



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 12**  
Tuesday, August 23, 2011

**FIFTEENTH CONGRESS**  
**SECOND REGULAR SESSION**

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**SESSION NO. 12**  
Tuesday, August 23, 2011

**CALL TO ORDER**

At 3:18 p.m., the Senate President, Hon. Juan Ponce Enrile, called the session to order.

**PRAYER**

The Body observed a minute of silent prayer.

**ROLL CALL**

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

Arroyo, J. P.	Guingona III, T. L.
Cayetano, A. P. C. S.	Honasan, G. B.
Cayetano, P. S.	Lacson, P. M.
Defensor Santiago, M.	Pimentel III, A. K.
Drilon, F. M.	Revilla Jr., R. B.
Ejercito Estrada, J.	Sotto III, V. C.
Enrile, J. P.	Villar, M.

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

Senators Angara, Escudero, Marcos, Osmeña, Pangilinan and Trillanes arrived after the roll call.

Senators Lapid and Legarda were on official mission.

Senator Recto was absent on account of illness.

**APPROVAL OF THE JOURNAL**

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the

Journal of Session No. 11 (August 22, 2011) and considered it approved.

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

**ACKNOWLEDGMENT  
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Sotto acknowledged the presence in the gallery of students from the Mapulang Lupa High School of Valenzuela City.

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

**REFERENCE OF BUSINESS**

The Deputy Secretary for Legislation, Atty. Edwin B. Bellen, read the following matters and the Chair made the corresponding referrals:

**MESSAGE FROM THE  
HOUSE OF REPRESENTATIVES**

Letter from the House of Representatives, informing the Senate that on 17 August 2011, the House of Representatives requested a conference and designated Representatives Biazon, Zubiri III, Quisumbing, Sarmiento, Golez, Fariñas and Albano as its conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 6, entitled

AN ACT PRESCRIBING A FIXED TERM  
FOR THE CHIEF OF STAFF OF THE  
ARMED FORCES OF THE PHILIP-  
PINES AND FOR OTHER PURPOSES,

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and Senate Bill No. 2869, entitled

AN ACT PRESCRIBING FIXED TERMS FOR THE CHIEF OF STAFF AND THE MAJOR SERVICE COMMANDERS OF THE ARMED FORCES OF THE PHILIPPINES (AFP) AND FOR OTHER PURPOSES.

**To the Committee on Rules**

**BILLS ON FIRST READING**

Senate Bill No. 2944, entitled

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

Introduced by Senator Osmeña III

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

Senate Bill No. 2945, entitled

AN ACT REAPPORTIONING THE PROVINCE OF COTABATO INTO THREE (3) LEGISLATIVE DISTRICTS

Introduced by Senator Lacson

**To the Committees on Local Government; and Electoral Reforms and People's Participation**

**RESOLUTIONS**

Senate Concurrent Resolution No. 10, entitled

CONCURRENT RESOLUTION MAINTAINING THE PREVAILING SYSTEM OF ACCOUNTING AND LIQUIDATION OF THE RESPECTIVE BUDGETARY ALLOCATIONS OF EACH MEMBER OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AS CLASSIFIED AND CONSISTENT WITH APPLICABLE ACCOUNTING AND AUDITING RULES

Introduced by Senator Lacson

**To the Committees on Rules; and Accounts**

Proposed Senate Resolution No. 573, entitled

RESOLUTION COMMENDING THE 2011 METROBANK FOUNDATION AWARDEES FOR OUTSTANDING TEACHERS

Introduced by Senator Angara

**To the Committee on Rules**

**COMMITTEE REPORT**

Committee Report No. 55, prepared and submitted jointly by the Committees on Civil Service and Government Reorganization; and Local Government, on Senate Bill No. 2946, with Senators Ejercito Estrada, Escudero, Guingona III and Trillanes IV as authors thereof, entitled

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,

recommending its approval in substitution of Senate Bill Nos. 2735 and 2736.

Sponsor: Senator Trillanes IV

**To the Calendar for Ordinary Business**

**SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 3:22 p.m.*

**RESUMPTION OF SESSION**

At 3:35 p.m., the session was resumed.

