluged with requests and inquiries as well as demands for support and it really need the budget for this.

**R. A. No.
10085**

AN ACT SEPARATING THE UNIVERSITY OF NORTHERN PHILIPPINES (UNP)—CANDON BRANCH (FORMERLY CANDON COMMUNITY COLLEGE) IN THE CITY OF CANDON, FROM THE UNIVERSITY OF NORTHERN PHILIPPINES IN THE CITY OF VIGAN, BOTH LOCATED IN THE PROVINCE OF ILOCOS SUR CONVERTING IT INTO A STATE COLLEGE TO BE KNOWN AS THE NORTH LUZON PHILIPPINES STATE COLLEGE AND APPROPRIATING FUNDS THEREFOR (H. NO. 6935) (Signed into Law MAY 5, 2010)

Features:

This Act separates the University of Northern Philippines (UNP) – Candon from UNP Vigan and converts it into a state college to be known as the North Luzon Philippines State College. The Board of Regents shall serve as the university’s governing board and shall include the chairperson of the Commission on Higher Education, president of the college, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector.

Status:

According to the Officer-In-Charge, Office of the President of University of Northern Philippines in Vigan City, they have organized a transition team for UNP who will meet

with the transition team of the North Luzon Philippines State College to implement the smooth transition as soon as possible. He said that they already have the initial meeting on September 14, 2010 where both teams identified the concerns and issues to be resolved and decided to fast track the transition.

Background

North Luzon Philippines State University (NLPSU) became a separate institution on January 1, 2011, with full operations commencing in summer that year. Currently, it offers eight degree courses and three non-degree courses. NLPSU graduates perform well in three board exams administered by the Professional Regulation Commission: Elementary Education, Secondary Education and Midwifery.

Transition period

The Implementing Rules and Regulations call for the transfer of assets, liabilities and personnel from UNP to NLPSU. It was executed through a Memorandum of Understanding between the two parties on June 21, 2011. While some assets and personnel have already been transferred, the transfer of other assets such as land, vehicles, buildings and books is still in process.

The MOU also stated that curricular offerings of the former UNP Candon will continue to be offered by NLPSU.

Manpower

The university has no plantilla position for President and Vice President. Since its creation, it has been headed by officers-in-charge Dr. Caridad O. Abuan (2010-2012) and Dr. Elizabeth M. Gacusana (2012-present). Many officials continue to perform functions not necessarily related to their current position due to the lack of manpower. Dr. Gacusana teaches a three-unit subject, the academic affairs director also serves as planning officer and national service training program (NSTP) coordinator

while teaching a nine-unit subject, the director for administration and finance is also the board secretary and likewise teaches a nine-unit subject, while the research and extension coordinator continues to teach a nine-unit subject. In this light, NLPSU requested the Department of Budget and Management (DBM) for 42 plantilla positions in addition to the existing 56 (which were turned over from UNP). The additional 20 positions for instructor are expected to help ease the current faculty-to-student ratio of 1:56 (or higher). NLPSU currently has about 2,000 students enrolled in its programs.

The DBM has endorsed the creation of the proposed positions with a total budget of ₱11.29 Million, but the university is still waiting for actual enforcement. These positions are outlined below.

Position (number requested)	Salary Grade
SUC President (1)	27
Chief Administrative Officer (1)	24
Administrative Officer V (2)	18
Accountant I (1)	12
Instructor I (20)	12
Guidance Counselor I (1)	11
Comp. Maintenance Technologist I (1)	11
Administrative Assistant II (3)	8
Administrative Aide VI (3)	6
Administrative Aide III (2)	3
Administrative Aide I (7)	1

Infrastructure Projects

Two buildings are currently being constructed on campus: the science building and the library/audio-visual building.

The science building is a three-storey structure designed to host activities related to physical science, chemistry

and biology. Funds for Phase I, worth ₱3.2 Million, were provided by the Commission on Higher Education's Development Acceleration Program. The amount has already been used up and NLPSU is seeking out fresh funding for the completion of the building.

Meanwhile, funding for Phase II of the construction of the library/audio-visual building worth ₱3.4 Million were sourced from the priority development assistance fund of Rep. Eric Owen Singson. However, like the science building, the library/audio-visual building is still unfinished.

Repairs are also being made to the administration building and the gymnasium.

Financial Resources

NLPSU depends on national government subsidies as well as income generating projects (i.e. renting out of food stalls) to fund its operations. Other income generating projects in the pipeline include water refilling stations, a garments business and more food stalls.

FY	Budget
2011	₱25.18 M (including ₱3.4 M from Rep. Singson)
2012	₱23.27 M
2013	₱28.44 M (based on National Expenditure Program)

**R. A. No.
10086**

AN ACT STRENGTHENING PEOPLES' NATIONALISM THROUGH PHILIPPINE HISTORY BY CHANGING THE NOMENCLATURE OF THE NATIONAL HISTORICAL INSTITUTE INTO THE NATIONAL HISTORICAL COMMISSION OF THE PHILIPPINES, STRENGTHENING ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES (S. NO. 3472/H. NO. 6378) (Signed into Law MAY 12, 2010)

Features: *Known as the “Strengthening People’s Nationalism Through Philippine History Act”, this law changes the nomenclature of the National Historical Institute (NHI) to National Historical Commission Of The Philippines (NHCP).*

The NHCP shall be an independent agency attached to the National Commission for Culture and the Arts (NCCA). The NHCP is the primary government agency responsible for history and has the authority to determine all factual matters relating to official Philippine history.

In this regard, the NHCP shall:

- a) Conduct and support all kinds of research relating to Philippine national and local history;*
- b) Develop educational materials in various media, implement historical educational activities for the popularization of Philippine history and disseminate information regarding Philippine historical events, dates, places and personages;*
- c) Undertake and prescribe the manner of restoration, conservation and protection of the country’s historical movable and immovable objects;*
- d) Manage, maintain and administer national shrines, monuments, historical sites, edifices and landmarks of significant historico-cultural value; and*
- e) Actively engage in the settlement or resolution of controversies or issues relative to historical personages, places, dates and events.*

The NHCP shall be governed by a nine (9) member board, which shall be created to formulate and implement NHCP policies relating to the agencies mandate.

Status: *The National Historical Commission of the Philippines (NHCP) has undertaken the following implementation of the law:*

1. Status of the Implementing Rules and Regulations (IRR)

- The IRR was approved by the NHCP Board on April 4, 2011; and
- It was published in the Official Gazette 108, 7 on February 13, 2012

2. Budgetary Requirements

Additional units were created by law but only a few plantilla positions have been approved by the Department of Budget and Management (DBM), namely:

- Chairperson
- Deputy Executive Director for Programs and Projects
- Chief Science Research Specialist
- Senior Science Research Specialist

The NHCP has a pending request with the DBM for the creation of the following positions:

Unit	Position
Materials Research and Conservation Center (Sec. 22 of R.A. 10086)	<ul style="list-style-type: none">• Supervising Science and Research Specialist• Engineer II
Local Historical Committees Network (Sec. 21 of R.A. 10086)	<ul style="list-style-type: none">• Project Development Officer• History Researcher II• Information Systems Analyst I
Historic Sites and Structures Documentation Center (Sec. 20 of R.A. 10086)	<ul style="list-style-type: none">• Architect III• Architect II• Information Systems Analyst I

Notwithstanding the lack of items, the NHCP established the Local Historical Committees Network last year through a series of well-attended regional assemblies in Luzon (Manila, August 24, 2012), Visayas (Iloilo, October 6, 2012), and Mindanao (Davao, October 20, 2012). Each assembly produced a regional action plan which the NHCP has consolidated for discussion and approval in the first national assembly on March 15, 2013. This network will serve as NHCP's local partners in the promotion of Philippine history and heritage preservation throughout the country, following the national action plan once it is approved.

3. Problems/concerns in implementation

Sec. 24 of R.A. 10086 provides that the revolving fund of the NHCP should not exceed One Million Pesos (₱1,000,000.00). This amount is exceedingly small, given the requirements of modernizing the NHCP's 22 museums, the rehabilitation of historic sites and structures in different parts of the country, and historical research and publication. The cap on the revolving fund thus needs to be lifted to enable the NHCP to build a sustainable fund base that can augment its annual budget and provide for additional activities.

4. Effectiveness and relevance of the law to current milieu:

The law is relevant as it has further strengthened the powers and functions of the NHCP and enabled it to broaden its programs and serve a larger public. The NHCP has, for instance, engaged in the production of e-lessons on Philippine History which the Department of Education has avidly welcomed. The NHCP has also observed heightened interest in and awareness of history and heritage preservation, based on requests and other communication from members of Congress, LGUs, other agencies of government, Philippine embassies, local history and heritage societies, urban developers, teachers, students, and other individuals here and abroad.

5. Other issues and recommendations

Certain provisions of R.A. 10066 or the Heritage Law, which cover the NHCP, are giving us cause for concern.

- Sec. 4, Art. III, which considers 50-year old and older structures Important Cultural Property unless declared otherwise by the NHCP, puts us in a difficult situation. Since all structures will eventually reach 50 years of age, and given our limited resources, the NHCP is beginning to face the enormous task of evaluating the historical significance of the structures. Note that archival information on these structures is not always readily available; and research takes time. Meanwhile, the pressure of urban development is placing some of the historic structures under risk.
- The issuance of a cease and desist order (Sec. 25, Art. VII), compulsory repair order (Sec. 26, Art. VII) and the delisting of Important Cultural Property (Sec. 8, Art. VIII) all require public hearings and administrative proceedings that, in turn, demand legal staff and additional funds for hearings in sites under question. Without resources, these provisions are unenforceable.

(Letter of Dr. Maria Serena I. Diokno, Chairperson, National Historical Commission of the Philippines to the Senate dated January 28, 2013)

**R. A. No.
10087**

AN ACT AMENDING REPUBLIC ACT NO. 3873, ENTITLED AN ACT CHANGING THE NAME OF THE BUREAU OF PUBLIC LIBRARIES TO THE NATIONAL LIBRARY (S. NO. 1152/H. NO. 199) (Signed into Law MAY 13, 2010)

Status: Self-executory.

**R. A. No.
10122**

AN ACT STRENGTHENING THE LITERACY COORDINATING COUNCIL BY AMENDING REPUBLIC ACT NO. 7165, OTHERWISE KNOWN AS “AN ACT CREATING THE LITERACY COORDINATING COUNCIL, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3573/H. NO. 6439) (Signed into Law MAY 27, 2010)

Features: *This Act institutionalizes the membership of a representative from a network of nongovernment organizations to the interagency Literacy Coordinating Council.*

RA 10122 also provides for the creation of a secretariat to be headed by a Chief of Office. The Council shall determine the secretariat's staffing pattern, qualifications, duties, responsibilities and functions as well as the compensation for the positions to be created subject to the National Compensation and Classification Plan and other existing civil service rules and regulations. This Act appropriates PhP 20 million to enable the council to carry out its functions. Subsequent appropriations shall be included in the annual budget of the Department of Education.

Status: I. On the status of the law's implementation

1. Republic Act No. 10122, enacted on May 27, 2010, was published in *The Manila Times* and *Manila Standard Today* newspapers on June 21, 2010.
2. The law's Implementing Rules and Regulations (IRR), approved by the Council on June 29, 2010, was published in *The Manila Times* and *Manila Standard Today* newspapers on September 1, 2010.
3. Copies of the approved IRR were transmitted and received by the following offices:
 - a. Office of the National Administrative Register,

- University of the Philippine Law Center, on October 6, 2010; and
- b. Office of the Deputy Secretary for External Affairs and Relations, Senate of the Philippines, on October 13, 2010.
4. In compliance with Section 3 of the law, the newly-organized Council is composed of the following:
- a. Rizalino D. Rivera, Undersecretary for Regional Operations, Department of Education (DepEd), as Chairperson;
 - b. Austere A. Panadero, Undersecretary, Department of Interior and Local Government (DILG), as Co-Chairperson;
 - c. Ester B. Ogena, President, Philippine Normal University (PNU), as Member;
 - d. Sonny B. Coloma, Jr., Chief Executive Officer, Philippine Information Agency (PIA), as Member;
 - e. Erlinda M. Capones, Director, Social Development Staff, National Economic and Development Authority (NEDA), as Member;
 - f. Senator Edgardo Angara, Chair, Committee on Education, Arts and Culture, Senate, as Member;
 - g. Rep. Rosenda Ann Ocampo, Chair, Committee on Basic Education and Culture, House of Representatives, as Member; and
 - h. Edicio dela Torre, President, Education Network Philippines and Education for Life Foundation, as Member representing the Nongovernment Organization (NGO) sector.
5. In compliance with Section 5 of the law, the Council, through its Secretariat, has undertaken, among others, the following activities:

- a. **National Literacy Conference (NLC)** – This is an annual conference intended to provide a venue for sharing experiences in implementing literacy programs and projects for community development. (*Proclamation No. 239 – Declaring the Period from September 2 to 8 of Every Year as Literacy Week*)
- b. **National Literacy Awards (NLA)** – Held every other year, this activity coincides with the holding of the NLC and aims to give due honor and recognition to outstanding individuals, local government units, and nongovernment organizations for their dedication, commitment, and contribution to literacy development in their respective communities.
- c. **Formulation of LCC Blueprint for Action (BPA)** – This document is intended to be used as a framework in the development of policies and implementation of local literacy programs. It provides guidelines to LCC partners in literacy endeavors including national government agencies, local government units, and NGOs identified as literacy advocates. The updated LCC BPA is awaiting approval of the Council while the draft Administrative Order that serves as its legal basis for implementation will soon be submitted for signature of the President.
- d. **Documentation of Good Literacy Programs/Projects** – In response to the millennium development goal of eradicating illiteracy by the year 2015, LCC, in coordination with DILG has initiated the documentation of good literacy practices and initiatives of local government units specifically the winners in the National Literacy Awards, for possible replication by other LGUs interested in the literacy program/project.

The documentation of good literacy practices is an

ongoing project of LCC-DILG that aims to introduce and promote good literacy practices of LGUs; mainstream good literacy practices at the local level; and entail the documentation of good literacy practices at the city and municipal levels using the DILG Good Practices in Local Governance Facility for Adoption and Replication (GO-FAR) template.

e. Replication-Inception Workshop for Model Local Government Units

The replication of good literacy practices using the Good Practices in Local Governance Facility for Adoption and Replication (GO-FAR) template is a project of LCC and the Bureau of Local Government Development (BLGD) of DILG. This is designed to build the capacities of LGUs through sharing and replication of good practices.

The Replication-Inception Workshop (RIW) is an enhanced version of the Lakbay-Aral program. It is a structured three-day peer-to-peer learning experience facilitated by the Project Team of the model LGU. Specifically, the project aims to:

- Support the county's goal of achieving the 98% basic literacy and 92% functional literacy rates by 2015;
- Build the capacities of model LGUs for effective documentation of replicable good practices and management of inception workshops and technical assistance to replicating LGUs;
- Sustained the campaign of documenting good practices that are responsive to national directives and international commitments particularly on literacy;
- Advocate the importance of sharing and replicating tested solutions to local

issues/problems to enable LGUs to better serve their constituents through a standard peer-to-peer learning approach; and

- Promote knowledge products on good literacy practices for replication.

Among the LGUs invited for the Replication-Inception Workshop were the National Literacy Awards winners for literacy of the cities of Antipolo and Tagum and the municipalities of Agoo, La Union and Tubungan, Iloilo. The literacy practices of these LGUs were documented following the GO-FAR template of DILG.

- f. **Stakeholders' Forum with the theme: "Towards the Development of a Five-Year Research Agenda on Literacy in the Philippines"** - As one of the lead member agencies of LCC, PNU, through its Center for Research and Development in Education, conducted a stakeholders' forum for the development of a five-year research agenda on literacy with emphasis on literacy training service. The five-year research agenda on literacy seeks to identify and outline the key areas of priorities and concerns for literacy research in the Philippines. The agenda on literacy also serves as a guide for stakeholders' concerned to come up with relevant, extensive, and unified literacy research efforts.
- g. **Dissemination and Analysis of 2008 FLEMMS results (Forum on the Literacy Situation of Filipinos)**

The Literacy Coordinating Council held a Dissemination Forum on the "State of Functional Literacy of Filipinos: Results of the 2008 Functional Literacy, Education and Mass Media Survey" in 2011. The forum aimed to inform education stakeholders on the literacy situation of

Filipinos based on the results of the survey.

Conducted every five years by the National Statistics Office, the Functional Literacy, Education and Mass Media Survey (FLEMMS) gathers information on the basic and functional literacy status of the population; their educational skills; and exposure to mass media. The three previous rounds were conducted in 1989, 1994 and 2003.

The results of the 2008 FLEMMS spell out literacy achievement that will help provide a clear picture of the country's illiteracy problem, which was the focus of the forum. The forum was an avenue for providing a platform for consolidating actions based on the results; for determining the policy and program implications of the results; and for recommending possible courses of action to improve the literacy situation of the country.

h. FLEMMS Analysis

The analysis of the 2008 FLEMMS results was initiated by LCC with the assistance of a Technical Working Group from the National Economic and Development Authority. The main objective of the activity was to provide an in-depth analysis of the 2008 FLEMMS results and generate information useful for the Council's functions. It included comparative analysis of the FLEMMS results conducted in 1989, 1994 and 2003 to assess the country's programs in literacy.

i. Action Research on Literacy Programs for Disadvantage and Vulnerable Areas in the Philippines

The action research aims to analyze the literacy situation of highly vulnerable areas in the country to be able to recommend appropriate policies as well as program interventions appropriate to the

needs of these areas.

Specifically, the research aimed to determine the literacy situation of highly vulnerable areas in the country; involve key stakeholders in developing possible literacy action plan; and recommend appropriate literacy policies and program interventions.

The initial activity for this action research was the Focus Group Discussion on the priority barangays of Region X conducted by LCC in coordination with DILG.

j. Creation of Local Literacy Coordinating Councils/Literacy Implementing Units

The Department of Education, Department of Interior and Local Government, and National Economic Development Authority issued Joint Circular No. 01, series 2003 titled Supplemental Provisions/Guidelines on the Strengthening of Local Literacy Coordinating Councils and Literacy Implementing Units.

The circular covers all government organizations, local government units, and nongovernment organizations directly or indirectly involved in the strengthening of existing local literacy coordinating councils and implementing units and to further develop regional, city/municipality, and barangay literacy coordinating councils or local literacy implementing units.

k. DILG Memorandum Circular No. 2007-155

DILG issued Memorandum Circular No. 2007-155 dated November 26, 2007 on the Creation/Strengthening of Local Literacy Coordinating Councils/Literacy Implementing Units.

l. LCC Radio Program

The general objective of the LCC radio program was to intensify advocacy and social mobilization on the promotion of functional literacy through radio broadcast. The areas covered by the implementation of the said radio program were Region X (Cagayan de Oro City) and ARMM (Basilan).

m. Full Operation of the LCC Monitoring and Evaluation System

Monitoring and Evaluation tools and instruments were developed by the LCC secretariat after a series of lectures and review of LCC programs and projects. The monitoring and evaluation tools are aimed to systematically monitor and evaluate the various initiatives of the Council which include policies, programs and projects as well as programs and projects initiated and implemented by partner agencies and other stakeholders such as LGUs.

n. Literacy Forum with NGOs, and Other Stakeholders

- ***National Conference of Muslim Women Peace Advocates***

The Philippine Center for Islam and Democracy in cooperation with LCC held its Second National Conference of Muslim Women Peace Advocates last February 9, 2011.

The Conference was a venue for learning and sharing of experiences between and among dedicated women who work together for peace in Mindanao; women who go for electoral reforms and elimination of all forms of violence against women; and concerns for health, education, governance, interfaith dialog, and

human rights. The conference called for action about women concerns, and for promoting peace education and advocacy as tools for development and democracy.

- ***Strengthening Partnership and Networking of Literacy Advocates***

LCC conducted a Literacy Forum of NGOs, LGUs, and other Stakeholders with the theme: Strengthening Partnership and Networking of Literacy Advocates.

The Forum aimed to establish, strengthen, and sustain linkages with NGOs, LGUs and other stakeholders involved in literacy work.

o. Administrative Activities

- *LCC Monthly Meetings held every 4th Thursday of the month or as needed.*
- ***LCC Strategic Planning Workshop***

The Strategic Planning Workshop is held for every three to six-year development program of LCC, which at the same time, are subject to review and assessment every start of the calendar year.

II. Budgetary Requirements

Section 7 of the law appropriates the amount of ₱20,000,000.00 as funds needed to carry out the annual functions of the Council. Since Section 2 of the law expressly provides that LCC should be administratively attached to the Department of Education, DepEd has authorized only the sum of ₱11,200,00.00 as LCC's annual budget for CY 2011, CY 2012, and CY 2013.

III. Problems/Concerns in Implementation

There seems to be a failure in the implementation of Section 6 of the law on the creation of permanent Secretariat staff. The proposed LCC Secretariat staffing pattern, duly approved by the Council, was submitted to the Department of Budget and Management (DBM) for approval and implementation. The proposed staffing pattern, however, was deferred by DBM pending the endorsement from the DepEd management for the meantime that the DepEd is still in the process of finalizing its Personnel Rationalization Plan.

The amount equivalent to 40% of the annual LCC budget, which is supposed to be utilized for payment of employees' compensation and other benefits as provided for in paragraph 3, Section 6 of this Act, fails to fully fulfill its intended purpose because of the fact that the current LCC employees lack the benefit of an employer-employee relationship even if most of them had been employed in LCC continuously for more than a decade; hence, working without any monthly allowance, 13th month pay, sick leave and vacation leave credits, GSIS, Philhealth, and other benefits.

IV. Relevance of the law to current milieu

The goal of the LCC law is in accord with the Education for All (EFA) goal of eradicating illiteracy by at least 50% by the year 2015 through its work of coordinating with various literacy stakeholders in the effort to reach the countryside and make sure that all literacy endeavors will eventually transform the vast majority of Filipinos to be functionally literate.

It is also tied up with the agreements in CONFINTEA VI Belem Framework for Action in December 2009 which included, among other things, adult literacy, policy, participation and

monitoring which all form part of the LCC mandate.

To realize the Belem Framework for Action, LCC conducted a Roundtable Discussion (RTD) on CONFINTEA VI last April 12, 2011. The RTD aimed to strategize ways of implementing the Belem Framework for Action through inter-agency cooperation to ensure effective, appropriate, and sustained adult education programs in the country. The RTD also aimed to identify urgent actions as to how adult education can help fast track education access for marginalized groups.

The various activities of LCC in coordination with local government units likewise align with the millennium development goals such as on the promotion of gender equality and women empowerment, promotion of good health, promotion of a sustainable environment, and partnership between and among government and nongovernment organizations and other civil society groups. The same goals have also been used as themes during National Literacy Awards and Conferences which are also venues for showcasing the good literacy practices and governance of local government units and nongovernment organizations including educational institutions and literacy workers and advocates.

(Letter of Hon. Rizalino D. Rivera, Undersecretary, DepEd and Chairperson, LCC to the Senate dated March 18, 2013)

ENERGY

R. A. No. **AN ACT PROMOTING THE DEVELOPMENT, UTILIZATION AND COMMERCIALIZATION OF RENEWABLE ENERGY RESOURCES AND FOR OTHER PURPOSES (S. NO. 2046/H. NO. 4193) (Signed into Law DECEMBER 16, 2008)**

9513

Features: *The law lays the groundwork for increasing the utilization and development of renewable energy (RE) to balance the country's economic growth with the protection of health and environment.*

The law gives income tax holiday for the first seven years of commercial operations of RE developers. It also specifies the duty, free importation of machinery, equipment and materials used for RE development after securing the endorsement of the DOE. Other tax benefits include the 0% VAT on purchases of local supplies needed for the development, construction and installation of plant facilities, tax exemption of carbon emission credits and tax credit on domestic capital equipment and services.

A National Renewable Energy Board will be created to monitor and review the national renewable energy program. A Renewable Energy Management Bureau will also be established under the DOE to implement the provisions of the law.

Status: According to the Department of Energy, the IRR of the law (Department Circular No. DC2009-05-0008) was signed by the Secretary of DOE on May 25, 2009 and took effect on June 12, 2009 after the prescribed 15 days publication period. Further, as stipulated in the said IRR the Department of Energy has to issue the guidelines for the regulatory framework on the registration and accreditation of renewable energy (RE) developers and RE equipment manufacturers,

suppliers and fabricators, respectively, as well as guidelines on the granting of RE service contracts by June 12, 2009, which is a month after the effectivity of the IRR.

Provided below are the timelines for implementation of various provisions of the law and the respective updates

TIMELINES	MILESTONES/DEVELOPMENT	REMARKS/ CONCERNED PARTIES
29 Feb 2009	Establishment of the National Renewable Energy Board (NREB) (one month from the effectivity of the act)	<p>PGMA designated Mr. Vince S. Perez, as Chairperson of NREB.</p> <p>Designated members are Mr. Jose Venancio P. Batiquin, President of Luzon Hydro Corp. and Mr. Benjamin A. Cariaso, Executive Vice President & CEO of Aboitiz Energy Solutions</p>
	Creation of the DOE-Renewable Energy Management Bureau (REMB)	DOE issued Department Order No. DO2009-07-0010 entitled "Establishment and Operationalization of the Renewable Energy Management Bureau (REMB)". Signed and became

		<p>effective on 14 July 2009.</p> <p>REMB Director will be OIC-Asec. Mario C. Marasigan. Submitted table of organization and proposed budget for DBM</p>
30 July 2009	<p>Promulgation of the Implementing Rules And Regulations (IRR) of RE law. (six months from the effectivity of the act)</p> <p>Regulatory framework containing the guidelines on award of renewable energy service/operating contract and guidelines for accreditation of RE manufacturers, fabricators, and suppliers (one month from the effectivity of IRR of the act)</p>	<p>DOE issued Dept. Circular No. DC2009-05-0008 entitled: "Rules and Regulation Implementing R.A. No. 9513". Published in two newspapers of national circulation on 28 May 2009 and became effective 12 June 2009.</p> <p>DOE issued Circular Nos. Dc2009-07-0010 and DC2009-07-0011 entitled: "Guidelines for the Accreditation of Manufacturers, Fabricators and Suppliers of Locally Produced Renewable Energy Equipments and Components" and "Guidelines Governing a Transparent and</p>

		Competitive System of Awarding Renewable Energy Service/ Operating Contracts and Providing for the Registration Process of Renewable Energy Developers”, respectively. Published in two newspapers of national circulation on July 26, 2009 and became effective on 10 August 2009
Until 30 Jan 2010	Rules for Renewable Portfolio Standards (RPS) (one year from the effectivity of the act)	NREB to formulate and promulgate RPS rules
	Rules for Feed-In Tariff (FIT) System (one year from the effectivity of the act)	Energy Regulatory Commission (ERC) to formulate and promulgate FIT system rules
	Net metering for renewable energy (one year from the effectivity of the act)	ERC to establish net-metering interconnection standards, pricing methodology, and other commercial arrangements.

	Establishment of the Renewable Energy Market (REM) (one year from the effectivity of the act)	Philippine Electricity Market Corporation (PEMC) to implement changes to incorporate the rules specific to the operation of the REM. DOE to establish framework that will govern operation of the REM (six months from the effectivity of IRR)
	Establishment of the Renewable Energy Registrar (one year from the effectivity of the act)	PEMC to establish and operate the renewable energy registrar
	Procedure mechanism and appropriate period for tax rebates for purchase of RE components (one year from the effectivity of the act)	DOF to establish procedure mechanism and appropriate period for granting tax rebates.
Until 12 Dec. 2009	Regulatory framework for Green Energy Option Program (GEOP) (six months from the effectivity of (IRR)	DOE to promulgate IRR of GEOP, ERC to issue regulatory framework of GEOP
	Guidelines/mechanism for exemption from duties on RE machinery, equipment and materials (six months from the issuance of the	Dept. of Finance (DOF), Bureau of Customs (BOC) and Bureau of Internal Revenue (BIR) to

	IRR)	formulate mechanism/ guidelines for the importation of machinery, equipment and materials.
	Mechanism 0% value added tax rate (six months from the issuance of the IRR)	DOE, BIR, and DOF to formulate the necessary mechanism/guidelines to implement zero percent value added tax rate
	Revenue regulation for tax credit on domestic capital equipment and services related to installation of equipment and machinery (six months from the effectivity of the IRR)	BIR to promulgate a revenue regulation governing the granting of tax credit on domestic capital equipment
	Programs for financial assistance (six months from the effectivity of the IRR)	Government financial institutions (GFI's) to formulate programs to implement the financial assistance program on the grant of preferential financial packages for re projects
	Guidelines/mechanisms	ERC to develop

	for cash incentives of renewable energy developer for missionary electrification (six months from the issuance of the IRR)	mechanisms to implement the provision granting cash incentives to RE developers for missionary electrification
	Guidelines/mechanisms for the availment of incentives (six months from the effectivity of the IRR)	DOE to issue guidelines on the procedures and requirements for the availment of incentives
	Promulgation of revenue regulations governing the grant of fiscal incentives (six months from the effectivity of the IRR)	BIR to promulgate revenue regulations governing the grant of fiscal incentives

The DOE will put up a ₱2B Renewable Energy Trust Fund to help develop renewable energy sources, as well as promote the use of renewable energy in the country.

The trust fund would come from various government owned and controlled corporations and from a portion of the government's royalties from several service contracts. The fund will serve as a support mechanism for research and development and utilization of renewable energy sources.

ENVIRONMENT AND NATURAL RESOURCES

**R. A. No.
9512** **AN ACT TO PROMOTE ENVIRONMENTAL
AWARENESS THROUGH ENVIRONMENTAL
EDUCATION AND FOR OTHER PURPOSES (S. NO.
1699/H. NO. 4381) (Signed into Law DECEMBER
12, 2008)**

Features: *The law seeks to promote environmental awareness through environmental education. It shall ensure that the curricula of primary, secondary and tertiary public and private educational institutions, including non-formal, indigenous learning and out-of-school program, incorporate the study of the environment including the state of the Philippine and global environment, the threats of environmental degradation and its impact on human well-being, and the importance of natural resources conservation and protection in the context of sustainable development. It shall also incorporate actual activities to conserve natural resources, including tree-planting activities, recycling and composting programs; marine conservation programs; forest management and conservation; and other such programs to aid the implementation of the different environmental protection laws.*

Status: The DEPED, CHED, TESDA, DENR and the DOST, are mandated to work together in consultation with experts in the environmental sector and the academe, to lead the implementation of a comprehensive public education and awareness program on environmental protection and conservation.

The month of November of every year shall be known as the “Environmental Awareness Month” throughout the Philippines.

In connection with R. A. 9512, the National

Environmental Education Action Plan (NEEAP) for sustainable development was formulated to underpin economic and environmental policies. It also ensures that awareness, knowledge and concern of the environment, including proper utilization in a sustainable manner, are promoted through environmental education.

The Department of Science and Technology (DOST), through this act, is mandated to create programs that will ensure that the students receive science-based quality information on environmental issues to encourage the development of environment-friendly solutions, devices, equipment and facilities.

In compliance with the provisions of the law, concerned government agencies are mandated to ensure that environmental education which includes environmental concepts, impact of environmental degradation, etc. is incorporated into the day care module, out-of-school youth programs and other trainings.

Summary of Field Office (FO) Reports

FIELD OFFICE	INITIATIVES/EFFORTS
NCR	<ul style="list-style-type: none"> • Continuous implementation of the 5S which helped in the up keeping of the surroundings thus, contributed to a healthy and safe environment • Waste management (segregation of biodegradable and non-biodegradable garbage) is consistently being observed. Kitchen/canteen garbage are used as compost materials in the centers and institutions for gardening and planting purposes

	<ul style="list-style-type: none"> • In the FO, garbage and used medical/health materials are separated and placed in tightly closed plastic bag to avoid spillage and spread of germs • Burning of garbage is not practiced to avoid/contribute to air pollution • Regular schedule of garbage collection is done by city garbage collector in the FO, centers and institutions • As part of austerity measures, recyclable items such as papers, plastics, cups, bottles, cartons and tin cans are used by school children for projects while others are sold to raise funds/savings for some future needs ie. sportsfest, fun games, etc. • Promotion of environmental awareness thru environmental sanitation
<p>CAR</p>	<p><u>FO Level:</u></p> <ul style="list-style-type: none"> • Activities in the planning and implementation of KALAHI-CIDSS help educate clients to balance development versus environmental degradation such as: <ul style="list-style-type: none"> - On the social preparation stage, community volunteers were oriented to identify solutions to their problems that will not cause environmental impacts to the rights of marginalized individuals, minors, men and women. - The Environmental Management

	<p>Plan is being formulated by community volunteers during sub-project planning and being monitored during the implementation up to completion, operation and sustainability of the sub-projects</p>
<p>Region 1</p>	<p><u>FO Level:</u></p> <ul style="list-style-type: none"> • Discussion of the highlights of R.A. 9512 during staff meeting where the focus is on how each employee and ward could help officially and personally protect and conserve the environment • Observance of cleanliness and orderliness in all divisions/units and office compound • Continuous clean and green project in the centers/institutions like tree planting, vegetable gardening, composting and recycling • Inclusion in flag ceremony of the highlights re: relevance of environmental protection and conservation • Commitment of the staff to “religiously” practice proper garbage disposal in the home or even in the street, market, on board a jeepney or bus to influence family members, neighbors and others to do the same • Purchase of additional garbage bins for segregation of biodegradable and non-biodegradable waste materials

<p>Region 2</p>	<p><u>FO Level:</u></p> <ul style="list-style-type: none"> • Segregation of biodegradable, non-biodegradable and recyclable waste • Inclusion of Solid Waste Management in Day Care curriculum • Recycling of tetra pack juice containers into table centerpieces, bags/boxes and slippers, etc. • Bottle collection drive in some elementary schools as form of fund raising • Bringing of recyclable waste materials of elementary students in some public elementary schools • Solid waste and sewage collection and disposal is practiced
<p>Region 3</p>	<p><u>FO Level:</u></p> <ul style="list-style-type: none"> • Continuous implementation of energy conservation and proper waste management • Integration of environmental education in the management/operations of the residential facilities along waste minimization, segregation and composting • Planting of fruit-bearing trees • The waste materials of the FO's residential facilities are being utilized in their vermiculture

	<p>projects as fertilizers for their vegetable garden</p> <ul style="list-style-type: none"> • Close monitoring of the FO on the implementation of the Act through regular visits to concerned divisions/units. Residential facilities and reports submitted
Region 4-A	<p><u>FO Level:</u></p> <ul style="list-style-type: none"> • Conducted tree-planting activities in coordination with various groups • Composting as part and parcel of Agri Development Project which has been on-going since 2008 • Continuous sharing on value/importance of waste minimization, segregation and recycling among clients and staff • Discussed the said law during the first quarter Regional General Assembly of staff and the March 2009 Regional Management Development Conference for continuous advocacy and support
Region 4-B	<p><u>FO Level:</u></p> <ul style="list-style-type: none"> • Information dissemination through announcement in flag ceremony, bulletin boards and other activities • Community-based activities which promote environmental awareness/conservation such as rehabilitation of community gardens and different crop plantations while implementing

	<p>Food for Work, Cash for Work and Core Shelter Assistance Project</p> <ul style="list-style-type: none"> • Continuous observance of energy conservation measures in the regional office as well as waste minimization, segregation and recycling of materials/office supplies
Region 6	<ul style="list-style-type: none"> • Environmental education and other similar activities will be integrated during the conduct of the Regional Youth Service Providers Association and Regional PYAP Federation quarterly board meetings • A three-day fora on “Global Warming” was conducted and featured as one major activities during the holding of the Regional PYAP Summer Life Skills Encampment • A song writing competition open to all PYAP members
Region 7	<p><u>FO Level:</u></p> <ul style="list-style-type: none"> • Read the R.A. 9512 in one of the Monday flag ceremony • Post a copy of R.A. 9512 in the office bulletin board • Distributed/disseminated copies to different centers/institutions

<p>Region 8</p>	<ul style="list-style-type: none"> • Disseminated to different units of TAD, Operations Division and Center heads for their guidance and future implementation • Awaiting for the IRR which the DENR committed to provide to the FO (which they have not yet received to date)
<p>Region 10</p>	<p><u>FO Level:</u></p> <ul style="list-style-type: none"> • Integration of environmental awareness in the Day Care curriculum and session plans in the centers and institutions • Conduct gardening activities and practiced proper waste segregation • Tree planting, clean drive activities and promotion of proper waste segregation among the PYAP members • Promotion of environmental awareness among children, youth and women in the centers and institutions through gardening, clean drive activities, proper waste segregation and no combustion of plastics, rubber and other hazardous materials • Promotion of tree planting in flood stricken areas in the region

CARAGA	FO Level: <ul style="list-style-type: none"> • Furnished all LGUs in the region a copy of the law • Promoted integration of environmental education along protection and prevention in the Day Care sessions during the conduct of the training of DCWs on the RDCM and ECDD checklist • Encouraged regional centers to practice proper waste management and conduct sessions to residents on Environmental Concepts, Protection and Preservation
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The Commission on Higher Education (CHED) has the following updates on the implementation of the law:

A. Activities and Initiatives of the CHED

Science Education

- a) Assessment of undergraduate Environmental Science Programs
- b) Integration of Environmental topics in the proposed new General Education Curriculum
- c) Review and revision of policies, standards and guidelines for BS Environmental Science

Agriculture and Allied Programs

- a) **BS Agriculture** - “Introduction to Ecological Agriculture” - A 3-unit course on the principle and practices of ecological

agriculture.

- b) **BS Agricultural Engineering** – “Agricultural Waste Management” – A 3-unit course on the survey and characterization of agricultural wastes, processes, and systems.
- c) **Soil and Water Conservation Engineering** – A 3-unit course in planning, design, construction and maintenance of water conservation systems; soil erosion control systems.
- d) **BS Forestry** – “Forest Ecology” – This course deals with the biological interaction of forest components, energy flow and trophic levels, principles of limiting factors and succession, principles and methods of forest dynamics and vegetational development with emphasis on tropical rain forest; the ecological impact of man.
- e) **Forest Wildlife and Biodiversity** – Deals with the survey of Philippine flora and fauna, biology and ecology of selected species, with emphasis on indigenous species as well as the principles, concepts and practice of biodiversity conservation in forest ecosystems.
- f) **Watershed Management** – Deals with the regulation, use, conservation practices and treatment of the aggregate resources of a drainage basin for the production of water and control of erosion, stream flow and floods.
- g) **Forest Laws and Regulations** – Deals with the laws, rules and regulations, legal procedures and forestry administrative orders relative to the conservation and

utilization of forest and natural resources.

- h) **BS Fisheries** – “Aquatic Ecology” – Deals with the study of the aquatic ecosystems focusing on the chemistry, physics and biology of aquatic ecosystems.
- i) **BS Food Technology** – “Environmental Management for Food Industries” – An introduction of an integrated strategy for the prevention, treatment and disposal of food processing of wastes.

Engineering Programs

Environmental awareness through education has already been incorporated in Environmental Engineering and Safety Management courses under the Basic Engineering Sciences. It is integrated in the curriculum of the following degree programs: Aeronautical Engineering, Civil Engineering, Ceramic Engineering, Chemical Engineering, Computer Engineering, Electronics Engineering, Electrical Engineering, Geodetic Engineering, Industrial Engineering, Mechanical Engineering, Metallurgical Engineering, Mining Engineering and Sanitary Engineering.

In addition to the Basic Engineering Science courses, the following are included in specific programs:

- a) **Sanitary Engineering** – “Special Topics in Environmental and Sanitary Engineering”. “Risk and Benefit Analysis in Environmental and Sanitary Engineering”, “Planning and Design in Environmental and Sanitary Engineering”, “Ecology and Environmental Pollution”, “Environmental Planning, Laws, and Impact Assessment”,

“Environmental Chemistry”, “Microbiology and Parasitology for Environmental Engineering”, “Environmental Engineering Laboratory”, “Ground Water and Soil Pollution Remediation”

- b) **Metallurgical Engineering** – “Introduction to Material Science”, “Mineral Processing”, “Hydrometallurgy”, “Pyro Metallurgy”, “Adaptive Metallurgy”, “Physical Metallurgy”, “Metallurgical Plant Design”, Metallurgical Plant Practice”
- c) **Aeronautical Engineering** – “Aviation Safety”
- d) **Civil Engineering** – “Hydraulics”, “Hydrology”, “Water Resources Engineering”, “Construction Methods and Project Management”
- e) **Electrical Engineering** – “Fundamentals of Materials Science and Engineering”
- f) **Chemical Engineering** – “Introduction to Biotechnology”, “Fundamentals of Materials Science and Engineering”, “Physical Chemistry”, “Industrial Waste and Management Control”, ChE Plant Design”, “Laws and Ethics for Chemical Engineers”, “All Courses for the Environmental Management group”, “All Courses for the Petrochemical Engineering group”
- g) **Mining Engineering** – “Mineral Processing”, “Mine Environmental Management”, “Mining and Environmental Laws and Ethics”, “Principles of Mining”, “Mine and Plant Practice (OJT)”
- h) **Mechanical Engineering** – “Heat Transfer”, “Refrigeration Systems”,

“Industrial Plant Engineering”

- i) ***Electronics Engineering*** - “Fundamentals of Materials Science and Engineering”
- j) ***Industrial Engineering*** - “Ergonomics”
- k) ***Geodetic Engineering*** - “Principles of Geology”, “Public Land Laws and Laws on Natural Resources”.

Real Estate Program

- a) ***Environment and Green Building Technology*** - 3-unit course that introduces the students to a clear understanding and in-depth concept of green building technology and how it applies to projects, purchases, marketing and sales, construction and development within the marketplace.
- b) ***Principles of Ecology*** - A 3-unit course that introduces environmental processes, issues, concerns and problems befitting companies, agencies and professional in their ecological sphere both in the macro and micro views and topics on environmental laws and regulations impact assessments on our natural resources. The course covers the Philippine real estate comparative analysis of the ecological sub-systems in Asia and the world.

National Service Training Program (NSTP)

Pursuant to R.A. No. 9512 and CHED Memorandum Order No. 33 series of 2009 otherwise known as the “*Integration of Environmental Education in the Tertiary Education Curriculum Particularly the Civic*”

Welfare and Training Service Component of the National Service Training Program", several HEIs has submitted their report of compliance. The areas of concern and nature of activities are the following:

1. Integration of Environmental Education:
 - a) Environmental Concepts and Principles
 - b) Environmental Laws
 - c) State of International and Local Environment
 - d) Local Environment and Best Practices
 - e) Threats of Environmental Degradation
 - f) Impact of Well-being
 - g) Responsibility of the Citizenry to the Environment
 - h) Value of Conservation, Protection and Rehabilitation of Natural Resources and the Environment in the Context of Sustainable Development
 - i) Theoretical and Practicum Modules.
2. Programs Undertaken to Implement the Different Environmental Law
3. Integration in the National Service and Training Program
4. Awareness Program for the Environmental Awareness Month Every November of Every Year

In pursuing the above programs, the following are some of the regular activities that are being undertaken.

1. Actual Tree Planting
2. Seminar Workshop
3. Coastal Cleaning
4. Seminar Workshop on Entrepreneurship
5. Environmental Awareness
6. Topic Integration
7. Community-Cleaning Program

The budget for the different priorities actually depends on the concerned higher education institution and the local government units involved. An example is the Taguibo Watershed Pilot Project in Butuan City which is still looking for funds to sustain its program.

B. Effectiveness and Relevance of the Law to Current Milieu

With the current challenges and issues as well as its impact on communities, there is a need to maximize environmental awareness at all levels among our citizens. No matter what age group Filipinos belong to, it is their responsibility to care for the environment and to be aware of the effects of climate change, mitigation and adaptation measures. Hence, this law should be fully implemented with the necessary political will and budgetary support from the concerned national government agencies and local government units.

C. Problems and Concerns in Implementation and Proposed Solutions or Amendments

- There is a need for faculty training and massive upgrading of faculty to be able to credibly handle and deliver environmental courses, concepts and principles correctly.
- Budget allocation should go beyond plain advocacy to capacity building and infrastructure.
- Lead agencies should submit concrete programs and target activities for better monitoring on the implementation of R.A. 9512.
- There is a need to strengthen the coordination between government

agencies and non-government organizations to support higher education institutions in the conduct of environmental education programs.

D. Other Issues and Recommendations

- This report together with other reports from the other government agencies such as the Department of Environment and Natural Resources, Department of Interior and Local Government and other non-government offices should be reviewed and carefully analyzed for purposes of target-setting.
- Higher education institutions that have substantial compliance with the mandated provisions of this law must be identified.
- There must be validation of reports in coordination with other government agencies.
- There must be more advocacy campaigns in the implementation of the law in coordination with other government and non-government offices.

The Department of Education (DepEd) has the following updates on the implementation of the law:

According to DepEd, it has been faithfully complying with the directive of Republic Act No. 9512. DepEd has incorporated environmental education in the learning areas of the basic education curriculum, particularly in Science, Sibika, English, Edukasyong Pangtahanan at Pangkabuhayan (EPP) and Edukasyon sa Pagpapakatao (ESP). The said incorporation is not supported by a separate budgetary

requirement and is integrated in the budget given to the DepEd. The Department said that there is a lack of support for instructional materials such as posters, charts and videos that can help in explaining the subject. To address this problem, DepEd has been requesting for assistance from other specialized agencies like the Department of Science and Technology (DOST) and the Department of Environment and Natural Resources (DENR) for the provision of instructional materials that can be distributed in our schools.

**R. A. No.
9729**

AN ACT MAINSTREAMING CLIMATE CHANGE INTO GOVERNMENT POLICY FORMULATIONS, ESTABLISHING THE FRAMEWORK STRATEGY AND PROGRAM ON CLIMATE CHANGE, CREATING FOR THIS PURPOSE THE CLIMATE CHANGE COMMISSION, AND FOR OTHER PURPOSES (S. NO. 2583/H. NO. 5982) (Signed into Law OCTOBER 23, 2009)

Features:

The Climate Change Act mandates the commission to:

- ❖ Coordinate and synchronize climate change programs of national government agencies;*
- ❖ Recommend key development investments in climate-sensitive sectors such as water resources, agriculture, forestry, coastal and marine resources, health, and infrastructure to ensure the achievement of national sustainable development goals;*
- ❖ Create an enabling environment that shall promote broader multi-stakeholder participation and integrate climate change mitigation and adaptation;*

- ❖ *Coordinate and establish a close partnership with the national disaster coordinating council in order to increase efficiency and effectiveness in reducing the people's vulnerability to climate-related disasters; and*
- ❖ *Formulate the framework strategy and program on climate change, the national climate change action plan and facilitate local action plans.*

Status:

As regards the status of the Implementing Rules and Regulations (IRR) of the law, the original IRR for R.A. 9729 was issued on 20 January 2010. Due to the amendments introduced by R.A. No. 10174, the Revised IRR was crafted. The three (3) Commissioners had affixed their signatures on Commission Resolution No. 4 containing the Revised Implementing Rules and Regulations during the Commission's Regular Quarterly Meeting held on 25 March 2013. Pursuant to Section 6 of the Climate Change Act of 2009, as amended, the said resolution was forwarded to the Office of the President for the Chairperson's signature. The R-IRR was approved upon consultation with government agencies, local government units, private sector, non-government organizations and civil society.

The Commission had already come up with the National Strategic Framework on Climate Change (NSFCC) and the National Climate Change Action Plan (NCCAP). The President officially adopted the action plan on 22 November 2011.

The NCCAP will be implemented in the field level through the establishment of ecologically stable and economically resilient towns or ecotowns. Among the pilot sites for the demonstration of the ecotown framework are selected municipalities in Siargao Island, Surigao del Norte, Municipality of San Vicente in Palawan, selected municipalities in Eastern Samar, selected municipalities in Batanes, and the Upper

Marikina River Basin.

Ecotowns are planning units composed of municipalities or a group of municipalities located within and around boundaries of critical key biodiversity areas, which are at high risk to climate change, and built around protected areas and key biodiversity areas, using ecosystem based approach that will scale up best practices.

The subcomponents of the ecotown framework are the following: natural resources assessment, vulnerability assessment, environment and natural resources accounting, identification of adaptation measures, establishment of Climate Adaptation Support Strategy (CASS), financial assistance for the implementation of adaptation measures, and the enhancement and climate proofing of the Comprehensive Land Use Plan (CLUP).

One of the major obstacles in the smooth implementation of the law in the local level is scarcity of financial resources. The timely establishment of the People's Survival Fund (PSF) under R.A. 10174 answered this difficulty. The fund aims to incentivize early actions of local government units in planning for climate change adaptation.

The executive branch recognizes that the PSF is *sui generis* and therefore its implementation somehow deviates from the usual government budgeting and accounting rules and regulations especially since the fund is allocated through the General Appropriations Act (GAA) with no specific source of funding. As a consequence, it was included only in the unprogrammed fund for the 2013 GAA.

The law does not expressly provide for the inclusion of the PSF in the annual budget of the CCC. By interpretation, the CCC will include the PSF in its budget proposal for 2014. However, under the Online Submission of Budget Proposal System of the

Department of Budget and Management (DBM) starting the 2014 Budget Cycle, a fixed budget ceiling is pre-determined. With this set up, it will be a great challenge for CCC to include the PSF of at least ₱ 1 Billion in its regular agency budget which is a very big leap from its average annual budget of only ₱ 100 Million.

(Letter to the Senate dated April 12, 2013 of Sec. Mary Ann Lucille L. Sering, Vice Chairperson and Executive Director, Climate Change Commission)

R. A. No. 9772 **AN ACT IMPOSING A LOGGING BAN IN THE PROVINCE OF SOUTHERN LEYTE (H. NO. 3681) (Signed into Law NOVEMBER 13, 2009)**

Features: *This law imposes a logging ban in Southern Leyte. Exempted from this Act are harvesting of planted species within tree plantations and the tree cutting activities for projects approved by the government subject to certain restrictions.*

Status: The Province of Southern Leyte has been under a logging moratorium since 1982 pursuant to MNR Administrative Order No. 31, Series of 1982 dated 20 July 1982, signed by then MNR Deputy Minister Arnold B. Caoili.

R.A. 9772 took effect in the latter part of 2010. In February 2011, President Aquino III issued EO 23, Series of 2011 which imposed a logging ban in all natural and residual forests in the country. Since the ban is nationwide, it already includes the Province of Southern Leyte and the provisions of EO 23 are deemed to have superseded the provisions of R.A. 9772. EO 23 is further supplemented by EO 26 which established the National Greening Program (NGP).

**R. A. No.
9847**

AN ACT ESTABLISHING MOUNTS BANAHAW AND SAN CRISTOBAL IN THE PROVINCES OF LAGUNA AND QUEZON AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES (S. NO. 2392/H. NO. 4299) (Signed into Law DECEMBER 11, 2009)

Features:

The "Mts. Banahaw - San Cristobal Protected Landscape (MBSCL) Act of 2009" creates a protected area management board which has jurisdiction, power and authority over the MBSCL for all matters that may affect biodiversity conservation, protection and sustainable development. It is chaired by the regional executive director of the Department of Environment and Natural Resources (DENR) Region IV, with representatives from other government agencies and nongovernment organizations as members. The Protected Area Superintendent in coordination with the appropriate offices of DENR, local communities and the NGOs shall prepare a management plan to serve as the basic long - term framework plan in the management of the protected area and guide in the preparation of its annual operations plan and budget. This Act also creates a "Mts. Banahaw - San Cristobal Protected Landscape Fund" to help finance projects in the MBSCL.

Status:

Hereunder were the activities undertaken by the Department of Environment and Natural Resources, Regional Office No. IV-A, CALABARZON to comply with the provisions of the law:

1)Under Section 3. Scope and Coverage. The demarcation and delineation on the ground of the MBSCL started in August 2010.

2)Under Section 5. Buffer Zone. The buffer zone surrounding the MBSCL that will

provide an extra layer of protection to the protected landscape were already identified. These areas are within the municipality of Tayabas in Brgy. Gibanga, Malauwa, Kalantas, Palale, Municipality of Dolores, Brgy. Cabatang, Municipality of Sariaya, Brgy. Gibanga and Municipality of Lucban in Barangays Tinamnan and Manasa, Province of Quezon. For the Province of Laguna, the adjacent timberland areas in the Municipalities of Liliw and Nagcarlan were also identified.

3) Under Section 7. Management Plan.

Following the General Management Planning Strategy (GMPS) provided for under the Nipas Act and according to the procedure set forth, the management plan of MBSCPL had been prepared by the Protected Area Superintendent (PASU) in coordination with the Protected Area Management Board (PAMB) and other stakeholders. The management plan was prepared in a local dialect that is understandable to the people living in the area.

