

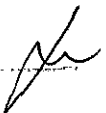
FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

}
SENATE

SENATE
OFFICE OF THE SECRETARY

9 MAY 27 P6:46

COMMITTEE REPORT NO. 505

RECEIVED BY 

Submitted by the Committees on Constitutional Amendments, Revision of Codes
and Laws; on National Defense and Security; and on Ways and Means
MAY 27 2009.

Re: Senate Bill No. 3285, prepared by the Committees.

Recommending its approval in substitution of Senate Bill No. 2591.

Sponsors: Senators Escudero, Biazon, and Lacson.

MR. PRESIDENT:

The Committees on Constitutional Amendments, Revision of Codes and
Laws; on National Defense and Security; and on Ways and Means, to which was
referred Senate Bill No. 2591, introduced by Senator Gordon and Zubiri, *entitled:*

**"AN ACT
AMENDING REPUBLIC ACT NO. 95, OTHERWISE KNOWN AS
THE PHILIPPINE NATIONAL RED CROSS CHARTER, AS
AMENDED, AND FOR OTHER PURPOSES"**

have considered the same and have the honor to report this bill back to the Senate
with the recommendation that the attached bill, Senate Bill No. 3285,
prepared by the Committee, *entitled:*

AN ACT
AMENDING REPUBLIC ACT NO. 95, OTHERWISE KNOWN AS
"AN ACT TO INCORPORATE THE PHILIPPINE NATIONAL
RED CROSS, AS AMENDED", AND FOR OTHER PURPOSES"

be approved in substitution of Senate Bill No. 2591, with Senators Gordon, Zubiri, Escudero, Biazon, Lacson and the members of the Committees, as authors thereof.

Respectfully submitted:

Chairmen:

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Chairperson
National Defense and Security
Member, Committee on Constitutional Amendments,
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Ways and Means



FRANCIS "CHIZ" G. ESCUDERO

Chairman
Committee on Constitutional Amendments,
Revision of Codes and Laws;
Member, Committees on National Defense and Security;
and Ways and Means

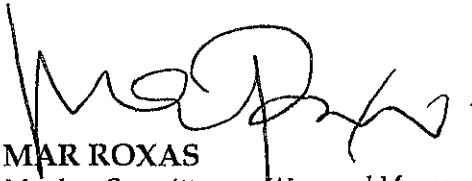

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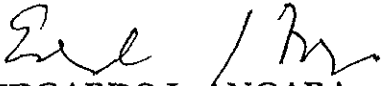


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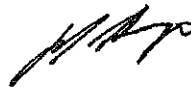
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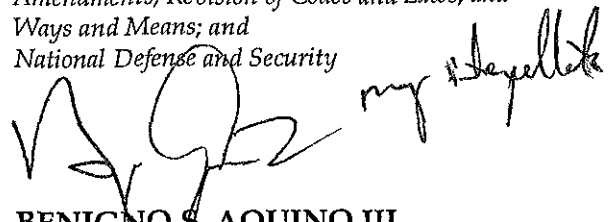
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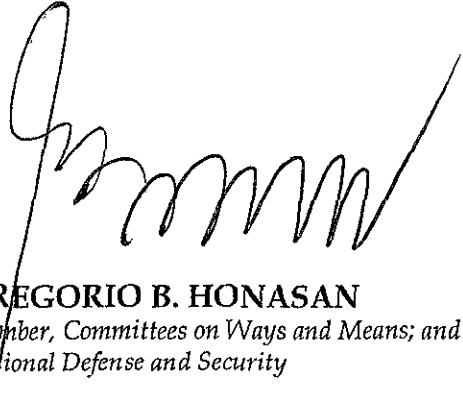
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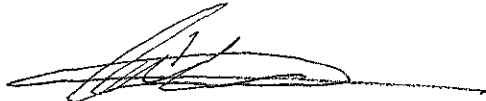
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Majority Leader



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Minority Leader

HON. JUAN PONCE ENRILE
*Senate President
Senate of the Philippines
Pasay City*

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

}

SENATE

OFFICE OF THE SECRETARY

S. No. **3285**

9 MAY 27 P6:46

(In substitution of S. No. 2591)

Prepared by the Committees on Constitutional Amendments, Revision of Codes and Laws, National Defense and Security; and Ways and Means, with Senators Gordon, Zubiri, Escudero, Biazon, Lacson and the members of the Committees, as authors thereof.