**APPROVAL OF PROPOSED SENATE RESOLUTION NO. 546 ON THIRD READING**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, Proposed Senate Resolution No. 546, printed copies of which were distributed to the senators on August 17, 2011.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Sotto, there

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being no objection, Secretary Reyes read only the title of the bill, to wit:

RESOLUTION CONCURRING IN THE  
RATIFICATION OF THE ROME  
STATUTE OF THE INTERNATIONAL  
CRIMINAL COURT.

Secretary Reyes called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Marcos
Cayetano (A)	Osmeña
Cayetano (P)	Pangilinan
Defensor Santiago	Pimentel
Ejercito Estrada	Revilla
Escudero	Sotto
Guingona	Trillanes
Honasan	Villar
Lacson	

*Against*

Enrile

*Abstention*

None

With 17 senators voting in favor, one against, and no abstention, the Chair declared Proposed Senate Resolution No. 546 approved on Third Reading.

**EXPLANATIONS OF VOTE**

***By Senate President Enrile***

Senate President Enrile stated that he was voting against the measure not because he does not believe in the administration of justice by the International Criminal Court, but simply because of the fact that the Philippines is a turbulent country beset with an internal problem that has been with it for almost half a century. He said that no one could foresee the direction of the conflict, or whether the problem would abate or escalate in the near future, and he would not like to see a situation where, psychologically, the military's efforts to protect the safety, peace and the interests of the Filipino people would be impeded.

He also doubted whether the President, although immune from suit during his/her term of office, could

invoke such immunity before the International Criminal Court. He reminded that part of the oath of the President of the country is to execute the laws, criminal laws in particular, and although no President of the Philippines has deliberately ignored the enforcement of criminal laws in cases of internal conflict, occasions had arisen in the past where the Commander-in-Chief had been accused of negligence or neglect in the enforcement of criminal laws based on claims of atrocities committed against the Filipino people even if such claims were untrue. He posited that if the conflict intensifies, it is not farfetched that the same claims would again be raised and that the security forces of the country—especially the leaders of the Armed Forces—could be haled before the International Criminal Court to the detriment of the government's internal efforts to protect the country. He said that while it may not happen that some or any of them would be finally condemned, they would still be exposed to all kinds of suits compelling them to spend a fortune in defending themselves, and subjecting them to worries while awaiting the verdict of the court that is outside the Philippine forum.

***By Senator Angara***

Senator Angara explained his affirmative vote, to wit:

Let me explain my yes vote. First, our vote today affirms our intents in constitutional and jurisprudential traditions to protect against and punish the commission of serious international crimes. Through membership in the ICC, we will uphold our acceptance of international human rights and humanitarian law principles as part of the law of the land under the incorporation clause of our Constitution.

Second, membership in the ICC provides us the opportunity to access international justice in the event that we lack resources to directly prosecute serious violation of these laws without impinging upon the primacy of our national courts. This is the measure that allows us to prevent Philippine territory from inadvertently becoming a refuge for international criminals.

Third, Philippine membership in the ICC will open access for the Philippines' international criminal law experts to participate in the International Bench and Bar as well as for our local practitioners, prosecutors and judges to profit from learning exchanges with the ICC.

Fourth, membership in the ICC will provide us with a forum for the politicized and independent and transparent investigation and prosecution of serious international crimes.

The passage of this Statute will enable our direct participation in the global accountability

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mechanism setup under this Treaty and we will now become an active participant in the formation of new international law norms. We can become coauthors of that and it will enlarge our own body of constitutional law. So, with that convergence, this will enhance our own domestic laws as well as enhance the skills of our international justice experts in the field,

### **By Senator Guingona**

Senator Guingona explained his affirmative vote, to wit:

Today, I cast my vote in favor of the Rome Statute of the International Criminal Court.

I firmly believe that the 15<sup>th</sup> Congress, this Senate, is in perfect position to make a historical vote in favor of accountability, in favor of human rights.