4) Under Section 8. Management of the Mts. Banahaw-San Cristobal Protected Landscape.

The Protected Area Management Board (PAMB) of MBSCPL was already created.

5) Under Section 10. Establishment of PASU Office.

The PASU office was already established on site at Brgy. Kinabuhayan, Dolores, Quezon with an area of 36 square meters. The said office is strategically located to cater the management, protection and administration of MBSCPL. Likewise, influx of tourist in the area and other park activities has been regulated by the PAMB in coordination with the PASU. The PASU which

serves as the chief operating office in the area together with other DENR personnel enforced all laws, rules and regulations in the PA (Protected Area). All activities in the PA were properly monitored to ensure that it is in conformity with the management plan.

6) Under Section 12. Mts. Banahaw-San Cristobal Protected Landscape Fund.

The fund has already established an Integrated Protected Area Fund (IPAF) with sub-fund code 401-117. The incomes generated from the PA are derived from entrance fees from visitors/tourists and resource users' fee of visitors enjoying swimming at Taytay Falls, Majayjay, Laguna. Seventy-five percent (75%) of the income derived from the operation of MBSCPL are remitted / deposited to the Land Bank of the Philippines (LBP) from Laguna Province and Development Bank of the Philippines (DBP) for Quezon Province wherein the said collection will accrue for the management and operation of MBSCPL. Likewise, twenty-five percent (25%) of the income are remitted to the central IPAF under fund 401.

7) Under Section 13. Tenured Migrants and other MBSCPL Stakeholders.

Two (2) tenurial instruments were issued to the eligible tenured migrants within the Municipalities of Majayjay, Laguna and Sariaya, Quezon under the community based program in protected area through an agreement known as Protected Area Community-Based Resource Management Agreement (PACBRMA), which has a duration of 25 years and renewable for another 25 years.

8) Under Section 19. Reporting Responsibility. The PASU is regularly submitting its monthly accomplishment report and a year-end report. All the reports are being forwarded to the DENR Secretary.

9) A total of 193 hectares within the MBSCPL have been rehabilitated under the DENR Upland Development Program (UDP). Through the initiative of the region, the then Congressman Proceso Alcala has allocated a budget of ₱5 million for the reforestation of 70 hectares in Brgy. Sta. Lucia, Dolores, Quezon, 35 hectares in Brgy. Kinabuhayan, Dolores, Quezon, and still to be determined number of hectares in Sariaya, Quezon.

**R. A. No.
10067**

AN ACT ESTABLISHING THE TUBBATAHA REEFS NATURAL PARK IN THE PROVINCE OF PALAWAN UNDER THE NIPAS ACT (RA 7586) AND SEP LAW (RA 7611), PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES (S. NO. 2394/H. NO.5991) (Signed into Law APRIL 06, 2010)

Features:

Known as the “Tubbataha Reefs Natural Park Act of 2009”, this law establishes the Tubbataha Protected Area Management Board (TPAMB), the sole policy-making and permit-granting body of the TRNP. It shall be co-chaired by Regional Executive Director of the Department of Environment and Natural Resources IV-B and the chairperson of the Palawan Council for Sustainable Development. Other members include other local and national government officials, as well as representatives from the academe and non-government organizations. The TPAMB is tasked with deciding on matters relating to planning, resource use and protection, and general administration of the area; approve budget allocations, proposals, work plans, action plans, and guidelines; and establish partnerships, among others. Meanwhile, there will be

a Project Management Office (PMO) headed by a protected area superintendent (PASu) who shall serve as the chief operating officer of TRNP. The PASu shall have full responsibility for the protection of resources within the TRNP. The TPAMB will determine the staffing pattern, qualification standards and hiring procedures for the TMO. This law sets up the TRNP Trust Fund to finance the projects of the TRNP. All income generated from the operation of the TRNP or management of wild flora and fauna therein shall accrue to this fund. This income shall be derived from visitor/tourist fees, fees from permitted sale and export of flora and fauna and other resources from the TRNP, proceeds from registration and lease of multiple-use areas. This law also outlines prohibited acts dumping of wastes and littering, unauthorized bioprospecting and introduction of exotic species, among others, and sets fines and punishments for such acts.

Status:

According to the Palawan Council for Sustainable Development a draft IRR has already been prepared and presented during the Tubbataha Protected Area Management Board (TPAMB) organizational meeting last August 11, 2010. The draft is currently being circulated to the executive committee members of the TPAMB as well as the legal officers of the provincial government of Palawan for additional review and comments and hoping for its approval in October, 2010.

The Philippines' Tubbataha Reef was recently recognized by an international policy research body for the excellent care of the heritage site, hailed as model in coral reef conservation.

The World Future Council gave one of two Silver Awards to the Tubbataha Reefs Natural Park Act, the policy measure that created a protected marine sanctuary of almost 100,000 hectares of high quality marine habitats containing three atolls and a

large area of deep sea.

The Tubbataha Reef, which sits in the center of the Sulu Sea southeast of Palawan, is located within the Coral Triangle, a global focus for coral biological diversity. It is home to a wide diversity of marine life and is a popular dive site.

It was declared a World Heritage Site by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) in 1993. It is administered as part of Cagayancillo, Palawan, and is under the protective management of the Department of National Defense.

As of March 11, 2013, the Palawan Council for Sustainable Development is still collating the necessary data particularly from the Tubbataha Management Office on their update in the implementation of this law.

FINANCE

R.A. NO. 9498 **AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY 1 TO DECEMBER 31, 2008, AND FOR OTHER PURPOSES (Signed Into Law MARCH 11, 2008)**

Status: The President signed into law the ₱1.227 Trillion national budget for 2008 on March 11, 2008.

The GAA of 2008 saw an average 50% increase in the budgets of the DPWH and DOTC and in the capital outlays of the education, agriculture and health departments.

The top 10 agencies with the biggest budget allocations

were the following:

Department of Education	₱140.24 B
DPWH	94.73 B
DILG	53.24 B
DND	50.93 B
DA	2.71 B
DOTC	20.82 B
DOH	19.77 B
State Universities and Colleges	19.64 B
Judiciary	10.28 B
DFA	10.19 B

The approved budget doubled the allocation for the Office of the Ombudsman from ₱481.52M in 2002 to ₱953.62M for 2008.

The government also allocated money for a computerization program worth ₱245M – ₱130M for the Bureau of Customs and ₱115M for the BIR to help strengthen their operations.

**R. A. No.
9524** **AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY 1 TO DECEMBER 31, 2009, AND FOR OTHER PURPOSES (Signed Into Law MARCH 13, 2009)**

Status: The President signed into law on March 13, 2009 the ₱1.414T national budget for 2009. The budget law is ₱188B higher than that of the 2008 budget.

The Budget Secretary said the 2009 budget would lead to a deficit of ₱177.2B. But was still within the range of 2.2% of the Gross Domestic Product (GDP). The President vetoed the concept of debt service as programmed with the ₱50B cut retained, the government would pay some ₱252B to cover interest.

One of the biggest recipients was the DPWH whose

₱130B budget ranks second to the DECS ₱158.2B.

R. A. No. **AN ACT APPROPRIATING THE SUM OF ELEVEN
9525 BILLION THREE HUNDRED ONE MILLION SEVEN
 HUNDRED NINETY THOUSAND PESOS
 (P11,301,790,000.00) AS SUPPLEMENTAL
 APPROPRIATIONS FOR AN AUTOMATED
 ELECTION SYSTEM AND FOR OTHER PURPOSES
 (H. No. 5715) (Signed Into Law MARCH 23, 2009)**

Status: The Department of Budget and Management (DBM) has released to the Commission on Elections (Comelec) the funds for the above purpose under Special Allotment Release Order No. C-09-02742 dated April 30, 2009 in the amount of ₱11,301,790,000.00. The corresponding cash allocation was released to Comelec upon submission by the agency of the monthly cash program for the purpose.

R. A. No. **AN ACT APPROPRIATING FUNDS FOR THE
9970 OPERATION OF THE GOVERNMENT OF THE
 REPUBLIC OF THE PHILIPPINES FROM JANUARY
 ONE TO DECEMBER THIRTY-ONE, TWO
 THOUSAND AND TEN, AND FOR OTHER PURPOSES
 (H. NO. 6767) (Signed Into Law FEBRUARY 09,
 2010)**

Status: By agency, the biggest recipient of the 2010 budget is the Department of Education (DepEd) with a budget of ₱174.9B.

Next is the Department of Public Works and Highways (DPWH) with ₱135.6B, followed by the Department of Interior and Local Government (DILG) with ₱66.45B, and the Department of National Defense (DND), ₱57.84B. To sustain food security programs, the Department of Agriculture (DA) is fifth in the list of top recipients, with a budget of ₱41.17B.

Rounding up the top 10 are the Department of Health (DOH), ₱29.28B; State Colleges and Universities, ₱23.84B; Department of Agrarian Reform (DAR), ₱21.06B; Department of Transportation and Communication (DOTC), ₱17.16B; and the Department of Social Welfare and Development (DSWD), ₱15.37B.

The 2010 budget includes many activities, like the ₱50B repair of typhoon-hit provinces, as well as the ₱10.6B allocation for the first automated election in May, 2010.

By object of expenditures, “pay, pension, and premium contributions” of government personnel, or collectively known as Personal Services, would get the biggest share of the pie, with ₱494B allocation.

The largest expense class in the budget, the “Maintenance and Other Operating Expenses” will be allocated ₱864B, or a ₱100B jump from last year’s level. Debt service accounts for the biggest chunk of the MOOE with ₱340.8B. Of this amount, ₱221.3B will settle domestic obligations while ₱119.5B will be remitted to foreign creditors.

FOREIGN RELATIONS

R. A. No. **AN ACT TO AMEND CERTAIN PROVISIONS OF**
9522 **REPUBLIC ACT NO. 3046, AS AMENDED BY**
 REPUBLIC ACT NO 5446, TO DEFINE THE
 ARCHIPELAGIC BASELINES OF THE PHILIPPINES
 AND FOR OTHER PURPOSES (S. NO. 2699/H. NO.
 3216) (Signed into Law MARCH 10, 2009)

Features: *The law defines the general configuration of the archipelago including the Extended Continental Shelf (ECS) and Exclusive Economic Zone (EEZ) to make it more compliant with United Nations Convention on the Law of the Sea (UNCLOS).*

It excludes the disputed Kalayaan Group of Islands and Scarborough Shoal from the archipelago, but treats these as part of a "regime of islands."

Status: In the law, 101 baseline points from Aparri in Cagayan to Jolo in Sulu were plotted and straight lines were drawn to connect these points to come up with archipelagic baselines.

Pursuant to section 5 of the law, the National Mapping and Resource Information Authority (NAMRIA) has prepared a map showing the new baselines. The map was submitted to the Committee on Maritime and Ocean Affairs for their comments and approval before its publication.

A copy of R.A. 9522 was deposited with the United Nations Secretary General on April 1, 2009, pursuant to Section 4 of the new baselines law. The new baselines were used as reference lines in the delineation of the limits of the RP extended continental shelf in the Benham Rise Area. The partial ECS submission was deposited with the commission on the limits of the continental shelf on April 8, 2009.

GOVERNMENT CORPORATIONS AND PUBLIC ENTERPRISES

**R. A. No.
9903** **AN ACT GRANTING THE SOCIAL SECURITY SYSTEM
A ONE-TIME AUTHORITY TO CONDONE PENALTIES
ON UNREMITTED OR DELINQUENT
CONTRIBUTIONS BY EMPLOYERS (S. NO. 2454/H.
NO. 5922) (Signed into Law JANUARY 7, 2010)**

Features: *This law gives any employer who is delinquent or has not remitted all contributions due and payable to the Social Security System (SSS) the opportunity, within six months,*

to either remit said contributions, or to submit a proposal to pay the same in installments subject to certain requirements. The penalty provided under Section 22(a) of Republic Act No. 8282 shall be condoned by virtue of this Act when all the delinquent contributions are remitted by the employer to the SSS.

Status: According to the Commission, the implementation of R. A. 9903 has ended on August 2, 2010.

As regards to the employer's availment and compliance of the program, the SSC will furnish the Senate the report of the SSS as soon as the same is submitted to the SSC.

Under this law, employers who have not remitted all contributions due and payable to the SSS may, within six months from the effectivity of the law: 1) remit such contributions; or 2) submit in writing a proposal to pay in installment such delinquent contribution, subject to the rules prescribed by the SSS.

Pursuant to Section 5 of the law, the Social Security Commission, under its Resolution No. 110-Series of 2010, dated February 10, 2010 issued Circular No. 2010-004 dated February 18, 2010 as the Implementing Rules and Regulations of the law.

R. A. No. 10073 **AN ACT INSTITUTING THE NEW GIRL SCOUTS OF THE PHILIPPINES CHARTER, PENALIZING VIOLATIONS THEREOF AND FOR OTHER PURPOSES (S. NO. 3298/H. NO.6025) (Signed into Law APRIL 20, 2010)**

Features: *Known as the "Girl Scouts of the Philippines (GSP) Charter of 2009," RA 10073 officially recognizes GSP as a corporate body, thereby reaffirming Commonwealth Act No. 542. The governing body of the GSP shall be vested in a Central Board composed of at least thirty 37 members but not more than 47. This Act creates a National Executive Committee responsible for implementing the policies and*

decisions of the National Council and the Central Board, and grants a variety of fiscal incentives to the organization.

Status:

According to Ms. Salud A. Bagalso, M. D., National President of the Girl Scouts of the Philippines, immediately upon receipt on May 06, 2010 from the Office of the President of the Philippines of the certified copy of Republic Act No. 10073, the Girl Scouts of the Philippines coordinated with the national printing office for the publication of said republic act in the official gazette.

The law was officially published in the May 17, 2010 issue (Vol. 106, No. 20 Pp 2910-13) of the Official Gazette. The republic act was circularized to their 96 councils for their guidance and information.

The GSP is likewise reviewing its memorandum of agreement with various government agencies to ensure that the conditions in these partnerships reflect the ideals of girl scouting, as stipulated in Sec. 6 of this act.

The Girl Scout of the Philippines whose charter was instituted under Republic Act No. 10073 is operating smoothly within the framework of the law and in accordance with its Constitution and By-laws duly issued by its Central Board.

BSP has no budgetary requirements as it is able to receive funds, real and personal properties by gift, devise and donation, contribution or other means pursuant to its Charter which they are pleased to observe, is effective and relevant to current milieu.

GSP has not encountered any problems/concerns in the implementation of the law instituting its Charter.

HEALTH AND DEMOGRAPHY

**R. A. No.
9709** **AN ACT ESTABLISHING A UNIVERSAL NEWBORN HEARING SCREENING PROGRAM FOR THE PREVENTION, EARLY DIAGNOSIS AND INTERVENTION OF HEARING LOSS (S. NO. 2390/H. NO. 2677) (Signed into Law AUGUST 12, 2009)**

Features: *This Act establishes the Universal Newborn Hearing Screening Program (UNHSP) to institutionalize measures for the prevention and early diagnosis of congenital hearing loss among newborns, the provision of referral, follow-up, recall and early intervention services to infants with hearing loss, and counseling and other support services. It also expands the Advisory Committee on Newborn Screening under Section 11 of Republic Act No. 9288, "Newborn Screening Act of 2004," to include representatives from the Philippine Society of Otorhinolaryngology and the Philippine Society of Audiology.*

Status:

The Implementing Rules and Regulations (IRR) of the law (Administrative Order No. 2010-0020) was issued by the Secretary of the Department of Health on June 28, 2010. It was published in a newspaper of general circulation (Philippine Daily Inquirer) on July 09, 2010 and took effect on July 10, 2010.

**R. A. No.
9711** **AN ACT STRENGTHENING AND RATIONALIZING THE REGULATORY CAPACITY OF THE BUREAU OF FOOD AND DRUGS (BFAD) BY ESTABLISHING ADEQUATE TESTING LABORATORIES AND FIELD OFFICES, UPGRADING ITS EQUIPMENT, AUGMENTING ITS HUMAN RESOURCE COMPLEMENT, GIVING AUTHORITY TO RETAIN ITS INCOME, RENAMING IT THE FOOD AND DRUG**

ADMINISTRATION (FDA), AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 3720, AS AMENDED, AND APPROPRIATING FUNDS THEREOF (S. NO. 2645/H. NO. 3293) (Signed into Law AUGUST 18, 2009)

Features: *The law renames the Bureau of Food and Drugs (BFAD) as Food and Drugs Administration (FDA) with improved administrative and technical capacity in the regulation of food, drugs, cosmetics, and device establishments and products.*

R.A. 9711 also provides for the establishment of adequate testing laboratories, upgrading the agency's equipment, augmentation of its human resources complement, and gives it authority to retain its income for its operations. The FDA will also have 4 new centers on the regulations and research of drugs, food, cosmetics and devices to ensure their safety, efficacy and quality. These products will be regulated by the FDA in terms of importation, export, manufacturing, distribution, advertising and marketing.

An agency under the DOH, FDA will have expanded powers, including the ability to ban, recall and withdraw any health product that have caused death, serious illness or injury to a consumer.

The law also allowed the FDA to establish a regulatory enforcement unit to serve executive rulings of the FDA as well as serve search warrants and arrests. The law enforcement unit will run for a period of not exceeding 5 years upon the implementation of R.A. 9711.

This law also allows the FDA to keep its income from testing of products to upgrade their laboratories and other equipment. The testing laboratory for health products will also be established in Luzon, Visayas and Mindanao to reduce processing time from the usual 6 to 9 months to only 3 months or less.

The main testing laboratories at the central office will be maintained and will serve as support unit to the centers for

product research and evaluation and standards development.

Status: Reorganization

As provided by law, the new FDA is a blend of the current officials and employees of Bureau of Food and Drugs and Bureau of Health Devices and Technology. Affected employees were transferred to other centers and offices within the Department of Health (DOH). An action plan is in place for the eventual transfer of Food and Drug Regulation Officers and Regional Health Physicists from the DOH-run Centers of Health Development to the FDA. The planned transfer is contingent on Department of Budget and Management (DBM) approval of FDA's five-year business plan (2013-2017) and the authority to use the agency's retained income.

The current roster of FDA personnel is inadequate to meet the changing demands of the field. Expertise has remained largely unchanged considering the rapid development of new products from other countries as a result of newer technologies. The agency is composed of some 300 personnel overseeing thousands of products and establishments around the country, which is far below the FDA's "optimum" manpower complement of 1,200. Since 2007, the National Center for Pharmaceutical Access and Management has funded contractual employees deployed to FDA. The agency hopes to eventually absorb these employees.

Funding

As of December 2012, FDA has some ₱1 Billion in retained funds. These funds may only be used with the approval of DBM. The agency has not been able to use the funds for capital outlay and human resource development. To ensure transparency and accountability, the FDA is mandated to submit to the secretaries of DOH and DBM, as well as the Congressional Oversight Committee, a report on collections and retained income.

Human Resource Development

The current organization is both critically short of manpower and inadequately trained to evaluate new health products of new technologies. The high turnover of employees is also noteworthy.

To help address these issues, FDA institutionalized the FDA Academy under the Policy and Planning Office in January 2013. It is designed to serve as a means to train evaluators of food, drugs, cosmetics and medical devices. On February 28, 2013, the Academy launched its internship program for college students. The agency also launched the FDA Strengthening Program, a training program for FDA officials focusing on improving management skills. Training programs for staff and new hires are also in the pipeline.

Challenges

The FDA is tasked with enforcing a variety of laws concerning food, drugs and consumer products safety. The agency requires significant financial support to fulfill its mandate effectively and efficiently. In the next five years, the agency will need to hire several people to man its laboratories across the country. Construction of new facilities and purchase/improvement of equipment also requires funds.

The Implementing Rules and Regulations (IRR) of the law was signed by the Secretary of Health on March 22, 2011.

R. A. No. 9803 **AN ACT TO ENCOURAGE THE DONATION OF FOOD FOR CHARITABLE PURPOSES (S. NO. 150/H. NO. 420) (Signed into Law NOVEMBER 25, 2009)**

Features: *This measure seeks to encourage the donation of “apparently wholesome food” for charitable purposes. Apparently wholesome food refers to food that meets all quality and labeling standards imposed by pertinent laws*

and administrative regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions. The Department of Social Welfare and Development serves as the main coordinating agency together with the Philippine Red Cross as auxiliary for the implementation of this Act.

Status: On May 17, 2010, the DSWD, in coordination with the Department of Health (DOH) and its attached agencies, the Bureau of Food and Drugs (BFAD) and the National Nutrition Council (NNC); the National Disaster Risk Reduction and Management Council (NDRRMC); the Union of Local Authorities of the Philippines (ULAP); other relevant government agencies, nongovernment organizations including the Philippine Red Cross and private entities formulated and issued the rules and regulations for the implementation of this Act. This is to ensure effective and sustained inter-agency and multi-sectoral coordination.

The Department of Social Welfare and Development (DSWD) shall serve as the main coordinating agency together with the Philippine Red Cross as auxiliary for the implementation of this Act.

The foods that will be collected/donated are raw, cooked, processed, fresh meat fish/and fishery aquatic products, ingredients, perishable and highly perishable.

The PRC will facilitate the collection of highly perishable food donations (surplus or excess food, and NOT leftovers, from parties, buffets and from restaurants and fast food chains) for distribution to the identified vulnerable sectors.

Milk-based and tomato-based cooked food could not be included since they have a short shelf life.

The DSWD facilitates the collection and storage of perishable food (food and beverages that will not quickly spoil or deteriorate; examples include canned and/or

processed fruits, vegetables, meat, fish and fishery/aquatic products that do not require special storage such as refrigeration and/or freezing). All types of pasta, sugar, flour and spices are also considered perishable. This will be distributed and allocated at the national/regional DSWD centers and institutions, charitable organizations or to the disaster affected families through the local social welfare and development office.

A. *Philippine Red Cross

PRC started its implementation in September 2011 in partnership with the Marriot Hotel and Salu-Salo Food Banking Phils. with the following details below:

Year	Cooperating Partners	Type of Food	No. of beneficiaries served	Areas covered
2011	Marriot Hotel	Steamed Rice, Mashed Potato, Gravy, Pork and Chicken Adobo, Vegetable Soup, Arroz Ala Cubana, Ginger Bread Cookies	1,653 children	7 Barangays in Pasay City
2012	Marriot Hotel	Steamed Rice, Pork and Chicken Adobo, Korean Beef Stew Okra	701 children	5 Barangays in Pasay City
	Salu-Salo Food		180 individuals	4 Barangays in

	Banking Phils.			Intramuros, Manila
2013 (1 st quar- ter)	Marriot Hotel	Steamed Rice, pork and Chicken Adobo and Chocolate Pretzels	340 children	2 Barangays in Pasay City
Total			2,874 persons	

*source: PRC Report emailed 4/15/2013

B. *DSWD

Even before the passage of R.A. 9803, the DSWD received donations in kind from the local and foreign donors (individuals, private organizations, government organizations, non-government organizations and international non-government organizations and other humanitarian aid agencies). Food items collected from these donors are for distribution to the most vulnerable sectors and the disaster affected population due to tropical cyclones or flash floods with the following details below:

Year	Areas Served	Cost of Food Donation
2010	Affected Regions due to typhoon Basyang, Domeng and Juan – I, II, III, IVA, IVB, V, VI, IX, XII, CAR, NCR	₱14,638,695.10
2011	Affected Regions due to typhoon Sendong – VII, IX, X, XI, ARMM and CARAGA	₱49,877,134.89
2012	Affected Regions due to Habagat and typhoon Pablo – I, III, NCR, IVA, IVB, VI, VIII, IX, X, XI, XII, CARAGA and ARMM	₱87,736,766.65
2013	Affected Regions due to Flashfloods – XI, XII and ARMM	₱2,578,492.55
Total		₱144,831,089.19

*source: NROC inventory and utilization of local/foreign donations report

**R. A. No.
10028** **AN ACT EXPANDING THE PROMOTION OF BREASTFEEDING, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7600, OTHERWISE KNOWN AS “AN ACT PROVIDING INCENTIVES TO ALL GOVERNMENT AND PRIVATE HEALTH INSTITUTIONS WITH ROOMING-IN AND BREASTFEEDING PRACTICES AND FOR OTHER PURPOSES” (S. NO. 1698/H. NO. 879, 4012, & 6076) (Signed into Law MARCH 16, 2010)**

Features: *Known as the “Expanded Breastfeeding Promotion Act of 2009,” RA 10028 aims to promote and encourage breastfeeding and provide specific measures that would present opportunities for mothers to continue expressing their milk and/or breastfeeding their infant. It sets regulations on the setting up of lactation stations; continuing education, re-education and training of relevant health workers; integration of breastfeeding education in the curricula; and breastfeeding awareness month, among others.*

Status: The law took effect on May 13, 2010, fifteen (15) days following its publication in two (2) newspapers of general circulation (Philippine Daily Inquirer and Philippine Star) on April 28, 2010.

JUSTICE and HUMAN RIGHTS

**R. A. No.
9745** **AN ACT PENALIZING TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT AND PRESCRIBING PENALTIES THEREFOR (S. NO. 1978/H. NO. 5709) (Signed into Law NOVEMBER 10, 2009)**

Features: *The “Anti-Torture Act of 2009” declares that freedom from acts of torture as well as other cruel, inhuman or degrading treatment or punishment is “an absolute right.” Persons*

found guilty of any act of torture shall be penalized and shall not be eligible for any special amnesty law or similar measures that will have the effect of exempting them from any criminal proceedings and sanctions. Victims shall also have the right to claim for compensation as provided for under Republic Act No. 7309.

Status: According to the Secretary of Justice, the draft Implementing Rules and Regulations (IRR) adopted by the Department of Justice (DOJ) and the Commission on Human Rights (CHR), with the active participation of certain human rights non-governmental organizations, had to undergo tedious and successive regional validation and consultation meetings with affected and interested parties if only to ensure that every region is actively represented in the formulation thereof. The last of these meetings was scheduled in Cebu City on September 22-24, 2010 for participants from Regions 6 and 7. The Implementing Rules and Regulations (IRR) of the law has been promulgated. Works are on the way towards the ratification of the Optional Protocol to the Convention Against Torture (OPCAT) by the Senate.

According to Ms. Jacqueline B. Veloria Mejia, Executive Director of the Commission on Human Rights of the Philippines, the following are the updates on the implementation of the law:

- **Financial Assistance to victims of torture**

The Commission on Human Rights (CHR) granted financial assistance to six (6) victims of torture in the year 2011, in the amount of Ten Thousand Pesos (₱10,000.00) each, for a total amount of Sixty Thousand Pesos (₱60,000.00).

The CHR also granted financial assistance to twenty (20) victims of torture in the year 2012, in the amount of Ten Thousand Pesos (₱10,000.00) each, for a total amount of Two Hundred Thousand Pesos (₱200,000.00).

- **Training on R. A. 9745**

The CHR organized the Training of Detention Authorities on Anti-Torture and Human Rights in 2011. The trainings were held on October 11 to 13, 2011 for the Luzon batch, November 8 to 10, 2011 for the Mindanao batch, and November 15 to 17, 2011 for the Visayas batch. The trainings were participated in by 101 participants for the Luzon batch, 55 participants for the Mindanao batch, and 65 participants for the Visayas batch. Participants of the training workshops were members of the Philippine National Police (PNP) , Armed Forces of the Philippines (AFP), Bureau of Jail Management and Penology (BJMP) personnel, and provincial jail personnel.

The CHR again organized the Training of Detention Authorities on Anti-Torture and Human Rights in 2012. The trainings were held on June 19 to 21, 2012 for the Mindanao batch, July 18 to 20, 2012 for the Luzon batch, and July 31 to August 2, 2012 for the Visayas batch. The trainings were participated in by 39 participants for the Mindanao batch, 47 participants for the Luzon batch, and 28 participants for the Visayas batch. Members of the Philippine National Police (PNP), Bureau of Corrections (BuCor), National Bureau of Investigation (NBI), Bureau of Immigration (BI), Philippine Drug Enforcement Agency (PDEA) and provincial jail personnel participated in these trainings.

- **Comprehensive Rehabilitation Program for victims of torture and their families**

Section 19 of the law mandates the formulation of a comprehensive rehabilitation program both for victims of torture and their families, and for persons who have committed torture and other cruel, inhuman and degrading punishment.

A draft rehabilitation program is already formulated by the Department of Social Welfare and Development (DSWD), Department of Justice (DOJ), Department of health (DOH), together with the CHR, concerned

government agencies and non-government organizations. It is in the process of editing and is expected that the final draft is signed by the DSWD, DOJ and DOH within the year.

- **Oversight Committee**

R.A. No. 9745 created an Oversight Committee to periodically oversee the implementation of the law. The Rules of Procedure of the Oversight Committee is yet to be finalized and approved by the CHR, the Senate and the House of Representatives.

- **Budgetary requirements**

Section 23 of R.A. 9745 provides that the amount necessary for the continued implementation of the law shall be included in the annual General Appropriations Act. **Unfortunately, there is no appropriation in the 2013 General Appropriations Act for the implementation of the Anti-Torture Law. Thus, this particular provision of law has not been complied with by the Philippine government for the year 2013.**

- **Problems/concerns in the implementation of the law**

Section 7 of R.A. 9745 provides that the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP) and other law enforcement agencies concerned shall make an updated list of all detention centers and facilities under their respective jurisdictions with the corresponding data on the prisoners or detainees incarcerated or detained therein; and such list, to be periodically updated every month, must be submitted to the CHR. To date, there are still government agencies that are not complying with this particular provision, thus, the regular coordination by the Commission with these agencies.

Section 9 (b) of R.A. 9745 also provides that a victim of torture must have sufficient government protection

against all forms of harassment, threat and/or intimidation; and that the State shall afford security in order to ensure his/her safety and that of his/her lawyer, witnesses and relatives. **The reality, however, is that the procedure for admission in the Witness Protection Program (WPP) of the Department of Justice is very stringent.**

- **Effectiveness and relevance of the law**

The CHR believes that R.A. 9745 is effective in preventing the torture and other cruel, inhuman, and degrading treatment or punishment, as it imposes penalty for the commission of the act; it made torture a separate and independent crime; it provides for criminal liability on the basis of command responsibility; it mandates the formulation of a rehabilitation program for victims of torture and their families and those who have committed torture; and it made mandatory the education and information on prohibition against torture for law.

**R. A. No.
9848**

AN ACT CREATING FIVE ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT AND ELEVEN ADDITIONAL BRANCHES OF THE METROPOLITAN TRIAL COURT IN THE NATIONAL CAPITAL JUDICIAL REGION TO BE STATIONED AT MANDALUYONG CITY, FURTHER AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980", AS AMENDED, AND APPROPRIATING FUNDS THEREFOR (S. NO. 3441/H. NO. 4265) (Signed into Law DECEMBER 11, 2009)

Status:

In its letter of 21 February 2011, Atty. Jose Midas P. Marquez, Court Administrator, Supreme Court informed the Senate that for the additional Regional Trial Courts, the court en banc issued a Resolution in A.M. No. 10-11-334-RTC dated 14 December 2010 for the implementation of R. A. No. 9848. The request for a Notice of Organization, Staffing and Compensation Action (NOSCA) are to be

transmitted to the Department of Budget and Management (DBM) for action and approval.

For the additional Metropolitan Trial Courts, the court en banc issued a Resolution in A.M. No. 10-7-85-MeTC dated 27 July 2010 for the implementation of R. A. No. 9848. DBM already approved the NOSCA on 15 November 2010.

The salary rate was based on 2nd tranche salary adjustment. For FY 2010 and FY 2011, the PS requirements of these positions shall be sourced from available funds of the Supreme Court. The budgetary requirement of these positions will be reflected in the PSI and funded in the FY 2012 NEP.

R. A. No. 9851 **AN ACT DEFINING AND PENALIZING CRIMES AGAINST INTERNATIONAL HUMANITARIAN LAW, GENOCIDE AND OTHER CRIMES AGAINST HUMANITY, ORGANIZING JURISDICTION, DESIGNATING SPECIAL COURTS, AND FOR RELATED PURPOSES (S. NO. 2669/H. NO. 6633) (Signed into Law DECEMBER 11, 2009)**

Features: *This measure sets penalties and criminal liability for crimes against international humanitarian law, genocide and other crimes against humanity, which are broadly classified as war crimes, genocide and others. It includes provisions to promote the protection of victims and witnesses in addition to existing provisions in Philippine law, and identifies selected international treaties, conventions and decisions that may be used in interpreting this Act.*

Status: The law took effect on April 06, 2010 after its publication in two (2) newspapers of general circulation on March 22, 2010.

There are no available data as for the number of cases filed in the Regional Trial Courts for violation of the said law.

**R. A. No.
9906**

AN ACT CREATING FOUR ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE ELEVENTH JUDICIAL REGION TO BE STATIONED AT KORONADAL CITY AND AT THE MUNICIPALITY OF SURALLAH, ALL IN THE PROVINCE OF SOUTH COTABATO, AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (L) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980", AS AMENDED, AND APPROPRIATING FUNDS THEREFOR (S. NO. 1980 & 1981/H. NO. 6112) (Signed into Law JANUARY 07, 2010)

Status:

In its letter of 21 February 2011, Atty. Jose Midas P. Marquez, Court Administrator, Supreme Court informed the Senate that the Supreme Court en banc issued Resolutions in A.M. No. 10-3-117-RTC dated 15 June 2010 and 14 December 2010, respectively, for the implementation of R.A. No. 9906. A clarification is being sought on the 14 December 2010 resolution. In the meantime, the request for Notice of Organization Staffing and Compensation Action (NOSCA) has been drafted and shall be transmitted to Department of Budget and Management (DBM) upon the court's resolution on the request for clarification.

Organization of the subject courts is on hold until such time that the Department of Budget and Management (DBM) has released the Supplemental Allotment Release Order (SARO) and the Notice of Cash Allocation relative thereto.

**R. A. No.
9946**

AN ACT GRANTING ADDITIONAL RETIREMENT, SURVIVORSHIP, AND OTHER BENEFITS TO MEMBERS OF THE JUDICIARY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 910, AS AMENDED, PROVIDING FUNDS THEREFOR AND FOR OTHER

PURPOSES (S. NO. 1620/H. NO. 6820) (Signed into Law JANUARY 13, 2010)

Features: *This law grants additional benefits to members of the judiciary. Under this law, judges may now retire at age 60 provided that they have rendered at least 15 years of service in government, the last three of which in the judiciary. However, the mandatory retirement age will remain at 70. They are also entitled to receive a monthly pension consisting of their salary plus additional compensation allowance.*

Status: The Supreme Court through Chief Justice Renato G. Corona issued on November 03, 2010 SC Administrative Circular No. 81-2010, the guidelines on the implementation of R.A. 9946.

R. A. No. 9995 **AN ACT DEFINING AND PENALIZING THE CRIME OF PHOTO AND VIDEO VOYEURISM, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES (S. NO. 2357/ H. NO. 6517) (Signed into Law FEBRUARY 15, 2010)**

Features: *The law known as the “Anti-Photo and Video Voyeurism Act of 2009” defines “photo or video voyeurism” as the act of taking photo or video coverage of a person or group of persons performing sexual act or any similar activity or of capturing an image of the private area of a person or persons without the latter’s consent under circumstances in which such person/s has/have a reasonable expectations of privacy, or the act of selling, copying, reproducing, broadcasting, sharing, showing or exhibiting the photo or video coverage or recordings of such sexual act or similar activity through VCD/DVD, internet, cellular phones and similar means or device without the written consent of the person/s involved, notwithstanding that consent to record or take photo or video coverage of same was given by such persons.*

It is prohibited and declared unlawful for any person:

- a) To take photo or video coverage of a person or group of persons performing sexual act or any similar activity or to capture an image of the private area of a person/s such as the naked or undergarment clad genitals, pubic area, buttocks or female breast without the consent of the person/s involved;*
- b) To copy or reproduce such photo or video recording of sexual act or any similar activity with or without consideration;*
- c) To sell or distribute such photo or video recording of sexual act, whether it be the original, copy or reproduction thereof; or*
- d) To publish or broadcast whether in print or broadcast media, or show, or exhibit the photo or video coverage or recordings of such sexual act through VCD/DVD, internet, cellular phones and other similar means or device.*

The penalty of imprisonment of not less than three (3) years but not more than seven (7) years and a fine of not less than ₱100,000.00 but not more than ₱500,000.00, or both, at the discretion of the court shall be imposed upon any person found guilty of violating this act.

If the violator is a juridical person, its license or franchise shall automatically be deemed revoked and the persons liable shall be the officers thereof. If the offender is an alien, he/she shall be subject to deportation proceedings after serving his/her sentence and payment of fines.

Status: Self-executory.

**R. A. No.
9999**

**AN ACT PROVIDING A MECHANISM FOR FREE
LEGAL ASSISTANCE AND FOR OTHER PURPOSES (S.**

Features: NO. 2361/H. NO. 4301) (Signed into Law FEBRUARY 23, 2010)

The “Free Legal Assistance Act of 2010” outlines the requirements for availing of free legal assistance. Services that may be offered includes legal advice and counsel, and the preparation of instruments and contracts, including appearance before the administrative and quasi-judicial offices, bodies and tribunals handling cases in court, and other similar services as may be defined by the Supreme Court. This law also gives incentives to lawyers and professional partnerships rendering actual free legal services.

Status: According to the Public Attorney’s Office, Department of Justice, as of April 16, 2013 the Supreme Court has not yet issued the Implementing Rules and Regulations of the law which will serve as guidelines for its enforcement.

R. A. No. 10071 AN ACT STRENGTHENING AND RATIONALIZING THE NATIONAL PROSECUTION SERVICE (S. NO. 2659/H. NO. 7112) (Signed into Law APRIL 08, 2010)

Features: *This law creates the National Prosecution Service to be composed of the prosecution staff in the office of the justice secretary and such number of regional prosecution offices, offices of the provincial prosecutor and offices of the prosecutor. The prosecution staff under the justice secretary shall be headed by a prosecutor general who shall be assisted by five senior deputy state prosecutors, five deputy state prosecutors, thirty-five senior assistant state prosecutors, eighty assistant state prosecutors and twenty prosecution attorneys. There shall also be a regional prosecution office at each administrative region except the National Capital Region as well as a provincial or city prosecutor for each province or city. PhP 50 million is initially appropriated for the organization and operational expenses of the Office of the Prosecutor General for a period*

of one year from the effectivity of this Act.

Status: The law took effect on May 28, 2010, fifteen (15) days following its publication in two (2) newspapers of general circulation (Philippine Daily Inquirer and Philippine Star) on May 13, 2010.

The Department of Justice issued Department Circular No. 50 dated June 25, 2010 which provides for the guidelines, rules and regulations in the interest of the proper, orderly and rational implementation of the said law.

The IRR will strengthen the government's war on criminality and ease the perennial back-log in criminal cases at the DOJ through the creation of the NPS in charge of the preliminary investigation and prosecution of all criminal cases.

The would-be NPS will comprise the prosecutors currently assigned at the DOJ central offices and its various regional, provincial and city offices nationwide, as well as the new ones that the department will hire to beef up its national prosecution team.

To increase plantilla positions, the IRR carries out the law's provision on the automatic creation of positions of assistant and associate prosecutors in provincial and/or city NPS offices wherever new courts or branches are created in these areas.

The IRR of the law also provides for the mechanism for the grant by local governments of allowances to prosecutors assigned to their localities – but not to exceed 50 percent (50%) of their basic salaries – as an incentive for the new NPS lawyers.

In his letter to the Senate dated May 7, 2013, the Prosecutor General, Department of Justice said that the Secretary of Justice, on January 8, 2013 issued the Guidelines setting out the policies and procedures to be observed in implementing the grant of retirement,

survivorship and other benefits to the prosecutors in the National Prosecution Service as provided under R.A. No. 10071. And he said that ***“But these Guidelines are seemingly useless if the DBM and the GSIS are reluctant even to sign a joint circular to address the claims of retired prosecutors pursuant to R. A. No. 10071. Thus, we need the intervention of Congress at least in convincing the DBM and the GSIS to release without delay the retirement benefits of retired prosecutors. And we hope that with the assistance of Congress, retired prosecutors can surely get whatever benefits they have qualified to under R. A. No. 10071.”***

According to news report by Leonard D. Postrado, Tempo Online dated May 22, 2013, “The Department of Budget and Management (DBM) released yesterday more than ₱200 Million worth of pension of 85 retired Department of Justice (DOJ) Prosecutors.”

Justice Secretary Leila de Lima announced that the DOJ prosecutors who retired in 2010, 2011 and 2012 can now claim their retirement gratuity differential after the DBM gave the go-signal for the release of ₱246,795,219 funds allocated for their pension.

In a memorandum dated May 17, 2013, Assistant Secretary for Finance Zabedin Azis and Prosecutor General Claro Arellano informed Sec. de Lima that the more than ₱200 Million worth of funds was sourced from the DOJ Pension and Gratuity Fund for the year 2013 General Appropriations Act (GAA).

One of the 85 prosecutor-recipients of the retirement gratuity differential was the late Acting Cadiz City Prosecutor Marcelo del Pilar, who reportedly died last April 4, 2013 due to a heart seizure, without having received his retirement pay.

Sec. de Lima said del Pilar’s family is now entitled to receive ₱4,135,167.68, covering his unpaid retirement benefits.

Previously, the DBM and the Government Service

Insurance System (GSIS) was set to sign a Joint Circular on April 15, 2013 to fast-track the payment of the prosecutor's retirement benefits who bowed out from service for the period 2010 to 2012 under the new National Prosecution Service Act (Republic Act 10071).

**R. A. No.
10123** **AN ACT CREATING FIVE (5) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURTS IN THE ELEVENTH JUDICIAL REGION TO BE STATIONED AT THE MUNICIPALITY OF ALABEL, PROVINCE OF SARANGANI, AMENDING FOR THE PURPOSE PARAGRAPH (L), SECTION 14 OF BATAS PAMBANSA BLG. 129, AS AMENDED, OTHERWISE KNOWN AS THE JUDICIARY REORGANIZATION ACT OF 1980 (S. NO. 3443 H. NO. 16) (Signed into Law JUNE 03, 2010)**

Status: In its letter of 21 February 2011, Atty. Jose Midas P. Marquez, Court Administrator, Supreme Court informed the Senate that the Supreme Court en banc issued Resolution in A.M. No. 10-11-329-RTC dated 30 November 2010 for the implementation of R.A. No. 10123. DBM already approved the NOSCA on 31 January 2011.

LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT

**R. A. No.
9547** **AN ACT STRENGTHENING AND EXPANDING THE COVERAGE OF THE SPECIAL PROGRAM FOR EMPLOYMENT OF STUDENTS, AMENDING FOR THE PURPOSE PROVISIONS OF R. A. NO. 7323, OTHERWISE KNOWN AS THE SPECIAL PROGRAM FOR EMPLOYMENT OF STUDENTS (S. NO. 2116/H. NO. 5388) (Signed into Law APRIL 01, 2009)**

Features: *This law allows private businesses with at least ten employees to employ poor but deserving students aged 15 to 25 years. They will be paid a salary or wage not lower than the minimum wage for private employers and the applicable hiring rate for the national and local government agencies. Students enrolled in the secondary level shall only be employed during summer and/or Christmas vacations, while those enrolled in the tertiary, vocational or technical education may be employed at any time of the year. Their period of employment shall be from 20 to 52 working days only, except during Christmas vacation when employment shall be from ten to 15 days.*

Status: The Implementing Rules and Regulations (IRR) of the law (Joint Memorandum Circular DOLE – DEPED – CHED – DSWD – DBM – DOF No. 2010-001) was issued by the Secretary of Labor and Employment, Secretary of Education, Chairman of the Commission on Higher Education, Secretary of Budget and Management, Secretary of Social Welfare and Development and Secretary of Finance on February 11, 2010.

**R. A. No.
10022** **AN ACT AMENDING REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED, FURTHER IMPROVING THE STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS FILIPINOS IN DISTRESS AND FOR OTHER PURPOSES (S. NO. 3286/H. NO. 5649) (Signed into Law MARCH 8, 2010)**

Features: *RA 10022 amends RA 8042 or the Migrant Workers and Overseas Filipinos Act of 1995 to better ensure the rights of Filipinos working overseas. Under the law, overseas Filipino workers (OWFs) may only be deployed to countries with existing bilateral agreements with the Philippine government, and those with certification from the*

Department of Foreign Affairs, and stiff penalties will be imposed on illegal recruiters.

Status: According to the Philippine Overseas Employment Administration (POEA), the Implementing Rules and Regulations (IRR) of Republic Act No. 10022 was officially signed last July 08, 2010.

Said IRR was published last July 29, 2010 in two (2) newspapers of general circulation to comply with publication requirements.

The POEA is conducting orientation seminars for stakeholders the first of which was undertaken last August 24, 2010 for non-government and civil society organizations.

The Implementing Rules and Regulations (IRR) of the law took effect 13 August 2010 after the requisite 15-day publication. OWWA was part of the Technical Working Group (TWG) that formulated the IRR, to take care of the provisions that pertain to its mandate. Last August 06, 2010, Labor Secretary Rosalinda Dimapilis-Baldoz presided over a meeting regarding the respective responsibilities and tasks of each agency involved in the implementation of the law.

According to the OWWA, consistent with their mandate, they have crafted their commitments for the first 100 days of the Aquino Administration to enhance and strengthen their welfare programs and social services for OFWs and their families.

1st 100 DAYS - OWWA COMMITMENTS

Commitments	Strategies
1. Act on welfare cases within 24 hours and inform clients accordingly	Speedy disposition of welfare cases. Provide feedback to clients/stakeholders within 24 hours.

	Provide regular update on welfare cases to clients/requesting parties.
2. Augment legal assistance to OFWs on-site who would like to file welfare cases in appropriate courts or administrative bodies of host countries.	Make available the ₱100M Legal Assistance Fund (LAF) for engaging the services of a legal counsel and other litigation expenses on-site.
3. Establish OFW help desks in 50 provincial capitals and key cities in the country.	Forge tie-ups through MOAS with LGUs. Mobilize officers/volunteers of OFW Family Circles (OFCs) and other social partners to man the help desks.
4. Strengthen reintegration preparedness program for OFWs while on-site and upon return.	Conduct financial literacy training at least once a month. Register OFWs on-site and assist them in preparation of their reintegration plan. Conduct psycho-social and career counseling for OFW-returnees. Provide medical/legal/transportation assistance when necessary. Provide capability enhancement through start-up capital (₱5K to ₱10K) and free retraining/retooling for employment. Enhance psycho-social services and case management for OFWs that are temporarily housed at the OWWA halfway home.

5. Extend the reach of the expanded healthcare program to forty (40) provinces.	Forge tie-ups through MOAS with 40 medical institutions.
6. Expand scholarship benefits to 1,250 qualified OFW dependents	Allocate 200 slots for the 10 poorest provinces and 1,050 slots for other provinces, cities and municipalities.
7. Extend educational and livelihood assistance to 2,792 children and surviving spouse/NOK of deceased OFWs.	Allocate 1,396 scholarship slots for children. Allocate 1,396 livelihood training and start-up grants to surviving spouse/NOK.
8. Strengthen on-site assistance through the deployment of more overseas welfare officers to site destinations where there are huge concentrations of OFWs.	Commence the training of welfare personnel for deployment. Identify sites destinations which would need more welfare officers.

The Department of Labor and Employment (DOLE), through the Philippine Overseas Employment Administration (POEA), released on August 13, 2010 the Implementing Rules and Regulations (IRR) of the law.

The amended law would protect the welfare of Overseas Filipino Workers (OFW) and intensify the criminal liability of erring recruitment agencies.

The modified law took effect 15 days after its implementing guidelines had been published in two newspapers with a general circulation last July 23, 2010 and would be executed by the DOLE, Department of Foreign Affairs (DFA), Department of Health (DOH), National Labor Relations Commission (NLRC), and the Insurance Commission.

However, POEA said some of its provisions, particularly about the deployment of OFWs to countries that have been certified by the DFA and the mandatory insurance coverage of migrant workers would still not take effect.

Under R.A. 10022, the DFA would have to subject the host countries where OFWs would be deployed, to a criteria provided by the law.

It stipulated a 90-day review period after the amended law has taken effect for countries, where the Philippines has an embassy and 120 days for countries without one.

Until the DFA has finished its assessment, the status quo would be implemented on the country's migrant deployment procedures.

Countries which have no bilateral trade agreement with the Philippines or have no law protecting its migrant workers would be flagged by the DFA and removed from the list of possible destination for OFWs.

Among the countries which would be examined are high-risk areas like Iraq and Syria, where hundreds of OFWs were repatriated by some U.S. recruitment agencies. There are at least 197 countries where OFWs are deployed.

The law would require recruitment agencies to pay the premium of the following insurance coverage for OFWs: \$15,000 in case of accidental death; \$10,000 in case of natural death; \$7,500 in case of permanent disablement.

Some of the other provisions of R. A. 10022 which have taken effect include the following: a) repatriation of OFWs if necessary at the expense of their recruitment agencies; b) prohibition of act of reprocessing or alteration on an OFW's contract; and c) inspection of medical clinics screening Filipinos before they are deployed.

It also emphasizes on the provision which bars foreigners from owning majority of the shares of a recruitment agency.

The section was included in response to the reports from some members of the recruitment sector that a number of land-based recruitment agencies, are mostly owned or managed by foreigners, which is against the foreign

ownership law.

DOLE, with the assistance of the Department of Justice (DOJ), would file criminal cases against the erring companies even without the testimony of the victims through the accounts of government operatives who conducted the inspection of the said establishments.

The administrators or owners of the companies would be penalized with 12 to 20 years of imprisonment and a fine of ₱1 to 2 million.

LEGISLATIVE FRANCHISES

**R. A. No.
9511**

AN ACT GRANTING THE NATIONAL GRID CORPORATION OF THE PHILIPPINES A FRANCHISE TO ENGAGE IN THE BUSINESS OF CONVEYING OR TRANSMITTING ELECTRICITY THROUGH HIGH VOLTAGE BACK BONE SYSTEM OF INTERCONNECTED TRANSMISSION LINES, SUBSTATIONS AND RELATED FACILITIES AND FOR OTHER PURPOSES (H. NO. 4358) (Signed into Law DECEMBER 1, 2008)

Status:

The franchise granted to the National Grid Corporation of the Philippines is for a term of 50 years from the date of effectivity of this Act, and is hereby granted under the condition that it shall be subject to amendment, alteration or repeal by Congress when the common good so requires. During the period of operation of franchise herein granted, at least 60% of the capital of the grantee shall be owned by citizens of the Philippines. The grantee shall comply with the constitution and applicable laws pertaining to foreign ownership and management of public utilities. The grantee shall continue to operate and maintain the sub-transmission systems which have not been disposed by Transco. Likewise, the grantee is authorized to engage in ancillary business and any related business which

maximizes the utilization of its assets such as, but not limited to telecommunications system, pursuant to section 20 of R. A. 9136. The scope of the franchise shall be nationwide in accordance with the transmission development plan, subject to amendments or modifications of the said plan, as maybe approved by the Department of Energy.