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AN ACT

AMENDING REPUBLIC ACT NO. 95, OTHERWISE KNOWN AS "AN ACT TO INCORPORATE THE PHILIPPINE NATIONAL RED CROSS, AS AMENDED", AND FOR OTHER PURPOSES"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. A new Section 1 of Republic Act No. 95, otherwise known as the
2 Philippine National Red Cross Charter, as amended, is hereby inserted to read as
3 follows:

4 "SECTION 1. SHORT TITLE. - THIS ACT SHALL BE
5 KNOWN AS THE PHILIPPINE NATIONAL RED CROSS (PNRC)
6 CHARTER OF 2009."

7 SEC. 2. A new Section 2 of Republic Act No. 95, otherwise known as the
8 Philippine National Red Cross Charter, as amended, is hereby inserted to read as
9 follows:

10 "SECTION 2. DECLARATION OF PRINCIPLES AND STATE
11 POLICIES. - THE STATE SHALL AT ALL TIMES ACT IN
12 CONFORMITY WITH THE GENEVA CONVENTIONS OF 1949
13 AND THEIR ADDITIONAL PROTOCOLS, AND SHALL
14 ESTABLISH AND PROMOTE THE DEVELOPMENT OF A DULY
15 RECOGNIZED AUTONOMOUS NATIONAL RED CROSS
16 SOCIETY THAT SHALL PROVIDE HUMANITARIAN RELIEF
17 AND ASSISTANCE IN TIMES OF PEACE AND ARMED
18 CONFLICT. THE STATE SHALL AT ALL TIMES RESPECT THE
19 ADHERENCE BY THE NATIONAL RED CROSS SOCIETY TO
20 THE FUNDAMENTAL PRINCIPLES OF HUMANITY,

1 IMPARTIALITY, NEUTRALITY, INDEPENDENCE,
2 VOLUNTARY SERVICE, UNITY AND UNIVERSALITY.

3 SEC. 3. Section 1 of Republic Act No. 95, otherwise known as the Philippine
4 National Red Cross Charter, as amended, is hereby renumbered and further amended
5 to read as follows:

6 "SECTION [1]3. CREATION OF THE PHILIPPINE
7 NATIONAL RED CROSS. - PURSUANT TO THE GENEVA
8 CONVENTIONS OF 1949, [T]here is hereby created in the
9 Republic of the Philippines a body corporate [and politic] CALLED
10 THE PHILIPPINE NATIONAL RED CROSS (PNRC) WHICH
11 SHALL [to] be the voluntary NON-GOVERNMENTAL SOCIETY
12 [organization] officially designated AS AN AUXILIARY TO THE
13 AUTHORITIES OF THE REPUBLIC OF THE PHILIPPINES IN
14 THE HUMANITARIAN FIELD, [and] to assist the SAID
15 AUTHORITIES [Republic of the Philippines] in discharging the
16 obligations set forth in the Geneva Conventions[, and to perform
17 such other duties as are inherent upon a national Red Cross Society].
18 PURSUANT TO THE FUNDAMENTAL PRINCIPLE OF UNITY,
19 THE PHILIPPINE NATIONAL RED CROSS SHALL BE THE
20 ONLY NATIONAL SOCIETY OF THE RED CROSS IN THE
21 REPUBLIC OF THE PHILIPPINES AND SHALL PERFORM THE
22 DUTIES INHERENT UPON SUCH STATUS OVER THE ENTIRE
23 PHILIPPINE TERRITORY. The national headquarters of THE
24 PHILIPPINE NATIONAL RED CROSS [this Corporation] shall be
25 located in Metropolitan Manila.