Genocide, crimes against humanity, war crimes and aggression, offenses that are irreversible assaults against humanity. The International Criminal Court is a venue for those who are alleged violators to be weighed against the standards of law and justice, Is it our problem that other countries have not signed this treaty? No.

If these countries fear that a legal objective and neutral system like the International Criminal Court can exact accountability for such heinous crimes against their own citizens, that is their problem, not ours.

I believe that now is the perfect time for the Senate of the Republic of the Philippines to cast this historic vote to send strong messages to everyone that:

1. This is the government that is not afraid of any institution of accountability.
2. This is the nation that seeks to cooperate with the continuing international effort to stop heinous crimes: genocide, crimes against humanity, war crimes, aggression.

Lives have been lost in the hands of persons who have not been made liable for any offense.

This has to stop.

The Congress of the Philippines has already passed Republic Act 9851: An Act Defining and Penalizing Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity.

Today, we are casting a vote to further strengthen our commitment to fight such serious crimes.

By casting this vote, we take a step forward in defense of lives lost and lives that will be lost if we continue to fear institutions of accountability like the International Criminal Court.

Today, I cast my vote in favor of the Rome Statute of the International Criminal Court.

### **MANIFESTATION OF SENATORS CAYETANO (A) AND PANGILINAN**

Senators Cayetano (A) and Pangilinan reserved their right to submit a written explanations of their affirmative vote.

*Hereunder is the written explanation of vote submitted by Senator Pangilinan:*

I concur with the ratification of the Rome Statute of the International Criminal Court.

The International Criminal Court (ICC) is an independent international body which is separate from the United Nations and it is the first permanent international court set up to prosecute individuals for the gravest crimes facing humanity such as genocide, crimes against humanity, war crimes and the crime of aggression.

Established by the Rome Statute of 1998, the ICC can try cases involving individuals charged with war crimes committed since July 2002. The Security Council, the ICC Prosecutor or a State Party to the court can initiate any proceedings, and the ICC only acts when countries themselves are unwilling or unable to investigate or prosecute.

In ratifying the measure, the Philippines reaffirms its commitment to justice, human rights and the rule of law. This is a significant intimation by the Philippine government to prevent and drastically reduce the deaths caused by conflict. The ICC will serve as a deterrent against genocide and other heinous crimes and ensures that all perpetrators of these serious crimes of concern in the international community will be held accountable.

In a world that is increasingly being bridged by common interests and having an unprecedented eagerness among nations aspiring for mutually beneficial levels of cooperation, the ICC is a relevant undertaking to protect the interest of humanity. It provides equal opportunity to nations—regardless of race, status, and affiliation—to attain justice against those that seek impunity.

### **MANIFESTATION OF SENATOR SOTTO**

Senator Sotto said that he received a letter from Senator Legarda manifesting that if she were not on official business, she would have voted in the affirmative.

### **EXPLANATION OF VOTE BY SENATOR REVILLA**

Senator Revilla submitted a written explanation of his vote, to wit:

May I respectfully register my vote on the ratification of this Chamber of the Rome Statute,



The Rome Statute affirms our country's adherence to International Humanitarian Law, as envisioned by our passage of Republic Act No. 9851 or the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity.

With the current state of world affairs, I believe that establishing a permanent institution—the International Criminal Court—which will have the power to exercise jurisdiction over persons with respect to the most serious crimes of international concern, which are: genocide, crimes against humanity, war crimes, and aggression — will greatly benefit international public order.

The Philippines, as a leading human rights advocate in Asia as evidenced by its concurrence in a number of international humanitarian law instruments, and being a party to various major human rights instruments, will strengthen institutions like the International Criminal Court to end impunity.

To this end, I register my affirmative vote on this measure.

**COMMITTEE REPORT NO. 1  
ON SENATE BILL NO. 2486**

*(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2486 (Committee Report No. 1), entitled

**AN ACT TO STRENGTHEN AND PROPAGATE FOSTER CARE FOR ABUSED, ABANDONED, NEGLECTED AND OTHER CHILDREN WITH SPECIAL NEEDS, PROVIDING APPROPRIATIONS THEREFOR AND FOR OTHER PURPOSES.**

Senator Sotto stated that the parliamentary status was the period of individual amendments.