Status/Progress	Remarks
<p>By virtue of Republic Act No. 9511, NGCP has obtained the concession to operate the nationwide transmission grid.</p> <p>The turnover of the transmission business to NGCP from Transco became effective on 15 January 2009.</p>	<p>Legal titles and ownership of transmission assets still reside with Transco</p> <p>NGCP also successfully sought the Certificate of Public Convenience and Necessity (CPCN) from the ERC. This officially recognizes NGCP as a financially and technically capable organization to operate as a transmission utility.</p>
<p>The National Grid Corporation of the Philippines (NGCP) has assumed the functions as system operator of the nationwide electrical transmission and substation system of Transco effective 15, January 2009.</p>	<p>As system operator, NGCP is represented in the grid re-management committee, WESM rules change committee and different WESM sub committees.</p>
<p>NGCP has assumed the responsibility of Transco in providing access to the grid. NGCP continues to negotiate transmission service agreements with the existing and prospective customers.</p>	<p>The ERC is in the process of amending the OATS rules, together with some other pertinent regulatory references (transmission wheeling rate guidelines and the ancillary service procurement plan).</p>

<p>To date, there are 262 load customers and 27 generator customers with Transmission Service Agreement (TSA).</p>	
<p>The NGCP will continue to address the requirements of the Philippine Grid Code. It will continue to address the preparation of required compliance reports and documents by the regulator.</p>	<p>NGCP is currently undertaking 2009-2018 Transmission Development Plan (TDP) which will line up programs and projects that will address the reliability and adequacy, security, stability and integrity of the grid for the planning horizon.</p>
	<p>NGCP continues to comply with the requirements of the Philippine Grid Code (PGC) through periodic submissions to the ERC and the Grid Management Committee (GMC). On behalf of Transco, NGCP submitted the documentation on the significant grid incidents and safety reports for the fourth quarter of CY 2008. CY 2009 first quarter reports on these compliances were also submitted to the ERC and GMC.</p>
<p>All responsibilities related to the central dispatch of all generation facilities connected, directly or indirectly to the transmission system taking into account the outstanding bilateral contracts will be under the control of NGCP.</p>	<p>NGCP continues to follow the WESM manual on dispatch protocol/criteria – approved by the Philippine Electricity Market Board on 16 May 2006.</p>

<p>Dispatch procedures as laid out in the WESM dispatch protocol and practices being done by SO during Transco time are being observed by SO under NGCP.</p>	
<p>Since NGCP has taken over the operation of Transco's transmission business, NGCP will attend to its funding requirements.</p> <p>NGCP has also taken over the implementation of projects under construction (PUCs) as mentioned in the concession agreement.</p>	<p>NGCP has already bid out four (4) transmission line and substation projects. Fifteen (15) more projects are expected to be bid out before the year ends.</p>
<p>NGCP shall file with the ERC on 17 October 2009 its annual rate verification application for the determination of the CY 2010 Maximum Allowable Revenue (MAR) and the corresponding transmission wheeling rates for regulated transmission services.</p>	<p>NGCP is also currently undertaking the preparations for the reset application for the 3rd regulatory period (2011-2015) – the filing of which is due on 01 December 2009. The reset process will determine the revenue and expense requirements of NGCP for the regulatory period. This will also set the Performance Incentive Scheme (PIS) that will be implemented.</p>

<p>NGCP's franchise authorizes it to engage in related businesses. NGCP has taken over the related businesses of Transco except for the management of the four (4) power distribution systems in the PEZA Economic Zones. These are being managed by Transco through an O&M contract between Transco and PEZA.</p>	<p>NGCP is currently reviewing the corporate policies on the related business (e. g. co-location).</p>
<p>NGCP collects universal charges from end-users and self-generating entities not connected to distribution utilities and remits the same to psalm in accordance with the EPIRA.</p>	<p>NGCP collects universal charge from customers directly connected to the transmission and sub-transmission facilities. These include, among others, large industrial customers.</p>
<p>For the 3rd regulatory period reset process, NGCP suggested in its April 2, 2009 submission to the ERC, that an independent appraisal company conducts the revaluation of its regulatory asset base possibly using the indexation approach.</p>	<p>The final revaluation methodology to be used during the reset process shall be determined by the ERC through a transparent public consultation with power industry players and consumer groups.</p>

(Letter of Mr. Walter W. Brown, President and CEO, NGCP to the Senate dated June 22, 2009.)

On February 6, 2013 in reply to our request for updates on the implementation of R.A. 9511, Ms. Ma. Cynthia Y. Manrique of Revenue and Regulatory Affairs of the National Grid Corporation of the Philippines informed us that they will submit our requested information soonest.

R. A. No. 9517 **AN ACT GRANTING SOUTHEAST ASIAN AIRLINES (SEAir), INC. A FRANCHISE TO ESTABLISH, OPERATE AND MAINTAIN DOMESTIC AND INTERNATIONAL AIR TRANSPORT SERVICES WITH CLARKFIELD, PAMPANGA AS ITS BASE (H. NO. 3788) (Signed into Law DECEMBER 22, 2008)**

Status: The report of SEAir to the Senate dated July 6, 2009 is as follows:

Southeast Asian Airlines (SEAir) Inc. had been operating air transportation services since March 1995 with Clark as its hub, initially, as a domestic charter airline serving inter-Palawan routes and destinations. In 2004, SEAir commenced its domestic scheduled operations with the approval of its Certificate of Public Convenience and Necessity (CPCN) by the Civil Aeronautics Board. Since then, SEAir has been continuously opening and operating several domestic routes, mostly involving tourist destinations.

On June 5, 2008, SEAir was granted its CPCN to operate international scheduled air transportation services and launched its Puerto Princesa – Kota Kinabalu (Malaysia) scheduled flights on November of the same year.

From the grant of its franchise under R.A. 9517 which lapsed into law on 27 December 2008 and which became effective on January 27, 2009 upon the completion of the publication requirements under the law, SEAir continues to operate scheduled and non-scheduled domestic and international air transportation to various routes.

At present, SEAir operates the following domestic routes on scheduled basis: Manila-Basco-Manila, Clark-Caticlan (Boracay) Clark, Manila-Caticlan (Boracay)-Manila, Manila-El Nido-Manila, Manila-Tablas-Manila, Caticlan (Boracay)-Puerto Princesa-Caticlan (Boracay), Zamboanga-Jolo-Zamboanga, and Zamboanga-Tawi-Tawi-Zamboanga.

For the lean season, however, SEAir's suspended its operation to the PUERTO PRINCESA-KOTA KINABALU (MALAYSIA) route.

In the next few months, SEAir intends to the launch operations to Manila-Baguio-Manila, Manila-San Fernando-Manila and Manila-Masbate-Manila.

The company now has a fleet of three (3) let-410 and (3) Dornier 328 aircraft.

R. A. No. **AN ACT AMENDING REPUBLIC ACT NO. 9119, 9743 ENTITLED "AN ACT GRANTING THE BENGUET BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES" (H. NO. 3063) (Signed into Law NOVEMBER 6, 2009)**

Status: *No data available.*

R. A. No. **AN ACT GRANTING THE PHILIPPINE COLLECTIVE 9773 MEDIA CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN REGION VIII (EASTERN VISAYAS) (H. NO. 5866) (Signed into Law NOVEMBER 14, 2009)**

Status: *No data available.*

R. A. No. **AN ACT GRANTING THE SCHUTZENGELE TELECOM, 9857 INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN TELECOMMUNICATIONS SYSTEM THROUGHOUT THE PHILIPPINES (H. NO. 6815) (Signed into Law DECEMBER 20, 2009)**

Status: *No data available.*

**R. A. No.
10027** **AN ACT GRANTING THE AURORA TECHNOLOGICAL INSTITUTE (ATI) INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN FOR EDUCATIONAL, SCIENTIFIC, CULTURAL AND COMMERCIAL PURPOSES, RADIO, TELEVISION AND SATELLITE BROADCASTING STATIONS ANY WHERE IN THE PHILIPPINES, AND FOR OTHER PURPOSES (H. NO. 6816) (Signed into Law MARCH 13, 2010)**

Status: *No data available.*

LOCAL GOVERNMENT

**R. A. No.
9591** **AN ACT AMENDING SECTION 57 OF REPUBLIC ACT NO. 8754, OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF MALOLOS (H. NO. 3693) (Signed into Law MAY 1, 2009)**

Status: The law has been fully implemented and was already in place during the 2010 National and Local Elections per COMELEC Resolution No. 8706 dated November 26, 2009.

RESOLUTION NO. 8706

“WHEREAS, Republic Act No. 9591, provides that the City of Malolos shall have its own legislative district;

x x x x

WHEREAS, Sec. 3 of Republic Act No. 6636, mandates that:

“Sec. 3. Other Cities. The provision of any law to the contrary notwithstanding, the City of Cebu, City of Davao, and any other city with more than one representative district shall have eight (8) councilors for each district who shall be residents thereof to be elected by the qualified voters therein, provided that the Cities of Cagayan de Oro, Zamboanga, Bacolod, Iloilo and other cities comprising a representative district shall have twelve (12) councilors each and all other cities shall have ten (10) councilors each to be elected at large by the qualified voters of the said cities: Provided, that in no case shall the present number of councilors according to their charters be reduced.”

NOW, THEREFORE, the Commission RESOLVED as it hereby RESOLVES to amend Resolution No. 8670, including its attachments, insofar as the number of the Members of *Sangguniang Panglungsod* for the City of Malolos as follows:

City	Members, Sangguniang Panglungsod
1. City of Malolos	12

x x x . . . “

R. A. No. 9640 **AN ACT AMENDING SECTION 140 (A) OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS “THE LOCAL GOVERNMENT CODE OF 1991” (H. NO. 5624/S. NO. 2325) (Signed into Law MAY 21, 2009)**

Features: *The law authorizes the province to levy an amusement tax to be collected from the proprietors, lessors, or operators of theaters, cinemas, concert halls, circuses, boxing stadia, and other places of amusement at a rate of not more than 10% of the gross receipts from admission fees.*

In the case of theaters or cinemas, the tax shall first be deducted and withheld by their proprietors, lessees or operators and paid to the provincial treasurers before the

gross receipts are divided between said proprietors, lessees or operators and the distributors of the cinematographic films.

The holding of operas, concerts, dramas, recitals, painting and art exhibitions, flower shows, musical programs, literary and oratorical presentation, except pop, rock or similar concerts shall be exempt from the payment of the tax herein imposed.

R. A. No. 9716 **AN ACT REAPPORTIONING THE COMPOSITION OF THE FIRST (1ST) AND SECOND (2ND) LEGISLATIVE DISTRICTS IN THE PROVINCE OF CAMARINES SUR AND THEREBY CREATING A NEW LEGISLATIVE DISTRICT FROM SUCH REAPPORTIONMENT(H. NO. 4264) (Signed into Law OCTOBER 12, 2009)**

Status: The law has been fully implemented and was already in place during the 2010 National and Local Elections per COMELEC Resolution Nos. 8693 dated November 10, 2009 and 8700 dated November 17, 2009.

RESOLUTION NO. 8693

“x x x x

WHEREAS, the reapportionment which resulted: (a) in the increase in the number of legislative districts in the province of Camarines Sur from four (4) to five (5); (b) in the change in the composition of the original First (1st) and Second (2nd) legislative districts; and (c) in the renaming, without any change in their compositions, of the original Third (3rd) Legislative District as Fourth (4th) Legislative District, and the original Fourth (4th) Legislative District as Fifth (5th) Legislative District, may be summarized as follows:

1st Legislative Districts	2nd Legislative District	3rd Legislative District	4th Legislative District	5th Legisla- tive District
1. Cabusao	1. Gainza	1. Bombon	1. Caramo- an	1. Baao
2. Del Gallego	2. Libmanan	2. Calabanga	2. Garchito- rena	2. Bala- tan
3. Lupi	3. Milaor	3. Camaligan	3. Goa	3. Bato
1. Ragay	4. Minalabac	4. Canaman	4. Lagonoy	4. Buhi
2. Sipocot	5. Pamplona	5. Magarao	5. Presenta- cion	5. Bula
<i>-nothing follows-</i>	6. Pasacao	6. Ocampo	6. Sagnay	6. Nabua
	7. San Fernando	7. Pili	7. San Jose	7. Iriga City
	<i>-nothing follows-</i>	8. Naga City	8. Siruma	<i>-nothing follows-</i>
		<i>-nothing follows-</i>	9. Tigaon	
			10. Tinam- bac	

WHEREAS, Camarines Sur is a First (1st) Class province, and as such, pursuant to Section 4 of Republic Act No. 6636 as amended by Section 2 of Republic Act No. 6637, is entitled to ten (10) elective members of the *Sangguniang Panlalawigan* who are elected by legislative districts;

WHEREAS, Sec. 3 (a) of Republic Act No. 7166 provides that:

“Sec. 3. Election of Members of the *Sangguniang Panlalawigan*, *Sangguninang Panlungsod* and *Sangguniang Bayan*. – The elective members of the *Sangguniang Panlalawigan*, *Sangguniang Panlungsod* and *Sangguniang Bayan* shall be elected as follows:

“(a) For provinces with two (2) or more legislative districts, the elective members of the *Sangguniang Panlalawigan* shall be elected by

legislative districts. For this purpose, the number of seats shall be apportioned equitably; Provided, That, if equal division is not possible, the remaining member or members shall be elected in the district or districts with the greater number of population or, if they be the same, with the greater number of voters. x x x .”

WHEREAS, the Commission taking note of the fact that the composition of the original Third (3rd) and Fourth (4th) Legislative Districts, now Fourth (4th) and Fifth (5th) Legislative Districts, respectively, were not changed or altered in Republic Act No. 9716, and in the interest of equity and fair play, has decided to limit the application of Section 3 (a) of Republic Act No. 7166 to the new First, Second and Third Legislative Districts, and not to disturb the current apportionment of the elective members of the *Sangguniang Panlalawigan* in the new Fourth and Fifth Legislative Districts;

WHEREAS, based on the 2005 census, the population of the new First, Second, Third, Fourth and Fifth Legislative Districts are as follows:

Legislative District	Population
1 st	176,383
2 nd	276,777
3 rd	439,043
4 th	372,548
5 th	429,070

NOW THEREFORE, the Commission RESOLVED as it hereby RESOLVES to:

- a. Allocate five (5) seats, at one (1) seat each per legislative district, for Members of the House of Representatives in the province of Camarines Sur;
- b. Apportion the elective members of the *Sangguniang Panlalawigan* of Camarines Sur as follows:

Legislative District	Number of Elective Members of <i>Sangguniang Panlalawigan</i>
1 st	1
2 nd	1
3 rd	3
4 th	2
5 th	3

c. Amend Comelec Resolution No. 8670 dated September 16, 2009 so as to reflect the increase in the number of allocated seats for Member of the House of Representatives and the reapportionment of the elective Members of the *Sangguniang Panlalawigan* in the province of Camarines Sur as provided herein.

x x x . . . “

RESOLUTION NO. 8700

“WHEREAS, in its Resolution No. 8693 dated November 10, 2009, the Commission apportioned or allocated the ten (10) elective members of the *Sangguniang Panlalawigan* among the five (5) legislative districts of Camarines Sur, as follows:

Legislative District	Number of Elective Members of <i>Sangguniang Panlalawigan</i>
1 st	1
2 nd	1
3 rd	3
4 th	2
5 th	3

WHEREAS, Sec 3 (a) of Republic Act No. 7166 provides, among others, that “*x x x if a legislative district includes a city that does not vote in the election of provincial officials, the Commission on Elections, hereinafter referred to as the Commission, shall allocate the number of seats among the districts in proportion to the population of the constituents voting for the Sangguniang*

Panlalawigan”,

WHEREAS, in the process of apportionment or allocation, Naga City was inadvertently taken into account when it should not have been included because Naga City is not voting for provincial officials;

WHEREAS, based on the 2005 census, the population of the new First, Second, Third, Fourth and Fifth Legislative Districts are as follows:

Legislative District	Population
1 st	176,383
2 nd	276,777
3 rd	278,527
4 th	372,548
5 th	429,070

WHEREAS, after taking into consideration the population data of each legislative district, and without including the population data of Naga City, there is a need to reapportion or reallocate the elective members of the *Sangguniang Panlalawigan* of Camarines Sur;

NOW, THEREFORE, the Commission RESOLVED as it hereby RESOLVES to amend Comelec Resolution No. 8693 dated November 10, 2009 in so far as the apportionment or allocation of the elective members of the *Sangguniang Panlalawigan* of Camarines Sur by reapportioning or reallocating the elective members of the *Sangguniang Panlalawigan* of the province as follows:

Legislative District	Number of Elective Members of <i>Sangguniang Panlalawigan</i>
1 st	1
2 nd	2
3 rd	2
4 th	2
5 th	3

x x x . . .”

R. A. No. 9723 **AN ACT CONVERTING THE MUNICIPALITY OF DASMARINAS IN THE PROVINCE OF CAVITE INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF DASMARINAS (H. NO. 5258) (Signed into Law OCTOBER 15, 2009)**

Status: Date of plebiscite: November 25, 2009
Total number of precincts canvassed: 1469
Total number of registered voters: 282,830
Total number of voters who actually voted: 44,704
Affirmative votes: 36,559
Negative votes: 8,141

Ratified and approved.

R. A. No. 9724 **AN ACT SEPARATING THE CITY OF ILIGAN FROM THE FIRST LEGISLATIVE DISTRICT OF THE PROVINCE OF LANAOS DEL NORTE TO CONSTITUTE THE LONE LEGISLATIVE DISTRICT OF THE CITY OF ILIGAN (H. NO. 4054) (Signed into Law OCTOBER 20, 2009)**

Status: The law has been fully implemented and was already in place during the 2010 National Elections per COMELEC Resolution No. 8701 dated November 17, 2009.

RESOLUTION NO. 8701

“WHEREAS, the Commission on Elections, promulgated Resolution No. 8670 on September 16, 2009, providing, among others, the following:

WHEREAS, Republic Act No. 9724 entitled “An Act Separating the City of Iligan from the First Legislative District of the province of Lanao del Norte to constitute the Lone Legislative District of the City of Iligan” passed into law on 20 October 2009;

WHEREAS, Section 5 of Republic Act No. 9724 provides that the Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation;

WHEREAS, Republic Act No. 9724 was published in the Manila Standard and Manila Times on 22 October 2009, and therefore, became effective on 06 November 2009;

WHEREAS, the First Legislative District of the province of Lanao del Norte shall now constitute the following municipalities:

1. Bacolod
2. Baroy
3. Kauswagan
4. Kolambugan
5. Linamon
6. Maigo
7. Tubod

WHEREAS, Sec. 3 of Republic Act No. 6636, mandates that:

“Sec. 3. Other Cities. – The provision of any law to the contrary notwithstanding, the City of Cebu, City of Davao, and any other city with more than one representative district shall have eight (8) councilors for each district who shall be residents thereof to be elected by the qualified voters therein, provided that the Cities of Cagayan de Oro, Zamboanga, Bacolod, Iloilo, and other cities comprising a representative district shall have twelve (12) councilors each and all other cities shall have ten (10) councilors each to be elected at large by the qualified voters of the said cities; Provided, that in no case shall the present number of councilors according to their charters be reduced.”

NOW THEREFORE, the Commission RESOLVED as it hereby RESOLVES to amend Resolution No. 8670, including its attachments, insofar as the number of the Members of House of Representatives and the number of the Members of *Sangguniang Panlungsod* of the City of Iligan, as follows:

City/Province	Member, House of Representatives	Members, Sangguniang Panlungsod
1. City of Iligan	1	12

x x x . . .”

R. A. No. 9725 **AN ACT PROVIDING FOR THE REAPPORTIONMENT OF THE LONE LEGISLATIVE DISTRICT OF THE PROVINCE OF CAMARINES NORTE (H. NO. 4163) (Signed into Law OCTOBER 22, 2009)**

Status: The law has been fully implemented and was already in place during the 2010 National and Local Elections per COMELEC Resolution No. 8694 dated November 10, 2009.

RESOLUTION NO. 8694

“x x x x

WHEREAS Republic Act No. 9725 apportioned the lone legislative district province of Camarines Norte into two (2) legislative districts, the composition of which are as follows:

1 st Legislative District	2 nd Legislative District
1. Capalonga	1. Basud
2. Jose Panganiban	2. Daet
3. Labo	3. Mercedes
4. Paracale	4. San Lorenzo Ruiz
5. Sta. Elena	5. San Vicente
-nothing follows-	6. Talisay
	7. Vinzons

WHEREAS, Camarines Norte is a First (1st) Class province with ten (10) elective members of the *Sangguniang Panlalawigan* who are elected by provincial districts;

WHEREAS, the composition of the provincial districts of Camarines Norte is similar to the composition of legislative districts described in Republic Act No. 9725;

WHEREAS, Sec. 3 (a) of Republic Act No. 7166 provides that:

“Sec. 3. Election of Members of the *Sangguniang Panlalawigan, Sangguniang Panlungsod* and *Sangguniang Bayan*. – The elective members of the *Sangguniang Panlalawigan, Sangguniang Panlungsod* and *Sangguniang Bayan* shall be elected as follows:

(a) For provinces with two (2) or more legislative districts, the elective members of the *Sangguniang Panlalawigan* shall be elected by legislative districts. For this purpose, the number of seats shall be apportioned equitably; Provided, That, if equal division is not possible, the remaining member or members shall be elected in the district or districts with the greater number of population or, if they be the same, with the greater number of voters.
x x x .”

NOW, THEREFORE, the Commission RESOLVED as it hereby RESOLVES to:

- a. Allocate two (2) seats, at one (1) seat each per legislative district, for Members of the House of Representatives in the province of Camarines Norte;
- b. Maintain the current apportionment of the elective members of the *Sangguniang Panlalawigan* of Camarines Norte at five (5) seats per legislative district; and
- c. Amend Comelec Resolution No. 8670 dated 16 September 2009 so as to reflect the increase in the number of allocated seats for Member of the House of Representatives of Camarines Norte as provided herein.”

x x x . . .”

**R. A. No.
9726**

AN ACT SEPARATING THE CITY OF LAPU-LAPU FROM THE SIXTH LEGISLATIVE DISTRICT OF THE PROVINCE OF CEBU TO CONSTITUTE THE LONE LEGISLATIVE DISTRICT OF THE CITY OF LAPU-LAPU (H. NO. 5007) (Signed into Law OCTOBER 22, 2009)

Status:

The law has been fully implemented and was already in place during the 2010 National and Local Elections per COMELEC Resolution No. 8701 dated November 17, 2009.

RESOLUTION NO. 8701

“WHEREAS, the Commission on Elections, promulgated Resolution No. 8670 on September 16, 2009, providing, among others, the following:

x x x

WHEREAS, Republic Act No. 9726 entitled “An Act Separating the City of Lapu-Lapu from the Sixth Legislative District of the province of Cebu to constitute the Lone Legislative District of the City of Lapu-Lapu” passed into law on 22 October 2009”;

WHEREAS, Section 5 of Republic Act No. 9726 provides that the Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation;

WHEREAS, Republic Act No. 9726 was published in the Manila Standard and Manila Times on 23 October 2009, and therefore, became effective on 07 November 2009;

x x x

WHEREAS, the Sixth Legislative District of the province of Cebu shall now comprise the following cities/municipalities:

1. Consolacion
2. Cordova
3. Mandaue City

WHEREAS, Sec. 3 of Republic Act No. 6636, mandates that:

“Sec. 3. Other Cities. – The provision of any law to the contrary notwithstanding, the City of Cebu, City of Davao, and any other city with more than one representative district shall have eight (8) councilors for each district who shall be residents thereof to be elected by the qualified voters therein, provided that the Cities of Cagayan de Oro, Zamboanga, Bacolod, Iloilo, and other cities comprising a representative district shall have twelve (12) councilors each and all other cities shall have ten (10) councilors each to be elected at large by the qualified voters of the said cities; Provided, that in no case shall the present number of councilors according to their charters be reduced.”

NOW THEREFORE, the Commission RESOLVED as it hereby RESOLVES to amend Resolution No. 8670, including its attachments, insofar as the number of the Members of House of Representatives and the number of the Members of *Sangguniang Panlungsod* of the City of Lapu-Lapu, as follows:

City/Province	Member, House of Representatives	Members, Sangguniang Panlungsod
2. City of Lapu-Lapu	1	12

x x x . . .”

**R. A. No.
9727**

**AN ACT REAPPORTIONING THE PROVINCE OF
CAVITE INTO SEVEN (7) LEGISLATIVE DISTRICTS
(H. NO. 4254) (Signed into Law OCTOBER 22, 2009)**

Status: The law has been fully implemented and was already in place during the 2010 National and Local Elections per COMELEC Resolution No. 8705 dated November 24, 2009

RESOLUTION NO. 8705

“x x x

WHEREAS, the reapportionment which resulted in: (a) the increase in the number of legislative districts in the province of Cavite from three (3) to seven (7) districts; and (b) the change in the municipal/city composition of the original three (3) legislative districts, may be summarized as follows:

First Legislative District	Second Legislative District	Third Legislative District	Fourth Legislative District
1. Kawit	1. Bacoor	2. Imus	3. Dasmarinas
2. Noveleta	<i>-nothing follows-</i>	<i>-nothing follows-</i>	<i>-nothing follows-</i>
3. Rosario			
<i>Cavite City</i>			

First Legislative District	Second Legislative District	Seventh Legislative District	
1. Carmona	1. Amadeo	1. Imus	5. Maragondon
2. Gen. Mariano Alvarez	2. Gen. Trias	2. Gen. E. Aginaldo	6. Mendez
3. Silang	3. Tanza	3. Indang	7. Naic
<i>-nothing follows-</i>	4. <i>Trece Martirez City</i>	4. Magallanes	8. Ternate
	<i>-nothing follows-</i>	<i>Tagaytay City</i>	

WHEREAS, Section 1(b) of Republic Act No. 8553 provides that:

“Sec. 1(b) The regular members of the *sangguniang panlalawigan*, *sangguniang panglungsod*, and *sangguniang bayan* shall be elected by district as follows:

“First and second-class provinces shall have ten (10) regular members; third and fourth-class provinces, eight (8); and fifth and sixth-class provinces, six (6): Provided, That in provinces having more than five (5) legislative districts, each district shall have two (2) *sangguniang panlalawigan* members, without prejudice to the provisions of Section 2 of Republic Act No. 6637. X x x x”

WHEREAS, Cavite is a First (1st) Class province;

NOW, THEREFORE, the Commission RESOLVED as it hereby RESOLVES to amend Resolution No. 8670, including its attachments, insofar as the number of Members of the House of Representatives and the number of the elective Members of the *Sangguniang Panlalawigan* of the province of Cavite, as follows:

Legislative District	Member, House of Representatives	Members, Sangguniang Panlalawigan
First	1	2
Second	1	2
Third	1	2
Fourth	1	2
Fifth	1	2
Sixth	1	2
Seventh	1	2

x x x . . .”

R. A. No. 9740 **AN ACT CONVERTING THE MUNICIPALITY OF BINAN IN THE PROVINCE OF LAGUNA INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF BIÑAN (H. NO. 5226) (Signed into Law OCTOBER 30, 2009)**

Status: Date of plebiscite: February 02, 2010
Total number of precincts canvassed: 664
Total number of registered voters: 132,255
Total number of voters who actually voted:14,380
Affirmative votes: 11,461
Negative votes: 2,859

Ratified and approved.

R. A. No. 9774 **AN ACT PROVIDING FOR THE REAPPORTIONMENT OF LEGISLATIVE DISTRICTS IN THE PROVINCE OF LANA DEL NORTE (H. NO. 4053) (Signed into Law NOVEMBER 17, 2009)**

Status: The law has been fully implemented and was already in place during the 2010 National and Local Elections per COMELEC Resolution No. 8706 dated November 26, 2009.

RESOLUTION NO. 8706

“x x x x

WHEREAS, with the reapportionment of the province of Lanao del Norte, the new composition of each legislative district is as follows:

First Legislative District		Second Legislative District	
1	Bacolod	1	Kapatagan
2	Baloi	2	Lala
3	Baroy	3	Magsaysay
4	Kauswagan	4	Munai

5	Kolambugan	5	Nunungan
6	Linamon	6	Pantao Ragat
7	Maigo	7	Poona Piagapo
8	Matungao	8	Salvador
9	Pantar	9	Sapad
10	Tagoloan	10	Sultan Naga Dimaporo (Karomatan)
11	Tubod	11	Tangcal

WHEREAS, Lanao del Norte is a Second (2nd) Class province, and as such, pursuant to Sec. 4 of Republic Act 6636 as amended by Section 2 of Republic Act 6637, is entitled to ten (10) elective members of the *Sangguniang Panlalawigan* who are elected by legislative districts;

WHEREAS, Sec. 3(a) of Republic Act No. 7166, provides that:

“Sec. 3. Election of Members of the *Sangguniang Panlalawigan*, *Sangguniang Panglungsod* and *Sangguniang Bayan* – The elective members of the *Sangguniang Panlalawigan*, *Sangguniang Panglungsod* and *Sangguniang Bayan* shall be elected as follows:

“(a) For provinces with two (2) or more legislative districts, the elective members of the *Sangguniang Panlalawigan* shall be elected by legislative districts. For this purpose, the number of seats shall be apportioned equitably; Provided, That, if equal division is not possible, the remaining member or members shall be elected in the district or districts with the greater number of population or, if they be the same, with the greater number of voters. x x x x”

WHEREAS, based on the 2007 census, the population of the new First and Second Districts of Lanao del Norte, are as follows:

Legislative District	Population
First	248,180
Second	290,103

x x x x

NOW, THEREFORE, the Commission RESOLVED as it hereby RESOLVES to amend Resolution No. 8670, including its attachments, insofar as the number of the Members of *Sangguninang Panlalawigan* for the province of Lanao del Norte as follows:

Province	Members, Sangguniang Panglalawigan
1. Lanao del Norte, 1 st Legislative District	5
2. Lanao del Norte 2 nd Legislative District	5

x x x”

R. A. No. 9996 **AN ACT CREATING THE MINDANAO DEVELOPMENT AUTHORITY (MinDA), DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3496/ H. NO. 6958) (Signed into Law February 17, 2010)**

Features: *MinDA was created to consolidate all the development efforts for Mindanao. It will replace the Mindanao Economic Development Council (MEDCO). MinDA would consolidate peace efforts and the development of the agribusiness sector in Mindanao. The main office will be put up in Maramag, Bukidnon, but management offices will also be established in various parts of Mindanao.*

Status: Quoted hereunder is the report of Mindanao Development

Authority dated April 17, 2013 regarding updates on the implementation of the law:

The Min DA IRR was already formulated and issued by the Board of Directors.

It was received for registration by the Office of National Administrative Register (ONAR) on June 30, 2011 and was published in Manila Bulletin on December 22, 2012.

The IRR is now in full force and effect.

The initial appropriation for the implementation of R.A. 9996 was charged against the Fiscal Year 2010 appropriations of the then Mindanao Economic Development Council (MEDCo) which is ₱ 51.672 Million. Section 15 of R.A. 9996 supposedly provides that thereafter the budget shall be increased by one hundred percent (100%), which amount shall be included in the GAA for its continued implementation. However, since 2010 to 2013, MinDA's current year approved budget is only ₱84.716 Million. This is only 64 percent increase based on the 2010 budget.

MinDA find no considerable problem or serious concern in the implementation of R.A. 9996 that would require action by Congress, except for the Authority's Office.

Section 5 of R.A. 9996 provides that the Authority's Office shall be in Maramag, Bukidnon. Section 14 (3), however, provides that the **Authority shall continue to hold office in Davao City until such time that a permanent structure shall have been established in Maramag, Bukidnon.**

Since its creation on February 17, 2010, MinDA continued holding office in Davao because of the following issues and concerns:

- a. The Authority needs more budget/fund to establish a permanent structure in Maramag, Bukidnon for the following:

- (1) Acquisition of at least 3 hectares land;
 - (2) Construction of at least 3-storey (1,000sqm/storey) building; and
 - (3) Purchase of office equipment, etc.
- b. Means of transportation in Maramag is only by land. The nearest airport is Davao City, which is approximately 123 kms south or about 3 hours ride by land. The other is the Cagayan de Oro or Lumbia Airport, which is approximately 175 kms north or about 3-4 hours travel by land.
- c. There are no adequate facilities like hotels or convention centers for the conduct of meetings and conferences.

Taking cognizance of the aforementioned constraints, the Authority may find it difficult to relocate its office in Maramag considering that:

- (1) It regularly holds conferences and meetings both local and international;
- (2) It regularly receives local clientele, foreign visitors and dignitaries as MinDA has been in the forefront of integrating, prioritizing, programming and implementing Mindanao-wide, interregional programs, activities and projects, including Official Development Assistance (ODA) projects;
- (3) It acts as the official and permanent Philippine Coordinating Office for Brunei Indonesia Malaysia Philippines-East Asian Growth Area (PCOBE BIMP-EAGA) and as lead agency of the government in coordinating the formulation and implementation of policies and programs. Thus, it receives regularly counterparts from BIMP-EAGA member countries for meetings and conferences.

In view of the foregoing premises, the Senate may consider retaining the current location of MinDA Office in Davao City. Specifically, there are two options for possible office spaces for MinDA, as follows:

- a. **Old Airport of Davao** which is up to now idle and vacant. The then Secretaries of DOTC, Jose de Jesus and the subsequent Mar Roxas, as well as current Sec. Joseph Abaya, signified their offer to MinDA for the use of the said facility and committed funds for its renovation; or
- b. The so-called “**Malacañang of the South Building**” **inside the DPWH RO-XI in Panacan, Davao City**, constructed during the past administration. DPWH also signified their willingness to offer the facility to cut down on their maintenance costs.

The Operational funds of MinDA hardly increased from 2010 up to present. Also, the MOOE had relatively small incremental increase from 2010 to present.

The increase in MinDA’s budget for 2013 was appropriated for Nurturing Our Waters (NOW) program and Area Management Offices (AMOs) operationalization.

For 2014, the proposed budget increase is still not for operational cost but for special budget for the Mindanao Power Monitoring Committee (MPMC) pursuant to E.O. 81 issued by President Benigno S. Aquino mandating MinDA to head the Committee.

Mindanao Development Authority

Yearly Analysis of Budget Allocation Vis-à-Vis R.A. No. 9996 Mandate

For the Years 2010-2013

Fiscal Year	Approved Appropriations	Ideal Appropriations	Remarks
2010	₱51.672 Million	₱51.672 Million (2010 Appropriation as	Per Section 15 of R.A. No. 9996, MEDCo’s

		benchmark in applying 100% yearly increase)	appropriations for this year is the basis for the 100% increase starting in 2011 and for MinDA.
2011	₱56.164 Million	₱103.36 Million (₱51.672 Million x 2)	The actual appropriation of ₱56.164 Million is short by ₱47.20 Million from its ideal amount of ₱103.36 Million as required in R.A. No. 9996.
2012	₱60.246 Million	₱206.72 Million (₱103.36 Million x 2)	The ideal appropriations for 2012 should have been ₱206.72 Million. There was a budget shortfall of ₱146.48 Million.
2013	₱84.716 Million	₱413.44 Million (₱206.72 Million x 2)	Same observation as noted above.

Note: Section 15 of R.A. No. 9996 explicitly states that the budget of MinDA shall be increased **thereafter** by one hundred percent (100%). The issue of yearly increase seems vague since it connotes infinity in applying the 100% increase.

NATIONAL DEFENSE AND SECURITY

R. A. NO. 9499 **AN ACT ALLOWING FILIPINO WORLD WAR II VETERANS TO CONTINUE RECEIVING PHILIPPINE GOVERNMENT PENSIONS AND BENEFITS NOTWITHSTANDING SIMILAR PENSIONS AND BENEFITS PROVIDED BY THE UNITED STATES GOVERNMENT, THEREBY AMENDING REPUBLIC ACT NO. 6948, AS AMENDED (S. NO. 1659/H. NO. 3323) (Signed into Law APRIL 9, 2008)**

Features: *The law allows Filipino Veterans to continue receiving their pensions and benefits from the Philippine government in addition to similar pensions and benefits to be provided by the US government.*

Status: A Filipino veteran, currently receive a monthly old age pension of ₱5,000.00 from the government. Out of the 240,000 pensioners in the PVAO's list only some 60,000 are WWII veterans. Most on the list are widows of veterans according to PVAO. The agency received a total of ₱15B for 2008 to pay pensions for old age, death and disability. Disability pay stands at ₱1,700.00 monthly, the death pension for spouses and children, ₱1,000.00 monthly, hospitalization, ₱400.00 daily and education ₱24,000.00 a year.

According to the PVAO they are already implementing the amendments as provided for in the law. At present, veterans/surviving spouses are now qualified to receive old age pension from the Philippine government regardless of whether or not they are receiving similar pensions from the United States government. Those who are previously denied old age pensions because they are currently receiving similar pensions from the US are now qualified under the new amendments. The present procedure of processing old age pension is not affected by

the amendments. Hence, there is no need to come up with new rules on the matter.

R. A. No. 9828 **AN ACT CREATING THE MILITARY SERVICE BOARD AND PROVIDING FUNDS THEREFOR (S. NO. 3240/H. NO. 4214) (Signed into Law DECEMBER 3, 2009)**

Features: *This Act creates the Military Service Board to review and reevaluate pending claim applications previously filed in the former Military Service Boards by any person who claims to have performed military service in the Philippines during the period beginning December 8, 1941 and ending July 3, 1946, and to determine the validity of the claims for the purpose of confirming the military service rendered and qualifying the applicants for military veterans status. Supervised by the Philippine Veterans Affairs Office (PVAO) under the general supervision of the Department of National Defense, the board shall cease to exist three years after the effectivity of this Act or until such time that the last application shall have been processed, but not exceeding five years. RA 9828 appropriates PhP 4 million chargeable against the savings of the Department of National Defense under the current General Appropriations Act for the first year of implementation.*

Status: The Military Service Board (MSB) has begun their task to reprocess and reevaluate all 106,128 pending claim applications previously filed with the former Military Service Boards. The MSB is also tasked to determine the validity of the claims for the purpose of confirming the military service rendered and qualifying the applicants for military veteran’s status as mandated by law.

Department Order No. 41, entitled “Rules and Regulations to Implement Republic Act No. 9828 - An Act Creating the Military Service Board and Providing Funds Therefor” and Department Order No. 42, entitled “Appointment of Members of the Third Military Service Board Under R.A. 9828” was approved by the Secretary of National Defense

on February 18, 2010.

Department Order No. 42 dated February 18, 2010 created the Third Military Service Board composed of the following officials to review and reevaluate pending claim applications previously filed in the former military service boards by any persons who claims to have performed military service in the Philippines during the period beginning December 08, 1941 and ending July 03, 1946, and to determine the validity of the claims for the purpose of confirming the military service rendered and qualifying applicants for military service states.

Chairman: MGen. Fortunato U. Abat, AFP (Ret.)

Members: World War II Veterans
BGen. Arnulfo D. Bañez, Ret.
Comdr. Ignacio F. Palad, Ret.

PVAO Representative

Commo Salvador Q. Esguerra, AFP (Ret.)
Atty. Rolando D. Villaflor

The Board meets twice a week and for the year 2012 it had 100 Board Meetings and acted on 23,772 MSB claim-applications from the pending applications filed with the previous Military Service Boards. Table 1 shows the number of processed applications for 2012 categorized according to the decisions/resolutions made by the Board.

Table 1. Processed Applications of the Third Military Service Board for 2012			
Total No. of MSB applications			-106,128
A. Action Taken by the Third MSB			
Approved ¹	107		
Disapproved ²	23,171		
For Further Verification ³	35		
Final Disapproval ⁴	309		
Subtotal		23,622	
B. Applications Transmitted to PVAO			
Applications with PVB stock cert; attached OTAG MSR; or approved OAP application with PVAO ⁵	150		
Subtotal		150	
Total Processed MSB Applications from January to December 2012			23,772

1 Approved MSB claim-applications based on MSB guidelines

2 Denied applications whose claimants may still avail of the one-time appeal to reverse the decision of the Board

3 Inconsistent documentary evidence, thus, requiring applicants to submit additional docs or originals

4 Disapproved MSB claim-applications based on MSB guidelines

5 MSB applications whose applicant-veterans have approved PVAO Old Age Pension applications with either Active, Deceased or Terminated Status

Total MSB Processed Applications from May 2010 to December 2011	35,728
Total MSB Applications Processed as of December 21, 2012	59,500
Remaining Applications	-46,628

Communications with Applicants

A. Via Mail

	Since May 2010 to December 2012
Sent Notification Letters to MSB Applicants	23,132

Received Follow-up Letters/Appeals from MSB Applicants	1,311
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B.1. Personal Visits and Phone Calls

Phone Calls	10
Personal Follow-ups	15

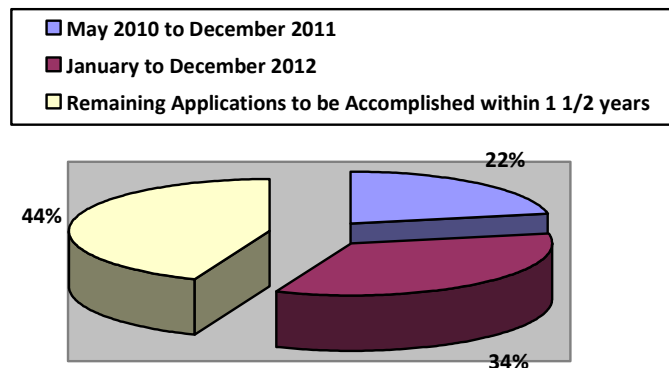
2. Concerns

- Filing of appeals
- Status of applications

Progress and Projection

After 2 ½ years of operations, the Third MSB has disposed of 59,500 or 56% of the reported 106,128 filed and pending MSB claim-applications. With the average number of applications being reviewed and evaluated every meeting (i.e. twice-a-week), the MSB projects that the processing of all applications will be completed on its fourth year. The fifth year will be entirely devoted to appeals, sending of notification letters, and generation of reports to Congress.

Project Completion



R. A. No.
9993

AN ACT ESTABLISHING THE PHILIPPINE COAST GUARD AS AN ARMED AND UNIFORMED SERVICE ATTACHED TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS,

THEREBY REPEALING REPUBLIC ACT NO. 5173, AS AMENDED, AND FOR OTHER PURPOSES (S. NO. 3389/H. NO. 5151) (Signed into Law FEBRUARY 12, 2010)

Features: *Known as the “Philippine Coast Guard Act of 2009”, the law aims to further enhance maritime safety and prevent sea tragedies. It strengthens the arm of the coast guard to issue and enforce rules and regulations covering the “promotion of safety of life and property at sea on all maritime-related activities”, as well as promote marine environmental protection. The coast guard functions would no longer be limited to the mere inspection of merchant ships. The law vests the agency with the authority to strictly enforce regulations on maritime safety standards within Philippine territorial waters. This includes the power to detain and stop from sailing all substandard vessels.*

The law formalized the coast guard’s status as an agency attached to the Department of Transportation and Communication (DOTC), but with the provision that it will be placed under the Department of National Defense “in times of war” with the approval of Congress.

The Philippine Coast Guard shall be headed by a Commandant who shall carry the rank of coast guard admiral, provided, that he shall be appointed by the president from among the flag officers in the coast guard service. He shall hold a command-at-sea badge and must have served as a district commander of the PCG.

Status: The total budgetary requirements of PCG under the FY 2011 GAA of ₱3.065 B excludes the amount of locally funded and foreign assisted projects such as the provision for lighthouses, buoy bases and Maritime Disaster Response Helicopter Acquisition Project which are lodged under the DOTC-OSEC.

FY 2011	
Appropriation	₱ 3,059,966,000
Allotment Release	₱ 2,772,982,000

Unreleased (FLP) ₱ 286,984,000

According to the Commandant of the Philippine Coast Guard, RODOLFO D. ISORENA (letter of May 6, 2013), the following are the highlights of the law's implementation:

a. Status of the Implementing Rules and Regulation of R.A. 9993

The Implementing Rules and Regulation (IRR) of the law took effect on 04 May 2011 or fifteen (15) days upon its publication in the Philippine Star and The Manila Times and upon filing of three (3) certified copies thereof with the University of the Philippine Law Center, both on 19 April 2011.

b. Budgetary Requirements

As to the budgetary requirement of the said law, the same were not included in the said IRR since the Philippine Coast Guard (PCG) Annual Program and Budget has always been subject to the approval of the Department of Budget and Management.

c. Problems/Concerns in Its Implementation/ Proposed Solutions or Amendments

To date, there have been no major problems and concerns in the implementation of the law and its IRR. However, considering that R.A. 9993 and its IRR granted the PCG with unqualified authority to enforce maritime safety regulations and standards, and to inspect and detain vessels, the insufficient number, if not the lack of resources of PCG, both as to personnel and equipment, has impeded the implementation of the PCG's functions and duties based on R.A. 9993 and its IRR. Nonetheless, the PCG continues to increase and improve its recruitment so as to satisfy the demands of the PCG's nature of work.

Amongst the minor problems encountered in the implementation of the IRR pertains to the composition of the Board of Senior Officers (BOSO) for promotion of O-6 and above. The number of Rear Admirals designated to be members of the BOSO is less than the actual number of Rear Admirals available to handle the post. To date, there are only four (4) Coast Guard Rear Admirals even if the IRR provides a maximum number of five (5), two (2) of whom are holding the position of Vice Commandants, making the composition of BOSO infeasible.

Accordingly, the PCG recommends that amendments in the IRR, particularly Rule 13.5 (a) and (b) thereof in so far as the BOSO for Promotion of O-6 and above should be composed of (1) the Vice Commandant for Operations, who shall act as its chairman; (2) the Vice Commandant for Administration, who shall act as vice chairman; (3) one Coast guard Rear Admiral and two Coast Guard Commodores as members; and (4) the Deputy Chief of Coast Guard Staff for Human Resource Management and Records (CG-1) as Secretariat instead of what has been provided under the said Rule.

d. Effectiveness and Relevance of the Law to Current Milieu

R.A. 9993 is able to muster under one organization the human resource, expertise, and equipment that would deal with the diverse concerns involved in promoting compliance to regulations and standards among the members of the country's merchant and fishing fleet. With a singular effort to enforce maritime regulations and standards, PCG is able to promote the policies of the local government units with regards to vessels 3GT and below pursuant to EO 305 (2004), and the policies of MARINA with regard to vessels above 3GT pursuant to R.A. 9295, and the policies of BFAR with regard to fishing vessels pursuant to R.A. 8550. This is an instance of

multi-tasking that conserves government resources and streamline government procedures.

This kind of fusion of government efforts occurring at the core of PCG's functions takes place in the areas of maritime safety, marine environmental protection and security and law enforcement. Since R.A. 9993 characterized PCG's authority to enforce as an inherent power and not merely a function to be delegated by another agency, the resulting programs of the PCG are not undone by the changes in the policies of other agencies, and there is continuity in PCG's programs.

R.A. 9993 also puts the PCG in touch with the practices observed by international bodies in promoting compliance with international maritime safety standards by designating the PCG as the agency to conduct port state control implementation. The expertise and practices developed by PCG in monitoring and regulating vessels engaged in international voyages in its capacity as the country's port state control authority are gradually converted and adapted to domestic conditions. This selective adaption of international standards and enforcement procedure not only serves to raise the standing of the country as a place conducive to the growth of shipping, shipbuilding and maritime services, it also facilitates the connectivity of the country with the rest of Southeast Asia as the region transforms into a single market and production base by 2015 under the ASEAN Economic Community.

e. Issues and Recommendations

The PCG recommends the adjustment of the maximum tenure in rank of Coast Guard Captains from seven (7) years as provided in Rule 9 of the IRR to ten (10) years which is the actual maximum tenure in rank of Officers from other service holding the same rank.

**R. A. No.
10121** **AN ACT STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT CAPABILITY BY INSTITUTIONALIZING THE NATIONAL DISASTER RISK MANAGEMENT FRAMEWORK, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3086/H. NO. 6985) (Signed into Law MAY 27, 2010)**

Features: *Known as the “Philippine Disaster Risk Reduction and Management Act of 2010,” this law provides for the development of policies and plans and the implementation of actions and measures pertaining to all aspects of disaster risk reduction and management. It covers good governance, risk assessment and early warning, knowledge building and awareness raising, reducing underlying risk factors, and preparedness for effective response and early recovery. It revises the name of the National Disaster Coordinating Council into National Disaster Risk Reduction and Management Council (NDRRMC) and endows it with policy-making, coordination, integration, supervision, monitoring and evaluation functions. The council will be headed by the Secretary of the Department of National Defense. Meanwhile, the Office of Civil Defense shall have the primary mission of administering a comprehensive national civil defense and disaster risk reduction and management program. The OCD administrator shall also serve as executive director of NDRRMC.*

Status: The Office of Civil Defense, DND (as the lead agency) shall be allocated a budget of ₱1.0 Billion revolving fund starting from the effectivity of this Act.

₱590 Million was appropriated to cover the initial implementation of this law, specifically the MOOE requirements for disaster risk reduction and management.

PUBLIC INFORMATION AND MASS MEDIA

**R. A. No.
10088**

**AN ACT TO PROHIBIT AND PENALIZE THE UNAUTHORIZED USE, POSSESSION AND/OR CONTROL OF AUDIOVISUAL RECORDING DEVICES FOR THE UNAUTHORIZED RECORDING OF CINEMATOGRAPHIC FILMS AND OTHER AUDIOVISUAL WORKS AND/OR THEIR SOUNDTRACKS IN AN EXHIBITION FACILITY, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES (S. NO. 3529/H. NO. 5699)
(Signed into Law MAY 13, 2010)**

Features:

The “Anti-Camcording Act of 2010” prohibits, without the authorization of the copyright owner or exclusive licensee, the use or attempt to use an audiovisual recording device to transmit or make a copy of such work in an exhibition facility. It also declares as unlawful the possession of a recording device in an exhibition facility with the intent of using, or attempts to use the audiovisual recording device to transmit or make a copy of any performance in the exhibition facility. Violators will be penalized with a fine of up to PhP 750,000 and imprisonment of up to six years. The Philippine National Police in coordination with the National Bureau of Investigation, Optical Media Board and other stakeholders is tasked with enforcing the provisions of this Act.

Status:

Self-executory.

PUBLIC ORDER AND ILLEGAL DRUGS

R. A. No. 9514 **AN ACT ESTABLISHING A COMPREHENSIVE FIRE CODE OF THE PHILIPPINES, REPEALING PRESIDENTIAL DECREE NO. 1185 AND FOR OTHER PURPOSES (S. NO. 2553/H. NO. 4115) (Signed into Law DECEMBER 19, 2008)**

Features: *This law sets standards for fire safety inspection, handling of hazardous materials and processes, and protective system. It also outlaws acts that may compromise fire safety, such as obstructing or blocking the exit ways or across to buildings clearly marked for fire safety purposes, and preventing, interfering or obstructing any operation of the fire service. The Bureau of Fire Protection is tasked with enforcing this Code.*

Status: The following is the chronological event in the final approval of the Implementing Rules and Regulations (IRR) of the law:

December 19, 2008	President Gloria Macapagal-Arroyo approves Republic Act No. 9514
January 5, 2009	Publication of R.A. 9514 in two newspapers of general circulation, Manila Bulletin and The Manila Times.
January 13, 2009	BFP issues Bureau Order Nos. OTH-2009-016 and DS 2009-002 to constitute a permanent secretariat which will provide support to all Sub-Committees, Technical Working Group and Steering Committee relative to the drafting of new Fire Code IRR.
January 13 to February 2, 2009	Presentation of outputs for Rules 1 to 43 of the old Fire Code IRR by Sub-Committees hand-in-hand with the deliberation of Sub-Com A to F, supported by a dream Team composed of documentors and moderator. The group of interpellators came from the different fire regional offices, invited technical resource persons and officers from the BFP National headquarters.

January 28, 2009	BFP constitutes Fire Code IRR Technical Working Group (TWG) pursuant to Bureau Order No. COM-2009-021 to work on outputs interpolated by different Sub-Committees and to harmonize, reconcile and research on unresolved issues elevated by the Sub-Committees for resolution by Steering Committee.
January 29 to February 13, 2009	TWG was in-housed at Angel's Hills Retreat and Formation Center, Tagaytay City inclusive of Saturday and Sunday to work and produce full draft of IRR.
February 12-14, 2009	BFP Steering Committee joins the TWG in Tagaytay to simultaneously deliberate and approve full draft of IRR.
March 4, 2009	BFP submits draft Implementing Rules and Regulations (IRR) of the new Fire Code to the Office of the DILG Secretary, Hon. Ronaldo V. Puno.
April 21, 2009	BFP Constitutes a Mobile Training Team, a panel of resource speakers, for a range of topics including the new Fire Code and its IRR and the Citizens Charter.
May 5, 2009	Kick-off of BFP Mobile Training Team to regions to introduce the amended Fire Code of the Philippines and its IRR, Citizens Charter to officers and personnel of the BFP; train fire marshals, fire safety inspectors, fire investigators, chiefs of fire safety enforcement section and other BFP personnel nationwide on the new and systematic procedures of the BFP's frontline services.
May 19, 2009	DILG through its Legal Service comments on the submitted draft IRR by the BFP.
June 18, 2009	BFP officials meet with DILG executive staff including Assistant and Undersecretaries and Legal Service regarding its position on the comments and amendments to the submitted draft IRR.
June 19, 2009	Final version of IRR submitted to the Office of the Secretary, DILG.
June 24, 2009	DILG Secretary Ronaldo V. Puno approves the IRR.
October 17, 2009	Publication of R.A. 9514 Implementing Rules and Regulations in the Manila Times.