26 SEC. 4. Section 2 of Republic Act No. 95, otherwise known as the Philippine
27 National Red Cross Charter, as amended, is hereby renumbered and further amended
28 to read as follows:

29 "SECTION [2] 4. POWERS. - ["The name of this corporation
30 shall be "The Philippine National Red Cross" and by that name shall
31 have perpetual succession with the power] THE PHILIPPINE
32 NATIONAL RED CROSS SHALL ENJOY THE FOLLOWING
33 CORPORATE POWERS:

- 34 A. To sue and be sued;
35 B. T[t]o own and hold such real and personal estate as shall
36 be deemed advisable and to accept bequests, donations

1 and contributions of property of all classes for ITS [the]
2 purposeS [of this Corporation hereinafter set forth];

3 C. T[t]o adopt a seal and to alter and destroy the same at
4 pleasure, and to have the right to adopt and to use, in
5 carrying out its purposes hereinafter designated, as an
6 emblem and badge, a red Greek cross on a white ground,
7 [the same] as [has been] described in the Geneva
8 Conventions [,and adopted by the several nations ratifying
9 or adhering thereto];

10 **D. TO ENTER INTO AGREEMENTS WITH PUBLIC**
11 **AUTHORITIES, AND ACCEPT PROVISIONS FOR**
12 **THE COST OF ANY SERVICE OR ACTIVITY WHICH**
13 **MAY BE ENTRUSTED TO IT, WITHIN THE SCOPE OF**
14 **ITS OBJECT AND FUNCTIONS, PURSUANT TO**
15 **SUCH AGREEMENTS;**

16 E. T[t]o ordain and establish by-laws and **RULES AND**
17 *regulations not inconsistent with the laws of the Republic*
18 *of the Philippines; and*

19 F. G[g]enerally to **EXERCISE ALL THE POWERS OF A**
20 **CORPORATION AND** do all such acts and things as may
21 be necessary to carry into effect the provisions of this Act
22 and promote the purposes of said **SOCIETY**
23 [organization].

24 [; and the corporation] **THE PHILIPPINE NATIONAL RED**
25 **CROSS, AS** hereby created, is designated as the **NATIONAL**
26 **SOCIETY** [organization which is] authorized to act in matters of
27 relief under said ConventionS. In accordance with the Geneva
28 Convention, the issuance of the distinctive red cross emblem to
29 medical units and establishments, personnel and neutralized in time
30 of war shall be left to the military authorities. The red Greek cross on
31 a white ground, as has been described by the Geneva Conventions is
32 not, and shall not be construed as a religious symbol, and shall have
33 equal efficacy and applicability to persons of all faiths, creeds and
34 beliefs. [The operational jurisdiction of the Philippine National Red
35 Cross shall be over the entire territory of the Philippines.]”

1 SEC. 5. Section 3 of Republic Act No. 95, otherwise known as the Philippine
2 National Red Cross Charter, as amended, is hereby renumbered and further amended
3 to read:

4 “SECTION [3] 5. PURPOSES. - [That] T[t]he purposes of [this
5 Corporation] THE PHILIPPINE NATIONAL RED CROSS shall be
6 as follows:

- 7 a. To provide volunteer aid to the sick and wounded of
8 armed forces in time of ARMED CONFLICT [war], in
9 accordance with the spirit of and under the conditions
10 prescribed by the Geneva Conventions to which the
11 Republic of the Philippines proclaimed its adherence;
- 12 b. For the purposes mentioned in the preceding sub-section,
13 to perform all duties devolving upon the PHILIPPINE
14 NATIONAL RED CROSS [Corporation] as a result of the
15 adherence of the Republic of the Philippines to the said
16 Convention;
- 17 c. To act in matters of voluntary relief and [in accordance
18 with the authorities of the armed forces] as a medium of
19 communication between people of the Republic of the
20 Philippines and their Armed Forces, in time of peace and
21 in time of ARMED CONFLICT [war], and to act in such
22 matters between similar national societies of other
23 COUNTRIES [governments] and the Governments and
24 people and the Armed Forces of the Republic of the
25 Philippines;
- 26 d. To establish and maintain a system of national and
27 international relief in time of peace and in time of ARMED
28 CONFLICT [war] and apply the same in meeting [and]
29 emergency needs caused by typhoons, flood, fires,
30 earthquakes, and other natural OR MAN-MADE
31 disasters, and to devise and carry on measures for
32 ALLEVIATING [minimizing] the suffering caused by
33 such disasters;
- 34 e. To devise and promote such other services in time of peace
35 and in time of ARMED CONFLICT [war] as may be

1 found desirable in improving the health, safety and
2 welfare of the Filipino people;

- 3 f. To devise such means as to make every citizen and/or
4 resident of the Philippines a member of the Red Cross.”