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

**DEFENSOR SANTIAGO AMENDMENTS**

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

1. On page 4, line 15, between the words “for” and “adoption,” insert the word DOMESTIC;

Senator Defensor Santiago explained the amendment as follows:

The Domestic Adoption Act prioritizes adoption of family over adoption of strangers while the Inter-Country Adoption Act places inter-country adoption as a measure of last resort. By limiting the adoption in the provision to domestic adoption, the law maintains the least preference over inter-country adoption.

2. On page 5, after line 12, insert a new paragraph (g) to read as follows:

(G) MUST NOT ALREADY HAVE THE MAXIMUM NUMBER OF CHILDREN UNDER HIS FOSTER CARE AT THE TIME OF APPLICATION OR AWARD, AS MAY BE PROVIDED IN THE IMPLEMENTING RULES OF THIS ACT.

Senator Defensor Santiago explained the reason for the amendment as follows:

Section 17 discusses assistance to a child in terms of the monthly subsidy given to the foster parent to cover the foster child's basic needs. The bill should likewise put a limitation on the number of children a foster parent may foster. This is to ensure that the principal motivation for an individual to become a foster parent is not to earn a living but to give a home, though a temporary one, to a child. Moreover, given that parents including foster parents have a myriad of responsibilities, one ought not to be too distracted by many other obligations. DSWD should limit the foster children allowed per foster parent based on the parent's capability to take care of children and the possibility of using this law to profit from the assistance to the foster parents.

3. On page 5, line 20, insert a new article and sections to read as follows:

**ARTICLE III  
PARENTAL AUTHORITY  
OF FOSTER PARENTS**

**SECTION 6. PARENTAL AUTHORITY OF FOSTER PARENTS.** — FOSTER PARENTS SHALL HAVE THE RIGHTS, DUTIES AND LIABILITIES OF PERSONS EXERCISING SUBSTITUTE PARENTAL AUTHORITY, AS MAY BE PROVIDED UNDER THE FAMILY CODE OVER THE CHILDREN UNDER THEIR FOSTER CARE.

*AS*

**SECTION 7. LIMITATIONS ON PARENTAL AUTHORITY OF FOSTER PARENTS.** — FOSTER PARENTS SHALL ONLY HAVE THE RIGHTS OF A PERSON WITH SPECIAL PARENTAL AUTHORITY TO DISCIPLINE THE FOSTER CHILDREN AS DEFINED UNDER SECTION 233 OF THE FAMILY CODE IN SO FAR AS IT PROHIBITS THE INFLICTION OF CORPORAL PUNISHMENT UPON THE CHILD.

Senator Defensor Santiago explained the amendment, thus:

The bill should provide for a section on *Rights and Duties of Foster Parents*, including custody, care, support, and tort liability, which should be no different from the rights of those who exercise substitute parental authority. However, the right to discipline and the extent this can be carried out should be limited to that exercised by those entrusted with special parental authority. The result of this is that foster parents cannot use corporal punishment to discipline their children.

4. Renumber the succeeding articles and sections accordingly.

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

Senator Cayetano (P) clarified that the amendment of Senator Defensor Santiago to Section 4(g) was not intended to close the door to inter-country adoption but to clarify that a child may be put into foster care if he/she can no longer be placed for adoption, but since foster care is temporary, the child may still be placed for inter-country adoption.

Senator Defensor Santiago agreed to the clarification.

#### **COAUTHOR**

Upon his request, Senator Pimentel was made coauthor of Senate Bill No. 2486.

Senator Pimentel recalled that his father filed a similar bill in 2007 and that he too fully agreed to the objectives and intent of the instant bill.

In response, Senator Cayetano (P) acknowledged that the Foster Care Act was truly a legislative effort of the Pimentel family. She informed the Body that Atty. Gwen Pimentel was very active in drafting the measure and in the committee hearings thereon.