**R. A. No.
9516**

**AN ACT FURTHER AMENDING THE PROVISIONS
OF PRESIDENTIAL DECREE NO. 1866, AS**

**AMENDED, ENTITLED "CODIFYING THE LAWS ON
ILLEGAL/UNLAWFUL POSSESSION,
MANUFACTURE, DEALING IN, ACQUISITION OR
DISPOSITION OF FIREARMS, AMMUNITION OR
EXPLOSIVES OR INSTRUMENTS USED IN THE
MANUFACTURE OF FIREARMS, AMMUNITION OR
EXPLOSIVES AND IMPOSING STIFFER PENALTIES
FOR CERTAIN VIOLATIONS THEREOF, AND FOR
RELEVANT PURPOSES"(S. NO. 2230/H. NO. 3242)
(Signed into Law DECEMBER 22, 2008)**

Features: *This law provides stiffer penalties for the illegal possession and manufacture of explosives. Penalties shall be imposed on any person or firm found guilty of possessing or manufacturing illegal explosives, as well as those found guilty of acquiring or disposing of firearms, ammunition or explosives or instruments used in the manufacture of firearms. Meanwhile, it imposes life imprisonment on those found guilty of illegal manufacture, sales, acquisition, disposition, importation, or possession of an explosive or incendiary device, or parts and components of such device. Life imprisonment is also imposed on the owner, president or any responsible officer of any public or private firm, company or entity for allowing any explosive or incendiary device or parts thereof owned or controlled by such firm, company or entity to be used by any person or persons illegally.*

Status: The PNP issued a memorandum dated January 15, 2009 requiring an applicant transferring to another unit to secure a Certification from the Director/Chief of the losing Office/Unit that he/she is not a witness for the prosecution or the defense in any proceeding involving violation of R.A. 9516 in addition to the documents required for transfer.

On the effectiveness and relevance of the current trend, the law provides a comprehensive regulation of the explosives industry as it provides specific penalties and sanctions which serve as deterrent in violating the provisions of said law.

On problems/concerns in its implementation, the Explosives Management Division of the PNP Firearms and Explosives Office which regulates the Industrial Explosives and Firecrackers and Pyrotechnic Devices Industry encountered a problem on the absence of a definite listing of chemicals/substances, which can be used as explosives, explosive ingredients or explosive precursor.

Further, at present, explosive chemicals are generalized in its regulation. The PNP recommended that chemicals should be categorized as to their use, specifically dual-use chemicals and provide specific regulations thereto.

**R. A. No.
9592**

AN ACT EXTENDING FOR FIVE (5) YEARS THE REGLEMENTARY PERIOD FOR COMPLYING WITH THE MINIMUM EDUCATIONAL QUALIFICATION AND APPROPRIATE ELIGIBILITY IN THE APPOINTMENT TO THE BUREAU OF FIRE PROTECTION (BFP) AND THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP), AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9263, OTHERWISE KNOWN AS THE 'BUREAU OF FIRE PROTECTION AND BUREAU OF JAIL MANAGEMENT AND PENOLOGY PROFESSIONALIZATION ACT OF 2004" AND FOR OTHER PURPOSES (S. NO. 3085/H. NO. 6000) (Signed Into Law May 8, 2009)

Features:

No person shall be appointed as uniformed personnel of BFP and the BJMP unless he/she possesses the following minimum qualifications:

- ❖ *A citizen of the Republic of the Philippines;*
- ❖ *A person of good moral character;*
- ❖ *Must have passed the psychiatric/psychological, drug and physical tests for the purpose of determining his/her*

physical and mental health;

- ❖ *Must possess a baccalaureate degree from a recognized institution of learning ;*
- ❖ *Must possess the appropriate civil service eligibility;*
- ❖ *Must not have been dishonorably discharged or dismissed for cause from previous employment;*
- ❖ *Must not have been convicted by final judgment of an offense or crime involving moral turpitude;*
- ❖ *Must be at least one meter and sixty-two centimeters (1.62 m.) In height for male, and one meter and fifty-seven centimeters (1.57 m) for female: provided that a waiver for height and age requirement shall be automatically granted to applicants belonging to the cultural communities; and*
- ❖ *Must weigh not more or less than five kilograms (5kgs.) from the standard weight corresponding to his/her height, age and sex.*
- ❖ *A new applicant must not be less than 21 nor more than 30 years of age; except for this particular provision, the above-enumerated qualifications shall be continuing in character and an absence of any one of them at any given time shall be a ground for separation or retirement from the service.*

The uniformed personnel who are already in the service prior to the effectivity of R.A. 9263 shall be given another five years to obtain the minimum educational qualification and appropriate civil service eligibility to be reckoned from the date of the effectivity of this law.

The concerned BFP and BJMP members who have rendered more than 15 years of service at the time of the effectivity of this act shall no longer be required to comply with the aforementioned educational and eligibility requirements. Likewise, those personnel who have

acquired national police commission eligibility prior to the effectivity of R.A. 9263 shall no longer be required to obtain the appropriate civil service eligibility.

After the lapse of the time period for the satisfaction of a specific requirement, current uniformed personnel of the BFP and the BJMP who will fail to satisfy any of the requirements above enumerated shall be separated from service if they are below 50 years of age and have served in the government for less than 20 years. They are also considered retired if they are age 50 and above and have served in the government for at least 20 years, without prejudice in either case to the payment of benefits they may be entitled to under existing laws.

Status:

Since 27 May 2009 when Republic Act No. 9592 took effect, of the total number of jail officers nationwide with deficiencies as to appropriate eligibilities and education, that is, either one has met the appropriate civil service eligibility but still deficient of the Baccalaureate degree or one has completed his Baccalaureate degree but failed to pass the examination for the required eligibility, there are 337 who still remain with deficiencies. However, of the 337, 107 have rendered more than fifteen (15) years and therefore, no longer required to comply with the aforementioned educational and eligibility requirements but not qualified for promotion to the next higher rank via regular promotion.

As part of the implementation of the law, the BJMP has taken the following actions, to wit:

1. Conducted personnel information and education to determine the effects of compliance and non-compliance with R.A. 9592.
2. Entered into a Memorandum of Agreement (MOA) with Higher Education institutions to accommodate personnel with deficiency in their educational attainment.

One such school is the Pamantasan ng Lungsod ng

Maynila which entered into MOA with BJMP on 13 May 2008.

3. Renewal of appointment status for personnel with no appropriate eligibility.
4. Issuance of memoranda and notices to personnel with deficiencies and their supervisors.
5. Conducted a forum with concerned personnel regarding their deficiencies and the status of their compliance to the provisions of R.A. 9592.

Despite the employment of the above measures, the concerned personnel were not able to fully comply with the requirements prescribed under the said law within the span of three (3) years from the date of its implementation. The passive response of the personnel concerned is considered by the BJMP as, among other concerns, the major hindrance in the enforcement of Republic Act No. 9592 and its IRR.

In this regard, we wish to take great pleasure in expressing our appreciation for the law particularly for extending for five (5) years the reglementary period for complying with the minimum educational qualification and appropriate eligibility requirements in the appointment to the BJMP.

Taking into consideration the earnest effort to comply with the requirements of the law and the competence and efficiency in the performance of their assigned tasks, the renewal of the temporary appointments of these affected jail officers is indubitably recommended. In addition, while the dwindling number of personnel with deficiencies is remarkably noteworthy, The BJMP is still mindful that much more needs to be done to address the crucial issue. Hence, from this point up to 27 May 2014 when the law shall have reached its five-year full implementation, the BJMP's Jail Bureau shall continuously motivate and monitor the compliance of incumbent BJMP uniformed personnel to the education and eligibility requirements.

(Letter of Diony D. Mamaril, CES(E), Jail Chief Superintendent, Officer-in-Charge, Bureau of Jail Management and Penology to the Senate dated February 15, 2013)

**R. A. No.
9708**

AN ACT EXTENDING FOR FIVE (5) YEARS THE REGLEMENTARY PERIOD FOR COMPLYING WITH THE MINIMUM EDUCATIONAL QUALIFICATION FOR APPOINTMENT TO THE PHILIPPINE NATIONAL POLICE (PNP) AND ADJUSTING THE PROMOTION SYSTEM THEREOF, AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 6975 AND REPUBLIC ACT NO. 8851 FOR OTHER PURPOSES (S. NO. 3015/H. NO. 3618) (Signed into Law AUGUST 12, 2009)

Features:

No person shall be appointed as officer or member of the PNP unless he or she possesses the following minimum qualifications:

For a new applicant, must not be less than 21 or more than 30 years of age. Except for the last qualification, the above enumerated qualifications shall be continuing in character and an absence of any one of them at any given time shall be a ground for separation or retirement from the service. PNP members who are already in the service upon the effectivity of R.A. 8551 shall be given 5 years to obtain the minimum educational qualification preferably in law enforcement related courses to be reckoned from the effectivity of this amendatory Act. Concerned PNP members rendering more than 15 years of service and who have exhibited exemplary performance as determined by the commission shall no longer be required to comply with the aforementioned minimum educational requirement.

A uniformed member of the PNP shall not be eligible for promotion to a higher position or rank unless he or she has successfully passed the corresponding promotional

examination given by the commission, or the bar, or the corresponding board examinations for technical services and other professions, has satisfactorily completed the appropriate and accredited course in the PNP or equivalent training institutions and has satisfactorily passed the required psychiatric/psychological and drug tests.

Status: The Implementing Rules and Regulations (IRR) of the law was approved by the NAPOLCOM en banc on September 20, 2010 and subsequently adopted for implementation by the PNP.

Likewise, on May 18, 2012, NAPOLCOM Resolution No. 2012-185 was issued relative to the deferment of the implementation of Attrition by Non-Promotion under NAPOLCOM Memorandum Circular No. 2008-005 in reference to Section 28 of R.A. No. 8551 until August 2014 after the lapse of the effectivity of R.A. 9708 which extended the reglementary period for complying with the minimum educational qualification for appointment to the PNP for five (5) years.

PUBLIC SERVICES

**R. A. NO.
9497** **AN ACT CREATING THE CIVIL AVIATION
AUTHORITY OF THE PHILIPPINES, AUTHORIZING
THE APPROPRIATION OF FUNDS THEREFOR, AND
FOR OTHER PURPOSES (S. NO. 1932/H. NO. 3156)
(Signed into Law MARCH 4, 2008)**

Features: *As a state policy to provide safe and efficient air transport and regulatory services in the Philippines, the law provides for the creation of a Civil Aviation Authority with jurisdiction over the restructuring of the civil aviation system, the promotion, development and regulation of the*

technical, operational, safety, and aviation security functions under the Civil Aviation Authority.

The law creates an independent regulatory body with quasi-judicial and quasi-legislative powers and possessing corporate attributes known as the Civil Aviation Authority of the Philippines (CAAP), attached to the DOTC for policy coordination. For this purpose, the Air Transportation Office (ATO) is hereby abolished.

The CAAP shall be headed by a Director General of Civil Aviation who shall be appointed by the President of the Philippines and shall be responsible for all civil aviation in the country and the administration of this act. The corporate powers of the authority shall be vested in a board composed of 7 members.

The authority shall have an authorized capital stock of ₱50B which shall be fully subscribed by the Republic of the Philippines. It shall enjoy fiscal autonomy. All moneys earned by the authority from the collection/levy of any and all such fees, charges, dues, assessments and fines shall be used solely to fund the operation of the authority, subject, however, to the examination of the congressional oversight committee.

However, nothing in this act shall diminish the powers and functions of the Manila International Airport Authority created by virtue of E.O. No. 903, S. of 1983; Subic Bay Metropolitan Authority as regards to Subic Bay International Airport created by virtue of R.A. 7227; Clark International Airport Corporation as regards the Diosdado Macapagal International Airport Authority created by virtue of E.O. No. 193, Series of 2003; and the Mactan-Cebu International Airport Authority created by virtue of R.A. 6958.

Status: The Implementing Rules and Regulations (IRR) of the law was already issued and promulgated.

Budgetary Requirement: ₱50,000,000.00

The Civil Aviation Authority of the Philippines is still in the process of appraising all Air Transportation Office (ATO) assets that will be transferred to them, therefore, the actual amount to be considered as paid-up capital is yet to be determined.

R. A. No. 9515 **AN ACT DEFINING THE LIABILITY OF SHIP AGENTS IN THE TRAMP SERVICES AND FOR OTHER PURPOSES (S. NO. 2078/H. NO. 4120) (Signed into Law DECEMBER 19, 2008)**

Features: *The law updates the archaic provisions of the Code of Commerce and qualifies the definition of a ship agent to exclude or exempt tramp agents from being liable for cargo loss or damage since the law already provides that the ship owner shall be responsible for this. It delineates the responsibilities of the tramp agents and ship agents, and further defines the liabilities of the latter, in order to help establish efficiency, competence and professionalism in the navigation business.*

Status: The Maritime Industry Authority (MARINA) and the Philippine Shipper's Bureau (PSB) under the Department of Trade and Industry have already approved and signed on 17 October 2011 the Implementing Rules and Regulations (IRR) to implement the provisions of R.A. 9515. There was no problem so far or there was no complaint received from concerned ship agents as far as the implementation of the provisions of the said IRR.

R. A. No. 10054 **AN ACT MANDATING ALL MOTORCYCLE RIDERS TO WEAR STANDARD PROTECTIVE MOTORCYCLE HELMETS WHILE DRIVING AND PROVIDING PENALTIES THEREFOR (S. NO. 1863/H. NO. 6924) (Signed into Law MARCH 23, 2010)**

Features: *This law requires all motorcycle riders, including drivers*

and back riders, to wear standard protective motorcycle helmets while driving, whether long or short drives, in any type of road and highway. Standard protective motorcycle helmets are appropriate types of helmets for motorcycle riders that comply with the specifications issued by the Department of Trade and Industry (DTI). Drivers of tricycles are exempted from complying with the mandatory wearing of motorcycle helmets as provided in this Act. The Department of Transportation and Communications, with its attached agency, the Land Transportation Office (LTO), is mandated by this Act to issue guidelines necessary to implement the provisions of this Act.

The DTI, through the Bureau of Product Standards, is mandated to utilize the United Nations Economic Commission for Europe Protocols with regard to the standards that will be applicable to the approval or disapproval of motorcycle helmets that will be sold in the Philippines. The LTO, in coordination with the Philippine Information Agency, the Department of Education and private agencies and organizations, shall undertake a nationwide information, education and communication campaign for a period of six months.

Status: Consultations have been held with concerned government agencies and private stakeholders, and their respective comments have been considered and incorporated in the drafting of the Implementing Rules and Regulations (IRR) of the law.

The full implementation of R.A. 10054 by the Land Transportation Office (LTO) commenced on January 1, 2013 after the expiration of the 6-month window requested by the DTI-BPS to enable the agency to install ICC validation stickers on motorcycle protective helmets as evidence of compliance set by law.

On budgetary requirements, no funding source has been provided for by R.A. 10054. Expenditure necessarily shall be incurred for sustained and nationwide campaign to promote awareness on the benefits that can be derived in

complying with the law and on the ruinous and fatal consequences of ignoring it.

Among the problems and issues encountered are: conflict between national law (R.A. No. 10054) and laws of local application in the form of ordinances prohibiting the wearing of helmet because of peace and order issues, lack/absence of funding source for IEC campaign promoting compliance with the law, difficulty of enforcement because of public apathy, inconvenience of wearing helmet due to tropical climate and economic reasons.

The LTO recommended that the law be amended to provide funding source, like revenue collected from fines/penalties imposed for violations of the law can be earmarked for the LTO's use in operation-related expenses in enforcing the law, e.g. conduct of continuing information, education and communication campaign.

SOCIAL JUSTICE, WELFARE AND RURAL DEVELOPMENT

R. A. No. 9509 **AN ACT ESTABLISHING LIVELIHOOD AND SKILLS TRAINING CENTERS IN FOURTH, FIFTH AND SIXTH CLASS MUNICIPALITIES AND FOR OTHER PURPOSES (S. NO. 2092/H. NO. 4349) (Signed into Law OCTOBER 21, 2008)**

Features: *The law establishes a Livelihood and Skills Training Center in 4th, 5th and 6th class towns across the country. The National Anti-Poverty Commission (NAPC), based on its poverty and unemployment data, can recommend more beneficiaries aside from these municipalities.*

The center shall provide educational and instructional activities designed to enhance the knowledge, skills and

attitudes of intended beneficiaries and to better prepare them to engage in gainful employment and/or entrepreneurship.

The center shall have a municipal advisory board to be convened by the town mayor. Members include representatives from business organizations, chamber of commerce, cooperatives, micro, small and medium scale enterprises, rural bankers, NGO's and people organizations. The board shall provide guidelines by which the center should develop its plans and programs. It shall also develop information, education, and communication plan to promote the center.

The center shall establish a satellite or mobile livelihood and skills training center in a barangay or a cluster of barangays where deemed necessary by the municipal mayor to ensure that the skills training to be provided reach the intended beneficiaries. The center and its satellites must be located in an area which is safe and accessible to the residents.

The national government shall promote and guarantee the establishment of the centers and assist local governments in instituting and maintaining such centers and in ensuring the effectiveness of the services being provided.

Status:

Assistant Secretary Gina C. Dela Cruz of the National Anti-Poverty Commission in reply to the Senate request for an update on the implementation of the law said in her letter of February 20, 2013 that in order to provide the information the Senate needed, she initiated a consultation with several NAPC Council Leaders of the Workers in the Informal Sector (NAPC-WIS), the sector which has direct interest in the law's implementation. However, the results of the consultation are as follows: 1) The Implementing Rules and Regulations (IRR) of the law has not yet been drafted thus for; 2) The leaders have minimal knowledge on whether the law is in fact being implemented among the municipalities mentioned, considering the average annual income of those municipalities.

Having taken note of the lack of information on the said law, the Council Leaders and Asec. Dela cruz have agreed to take the following measures to ensure the implementation and promotion of the said law:

1. Take the initiative in drafting the IRR;
2. Get information from the Localization Unit of NAPC regarding which city/municipality had submitted requests for livelihood and skills training during the recent Bottom-Up Budgeting Process;
3. Get information from LGUs (random 4th, 5th and 6th class municipalities) of actual implementation;
4. Call an inter-agency meeting (DILG, TESDA and NAPC) and issue a memorandum calling for the creation of a Technical Working Group to draft the IRR as soon as possible; and
5. Present during NAPC-WIS's Council Meeting salient provisions of said law and conduct consultation regarding the proposal to draft the IRR.

The NAPC assures to provide the Senate on the actions they have taken for the immediate implementation and compliance with the provisions of the law.

Per agency representation, TESDA through their Regional and Provincial Offices have been assisting clients in the 4th, 5th and 6th class municipalities through the technology-based community training programs or livelihood programs, scholarship programs and the assessment and certification programs using their regular budget and in participation with LGUs and NGAs. TESDA only provides technical assistance.

**R. A. No.
9994**

AN ACT GRANTING ADDITIONAL BENEFITS AND PRIVILEGES TO SENIOR CITIZENS, FURTHER AMENDING REPUBLIC ACT NO. 7432, AS AMENDED, OTHERWISE KNOWN AS "AN ACT TO MAXIMIZE THE CONTRIBUTION OF SENIOR CITIZENS TO NATION

BUILDING, GRANT BENEFITS AND SPECIAL PRIVILEGES AND FOR OTHER PURPOSES (S. NO. 3561/H. NO. 6390) (Signed into Law FEBRUARY 15, 2010)

Features: *The “Expanded Senior Citizens Act of 2010” expands the benefits and privileges extended to senior citizens as outlined in RA 7432. These include a 20-percent discount and exemption from the value-added tax on the sale of goods and services, mandatory Philhealth coverage, free medical and dental service, diagnostic and laboratory fees in all government facilities, a monthly stipend, utility discount, and educational assistance. This law establishes in all cities and municipalities an Office for Senior Citizens Affairs to plan, develop, implement, consolidate, and monitor yearly work programs in pursuance of the objectives of the Act. It also creates the Regional Coordinating and Monitoring Board to serve as coordinating and monitoring Body at the regional level.*

This law was enacted to give full support to the improvement of the total well-being of the elderly and their full participation in society considering that senior citizens are an integral part of Philippine society. The law provided for the granting of discount privileges, free services, and additional financial assistance from the government, as well as for the establishment of the Office of Senior Citizens Affairs (OSCA) and the appointment of the OSCA head.

It expanded the coverage of the benefits and privileges due for senior citizens to include, besides a 20 percent discount and 12 percent value-added tax (VAT) exemption on certain transactions, a special 5 percent discount in prime commodities and basic necessities, a 5 percent utility discount on electricity and water consumption, a death benefit assistance of PhP 2,000, and a monthly social pension of PhP 500 for identified indigent senior citizens.

Section 8 of RA 9994, amending Section 11 of RA 9257, explicitly provides for the establishment of a monitoring and coordinating mechanism at the national and regional level to be chaired by the Department of Social Welfare and

Development (DSWD), with the Department of Interior and Local Government (DILG) serving as vice-chair, Department of Justice (DOJ), Department of Health (DOH), five non-government organization representatives and the Department of Trade and Industry (DTI).

Status: The Bureau of Internal Revenue (BIR) issued Revenue Regulations No. 8-2010, amending the first paragraph of Section 10 of Revenue Regulations (RR) No. 7-2010 excluding the electric and water consumption of senior citizens from the exemption from value added tax (VAT).

- ❖ Implementing Rules and Regulations (IRR) have been signed June 18, 2010.
- ❖ Queries and complaints received through hotlines have been endorsed to proper agencies for their clarification and DSWD field offices for their monitoring; as of September 2010, DSWD has received a total of 490 communications, 83% of these communications inquired on their benefits or complained about business establishments not abiding by the law.
- ❖ Conduct of national orientation of DSWD focal persons for senior citizens last July 20, 2010 along with orientations and technical assistance to field offices, LGUs, NGOs, POs and establishments.
- ❖ Copies of the law, IRR, FAQs and other issuances / guidelines have been posted at the website and published in newspapers nationwide.
- ❖ Supplemental guidelines were issued by BIR (July 2010 and August 2010), DOLE (Department Circular No. 3, Series of 2010), DOT (Memorandum Circular No. 2010-07, Series of 2010) and DTI-PTTC.
- ❖ DSWD's internal guidelines on the following are still being finalized:

- Availment of 50% utility discount of senior-citizen centers and government-run and privately-run elderly facilities
- Availment of 20% discount on funeral and burial services
- Availment of the monthly social pension

The IRR was signed on June 20, 2010. It was published on June 22, 2010 and took effect on July 07, 2010.

The National Coordinating and Monitoring Board (NCMB), tasked with monitoring the implementation of RA 9994 facilitated and requested the issuance of the following Department Order (DO)/Administrative Order (AO)/Memorandum Circular (MC) to the other national government agencies in support of RA 9994 and its implementing rules and regulations (IRR).

Four (4) DSWD Administrative Orders (AOs) on the 50 percent utility discount and on the monthly ₱500 social pension, namely:

- **DSWD AO No. 12, Series of 2010:** Guidelines for the availment of 50 percent discount on electricity, water and telephone consumption of senior citizen centers, residential care facilities and group homes for the elderly per RA 9994;
- **DSWD AO No. 15, Series of 2010:** Guidelines on the implementation of the social pension for indigent senior citizens;
- **DSWD AO No. 3, Series of 2011:** Operational procedure in line with AO No. 15, Series of 2010 on the implementation of the social pension for indigent senior citizens; and
- **DSWD AO No. 4, Series of 2012:** Procedure in processing replacements for beneficiaries of the social pension (Addendum to AO No. 3).

Four (4) Bureau of Internal Revenue (BIR) issuances on implementing RA 9994, specifically tackling the 20 percent discount privilege and the 12 percent VAT exemption for senior citizens, as follows:

- **Department of Finance (DOF)-BIR Revenue MC No. 45-2010:** Revised guidelines in the requests for the production of the books of accounts and/or other records and documents and in the issuance of *subpoena duces tecum* for failure of taxpayers to comply with the requests;
- **DOF-BIR Revenue Regulations No. 7-2010:** Implementing the tax privileges provision of RA 9994, otherwise known as the “Expanded Senior Citizens Act of 2010”, and prescribing the guidelines for the availment thereof;
- **DOF-BIR Revenue Regulations No. 8-2010:** Amending Revenue Regulations No. 7-2010 implementing the tax privileges provisions of RA 9994, otherwise known as the Expanded Senior Citizens Act of 2010; and
- **DOF-BIR Revenue MC No. 45-2012:** Questions and answers further clarifying the provisions of revenue regulations No. 7-2010, as amended by RR 8-2010, implementing the tax privileges under RA 9257, otherwise known as the “Expanded Senior Citizens Act for 2003.”

Three (3) DOH administrative orders on the medical benefits and health privileges of senior citizens under RA 9994:

- **DOH AO No. 2010-0032:** Guidelines and mechanisms to implement the provisions of RA 9994, otherwise known as the Expanded Senior Citizens Act of 2010”, on the sale of medicines and the sharing of

the 20 percent senior citizens discount;

- **DOH AO No. 2011-0018:** Implementing guidelines on influenza and pneumococcal immunization for indigent senior citizens; and
- **DOH AO No. 2012-0007:** Guidelines on the grant of 20 percent discount to senior citizens on health related goods and services and for other purposes.

One (1) joint DTI-Department of Agriculture (DA) AO implementing the special 5 percent senior citizens discount on prime commodities and basic necessities:

- **DTI-DA AO No. 10-02, Series of 2010:** IRR on the grant of special discounts to senior citizens on the purchase of basic necessities and prime commodities pursuant to Section 4 (j) of RA 9994, otherwise known as the Expanded Senior Citizens Act of 2010 repealing DTI-DAO No. 3, series of 2005 and DA issued AO No. 37 series of 2005.

Guidelines on the availment of utility discounts on electric and water consumption:

- **Energy Regulatory Commission (ERC) Resolution No. 23, Series of 2010:** A resolution adopting the rules implementing the discounts to qualified senior citizen and end users and subsidy from the subsidizing end users on electricity consumption under sections 4 and 5 of RA 9994; and
- **Maynilad CP-CPR-004-06/R1-10:** Maynilad policies and implementing guidelines in providing special privilege to senior citizens in consonance with RA 9994.

Other government issuances implementing RA 9994:

- **Philippine Trade Training Center (PTTC) under**

the DTI: Guidelines in the availment of seminars relative to the Expanded Senior Citizens Act of 2010;

- **Technical Education and Skills Development Authority (TESDA) Issuance dated October 5, 2010 Superceding TESDA Circular No. 11, Series of 2005:** Guidelines in the implementation of educational assistance/privileges in technical vocational education and training for senior citizens;
- **Department of Tourism MC No. 2010-07, Series of 2010:** Adopting the implementing rules and regulations of RA 9994, otherwise known as the “Expanded Senior Citizens Act of 2010”;
- **Department of Labor and Employment Department Circular No. 3, Series of 2010:** Department guidelines pursuant to Section 5 (a) of RA 9994 or the “Expanded Senior Citizens Act of 2010.”

One (1) joint DSWD-DILG MC on death benefit assistance for seniors:

- **DILG-DSWD MC No. 1, Series of 2012:** Implementing guidelines on the death benefit assistance to the nearest surviving relative of the deceased indigent senior citizens, dissemination of the approved survey form for the profiling of senior citizens to monitor the implementation of RA 9257, otherwise known as the “Expanded Senior Citizens Act of 2003.”

The National Coordinating and Monitoring Board (NCMB), as an interagency body composed of DSWD, DILG, DOH, DOJ, DTI and five NGOs and people’s organizations representing the senior citizens sector, likewise issued the following NCMB resolutions to help implement RA 9994:

- **NCMB Resolution No. 1-2010** “Resolution Clarifying that Golf Cart Rentals and Green Fees are within the

Contemplation of Rule 5, Article 7, Section 4 on Recreation Centers and Sports Facilities Entitled to the 20 percent Senior Citizens Discount”;

- **NCMB Resolution No. 2-2010** “Resolution Clarifying the Applicability of the 20 percent Senior Citizens Discount to Alcoholic Beverages”;
- **NCMB Resolution No. 1-2012** “Resolution Recommending to the Energy Regulatory Commission to Review and Reconsider ERC Resolution No. 23, Series of 2010 on the Electric Utility Discount of Senior Citizens under RA 9994”; and
- **NCMB Resolution No. 2-2012** “Resolution Approving and Adopting the Philippine Plan of Action for Senior Citizens (PPASC) 2012-2016.”

The NCMB regularly conducts its quarterly meetings since RA 9994’s passage in 2010, and in addition, holds various interagency meetings, consultations and coordinating dialogues with different stakeholders to help implement RA 9994:

- In 2010, to facilitate the drafting of the IRR, there were three regional consultation meetings conducted, one in Luzon, one in the Visayas, and one in Mindanao plus one final, national consultation meeting;
- In 2011, three (3) meetings with the DOH, one (1) meeting with the DOTC and its attached agencies, and a symposium/forum on active ageing and the status of Filipino seniors; and
- In 2012, there were three (3) meetings with the DOH, one (1) with DTI, three (3) with restaurant/food establishments, one (1) with drugstores/pharmacies, one (1) with the social security and healthcare agencies, one (1) with the Food and Drug

Administration, and two (2) with the BIR.

The DSWD through the NCMB Secretariat and Policy Development and Planning Bureau also facilitated the following activities in support of RA 9994:

- An assessment and evaluation of accomplishments under the Philippine Plan of Action for Senior Citizens (PPASC) 2006-2010 held in July 2010 in Tagaytay City in preparation for the next 5-year plan;
- Two (2) Workshop-Forum on Social Pension for Senior Citizens: sharing learnings from the Asian experience held in March 2011 at the Manila Hotel with Helpage International and one (1) with DSWD Field Office representatives on the draft operational guidelines for social pension in February 2011;
- Several interagency workshops in 2011 for the successor 5-year plan, PPASC 2012-2016;
- Finalization of the draft PPASC 2012-2016 and its presentation to the NEDA Social Development Council, until its adoption by the members of the NCMB in December 2012; and
- Meanwhile, the DSWD, through the PDPB's Policy and Research Division conducted a research entitled "An Assessment of the Social Pension Program for Indigent Senior Citizens" as part of the review required under RA 9994's IRR.

Initial findings show that the senior citizens are grateful for the financial assistance no matter how small, and that the amount indeed goes to their basic needs such as food and medicines. The program's additional benefits include easing the economic burden on their families of caring for senior citizens, and letting the quarterly pay-outs serve as an opportunity to socialize with fellow senior citizens.

Information/Education/Communication Campaign

1. Development and maintenance of an official National Coordinating and Monitoring Board website on RA 9994 for Filipino senior citizens accessible through the DSWD website (ncmb.dswd.gov.ph). The NCMB website is the main repository of information on the implementation of the “Expanded Senior Citizens Act of 2010”, including relevant supplemental guidelines issued by other government agencies;
2. The NCMB, through the DSWD website, likewise maintains an official NCMB email address (ncmb@dswd.gov.ph) where queries and complaints of senior citizens, LGUs and/or business establishments are responded to directly;
3. Various media interviews on TV, radio and print, including newsletters of FSCAP and the Senior Citizens Partylist;
4. More than 10,000 copies of RA 9994 and its IRR were reproduced and distributed in a “primer” form to DSWD Field Offices, government agencies, and senior citizens organizations; and
5. Annual nationwide celebration of the Elderly Filipino Week in every region, province and municipality through tri-media campaign during the first week of October.

Technical Assistance and Capacity-Building

In 2012, the DSWD, in partnership with Senior Citizens Partylist representative Godofredo Arquiza, Sr. conducted a regional forum and assessment of RA 9994. It served as a venue for capability-building/training for appointed OSCA heads and representatives of the Senior Citizens Associations of the Philippines in different regions and cities. The NCMB and RCMBs also advocated for the

establishment of senior citizen day centers in different regions of the country (Total: 954).

Problems and Concerns in Implementation

1. Some guidelines to facilitate the implementation of RA 9994 have not yet been issued or updated by the concerned government agencies. The DSWD through the NCMB has to constantly follow up on this. An example is DSWD's request for clear regulations from the BIR to guide the different business establishments on how the senior citizen discount rate and VAT exemption should be computed, or how they can claim for tax deductions more efficiently.
2. Budget for social pension implementation is still inadequate to cover the estimated 1.2 million indigent senior citizens. Given the limited DSWD budget, they are only able to cover those 77 years old and above, and unable to extend the monthly PhP 500 social pension benefit to include 60 years old and above.
3. The non-implementation of the 1 percent budget allocation for persons with disability and senior citizens by local government units and other agencies remains a challenge. As a result, some activities geared towards senior citizens have been forfeited or postponed.
4. There remains a general lack of awareness on the law – for senior citizens in the provinces who do not know their rights and privileges, for business establishments and service providers who are unaware of the IRR, and government bodies which fail to monitor the availment of senior citizen benefits according to the issued guidelines.

Effectiveness and Relevance of the Law to the Current Milieu

1. RA 9994's new provisions on additional government financial assistance, i.e. social pension, death benefit assistance, free flu and pneumonia vaccines, mandatory Philhealth coverage, benefits the more vulnerable, indigent senior citizens pursuant to DSWD poverty reduction programs.
2. The utility discounts previously enjoyed by DSWD-accredited centers and institutions only are now enjoyed by individual households of senior citizens with a minimal electric and water consumption.
3. Based on feedback from various stakeholders, the most availed of discount privilege is on medical benefits and health privileges, particularly on drugs/medicine purchases and hospitalization. It was noted that with the increase in medicine purchases, there was also a decrease in hospitalization. Meanwhile, with discounts from restaurants, theaters and even transportation fares, senior citizens now go out more often and have become more active.

As part of its monitoring function, the NCMB was able to gather the following information related to RA 9994's implementation:

- In 2011, Meralco declared 711 households/residences availing of the 5 percent discount and at least two elderly institutions availing of the 50 percent utility discount for accredited centers/institutions as of March 2011. For 2012, 3,718 households or residences and six (6) institutions were identified.
- Manila Water declared 543 households/residences within its business area in NCR benefiting from the 5

percent utility discount with at least three (3) elderly institutions availing of the 50 percent utility discount for accredited centers/institutions as of April 2011. As of December 2012, 1,396 households and institutions are availing of the water utility discount from Manila Water.

- Maynilad Water Services declared 728 households/residences within its business area in NCR benefiting from the 5 percent utility discount as of May 2011. As of December 31, 2012, this figure has risen to 4,215 households.
- In 2011, BIR reported that 68 corporations have claimed tax deductions for discounts granted to senior citizens, with a total estimated revenue foregone as PhP 5.631 billion.

Other Issues and Recommendations

Issues/ Concerns	Comments/ Observations	Recommendations
Lack of particular government agency solely dedicated to promoting elderly rights	DSWD as chair of the NCMB monitoring RA 9994 implementation has become by default the primary government agency responsible for senior citizens	It would have been better if there was a senior citizens counterpart of the Council for the Welfare of Children, Philippine Commission on Women, or the National Council on Disability Affairs
No separate budget dedicated to address the wide range of senior citizens needs and concerns	Currently, the General Appropriations Act provides for a 1 percent budget allocation to be shared with PWDs. There is also a joint DSWD-DBM circular that provides for the 1 percent budget to be accessed	The lack of a specific government body charged with the primary responsibility of addressing elderly concerns also has an effect on funding resources available to promote senior citizens interests. Right

	and utilized for senior citizens programs and services	now, DSWD has to rely on its department budget to cater to the senior citizens sector
Absence of a complete database on the total Filipino elderly population	The National Statistics Office has a previous elderly-specific survey in 2000, but the 2007 and 2010 surveys do not really reflect the population of senior citizens disaggregated according to economic considerations, health concerns, etc. While there is an NSO survey already conducted, as well as a National Household Targeting office whose data are used as basis for culling out the Filipino elderly population, there has to be a better way of deriving the actual count of senior citizens in the Philippines	<p>The previous online-profiling project supposedly tied up with the issuances of senior citizens ID cards has to either be revived, or coordinated better.</p> <p>The BIR's offer of issuing a better senior citizen ID card with magnetic strip to be used as an identifier like a credit card for availment of discount privileges is actually an opportunity</p>
No treaty or convention particularly protecting the rights of the elderly, similar to the Convention of the Rights of the Child, or the Convention on the Elimination of all forms of Discrimination versus Women	Without an international commitment linked to a particular human rights treaty or convention, it is harder to push for national laws and/or policies anchored on national standards of elderly rights promotion and protection such as addressing elderly abuse	The DSWD should continue supporting the advocacy efforts of COSE-Helpage International since there are already talks ongoing in New York by the working group. The initial dialogue jointly sponsored by the DSWD, CHR, DFA and PHRC in July 2012 was a good start

R. A. No. 10070 **AN ACT ESTABLISHING AN INSTITUTIONAL MECHANISM TO ENSURE THE IMPLEMENTATION OF PROGRAMS AND SERVICES FOR PERSONS WITH DISABILITIES IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE MAGNA CARTA FOR DISABLED PERSONS (S. NO. 3560/H. NO. 1387) (Signed into Law APRIL 06, 2010)**

Features: *RA 10070 directs Local Government Units (LGUs) to promote the establishment of organizations of persons with disabilities (PWDs) in their respective territorial jurisdictions. LGUs are also mandated to establish a Persons with Disability Affairs Office as well as designate a PWD focal person.*

Status: To implement the law, the Department of Interior and Local Government issued Memorandum Circular No. 2010-103 on September 23, 2010 as the guidelines for implementation of R.A. 10070 for the establishment of Persons with Disability Affairs Office (PDAO). With due consideration to 4th, 5th and 6th class municipalities having budgetary constraints have the alternative course of action to designate a focal person who shall perform the functions of PDAO. But priority appointment should be given to a Person with Disability with experience in providing services to the sector. Targeting more than 1,500 LGUs, the different LGUs have created mechanisms/structures that vary per area in order to provide better programs and services for persons with disabilities as reported by the Department of Interior and Local Government and the National Council on Disability Affairs (NCDA) secretariat as of December 2012.

Region I – with 4 Provinces, 4 Cities and 16 Municipalities:

- 1 City with PDAO
- 1 Municipality with a Committee
- 1 Province, 5 Cities and 22 Municipalities have Focal Persons

Region 2 – with 6 Provinces, 2 Cities and 93 Municipalities:

- 51 Municipalities and 1 City have PDAO
- 40 Municipalities have PDAO Officers

- 2 Provinces, 2 Cities and 86 Municipalities have Focal Persons

Region 3 – with 7 Provinces, 13 Cities and 10 Municipalities:

- 1 City with PDAO
- 5 Provinces, 1 City, 5 Municipalities have Committees
- 5 Municipalities have Focal Persons

Region 4-A – with 5 Provinces, 13 Cities and 129 Municipalities:

- 2 Provinces, 8 Cities, 44 Municipalities have PDAO
- 1 Province, 6 Cities, 71 Municipalities have PDAO Officers
- 3 Provinces, 12 Cities and 110 Municipalities have Focal Persons

Region 4-B – with 5 Provinces, 2 Cities and 71 Municipalities:

- 1 City and 17 Municipalities have PDAO
- 1 City and 28 Municipalities have PDAO Officers
- 35 Municipalities have Focal Persons

Region 5 – with 7 Cities and 107 Municipalities:

- 6 Cities and 3 Municipalities have PDAO

Region 6 – with 16 Cities, 6 Provinces, and 117 Municipalities:

- 2 Provinces, 4 Cities and 1 Municipality have PDAO

Region 7 – with 12 Cities, 4 Provinces and 120 Municipalities:

- 5 Cities and 15 Municipalities have PDAO
- 5 Cities and 20 Municipalities have PDAO Officers
- 1 Province, 9 Cities and 42 Municipalities have Focal Persons

Region 8 – with 4 Cities, 6 Provinces and 139 Municipalities:

- 1 Province and 1 Municipality have PDAO

Region 9 – with 5 Cities, 3 Provinces and 67 Municipalities:

- 3 Cities with Focal Persons
- 1 City with PDAO

Region 10 – with 5 Provinces, 8 Cities and 85

Municipalities:

- 1 Province, 2 Cities and 21 Municipalities have PDAO
- 1 Province, 5 Cities and 12 Municipalities have PWD Affairs Officers
- 3 Provinces, 7 Cities and 44 Municipalities have assigned Focal Persons

Region 11 – Out of 43 Municipalities, 5 Cities and

4 Provinces:

- 19 Municipalities with Focal Persons
- 1 City with Focal Person
- 1 Municipality with PDAO Officer
- 1 Province with Focal person
- 3 Provinces and 5 Cities with Committees

Region 12 – with 4 Provinces, 5 Cities and 45

Municipalities:

- 2 Provinces, 4 Cities and 31 Municipalities have PDAO
- 1 Province, 3 Cities and 10 Municipalities have PDAO Officers
- 2 Provinces, 5 Cities and 34 Municipalities have Focal Persons

CARAGA – with 4 Provinces, 60 Municipalities and 8 Cities:

- 1 City and 4 Municipalities have Focal Persons
- 4 Cities and 3 Provinces, have Committees
- 6 Provinces, 1 City and 6 Municipalities have Focal Persons

Cordillera Autonomous Region – with 6 Provinces and

75 Municipalities:

- 3 Provinces, 2 Cities and 23 Municipalities have PDAO
- 4 Cities and 3 Provinces have Committees
- 6 Provinces, 1 City and 6 Municipalities have Focal Persons

National Capital Region – with 16 Cities and 1 Municipality:

- 3 Cities have PDAO
- 13 Cities have Committees
- 2 Cities and 2 Municipalities have PDAO Officers
- 1 City, 2 Provinces and 1 Municipality have Committees

Autonomous Region of Muslim Mindanao – out of 5 Provinces, 1 City and 117 Municipalities:

- 1 City and 4 Municipalities have Focal Persons

Based on the abovementioned breakdown per region, province, municipality and city, there are a total of 211 PDAOs in the country.

BUDGETARY REQUIREMENTS:

As stated earlier in the previous paragraph, the Memorandum Circular No. 2010-103 was issued by DILG with due consideration to LGUs from 4th, 5th and 6th classes. These LGUs have the option to have the most inexpensive way of having programs and services accessible to persons with disabilities by appointing a Focal Person to man and perform the functions of the PDAO created by the Local Chief Executive instead of creating an Office manned by persons with disabilities who qualify with the given qualification standards of government per position created and approved accordingly.

PROBLEMS/CONCERNS IN THE IMPLEMENTATION OF THE LAW AND PROPOSED SOLUTIONS/AMENDMENTS:

The following are the problems and concerns encountered relative to the Law's implementation:

- The expected front liners in advocating for the Law's implementation, particularly the DILG regional offices lack of knowledge and appreciation of the Guidelines issued by their Department such that their offices cannot be expected to orient LGUs and disseminate the Guidelines in particular for its implementation;

- There are no clear step by step procedures shared and disseminated by DILG Regional Offices on how to organize PDAO;
- LGUs do not allocate nor appropriate budgetary requirements resulting to the dismay of appointed people to run the PDAO structures organized/created by the Local Chief Executives;
- Many LGUs do not mind not following the PDAO Law and the DILG MC Guidelines;
- PDAOs have no independent structure. These are mostly, if not all attached to the LGUs Social Welfare Offices
- In LGUs where PDAO structures are created, there are no qualified persons with disabilities who can qualify because of very high qualification standards to occupy such position(s);
- At the onset of MC 103-2010, the LGUs did not receive copies of the same nor were there orientation for the LGUs to clearly understand how to go on with the establishment of PDAO with varying classes of LGUs;
- PDAO is not a priority of LCEs due to lack of advocacy and monitoring by the DILG; DILG is not so pro-active in its role;
- There is lack of organized PWDs and if ever they were organized, they are weak to lobby for PDAO implementation.

PROPOSED SOLUTIONS AND RECOMMENDATIONS TO IMPLEMENT/AMEND THE LAW:

- Require the establishment of an Office under the Local Chief Executive rather than providing other alternative structures with specific source(s) of local and national budgets clearly indicated in the amendments;

- Be more specific and clearly indicate the various roles and responsibilities of the different sources of programs/services/budget to be shared to LGUs such as but not limited to DSWD, DILG, and other national/regional/local government agencies;
- Delineation of functions between Social Welfare Offices and the PDAO so as to avoid overlapping and competition.

EFFECTIVENESS AND RELEVANCE OF THE LAW TO THE CURRENT MILIEU:

The law is relevant to the current milieu because of the identified issues and concerns of the sector with disabilities which have surfaced since the early 80's. There may be existing programs and services but are unfocused, scattered, splintered, inadequate and not appropriately resolves the pressing issues and concerns at hand. The passage of the Local Government Code, paved the way to make the LGUs more resourceful, creative and more independent in increasing their local budgets through different strategies and approaches in order to realize their needed requirements for a more improved services and programs catering to the needs of their constituents. The passage of Republic Act 10070 will more or less supplement the Local Government Code to attend to the needs of the sector with disabilities, providing better direction and an improved accessibility to goods and services available to render them better contributing members of the community rather than liabilities.

Being the country's focal point for all disability concerns and tasked to monitor compliance of all disability laws, the National Council on Disability Affairs (NCDA) convened functional PDAOs nationwide into a significant event dubbed as the "**National Congress on PDAO**" on August 15-17, 2012 in Bayview Park Hotel, Manila. The affair, which has for its theme "Towards Participatory Governance", enabled the participants to assess their respective PDAO Workplans relative to the provisions of

R.A. No. 10070 functions and craft the proposed Implementing Rules and Regulations (IRR) / Staffing on Guidelines of PDAO. The 3-day activity also enabled the participants to gain knowledge on the “Incheon Strategy to Make the Right Real for Persons with Disabilities in Asia and the Pacific” and to make their action plan for 2013-2022 using the Incheon Goals and Targets.

NCDA is presently coordinating with the Civil Service Commission and Department of Budget and Management to determine the plantilla positions/job descriptions and salary grades of the PDAO officer and staff.

The following issues were raised during the convention/orientation:

Issues/Concerns	Clarification/Recommendations
<i>On the existence of MSWDO/CSWDO/PSWDOs Focal Persons and R.A. No. 10070 Focal Persons</i>	
<p>The existence of some Focal Persons (FPs) on disability concerns designated/under the MSWDOs/CSWDO/PSWDOs or those connected with the Public Employment Service Office might result to a conflict with the other FPs identified in line with the provisions of R.A. No. 10070.</p> <p>Some participants noted that the MWSDO/CSWDO/PSWDO, FPs have broader functions than PDAO</p>	<p>There should be no conflict between the two FPs. Instead, they should complement with each other in the performance of their functions.</p> <p>MSWDOs/CSWDOs/PSWDOs provide auxiliary social services. On the other hand, PDAOs are mandated to coordinate/make representation to DSWD, and lobby with concerned agencies to allocate funds for PWDs programs/projects available to advocate on disability concerns, among its functions.</p>

<p>and there will be problems on their reporting</p>	<p>PDAO can also implement programs/projects concerning the PWD Sector, to fill the gap of services by the duty bearers or LGUs, or link the needed services to DSWD and/or any appropriate government structures.</p>
<p><i>On Funding</i></p>	
<p>Pursuant to R.A. No. 10070, the National Government through the DSWD shall ensure funds from any available local revenues for programs concerning the PWD Sector.</p> <p>The Local Government Code mandates LGUs to address the concerns of their constituents. Thus, LGUs allotment of funds to implement R.A. No. 10070 should be specified instead of just citing “any available local revenue” (Section 4). The said provision gives LGUs leeway to create a Committee composed of Sangguniang Bayan members to handle PWD concerns as a remedial measure instead of creating PDAOs.</p> <p>Possible use of the 1% GAA allocation for PWDs</p>	<p>The Department of Budget and Management (DBM) has issued Local Budget Memorandum No. 66 dated July 2, 2012 on “FY 2013 Internal Revenue Allotment (IRA) level and other Local Budget Preparation Matters”. The Memorandum provides, among others, that the “FY 2013 Annual Budget of LGUs shall include programs/activities/projects (PPAs) that can be attributed and is built-in within the budget level for senior citizens and PWDs pursuant to R.A. No. 9442, amending R.A. No. 7277”, among other concerns.</p> <p>LGUs have fiscal autonomy, thus, the national government which does not have data on local revenue, cannot interfere with their fund allocation. Politics among elective officials cannot be avoided.</p> <p>The use of the 1% will</p>

and senior citizens for the salary of PDAO officer/staff.	depend on the LGUs. Thus, advocacy for PWD concerns is important.
<i>On whether 4th, 5th and 6th class municipalities will continuously have FPs instead of PDAO</i>	
R.A. No. 10070 provides that within three (3) years, the implementation of the law will be reviewed and that recommendation to Congress on the need to mandate the establishment of PDAO in the said municipality classes will be submitted.	The law, approved on April 6, 2010, took effect 15 days after its publication on April 30, 2010. Thus, the review whether to amend R.A. No. 10070 should be done on or before May 15, 2013. The recommendation of the PWD Sector will be submitted for inclusion in the amendment of the law.
<i>On Maximum Limit for Personal Services</i>	
Budget for Personal Services is limited to 55%. Something should be done to have an additional 1% specifically for PDAO Officer.	The recommended may be included in the proposed IRR of R.A. No. 10070. For the time being, a MOA worker can be hired for the position.
<i>On Plantilla for PDAO</i>	
Sangguniang Bayan/ Legislators have different interpretations of PDAO since there is no clear guideline/IRR specifically on the plantilla of position. Some MSWDOs just subsumed the PDAO functions.	The matter can be included in the proposed IRR. Politics in the appointment of the PDAO Officer by the local chief executive (LCE) cannot be avoided.

<i>On the Qualification Standard for the PDAO Officer/Staff</i>	
<p>The Qualification Standard (QS) for the PDAO Officer/Staff should be approved by DBM and Civil Service Commission (CSC). Otherwise, the appointment for the position will be questioned by the Human Resource Management Officer of concerned agency.</p>	<p>The participants were enjoined to adopt the functions of either a Planning Officer or a Program Coordinator/Officer for the PDAO Officer position. The said positions have DBM/CSC approved QS already.</p> <p>The matter will be inputted in the proposed IRR of R.A. No. 10070.</p> <p>As a short term solution, the best practice of Mandaluyong City in passing a City Ordinance in 1998 creating a “Disabled Affairs Division” was suggested. The City’s LGU provided budget for the Division which is headed by an Administrative Officer IV (SG 24). The ordinance was adopted prior to the passage of R.A. No. 10070.</p> <p>For long term approach, NCDA was enjoined to work with CSC for the QS/appointment of the PDAO Officer.</p>
<i>On Budgeting</i>	
<p>The budget calendar for 2013 is already ongoing.</p>	<p>While waiting for the approval of the RA 10070</p>

<p>Thus, there is no assurance that the PDAO 2013 action plan will be given allotment by LGUs. The Commission on Audit is very strict in government's spending and will not allow the use of government funds without approval.</p>	<p>IRR/ amendment of DILG Memorandum, PDAO/PWD Sector can use their respective action plans in preparing/ submitting proposals to LGUs for funding.</p> <p>Thus, there is a need for NCDA to start dealing with PDAOs, which will in turn engage with the duty bearers.</p>
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The participants were urged to include all their recommendations in the proposed IRR to be submitted to the Department of the Interior and Local Government (DILG) as inputs for possible issuance of an amendment to DILG MC No. 2010-103.

(Report to the Senate dated February 25, 2013 of Carmen Reyes-Zubiaga, Acting Executive Director of National Council on Disability Affairs)

TOURISM

**R. A. No.
9593**

AN ACT DECLARING A NATIONAL POLICY FOR TOURISM AS AN ENGINE OF INVESTMENT, EMPLOYMENT, GROWTH AND NATIONAL DEVELOPMENT, AND STRENGTHENING THE DEPARTMENT OF TOURISM AND ITS ATTACHED AGENCIES TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT THAT POLICY, AND APPROPRIATING FUNDS THEREFOR (S. NO. 2213/H. NO. 5229) (Signed into Law May 12, 2009)

Features: *The law declares a national policy for tourism as an engine of investment, employment, growth and national development.*

It also strengthens the Department of Tourism (DOT) and its attached agencies to competently carry out the reinvigorated tourism policy and expands budgetary support. The law also seeks to upgrade the industry's international competitiveness through an efficient system of accreditation, standards – setting and classification.

Under the law, tourism was described as an indispensable element of the national economy and an industry of national interest and importance which must be harnessed as an engine of socio-economic growth and cultural affirmation to generate investment, foreign exchange and employment and to continue to mold an enhanced sense of national pride for all Filipinos.

The law also mandates the reorganization of the Philippine Convention and Visitors Corporation (PCVC) into the Tourism Promotions Board (TPB) that will deal with the marketing and promotion of the Philippines as a global tourism destination.