5 SEC. 6. Section 4 of Republic Act No. 95, otherwise known as the Philippine
6 National Red Cross Charter, as amended, is hereby renumbered and further amended
7 to read as follows:

8 **“SECTION [4] 6. POWERS IN PURSUIT OF MANDATE.** - In
9 furtherance of the purposes mentioned in the preceding sub-
10 paragraphs, **AND IN ORDER TO ALLOW IT TO FULLY REALIZE**
11 **ITS MANDATE UNDER THE GENEVA CONVENTIONS AND**
12 **THIS ACT, the PHILIPPINE NATIONAL RED CROSS [Philippine**
13 **National Red Cross] shall:**

- 14 a. Be authorized to secure loans from any financial
15 institution, which shall not exceed its budget of the
16 previous year;
- 17 b. **ALL PROVISIONS OF LAW TO THE CONTRARY**
18 **NOTWITHSTANDING, B[b]E exempt from payment of**
19 **all [duties,] DIRECT AND INDIRECT taxes,**
20 **INCLUDING VALUE-ADDED TAX (VAT), fees, and**
21 **other charges of all kinds on all INCOME DERIVED**
22 **FROM ITS OPERATIONS, INCLUDING THE USE,**
23 **LEASE OR SALE OF ITS REAL PROPERTIES, AND**
24 **PROVISION OF SERVICES. THE PNRG SHALL ALSO**
25 **BE EXEMPT FROM DIRECT AND INDIRECT TAXES,**
26 **INCLUDING VALUE-ADDED TAX (VAT), DUTIES,**
27 **FEES AND OTHER CHARGES ON importations and**
28 **purchases for its exclusive use], on donations for its**
29 **disaster relief work and other Red Cross services, and in**
30 **its benefits and fund raising drives. all provisions of law to**
31 **the contrary notwithstanding.];**

32 **LIKewise, ALL DONATIONS, LEGACIES AND**
33 **GIFTS MADE TO THE PHILIPPINE NATIONAL RED**
34 **CROSS TO SUPPORT ITS PURPOSES AND**
35 **OBJECTIVES AS EMBODIED IN THIS ACT SHALL**
36 **BE EXEMPT FROM THE DONOR’S TAX, AND SHALL**

1 BE DEDUCTIBLE FROM THE GROSS INCOME OF
2 THE DONOR FOR INCOME TAX PURPOSES OR
3 FROM THE COMPUTATION OF THE DONOR-
4 DECEDENT'S NET ESTATE AS A TRANSFER FOR
5 PUBLIC USE FOR ESTATE TAX PURPOSES;

6 FINALLY, THE PHILIPPINE NATIONAL RED
7 CROSS SHALL BE EXEMPT FROM THE PAYMENT
8 OF REAL PROPERTY TAXES ON ALL REAL
9 PROPERTY OWNED BY IT;

10 c. Be allotted by the Philippine Charity Sweepstakes Office
11 AT LEAST one (1) lottery draw yearly for the support of
12 its disaster relief operations in addition to its existing
13 lottery draws for the Blood Program."

14 SEC. 7. Section 5 of Republic Act No. 95, otherwise known as the Philippine
15 National Red Cross Charter, as amended, is hereby renumbered and further amended
16 to read as follows:

17 "SECTION [5] 7. MEMBERSHIP. - Membership in the
18 Philippine National Red Cross shall be open to THE entire
19 population in the Philippines regardless of citizenship. Any
20 contribution to the Philippine National Red Cross Annual Fund
21 Campaign shall entitle the contributor to membership for one (1)
22 year and the said contribution shall be deductible in full for taxation
23 purposes."

24 SEC. 8. Section 6 of Republic Act No. 95, otherwise known as the Philippine
25 National Red Cross Charter, as amended, is hereby renumbered and further amended
26 to read as follows:

27 "SECTION [6] 8. BOARD OF GOVERNORS. - The governing
28 powers and authority shall be vested in a Board of Governors,
29 composed of thirty (30) members, six (6) of whom shall be appointed
30 by the President of the Philippines, eighteen (18) [shall be] elected by
31 chapter delegates in biennial conventions, and the remaining six (6)
32 [shall be] elected by the twenty-four (24) members of the Board
33 already chosen. [At least one (1) but not more than three (3) of the
34 Presidential appointees shall be chosen from the Armed Forces of the
35 Philippines.]