#### **TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS**

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

#### **APPROVAL OF SENATE BILL NO. 2486 ON SECOND READING**

Submitted to a vote, there being no objection, Senate Bill No. 2486 was approved on Second Reading.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2486**

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

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 3:57 p.m.*

#### **RESUMPTION OF SESSION**

At 3:59 p.m., the session was resumed.

#### **PROPOSED SENATE RESOLUTION NO. 564**

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 564, entitled

**RESOLUTION HONORING AND COMMENDING THE METROBANK FOUNDATION OUTSTANDING TEACHERS OF 2011 FOR THEIR EXEMPLARY COMPETENCE, DEDICATION TO SERVICE, AND COMMITMENT IN PROVIDING QUALITY EDUCATION,**

taking into consideration Proposed Senate Resolution No. 573.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its text into the Record of the Senate.

Thereupon, the Chair recognized Senator Angara for the sponsorship.

#### **SPONSORSHIP REMARKS OF SENATOR ANGARA**

Senator Angara stated that Proposed Senate Resolution No. 564 commends the 10 outstanding teachers from all over the country who were chosen by the Metrobank Foundation. He noted that the Metrobank award, probably the most prestigious and prominent among all awards recognizing teachers, is well sought after and every teacher in the country looks forward to receiving it because not only is it a recognition of their outstanding work but it is also a recognition of merit by the Department of Education.

Senator Angara said that the Metrobank award will be given in conjunction with the recognition of the outstanding policemen and soldiers who will visit the Senate. He stated that it is a timely reminder to all that the teacher remains at the heart of education and that a well-trained, well-motivated and inspired teacher is the best guarantee to quality education despite the lack of school classrooms, textbooks and other facilities.

In closing, he urged his colleagues to unanimously adopt the resolution.

#### **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 564**

Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 564, taking into consideration Proposed Senate Resolution No. 573, was adopted by the Body, subject to style.

#### **COSPONSOR**

At her request, Senator Cayetano (P) was made cosponsor of Proposed Senate Resolution No. 564.

#### **COAUTHORS**

Senator Sotto manifested that all the senators present in the day's session are coauthors of the resolution.

#### **PROPOSED SENATE RESOLUTION NO. 542**

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 542, entitled

#### **RESOLUTION HONORING AND COMMENDING THE OUTSTAND- ING PHILIPPINE SOLDIERS (TOPS) OF 2011.**

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:05 p.m.*

#### **RESUMPTION OF SESSION**

At 4:06 p.m., the session was resumed.

Upon resumption, the Chair recognized Senator Lacson to sponsor the resolution.

#### **SPONSORSHIP REMARKS OF SENATOR LACSON**

Senator Lacson stated that he filed Proposed Senate Resolution No. 542 as a simple recognition and an expression of gratitude to the heroic, gallant, dedicated, committed men and women of the Armed Forces of the Philippines who have made great sacrifices for the people and the country.

He said that the Senate joins the Metrobank Foundation in recognizing the gallant officers and men of the AFP.

Upon the request of Senator Lacson, the full text of the resolution was entered into the Record of the Senate, to wit:

*Whereas, The Search for the Outstanding Philippine Soldiers or T.O.P.S. is an annual search jointly undertaken by the Metrobank Foundation, Inc. (MBF) and the Rotary Club of Makati Metro (RCMM) since 1999, in consonance with their conviction of honoring excellence in the pursuit of a vocation;*

*Whereas, the competition is an expression of gratitude to the heroism, gallantry, dedication, commitment and great sacrifices of the gallant men and women of the Armed Forces of the Philippines (AFP);*

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*Whereas*, T.O.P.S. exemplifies the ideals being upheld by the larger sector of the national community as represented by both the Rotary Club of Makati and Metrobank Foundation, Inc.;

*Whereas*, T.O.P.S. is a career achievement award that recognizes the total contribution of our soldiers during their career in the military thus setting them apart from ordinary soldiers as they serve as models of excellence, professionalism, integrity and nobility in the military services;

*Whereas*, the Philippine Senate proudly joins the Metrobank Foundation, Inc. and Rotary Club of Makati in honoring and commending the gallant men and women who have risked their life and limb in the defense of our country's sovereignty through this year's 2011 search for Outstanding Philippine Soldiers;