The Philippine Tourism Authority (PTA) will be restructured into the Tourism Infrastructure and Enterprise Zone Authority (TIEZA) which will designate, regulate and supervise tourism enterprise zones as well as develop, manage and supervise tourism projects in the country.

The two newly organized bodies TPB and TIEZA, will be given ₱250M capital each or a total of ₱500M for the promotion of the country's tourism industry.

Out of the new tourism law comes the Duty Free Philippines Corporation (DFPC) from the old Duty Free Philippines that will operate the duty and tax free merchandising system in the country. The DFPC was allotted ₱500M for its operation. The Philippine Retirement Authority was also placed under the supervision of the Department of Tourism.

Status: According to the Hon. Mark T. Lapid, Chief Operating Officer of the Tourism Infrastructure and Enterprise Zone Authority (TIEZA) (April 2, 2013), the Implementing Rules

and Regulations (IRR) of RA 9593 was published by the Department of Tourism (DOT) on November 10, 2009. Subsequently, in coordination with various concerned government agencies, TIEZA came up with the TIEZA IRR to cover the provisions pertaining to Tourism Enterprise Zones (TEZ) and TIEZA and was approved by the board on December 14, 2010. Likewise, TIEZA, in close consultation with the academe, published the “Guidelines for the Designation and Supervision of Tourism Enterprise Zones and the Administration of Incentives under RA 9593” for the designation and registration of TEZs and RTE and the grant and administration of incentives therein.

With the improving performance of the tourism industry and the DOT surpassing its targets for tourist arrivals, there is a need for greater efforts with respect to improving services to tourists and reducing the so-called “room gap” – the difference between tourist arrivals and room availability. It is for this reason that TIEZA was created – to bring in domestic and international investments for high standard tourism developments, which would create a favorable image of the Philippines.

Currently, TIEZA has three designated TEZs, namely Resorts World Manila in Pasay City, Ciudad de Victoria in Bulacan and Queen’s Castle Resort in Cebu. There are also several applications in the pipeline and being processed for designation/registration. Several investors, both domestic and foreign, have already expressed their interest in applying with TIEZA but they are hesitant to continue due to the lack of a policy directive from the Department of Finance (DOF) to its attached bureaus regarding the grant of fiscal incentives under RA 9593. The Bureau of Internal Revenue (BIR) is also yet to issue a revenue regulation on the availment of fiscal incentives for TIEZA-registered operators and tourism enterprises, despite continuous coordination by TIEZA as well as a Memorandum of Agreement between the two signed on June 29, 2010.

To encourage investments and streamline procedures to ensure the timely and efficient delivery of services to TIEZA proponents, TIEZA reported that it is necessary for counterpart government agencies, especially those of the

DOF, Bureau of Customs (BOC) and the BIR, to release the necessary issuances for the procedures in reference to the grant of fiscal incentives under RA 9593.

TIEZA said that further delays in these issuances may result in the loss of potential investors. It may also discourage those already with TIEZA due to the failure to deliver the services they were entitled to. This could negatively impact the country's reputation as an investment destination as well as complicate TIEZA's investment marketing endeavors in tourism.

Considering the foregoing, and in order to simplify and expedite the conduct of business in TIEZA and in furtherance of the government's thrust of streamlining government procedures, TIEZA urges the issuance of a policy directive that would facilitate the urgently needed issuances from the concerned government agencies, more particularly the DOF, BIR and BOC.

The incentive schemes under this Act shall be in effect for a period of ten years from effectivity, which period is subject to review by the Joint Congressional Oversight Committee on Tourism. As of date (April 2, 2013), TIEZA has until year 2019 or six years to grant incentives to its proponents and entice investors in tourism development.

TRADE AND COMMERCE

**R. A. No.
9501**

AN ACT TO PROMOTE ENTREPRENEURSHIP BY STRENGTHENING DEVELOPMENT AND ASSISTANCE PROGRAMS TO MICRO, SMALL AND MEDIUM SCALE ENTERPRISES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO 6977, AS AMENDED, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR SMALL ENTERPRISES" AND FOR OTHER PURPOSES (S. NO. 1646/H. NO. 1754) (Signed into Law MAY 23, 2008)

Features: *The law mandates micro enterprises as among those qualified for government assistance. It also mandates credit institutions to allocate at least 8% of their respective total loan portfolio for micro and small enterprises, and at least 2% for medium enterprises.*

Status: On February 27, 2013, the DTI-Bureau of Micro Small and Medium Enterprise Development (BMSMED) provided the following updates:

Status of the Implementing Rules and Regulations (IRR) of the law

- The IRR of the Act has been issued as DTI Department Administrative Order No. 09, series of 2008 on August 20, 2008 and published in the August 22 issue of the Manila Bulletin (Section 1, pages 12-15).

Budgetary Requirements

MSMED Council Fund *(penalty collection from banks' non-compliance to the Mandatory Credit Allocation provision of R.A. 9501)*

- As of 31 December 2012 the BSP has remitted a total of ₱83,574,110.90 to the Bureau of Treasury. Of this amount, DBM has made available ₱26,736,750.00 and released ₱25,399,913.00 to DTI. The funds released by the DBM were used in the following projects/activities:

2011	
MSME Week 2011 Activities	2,465,354.92
Training of SME Counselors	1,016,125.80
Sub-total	3,481,480.72
2012	
Nationwide SME Capacity Building Caravans	6,391,000.00
MSME Week 2012 Activities	2,320,830.37
Entrepreneurship Briefing Sessions	3,600,000.00
Printing/Dissemination of SME Information Materials	1,566,845.00
Sub-total	13,878,675.37

Total	17,360,156.09
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- For 2013, below is the summary of programs/activities/projects that will be funded under the MSMEDO Fund:

2013	
Support to the MSMED Council	11,455,029.92
MSME Reports/Studies	1,105,500.00
MSMED Plan Review & Monitoring	1,500,000.00
Business Development Services - Capacity Building	23,960,000.00
Printing/Dissemination of SME Information Materials	2,200,000.00
Total	40,220,529.92

Issues & Concerns/Proposed Solutions or Amendments

Issues & Concerns	Proposed Solutions or Amendments
Reporting/Monitoring of the Mandatory Credit Allocation for MSMEs	
<p>- The Bangko Sentral ng Pilipinas submits to the MSMED Council a one-page quarterly report on banks' compliance with the mandatory lending to MSMEs. In 2009, the MSMEDC requested BSP for a detailed report to complement the simple one-table report of the BSP to include information on number of non-complying banks, geographical location (Region/Province), etc.</p>	<p>- The BMSMED, as MSMEDC Secretariat, provided a proposed format to BSP in its letter of 24 June 2009. However, despite the verbal expression of its willingness to provide available data, the BSP has yet to submit the requested report to the MSMEDC. The BMSMED will continue to ardent in its request for BSP's compliance.</p> <p>- Request will be made through the COC seeking assistance to cause BSP to submit a detailed report with analysis.</p>

Sanctions imposed on banks for non-compliance with the provisions of the Act	
<p>- Rule 16, Section 1 of the IRR states that <i>“...the BSP shall impose administrative sanctions and other penalties on the lending institutions for non-compliance with provisions of the amended Magna Carta for MSMEs and this IRR including a fine of not less than Five Hundred Thousand (₱500,000.00) .”</i> However, BSP issued Circular 625 on the IRR governing the mandatory credit allocation provision of the Act setting a maximum amount of penalties in the amount of ₱500,000.00 for banks’ non-compliance to the said provision of the law.</p>	<p>- The MSMEDC through the Small Business Corporation conducted a consultative meeting with SME stakeholders and submitted to BSP a proposal on the computation of penalties for banks’ non-compliance to the said provision of the Act. Said proposal was sent to various banks for comments. However, to date, no reply was made on the proposal. Follow-up on BSP’s comments/action on the SBC’s proposal structure, request will be made to the COC-MSME to direct the BSP to comply with the implementing rules and regulations governing the mandatory credit allocation for MSMEs particularly the provision of the law setting a minimum penalty of ₱500,000.00 (such that no penalties under ₱500,000.00 may be imposed by BSP, but larger penalties may be imposed in proportion to the amount of non-compliance).</p>
MSMED Council Fund	
<p>- Rule 16, Section 2 of the IRR states that <i>“...Ninety percent (90%) of the penalties collected should go to the MSMED Council Fund, while the remaining ten percent (10%) should be given to BSP to cover for administrative expenses”.</i></p> <p>Since the MSMEDC has no financial jurisdiction it sought the approval of the Permanent Committee (composed of DOF, DBM and COA) to create a separate account</p>	<p>The BMSMED requests that the MSMEDC penalty fund utilization procedure follow the regular/GAA fund release regulations. Annual budget is proposed to be released in accordance to approved financial plan where all unused funds will be reverted back only at the end of the year.</p>

<p>through the DTI - being the chairman of the MSMEDC. The Permanent Committee has decided that a special account under the general fund be created. The penalties collected by the BSP shall be remitted to the Bureau of Treasury (BTr) and will be released by the Department of Budget and Management (DBM).</p> <p>Of the ₱83.574 M remitted by BSP, only ₱26.737 M (or 32%) was made available for the MSMED Council.</p> <p>- As a policy of DBM, cash releases for special funds should be utilized within the month it was released. All unused balances will be reverted to DBM. To utilize fund balances, DTI needs to request again for the release of such fund which usually takes 6-8 weeks to be released. Implementation of SME development programs, activities, and projects is greatly affected by the tedious procedures and untimely release of funds to the DTI.</p>	
<p>Executive Order No. 793 - “...expanding the composition of the Small and Medium Enterprise Development Council”</p>	
<p>-In 2009, then President Gloria Macapagal-Arroyo issued Executive Order No. 793 “...expanding the membership of the MSMED Council to include:</p> <ol style="list-style-type: none"> 1. <i>Cooperative Development Authority</i> 2. <i>National Livelihood and Development Authority</i> 3. <i>People’s Credit and Finance Corporation</i> 4. <i>University of the Philippines Institute for Small Scale Industries...”</i> 	<p>-If the OP deems necessary to expand the members of the Council...an amendment of the law could be effected to this end by legislative process.</p>

Separate annual appropriation for the MSMED Council which shall be provided in the General Appropriations Act	
<p>-Section 9 of R.A. 6977 in 1991, as amended by R.A. 8289 in 1996, and further amended as R.A. 9501 in 2008, “...the MSMED Council shall have a separate annual appropriation approved by the DTI which shall be provided in the GAA starting in the fiscal year immediately following the approval of this Act....”</p>	<p>- Despite yearly proposal for a separate MSMEC budget, to date MOOE of the MSMEDC is being funded from BMSMED’s regular budget. The BMSMED would like to reiterate this provision of the law to the DBM to provide a separate budget for the operations of the MSMED Council at the National, Regional, and Provincial levels.</p>

**R. A. NO.
9502**

AN ACT PROVIDING FOR CHEAPER AND QUALITY MEDICINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8293 OR THE INTELLECTUAL PROPERTY CODE, REPUBLIC ACT NO. 6675 OR THE GENERICS ACT OF 1988, AND REPUBLIC ACT NO. 5921 OR THE PHARMACY LAW, AND FOR OTHER PURPOSES (S. NO. 1658/H. NO 2844) (Signed into Law JUNE 6, 2008)

Features: *The law aims to bring down the prohibitive cost of medicine by promoting greater market competition. It aims to do this by amending the Intellectual Property Code to:*

- *Allow the parallel importation of patented but lower priced drugs;*
- *Prohibit the grant of new patents based solely on newly discovered uses of known substances;*
- *Allow local generic drug manufacturers to test early on produce and register their versions of patented drugs so these could be sold immediately upon expiration of the patents (early working principle);*

- *Allow government use of patented drugs when the public interest is at stake;*

The law would also require pharmacies to carry different brands of a drug, including through parallel importation to ensure the availability of affordable medicine.

The law would authorize the president upon recommendation of the Secretary of Health to impose price ceilings on certain drugs such as those for chronic illness and those listed in the Philippine national formulary essential drug list.

It also seeks to strengthen the regulatory powers of the BFAD by allowing it to retain and use its revenues to upgrade its facilities and increase manpower.

Status: The Congressional Oversight Committee chaired by former Senator Manuel A. Roxas has conducted series of hearings relative to its implementation. One of the key issues raised during the hearings was the imposition of the Maximum Retail Price (MRP) on drugs and medicines of one of the tools given to the executive branch to regulate prices of the same in the event that competition is not working.

The Department of Health and the Department of Trade and Industry consistently subscribed to the ideology that competition gives the best price and best quality of drugs and medicines. However, in instances where the lack of competition has affected prices of the same to be inordinately high, thus, limiting access to affordable drugs and medicines that would address public health concerns, then under R.A. 9502, the executive shall exert its power of price regulation. Hence, during one of the Committee's hearing, former DOH Secretary Francisco T. Duque presented before the committee an initial list of drugs and medicines as well as the criteria for the imposition of the MRP.

The said list and criteria have been presented to the advisory council for price regulation which was created under the same law composed of representatives from

various government agencies (DOH, DTI, IPO, BFAD, PHIC), private sector representatives (PHAP, PCPI, DSAP, etc.) as well as civic societies (3CPNET, OXFAM, CWK, etc.)

Further, the Implementing Rules and Regulations (IRR) on Sections 28 and 36 of the said law are already contained in the joint DOH-DTI-IPO-BFAD (letter to the Senate of Asst. Secretary Maria Lourdes T. Baua dated June 4, 2008) Administrative Order No. 2008-01 which is the IRR of R.A. 9502 which was signed on November 4, 2008 and took effect on November 21, 2008.

The Intellectual Property Philippines said that they are involved in the following endeavors relating to the implementation of the specific provisions of R.A. 9502:

- Coordination work with the Bureau of Food and Drugs (BFAD) on the formulation of guidelines to facilitate the parallel importation of drugs and medicines into the country;
- Information and skills exchanged with the BFAD to clarify issues on patentability and identify approaches to the examination of patent applications for drugs and medicines;
- Amendment of the Manual of Substantive Patent Examination Procedures (MSPEP) by the Bureau of Patents to provide patent examiners with a definite guide on the granting of patent to drugs and medicines under the law, and facilitate the processing of patent applications for the same;
- Review of compulsory licensing and government use provisions by their Bureau of Legal Affairs to prepare for the application of the law when the need arises;
- Coordination work with the Interpol, through the Philippine Center on Transnational Crime (PRTC) and the Technical Working Group (TWG) against counterfeit medicines, for the enforcement of the law against counterfeit drugs and medicines. The TWG is composed

of government agencies (PCTC, PNP, DOH, BFAD, DTI, IPO, BOC AND NBI), non-government organizations (Philippine Nurses Association (PNA), Philippine Medical Association (PMA), Philippine College of Surgeons (PCS), Private Hospital Association of the Philippines (PHAP), and the Private Sector (Pharmaceutical Healthcare Association of the Philippines (PHAP), Unilab. Based on the five areas of the international medical products Anti-counterfeiting Task Force (IMPACT), lead agencies were identified as follows:

Legislation	DOH-BFAD (lead), IPO, DTI
Regulatory	IPO (lead), DOH-BFAD,DTI
Technology	Private sector/stakeholders (Pfizer PHAP, PHAP (private hospital), Unilab PMA
Communication	PHAP (lead), PNA, PMA, PHAP (private hospital) PCS
Enforcement	DOH-BFAD (lead) BOC, PNP, NBI

Executive Order No. 821 which took effect on August 15, 2009 set the maximum retail price for 5 essential medicines. Drug companies also voluntarily agreed to a 50% price cut on about 70 other medicines. Small and medium sized drug stores with manual operations will be allowed until September 15, 2009 to reconcile and validate inventories already in the shelves.

R. A. No. 10055 **AN ACT PROVIDING THE FRAMEWORK AND SUPPORT SYSTEM FOR THE OWNERSHIP, MANAGEMENT, USE, AND COMMERCIALIZATION OF INTELLECTUAL PROPERTY GENERATED FROM RESEARCH AND DEVELOPMENT FUNDED BY GOVERNMENT AND FOR OTHER PURPOSES (S. NO. 3416/H. NO. 5208) (Signed into Law MARCH 23, 2010)**

Features: *Known as the “Philippine Technology Transfer Act of 2009,” RA 10055 seeks to promote and facilitate the transfer,*

dissemination, and effective use, management, and commercialization of intellectual property, technology and knowledge resulting from research and development (R&D) funded by the government for the benefit of national economy and taxpayers. It sets the rights and responsibilities of government funding agencies (GFAs), and research and development institutes or institutions (RDIs).

Under this law, all government RDIs performing R&D through an annual budget provided by the government shall submit intellectual property (IP) management reports annually to the national government agencies where they are attached, while concerned government and/or parent agencies shall monitor efforts and effectiveness of their RDIs in securing IP protection and pursuing IP commercialization. All revenues from the commercialization of IPs and IP rights from R&D funded by GFAs shall accrue to the RDI, unless there is a revenue sharing provision in the research funding agreement. It also allows GFA-employed researchers to commercialize or pursue commercialization of the IP and/or IPRs generated from R&D funded by the GFA by creating, owning, controlling, or managing a company or spin-off firm undertaking commercialization, or accepting employment as an officer, employee, or consultant in a spin-off firm undertaking such commercialization.

Status: The Implementing Rules and Regulations (IRR) of the “Philippine Technology Transfer Act of 2009” (Joint DOST-IPO Administrative Order No. 02-2010) was issued by the Department of Science and Technology and the Intellectual Property Office of the Philippines on August 18, 2010. The said IRR was published in The Manila Times and Business Mirror on August 21 and 22, 2010, respectively, and filed at the Office of the National Register of the UP Law Center on August 24, 2010. Moreover, certified copies have been transmitted to the Senate and the House of Representatives.

According to the Intellectual Property Office (IPO), the IRR governing the ownership of copyright and the IRR to implement the disclosure requirements stated in Section 8

of the law has been included in the aforementioned IRR.

The newly enacted law on technological transfer is expected to boost the marketability and commercialization of government-funded researches.

The Technology Transfer Act grants intellectual property ownership to research and development institutions that performed the research and development (R&D) using public funds. This paves the way for scientists to benefit from the results of public-funded researches. It allows scientists, state universities and colleges and research institutions to profit from research funded by taxpayers.

Commercialization, in this case, refers to the process of deriving income or profit from a technology, such as the creation of a spin-off company, or through licensing, or the sale of the technology and/or intellectual property rights.

The aim is for research institutions to effectively translate results of government-funded R&D into useful products and services that benefit the public. The successful transfer of government-funded R&D depends on the proper management of intellectual property.

“Intellectual Property” refers to intangible assets resulting from the creative work of an individual or organization.

With the assistance of the DOST and the IPO, all research institutions are encouraged to establish Technology Licensing Offices (TLOS) and Technology Business Development Offices. The TLOS will assist scientists in applying for intellectual property.

The ownership of Intellectual Property Rights (IPRS) from government-funded research will, in general, remain in the research institution that carried out the research.

The government may, however, assume ownership of IPRS in cases of national emergency or other circumstances of extreme urgency, or where the public interest requires, and in particular concerns for national security, nutrition,

health or the development of other vital sectors of the national economy.

The IRR emphasizes the need to transfer and commercialize technologies generated by research institutions using public funds.

The IRR covers the management of intellectual property rights from research performed by government institutions as well as the commercialization of research results and the creation of spin-off companies.

Research institutions and government funding agencies are authorized to withhold from public disclosure, for a reasonable time, any information relating to the intellectual property to allow the institution to secure intellectual property protection.

Revenue and royalty which can be generated through technology transfer and commercialization of IP will be shared between the institution and researcher. Monetary revenues include royalty payments, proceeds from sale of technology, upfront technology transfer fees and dividends or sale from shares of stocks.

Research are allowed to commercialize government-funded research results by creating, owning, controlling, or managing a company or spin-off firm; to be governed by a technology transfer protocol which every research and development institution must have.

Income earned by a research and development institution from commercialization of publicly-funded R&D shall be constituted as a revolving fund for the use of the research institution to defray intellectual property management costs and expenses.

It can also be used to fund research and development, science and technology capability building, and technology transfer activities, including operation of technology licensing offices. No amount of said income will be used for payment of salaries and other allowances.

However, in case the income exceeds ten (10) percent of the research institution's annual budget, a minimum of 70 percent of the excess income shall be remitted to the Bureau of Treasury.

URBAN PLANNING, HOUSING AND RESETTLEMENT

R. A. No. 9507 **AN ACT TO ESTABLISH A SOCIALIZED AND LOW COST HOUSING LOAN RESTRUCTURING AND CONDONATION PROGRAM, PROVIDING THE MECHANISMS THEREFOR, AND FOR OTHER PURPOSES(S. NO. 1987/H. NO. 4220) (Signed into Law OCTOBER 13, 2008)**

Features: *The program covers borrowers and installment buyers of agencies involved in the national shelter program whose original loan accounts do not exceed ₱5M and are in arrears for at least 3 months.*

The program lightens the burden of troubled borrowers in several ways:

First, *it saves them from the heavy burden of having to pay the accumulated penalties and surcharges that have been imposed from unpaid amortizations.*

Second, *the new program allows the lending GFI or housing agency to condone a portion of the unpaid interest, the amount or percentage of which shall be determined by the board of the concerned GFI or housing agency.*

Third, *the remaining accrued interest shall be paid in equal installments during the term of restructured loan without any interest.*

Fourth, *the restructured loan shall be imposed an interest rate not higher than that of the original loan, or 12% whichever is lower*

Fifth, the payment period of the restructured loan may be lengthened up to a maximum of 30 years from the approval of the application to lower the monthly amortization. However, the loan term may only be extended up to the borrower's age of 70.

Sixth, borrowers who promptly pay their loan amortizations may also be given incentives such as reasonable discount on interest to be determined by the GFI or housing agency.

Borrowers may also avail of the loan restructuring program within 18 months from the effectivity of the law.

Status: The Housing and Urban Development Coordinating Council (HUDCC) in its letter to the Senate informed of the following actions and milestones relative to the implementation of R.A. 9507:

Implementing Rules and Regulations (IRR) of R.A. 9507. The IRR of R.A. 9507 was approved by the bicameral committee on 17 February 2009. It was published on 28 February 2009 in the Philippine Daily Inquirer and Pilipino Star Ngayon and took effect on 16 March 2009.

Agency specific guidelines. The respective boards of the Government Service Insurance System (GSIS), the Social Security System (SSS), the Home Development Mutual Fund (HDMF) or PAG-IBIG Fund, the Home Guaranty Corporation (HGC), the National Home Mortgage Finance Corporation (NHMFC), the National Housing Authority (NHA) and the Social Housing Finance Corporation (SHFC) involved in the implementation of R.A. 9507 were also given another thirty (30) days after the effectivity of the IRR to issue their agency specific guidelines except for SSS, all agencies have their internal guidelines which are posted in their respective websites and in the HUDCC website (<http://www.hudcc.gov.ph/>). While SSS has not come up with its agency guidelines, it has approved certain applications based on the general IRR and continues to receive and process applications for loan restructuring and

condonation of their respective members.

GSIS Board Resolution No. 55 dated 18 March 2009 (Implementing Guidelines on the GSIS Housing Loan Restructuring and Condonation Program in Compliance with R.A. No. 9507);

HDMF Circular No. 248 dated 10 June 2009;
HGC IRR for The Housing Loan Restructuring and Condonation of Penalties under R.A. 9507;

NHMFC Supplemental Guidelines for the Implementation of R.A. No. 9507;

NHA Memorandum Circular No. 2218 dated 2 April 2009;
and;

SHFC CMP Implementing Rules (CIR) on R.A. 9507 and its IRR.

Information dissemination. To create public awareness on the new law, HUDCC in cooperation with the concerned GFIs and housing agencies, published questions and answers (Q&As) and flyers and posted the same in the agency websites; issued media/press releases, column feeds and commentaries; promoted the program through radio advertisements; conducted seminars/special briefings for qualified delinquent borrowers; and maintained public assistance desks in concerned agencies to attend to walk-in clients who may require assistance or information and provide quick response to queries.

Further, HUDCC conducted dialogues with stakeholders such as the Sagip Tahanan at Kabuhayan ng Pilipinas (Sagip) to clarify issues on the implementation of R.A. No. 9507. The implementing agencies also issued notifications to the delinquent home borrowers covered by the new law.

The NHA conducted its information caravan nationwide after launching it on 4 May 2009 at Bagong Silang resettlement project in Caloocan City, to enlighten beneficiaries concerned and encourage them to avail of the

program.

Status of accomplishment. As a result of the information dissemination, for the period 16 March to 31 May 2009, a total of 5,328 applications have been received from delinquent home borrowers of which 3,692 have been approved with equivalent condoned penalties/surcharges and interest amounting to about ₱258.24 million.

R. A. No. 9653 **AN ACT ESTABLISHING REFORMS IN THE REGULATION OF RENT OF CERTAIN RESIDENTIAL UNITS, PROVIDING THE MECHANISMS THEREFORE AND FOR OTHER PURPOSES (S. NO. 3163/H. NO. 6098) (Signed into Law JULY 14, 2009)**

Features: *The law will not allow increases in housing rental for a year and after that, it puts a cap on any increase to only 7% until 2013. It will benefit some 1.6M families renting homes across the country, majority of whom are paying a monthly rent of ₱10,000.00 or less.*

The law covers all residential units in Metro Manila with a monthly rent of ₱1 to ₱10,000.00 and all units in urban cities with a monthly rent of ₱1 to ₱5,000.00.

When a unit becomes vacant the owner may set the initial rent to the next renter. In the case of boarding houses, dormitories, rooms and bed spaces, no increase will be imposed more than once a year. The law forbids the owner from demanding more than one month advance rent and more than two months deposit.

The law has a penal provision. Violators face a fine of ₱25,000.00 to ₱50,000.00 or imprisonment of one month and a day up to six months, or both.

R. A. No. 9904 **AN ACT PROVIDING FOR A MAGNA CARTA FOR HOMEOWNERS AND HOMEOWNERS' ASSOCIATIONS,**

AND FOR OTHER PURPOSES (S. NO. 3106/H. NO. 50)
(Signed into Law JANUARY 7, 2010)

Features: *The “Magna Carta for Homeowners and Homeowners’ Associations” specifies the rights, privileges, duties and responsibilities of the homeowners, the homeowners association, the board of trustees of the Homeowners Association, the Housing and Land Use Regulatory Board (HLURB), and other stakeholders. A homeowner is defined either as an owner or purchaser of a lot in a subdivision/village; an awardee, usufructuary, or legal occupant of a unit, house and/or lot in a government socialized or economic housing or relocation project and other urban estates; or an informal settler in the process of being accredited as beneficiary or awardee of ownership rights. Meanwhile, homeowners’ associations are nonstick, nonprofit corporations registered with the HLURB (or previously registered with the Home Insurance Guarantee Corporation [now Home Guaranty Corporation] or the Securities and Exchange Commission) organized by owners or purchasers of a lot in a subdivision/village or other residential real property located within the jurisdiction of the association. It may also refer to awardees, usufructuaries, legal occupants and/or lessees of a housing unit and/or lot in a government socialized or economic housing or relocation project and other urban estates, as well as underprivileged and homeless citizens as defined under existing laws in the process of being accredited as usufructuaries or awardees of ownership rights.*

Status: According to the Housing and Land Use Regulatory Board, as soon as the said law took effect on April 01, 2010, they immediately convened a committee to draft the Implementing Rules and Regulations (IRR) of the said law. In the first week of July 2010, the HLURB was able to finalize the draft IRR. It then posted the same to its website and invited stakeholders to submit their comments to the various provisions of the draft IRR. The office is currently receiving some feedbacks and comments from interested parties, which will be considered in the succeeding meetings of the committee.

HLURB is awaiting for the approval by the Department of Budget and Management of its request for special funding allocation to cover the expenses necessary to conduct public consultations with homeowners' associations nationwide as mandated by Section 28 of R.A. No. 9904, as well as fund the personnel complement required to be filled up pursuant to said law.

The Implementing Rules and Regulations (IRR) of the Magna Carta for Homeowners and Homeowners Associations was promulgated.

WAYS AND MEANS

R. A. NO. 9503 **AN ACT ENLARGING THE ORGANIZATIONAL STRUCTURE OF THE COURT OF TAX APPEALS, AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF THE LAW CREATING THE COURT OF TAX APPEALS, AND FOR OTHER PURPOSES (S. NO. 2009/ H. NO. 1890) (Signed into Law JUNE 12, 2008)**

Features: *This law expands the organizational structure of the Court of Tax Appeals (CTA) and increases the number of associate justices (formerly called associate judges) from six to nine. Associate justices of the CTA are ranked in the same level as members of the Court of Appeals.*

Further, it states that "the CTA may sit en banc or in three Divisions, each Division consisting of three justices. Five justices shall constitute a quorum for sessions en banc and two justices for sessions of a Division. The affirmative votes of five members of the Court en banc shall be necessary to reverse a decision of a Division but a simple majority of the Justices present necessary to promulgate a resolution or decision in all other cases, or two members of a Division, as the case may be, shall be necessary for the rendition of a decision or resolution in the Division Level."

Status: In his letter to the Senate dated May 27, 2013, the Honorable Roman G. del Rosario, Presiding Justice of the Court of Tax Appeals gave the following update in the implementation of R.A. No. 9503:

1) **Budgetary Requirements**

A provision for funding was enacted pursuant to Republic Act No. 9503, hence, no problems were encountered with respect to the budgetary requirement. However, when the Court submitted a budget proposal to the Department of Budget and Management (DBM) for the expansion and increase, among others, of its manpower, DBM did not approve in full the staffing pattern for the CTA, as provided for by law and as earlier approved by the Supreme Court.

DBM's approval was limited to the staffing pattern necessary for the creation of the 3rd Division, with a budget amounting to **₱22,771,326.00**. Such amount was sourced from the total lump sum appropriation of ₱31,384,000.00. The latter amount already includes the appropriated amount of ₱20,000,000.00 as provided under Sec. 3 of R.A. 9503.

The Court subsequently submitted its request for reconsideration on the full expansion of the Court's staffing pattern by virtue of R.A. 9503 and R.A. 9282. The DBM approved an additional budget of **₱1,988,880.00** on September 19, 2012.

Therefore, the total budgetary requirements that were actually utilized, in relation to the requests abovementioned amounted to **₱24,760,206.00** (₱22,771,326.00 + ₱1,988,880.00). By deducting the total lump sum appropriation of ₱31,384,000.00 as against ₱24,760,206.00, the Court arrives at the unutilized amount of **₱6,623,794.00** (₱31,384,000.00 - ₱24,760,206.00).

2) Problems/Concerns in its implementation and, if any, proposed solutions or amendments thereto

Current trends in dispute resolution espouse alternative modes, such as arbitration and mediation. These present a more foreseeable and cost-effective means to unclog court dockets and reach an end to unduly prolonged court cases. As taxes are the life-blood of the government, it is essential for the State to be able to reach a definite conclusion at the soonest possible time to each of its assessment and collection. A steady flow into the State's coffers of tax money will ensure an adequacy of its expenditure and viability of its social programs and projects.

The Supreme Court also promotes referral of cases to alternative modes of dispute resolution. Court-Annexed Mediation is part of pre-trial conference and is mandatory. It is even referred to as the "wave of the future" by one Supreme Court decision. (*Frabelle Fishing Corp., v. PhilAm Properties, et al., GR No. 158580, 17 August 2007*).

While the law expanded the jurisdiction of the Court to include criminal cases (Sec. 7 B, R.A. No. 9282), under our Tax Code, criminal violations already filed in courts or involves fraud are not allowed to be compromised (Sec. 204 B (2), R.A. No. 8424, as amended).

With regard to civil cases, compromised settlements are allowed down to a minimum compromise rate of ten percent (10%) of the basic tax assessed in case of financial incapacity of the taxpayer and down to a minimum compromise rate of forty percent (40%) of the basic tax assessed for other cases (Sec. 204 A (2), R.A. No. 8424, as amended). An approval from the Evaluation Board, composed of the BIR Commissioner and the four (4) Deputy Commissioners is needed when the basic tax involved exceeds One Million Pesos (₱1,000,000.00) or where the settlement offered is less than the prescribed minimum rates.

It is suggested that the legislature may deem it appropriate to revisit these particular provisions of the Tax Code to

determine how the current trends in legal dispute resolution can be incorporated or availed of in tax cases. The speedy disposition of tax cases will be much welcomed not only by the courts but also by the legal community and litigants.

3) Effectiveness and relevance of the law to current milieu

The law is quite relevant especially considering the Run After the Tax Evader (RATE) and Run After The Smugglers (RATS) programs of the government. Cases filed almost doubled since these programs were reinvigorated. By expanding the Court into three (3) divisions, the law helped tremendously in keeping the caseload manageable and ensuring better quality of decision-making on tax issues brought before the court. Further, the law addressed the deadlock in deciding *en banc* cases as well as difficulties in the raffling or assignment of cases for study and report; a third division served as a tie-breaker when cases reach the CTA *en banc*, as opposed to when there were only two (2) divisions. With only two (2) divisions, Justices tend to uphold their decisions in cases previously decided by their respective divisions, resulting in a deadlock during deliberations of cases filed with the CTA *en banc*.

4) Other issues and recommendations that the CTA would like to point out

The Court is quite satisfied with the passage of not only R.A. 9503 but also the first expansion of the CTA through R.A. 9282. Both laws bolstered the focus on taxes, the lifeblood of government that is so deserved.

**R. A. NO.
9504**

AN ACT AMENDING SECTIONS 22, 24, 34, 35, 51, AND 79 OF REPUBLIC ACT NO. 8424, AS AMENDED, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997 (S. NO. 2293/H. NO. 3971) (Signed into Law JUNE 17, 2008)

Features: *The law exempts minimum wage earners in the private sector and their counterparts in the public sector (casual employees) from paying income tax.*

Minimum wage earners (or those paid the statutory minimum wage fixed by the regional wage boards) receive ₱382.00 daily in Metro Manila, and from ₱180.00 to ₱320.00 in other regions. The law also increased the personal exemptions of other earners.

Other benefits-holiday, over-time, night shift differential and hazard pay – are exempted from income tax upon the effectivity of the law 15 days after its publication.

Under the law, the tax exemption will provide additional take home pay of ₱34.00 a day or ₱750.00 a month for minimum wage earners.

The law increased the amount of personal exemption from ₱25,000.00 to ₱50,000.00 for all taxpayers regardless of status (single, married, or head of the family), and the additional deduction for qualified dependents from ₱8,000.00 to ₱25,000.00.

Thus, a family of 6, with 2 working spouses and 4 dependent children, will have a total of ₱200,000.00 in personal exemption (from the current ₱96,000.00). In case only one of the spouses is earning, he or she shall be allowed the standard personal exemption of ₱50,000.00.

The law amended Sec. 22, 24, 34, 35, 51 and 79 of R.A. 8424. These provisions eliminated the old tax bracketing system under the 1997 National Revenue Code, as amended, which had specified tax exemption of ₱20,000.00, ₱25,000.00 and ₱32,000.00 for single, head of the family and married, respectively.

The Finance Secretary placed at ₱3.16B the foregone revenue from the tax exemption of minimum wage earners and at ₱11.1B the personal exemptions of medium income earners – a total of ₱14.2 B annually.

The law also provides other taxpayers optional standard

deductions in filing business or income tax returns. For the self-employed and professionals, the law gives them an optional standard deduction of 40% of gross sales or gross receipts, and 40% of gross income for corporations.

The Finance Secretary said the imposition of optional standard deductions simplified the filing of income tax returns for professional and medium, small and micro enterprises, thus increasing tax compliance. The Finance Department expects to gain ₱15.03B from the optional standard deductions.

Status: To implement the law, the bureau of internal revenue issued the following:

Revenue Regulations No. 10-2008 dated July 8, 2008 (Implementing Pertinent Provisions of Republic Act No. 9504). It was published in newspaper of general circulation on September 25, 2008.

Revenue Regulations No. 16-2008, dated November 26, 2008 (Implementing the Provisions of Section 34 (l) of the Tax Code of 1997, as amended by Section 3 of Republic Act No. 9504, dealing on the Optional Standard Deduction (OSD) allowed to individuals and corporations in computing their taxable income.

R. A. No. 9648 **AN ACT EXEMPTING FROM DOCUMENTARY STAMP TAX ANY SALE, BARTER OR EXCHANGE OF SHARES OF STOCK LISTED AND TRADED THROUGH THE STOCK EXCHANGE, FURTHER AMENDING FOR THE PURPOSE SECTION 199 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED BY REPUBLIC ACT NO. 9243, AND FOR OTHER PURPOSES (S. NO. 3203/H. NO. 4900) (Signed into Law JUNE 30, 2009)**

Features: *This law exempts from the documentary stamp tax the “sale, barter or exchange of shares of stock listed and traded through the local stock exchange.” The Finance secretary is*

mandated to promulgate and publish the rules and regulations for the effective enforcement of this Act.

Status: The law repealed R.A. No. 9243 which suspended the imposition of the DST on stock transactions for five years. The exemption was supposed to have expired on March 20, 2009.

The law would help make the stock market more robust as investors would be enticed to place their money in high-yielding instruments minus the friction costs.

The government stands to lose ₱1.4B in revenues every year because of the enactment of this law.

The law took effect on March 20, 2009.

**R. A. No.
10001** **AN ACT REDUCING THE TAXES ON LIFE INSURANCE POLICIES, AMENDING FOR THE PURPOSE SECTIONS 123 AND 183 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED (S. NO. 3502/H. NO. 6017) (Signed into Law FEBRUARY 23, 2010)**

Features: *This law reduces the tax on life insurance policies from five percent to two percent. Purely cooperative companies or associations are exempted from the tax. The new rate applies to policies that took effect after the issuance of this Act, as well as those taken out before the effectivity of this Act but the premiums are not yet fully paid. RA 10001 also revises the stamp tax on life insurance policies. Further, five years after the effectivity of this Code, no tax on life insurance premium shall be collected.*

**R. A. No.
10021** **AN ACT TO ALLOW THE EXCHANGE OF INFORMATION BY THE BUREAU OF INTERNAL REVENUE ON TAX MATTERS PURSUANT TO**

INTERNATIONALLY-AGREED TAX STANDARDS, AMENDING SECTIONS 6(F), 71 AND 270 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED, AND FOR OTHER PURPOSES (S. NO. 3220/H. NO. 6899) (Signed into Law MARCH 5, 2010)

Features: *Known as the “Exchange of Information on Tax Matters Act of 2009,” this law grants the commissioner of internal revenue the authority to inquire into bank deposit accounts and related information held by financial institutions of the following:*

- *A decedent to determine his gross estate;*
- *Any taxpayer who has filed an application for compromise of his tax liability, and;*
- *A specific taxpayer or taxpayers subject of a request for the supply of tax information from a foreign tax authority.*

It also allows a foreign tax authority access to income tax returns of taxpayers in the Philippines upon order of the President subject to certain rules and regulations. The foreign tax authority is mandated to maintain confidentiality of the information received. Meanwhile, penalties shall be imposed on internal revenue personnel found guilty of unlawful disclosure of information, as well as bank officers who refuse to supply the requested tax information.

Status: The Bureau of Internal Revenue (BIR) has already issued the Implementing Rules and Regulations (IRR) of the law.

**R. A. No.
10026** **AN ACT GRANTING INCOME TAX EXEMPTION TO LOCAL WATER DISTRICTS BY AMENDING SECTION 27(C) OF THE NATIONAL INTERNAL REVENUE CODE (NIRC) OF 1997, AS AMENDED, AND ADDING SECTION 289-A TO THE CODE, FOR THE PURPOSE (S. NO. 3392/H. NO. 5210) (Signed into Law MARCH 11, 2010)**

Features: *This law exempts local water districts from the income tax. The amount saved by the water districts shall be used for capital equipment expenditure in order to expand water services coverage and improve water quality in order to provide safe and clean water in the provinces, cities, and municipalities. It also condones all unpaid taxes or any portion thereof due from a local water district starting August 13, 1996.*

**R. A. No.
10143** **AN ACT ESTABLISHING THE PHILIPPINE TAX ACADEMY, DEFINING ITS POWERS AND FUNCTIONS (S. NO. 3206/H. NO. 7134) (Signed into Law JUNE 30, 2010)**

Features: *The act created the Philippine Tax Academy which shall serve as a learning institution of primarily tax collectors and administrators of government. It will handle all the trainings, continuing education program, and other courses for all officials and personnel of the Bureau of Internal Revenue (BIR), the Bureau of Customs (BOC), and the Bureau of Local Government Finance (BLGF). The academy will develop and implement a curriculum not only on the technical aspects of tax collection, administration and compliance, but also on the career orientation and development for civil servants. It shall seek to mold, develop and enhance the skills and knowledge, moral fitness, efficiency and capability of tax collectors and administrators.*

All existing officials and personnel of the BIR, BOC and BLGF are required to undergo the re-tooling and enhancement seminars and training programs of the academy. Moreover, all applicants are required to pass the basic courses before they can be hired by these government agencies whether on a contractual or permanent status.

The academy will have a 7-member board of trustees, with the representative from the Department of Finance as Ex Officio Chairperson, the representatives from the BIR and BOC as Ex Officio Vice-Chairpersons, the representative from the BLGF and 3 representatives from the Academe (with 5-year teaching experience from reputable schools) as

members. The representatives from the BIR, BOC and the BLGF will be chosen from nominees of the Secretary of Finance, while the representatives from the academe will be chosen from nominees of state universities and/or accredited private educational institutions. The members of the board of trustees will serve for a term of 3 years.

The academy will have separate learning institutes for the BIR, BOC and the BLGF, each of which will be administered by a chancellor and vice-chancellor. The academy will also have a president who, together with the chancellors and vice-chancellors, will constitute the executive officials of the academy, who will be appointed by the Secretary of Finance for a term of 3 years, without prejudice to subsequent reappointment.

Status: The law was published in two (2) newspapers of general circulation on October 9, 2010 and consequently became effective on October 24, 2010.

YOUTH, WOMEN AND FAMILY RELATIONS

**R. A. No.
9523** **AN ACT REQUIRING THE CERTIFICATION OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) TO DECLARE A “CHILD LEGALLY AVAILABLE FOR ADOPTION” AS A PREREQUISITE FOR ADOPTION PROCEEDINGS, AMENDING FOR THIS PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8552, OTHERWISE KNOWN AS THE DOMESTIC ADOPTION ACT OF 1998, REPUBLIC ACT NO. 8043, OTHERWISE KNOWN AS THE INTER-COUNTRY ADOPTION ACT OF 1995, PRESIDENTIAL DECREE NO. 603, OTHERWISE KNOWN AS THE CHILD AND YOUTH WELFARE CODE, AND FOR OTHER PURPOSES (S. NO. 2391/H. NO. 10) (Signed into Law MARCH 12, 2009)**

Features: *The law transfers cases involving the declaration of a child legally available for adoption from the family courts to the DSWD, thereby changing the nature of this proceeding from judicial to administrative. It also reduces the period before the child may be considered abandoned to a maximum of 3 months from the original minimum of 6 months.*

This law facilitates early placement of abandoned, neglected and surrendered children for adoption by giving the DSWD the authority to issue a certification declaring a child legally available for adoption as a pre-requisite to all adoption proceedings, both domestic and inter-country.

Under R.A. 9523, a child-caring agency can file a petition with a Regional DSWD Office declaring an abandoned child legally available for adoption. The petition would then be forwarded to the Social Welfare Secretary. The Secretary will review the petition, and based on its merits, shall issue a certification declaring the child legally available for adoption.

Status: Since its enactment, being the main agency concerned, the Department of Social Welfare and Development (DSWD) organized an inter-agency committee composed of agencies mentioned in the law and other experts like the Department of Justice, Office of the Solicitor General, National Statistics Office and the Local Civil Registrar General which provided inputs in the formulation of the Implementing Rules and Regulations (IRR). Likewise, 16 regional consultations were undertaken nationwide to solicit comments and recommendations to the IRR which was signed on June 1, 2009 at DSWD Central Office.

The Inter-Country Adoption Board assists in raising the awareness of the local stakeholders and partners on the peculiarities of the law and its IRR through the inclusion of R.A. 9523 and its IRR in their trainings and dialogues.

R. A. No. 9710 **AN ACT PROVIDING FOR THE MAGNA CARTA OF WOMEN (S. NO. 2396/H. NO. 4273) (Signed into Law AUGUST 14, 2009)**

Features: *With the goal of ensuring the equitable representation of women in all spheres of society, the law provides for the incremental increase of women personnel in third-level government positions in the next five years to achieve a 50-50 gender balance.*

The law mandates that 40% of members of development councils in all government levels should be women, and that incentives be provided to political parties with women's agenda.

Section 12 of the law states that the state should amend or repeal within 3 years any law discriminatory to women.

It grants women the right to security in armed conflict, as well as protection from all forms of gender-based violence such as rape, and prohibits the state from forcing women, especially indigenous women, to abandon their land or relocating them in special centers for military purposes under any "discriminatory condition".

The law mandates government personnel involved in the protection and defense of women to train in human rights and gender sensitivity.

It designates the CHR as the gender and development Ombudsman to ensure the promotion and protection of women's rights.

The law also ensures women's equal access to education and sports, and mandates the government to eliminate discrimination against women in the military and police, and bars the discriminatory portrayal of women in media and film.

It likewise ensures women's rights to health, food, security, housing, decent work, livelihood, social protection and preservation of cultural identity, among others, and spells out equal rights in marriage and family, including a joint decision on the number and spacing of children.

More important, R.A. 9710 guarantees the civil, political, social and economic rights of women in marginalized sectors.

Status: The Philippine Commission on Women is now gathering information on programs and projects of government agencies related to MCW through their GAD accomplishment reports which the PCW expects to finalize within the semester. Meanwhile, the PCW provided the Senate with the following updates on the implementation of the law:

Status of the Implementing Rules and Regulations (IRR) of the law - an IRR was finally drafted and approved by the Board of Commissioners of PCW last March 30, 2010 through a Board Resolution No. 1, Series of 2010.

Budget Requirements - the printing and dissemination of the IRR was budgeted by PCW from the GAA budget. The IRR was disseminated to all government national and local agencies for their reference and guidance. A nationwide caravan was conducted by PCW to drum beat the IRR for national and local government agencies' knowledge and appreciation. To popularize the law among the basic sectors, an information dissemination caravan was also conducted last October to December 2012 in Luzon, Visayas and Mindanao with funding support from the office of Senator Pia Cayetano.

The development of a gender mainstreaming monitoring system (GMMS) is currently ongoing with funding support from AFCID. The GMMS will be their tool for monitoring the implementation of the MCW where government agencies will input into the system their gender and development plans and accomplishments. The final draft is scheduled for presentation and approval by the Board by July, 2013. Once approved, the tool will be introduced to implementing agencies through orientation activities for their appreciation and application.

Problems/Concerns in its implementation - the GMMS is still being finalized, PCW is closely monitoring the national agencies' compliance to the law through review of their

annual GAD plan, budget and accomplishment report. For the agencies and other government instrumentalities to make their programs and plan gender-responsive, PCW provided them with technical assistance such as Gender Sensitivity Training , GAD Planning and Budgeting, and enhancement of existing implementing tools and mechanisms where guidelines were leveled off and disseminated through:

- Joint Circular 2012-01 – national level NGAs, GOCCs, SUCs and other government instrumentalities, issued by DBM, NEDA and PCW;
- PCW Circular 2011-01 – on the creation, reconstitution and/or strengthening of GAD focal point system in all national and local government agencies and instrumentalities; and
- Joint Memorandum Circular 2013-01 – local GAD Planning and Budgeting for the implementation of MCW, issued by DILG, DBM, NEDA and PCW.

Another concern/issue is the lack of deep understanding and appreciation among government agencies' GAD Focal Point System on the importance of GAD policy as well as the application of GAD planning and budgeting so that it is not given priority attention. This is aggravated by lack of competence on gender analysis, formulation, implementation and evaluation of gender responsive programs and projects, which forces PCW to provide technical assistance.

Effectiveness and Relevance of the Law - PCW firmly believes that all provisions of R.A. 9710 are human rights based and they all address specific gender issues of women across different sectors. Because of Magna Carta of Women, many women are now enjoying special leave benefits and have access to reproductive health services available in both public and private health facilities. Concrete results and impacts of the law on the living condition of our women are still to be gathered and presented for the wider public to learn and appreciate, the PCW believe that this is within their reach as they are soon to finalize their GMMS and tools.

(Letter of Ms. Remedios Ignacio-Rikken, Chairperson of Philippine Commission on Women to the Senate dated February 18, 2013)

R. A. No. 9775 **AN ACT DEFINING AND PENALIZING THE CRIME OF CHILD PORNOGRAPHY, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES (S. NO. 2317/H. NO. 6440) (Signed into Law NOVEMBER 17, 2009)**

Features: *Known as the “Anti Child Pornography Act of 2009,” RA 9775 penalizes child pornography, defined as “any representation, whether visual, audio, or written combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of child engaged or involved in real or simulated explicit sexual activities.” It outlines the duties and responsibilities of internet service providers, mall owners/operators and other key players and establishes an Interagency Council against Child Pornography to be led by the Secretary of Department of Social Welfare and Development, with representatives from selected government agencies and nongovernment organizations as members.*

Status: **BACKGROUND**

The Inter-Agency Council Against Child Pornography (IACACP) was created by virtue of R.A. 9775. It is primarily tasked to coordinate, monitor and oversee the implementation of the law. IACACP’s mission is to lead the fight against child pornography through holistic, coordinated and timely delivery of policies and activities in furtherance of the law.

It started its operation in CY 2010 with the major goal of ensuring the functionality of the Council and the implementation of the major provisions of R.A. 9775. Likewise, the Council initiatives for the first three years were focused on the following:

- Crafting of the Implementing Rules and Regulations;
- Advocacy and Information, Education and Communication Campaigns at the national and regional level;

- Orientation and capacity-building of partners and stakeholders in the implementation of R.A. 9775;
- Institutionalization of the Council through regular meetings and other activities.

In its three years of implementation, all member agencies recognized their roles and functions as well as provide active involvement in major initiatives of the Council. Anent this, the fourteen (14) member agencies including two (2) non-governmental organizations (NGOs); Stairway Foundation and ECPAT Philippines provided their permanent and alternate representatives.

HIGHLIGHTS OF ACCOMPLISHMENTS

- The Council initiated crafting of the IRR of the law with the involvement of different government and non-government organizations from national to local level.
- The advocacy campaigns were conducted to the sixteen (16) Regional Offices providing orientation on R.A. 9775 and distribution of a total of 5,000 copies of R.A. 9775 and its IRR.
- Strategic Planning Workshop on October 12-14, 2010 which led to the creation of 5 Strategic Areas and Sub-Committees as follows:

Strategic Areas	Sub-committee Members
1. Advocacy	Lead: CWC Members: ICTMS-DSWD, CHR, DOST, ICTO and NTC
2. Enforcement, Investigation and Prosecution	Lead: DOJ, NBI and PNP Members: OMB, ECPAT Philippines and DSWD Legal Service
3. Victims Assistance and Support	Lead: PSB-DSWD Members: DOLE, CHR, DOST and ECPAT

4. Monitoring and Management Information System	Lead: NTC Members: ICTO, DOST, PCTC, DOJ and Stairway Foundation, Inc.
5. Partnership and Resource Management	Lead: CWC Members: ECPAT and Stairway Foundation, Inc.

- The Council initiated conduct of forums and information dissemination campaigns about R.A. 9775. Anent this, the DSWD Field Offices included R.A. 9775 in the conduct of Social Welfare and Development Forum for CY 2012.
- The members of the IACACP attended the In-Country Dialogue on Child Pornography and Cyber Crime held on July 23-27, 2012. This provided a venue for orientation on child pornography and cybercrime as well as sharing of experiences and agency's interventions in handling cases of child pornography and cyber sexual abuse and exploitation.
- IACACP led by CWC and in partnership with the members of the Technical Working Group (TWG) accomplished the development of advocacy materials.

ISSUES/CONCERNS/GAPS

Issues and Concerns	Actions Taken	Actions to be Taken by the Council
1. Absence of a referral system to respond to child pornography cases	N/A	IACACP to include in its Terms of Reference (TOR) a referral system to immediately respond to child pornography cases
2. Budgetary constraints in implementing activities related to anti-child pornography	Cost-sharing of resources among the IACACP members	<ul style="list-style-type: none"> • Integrate budget in IACACP WFP • Tap/mobilize existing programs and services of the agencies/organization

		s with relevance to Anti-Child Pornography campaigns
3. Lack of manpower to serve as full-time secretariat which will facilitate the monitoring and coordination of immediate and mandatory programs and services of the Council	Provided two technical staff in the facilitation of administrative and technical needs of the Council	Creation of a body that will focus on the operationalization of the IACACP's programs and services such as: <ul style="list-style-type: none"> • Admin and logistics • Coordination • Technical support • Data management • Research • Monitoring and reporting of accomplishments
4. Strong advocacies for the involvement of ISPs and Business Sectors for the prevention and response to child pornography	Requested NTC to develop standards, policies and guidelines for the involvement of ISPs in the full implementation of R.A. 9775 particularly in investigation and preservation of evidences	Special/Speedy issuance of needed legal documents such as court order to preserve and use the suspected data which will only be obtained from ISPs and business establishments.