- 1 a. The term of office of all members of the Board of
2 Governors shall be four (4) years, **WHICH MAY BE**
3 **RENEWABLE.** [Any member of the Board of
4 Governors who has served two (2) consecutive full
5 terms of four (4) years each shall be ineligible for
6 membership on the Board for at least two (2) years; any
7 term served to cover unexpired terms of office of any
8 governor will not be considered in this prohibition in
9 serving two (2) consecutive full terms, and provided,
10 however, that terms served for more than two (2) years
11 shall be considered a full term.]
- 12 b. Vacancies in the Board of Governors caused by death
13 or resignation shall be filled by election by the Board of
14 Governors at its next meeting, except that vacancies
15 among the Presidential appointees shall be filled by the
16 President."

17 **SEC. 9.** Section 7 of Republic Act No. 95, otherwise known as the Philippine
18 National Red Cross Charter, as amended, is hereby renumbered and further amended
19 to read to read as follows:

20 *"SECTION [7]9. OFFICERS.* - The President of the Philippines
21 shall be the Honorary President of the Philippine National Red
22 Cross. The officers shall consist of a Chairman, a Vice-Chairman, a
23 Secretary, a Treasurer, a Counselor, an Assistant Secretary and an
24 Assistant Treasurer, all of whom shall be elected by the Board of
25 Governors from among its membership for a term of two years and
26 may be re-elected. The election of officers shall take place within
27 sixty (60) days after all the members of the Board of Governors have
28 been chosen and have qualified."

29 **SEC. 10.** Section 8 of Republic Act No. 95, otherwise known as the Philippine
30 National Red Cross Charter, as amended, is hereby renumbered and further amended
31 to read as follows:

32 *"SECTION [8]10. BIENNIAL MEETING.* - The Biennial
33 meeting of chapter delegates shall be held on such date and such
34 place as may be specified by the Board of Governors to elect
35 members of the Board of Governors and advise the Board of

1 Governors on the activities of the Philippine National Red Cross;
2 Provided, however that during periods of great emergency, the
3 Board of Governors in its discretion may determine that the best
4 interest of the PHILIPPINE NATIONAL RED CROSS [corporation]
5 shall be served by postponing such biennial meeting.”

6 SEC. 11. Section 9 of Republic Act No. 95, otherwise known as the Philippine
7 National Red Cross Charter, as amended, is hereby renumbered and further amended
8 to read as follows:

9 **“SECTION [9] 11. BY-LAWS AND RULES AND**
10 **REGULATIONS.** - The power to ordain, adopt and amend by-laws,
11 **AS WELL AS ITS RULES** and regulations, **INCLUDING THOSE**
12 **GOVERNING ITS CHAPTERS**, shall be vested in the Board of
13 Governors.”

14 SEC. 12. Section 10 of Republic Act No. 95, otherwise known as the Philippine
15 National Red Cross Charter, as amended, is hereby further amended to read:

16 **“SECTION [10] 12. COMPENSATION.** - The members of the
17 Board of Governors, as well as the officers of the corporation, shall
18 serve without compensation. The compensation of the paid staff of
19 the PHILIPPINE NATIONAL RED CROSS [corporation] shall be
20 determined by the Board of Governors upon the recommendation of
21 the Secretary General.”

22 SEC. 13. Section 11 of Republic Act No. 95, otherwise known as the Philippine
23 National Red Cross Charter, as amended, is hereby renumbered and further amended
24 to read as follows:

25 **“SECTION [11]13. FUNDING.** - As a national voluntary
26 **SOCIETY** [organization], the Philippine National Red Cross shall be
27 financed primarily by contributions obtained through solicitation
28 campaigns throughout the year which shall be organized by the
29 Board of Governors and conducted by the Chapters in their
30 respective jurisdictions. These fund raising campaigns shall be
31 conducted independently of other fund drives and service needs.”