ANALYSIS

According to the IACACP, the first three years of the implementation of R.A. 9775 was focused on advocacies and information dissemination about the current situation of child pornography and the provisions of the law. The major activities were conducted in collaboration with the member agencies led by the Sub-Committee for Advocacy. Likewise, institutional strengthening was also the priority especially in 2012 where in at least 2 meetings and 2 major activities were conducted which aims to strengthen the functionality of the Council.

In this regard, the identification of the needed actions from the Council which started with the need for increased advocacies and strengthened partnership among concerned agencies i.e. regional and local government agencies and non-government organization were among the basis for organizing the planning workshops, forum, orientation and meetings. Further, advocacy materials are carefully being developed in coordination with concerned member agencies as well as the selected group from the target audience/readers. This is an on-going activity of the Council which initial results were deliberated by Council members. It shall be finalized and approved by the Council within the 1st Semester of CY 2013.

The challenges along resource mobilization and institutional strengthening affected the effective and efficient implementation of the projects and activities within set time frame. Lack of funds inhibited each member agency to fully implement advocacy projects/activities which will engaged their circle of partners and stakeholders. This is also the same with the Council's need to produce more advocacy materials to be disseminated not only with government agencies but also at the local and community level within the reach of children and their families who are vulnerable to child pornography and cyber sexual abuse and exploitation.

The same way, the lack of quorum or changes in the representatives sent during the meetings affected the decision-making capacity of the Council. While the law requires representation of no less than the Assistant Secretary or its equivalent position, majority of the member agencies are represented by their Directors, Division Chiefs and some technical staff. This could still affect the decision-making of the council and its authority to commit activities/projects involvement. The DSWD, which leads the IACACP has tried to call support from member agencies to send appropriate representatives as mandated by law. However, the endorsed representations have not yet met the provision of the law under Section 5: Composition of the IACACP.

On the other hand, the council was able to deliver major activities with the commitment of its representatives to report the needed actions/contributions of their agencies for the implementation of the law. The advantage of having the present

representatives of the Council is that direct technical work is immediately facilitated by each member agency i.e. development of advocacy materials and operational plan. Nonetheless, it is a continuous aim to meet the required representations as stipulated by RA 9775.

It is also highly needed to ensure that the member agencies will be able to integrate to their 2014 Work and Financial Plan, the mandatory services, including counseling, free legal services, medical or psychological services , livelihood and skills training and educational assistance in pursuant to Section 18 of the Act. Further, this should be systematically reported to the council for monitoring purposes and to serve as basis for enhancing programs and policies related to anti-child pornography.

The efforts of the Council members should be guided with the specific terms and conditions that will show the process of implementing the law indicating the key agencies and their roles and functions. This shall enable convergence and collaboration not only in reporting and data management but with the delivery of quality and accessible programs and services to the victims and all the Filipino children susceptible to child pornography.

RECOMMENDATIONS

- Strengthen institutionalization of the Council by holding regular quarterly meetings every second Wednesday of the second month of the quarter;
- Integration of a IACACP Fund requirements to the Annual Work and Financial Plan of the members in the CY 2013 planning of each agency/organization;
- Development of data management system to synchronize data/reports on the served cases of child pornography by the different agencies/organizations;
- Development of IACACP National Directory of Programs and Services for Victims of Child Pornography; and
- Formulation of terms of reference of the Council.

R. A. No. 9858 **AN ACT PROVIDING FOR THE LEGITIMATION OF CHILDREN BORN TO PARENTS BELOW MARRYING AGE, AMENDING FOR THE PURPOSE THE FAMILY CODE OF THE PHILIPPINES, AS AMENDED (S. NO. 3111/H. NO. 5279) (Signed into Law DECEMBER 20, 2009)**

Features: *RA 9858 amends the "Family Code of the Philippines" provide for the legitimization of children born out of wedlock. Legitimization shall take place after a subsequent valid marriage between parents.*

Status: The office of the Civil Registrar General (National Statistics Office) issued on October 26, 2010 Administrative Order No. 1, Series of 2010, as the rules and regulations governing the implementation of R.A. No. 9858. The rules took effect on November 27, 2010 after publication in the Philippine Daily Inquirer on November 12, 2010.

FIFTEENTH CONGRESS

(July 26, 2010 – July 21, 2013)

AGRICULTURE AND FOOD

R. A. No. **AN ACT AMENDING REPUBLIC ACT NO. 9296,**
10536 **OTHERWISE KNOWN AS “THE MEAT INSPECTION**
 CODE OF THE PHILIPPINES” (S. NO. 3388/H. NO.
 5490) (Signed Into Law MAY 15, 2013)

Features: *This act defines “hot meat” as the carcass or parts of carcass or food animals which were slaughtered from unregistered/unaccredited meat establishments and have not undergone the required inspection. Undocumented, illegally shipped, and unregistered carcass, parts of carcass and meat products from other countries are also classified as such.*

This law amends the composition of the National Meat Inspection Service (NMIS). Headed by an executive director, a deputy executive director and regional technical directors, NMIS shall be composed of 12 divisions: Plant Operation and Inspection, Accreditation and Registration, Enforcement and Food Defense, Meat Import and Export Assistance and Inspection, Meat Science and Technology, Laboratory Services, Consumer Information, Education and Assistance, Legal Affairs, Planning, Monitoring and Evaluation, Engineering and Climate Change, Administrative, and Finance. Existing regional offices of the NMIS shall consist of meat laboratories, technical, administrative and finance services.

A Meat Inspection Service Development Trust Fund is also established for the continued upgrading of laboratory equipment, establishment of training facilities, research

and development, accreditation and food safety, and provision of other forms of assistance and support to local government units (LGUs), among others.

BANKS, FINANCIAL INSTITUTIONS AND CURRENCIES

**R. A. No.
10167**

AN ACT TO FURTHER STRENGTHEN THE ANTI-MONEY LAUNDERING LAW, AMENDING FOR THE PURPOSE SECTIONS 10 AND 11 OF REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE “ANTI-MONEY LAUNDERING ACT OF 2001”, AS AMENDED, AND FOR OTHER PURPOSES (S. NO. 3009/H. NO. 4275) (Signed Into Law JUNE 18, 2012)

Features:

Upon ex parte petition by Anti-Money Laundering Council (AMLC) and after determination of probable cause, the Court of Appeals may issue a freeze order, which shall be effective immediately, for a period of twenty (20) days (originally 15 days) unless extended by the court. The court must act on the petition to freeze monetary instrument or property within twenty-four (24) hours from filing of petition. If filed a day before a nonworking holiday, the computation of the twenty-four (24)-hour period shall exclude the nonworking days. A person whose account has been frozen may file a motion to lift the freeze order and the court must resolve this motion before the expiration of the twenty (20)-day freeze order. Only the Supreme Court can issue a temporary restraining order or writ of injunction against any freeze order.

The Act also empowers the AMLC to look into any particular investment or deposit upon order of any competent court based on ex parte application in cases of violations of this act, upon establishing probable cause

that the deposit or investment are related to unlawful activity. However, no court order shall be required in cases of kidnapping, unlawful activity as defined in certain sections of the Dangerous Drugs Act of 1972, hijacking and other violations under RA 6235, destructive arson and murder as defined under the Revised Penal Code, as amended, and other related felonies and offenses. The Court of Appeals shall act on application to examine any deposit in investment with any banking or non-bank institution within twenty-four (24) hours from filing.

The Bangko Sentral ng Pilipinas may check compliance of a covered institution with AMLA requirements and its IRR in the course of periodic or special examination. The AMLC can inquire into related accounts (accounts whose funds and sources originated from and/or are materially linked to the monetary instrument/s or property/ies subject of the freeze order/s) upon obtaining a court order ex parte.

Status: The law took effect on July 6, 2012 following its publication on June 21, 2012 in the Philippine Daily Inquirer and Philippine Star.

In June 2012, The Financial Action Task Force (FATF), an international body against money laundering, upgraded the Philippines from the “dark gray” to the “gray list” after Congress passed key amendments that tightened the Anti-Money Laundering Act.

In particular, the amended version no longer requires the AMLC to notify a suspect that his bank account is being investigated. Moreover, the amended law criminalizes the extension of financial support to terrorists.

BSP Deputy Governor Nestor Espenilla, Jr. said the regulator has a unit called the Anti-Money Laundering Specialist Group – primarily focused on supervising bank operations for the purpose of guarding against

potential money laundering activities. The BSP unit is in addition to the inter-agency Anti-Money Laundering Council (AMLC) which is mandated to help prevent money laundering activities which normally transpire through banks.

In an Advisory dated July 5, 2011, the Anti-Money Laundering Council warns the public against fraudulent commercial documents being sold or traded by individuals or companies and are allegedly issued, secured or guaranteed by the Bangko Sentral ng Pilipinas (BSP).

These spurious documents include Safekeeping Receipts, Certificate of Gold Bullion Depository Stocks, Trust Account Deposits and Land Bank Capital Bonds with Interim Certificates covering substantial amounts of money.

The BSP does not issue, secure or guarantee such types of documents.

The BSP has consistently advised the public that the original of the alleged documents, if existing, have not been issued by the BSP to any person, corporation, or entity for value, as to form a basis of a valid claim against the Government of the Republic of the Philippines or its fiscal agents.

The Department of Trade and Industry (DTI) is warning the public of the so called “Franchising Scam” which has victimized a number of our Overseas Filipino Workers (OFW). The DTI identified certain companies to have been allegedly involved in such franchising scam activities.

The Revised Implementing Rules and Regulations (RIRR) of R.A. No. 10167 was issued/promulgated by the AMLC on August 23, 2012.

**R. A. No.
10168**

**AN ACT DEFINING THE CRIME OF FINANCING OF
TERRORISM, PROVIDING PENALTIES THEREFOR
AND FOR OTHER PURPOSES (S. NO. 3127/H. NO.
5015) (Signed Into Law JUNE 18, 2012)**

Features:

The Act defines and sets penalties for financing of or attempting to finance terrorism. It empowers the Anti-Money Laundering Council (AMLC) to investigate financing of terrorism and if necessary, freeze accounts and other related properties effective for up to twenty (20) days, with possible extension of up to six (6) months upon order of the Court of Appeals. Appropriation and use of funds of the Public Attorney's Office to provide free legal assistance or services to persons charged of offenses defined in this Act shall not be construed as a violation of this Act.

The Department of Foreign Affairs and the Anti-Terrorism Council shall publish a list of designated persons to which this Act or the Human Security Act applies.

Status:

On August 6, 2012, the Anti-Money Laundering Council (AMLC) approved and promulgated the Implementing Rules and Regulations (IRR) of R.A. 10168. It took effect on August 26, 2012 after its publication in a newspaper of general circulation (Philippine Star).

Pursuant to Section 3, 8 and 11 of R.A. 10168, in relation to Rules 22.a, and 22.b of the IRR, the AMLC issued Resolution Nos. TF-1 and 2 which direct, among others, the immediate freezing of property or funds, including related accounts, of individuals and entities designated as terrorists in the Al-Qaeda Sanctions List and the Taliban 1988 Sanction List.

Since the issuance of the IRR, the AMLC Secretariat staff has included R.A. 10168 in its various lectures before law enforcement agencies, the judiciary and concerned institutions.

Pursuant to Rule 24.a of the IRR, the AMLC is proposing, in coordination with relevant concerned agencies, the creation of a multi-agency task force that will work on information gathering and sharing, and effective case build-up operation, among other things, relative to terrorism financing.

So far, the AMLC has not encountered any problem in the implementation of R.A. 10168. In the February 22, 2013 statement of the Financial Action Task Force (FATF), it noted the significant progress that the Philippines has made in its Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) regime, to wit:

“...the Philippines has made significant progress to improve its AML/CFT regime and has largely addressed its action plan, including by enacting legislation to adequately criminalize money laundering and terrorist financing; implementing adequate procedures to identify and freeze terrorist assets and confiscate funds related to money laundering; enhancing financial transparency; ensuring capacity and financial resources for competent authorities; and extending the coverage of reporting entities to include all financial institutions and some of the designated non-financial businesses and professions.”

**R. A. No.
10365**

AN ACT FURTHER STRENGTHENING THE ANTI-MONEY LAUNDERING LAW, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9160, OTHERWISE KNOWN AS THE “ANTI-MONEY LAUNDERING ACT OF 2001”, AS AMENDED (S. NO. 3123 / H. NO. 6565) (Signed into Law FEBRUARY 15, 2013)

Features:

This law amends RA 9160 to include foreign exchange corporations, money changers, pre-need and insurance

companies to the list of firms required to report transactions of PhP 500,000 and above to the Anti-Money Laundering Council (AMLC). Jewelry dealers are likewise required to report transactions of at least PhP 1 million, as real estate purchases registered with the Land Registration Authority worth PhP 500,000 or more. 20 other acts were also added to the list of predicate crimes, including bribery, extortion, malversation of public funds, fraud and financing of terrorism.

Status: RA 10365 took effect on March 7, 2013 following its publication on February 20, 2013 in the Manila Bulletin and the Philippine Star.

The Financial Action Task Force (FATF), during the FATF Plenary Meeting on February 22, 2013, took note of this significant legislation enacted by the Philippine Congress to improve the Philippines' Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) Regime. Upon the recommendation of its International Cooperation Review Group (ICRG), the FATF decided to retain the Philippines in the "gray list" of strategically deficient jurisdiction pending the results of an on-site visit by the FATF-ICRG.

Consequently, the FATF-ICRG agreed that a review team will conduct an on-site visit on May 2-3, 2013 and meet with high level Philippine authorities, covered persons and stakeholders to confirm that the process of implementing the required forms and actions to address the Philippines' AML/CFT strategic deficiencies previously identified by the FATF is underway and is being sustained. A positive assessment by the ICRG team may result in the possible delisting of the Philippines from the FATF "gray list."

In preparation for the said on-site visit, the AMLC secretariat has been undertaking consultations with concerned stakeholders to discuss the smooth implementation of the law.

While RA 10365 has addressed a number of identified deficiencies in the Philippines' AML/CFT Regime, the FATF, however, has concerns that "the casino sector in the Philippines continues to be unregulated and is still not subject to AMF/CFT requirements and urges the Philippines to promptly and effectively address this outstanding deficiency." This issue will be raised during the said on-site visit by the FATF-ICRG.

The law was also published on April 4, 2013 in the Philippine Daily Inquirer.

**R. A. No.
10374** **AN ACT EXTENDING THE LIFE OF THE LAND BANK OF THE PHILIPPINES, FURTHER AMENDING REPUBLIC ACT NO. 3844, OTHERWISE KNOWN AS THE "AGRICULTURAL LAND REFORM CODE", AS AMENDED (S. NO. 2944 / H. NO. 5461) (Signed into Law MARCH 5, 2013)**

Features: *This law extends the life of the Land Bank of the Philippines by another 50 years from the expiration of its original term on August 8, 2013.*

**R. A. No.
10574** **AN ACT ALLOWING THE INFUSION OF FOREIGN EQUITY IN THE CAPITAL OF RURAL BANKS, AMENDING REPUBLIC ACT NO. 7353, OTHERWISE KNOWN AS "THE RURAL BANK ACT OF 1992", AS AMENDED, AND FOR OTHER PURPOSES (S. NO. 3282/H. NO. 5360) (Signed into Law MAY 24, 2013)**

Features: *This Act amends Section 4 of RA 7353 to allow non-Filipinos to own, acquire or purchase up to 60 percent of the voting stocks in a rural banks. The percentage of foreign-owned voting stocks shall be determined by the citizenship of the individual or corporate stockholders of the rural bank. It amends Section 5 of R.A. 7353 to allow non-Filipinos to become members of the Board of*

Directors of a rural bank, but their participation shall be limited to the proportionate share in the equity of the rural bank provided that at least one independent director shall be elected to the Board.

CIVIL SERVICE AND GOVERNMENT REORGANIZATION

**R. A. No.
10154** **AN ACT REQUIRING ALL CONCERNED GOVERNMENT AGENCIES TO ENSURE THE EARLY RELEASE OF THE RETIREMENT PAY, PENSIONS, GRATUITIES AND OTHER BENEFITS OF RETIRING GOVERNMENT EMPLOYEES (S. No. 2748/H. No. 3862) (Signed Into Law JULY 15, 2011)**

Features: *The Act mandates the release of retirement pay, pensions, gratuities and other benefits of a retiring government employee within thirty (30) days from the date of actual retirement provided that all requirements are submitted to concerned agency at least ninety (90) days prior to retirement. In the case of Government Service Insurance System (GSIS), it shall pay retirement benefits on the employee's last day of government service pursuant to the GSIS charter.*

For retiring government employees with pending cases and whose retirement benefits are being lawfully withheld, the head of agency where the case is pending must ensure case termination/resolution within three (3) months from retirement date of concerned employee. Retirement benefits should be immediately released if concerned agency fails to terminate/resolve case within said period without any justifiable reason/s, except when delay is deliberately caused by the retiring employee.

The Act covers all branches and agencies of government excluding the Armed Forces of the Philippines, and shall be applicable both to applications for compulsory retirement.

Failing to comply shall be a ground for filing of administrative disciplinary action against erring party/ies, resulting in suspension without pay from six (6) to twelve (12) months. This penalty does not apply if release of retirement benefits could not be accomplished due to force majeure and other impossible causes. In such cases, the agency has up to thirty (30) days to comply from the time such events cease to exist.

Status: After a series of consultations with government agencies concerned and much deliberation, the Implementing Rules and Regulations (IRR) was finally promulgated by the Civil Service Commission through CSC Resolution No. 1300237 dated January 30, 2013. Congress had been promptly informed about this through the Chairpersons of the Committees on Civil Service in both houses, Senator Antonio F. Trillanes IV and Representative Andres D. Salvacion, Jr. The IRR was published in The Manila Times on March 2, 2013 and shall become effective fifteen (15) days after, i.e. on March 17, 2013. A copy of the same is also accessible through the CSC website www.csc.gov.ph.

Retiring public servants must not be made to wait for they have spent the best years of their lives serving the public and the government, thus, the state ensures the prompt release of their retirement benefits which are due them under the law.

The IRR cites the responsibilities of retiring government employees, employer-agencies and all concerned government agencies, the period of release of retirement benefits and all other relevant provisions.

The guidelines state that period for release of retirement benefits must be within thirty (30) days from the actual retirement date of the concerned employee. The employer-agency or the government agency where the employee shall retire must submit all requirements at least ninety (90) days prior to the effectivity date of retirement. Retirement benefits under the Government

Service Insurance Act must be released to retirees on his/her last day of service in government provided that all Government Service Insurance System (GSIS) requirements are duly complied with.

However, retirement benefits may be withheld if the employee has been suspended due to pending administrative case or has pecuniary liabilities.

R. A. No. 10156 **AN ACT CONFERRING UPON MEMBERS OF THE SANGGUNIANG BAYAN, SANGGUNIANG PANLUNGSOD AND SANGGUNIANG PANLALAWIGAN, THE APPROPRIATE CIVIL SERVICE ELIGIBILITY UNDER CERTAIN CIRCUMSTANCES, AND FOR OTHER PURPOSES (S. NO. 2946/H. NO. 4357) (Signed Into Law DECEMBER 20, 2011)**

Features: *The Act confers Career Service Professional Eligibility upon a member of the Sangguniang Bayan, Sangguniang Panlungsod and the Sangguniang Panlalawigan who has served for an aggregate period of nine (9) years in office, provided that such member has a bachelor's degree. Those who served for an aggregate period of six (6) years will be granted Career Service Sub-Professional Eligibility provided that this eligibility is appropriate for second and first level positions in the career service, except those that require qualifications in skills or trade test and/or board examinations and other special eligibilities.*

The Act covers all members of the Sangguniang Bayan, Sangguniang Panlungsod and Sangguniang Panlalawigan who have been elected after the passage of the 1991 Local Government Code.

Status: This law, in effect, expands the coverage of the grant of civil service eligibility to local officials. As may be recalled, R.A. 7160 or the Local Government Code of 1991 (Chapter IV, Sec. 393) grants the appropriate civil service

eligibility to the *Punong Barangay, Sangguniang Barangay* members, *Barangay Treasurer*, and *Barangay Secretary* pursuant to the rules and regulations issued by the CSC.

With the passage of R.A. 10156, elected members of the *Sangguniang Bayan, Sangguniang Panlungsod* and *Sangguniang Panlalawigan* who are carrying out broader and extensive duties and responsibilities, now have the same eligibility privilege (appropriate to their qualifications) as that enjoyed by *barangay officials*. Consequently, the law will promote efficiency and will strengthen the morale of said local elective officials.

The drafting of the IRR of R.A. 10156 underwent the same rigorous and thorough process as that of R.A. 10154. The CSC promulgated the IRR through CSC Resolution No. 1300486 dated March 6, 2013. Said IRR shall take effect fifteen (15) days after its publication in a newspaper of general circulation. The CSC is presently working on its publication. In due time, the CSC shall also upload a copy of the IRR in its website www.csc.gov.ph (As of March 14, 2013).

R. A. No. 10166 **AN ACT REGULATING THE PRACTICE OF GEOLOGY IN THE PHILIPPINES, REPEALING FOR THE PURPOSE REPUBLIC ACT NUMBERED FOUR THOUSAND TWO HUNDRED NINE (R. A. NO. 4209), OTHERWISE KNOWN AS "GEOLOGY PROFESSION ACT OF THE PHILIPPINES" AND FOR OTHER PURPOSES (S. NO. 2941/H. NO. 5640) (Signed Into Law JUNE 11, 2012)**

Features: *Known as the "Geology Profession Act of 2012," the Act creates the Professional Regulatory Board of Geology under the administrative control and supervision of the Professional Regulation Commission (PRC), to be constituted not later than six (6) months from the effectivity of this Act. It also sets rules for licensure examination and registration, and the practice of geology.*

All geologists possessing valid certificates of registration issued under RA 4209 shall register with the Board and be issued certificates as geologists to replace their original certificates upon payment of required fees. Faculty members teaching major geology subjects shall not be allowed to continue teaching after five (5) years from the approval of this Act unless they have become registered geologists with valid certificates of registration and valid professional ID cards. The incumbent chairman and members of the Board shall continue to function as interim Board until a new Board is constituted.

Status: According to Hon. Teresita R. Manzala, Chairperson of the Professional Regulation Commission, in her letter to the Senate dated February 7, 2013, the Implementing Rules and Regulations (IRR) of R.A. 10166, issued by the Professional Regulatory Board of Geology, was approved by the Commission on October 24, 2012 through Resolution No. 03, Series of 2012. It was published in the Official Gazette on December 3, 2012 and took effect on December 18, 2012. The appropriation for the implementation of the law will be included in the General Appropriations Act of the Commission for the Fiscal Year 2013.

The Professional Regulatory Board of Geology has not encountered any problem regarding its implementation. The new law is fairly comprehensive on its definition of the scope of the practice of geology and is attuned to current developments in the Science of Geology and its application.

**R. A. No.
10350** **AN ACT TO REGULATE AND MODERNIZE THE PRACTICE OF THE INTERIOR DESIGN IN THE PHILIPPINES, REPEALING FOR THE PURPOSE REPUBLIC ACT NUMBERED 8534, OTHERWISE KNOWN AS "AN ACT REGULATING THE PRACTICE OF INTERIOR DESIGN IN THE PHILIPPINES", APPROPRIATING FUNDS THEREFOR AND FOR**

**OTHER PURPOSES (S. NO. 3139 / H. NO. 4323)
(Signed into Law DECEMBER 17, 2012)**

Features: *This Act seeks to promote the development of professional interior designers. It provides for and governs the examination, registration and licensure of professional interior designers; supervision, control and regulation of the practice of interior design; professional education; and integration of the interior design profession. It defines the scope of the practice of Interior Design and creates a Professional Regulatory Board of Interior Design under the administrative supervision and control of the Professional Regulation Commission. The board has the power to promulgate, administer and enforce rules and regulations, among others.*

Status: As of April 16, 2013 the Professional Regulatory Board of Interior Design is still in the process of conducting dialogue and consultation with concerned stakeholders in the preparation of the Implementing Rules and Regulations (IRR) of the law.

**R. A. No.
10524** **AN ACT EXPANDING THE POSITIONS RESERVED FOR PERSONS WITH DISABILITY, AMENDING FOR THE PURPOSE ACT NO. 7277, AS AMENDED, OTHERWISE KNOWN AS THE MAGNA CARTA FOR PERSONS WITH DISABILITY (S. NO. 3371 / H. NO. 5475) (Signed into Law APRIL 23, 2013)**

Features: *This law ensures the access of persons with disability to suitable employment. It requires at least 1 percent of all positions in government agencies, offices or corporations to be reserved for persons with disability. Private corporations with more than 100 employees are likewise encouraged to reserve one percent of all positions for such persons.*

**R. A. No.
10535** **AN ACT TO SET THE PHILIPPINE STANDARD TIME (PST) IN ALL OFFICIAL SOURCES THROUGHOUT THE COUNTRY, TO PROVIDE FUNDS FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF SYNCHRONIZED TIME DEVICES TO BE DISPLAYED IN KEY PUBLIC PLACES AND TO DECLARE THE FIRST WEEK OF EVERY YEAR AS NATIONAL TIME CONSCIOUSNESS WEEK (S. NO. 3284/H. NO. 164) (Signed Into Law MAY 15, 2013)**

Features: *Known as “The Philippine Standard Time (PST) Act of 2013”, this law requires all national and local government offices to display the PST on their official time devices, in accordance with the official time being provided by the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA). PAGASA’s Time Service Unit, in coordination with the Department of Science and Technology (DOST) shall be tasked to monitor, maintain and disseminate the PST throughout the country. Equipment necessary for the automatic dissemination of time with global positioning system (GPS) shall be procured by DOST in accordance with RA 9184 (Procurement Act). Meanwhile, the National Telecommunications Commission (NTC) shall require the participation of all government and private TV and radio stations to ensure synchronization, even in the most remote parts of the country. This law also institutionalizes the “National Time Consciousness Week” to be celebrated every first week of the year.*

CONSTITUTIONAL AMENDMENTS, REVISION OF CODES AND LAWS

**R. A. No.
10153** **AN ACT PROVIDING FOR THE SYNCHRONIZATION OF THE ELECTIONS IN THE AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM) WITH THE NATIONAL AND LOCAL ELECTIONS, AND FOR**

**OTHER PURPOSES (H. NO. 4146) (Signed Into Law
JUNE 30, 2011)**

Features: *The Act sets the regular elections for the Regional Governor, Regional Vice-Governor and members of the Regional Legislative Assembly of ARMM on the second Monday of May 2013. Succeeding regular elections will be held on the same day every three years thereafter.*

In the meantime, Officers-in-Charge will be appointed by the President through a screening committee for the Office of the Regional Governor, Regional Vice-Governor and members of the Regional Legislative Assembly. The officer-in-charge must comply with the qualifications for Regional Governor, Regional Vice Governor or members of the Regional Legislative Assembly as provided in RA 6734 (An Act Providing for an Organic Act for the ARMM) as amended by RA 9054 (An Act to Strengthen and Expand the Organic Act for the ARMM, Amending for the Purpose RA 6734). The appointed members of the Regional Legislative Assembly will conduct a study and review of RA 9054 and submit recommendations to Congress within six months from their assumption into office.

Status: The Commission on Elections (COMELEC) promulgated Resolution No. 9385 dated April 3, 2012 containing the Calendar of Activities and Periods of Certain Prohibited Acts in connection with the May 13, 2013 National and Local Elections, where it is provided that the activities for the ARMM Regional Elections are already included and synchronized with the May 13, 2013 Elections.

**JOINT RES.
NO. 3** **JOINT RESOLUTION ANNULLING THE BOOK OF
VOTERS OF THE MUNICIPALITIES/ CITIES IN THE
AUTONOMOUS REGION OF MUSLIM MINDANAO,
DIRECTING THE COMMISSION ON ELECTIONS TO
IMMEDIATELY CONDUCT A NEW GENERAL
REGISTRATION OF VOTERS IN THE REGION,
PROVIDING FUNDS THEREFOR, AND FOR OTHER**

**PURPOSES (S. JT. RES. NO. 17/H. JT. RES. NO. 31)
(June 11, 2012)**

Features: *Joint Resolution No. 3 annuls the book of voters in the Autonomous Region of Muslim Mindanao (ARMM) and orders the Commission on Elections (COMELEC) to immediately conduct a new general registration of voters in the region. It suspends the registration of voters in non-ARMM regions until August 31, 2012 to enable Comelec to deploy sufficient personnel and equipment for the operations. It also authorizes Comelec to resort to direct contracting and other alternative methods of procurement under R.A. No. 9184. Funding will be charged to Comelec savings, as well as the contingent fund authorized under R.A. No. 10155 or the 2012 General Appropriations Act.*

It cited the following reasons for the annulment:

- a. Bloated population figures as noted by the National Statistics Office, which indicates padding;*
- b. Comelec acknowledgement of the presence of a significant number of illegal and fictitious registrants;*
- c. Checkered electoral history of ARMM;*
- d. Local and national impact of irregularities in the ARMM elections;*
- e. Support of the Executive branch to a new general registration of voters.*

Status: The COMELEC conducted a new general registration of voters in the region on July 9 to 19, 2012 (10 days). The Commission on Elections has found 61,416 multiple registrants during the 10-day general registration in the Autonomous Region in Muslim Mindanao (ARMM).

The discovery came as voter applications in the region were subjected to a “cleansing Process” using the

automated fingerprint identification system.

Comelec Resolution No. 9520, promulgated on September 13, noted the anomaly in the registration turnout and ruled that the names of the questionable voter applications be deleted. During the 10-day general registration in the ARMM, the poll body received 1,567,409 voter applications.

The Comelec resolution did not provide sanctions for those engaged in multiple registration in the ARMM.

During the 2010 general elections, the region had some 1.8 million voters. The number plunged to 1.5 million after the July registration. (*Philippine Daily Inquirer*, September 25, 2012)

The Special General Registration for Sultan Naga Dimaporo, Region 10-Lanao del Sur is scheduled on October 22-28, 2012.

EDUCATION, ARTS AND CULTURE

**R. A. No.
10157** **AN ACT INSTITUTIONALIZING THE KINDERGARTEN EDUCATION INTO THE BASIC EDUCATION SYSTEM AND APPROPRIATING FUNDS THEREFOR (H. NO. 3826) (Signed Into Law JANUARY 20, 2012)**

Features: *The Act institutionalizes kindergarten education, defined as one year of preparatory education for children at least five (5) years old, as part of basic education. It shall be implemented partially for school year 2011-2012 and will be made mandatory for entrance to Grade 1 thereafter. The mother tongue, defined as the language first learned by the child, shall be used as medium of instruction except for special cases where the medium of instruction will be determined by DepEd:*

DepEd, in coordination with the Commission on Filipino Language and in close coordination with relevant academic and research institutions, shall formulate a mother tongue-based multilingual framework for teaching and learning provided that DepEd will include teaching strategies to introduce and strengthen the child's understanding of English.

A new division under the DepEd's Bureau of Elementary Education (BEE) will be created to regulate the organization, operation and/or implementation of the kindergarten education program of both public and private schools. DepEd through BEE shall exercise the following powers and functions:

- a. Oversee and supervise the organization, operation and implementation of the program;*
- b. Develop the curriculum for kindergarten education in line with universally accepted norms and standards;*
- c. Develop teaching strategies for the unique feature of the mother tongue-based multilingual education (MTB-MLE);*
- d. Develop and implement a continuing professional development program for kindergarten teachers;*
- e. Prescribe qualifications for the hiring and accreditation of teachers;*
- f. Exercise authority over the creation of private kindergarten institutions;*
- g. Supervise establishment of various venues for early childhood education;*

h. Introduce innovative programs that include educational technologies, whenever applicable.

Status: According to Ms. Marilyn D. Dimaano, Schools Division Superintendent and Officer-In-Charge, Bureau of Elementary Education, Department of Education, the Implementing Rules and Regulations (IRR) of the law was published in two (2) newspapers of general circulation namely: Manila Standard Today dated May 26, 2012 and the Business Mirror dated May 27, 2012. The IRR was issued to all DepEd concerned offices through DepEd Order No. 32, Series of 2012 dated April 17, 2012.

The Bureau's on-going kindergarten program/projects and activities, directions towards FY 2015 goal and budgetary requirements for FY 2013 were provided to the Senate, the highlights of which are as follows:

DIRECTIONS FOR KINDERGARTEN UNTIL 2015

- Universal coverage of Kindergarten Education as part of the Basic Education System
- Ensure to reach out to all children of the poorest households, vulnerable, disadvantaged, and underserved areas
- Improve effectiveness of organized Kindergarten Education Programs in preparing children to be ready for grade 1
 - Strengthen the fine-tuning of Curriculum Standards to all kindergarten classes
 - Continuously provide competency-based standards for the kindergarten teachers.

- Additional provision of basic instructional materials
- Ensure provision of standards for physical facilities and equipment
- Intensify proper administration and utilization of the assessment tools: Early Childhood Care Development (ECCD) checklist and/or School Readiness Assessment (SReA)
- Ensure model kindergarten classes and Aklat, Gabay, Aruga tungo sa Pag-angat at Pagbasa (AGAPP) schools best practices for transfer of technology viable to other schools within their division-school level
- Improve readiness and foundational skills of 80% of the 5-year old children through:
 - Comprehensive medical and health interventions
 - Provision of assistive technology
 - Strengthen parent and community support system
- Exercise regulatory functions over the private kindergarten schools
 - Inclusion of kindergarten guidelines in the Manual of Operations for Private Schools

- Accreditation of public and private kindergarten program

THRUSTS

- Millenium Development Goals 2015
 - Achieve universal primary education
 - Promote gender equality
- Philippine Education For All (EFA) 2015
 - Universal school participation and elimination of dropouts and repetition in the kindergarten until the first three grades
 - Universal completion of the full cycle of basic education schooling with satisfactory achievement by all, from kindergarten, every grade or year level
 - Total community commitment to kindergarten education services
- Desired outcome until 2015
 - 100% participation of 5-year old children to kindergarten education services until MDGs and EFA goal 2015
 - 80% of 5-year old children have acquired readiness and foundational skills
 - 100% completion of kindergarten program of 5-year old children

➤ 2% reduction of the undernourished children per year

- Percentage of 5-year olds served by DepEd (SY 2011-2012)

5-Year Old Population FY 2011 = 2,325,061	
Kindergarten (public)	1,770,90 (SY2011-2012)
Kindergarten (private)	435,574
<hr/>	
Total coverage:	2,206,480
Percentage reached:	95%

- Strategy Access and Equity – continuously ensure to reach out all children specially the poorest, vulnerable, disadvantaged, and underserved areas
- Improve Quality of Learning
 - Comprehensive training of kindergarten teachers on the utilization of the standard curriculum (in partnership with United Nations Children’s Fund (UNICEF), Community of Learners Foundation (COLF) and Teacher’s Education Institution (TEIs)
 - Improved the standard curriculum teachers guide and assessment materials (in partnership with COLF and UNICEF)
 - Provision of instructional materials package to kindergarten teachers and classes
 - Provision of standard kindergarten classrooms with facilities

- Improve Quality and Efficiency
 - Continuously provide support for regions and divisions for the effective implementation of the kindergarten education program nationwide

- Plans for 2013
 - Universal coverage of 5-year old children
 - Improve quality of learning
 - Improve quality and efficiency

TOTAL BUDGET PROPOSAL FOR FY 2013

Programs and Projects	Physical Target	Financial Requirement
Kindergarten Education Program for All Children (BEE)	2,072,921	1,680,344,000
Support from other DepEd Offices:		
Human Resource Training & Development-OSEC (HRTD-OSEC)	750	17,000,000
Instructional Materials Council Secretariat (IMCS)	1,889,003 47,500	47,225,075 7,125,000

Information & Communication Technology (ICT)	200	10,000,000
Physical Facilities Schools & Engineering Division (PFSED)	8,898	8,070,018,720
Health & Nutrition Center	128,163	3,868,890
Madrasah Education Unit	9,000	c/o madrasah allocation
Office of the Planning Service	10,000 items	1,912,306,816
Total Support Offices		<u>10,067,544,501</u>
Total - BEE managed activities		1,680,344,000
GRAND TOTAL		<u>11,747,888,501</u>

Note: Budget requirement from DepEd support offices is subject for verification

**R. A. No.
10229**

AN ACT CONVERTING THE CATANDUANES STATE COLLEGES IN THE PROVINCE OF CATANDUANES INTO A STATE UNIVERSITY TO BE KNOWN AS THE CATANDUANES STATE UNIVERSITY AND APPROPRIATING FUNDS THEREFOR (H. NO. 4170) (Signed into Law OCTOBER 19, 2012)

Features: *This Act converts the Catanduanes State Colleges (CSC) in Catanduanes province composed of CSC Virac and CSC Panganiban into a state university to be known as the Catanduanes State University (CSU). The Board of Regents*

shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. The amount necessary to implement this law shall be charged against the current year's appropriations of CSC. Thereafter, funds for the operation and maintenance of CSU shall be included in the General Appropriations Act.

Status: The proposed Implementing Rules and Regulations (IRR) was submitted to the Board of Regents on December 12, 2012 meeting, however it was deferred for further study to include all existing pertinent policies, rules and regulation of the university subject to submission to CHED Legal Services for review and evaluation in compliance with Sec. 25 of R. A. 10229.

For CY 2013 the budget requirements of the university is ₱273,890,286.00.

1. As a university, CSU can develop and offer comprehensive range of degree programs that will prepare its graduates to become more competitive in the global market.
2. Research and extension programs could be expanded to address local and global concerns.
3. As a university, expansion could be explored to tie-up with relevant educational resources and linkages worldwide that would ensure that CSU research undertaking complies with global standards.
4. As a university, its faculty members can participate and apply for professorial chairs and faculty

exchange to strengthen their expertise and knowledge in multidisciplinary areas/disciplines that can produce new knowledge as evidenced by refereed publications, translated into programs.

The requirement under Section 21 will still be accomplished, hence, a University Development Plan and a revised organizational structure will be crafted for stakeholder's consultation scheduled in May, 2013.

R. A. No. 10230 **AN ACT CONVERTING THE QUIRINO STATE COLLEGE (QSC) IN THE MUNICIPALITY OF DIFFUN, PROVINCE OF QUIRINO INTO A STATE UNIVERSITY TO BE KNOWN AS THE QUIRINO STATE UNIVERSITY (QSU), INTEGRATING THEREWITH THE QUIRINO POLYTECHNIC COLLEGE (QPC) IN THE MUNICIPALITY OF CABARROGUIS AND THE MADDELA INSTITUTE OF TECHNOLOGY (MIT) IN THE MUNICIPALITY OF MADDELA, ALL LOCATED IN THE PROVINCE OF QUIRINO AND APPROPRIATING FUNDS THEREFOR (H. NO. 4413) (Signed Into Law OCTOBER 19, 2012)**

Features: *This Act converts the Quirino State College in Diffun, Quirino into a state university to be known as the Quirino State University (QSU) integrating Quirino Polytechnic State College (QPC) in Cabarroguis and the Maddela Institute of Technology (MIT) in Maddela. The Board of Regents shall serve as the university's governing board and shall include the chairperson of the Commission on Higher Education, president of the university, chairpersons of relevant committees of both houses of Congress, as well as representatives from national government agencies, university-based associations and the private sector. The amount necessary to implement this law shall be charged against the current year's appropriations of QSC and MIT. The local government shall also continue to provide assistance to QPC until the full funding requirement of the integrated QPC is included in the General Appropriations*

Act (GAA). Thereafter, funds for the operation and maintenance of QSU shall be included in the GAA.

Status: RA 10230 was published in two newspapers of general circulation, the Philippine Star and the Philippine Daily Inquirer on November 16, 2012.

- As to the Implementing Rules and Regulations, the university has initially forwarded a copy of its draft version to the Commission on Higher Education (CHED). The Board of Regents approved the IRR during its first quarter meeting on March 21, 2013.
- With respect to the budgetary requirements, the university's main concern is the integration into the university system of the Personnel Services (PS) component of the local government-operated college that was integrated into the university. Using the current staffing pattern for universities issued by the Department of Budget and Management, absorption of personnel of the Cabarroguis campus has to be included in the PS component of the university's 2014 budget, which the university has already done. The regular annual budget of the Maddela campus will also be integrated in the university budget. The amount for PS alone for FY 2014 is PhP 101,225,000.
- The Maintenance and Other Operating Expenses (MOOE) will need to be increased to transform the institution into a fully functioning university. For FY 2014 alone, the university proposes a budget of about PhP 15,995,000.00 to be able to cope with the basic curriculum needs and other basic operating expenditures such as for power and illumination, communication and other operating expenditures on supplies and materials. There will be much

needed expenditures for supplies and materials for the institutional accreditation of all courses to AACUP and/or to other recognized accrediting bodies.

- To be accredited at least into the third level, there are physical facilities and structures that need to be constructed, hence the necessity of Capital Outlay (CO) funding of PhP 46,727,000 for the following:
 - Completion of RDET building for improved and enhanced research, development and extension services;
 - Road network improvement;
 - Transfer of the administration offices to a more appropriate structure;
 - More laboratory infrastructure is likewise needed to ensure better delivery of instruction, as well as better health care services.
- CHED regulations that impose mandatory requirements may not be met by the university due to budget constraints. This may affect the smooth implementation of the law.
- RA 10230 provided a great opportunity for the youth of Quirino province to have access to tertiary education. The community also stands to benefit from the Community Laboratory, which is envisioned to host the latest technologies to assist in the socioeconomic development of the province.

R. A. No. 10410 **AN ACT RECOGNIZING THE AGE FROM ZERO (0) TO EIGHT (8) YEARS AS THE FIRST CRUCIAL STAGE OF EDUCATIONAL DEVELOPMENT AND STRENGTHENING THE EARLY CHILDHOOD CARE AND DEVELOPMENT SYSTEM, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3206 / H. NO. 6694) (Signed into Law MARCH 26, 2013)**

Features: *Known as the “Early Years Act of 2013”, this law seeks to institutionalize a national system for Early Childhood Care and Development (ECCD), which refers to the full range of health, nutrition, early education and social services development programs providing basic holistic needs of children aged zero to four. These programs are broadly divided into center-based programs such as the day care service (RA 6972), and home-based programs such as neighborhood-based play groups, family child care programs, parent education and home visiting programs. ECCD has the following components: curriculum, parent education and involvement/advocacy and mobilization of communities, human resource development and ECCD management.*

The ECCD council shall take charge in implementing the national ECCD system. Its responsibilities include establishing national standards, developing and ensuring compliance with policies and programs, and providing technical assistance. The council is composed of the ECCD governing board chaired by the Education Secretary, as well as an ECCD Secretariat headed by an Executive Director.

R. A. No. 10533 **AN ACT ENHANCING THE PHILIPPINE BASIC EDUCATION SYSTEM BY STRENGTHENING ITS CURRICULUM AND INCREASING THE NUMBER OF YEARS FOR BASIC EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3286/H. NO. 6643) (Signed Into Law MAY 15, 2013)**

Features: *Under this law, the enhanced basic education program will encompass at least one year of kindergarten education, six years of elementary education, and six years of secondary education. Secondary education includes four years of junior high school and two years of senior high school. Basic education shall be delivered in language understood by the learners. For kindergarten and the first three years of elementary education, the language to be used shall be the regional or native language of the learners.*

The Department of Education (DepEd) is tasked with formulating the design and details of the enhanced basic education curriculum, as well as working with the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA) to craft harmonized basic and tertiary curricula and avoid duplication of basic education subjects. DepEd shall also undertake consultations with other agencies and stakeholders.

This law also creates a curriculum consultative committee chaired by the DepEd secretary or his/her representative with members composed of CHED, TESDA, Professional Regulation Commission (PRC), Department of Science and Technology (DOST), and a private sector representative, among others. The committee shall oversee the review and evaluation on the implementation of the basic education curriculum and recommend refinements to the curriculum.

Graduates of science, math, statistics, engineering, music and other degree courses who have not yet passed the licensure exam for teachers (LET) may be allowed to teach provided that they pass the LET within five years. However, part-time teachers possessing such qualifications may continue to teach without having to pass the LET. Graduates of technical-vocational courses are likewise allowed to teach in their specialized subjects in secondary education as long as they undergo appropriate in-service training. This privilege extends to faculty of higher education institutions (HEI) provided that he/she is a holder of a relevant bachelor's degree and must have satisfactorily served as a full-time HEI faculty.

R. A. No. 10556 **AN ACT DECLARING EVERY 27TH DAY OF NOVEMBER AS “ARAW NG PAGBASA”, A REGULAR WORKING HOLIDAY (H. NO. 3877) (Signed Into Law MAY 15, 2013)**

Features: *This law declares November 27 of every year as “Araw ng Pagbasa” (Day of Reading), which shall be a regular working holiday, to be celebrated in all elementary and secondary schools in the country. It will be observed on the Friday of that week if the holiday falls on a weekend.*

ELECTORAL REFORMS AND PEOPLES PARTICIPATION

R. A. No. 10366 **10366 AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO ESTABLISH PRECINCTS ASSIGNED TO ACCESSIBLE POLLING PLACES EXCLUSIVELY FOR PERSONS WITH DISABILITIES AND SENIOR CITIZENS (S. NO. 3287 / H. NO. 5509) (Signed into Law FEBRUARY 15, 2013)**

Features: *This law affirms the right of persons with disabilities (PWDs) and senior citizens to participation in the electoral processes by ensuring that voting procedures, facilities and materials are appropriate, accessible, and easy to understand and use; protecting the right of PWDs and senior citizens to vote by secret ballot in elections without intimidation, facilitating the use of assistive and new technologies where appropriate; and guaranteeing free expression in the exercise of the right of suffrage of PWDs and senior citizens, allowing assistance in voting by a person of their own choice. In this light, the Commission on Elections (Comelec) is mandated to render appropriate assistance to persons with disabilities and senior citizens in coordination with government agencies and civil society organizations. Under this law, Comelec may also establish precincts exclusively for persons with disabilities and senior*

citizens.

Status: COMELEC issued Minute Resolution No. 13-0362 dated March 13, 2013 which created a Committee to draft the Implementing Rules and Regulations (IRR) of R.A. No. 10366 and to submit the same not later than May 30, 2013, to be chaired by the Acting Deputy Executive Director for Operations.

The Commission has promulgated pertinent provisions in Resolution No. 9640 (General Instructions for the Board of Election Inspectors for the May 13, 2013 National and Local Elections) as to the establishment of special precincts for Persons with Disabilities (PWD) and Senior Citizens.

R. A. No. 10367 **AN ACT PROVIDING FOR MANDATORY BIOMETRICS VOTER REGISTRATION (S. NO. 1030 / H. NO. 3469) (Signed into Law FEBRUARY 15, 2013)**

Features: *This law seeks to support the establishment of a clean, complete, permanent and updated list of voters through the adoption of biometric technology. Registered voters whose biometric features have not been captured may submit themselves for validation, to be conducted by the city or municipal election officer beginning July 1, 2013. Voters who fail to submit for validation on or before the last day of filing of application for registration for purposes of the May 2016 elections shall be deactivated. They may apply for reactivation after the May 2016 elections.*

Status: COMELEC issued Minute Resolution No. 13-0362 dated March 13, 2013 which created a Committee to draft the Implementing Rules and Regulations (IRR) of R.A. No. 10367 and to submit the same not later than May 30, 2013, to be chaired by the Acting Deputy Executive Director for Operations.

R. A. No. 10380 **AN ACT PROVIDING FOR LOCAL ABSENTEE VOTING FOR MEDIA (S. NO. 1198 / H. NO. 4241) (Signed into Law MARCH 14, 2013)**

Features: *The law allows media practitioners and their support crew and staff to vote ahead of the May 13, 2013 midterm national and local elections.*

Media practitioners can only vote candidate for the positions of president, vice-president, senators and party-list representatives.

To avail themselves of the absentee voting privilege, members of the media must be accredited with the COMELEC upon the recommendation of their media companies.

Status: The COMELEC is yet to issue the Implementing Rules and Regulations (IRR) of the law.

ENERGY

R. A. No. 10150 **AN ACT EXTENDING THE IMPLEMENTATION OF THE LIFELINE RATE, AMENDING FOR THE PURPOSE SECTION 73 OF REPUBLIC ACT NUMBERED NINETY-ONE THIRTY-SIX, OTHERWISE KNOWN AS THE "ELECTRIC POWER INDUSTRY REFORM ACT OF 2001" (S. NO. 2846/H. NO. 4169) (Signed Into Law JUNE 21, 2011)**

Features: *R.A. 9236 empowered the Energy Regulatory Commission to set a lifeline rate for marginalized end-users, which will be exempted from cross-subsidy payout for 10 years or until June 2011. RA 10150 extends the implementation of the lifeline rate to 20 years or until June 2021.*

Status: According to Ms. Floresinda Digal, Head of Regulatory Operation, Energy Regulatory Commission, there was an initial coordination meeting with the Department of Energy (DOE) and Department of Social Welfare and Development (DSWD) this July, 2012. Initial talks were made to identify the poorest area as their starting data base.

R. A. No. 10351 **AN ACT STRENGTHENING THE NATIONAL ELECTRIFICATION ADMINISTRATION, FURTHER AMENDING FOR THE PURPOSE PD No. 269, AS AMENDED, OTHERWISE KNOWN AS THE "NATIONAL ELECTRIFICATION ADMINISTRATION DEGREE (S. NO. 3389/H. NO. 6214) (Signed Into Law MAY 7, 2013)**

Features: *This law seeks to establish a framework for introducing structural reforms in the National Electrification Administration (NEA) and the electric cooperatives. It gives NEA the authority to regulate electric cooperatives – supervising their management and operations, and ensuring fair competition. The agency is authorized to impose administrative sanctions and penalties as well as criminal cases against violators. As a quasi-judicial body, it may deputize local law enforcement agencies to impose or implement its orders or decisions. This law also increases the authorized capital stock of NEA to PhP 25 billion divided into 250 million shares with a par value of PhP 100. With respect to electric cooperatives, this law prohibits a public official or his/her spouse from being appointed or elected as an officer or board member. This is to help ensure the independence of the Board of Directors and officers of electric cooperatives from political influence*

JOINT RES. NO. 1 **JOINT RESOLUTION EXTENDING THE PERIOD OF EXISTENCE OF THE JOINT CONGRESSIONAL POWER COMMISSION (S. JT. RES. NO. 9/H. JT. RES. NO. 14) (June 21, 2011)**

Features: *Joint Resolution No. 1 extends the life of the Joint Congressional Power Commission (JCPC) by another ten (10) years. The Commission was originally set to expire on June 26, 2011 or ten (10) years after the effectivity of the Electric Power Industry Reform Act (EPIRA). The Joint Resolution noted the key structural changes introduced in the EPIRA that have yet to be carried out, and that the JCPC was also tasked to exercise oversight powers over the implementation of R.A. No. 9513 or the “Renewable Energy Act of 2008” in justifying JCPC’s extension.*

The JCPC is composed of fourteen (14) members with the Chairmen of the Committee on Energy of the Senate and the House of Representatives and six (6) additional members from each House designated by the Senate President and the Speaker of the House of Representatives.

Status: Implemented.

ENVIRONMENT AND NATURAL RESOURCES

**R. A. No.
10174** **AN ACT ESTABLISHING THE PEOPLE’S SURVIVAL FUND TO PROVIDE LONG-TERM FINANCE STREAMS TO ENABLE THE GOVERNMENT TO EFFECTIVELY ADDRESS THE PROBLEM OF CLIMATE CHANGE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9729, OTHERWISE KNOWN AS THE “CLIMATE CHANGE ACT OF 2009”, AND FOR OTHER PURPOSES (S. NO. 2811/H. NO. 6235) (Signed Into Law AUGUST 16, 2012)**

Features: *R.A. No. 10174 amended some key provisions of R.A. No. 9729. Major changes include designating the Climate Change Commission as the lead (not the sole) policymaking body of government in ensuring mainstreaming of climate*

change, adding representatives from the Department of Finance (DOF), National Youth Commission (NYC) and the Sangguniang Kabataan (SK) to the Commission's advisory board, and setting board meetings to every first or last Monday of every third month or as often as necessary. It also outlined the roles of the DOF, Department of Budget and Management and Department of Science and Technology in implementing the National Strategic Framework on Climate Change.

The Act creates the People's Survival Fund (PSF) to finance adaptation programs and projects based on the national strategic framework. The PSF Board will provide overall guidance in managing and using the fund while the Commission shall evaluate and review project proposals. ₱1 Billion will be allocated under the General Appropriations Act (GAA) as opening balance of the PSF. The PSF must not fall below this amount in succeeding years and may even be increased, if needed. The Commission is mandated to submit to DBM and Congress a semi-annual report on the use of PSF.

Status: According to Mr. Sherwin delos Santos, Assistant Legal Officer, Legal Division of the Climate Change Commission, an internal meeting was conducted by Commissioner Mary Ann Lucille Sering, Vice Chairperson, Climate Change Commission on the passage of R.A. 10174 vis-à-vis R.A. 9729. In 2011, there was a proposal to revise the Implementing Rules and Regulations (IRR) of R.A. 9729 but it was held in abeyance because of R.A. 10174.

The Commission will hold various stakeholders meeting for two (2) to three (3) weeks for the consolidation of the IRR of the two (2) laws.

The target date for the revised IRR will be on the second week of November through Commission Resolution or Administrative Order.

As regards the status of the Implementing Rules and Regulations (IRR) of the law, the original IRR for R.A.

9729 was issued on 20 January 2010. Due to the amendments introduced by R.A. No. 10174, the Revised IRR was crafted. The three (3) Commissioners had affixed their signatures on Commission Resolution No. 4 containing the Revised Implementing Rules and Regulations during the Commission's Regular Quarterly Meeting held on 25 March 2013. Pursuant to Section 6 of the Climate Change Act of 2009, as amended, the said resolution was forwarded to the Office of the President for the Chairperson's signature. The R-IRR was approved upon consultation with government agencies, local government units, private sector, non-government organizations and civil society.

The Commission had already come up with the National Strategic Framework on Climate Change (NSFCC) and the National Climate Change Action Plan (NCCAP). The President officially adopted the action plan on 22 November 2011.

The NCCAP will be implemented in the field level through the establishment of ecologically stable and economically resilient towns or ecotowns. Among the pilot sites for the demonstration of the ecotown framework are selected municipalities in Siargao Island, Surigao del Norte, Municipality of San Vicente in Palawan, selected municipalities in Eastern Samar, selected municipalities in Batanes, and the Upper Marikina River Basin.

Ecotowns are planning units composed of municipalities or a group of municipalities located within and around boundaries of critical key biodiversity areas, which are at high risk to climate change, and built around protected areas and key biodiversity areas, using ecosystem based approach that will scale up best practices.

The subcomponents of the ecotown framework are the following: natural resources assessment, vulnerability assessment, environment and natural resources accounting, identification of adaptation measures, establishment of Climate Adaptation Support Strategy (CASS), financial assistance for the implementation of

adaptation measures, and the enhancement and climate proofing of the Comprehensive Land Use Plan (CLUP).

One of the major obstacles in the smooth implementation of the law in the local level is scarcity of financial resources. The timely establishment of the People's Survival Fund (PSF) under R.A. 10174 answered this difficulty. The fund aims to incentivize early actions of local government units in planning for climate change adaptation.

The executive branch recognizes that the PSF is *sui generis* and therefore its implementation somehow deviates from the usual government budgeting and accounting rules and regulations especially since the fund is allocated through the General Appropriations Act (GAA) with no specific source of funding. As a consequence, it was included only in the unprogrammed fund for the 2013 GAA.

The law does not expressly provide for the inclusion of the PSF in the annual budget of the CCC. By interpretation, the CCC will include the PSF in its budget proposal for 2014. However, under the Online Submission of Budget Proposal System of the Department of Budget and Management (DBM) starting the 2014 Budget Cycle, a fixed budget ceiling is pre-determined. With this set up, it will be a great challenge for CCC to include the PSF of at least ₱ 1 Billion in its regular agency budget which is a very big leap from its average annual budget of only ₱ 100 Million.

(Letter to the Senate dated April 12, 2013 of Sec. Mary Ann Lucille L. Sering, Vice Chairperson and Executive Director, Climate Change Commission)

**R. A. No.
10176**

AN ACT REVIVING THE OBSERVANCE OF ARBOR DAY BY AUTHORIZING THE LOCAL GOVERNMENT UNITS THE RESPONSIBILITIES FOR CELEBRATING THE DAY FOR TREE PLANTING AS AN ANNUAL

**EVENT (S. NO. 3146/H. NO. 4330) (Signed Into Law
SEPTEMBER 12, 2012)**

Features: *Known as the "Arbor Day Act of 2012," R.A. 10176 mandates all local government units (LGUs) to revive, by appropriate proclamation of their respective chief executives, an Arbor Day to be held at a fixed date. Each province, city and municipality must form an Arbor Day Celebration Committee composed of representatives from government and other organizations. The committee shall specify the area within the LGU to be planted or reforested. Barangay officials and deputized non-governmental organizations will take charge of maintaining the trees.*

The local sanggunian shall allocate funds for the implementation of this Act at the local level. All LGUs must submit to the Department of Interior and Local Government (DILG) the actual date of the Arbor Day in their respective locality. All able-bodied Filipino citizens at least 12 years old are required to plant one (1) tree every year. The rules and regulations of this Act shall be promulgated by DILG in coordination with LGUs, the Department of Environment and Natural Resources, and the Department of Agriculture.

Status: No data available.

FINANCE

R. A. No. 10147 **GENERAL APPROPRIATIONS ACT OF 2011 (Signed
Into Law DECEMBER 27, 2010)**

Status: **SUMMARY OF FY 2011 APPROPRIATIONS
(Amount In Thousand Pesos)**

I.	Congress of the Philippines	₱ 8,491,338
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II.	Office of the President	4,025,507
III.	Office of the Vice President	185,107
IV.	DAR	16,365,513
V.	DA	34,757,973
VI.	DBM	753,279
VII.	DepEd	192,312,856
VIII.	State Colleges & Universities	22,035,085
IX.	DOE	930,064
X.	DENR	12,276,450
XI.	DOF	10,601,965
XII.	DFA	11,035,684
XIII.	DOH	32,427,444
XIV.	DILG	86,853,516
XV.	DOJ	7,152,031
XVI.	DOLE	6,390,368
XVII.	DND	104,504,921
XVIII.	DPWH	100,826,083
XIX.	DOST	5,989,859
XX.	DSWD	34,254,658
XXI.	DOT	1,431,532
XXII.	DTI	2,488,626
XXIII.	DOTC	31,185,088
XXIV.	NEDA	2,180,550
XXV.	Presidential Communications Operation Office	929,598
XXVI.	Other Executive Offices	4,410,446
XXVII.	ARMM	11,179,638
XXVIII.	Joint Legislative-Executive Councils	2,185
XXIX.	The Judiciary	13,621,518
XXX.	CSC	666,852
XXXI.	COA	4,149,634,
XXXII.	COMELEC	2,255,445
XXXIII.	Office of the Ombudsman	1,031,901
XXXIV.	CHR	266,900

XXXV.	Budgetary Support to Government Corporations	10,689,907
XXXVI.	Allocations to Local Government Units	13,257,391
XXXVII.	Calamity Fund	5,000,000
XXXVIII.	Contingent Fund	1,000,000
XXXIX.	DepEd-School Building Program	1,000,000
XL.	E-Government Fund	1,190,000
XLI.	International Commitments Fund	3,174,820
XLII.	Miscellaneous Personnel Benefits Fund	70,657,540
XLIII.	Retirement Benefits Fund (Pension & Gratuity Fund)	35,000,000
XLIV.	Priority Development Assistance Fund	24,620,000
XLV.	Unprogrammed Fund	66,908,492
TOTAL APPROPRIATIONS		1,000,387,764

**R. A. No.
10155**

GENERAL APPROPRIATIONS ACT OF 2012 (Signed Into Law DECEMBER 15, 2011)

Status:

The ₱1.816 Trillion national budget for 2012 was signed by the President on December 15, 2011. The national budget is 10.4 % bigger than the ₱1.645 Trillion budget for 2011. The President said the appropriations were “results-focused” and prioritized the administrations “social contract with the Filipino people.” The budget would address the people’s basic needs from food and education to health.

A ₱39.5 B is set aside for the conditional cash transfer (CCT) program for 3 million of the poorest households in

the country. The ₱21.3 B allocated for the program in 2011 covers 2.3 million poor families.

The program provides poor families a monthly cash allowance of up to ₱1,400 (₱500 per household and ₱300 per child for up to 3 children) in exchange for ensuring that children aged 6 to 14 attend school and avail themselves of vaccination and other medical benefits.

Poor people, who are at least 75 years old, will get ₱500 a month under the Social Pension for Indigent Senior Filipino Citizens, which has been allotted ₱1.2 B.

₱568.6 B for 2012 GAA was allotted for social services.

Basic education was the biggest recipient of the 2012 national budget with DepEd getting ₱238.8 B, “the biggest budget of all departments.” Through this budget, the government will hire 13,000 new teachers, build and rehabilitate more than 43,000 classrooms. Funds for state colleges and universities have increased.

The Department of Health gets ₱44.4 B. The amount would provide health insurance subsidy to 5.2 million poor people; employ an additional 13,000 doctors, nurses and midwives in the countryside; build birthing facilities in rural areas; and offer other health services.

₱255.2 B was allocated for infrastructure and capital outlays – roads and bridges, airports, ports, irrigation systems and other agrarian infrastructure, flood and landslide-control projects and others.

The Department of Agriculture has ₱533 B for rice production.

R. A. No. **GENERAL APPROPRIATIONS ACT OF 2013 (Signed**
10352 **into Law DECEMBER 19, 2012)**

Status: The budget consists of new general appropriations of

₱1.250 trillion and automatic appropriations of ₱755 billion.

Education, health, agriculture and a cash-transfer scheme for the poor are the key priorities of the appropriations, which are 10.5 percent higher than the 2012 national budget.

The budget sets aside ₱44.2 billion for “conditional cash transfer,” up to 12 percent from 2012.

The budget measure, adopted without any line being vetoed, includes an ₱8.4 billion allocation for projects proposed by local government units.

The Senate and the House of Representatives separately ratified the General Appropriations Act on December 5, 2012.

The budget is broken down into ₱640.18 billion (personal services), ₱1.040 trillion (Maintenance and Other Operating Expenses or MOOE) and ₱325.50 billion (capital outlay).

The MOOE is divided into ₱333.90 billion (interest payments), ₱302.30 billion (Internal Revenue Allotment), and ₱404.02 billion (regular MOOE requirement).

Congress has a total budget of ₱10.4 billion, broken down into Senate’s ₱3.2 billion, and House of Representatives’ ₱6.3 billion.

The Office of the President has a budget of ₱2.7 billion; the Office of the Vice President, ₱416 million.

The Department of Education (DepEd) gets ₱232.6 billion; Department of Social Welfare and Development, ₱56.3 billion; and Department of Health, ₱51.1 billion.

Economic development would be backstopped by the ₱325.5 billion capital outlay, up by 17.3 percent from the

2012 budget, and the infrastructure program of the Department of Public Works and Highways, which is allotted ₱155.5 billion.

The Department of Agrarian Reform has an allocation of ₱21 billion; Department of Agriculture, ₱64.4 billion; DBM, ₱962 million; State Colleges and Universities, ₱32 billion; Department of Energy, ₱3.2 billion; Department of Environment and Natural Resources, ₱23.1 billion; Department of Finance, ₱11.7 billion; Department of Foreign Affairs, ₱11.6 billion; Department of the Interior and Local Government, ₱91.1 billion; Department of Justice, ₱10.1 billion; Department of Labor and Employment, ₱7.8 billion; Department of National Defense, ₱80 billion;

Department of Science and Technology, ₱9.9 billion; Department of Tourism, ₱2.7 billion; and Department of Trade and Industry, ₱3.5 billion; Department of Transportation and Communications, ₱34 billion.

Budgetary support to government corporations, ₱44.6 billion; allocations to LGUs, ₱17.5 billion; Calamity Fund, ₱7.5 billion; DepEd Schoolbuilding Program, ₱1 billion; E-Government Fund, ₱1 billion; Pension and Gratuity Fund, ₱98.7 billion; and Priority Development Assistance Fund, ₱24.7 billion.

The budget law included ₱44.2 billion for conditional cash transfer.

(Philippine Daily Inquirer, December 20, 2012, page A13)

**JOINT RES.
NO. 2**

JOINT RESOLUTION INCREASING THE FY 2011 CORPORATE OPERATING BUDGET OF THE NATIONAL POWER CORPORATION FROM SEVEN BILLION FIVE HUNDRED SEVENTY FIVE MILLION ONE HUNDRED EIGHTY FOUR THOUSAND PESOS (₱7,575,184,000.00) TO THIRTEEN BILLION NINE HUNDRED SIXTY EIGHT MILLION SIX HUNDRED

TWO THOUSAND PESOS (₱13,968,602,000.00) (S. JT. RES. NO. 13/H. JT. RES. NO. 27) (December 23, 2011)

Features: *Joint Resolution No. 2 increases the budget of the National Power Corporation (NPC) to ₱13,968,602,000.00 to cover fuel, purchase power, rental of generating sets, new power providers' subsidy, related input value added tax, debt service and capital expenditures for 2011. As of September 2011, NPC only had a corporate operating budget of ₱503,281.00 out of its ₱7,575,184,000.00.*

Financing will come from subsidy from the National Government, expected additional Universal Charge for Missionary Electrification-True Up as a result of the provisional authority granted by Energy Regulatory Commission, and expected partial reimbursement from the Power Sector Assets and Liabilities Management Corporation. NPC will submit to Department of Budget and Management, House Committee on Appropriations and the Senate Committee on Finance the utilization and actual funding sources of both original and supplemental corporate operating budget.

Status: The Department of Budget and Management (DBM) has released to the National Power Corporation the funds for the above purpose under Special Allotment Release Order (SARO) No. BMBF 11-0034851 and NCA No. BMBF 11-23891 dated December 28, 2011, both in the amount of ₱3 Billion. The corresponding cash allocation was released to NAPOCOR upon submission by the agency of the monthly cash program for the purpose. *(Source: Ms. Aracel dela Cruz, Bureau Chief, Bureau F, Department of Budget and Management)*

GOVERNMENT CORPORATIONS AND PUBLIC ENTERPRISES

**R. A. No.
10149**

AN ACT TO PROMOTE FINANCIAL VIABILITY AND FISCAL DISCIPLINE IN GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND TO STRENGTHEN THE ROLE OF THE STATE IN ITS GOVERNANCE AND MANAGEMENT TO MAKE THEM MORE RESPONSIVE TO THE NEEDS OF PUBLIC INTEREST AND FOR OTHER PURPOSES (S. NO. 2640/H. NO. 4063) (Signed Into Law JUNE 6, 2011)

Features:

The law creates the Governance Commission for Government-Owned or Controlled Corporations (GCG) to serve as the central advisory, monitoring and oversight body of government-owned and controlled corporations, government financial institutions and other government corporate bodies excluding the Bangko Sentral ng Pilipinas, state universities and colleges, cooperatives, local water districts, economic zone authorities and research institutions.

Attached to the Office of the President, the GCG is mandated to:

- a. Evaluate the performance and relevance of GOCCs and implement reorganization, merger or streamlining if necessary;*
- b. Classify GOCCs into developmental/social corporations; proprietary commercial corporations; government financial, investment and trust institutions; corporations with regulatory functions; and others as may be classified by GCG;*
- c. Adopt within 180 days from its constitution an ownership and operations manual and government corporate standards governing GOCCs;*

- d. *Recommend suspension of any member of the Board of Directors or Trustees who will violate the ownership manual;*
- e. *Prescribe qualifications for appointive directors and recommend to the President a shortlist of suitable candidates;*
- f. *Establish performance evaluation systems;*
- g. *Conduct periodic performance assessment of GOCCs;*
- h. *Develop and recommend to the President a compensation and position classification system governing GOCCs based on prior compensation studies;*
- i. *Ensure alignment and consistency of GOCC operations with national development policies and programs;*
- j. *Review functions and recommend privatization of GOCCs, if necessary.*

The Act outlines policies governing the compensation and position classification system; board of directors, trustees and officers; disclosure; and creation and acquisition of GOCCs

Status: On August 16, 2012 the Honorable Cesar L. Villanueva, Chairman, Governance Commission for Government Owned or Controlled Corporation (GCG) submitted to the Office of the Senate President the First 200 Days Report of the Commission.

The Report provides a brief historical background of the reform movement in the GOCC sector that culminated in the enactment of R.A. No. 10149, details the activities undertaken and the progress achieved by the Commission in pursuit of its mandates under the Act during the first 200 days after its formal constitution on

20 October 2011, and provides for historical and financial perspectives of the GOCC sector as the baseline survey from whence the Commission shall be moving forward in pursuit of its mandates.

Republic Act No. 10149 laid down the State policy that recognizes GOCCs as significant tools for economic development through the exercise of the State of its ownership rights to promote growth by ensuring that the operations of GOCCs are rationalized and monitored centrally to be consistent with national development policies and programs. Among the public corporate governance principles institutionalized under R.A. No. 10149 are the following:

- Directors and officers are constituted as *fiduciaries* and *trustees* of the State;
- Imposing the highest standard of *extraordinary diligence* on the fiduciary duties of directors and officers;
- Mandating one (1) year term of office for appointive directors;
- Clear accountability of the CEO/Management to the Governing Board of the GOCC and refocusing command responsibility for the operations of GOCCs to the respective Governing Boards;
- Uniform Compensation and Position Classification System (CPCS) for the GOCC sector.

A significant feature of R.A. No. 10149 is the constitution of the Governance Commission for GOCCs (GCG) as the “central advisory, monitoring, and oversight body with authority to formulate, implement

and coordinate policies” over the GOCC sector. In the short period of six months from its formal constitution last 20 October 2011, the GCG has rapidly moved to pursue its mandates under R.A. No. 10149, which include, among others:

- To guide itself in exercising its powers and functions, the GCG undertook a detailed inventory taking exercise of the GOCC sector (Memorandum Circular No. 2012-01) and classified the GOCCs into various sectors;
- In consultation with supervising and service-wide agencies and with the GOCCs themselves, formally adopted for approval of the President the following organic documents to govern the GOCC sector:
 - Fit and Proper Rule
 - Ownership and Operations Manual for the GOCC Sector
 - Code of Corporate Governance for GOCCs
- Ruled on nearly sixty GOCC applications covering the *per diem* entitlements of members of the Boards of Directors/Trustees pursuant to the rules and classifications provided under Executive Order No. 24 (s. 2011), and issued/re-issued Memorandum Circular No. 2012-02 providing for the formal rules governing the *per diems* and other allowable compensation of members of the Governing Boards of GOCCs covered by R.A. No. 10149;
- Created a Special Task Force on GOCC Rationalization Plans with the Department of

Budget and Management (DBM);

- Coordinated with the Civil Service Commission (CSC) towards harmonizing the development of the CPCS under R.A. No. 10149 with Civil Service laws, rules and regulations;
- Consulted with the Commission on Audit (COA) on fiscal issues and the operational management of specific GOCCs, development of a Uniform Chart of Accounts, clarification of the process for restitution under R.A. No. 10149, and improvement in the timeliness of GOCCs in complying with COA requirements for the purpose of the Audit Report;
- Coordinated with the Privatization and Management Office (PMO) on the monitoring of GOCCs under PMO's care and the initial mechanics of the transfer of PMO's privatization functions over GOCCs;
- Coordinated with the Presidential Commission on Good Government (PCGG) regarding surrendered corporations under GCG coverage.

R.A. No. 10149 expressly excluded from its coverage the following GOCCs:

- Bangko Sentral ng Pilipinas (BSP)
- Local Water Districts (LWDs)
- State Universities and Colleges (SUCs)
- Economic Zone Authorities
- Research Institutions

According to the report, the remaining covered GOCCs, initially around 148, have the following profile:

Total Assets : ₱5 Trillion or over US\$116 Billion

Total Liabilities : From ₱3.2 Trillion in 2009 to ₱3.46 Trillion in 2010

Net Worth : From ₱1.369 Trillion in 2009 and increased to ₱1.476 Trillion in 2010

Equity : Increased by 58% from ₱1.359 Billion in 2009 to ₱2.149 Billion in 2010

Subsidies : An increase in 493% from ₱9.064 Billion in 2000 to ₱53.705 Billion in 2011

Net Lending : Almost doubled from ₱9.258 Billion in 2010 to ₱18.055 Billion in 2011

Net Income : ₱123 Billion in 2010, a decline of 6.8% from ₱132,6 Billion in 2009

Dividends : Increased by an average of 33.5% in the last five years (includes BSP). A record ₱28.7 Billion in dividends paid in 2011

The GCG has every intention of improving the figures for the GOCC sector in the coming years, and transforming it to become an important tool for the government in promoting inclusive growth and economic development in our country.

The creation of the GCG addresses the fundamental problems facing the government corporate sector, such as: (a) weak regulatory framework; (b) lack of a clear

entity that exercises ownership functions; (c) poor oversight mechanism; (d) the need for institutional rationalization and fiscal discipline to stop the drain on government finances; and (e) the absence of a central monitoring and policy coordinating body.

The GOCC Government Act of 2011 is the cornerstone in the government's resolute march to initiate and institutionalize a paradigm shift in the governance of GOCCs:

- **Directors and Officers Constituted as Fiduciaries and Trustees of the State.**

R.A. No. 10149 makes explicit that members of the Board of Directors/Trustees and the officers of GOCCs are fiduciaries of the State. Accordingly, they have the legal obligation and duty to always act in the best interest of the GOCC, with utmost good faith and with extraordinary diligence in all its dealings with the property and monies of the GOCC.

- **Imposing the Highest Standard of Extraordinary Diligence on the Fiduciary Duties of Directors and Officers.**

In line with the fiduciary character of the relationship between the Board of Directors/Trustees and officers of GOCCs and the State, R.A. No. 10149 imposes upon the former the obligation to exercise extraordinary diligence in the conduct of the business and in dealing with the properties of GOCCs. The standard of extraordinary diligence is higher than that required of the Board of Directors and officers of private corporations, which is merely the diligence of a good father of a family. The higher standard embodied in R.A. No. 10149 is in recognition of the public interest inherent in GOCCs, in contrast to private corporations, and demands the same recognition and adherence from the Board of Directors/Trustees and officers of GOCCs.

- **Mandating a One (1) Year Term of Office for Appointive Directors.**

In the past, the term of office of the members of the Board of Directors/Trustees of GOCCs would vary depending on the Charter or Articles of Incorporation of the GOCC. The determination of the term of office was mainly political rather than the result of a system with specific policy considerations in mind. With the enactment of R.A. No. 10149, all members of the Board of Directors/Trustees and CEOs of GOCCs now have a fixed term of only one (1) year. In contrast to the old regime where Directors or Trustees, regardless of performance, were assured of their positions up to the end of their terms provided for in the various GOCC Charters (in some cases, as long as six (6) years), they must now continuously earn their keep in line with the principles of good governance and may be reappointed by the President only if they obtain a performance score of at least above average or its equivalent in the immediately preceding year of tenure as Appointive Director.

- **Clear Accountability of the CEO/Management to the Board and Refocusing Command Responsibility for the Operations of GOCCs to the Respective Governing Boards.**

Under R.A. No. 10149, the CEO of a GOCC shall be elected annually by the members of the Board from among its ranks. The CEO shall be subject to the disciplinary powers of the Board and may be removed by the Board for cause. Hence, unlike before when CEOs were appointed directly by the President (creating the mistaken notion that the CEOs had their own mandate from the President independent of the Board), under R.A. No. 10149, the CEO's election by the Board of Directors from among their ranks refocuses the center of power and command responsibility to the governing Boards. This clarifies the role of the CEO as an agent of the Board elected to implement their decisions and directly accountable to the Board. The Board, in turn, is

directly accountable to the President, as the representative of the State.

- **Uniform Compensation and Position Classification System (CPCS) for the GOCC Sector.**

Recognizing the dichotomy in the bureaucracy brought about by an incoherent policy framework in creating GOCCs and determining the compensation systems of GOCCs, R.A. No. 10149 reigns in all GOCCs under its coverage into one uniform and standard compensation and position classification system. The last sentence of Section 5 of R.A. No. 10149 provides in clear terms: "Any law to the contrary notwithstanding, no GOCC shall be exempt from the coverage of the Compensation and Position Classification System developed by the GCG under this Act." This brings to an end the disparity between the compensation and position structure of GOCCs on account of coverage or exemption from the Salary Standardization Law (SSL). This also provides the necessary policy environment for balancing the goals of fiscal prudence and strengthening the overall governance and management of GOCCs by, among others, attracting and motivating a corps of competent professionals, from the Board of Directors/Trustees to the rank-and-file.

The GCG is composed of five (5) members. The Chairman with the rank of Cabinet Secretary and two (2) members with the rank of Undersecretary are appointed by the President. The Secretaries of the Department of Budget and Management and the Department of Finance sit as *ex officio* members. The GCG is attached to the Office of the President.

Not included in the FY 2012 appropriations under the Contingent Fund since approval of this Act was only in June 6, 2011.

HEALTH AND DEMOGRAPHY

R. A. No. 10152 **AN ACT PROVIDING FOR MANDATORY BASIC IMMUNIZATION SERVICES FOR INFANTS AND CHILDREN, REPEALING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 996, AS AMENDED (S. NO. 138/H. NO. 4393) (Signed into Law JUNE 21, 2011)**

Features: *The Act mandates basic immunization for all infants and children up to five years old, to be given for free in any government hospital or health center, for various diseases, including:*

- A. Tuberculosis*
- B. Diphtheria, tetanus and pertussis*
- C. Poliomyelitis*
- D. Measles*
- E. Mumps*
- F. Rubella or German Measles*
- G. Hepatitis-B*
- H. H. Influenza type B*
- I. Other types as may be determined by the Health Secretary in a department circular*

The Hepatitis-B vaccine will be administered by licensed physician, nurse or midwife to all infants born in public and private health facilities with obstetrical and pediatric services within twenty-four (24) hours after birth. For infants born elsewhere, the health professional that delivers or assists in the delivery of the newborn is responsible for administering the vaccine. If delivery was assisted by non-health professional, infant should be

immunized against Hepatitis-B within one (1) to seven (7) days after birth. Subsequent doses of the vaccine must be completed according to the recommended schedule as may be provided in the implementing rules and regulations to be issued by the Department of Health (DOH).

An education and information campaign on the importance of basic immunization services as well as any possible side effects of immunization will be launched. Health professionals are obligated to inform the parents or legal guardian of the newborn of the availability, nature and benefits of immunization. All health personnel will also undergo continuing education and training.

The Philippine Health Insurance Corporation is mandated to include basic immunization services in its benefit package.

Status: The amount necessary to carry out the implementation of this Act shall be charged against the current year's appropriation for expanded program on immunization of the DOH. Consequently, for FY 2011 and 2012, an appropriation of ₱2,462,938,000 and ₱1,874,792,000, respectively, were provided in the GAA/NEP for immunization of 2,635,039 children.

R. A. No. 10354 **AN ACT PROVIDING FOR A NATIONAL POLICY ON RESPONSIBLE PARENTHOOD AND REPRODUCTIVE HEALTH (S. NO. 2865 / H. NO. 4244) (Signed into Law DECEMBER 21, 2012)**

Features: *The "Responsible Parenthood and Reproductive Health Act of 2012" requires accredited public health facilities to provide a full range of modern family planning methods, as well as medical consultations, supplies and necessary and reasonable procedures for poor and marginalized couples having infertility issues who desire to have children. The Department of Health is tasked with*

procuring, distributing to LGUs and monitoring the use of family planning supplies for the whole country. Responsible parenthood and family planning will be integrated in anti-poverty programs, and “age-and development-appropriate reproductive health education shall also be provided to adolescents. It shall be taught by adequately trained teachers and integrated in relevant subjects such as, but not limited to, values formation and women’s/children’s rights. The Department of Health is designated at the lead implementing agency of this Act. It also creates a Congressional Oversight Committee composed of five members each from the Senate and the House of Representatives to monitor and ensure the effective implementation of this Act, recommend the necessary remedial legislation or administrative measures, and conduct a review of this Act every five years from its effectivity.

Status: The Implementing Rules and Regulations of the law was promulgated by the drafting committee pursuant to Section 26 of RA 10359 on March 15, 2013.

On March 19, 2013, the Supreme Court suspended for 120 days the implementation of the law in order to hear 10 petitions from church-based organizations contesting the law’s constitutionality.

The court in an en banc session had issued the suspension to allow opponents of the law time to present their oral arguments on June 18, 2013.

The 10 who voted for the freeze and a status-quo-ante were Justices Martin Villarama, Teresita de Castro, Jose Perez, Diosdado Peralta, Presbitero Velasco, Bienvenido Reyes, Arturo Brion, Lucas Bersamin, Roberto Abad and Jose Mendoza.

Chief Justice Ma. Lourdes Sereno, Senior Associate Justice Antonio Carpio and Justices Mariano del Castillo, Estela Perez-Bernabe and Marvic Leonen dissented.

R. A. No. 10532 **AN ACT INSTITUTIONALIZING THE PHILIPPINE NATIONAL HEALTH RESEARCH SYSTEM (S. NO. 3399/H. NO. 6735) (Signed Into Law MAY 7, 2013)**

Features: *This law establishes the Philippine National Health Research System (PNHRS). PNHRS seeks to improve health status, productivity and quality of life of Filipinos by linking health research to health system needs, maximizing benefits from health research, promoting good governance among health research organizations, developing partnerships, and ensuring the sustainability of resources for health research. It shall be composed of a Governing Council led by the secretaries of science and technology and health as chair and co-chair, respectively; a Secretariat headed by an Executive Director to provide technical and administrative support in key areas; and a Steering Committee headed by the Executive Director of the DOST-Philippine Council for Health Research and Development to recommend policies, and perform oversight function on PNHRD activities and financing. An Ethics Board will also be formed to ensure adherence to universal principles for the protection of human participants in research. This law also establishes Regional Health Research Systems which shall mirror the PNHRS framework across all regions of the country.*

JUSTICE AND HUMAN RIGHTS

R. A. No. 10158 **AN ACT DECRIMINALIZING VAGRANCY AMENDING FOR THIS PURPOSE ARTICLE 202 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE (S. NO. 2726/H. NO. 4936) (Signed into Law MARCH 27, 2012)**

Features: *This Act removes penalties for vagrants. All pending cases shall be dismissed upon effectivity of this Act. All persons*

serving sentence for vagrancy shall be immediately released provided that they are not serving sentence or detained for any other offense or felony.

Self-executory.

**R. A. No.
10159** **AN ACT AMENDING ARTICLE 39 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE (S. NO. 2808/H. NO. 600) (Signed Into Law APRIL 11, 2012)**

Features: *The Act changes subsidiary personal liability, from a rate of one (1) day for each eight (8) pesos to one (1) day for each amount equivalent to the highest minimum wage rate prevailing in the Philippines at the time of rendition of judgment of conviction by the trial court.*

Self-executory.

**R. A. No.
10162** **AN ACT CREATING TWO (2) ADDITIONAL REGIONAL TRIAL COURT BRANCHES IN THE PROVINCE OF LAGUNA TO BE STATIONED AT STA. ROSA CITY, AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (E) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980", AS AMENDED, AND APPROPRIATING FUNDS THEREFOR (H. NO. 4488) (Signed Into Law APRIL 17, 2012)**

Features: *The Act creates two additional branches of the Regional Trial Court (RTC) to be stationed at Sta. Rosa, Laguna in the Fourth Judicial Region. The Supreme Court will assign the branch number. The Chief Justice, in coordination with the Justice Secretary, shall immediately include in the Court's program the operationalization of the two additional RTC branches, funding of which shall be included in the annual General Appropriations Act.*

Status: According to the Court Management Office, Supreme Court, the Resolution of the Court on the creation of additional branches of courts in the implementation of the law is for evaluation and memorandum.

**R. A. No.
10172** **AN ACT FURTHER AUTHORIZING THE CITY OR MUNICIPAL CIVIL REGISTRAR OR THE CONSUL GENERAL TO CORRECT CLERICAL OR TYPOGRAPHICAL ERRORS IN THE DAY AND MONTH IN THE DATE OF BIRTH OR SEX OF A PERSON APPEARING IN THE CIVIL REGISTER WITHOUT NEED OF A JUDICIAL ORDER, AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED NINETY FORTY-EIGHT (S. NO. 3113/H. NO. 4530) (Signed Into Law AUGUST 15, 2012)**

Features: *The Act allows city or municipal civil registrar or the consul general to correct clerical or typographical errors in the civil register even without a judicial order.*

Status: According to Carmencita N. Ericta, Administrator of National Statistics Office (NSO), the NSO-Office of Civil Registrar General (OCRG) is currently in the process of drafting the Administrative Order that will contain the rules and regulations for its effective implementation. Once finalized, it will be published in a newspaper of general circulation.

**R.A. No.
10344** **AN ACT PENALIZING THE UNAUTHORIZED TAKING, STEALING, KEEPING OR TAMPERING OF GOVERNMENT RISK REDUCTION AND PREPAREDNESS EQUIPMENT, ACCESSORIES AND SIMILAR FACILITIES (H. NO. 5932) (Signed into Law DECEMBER 4, 2012)**

Features: *This law prohibits and penalizes the stealing, taking,*

possessing, selling, buying and tampering of disaster preparedness equipment. Attempting to commit or benefiting from such acts are also prohibited. The Department of Science and Technology (DOST) shall, in coordination with the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA), the Philippine Institute of Volcanology and Seismology (PHIVOLCS) and the National Disaster Risk Reduction and Management Council (NDRRMC), provide a list of all government risk reduction and preparedness equipment, accessories and other vital facility items. This list shall be provided jointly by the DOST and the NDRRMC to government agencies engaged in disaster preparedness and must be regularly updated. RA 10344 also mandates DOST and the NDRRMC, in coordination with local government units and nongovernment organizations or people's organizations, to disseminate information and conduct continuing education on the provisions of this Act.

Status: An Inter-Agency Technical Working Committee (IA-TWG) led by the Department of Science and Technology (DOST) is now working on the draft Implementing Rules and Regulations of the law.

R. A. No. 10348 **AN ACT CREATING TWO (2) BRANCHES OF THE REGIONAL TRIAL COURT IN THE PROVINCE OF CEBU TO BE STATIONED AT THE CITIES OF NAGA AND CARCAR, AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (H) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980", AS AMENDED, AND APPROPRIATING FUNDS THEREFOR (H. NO. 4492) (Signed into Law DECEMBER 6, 2012)**

Status: The Office of the Court Administrator, Supreme Court is still in the process of preparing the necessary documents relative to the implementation of R. A. 10348. Nonetheless, the Financial Management Office, Office of

the Court Administrator, has already prepared the budgetary requirements for the creation of the additional courts.

R. A. No. 10353 **AN ACT DEFINING AND PENALIZING ENFORCED OR INVOLUNTARY DISAPPEARANCE (S. NO. 2817 / H. NO. 98) (Signed into Law DECEMBER 21, 2012)**

Features: *Known as the "Anti-Enforced or Involuntary Disappearance Act of 2012", this law defines enforced or involuntary disappearance as the "arrest, detention, abduction or any other form of deprivation of liberty committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law." Any person who has knowledge of such case is required to report the circumstances and whereabouts of the victim to any office, detachment or division of the Department of the Interior and Local Government, the Department of National Defense, the Philippine National Police, the Armed Forces of the Philippines, the National Bureau of Investigation, the City or Provincial Prosecutor, the Commission on Human Rights (CHR) or any human rights organization and, if known, the victim's family, relative, or lawyer. All relevant government agencies are mandated to submit an updated inventory or list to the CHR of all officially recognized and controlled detention or confinement facilities, as well as the list of detainees or persons deprived of liberty under their respective jurisdictions. PhP 10 million is initially appropriated to the CHR for the implementation of this Act.*

Status: Quoted herewith is the letter to the Senate dated April 16, 2013 of the Hon. Leah C. Tanodra-Armamento, Undersecretary, Department of Justice and Chairperson, Implementing Rules and Regulations Committee of RA

10353.

“The Anti-Enforced or Involuntary Disappearance Act was signed into law on December 21, 2012. It became effective on January 13, 2013 or 15 days after the law was published on December 29, 2012 in two newspapers with general circulation.

We are pleased to report on the following:

Implementing Rules and Regulations

The Secretary of Justice convened the Implementing Rules and Regulations Committee of the Anti-Enforced Disappearance Act once the law became effective early January 2013. The members of the committee come from the five agencies named in the law, namely, the Department of Justice (DOJ), Department of Social Welfare and Development (DSWD), Commission on Human Rights (CHR) and the NGOs Families of Victims of Involuntary Disappearance (FIND) and families of *Desaparecidos for Justice (Desaparecidos)*.

The undersigned was the designated Chairperson of the Committee. The Committee, by itself or through its members, consulted with other stakeholders not named by the law such as the Civil Service Commission (CSC), the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), the Free Legal Action Group (FLAG), *Balay* Rehabilitation Center and Ateneo Human Rights Center, among others.

The Committee, notably, had only 30 days according to the law to promulgate the IRR from the date of effectivity. This is a short period compared to other laws, most of which afforded a longer time for their respective Committees to craft the IRR (i.e. the Anti-Trafficking in Persons Act pegged the IRR formulation at 60 days) whereas some laws did not define a schedule at all such as the Anti-Torture Act of 2009. Interestingly, the Anti-Torture Act was signed into effect by former President Arroyo in November 2009, but its IRR was only signed

one year later, during the term of President Aquino.

The IRR of RA 10353 was jointly promulgated by the members of the Committee on February 12, 2013 and the signed IRR has been transmitted to the UP Law Center pursuant to the Administrative Code of 1987 (EO 292, July 25, 1987).

Budgetary Requirements

On April 8 and 9, 2013, the Committee convened a workshop to work on the implementation design of the law. The workshop outputs are entitled, "Ensuring the Effective Implementation of Republic Act No. 10353 and its IRR."

Perhaps the sponsors of the law in the Senate can consider funding any of the activities via their available development funds. Any form of assistance would be appreciated.

The undersigned would also like to put on record that it was the DOJ which took the logistic cudgels for the Committee during the entire 30-day crafting period of the IRR as well as the funding support for the workshop herein stated. It is notable that unfortunately, the law did not appropriate any budget for the formulation and promulgation of the IRR.

The CHR, in accordance with the law (Section 30), was allocated a budget of PhP 10 million. Unfortunately, it has not been given yet.

The greatest challenge to the Committee now is to identify possible funding sources to comply with the mandate of RA 10353, particularly Section 28 thereof, which directs the Committee to ensure the effective implementation of the law and its full dissemination to the public.

Problems/Concerns

The Act is perceived to be tilted against agents of the State as the law only attaches criminal responsibility to them when reality and experience will support the observation that non-state actors (NSAs) also engage in the commission of enforced or involuntary disappearances. While it is understood that the definition of “enforced or involuntary disappearance” is substantially derived from the definition of the UN International Convention for the Protection of All Persons from Enforced Disappearance, a convention the Philippines is not yet a signatory to, there is valid cause for concern that this lacunae of the law may increase the impunity on the part of the NSAs to continue instigating such disappearances.

Another unfavorable effect of the distinction would be the denial of access to legal remedies and reparations of victims of enforced or involuntary disappearances committed by these NSAs.

Another identified concern is the absence of an oversight body that will monitor the implementation of the law. Thus, the IRR committee has expanded its functions, albeit in an *ad hoc* manner, to include the responsibility of affecting the implementation of RA 10353 and its IRR.

Also, the right to information on the person and whereabouts of the disappeared under the law allows for no explicit exceptions quite unlike the UN International Convention for the Protection of All Persons from Enforced Disappearances Convention which provides, thus:

Only where a person is **under the protection of the law and the deprivation of liberty is subject to judicial control** may the right to information referred to in article 18 be restricted, on an exceptional basis, where strictly necessary and where provided for by law, **and if the transmission of the information would adversely affect the privacy or**

safety of the person, hinder a criminal investigation, or for other equivalent reasons in accordance with the law, and in conformity with applicable international law and with the objectives of this Convention (Art. 20.1, emphasis supplied).

In contrast, under the law, records on the physical, mental and psychological condition of the “persons deprived of liberty” – note, they are not even denominated as “disappeared” and can therefore, also mean lawfully detained individuals – will be accessible to any person “with legitimate interests” without considering the need to assess whether it is for the best interest of the person. Also, the law should have been as expansive as the UN convention which recognizes other valid instances – such as the interest of national security – that can justify restriction of access to information.

Under the UN convention, from which the law is based, particularly Article 17 thereof, provides that the State Party (albeit Philippines is not yet one) should “*establish the conditions under which orders of deprivation of liberty may be given; indicate those authorities authorized to order the deprivation of liberty; and guarantee that any person deprived of liberty shall be held solely in officially recognized and supervised places of deprivation of liberty.*” This suggests that, per se, deprivation of liberty is not entirely illegal. However, the law is silent on such conditions which allows for “orders of deprivation of liberty.”

Finally, another noted gap in the law, which is in the UN convention, is the recommendation to make certain conditions as aggravating circumstances such as when the disappeared is a child or a pregnant woman.

Effectiveness and Relevance of the Law to the Current Milieu

The signing into law of RA 10353 culminates the long, protracted struggle of advocates and families of victims who disappeared in their call to criminalize enforced or

involuntary disappearance.

Of great relevance is President Aquino's Administrative Order (AO) No. 35, ***“Creating the Inter-Agency Committee (IAC) on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons.”*** This is an important step towards engendering an investigative environment that will benefit greatly from the legal knowledge, experience and leadership of a prosecutor to ensure an airtight investigation and successful prosecution of a greater number of cases.

The DOJ continues to strategically identify other possible modalities within which to further institutionalize the “marriage” between investigation and prosecution at the level of evidence gathering. That is why, for Administrative Order No. 35, its Operational Guidelines, will establish the application of the composite team approach to include crimes or offenses of extrajudicial killings, enforced disappearance, torture and all forms of violations to the right to life, liberty and security of persons. Once adopted, these guidelines will be the important tools to train the composite teams of investigators and prosecutors all over the country, not only to secure the paradigm shift in our ranks that will encourage our prosecutors to take a more pro-active approach at the investigation level, but indubitably to ensure a higher conviction rate on cases involving egregious human rights violations.

Other Issues and Recommendations

The most important issue to be highlighted is the need to support any and all efforts to ensure the institutionalization and sustainability of protective mechanisms provided by RA 10353 and other applicable legal instruments such as AO No. 35. In behalf of the Committee and the Department of Justice, we anticipate with fervor such support from the Upper Chamber of Congress.”

(Report of the Commission on Human Rights (CHR) dated May 10, 2013)

Implementing Rules and Regulations

Section 28 of the law has mandated the Commission on Human Rights (CHR) together with the Department of Justice (DOJ), Department of Social Welfare and Development (DSWD) and certain non-government organizations, such as Families against Involuntary Disappearance (FIND) and *Desaparecidos* to promulgate the Implementing Rules and Regulations (IRR), within 30 days from its effectivity. This group constituted themselves as the Anti-Enforced Disappearance IRR Committee (ED-IRRC). Together, said agencies of government, as well as non-government organizations, through the leadership of the Department of Justice, drafted the provisions of the IRR. On 12 February 2013, the ED-IRRC, in compliance with said mandate of the law, promulgated the ED-IRR through the symbolic signing of said document by the respective principals of each member ED-IRRC.

Budgetary Requirements

The law also made an initial appropriation of PhP 10 million to the CHR for its immediate implementation. However, it has not yet been released to the CHR.

In the meantime, the ED-IRRC, which took upon itself the responsibility of fully disseminating the law and its IRR, is trying to make ends meet through the help of some limited funds from the Department of Justice and by requesting foreign funding from EU-EPJUST II. The ED-IRRC has submitted a proposal and is now subject for approval. If granted, the funding will be used by the ED-IRRC for the information and education campaign (IEC) of the law and IRR.

Problems/Concerns

In spite of limited resources, the ED-IRRC remains very optimistic that the effective implementation of the law

and its IRR will be in full swing once these are popularized throughout the Philippines. This is reinforced by the fact that the law was approved with the full support and cooperation of various non-government organizations, which are passionate advocates for the cause of the disappeared.

The objective of the ED-IRRC's IEC campaign is to produce outputs that will contribute to the institutionalization and sustainability of mechanisms to guarantee access to justice of victims of enforced disappearance, as well as to help decrease or eliminate enforced disappearance. The following strategies will be employed:

- a. Increasing public awareness;
- b. Strengthening government's institutional capacity for monitoring and preventing enforced disappearance by putting in place a national human rights protection and promotion system;
- c. Ensuring access to justice and effective remedy for the victims of enforced disappearance and their families;
- d. Enhancing partnerships between and among stakeholders such as (but not limited to) public authorities, CSOs/NGOs, the academe, local communities, private persons whether juridical or natural; and
- e. Achieving change in the mindset, behavior, attitude and practice among public officers, law enforcement, the security sector, media and the public at large.

Other Issues and Recommendations that the CHR would like to Point Out

The CHR welcomes and encourages all government

efforts to address the problem of enforced or involuntary disappearance in the Philippines. This includes the creation of an inter-agency committee (IAC of Administrative Order No. 35) that will focus on the investigation and prosecution of enforced disappearance, extrajudicial killing, torture and other grave violations of human rights. However, it is the position of the commission that the victims of enforced disappearance will be better ensured of justice if the Philippine government ratifies the International Convention Against Enforced Disappearances. Such move will serve as an indicator of the Philippine government's seriousness in its commitment to uphold and respect human rights.

**R. A. No.
10362** **AN ACT CREATING AN ADDITIONAL REGIONAL TRIAL COURT BRANCH TO BE STATIONED IN THE MUNICIPALITY OF TRENTO, PROVINCE OF AGUSAN DEL SUR, AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (K) OF BATAS PAMBANSA BLG. 129, AS AMENDED, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980", AND PROVIDING FUNDS THEREFOR (H. NO. 5739) (Signed into Law JANUARY 23, 2013)**

Status: The Office of the Court Administrator, Supreme Court is still in the process of preparing the necessary documents relative to the implementation of R. A. 10362. Nonetheless, the Financial Management Office, Office of the Court Administrator, has already prepared the budgetary requirements for the creation of the additional courts.

**R. A. No.
10363** **AN ACT CREATING SEVEN (7) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE SEVENTH JUDICIAL REGION TO BE STATIONED AT THE CITY OF MANDAUE, PROVINCE**

**OF CEBU, FURTHER AMENDING FOR THE PURPOSE
BATAS PAMBANSA BILANG 129, OTHERWISE
KNOWN AS "THE JUDICIARY REORGANIZATION
ACT OF 1980", AS AMENDED, AND
APPROPRIATING FUNDS THEREFOR (S. NO. 3034 /
H. NO. 5737) (Signed into Law JANUARY 28, 2013)**

Status: The Office of the Court Administrator, Supreme Court is still in the process of preparing the necessary documents relative to the implementation of R. A. 10363. Nonetheless, the Financial Management Office, Office of the Court Administrator, has already prepared the budgetary requirements for the creation of the additional courts.

**R. A. No.
10368** **AN ACT PROVIDING FOR REPARATION AND
RECOGNITION OF VICTIMS OF HUMAN RIGHTS
VIOLATIONS DURING THE MARCOS REGIME,
DOCUMENTATION OF SAID VIOLATIONS,
APPROPRIATING FUNDS THEREFOR AND FOR
OTHER PURPOSES (S. NO. 3334 / H. NO. 5990)
(Signed into Law FEBRUARY 25, 2013)**

Features: *Known as the "Human Rights Victims Reparation and Recognition Act of 2013", this law seeks to recognize the heroism and sacrifices of all Filipinos who were victims of summary execution, torture, enforced or involuntary disappearance and other gross human rights violations committed during the regime of former President Ferdinand E. Marcos. Human rights violations victims are those whose human rights were violated by persons acting in an official capacity and/or agents of the state, including members of the former Philippine Constabulary, the former Integrated National Police, the Armed Forces of the Philippines, the Civilian Home Defense Force and others in the civil service. Under this law, victims are qualified to receive tax-free reparation from the state. Nonmonetary reparation may also be provided by the Department of Health, the Department of Social Welfare and Development, the Department of Education, the*

Commission on Higher Education, the Technical Education and Skills Development Authority and others. The principal source of funds is the PhP 10 billion plus accrued interest which form part of the funds transferred to the government of the Republic of the Philippines by virtue of the December 10, 1997 order of the Swiss Federal Supreme Court.

*RA 10368 also creates an independent and quasi-judicial body to be known as the Human Rights Victims' Claims Board attached to the Commission on Human Rights. It is empowered to receive, evaluate, process and investigate applications for claims, issue subpoenas, conduct independent administrative proceedings, and resolve disputes over claims and promulgate related rules, among others. The President shall have the power to appoint the chairperson and the other eight members of the board. The board shall be assisted by a secretariat which may come from the existing personnel of the CHR without prejudice to the hiring of additional personnel. The operating budget of the board shall be funded from the PhP 10 billion fund, with PhP 10 million as its initial operating budget provided that it shall not exceed PhP 50 million. The board shall complete its work within two years from the effectivity of the Implementing Rules and Regulations promulgated by it. After which it shall become *functus officio*.*

Status: While waiting for the Implementing Rules and Regulations (IRR), the following activities were undertaken by the Marcos Law Files project (MLF project) in relation to RA 10368.

A. Public Information, Education and Advocacy Campaign

1. Conducted media briefings/interviews on the importance of the law held on the following dates:

- February 25, 2013, PTV 4 Newslife interview on reparation and recognition of martial law victims;
 - Chairperson's interview on "Human Face: Etta's Valedictory: Farewell to a Dark Night" published on February 27, 2013;
 - February 27, 2013, 10:00 am at CHR Conference Room; and
 - March 12, 2013, University Hotel, UP Diliman, Quezon City.
2. Small group discussion on proposals for the formulation of the IRR by the Human Rights Claims Board held on March 19, 2013 at the CHR Multi-Purpose Hall in cooperation with CSOs HR Network.
 3. CHR Unification Conference on RA 10368 at CHR Multi-Purpose Hall on March 1, 2013, live streamed to 15 regions.
 4. Reviewed the Distribution Claims of Compensations awarded to Hawaii Class Suit for lessons applicable for lessons applicable to the implementation of RA 10368.
 5. Developed information materials for wide dissemination on the localization of RA 10368 targeting various stakeholders.
 6. Organized and participated in various fora and symposia on the salient features of RA 10368 and its implication to ending the culture of

impunity.

7. Developed a martial law website, facebook page and youtube channel to disseminate information on martial law.

B. Research and Documentation

1. Retrieval, organization, inventory, archiving and data banking of martial law files and cases.
 - Inventory of preliminary files turned over by DND-ISAFP. Ongoing coordination for more documents from the security sector to have files transferred or shared to CHR;
 - Inventory of files turned over by private groups and individual victims;
 - Inventory of files shared by other members of the human rights network (CSOs, NGOs, national government agencies, academe and local government units); and
 - Inventory of files from regional and national offices of the commission. The master list containing 6,090 docketed cases is now being processed and validated.
2. Developed geographical mapping of martial law human rights violations victims.
3. Developed list of publications/bibliographic entries for martial law library holdings.

4. Mapping of martial law artifacts/future collections and memorabilia for the martial law museum.
5. Completed the first 20 profiles of martial law heroes and martyrs and uploaded this on website.

The Commission on Human Rights has promulgated the “Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses, and the Provisions of CHR Assistance” in April 2012. (www.chr.gov.ph)

**R. A. No.
10370** **AN ACT ESTABLISHING A SEPARATE MUNICIPAL CIRCUIT TRIAL COURT COMPRISING THE MUNICIPALITIES OF BUENAVISTA AND SAN LORENZO IN THE PROVINCE OF GUIMARAS AND APPROPRIATING FUNDS THEREFOR (H. NO. 2821) (Signed into Law FEBRUARY 28, 2013)**

Status: The Office of the Court Administrator, Supreme Court is still in the process of preparing the necessary documents relative to the implementation of R. A. 10370. Nonetheless, the Financial Management Office, Office of the Court Administrator, has already prepared the budgetary requirements for the creation of the additional courts.