32 SEC. 14. Section 12 of Republic Act No. 95, otherwise known as the Philippine
33 National Red Cross Charter, as amended, is hereby renumbered and further amended
34 to read as follows:

1 **"SECTION [12]14. CHAPTERS.** - The Board of Governors
2 shall promulgate rules and regulations for the SOCIETY
3 [organization] of local units of the PHILIPPINE NATIONAL RED
4 CROSS to be known as Chapters. Said rules and regulations shall
5 CONFORM TO THE BY-LAWS AND RULES AND
6 REGULATIONS CREATED UNDER SECTION 11 OF THIS ACT,
7 AND fix the relationship of the Chapters to the PHILIPPINE
8 NATIONAL RED CROSS [Corporation], define their territorial
9 jurisdictions, and determine the number of delegates for each
10 Chapter based on population, fund campaign potentials and service
11 needs. THIS SHALL INCLUDE THE ORGANIZATION OF
12 CHAPTERS IN ALL PUBLIC SCHOOLS AND UNIVERSITIES
13 TO PROMOTE CIVIC CONSCIOUSNESS AMONG THE
14 YOUTH. PARTICIPATION IN THE PHILIPPINE NATIONAL
15 RED CROSS AS PART OF THE NATIONAL SERVICE
16 TRAINING PROGRAM FOR TERTIARY LEVEL STUDENTS
17 SHALL ALSO BE PROMOTED."

18 **SEC. 15.** Section 13 of Republic Act No. 95, otherwise known as the Philippine
19 National Red Cross Charter, as amended, is hereby renumbered and further amended
20 to read as follows:

21 **"SECTION [13] 15. ANNUAL REPORT.** - The PHILIPPINE
22 NATIONAL RED CROSS [Corporation] shall, at the end of every
23 calendar year, submit to the President of the Philippines an annual
24 report containing ITS [the] activities [of the Corporation] AND
25 showing its financial condition[, the receipts and disbursements]."

26 **SEC. 16.** Section 14 of Republic Act No. 95, otherwise known as the Philippine
27 National Red Cross Charter, as amended, is hereby renumbered and further amended
28 to read as follows:

29 **"SECTION [14] 16. UNLAWFUL SOLICITATION.** - It shall be
30 unlawful for any person to solicit, collect or receive money,
31 materials, or property of any kind by falsely representing or
32 pretending himself to be a member, agent or representative of the
33 Philippine National Red Cross."

1 **SEC. 17.** Section 15 of Republic Act No. 95, otherwise known as the Philippine
2 National Red Cross Charter, as amended, is hereby renumbered and further amended
3 to read as follows:

4 **“SECTION [15]17. RED CROSS NAME AND EMBLEM.** - The
5 use of the name Red Cross is reserved exclusively to the Philippine
6 National Red Cross and the use of the emblem of the red Greek cross
7 on a white ground is reserved exclusively to the Philippine National
8 Red Cross, medical services of the Armed Forces of the Philippines
9 and such other medical facilities or other institutions as may be
10 authorized by the Philippine National Red Cross as provided under
11 Article 44 of the Geneva Conventions. It shall be unlawful for any
12 other person or entity to use the words Red Cross or Geneva Cross
13 or to use the emblem of the red Greek cross on a white ground or
14 any designation, sign, or insignia constituting an imitation thereof
15 for any purpose whatsoever.”

16 **SEC. 18.** Section 16 of Republic Act No. 95, otherwise known as the Philippine
17 National Red Cross Charter, as amended, is hereby renumbered and further amended
18 to read as follows:

19 **“SECTION [16] 18. PENAL CLAUSE.** - [As used in this
20 Decree, the term person shall include any legal person, group, or
21 legal entity whatsoever nature, and a] **ANY person, WHETHER**
22 **NATURAL OR JURIDICAL**, violating any section of this Act shall,
23 upon conviction therefor[e], be liable to a fine of not less than [one]
24 **FIFTY thousand pesos (P50,000) or imprisonment for a term not**
25 **exceeding one (1) year, or both, at the discretion of the court, for each**
26 **and every violation. In case the violation is committed by a**
27 **corporation or association, the penalty shall devolve upon the**
28 **president, director or any other officer responsible for such**
29 **violation.”**

30 **SEC. 19. Repealing Clause.** - All laws or parts thereof, decrees, orders, rules and
31 regulations inconsistent with the provisions of this Act are hereby repealed or modified
32 accordingly.

33 **SEC. 20. Separability Clause.** - If any of the provisions of this Act is declared
34 invalid, the other provisions not affected thereby shall remain in full force and effect.

1 **SEC. 21. *Effectivity.*** - This Act shall take effect fifteen (15) days following its
2 publication in the Official Gazette or in at least two newspapers of general circulation.

3 Approved,