**R. A. No.
10371** **AN ACT CREATING AN ADDITIONAL REGIONAL TRIAL COURT BRANCH TO BE STATIONED IN THE CITY OF SIPALAY, PROVINCE OF NEGROS OCCIDENTAL, AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (G) OF BATAS PAMBANSA BLG. 129, AS AMENDED, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION**

**ACT OF 1980", AND PROVIDING FUNDS THEREFOR
(H. NO. 5740) (Signed into Law FEBRUARY 28,
2013)**

Status: The Office of the Court Administrator, Supreme Court is still in the process of preparing the necessary documents relative to the implementation of R. A. 10371. Nonetheless, the Financial Management Office, Office of the Court Administrator, has already prepared the budgetary requirements for the creation of the additional courts.

**R. A. No.
10389** **AN ACT INSTITUTIONALIZING RECOGNIZANCE AS A
MODE OF GRANTING THE RELEASE OF AN
INDIGENT PERSON IN CUSTODY AS AN ACCUSED IN
A CRIMINAL CASE AND FOR OTHER PURPOSES (H.
NO. 5395) (Signed into Law MARCH 14, 2013)**

Features: *Known as the "Recognizance Act of 2012", this law defines recognizance as a mode of securing the release of any person in custody for committing an offense who is unable to post bail due to abject poverty. This excludes offenses punishable by death, reclusion perpetua or life imprisonment. The court may order the release of the detained person on recognizance to a qualified custodian subject to the following requirements:*

- *Sworn declaration by person in custody of indigency or incapacity to post bail;*
- *Certification of indigency issued by the head of the social welfare and development office in the city or municipality where the accused resides;*
- *Person in custody has been arraigned;*
- *Court has notified the city or municipal sanggunian where the accused resides of the application for recognizance.*

The custodian shall guarantee the appearance of the accused whenever required by court. He/she may be imprisoned for six months to two years if the accused is not produced or delivered before the court without justifiable reason. A custodian must possess the following qualifications:

- *Person of good repute and probity;*
- *Resident of barangay (village) where applicant resides;*
- *Must not be a relative of the applicant within the fourth degree of consanguinity; and*
- *Must belong to sectors and institutions identified by this law, including church, academe, social welfare and charitable organizations.*

Meanwhile, the probation officer is tasked with monitoring and evaluating the activities of the person on recognizance.

**R. A. No.
10530**

AN ACT DEFINING THE USE AND PROTECTION OF THE RED CROSS, RED CRESCENT, AND RED CRYSTAL EMBLEMS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES (S. NO. 3209/H. NO. 4314) (Signed Into Law MAY 7, 2013)

Features:

Known as “The Red Cross and Other Emblems Act of 2013”, this law sets guidelines on the use of the Red Cross emblem by the medical service and religious personnel of the Armed Forces of the Philippines, hospitals and other civilian medical units and transports, and the Philippine Red Cross and the International Organizations of the International Red Cross and Red Crescent Movement. The Departments of National Defense (DND), Health (DOH), and Trade and Industry (DTI) are mandated to ensure strict compliance with the rules governing the use of the emblems of the Red Cross, Red Crescent and Red Crystal.

Meanwhile, the Philippine Red Cross shall cooperate with DND, DOH and DTI to prevent and discourage misuse. Violators shall be punished by arresto mayor, or a fine of not less than PhP 50,000.

LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT

**R. A. No.
10151**

AN ACT ALLOWING THE EMPLOYMENT OF NIGHT WORKERS, THEREBY REPEALING ARTICLES 130 AND 131 OF PRESIDENTIAL DECREE NUMBER FOUR HUNDRED FORTY-TWO, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES (S. NO. 2701/H. NO. 4276) (Signed Into Law JUNE 21, 2011)

Features:

The Act defines 'night' workers as any employee whose work requires performance of substantial number of hours of night work exceeding a limit to be specified by the Labor Secretary after consulting with stakeholders. It gives workers the right to undergo free health assessment if requested, requires employers to provide first-aid facilities and other support facilities such as sleeping quarters and transportation, provides an avenue for the transfer of unfit night workers to another job for which they are fit to work, makes available alternatives to night work for women workers with pregnancy, childbirth or childcare needs, and calls on the Department of Labor and Employment to promulgate regulations in addition to existing ones to ensure the safety and protection of night workers. Violators will be penalized with fines ranging from ₱ 30,000 to ₱50,000, or at least six (6) months' imprisonment, or both.

Status: According to Assistant Secretary and DLLO Joji V. Aragon in her letter to the Senate dated September 5, 2012, the Rules Implementing R.A. No. 10151 (Department Order No. 119-12) was issued by DOLE-Secretary Rosalinda Dimapilis-Baldoz on January 20, 2012. The same was published in the Philippine Star on January 28, 2012.

As of September 5, 2012, the DOLE has not received any complaint or information on non-compliance of the provisions of the said law and its Implementing Rules and Regulations (IRR). Moreover, the DOLE wanted to underscore that it has included in its Learning Sessions under its Labor and Employment Education Program, information on the said law and its IRR so that the public is properly informed on the matter. The DOLE has been invited by the stakeholders (employer and workers) in their seminars to discuss and enlighten them of the provisions of the law.

**R. A. No.
10361** **AN ACT INSTITUTING POLICIES FOR THE PROTECTION AND WELFARE OF DOMESTIC WORKERS (S. NO. 78 / H. NO. 6144) (Signed into Law JANUARY 18, 2013)**

Features: *The “Domestic Workers Act” defines a domestic worker or “kasambahay” as any person engaged in domestic work within an employment relationship except those who perform domestic work only occasionally or sporadically and not on an occupational basis. It sets the standard of treatment, board lodging and medical attendance, privacy, outside communication and education and training of domestic workers. Terms with respect to pre-employment, employment, and post-employment are laid out. These include execution of employment contract, daily and weekly rest periods, wage, leave, social and other benefits, and employment certification, among others. It also sets regulations on private employment agencies and disputes.*

Status: According to the Department of Labor and Employment (May 15, 2013), a ceremonial signing by the concerned government agencies (DOLE, DILG, DSWD, PNP, SSS, Pag-IBIG and Philhealth) of the Implementing Rules and Regulations (IRR) of the *Batas Kasambahay* took place on May 9, 2013 at the *Bulwagan ng Katarungan*, Department of Education Central Office, Meralco Avenue, Pasig City.

Extensive tripartite, town-hall type, and island-wide national consultations on the IRR have been conducted to gather as much comments and concerns as possible and mitigate future problems which may arise in its implementation. All relevant stakeholders, as well as the media and the general public, have been adequately consulted and their comments and suggestions duly considered. The IRR has also been presented to and approved by the National Tripartite Industrial Peace Council, composed of representatives from concerned government agencies, labor and employer groups.

The DOLE is confident that the IRR is well-balanced and that the rights of both the *kasambahay* and the employer are observed and respected. This is very important considering the undeniable significance of the law as a landmark piece of legislation which recognizes and aims to empower the estimated 1.9 million *kasambahay* across the country.

The DOLE's next steps include capability-building at the barangay level in terms of a unified registration, collection and enforcement system (One Stop Shop) and a continuing education/information program both at the national and local levels, pursuant to Section 38, Article VII of the law.

**R. A. No.
10395**

**AN ACT STRENGTHENING TRIPARTISM,
AMENDING FOR THE PURPOSE ARTICLE 275 OF
PRESIDENTIAL DECREE NO. 442, AS AMENDED,**

**OTHERWISE KNOWN AS THE “LABOR CODE OF THE PHILIPPINES” (S. NO. 2921 / H. NO. 6685)
(Signed into Law MARCH 14, 2013)**

Features: *This law establishes a National Tripartite Industrial Peace Council (TIPC), which will monitor the implementation and compliance of concerned sectors with the provisions of all tripartite instruments, as well as review existing labor, economic and social policies and evaluate local and international developments affecting them, among others. TIPCs shall be established at the regional or industry level and shall be composed of representatives from government, workers and industry.*

Status: According to the Department of Labor and Employment (DOLE) (May 6, 2013), the draft Implementing Rules and Regulations of the law is subject for discussion of the Tripartite Executive Committee (TEC) and subsequently of the Tripartite Industrial Peace Council (TIPC) within May 2013. There are existing IRRs in Department Order forms and the same are being reviewed in the light of this new legislation.

The bill was developed, processed and endorsed with support from the tripartite partners – labor, employer and government – of the TIPC and its TEC. As such, the Department of Labor and Employment does not foresee any problem with regard to its implementation.

According to the DOLE, taking into account the administration’s thrust to “work with the private and labor sector to strengthen tripartite cooperation and promote industrial peace”, and to “reform arbitration and adjudication systems by streamlining procedures, removing red tape, and at the same time restore integrity in the system”, the department believes that the passage of the Tripartism Law will reinforce the commitment to engage all relevant

partners in decision and policy-making processes within the purview of existing tripartite mechanisms and rationalize the processes of dispute settlement for all labor cases.

**R. A. No.
10396**

AN ACT STRENGTHENING CONCILIATION-MEDIATION AS A VOLUNTARY MODE OF DISPUTE SETTLEMENT FOR ALL LABOR CASES, AMENDING FOR THIS PURPOSE ARTICLE 228 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE "LABOR CODE OF THE PHILIPPINES" (S. NO. 2918 / H. NO. 6686) (Signed into Law MARCH 14, 2013)

Features:

This law promotes conciliation-mediation by requiring it in all issues arising from labor and employment. Any or both parties involved in the dispute may pre-terminate the proceedings and request referral or endorsement to the appropriate Department of Labor and Employment agency or office which has jurisdiction over the dispute, or if both parties so agree, refer the unresolved issues to voluntary arbitration.

Status:

According to the Department of Labor and Employment (DOLE) (May 6, 2013), the draft Implementing Rules and Regulations of the law is subject for discussion of the Tripartite Executive Committee (TEC) and subsequently of the Tripartite Industrial Peace Council (TIPC) within May 2013. There are existing IRRs in Department Order forms and the same are being reviewed in the light of this new legislation.

The bill was developed, processed and endorsed with support from the tripartite partners – labor, employer and government – of the TIPC and its TEC. As such, the Department of Labor and Employment does not foresee any problem with regard to its implementation.

According to the DOLE, taking into account the administration's thrust to "work with the private and labor sector to strengthen tripartite cooperation and promote industrial peace", and to "reform arbitration and adjudication systems by streamlining procedures, removing red tape, and at the same time restore integrity in the system", the department believes that the passage of the Conciliation-Mediation Law will reinforce the commitment to engage all relevant partners in decision and policy-making processes within the purview of existing tripartite mechanisms and rationalize the processes of dispute settlement for all labor cases.

LOCAL GOVERNMENT

**R. A. No.
10160** **AN ACT CONVERTING THE MUNICIPALITY OF BACOR IN THE PROVINCE OF CAVITE INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF BACOR (H. NO. 4730) (Signed Into Law APRIL 11, 2012)**

Features: *The Act outlines the corporate and general powers of the city, as well as the jurisdiction, city officials, city mayor and vice mayor, Sangguniang Panlungsod, legislation process, disqualification and succession of elective city officials, appointive officials and other offices.*

The city shall acquire corporate existence upon ratification by a majority of votes cast by qualified voters in the present Municipality of Bacor within thirty (30) days from approval of this Act. The Commission on Elections shall conduct and supervise such plebiscite, but the expenses will be borne by the municipality. Present elective officials shall continue to exercise their powers and functions until a new election is held and the duly-elected officials have already qualified and assumed their offices. Appointive officials and employees will

likewise continue exercising their functions and duties and they shall be automatically absorbed by the city government of Bacoor. The city is prohibited from increasing local tax rates within five (5) years from its acquisition of corporate existence.

Status: Date of plebiscite: June 23, 2012

Affirmative votes: 36,226

Negative votes: 3,854

Ratified and approved.

**R. A. No.
10161** **AN ACT CONVERTING THE MUNICIPALITY OF
IMUS IN THE PROVINCE OF CAVITE INTO A
COMPONENT CITY TO BE KNOWN AS THE CITY
OF IMUS (Signed Into Law APRIL 11, 2012)**

Features: *The Act outlines the corporate and general powers of the city, as well as the jurisdiction, city officials, city mayor and vice mayor, Sangguniang Panlungsod, legislation process, disqualification and succession of elective city officials, appointive officials and other offices.*

The city shall acquire corporate existence upon ratification by a majority of votes cast by qualified voters in the present Municipality of Imus within thirty (30) days from approval of this Act. The Commission on Elections shall conduct and supervise such plebiscite, but the expenses will be borne by the municipality. Present elective officials shall continue to exercise their powers and functions until a new election is held and the duly-elected officials have already qualified and assumed their offices. Appointive officials and employees will likewise continue exercising their functions and duties and they shall be automatically absorbed by the city government of Imus. The city is prohibited from increasing local tax rates within five (5) years from its acquisition of corporate existence.

Status: Date of plebiscite: June 30, 2012

Affirmative votes: 20,438

Negative votes: 2,304

Ratified and approved.

**R. A. No.
10163** **AN ACT CONVERTING THE MUNICIPALITY OF CABUYAO IN THE PROVINCE OF LAGUNA INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF CABUYAO (H. NO. 4259) (Signed Into Law MAY 16, 2012)**

Features: *The Act outlines the corporate and general powers of the city, as well as the jurisdiction, city officials, city mayor and vice mayor, Sangguniang Panlungsod, legislation process, disqualification and succession of elective city officials, appointive officials and other offices.*

The city shall acquire corporate existence upon ratification by a majority of votes cast by qualified voters in the present Municipality of Cabuyao within thirty (30) days from approval of this Act. The Commission on Elections shall conduct and supervise such plebiscite, but the expenses will be borne by the municipality. Present elective officials shall continue to exercise their powers and functions until a new election is held and the duly-elected officials have already qualified and assumed their offices. Appointive officials and employees will likewise continue exercising their functions and duties and they shall be automatically absorbed by the City Government of Cabuyao. The city is prohibited from increasing local tax rates within five (5) years from its acquisition of corporate existence.

Status: Date of plebiscite: August 4, 2012

Affirmative votes: 22,132

Negative votes: 2,538

Ratified and approved.

**R. A. No.
10164** **AN ACT CONVERTING THE MUNICIPALITY OF
MABALACAT IN THE PROVINCE OF PAMPANGA
INTO A COMPONENT CITY TO BE KNOWN AS
MABALACAT CITY (H. NO. 4736) (Signed Into
Law MAY 15, 2012)**

Features: *The Act outlines the corporate and general powers of the city, as well as the jurisdiction, city officials, city mayor and vice mayor, Sangguniang Panlungsod, legislation process, disqualification and succession of elective city officials, appointive officials and other offices.*

The city shall acquire corporate existence upon ratification by a majority of votes cast by qualified voters in the present Municipality of Mabalacat within thirty (30) days from approval of this Act. The Commission on Elections shall conduct and supervise such plebiscite, but the expenses will be borne by the municipality.

Present elective officials shall continue to exercise their powers and functions until a new election is held and the duly-elected officials have already qualified and assumed their offices. Appointive officials and employees will likewise continue exercising their functions and duties and they shall be automatically absorbed by the City Government of Mabalacat. The city is prohibited from increasing local tax rates within five (5) years from its acquisition of corporate existence.

Status: Date of plebiscite: July 21, 2012

Affirmative votes: 14,078

Negative votes: 5,389

Ratified and approved.

**R. A. No.
10169** **AN ACT CONVERTING THE MUNICIPALITY OF
ILAGAN IN THE PROVINCE OF ISABELA INTO A
COMPONENT CITY TO BE KNOWN AS THE CITY
OF ILAGAN (Signed Into Law JUNE 21, 2012)**

Features: *The Act outlines the corporate and general powers of the city, as well as the jurisdiction, city officials, city mayor and vice mayor, Sangguniang Panlungsod, legislation process, disqualification and succession of elective city officials, appointive officials and other offices.*

The city shall acquire corporate existence upon ratification by a majority of votes cast by qualified voters in the present Municipality of Ilagan within thirty (30) days from approval of this Act. The Commission on Elections shall conduct and supervise such plebiscite, but the expenses will be borne by the municipality.

Present elective officials shall continue to exercise their powers and functions until a new election is held and the duly-elected officials have already qualified and assumed their offices. Appointive officials and employees will likewise continue exercising their functions and duties and they shall be automatically absorbed by the City Government of Ilagan. The city is prohibited from increasing local tax rates within five (5) years from its acquisition of corporate existence.

Status: Date of plebiscite: August 11, 2012

Total number of registered voters: 83,511

Total number of voters who actually
voted: 57,075

Affirmative votes: 54,512

Negative votes: 2,386

Ratified and approved.

**R. A. No.
10170** **AN ACT REAPPORTIONING THE SECOND (2ND) LEGISLATIVE DISTRICT OF QUEZON CITY, THEREBY CREATING TWO (2) ADDITIONAL LEGISLATIVE DISTRICTS AND TWELVE (12) SANGGUNIANG PANLUNGSOD SEATS FROM SUCH REAPPORTIONMENT (H. NO. 4245) (Signed Into Law JULY 2, 2012)**

Features: *The Act reapportions the Second (2nd) Legislative District of Quezon City into the fifth (5th) Legislative District, Sixth (6th) Legislative District and Second (2nd) Legislative District. After the effectivity of the Act, six (6) regular Sangguniang Panlungsod members representing each of the 5th and 6th Districts shall be elected in the next national and local elections. Incumbent 2nd District Representative and Sangguniang Panlungsod members shall continue to hold office until the new officials have been elected and qualified. The Commission on Elections is tasked with issuing the implementing rules and regulations of this Act.*

Status: COMELEC issued Minute Resolution No. 12-0889 dated October 9, 2012 which approved the recommendation of Deputy Executive Director for Operations Bartolome J. Sinocruz that the newly created district in Quezon City shall remain under the administrative and operational supervision of the district where it came from, and COMELEC Minute Resolution No. 12-0901 dated October 16, 2012 which granted the request of NCR Director Jubil S. Surmieda for authority to make representations with the local government units concerned on the provision of office space and utilities; Provided, that for all practical purposes the office space shall be adjacent to the respective offices of the Election Officer, with instruction to submit report thereon to the Commission en banc, and to direct

Director Surmieda to assign two (2) Election Assistants for Districts 5 and 6 of Quezon City, both under the supervision of the Election Officer of District 2, said city.

R. A. No. 10171 **AN ACT REAPPORTIONING THE PROVINCE OF PALAWAN INTO THREE (3) LEGISLATIVE (H. NO. 5608) (Signed Into Law JULY 19, 2012)**

Features: *The Act reapportions the Province of Palawan into three (3) legislative districts beginning in the next national and local elections after the effectivity of the Act.*

Incumbent representatives of the province shall continue to represent their respective districts until the new representatives have been elected and qualified. The Commission on Elections shall issue the rules and regulations of the Act.

The Commission on Elections (COMELEC) provided the Senate with its Minute Resolution No. 12-0753 dated 29 August 2012, entitled “*In the Matter of the Letter of Mayor Edward S. Hagedorn, Puerto Princesa City, Palawan, Re Publication and Effectivity of Republic Act No. 10171 entitled “An Act Reapportioning the Province of Palawan Into Three (3) Legislative Districts.”*”

Status: The letter of Mayor Hagedorn addressed to Chairman Sixto S. Brillantes, Jr. reads:

*“May I respectfully inform your Honor that **Republic Act No. 10171** entitled ‘**AN ACT REAPPORTIONING THE PROVINCE OF PALAWAN INTO THREE (3) LEGISLATIVE DISTRICTS**’ was published on July 24, 2012 and will take effect fifteen (15) days after its publication in any newspaper of general circulation or on August 8, 2012. In view of the proximity of the deadline for filing*

of certificates of candidacy, may I respectfully request to take appropriate action to include the newly created legislative district pursuant to the mandate under Section 3 of the said law.

*Attached are photocopies of **Republic Act No. 10171** and pertinent page of *Philippine Star*.*

Hoping for your usual prompt action on this matter.”

The dispositive portion of the COMELEC Minute Resolution states:

“The Commission RESOLVED, as it hereby RESOLVES, as follows:

1. To note the foregoing matter; and
2. To direct the departments/offices concerned to consider R.A. No. 10171 in the preparations for the May 2013 Elections.

R. A. No. 10177 **AN ACT REAPPORTIONING THE PROVINCE OF COTABATO INTO THREE (3) LEGISLATIVE DISTRICTS (H. NO. 4111) (Signed into Law SEPTEMBER 14, 2012)**

Status: The law has been fully implemented and was already in place for the May 13, 2013 National and Local Elections.

RESOLUTION NO. 9525

“x x x

WHEREAS, pursuant to Department Order No. 23-08 of the Bureau of Local Government Finance (DOF) dated July 29, 2008, Cotabato is classified as first class province, hence, entitled to ten (10) seats for the

Sangguniang Panlalawigan; and based on the 2010 census, the population of the province of Cotabato for the First, Second and Third *Sangguniang* Districts with the corresponding number of seats are as follows:

<i>Sangguniang</i> District	Population	Number of Seats
First	445,013	4
Second	361,163	3
Third	420,332	3

NOW, THEREFORE, pursuant to Section 3 of Republic Act No. 7166, the Commission *En Banc* **RESOLVES**, as it hereby **RESOLVED**, to allocate seats for the *Sangguniang Panlalawigan* for the province of Cotabato, as follows:

First (1st) Legislative District		Second (2nd) Legislative Districts		Third (3rd) Legislative Districts	
First (1st) <i>Sangguniang</i> District - 4 seats		Second (2nd) <i>Sangguniang</i> District - 3 seats		Third (3rd) <i>Sangguniang</i> District - 3 seats	
1	Alamada	1	Antipas	1	Banisilan
2	Aleoson	2	Arakan	2	Carmen
3	Libungan	3	Magpet	3	Kabakan
4	Midsayap	4	Makilala	4	Matalam
5	Pigkawayan	5	President Roxas	5	M'lang
6	Pikit		<i>City of Kidapawan</i>	6	Tulunan

x x x . . .”

**R. A. No.
10184**

**AN ACT REAPPORTIONING THE PROVINCE OF
BUKIDNON INTO FOUR (4) LEGISLATIVE
DISTRICTS (H. NO. 5236) (Signed into Law
SEPTEMBER 28, 2012)**

Status:

The law has been fully implemented and was already in place for the May 13, 2013 National and Local Elections.

RESOLUTION NO. 9539

“x x x”

WHEREAS, pursuant to Department Order No. 23-08 of the Bureau of Local Government Finance (DOF) dated July 29, 2008, Bukidnon is classified as a first class province, hence, entitled to ten (10) seats for the *Sangguniang Panlalawigan*; and based on the 2010 census, the population of the province of Bukidnon for the First, Second, Third, and Fourth *Sangguniang* Districts with the corresponding number of seats, are as follows:

Sangguniang Districts	Population	Number of Seats
First	278,958	2
Second	335,240	3
Third	414,816	3
Fourth	270,178	2

WHEREAS, the period for the filing of Certificate of Candidacy for purposes of the May 13, 2013 National Elections is from October 1-5, 2012;

NOW, THEREFORE, pursuant to Section 3 of Republic Act No. 7166, the *Commission En Banc* **RESOLVES**, as it hereby **RESOLVED**, to:

1. Allocate seats for the Member of House of Representatives and *Sangguniang Panglalawigan* for the province of Bukidnon, as follows:

First (1st) Legislative District		Second (2nd) Legislative District	
First (1st) <i>Sangguniang</i> District - 2 seats		Second (2nd) <i>Sangguniang</i> District - 3 seats	
1	Baungon	1	Cabanglasan
2	Libona	2	Impasug-ong
3	Malitbog	3	Lantapan
4	Manolo Fortich	4	San Fernando
5	Sumilao		<i>City of Malaybalay</i>

6	Talakag		-nothing follows-
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Third (3rd) Legislative District			
Third (3rd) Sangguniang District - 3 seats			
1	Damulog	5	Kibawe
2	Dangcagan	6	Kitaotao
3	Don Carlos	7	Maramag
4	Kadingilan	8	Quezon

Fourth (4th) Legislative District			
Fourth (4th) Sangguniang District - 2 seats			
1	Kalilangan	2	Pangantucan
	3	Valencia City	

2. To consider the candidates who filed their certificates of candidacies for Member, House of Representatives and *Sangguniang Panglalawigan*, respectively, as candidates of the District where they are registered voters, based on the new districting;
3. To adjust the total number of seats to be voted and the number of seats for the Members of the House of Representatives, for the May 13, 2013 National and Local Elections to wit:

Elective Position	From	To
Total Seats for the 2013 Elections	18,053	18,054
Members, House of Representatives	233	234

4. Matters not covered by this Resolution shall be submitted to the Commission en banc for its consideration.

x x x . . .”

R. A. No. 10360 **AN ACT CREATING THE PROVINCE OF DAVAO OCCIDENTAL (H. NO. 4451) (Signed into Law JANUARY 14, 2013)**

Features: *This law creates the province of Davao Occidental from the present Province of Davao del Sur consisting of the municipalities of Sta. Maria, Malita, Don Marcelino, Jose Abad Santos and Sarangani, with Malita as capital. It shall have its own legislative district. It outlines the powers and functions of elective and appointive officials of the province, as well as the duties and responsibilities of the provincial fire station service, provincial jail service, provincial schools division and the provincial prosecution service. The province will be created upon approval by the majority of the votes cast by the voters of the affected areas in a plebiscite to be conducted and supervised by the Commission on Elections.*

Status: COMELEC issued Minute Resolution No. 13-0442 dated March 27, 2013 which scheduled at another time after the May 13, 2013 Elections the conduct of the plebiscite to ratify the creation of the Province of Davao Occidental considering that the Commission is currently in the thick of preparations for the May 13, 2013 National and Local Elections, and considering further that the Commission has adopted, as a general policy, to postpone all pending plebiscites until after the May 13, 2013 Elections.

R. A. No. 10420 **AN ACT CONVERTING THE MUNICIPALITY OF SAN PEDRO IN THE PROVINCE OF LAGUNA INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF SAN PEDRO (H. NO. 5786) (Signed Into Law MARCH 27, 2013)**

Status: The plebiscite for the conversion of the Municipality of San Pedro into a component city is yet to be scheduled by the COMELEC.

NATIONAL DEFENSE

**R. A. No.
10349**

AN ACT AMENDING REPUBLIC ACT NO. 7898, ESTABLISHING THE REVISED AFP MODERNIZATION PROGRAM AND FOR OTHER PURPOSES (S. NO. 3164/ H. NO. 6410) (Signed into Law DECEMBER 11, 2012)

Features:

This law states that the Armed Forces of the Philippines (AFP) modernization program must entail the development and employment of capabilities that can address assessed threats. The acquisition of air force, navy and army equipment and material shall be made in accordance with the need to develop AFP capabilities pursuant to its modernization objectives, and the acquisition of new equipment and weapons systems shall be synchronized with the phase-out of uneconomical and obsolete major equipment and weapons systems in the AFP inventory. The law bars the purchase of major equipment and weapons systems that are not being used by the armed forces in the country of origin or by the armed forces of at least two countries. Only offers from suppliers who are also manufacturers may be entertained, and only supply contracts with clear provisions for after-sales services and the availability of spare parts may be entered into. This law also outlines the objectives of human resource development and doctrines development.

The revised AFP modernization program shall be based on an amount of at least PhP 75 billion for the first five years. The funds to be appropriated by Congress under this Act shall be treated as a distinct and separate budget item from the regular appropriation for the Department of National Defense and the AFP and shall be administered by the Secretary of National Defense.

PUBLIC INFORMATION AND MASS MEDIA

**R. A. No.
10390** **AN ACT AMENDING REPUBLIC ACT NO. 7306, ENTITLED “AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE PEOPLE’S TELEVISION NETWORK, INCORPORATED, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FOR ITS SOURCES OF FUNDING AND FOR OTHER PURPOSES” (S. NO. 3316/H. NO. 6703) (Signed into Law MARCH 14, 2013)**

Features: *This law increases the authorized capital stock of the People’s Television Network from PhP 1 billion to PhP 6 billion and gives it the authority to collect commercial revenues.*

RA 10390 also establishes an advisory council under the supervision of the Board of Directors of the network. It is tasked with proposing and recommending policies related to the network’s operation, programming, broadcasting, technical and creative production, development and management. The seven members of the council shall serve in a voluntary capacity and shall not be paid any honoraria, allowances and other personnel benefits.

Status: As of April 15, 2013, the Presidential Communications Operations Office is in the process of finalizing the Implementing Rules and Regulations to be presented to the identified stakeholders for their comments, inputs, suggestions, and/or approval. The agency’s target date for the approval of the IRR is second week of May, 2013 which is well within the 90-day period provided under section 20 of the law.

As for the budgetary requirements, the budget of People’s Television Network, pursuant to RA 10390,

has been incorporated into the proposed 2014 budget of PCOO to be submitted to the Department of Budget and Management.

**R. A. No.
10515** **AN ACT PROHIBITING AND PENALIZING UNAUTHORIZED INTERCEPTION, RECEPTION OR USE OF ANY SIGNAL OR SERVICE OVER A CABLE TELEVISION SYSTEM OR CABLE INTERNET SYSTEM AND/OR NETWORK, AND FOR OTHER PURPOSES (S. NO. 3345 / H. NO. 709) (Signed into Law APRIL 17, 2013)**

Features: *Known as the “Anti-Cable Television and Cable Internet Tapping Act of 2013”, this law penalizes the following acts:*

- *Intercepting or receiving, or helping intercept or receive, any signal offered over a cable television system or a cable internet system by tapping any connection to an existing system/network without the authority of the concerned service provider;*
- *Unauthorized recording, reproducing, distributing any intercepted or received CATV signals for commercial purposes;*
- *Using or receiving any director or indirect benefit from any CATV or cable internet system/network with knowledge that it is a result of the acts enumerated above; and*
- *Wanton, malicious and willful damage, destruction or removal of CATV or cable internet facilities and accessories of service providers.*

Penalties range from two to five years’ imprisonment or a fine ranging from PhP 50,000 to PhP 100,000, or both.

RULES

**R. A. No.
10572** **AN ACT ESTABLISHING THE LIABILITY OF THE ABSOLUTE COMMUNITY OR CONJUGAL PARTNERSHIP FOR AN OBLIGATION OF A SPOUSE WHO PRACTICES A PROFESSION AND THE CAPABILITY OF EITHER SPOUSE TO DISPOSE OF AN EXCLUSIVE PROPERTY WITHOUT THE CONSENT OF THE OTHER SPOUSE, AMENDING FOR THE PURPOSE ARTICLES 73 AND 111 OF EXECUTIVE ORDER NO. 209, ALSO KNOWN AS THE FAMILY CODE OF THE PHILIPPINES (H. NO. 6307) (Signed into Law MAY 24, 2013)**

Features: *This Act further amends Article 73 of the Family Code to allow either spouse to exercise any legitimate profession, occupation, business or activity without the consent of the other. The latter may object only on valid, serious, and moral grounds. It also further amends Article 111 of the Family Code, allowing either spouse to mortgage, encumber, alienate or otherwise dispose of his or her exclusive property.*

**R. A. No.
10575** **AN ACT STRENGTHENING THE BUREAU OF CORRECTIONS (BuCor) AND PROVIDING FUNDS THEREFOR (S. NO. 3335/H. NO. 6887) (Signed into Law MAY 24, 2013)**

Features: *Known as the “Bureau of Corrections Act of 2013”, this Act outlines the four mandates of the Bureau of Corrections (BuCor):*

- *Safekeeping of national inmates;*
- *Reformation of national inmates;*
- *Health and welfare program; and*

- *Behavior modification program.*

The bureau shall be organized into directorates. The Directorate for Reception and Diagnostics shall undertake reception of inmates; the Security and Operations Directorates shall provide basic needs and security; Reformation Directorates shall take charge of reformation programs; and the Directorate for External Relations will prepare inmates for reintegration to mainstream society.

The BuCor will continue to function as a line bureau and constituent unit of the Department of Justice. The head of the BuCor, with rank of undersecretary, shall have the position and title of Director General of Corrections.

This Act increases the manpower of BuCor to maintain the custodial personnel-to-inmate ratio of 1:7 and reformation personnel-to-inmate ratio of 1:24. It also professionalizes and upgrades qualification standards in the appointment of BuCor personnel. Policies on attrition, promotion, base pay and retirement are likewise spelled out. Funds required for the implementation of this Act including personnel benefits shall be taken from the BuCor budget for the current fiscal year, as well as from fees collected, income from institutional projects and other incomes. Thereafter, funding shall be included in the General Appropriations Act.

SCIENCE AND TECHNOLOGY

**R. A. No.
10173**

AN ACT PROTECTING INDIVIDUAL PERSONAL INFORMATION IN INFORMATION AND COMMUNICATIONS SYSTEMS IN THE GOVERNMENT AND THE PRIVATE SECTOR, CREATING FOR THIS PURPOSE A NATIONAL PRIVACY COMMISSION, AND FOR OTHER PURPOSES (S. NO. 2965/H. NO. 4115) (Signed

Into Law AUGUST 15, 2012)

Features:

In its declaration of policy, the law states that, although the free flow of information promotes innovation and growth, it is essential that personal information in the governments and private sector's information and communications systems are secured and protected.

Personal information includes facts and figures about a person's race, ethnic origin, marital status, age, color and religious, philosophical and political affiliations.

The main features of the law are: the procedures to be followed in the collection, processing and handling of personal information; the rights of the data subjects; and the creation of National Privacy Commission.

The law requires information collectors, holders and processors to follow strict rules on transparency, legitimacy and proportionality in the conduct of their activities. The collection should be conducted for specific and legitimate purposes determined before, or as soon as reasonably practicable after collection, and later processed in a way compatible with such declared, specified and legitimate purposes only.

Once collected, the information can be processed or used only if it is not prohibited by law and the person who provided the information has given his consent; if no such consent is given, the processing can still go on provided it meets the "necessary" test.

In case the data subject finds that the information stored in the information system is incomplete, outdated, false, unlawfully obtained, used for unauthorized purposes, or no longer necessary, he can demand its withdrawal, blocking or removal of the subject information. If the harm caused to him is grave, he can sue the erring parties for damages he may have sustained.

The law lists nine violations that can give rise to fines and prison terms.

Status: No data available.

**R. A. No.
10175** **AN ACT DEFINING CYBERCRIME, PROVIDING FOR PREVENTION, INVESTIGATION AND IMPOSITION OF PENALTIES THEREFOR AND FOR OTHER PURPOSES (S. NO. 2796/H. NO. 5808) (Signed Into Law SEPTEMBER 12, 2012)**

Features: *R.A. No. 10175 recognizes the following cybercrime offenses:*

- a. Offenses against the confidentiality, integrity and availability of computer data and systems;*
- b. Computer-related offenses such as forgery, fraud and identity theft;*
- c. Content-related offenses including cybersex and child pornography; and*
- d. Other offenses such as aiding or abetting, or attempting to commit cybercrime.*

Violators face imprisonment or fines depending on the gravity of the offense. Those found guilty of violating RA 9775 or the "Anti-Child Pornography Act of 2009" shall be imposed penalties one (1) degree higher if the crime is committed through a computer system. The National Bureau of Investigation (NBI) and the Philippine National Police (PNP) are tasked with the implementation of this Act through the creation of a cybercrime unit. Guidelines on the collection; preservation; disclosure; search, seizure and examination; custody; and destruction of computer

data are also laid out.

Regional trial courts are given jurisdiction over violations of this Act. An Office of Cybercrime within the Department of Justice (DOJ) is designated as the central authority in all matters related to international mutual assistance and extradition. An interagency body called the Cybercrime Investigation and Coordinating Center (CICC) under the administrative supervision of the Office of the President will also be created for policy coordination among concerned agencies and for the formulation and enforcement of the national cyber security plan. The CICC must be constituted within thirty (30) days from the effectivity of this Act. It shall be chaired by the Executive Director of the Information and Communications Technology Office of the Department of Science and Technology (ICTO-DOST), with the Director of the NBI as Vice Chairperson; the Chief of the PNP; Head of the DOJ Office of Cybercrime; and one (1) representative from the private sector and academe, as members.

₱50 Million shall be appropriated annually for the implementation of RA 10175.

Status: The law was published in newspaper of general circulation on September 18, 2012 and took effect on October 3, 2012, fifteen (15) days after its publication.

The law among other things provides for blocking certain computer data and for longer prison terms for those found to have committed libel. It also guarantees imprisonment as the accused is ineligible for probation.

Several petitions were filed before the Supreme Court questioning some provisions of the law and praying for the issuance of a Temporary Restraining Order (TRO) for its implementation.

Department of Justice Secretary Leila de Lima said, the law would take effect even if it did not have yet the Implementing Rules and Regulations (IRR).

The Supreme Court issued a TRO on October 9, 2012 and set the oral arguments on January 15, 2013.

TRADE AND COMMERCE

**R. A. No.
10372**

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8293, OTHERWISE KNOWN AS THE “INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES”, AND FOR OTHER PURPOSES (S. NO. 2842 / H. NO. 3841) (Signed into Law FEBRUARY 28, 2013)

Features:

This law gives the Intellectual Property Office enforcement powers, supported by concerned agencies such as the Philippine National Police, the National Bureau of Investigation, the Bureau of Customs, the Optical Media Board, and the local government units, among others.

Libraries whose activities are not-for-profit will now be allowed to reproduce more than one copy of certain works without the authorization of the author or copyright owner subject to certain limitations. The law also expands the organization of the IPO to include the Bureau of Copyright and other Related Rights, which exercises original jurisdiction to resolve licensing disputes.

**R. A. No.
10557**

AN ACT PROMOTING AND STRENGTHENING FILIPINO DESIGN, PROVIDING FOR THE PURPOSE A NATIONAL DESIGN POLICY AND RENAMING THE PRODUCT DEVELOPMENT AND

**DESIGN CENTER OF THE PHILIPPINES INTO THE
DESIGN CENTER OF THE PHILIPPINES AND FOR
OTHER PURPOSES (S. NO. 3071/H. NO. 6852)
(Signed Into Law MAY 15, 2013)**

Features:

Known as the “Philippine Design Competitiveness Act of 2013”, this law transforms the Product Development and Design Center of the Philippines (PDDCP) into the Design Center of the Philippines, which shall be attached to the Department of Trade and Industry (DTI). Headed by an Executive Director, it is mandated to promote design to improve the quality, competitiveness and branding of Filipino products in the global market, as well as to serve as a strategic tool of value creation for sustainable economic growth and development through:

- *Research and development;*
- *Capacity development;*
- *Setting up of exhibitions;*
- *Development of design-related materials;*
- *Protection of Filipino design ideas, products and other outputs;*
- *Promotion of Filipino design locally and internationally.*

Further, the Design Center shall formulate the National Design Policy (NDP), aligning it with the government’s economic agenda, as well as five-year plans that are in line with the NDP but reflective of the changing conditions. The center is also tasked with promoting design awareness, design integration and design for development. With respect to design and innovation, the center shall create a skill development, mentoring and support system for individuals, corporations and other bodies, particularly small and medium enterprises.

This law also creates a Design Advisory Council, a public-private partnership that shall advocate and promote the strategic role of design in growth and competitiveness. It shall be composed of 15 members from various government agencies, private sector and other stakeholders. It will be co-chaired by the DTI secretary and a private sector representative. The Design Center shall serve as the council secretariat.

WAYS AND MEANS

**R. A. No.
10351**

**AN ACT RESTRUCTURING THE EXCISE TAX ON ALCOHOL AND TOBACCO PRODUCTS BY AMENDING SECTIONS 141, 142, 143, 144, 145, 8, 131 AND 288 OF REPUBLIC ACT NO. 8424. OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED BY REPUBLIC ACT NO. 9334, AND FOR OTHER PURPOSES (S. NO. 3299 / H. NO. 5727)
(Signed into Law DECEMBER 19, 2012)**

Features:

This law imposes an excise tax on distilled spirits: effective 2013, an ad valorem tax of 15 percent of net retail price per proof and a specific tax of PhP 20 per proof liter. Effective 2015, the ad valorem tax increases to 20 percent and effective 2016, the specific tax increases by 4 percent annually. For wines, excise taxes are imposed depending on the net retail price of a 750 ml bottle, and in some cases also depending on alcohol content. Taxes on wines increase annually by 4 percent beginning 2014. For fermented liquors, excise taxes shall gradually rise from PhP 15 to PhP 20 per liter (depending on net retail price) effective 2013, to PhP 23.50 per liter effective 2017 (regardless of net retail price). This amount increases further by 4 percent per annum from 2018 onwards. Meanwhile, excise taxes on cigarettes (both hand-packed and machine-packed) will

gradually increase from 2013 until it reaches PhP 30 per pack by 2017. This increases by 4 percent per annum from 2018 onwards.

**R. A. No.
10378**

AN ACT RECOGNIZING THE PRINCIPLE OF RECIPROCITY AS BASIS FOR THE GRANT OF INCOME TAX EXEMPTIONS TO INTERNATIONAL CARRIERS AND RATIONALIZING OTHER TAXES IMPOSED THEREON BY AMENDING SECTIONS 28(A)(3)(a), 109, 118 AND 236 OF THE NATIONAL INTERNAL REVENUE CODE (NIRC), AS AMENDED, AND FOR OTHER PURPOSES (S. NO. 3343 / H. NO. 6022) (Signed into Law MARCH 7, 2013)

Features:

This law exempts foreign air and sea carriers from paying the common carriers tax. Certain transactions and activities such as transport of passengers; sale, importation or lease of passenger or cargo vessels and aircraft; and importation of fuel, goods and supplies are likewise exempt from the value added tax.

YOUTH, WOMEN AND FAMILY RELATIONS

**R. A. No.
10165**

AN ACT TO STRENGTHEN AND PROPAGATE FOSTER CARE AND TO PROVIDE FUNDS THEREFOR (S. NO. 2486/H. NO. 4481) (Signed Into Law JUNE 11, 2012)

Features:

Known as the "Foster Care Act of 2012," the Act defines eligibility for children who may be placed under foster care. A child is defined as a person below eighteen (18) years old or over eighteen (18) years old but is unable to

fully take care or protect himself/herself from abuse, neglect, cruelty, exploitation or discrimination due to physical or mental disability or condition.

It sets eligibility for foster parent and outlines their parental authority, procedures, termination of placement, long-term foster placement, and adoption of a foster child. Local governments are mandated to promote the foster care system in their respective jurisdictions, and shall primarily be responsible for funding foster care programs. However, the national government shall also provide financial support, with priority given to third (3rd), fourth (4th) and fifth (5th) class municipalities. Meanwhile, the Department of Social Welfare and Development (DSWD), in coordination with the Department of Interior and Local Government (DILG), is mandated to develop and provide programs to ensure awareness and responsiveness of local government officials in the promotion and development of the foster care system.

Status: In her letter dated August 22, 2012, Assistant Secretary and DLLO Florita R. Villar, DSWD informed the Senate that the DSWD, as lead agency in the formulation of the Implementing Rules and Regulations (IRR) of R. A. No. 10165 had recently convened the Technical Working Group (TWG), composed of the DOJ, DOH, DILG, Council for the Welfare of Children (CWC), BIR, NGOs, Association of Child Caring Agencies of the Philippines (ACCAP), Kaisahang Buhay Foundation (KBF), Christian Growth Ministry, Home of Joy, NORFIL Foundation, Inc., Parenting Foundation of the Philippines (PFP), and CRIBS Foundation, Inc. to draft or craft the IRR of the said law.

The DSWD provided the Senate with the following data/information:

I. Orientation to the DSWD Field Offices (FOs) on R.A. 10165 and its Implementing Rules and Regulations (IRR)

There were three (3) FOs provided with orientation on R.A. 10165 and its IRR such as Field Offices IV-A, NCR and Autonomous Region for Muslim Mindanao (ARMM).

The orientations to the remaining fourteen (14) Field Offices are scheduled as follows:

Target Date	Field Office
May 24, 2013	FO-CAR
May 31, 2013	FO-IV-B
June 14, 2013	FO-X
June 21, 2013	FO-I
June 28, 2013	FO-II
July 12, 2013	FO-III
July 26, 2013	FO-V
August 16, 2013	FO-VI
August 30, 2013	FO-VII
September 6, 2013	FO-VIII
September 20, 2013	FO-IX
October 2, 2013	FO-XI
October 4, 2013	FO-XII
November 8, 2013	FO-CARAGA

II. Foster Children and Licensed Foster Parents Served and the Status of Utilization of Funds as of March 31, 2013

A total of 610 foster children were served from Reception and Study Center for Children (RSCC) and other DSWD Centers, Non-Government Organizations (NGOs) and Community as of March 2013.

a. Foster Children from RSCC and other DSWD Centers

There are one hundred twenty (120) foster children from DSWD Reception Study Center for Children (RSCC) and ten (10) foster children from other DSWD

Centers/Residential Care Facilities. Out of the One Hundred Twenty (120) foster children, seventy (70) children are placed with foster parents with DSWD subsidy and sixty (60) children are placed with foster parents without subsidy. These foster parents have the capacity to provide the needs of their foster child/ren.

The following are the number of foster children served per region:

Region	Number of Children Served	Percentage (%)
II	11	8.46%
III	35	26.92%
V	14	10.76%
VII	15	11.53%
VIII	7	5.38%
IX	15	11.53%
X	4	3.07%
XI	6	4.61%
XII	5	3.84%
CAR	0	0%
NCR	18	13.84%
Total	130	100%

b. Foster Children Referred by SWAD/LGUs and NGOs

There were 480 children from the community who were placed to licensed foster parents through regular foster homes. 263 children were referred by SWAD and 65 children referred by LGUs. However, there were 59 children placed under kinship care (referred by SWAD and LGU) and 93 children from NGOs. From 480, there were 113 children with subsidy and 367 children are without subsidy.

Field Office	Number of Children Served	Percentage (%)
I	33	6.87%
II	16	3.33%
III	30	5.20%
IV-A	47	9.79%
IV-B	45	9.37%
V	3	.62%
VI	40	8.33%
VII	20	4.16%
VIII	11	2.29%
IX	23	4.79%
X	19	3.95%
XI	84	17.5%
XII	16	3.33%
CAR	31	6.45%
CARAGA	12	2.5%
NCR	50	10.41%
Total	480	100%

c. Licensed Foster Parents

There were 743 licensed foster families nationwide, 613 are with children under their care and the remaining 130 foster parents have no children under their care.

Per report of Field Offices III, IV-B, V and VII, most of the reasons why the foster parents have no children yet are due to unavailability of children based on the age and gender of children they are licensed to care. Most of the foster parents are licensed to care for female children, ages 2-3 years old while the children available are either younger or older. Further, most of the available children for placement to licensed foster parents are male.

From 743, there were 149 foster parents with subsidy and there were 464 foster parents without subsidy.

Field Office	Total Number of Licensed Foster	Percentage (%)
I	29	3.90%
II	25	3.36%
III	110	14.80%
IV-A	50	6.72%
IV-B	94	12.65%
V	30	4.03%
VI	39	5.24%
VII	63	8.47%
VIII	13	1.74%
IX	27	3.63%
X	38	5.11%
XI	88	11.84%
XII	62	8.34%
CAR	26	3.49%
CARAGA	14	1.88%
NCR	35	4.71%
Total	743	100%

d. Utilization of Funds

For 1st Quarter of 2013, the amount of ₱1,399,500.00 is allocated for the subsidy of foster children and foster parents nationwide. Out of ₱1,399,500.00, a total of ₱1,262,400.00 or 90.20% has been utilized by the FOs for the subsidy while ₱137,100.00 or 9.79% is unutilized.

III. Foster Care Program Highlights

The Implementing Rules and Regulations (IRR) of R.A. 10165 was filed in the Office of the National Administrative Register (ONAR) of UP Law Center on December 19, 2012. The effectivity of the said IRR was on January 4, 2013. The ONAR-UP Law Center is required and mandated to publish all rules and regulation filed on quarterly basis. However, the publication of IRR on R.A. 10165 will be in May 2013 hence has been delayed due to long holiday in March in the observance of Holy Week.

For 2013, the allotted budget for foster care from the Protective Service Funds is ₱5,938,000.00. The 25 Million fund as provided in R.A. 10165 is not included yet in the General Appropriations Act (GAA) for 2013 as when the R.A. 10165 was approved, the budget for 2013 has been approved. Thus, the 25 Million peso-budget on foster care is being proposed by PSB for 2014.

As part of the popularization of R.A. 10165 in coordination with the Social Marketing Service (SMS) and to increase the awareness of the people on the said law, one of the ideas raised during meeting with SMS on April 2, 2013 is to use the social media network through Facebook, twitter, etc. on the said advocacy campaign. The DSWD requested the following data from the Field Offices which will be included in the Communication Plan on Foster Care:

- 1) Best Practices/success stories on foster placement.
- 2) Testimonies from the foster parents/children on their feelings while under foster home.
- 3) Other activities of the FOs related to foster care (e.g. regular foster care forum, etc.)
- 4) Common profile of the prospective foster parents and their reasons why they apply as foster parents.

SMS has been provided with the materials/data such as the testimonies of the foster parents/children, success, stories/best practices and other activities conducted by the FOs III, IV-A, IV-B, VI, VII and VIII, X, XI, XII, NCR and CARAGA relative to the implementation of Foster Care and for possible inclusion in the communication plan. The DSWD is following-up the submission of other FOs and will be forwarded to SMS the additional data once available.

IV. Plans

1. Continuous monitoring by PSB of the implementation of foster care service in the regions.
2. Orientation on R.A, 10165 and its Implementing Rules and Regulations in May to December 2013 to different FOs.
3. Preparation of Guidelines on Foster Care/R.A. 10165.

(Letter to the Senate of DSWD Undersecretary Florita R. Villar dated May 15, 2013)

**R. A. No.
10364**

AN ACT EXPANDING REPUBLIC ACT NO. 9208, ENTITLED “AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS AND FOR OTHER PURPOSES” (S. NO. 2625 / H. NO. 6339) (Signed into Law FEBRUARY 6, 2013)

Features:

The “Expanded Anti-Trafficking in Persons Act of 2012” prohibits and punishes trafficking in persons, defined as the recruitment, obtaining, hiring, providing, offering, transporting, transfer, maintaining, harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat, use of force, other forms of coercion, abduction or fraud for exploitation, including prostitution or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs. Penalties are also imposed on those found guilty of attempted trafficking. Those found guilty of qualified trafficking face life imprisonment and a fine of up to PhP 5 million.

This law mandates an interagency effort to address trafficking in persons covering prevention, protection and rehabilitation for victims.

- ***Department of Foreign Affairs*** shall make available its resources and facilities overseas for all trafficked persons and explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies;
- ***Department of Social Welfare and Development*** shall implement rehabilitative and protective programs for trafficked persons;
- ***Department of Labor and Employment*** shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas, as well as monitor, document and report cases of trafficking in persons involving employers and labor recruiters;
- ***Department of Labor and Employment*** shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas, as well as monitor, document and report cases of trafficking in persons involving employers and labor recruiters;
- ***Department of Justice*** shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking;
- ***Philippine Commission on Women*** shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of

trafficking in persons in coordination with relevant government agencies;

- ***Bureau of Immigration*** shall strictly administer and enforce immigration and alien administration laws;
- ***Philippine National Police and National Bureau of Investigation*** shall be the primary law enforcement agencies to undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking;
- ***Philippine Overseas Employment Administration (POEA) and Overseas Workers and Welfare Administration*** shall implement pre-employment and pre-departure orientation seminars. POEA shall also create a blacklist of recruitment agencies, illegal recruiters and persons facing administrative, civil and criminal complaints for trafficking;
- ***Department of Interior and Local Government*** shall institute a systematic information and prevention campaign in coordination with pertinent agencies of government as provided for in this Act;
- ***Commission on Overseas Filipinos*** shall conduct pre-departure counseling services for Filipinos in intermarriages, as well as develop a system for accreditation of NGOs that may be mobilized for purposes of conducting pre-departure counseling services; and
- ***Local Government Units*** shall monitor and document cases of trafficking in persons in their areas of jurisdiction, effect the cancellation of licenses of establishments which violate the

provisions of this Act and ensure effective prosecution of such cases.

Status: From a total of Thirty (30) convictions from 2005 to June of 2010, the total number of convictions increased to eighty-one (81) from July, 2010 to 2013. With an aggregate number of one hundred eleven (111) convictions, the speedy disposition of human trafficking cases was carried out with the help of Office of the Court Administrator (OCA) Circular No. 151-2010 and Department Circular No. 57 of 2010 by the Supreme Court and Department of Justice respectively.

(The Philippine Star, May 6, 2013, page 19)