*Whereas*, this year's winners of T.O.P.S. consist of three (3) men from the Philippine Army, two (2) men and a woman from the Philippine Air Force, three (3) men from Philippine Navy, and one (1) man from the Corps of Engineers of the AFP. **NOW, THEREFORE;**

**BE IT RESOLVED**, as it is hereby resolved by the Senate of the Philippines, to honor and commend, as it hereby honors and commends, The Outstanding Philippine Soldiers chosen by the Rotary Club of Makati and Metrobank Foundation, Inc. in their 2011 Search for T.O.P.S., namely:

1. Daniel A. Lucero  
– Colonel, Philippine Army
2. Sixto P. Navarrosa  
– Master Sergeant,  
Philippine Army
3. Billy C. Benibile  
– Chief Master Sergeant,  
Philippine Army
4. Alexander F. Balutan  
– Colonel, Philippine Navy
5. Rommel V. Carbon  
– Technical Sergeant,  
Philippine Navy
6. Jairus M. Cenabre  
– Data Processor 3, Naval  
Intelligence and Security Group,  
Philippine Navy
7. Raul L. Del Rosario  
– Colonel, Philippine Air Force
8. Maria Teresa M. Bitong  
– Master Sergeant,  
Philippine Air Force

9. Nelson S. Mercado  
– Master Sergeant,  
Philippine Air Force
10. Alexis D. Tamondong  
– Colonel, Corps of Engineers.

For their loyalty and dedication to the Constitution of the Republic of the Philippines, their faithful performance of their sworn duties and responsibilities beyond reproach, and for being model citizens in their respective communities.

#### **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 542**

Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 542 was adopted by the Body, subject to style.

#### **PROPOSED SENATE RESOLUTION NO. 562**

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 562, entitled

#### **RESOLUTION CONGRATULATING AND COMMENDING THE COUNTRY'S OUTSTANDING POLICEMEN IN SERVICE (C.O.P.S.) OF 2011,**

taking into consideration Proposed Senate Resolution No. 563.

With the permission of the Body, only the title of the resolution was read without prejudice to the insertion of its text into the Record of the Senate.

The Chair recognized Senator Honasan for the sponsorship.

#### **SPONSORSHIP REMARKS OF SENATOR HONASAN**

Senator Honasan said that Proposed Senate Resolution No. 562 is the expression of the civilian sector's appreciation and gratitude for the efforts of the Philippine National Police in maintaining the peace and order situation in the country and in their respective local communities.

Senator Honasan stated that the Metrobank Foundation, Inc., the Rotary Club of New Manila East and the PSBank organized the search for the

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outstanding policemen to recognize their accomplishments in crime prevention and crime solution with the help and involvement of the members of the community.

In closing, he requested that the rest of the text of the resolution be entered into the Record of the Senate as part of his sponsorship.

*Following is the full text of the resolution:*

*Whereas*, the Search for the Country's Outstanding Policemen in Service (C.O.P.S.) is an annual search jointly undertaken by the Metrobank Foundation, Inc., Rotary Club of New Manila East and PSBank in consonance with their conviction in honoring excellence in the pursuit of a vocation;

*Whereas*, the Search is an expression of the civilian sector's appreciation and gratitude to the effort of the Philippine National Police (PNP) in maintaining the peace and order situation in the country;

*Whereas*, the Search seeks to honor the gallant men and women in the police force for their consistent outstanding contributions in preventing and solving crime through community work and mobilization;

*Whereas*, the Search emphasizes the need to situate the punitive aspect of law enforcement with the task of community relations and promotes police work as a shared responsibility between the policeman and the community;

*Whereas*, the Search for the C.O.P.S. highlights police officers who are models of excellence which will help change the negative public image that the PNP has seemingly acquired and inspires the public to work hand in hand with the PNP in preventing and solving crime;

*Whereas*, the Philippine Senate proudly joins the Metrobank Foundation, Inc., Rotary Club of New Manila East and PSBank in congratulating and commending our gallant police officers who have actively solicited, mobilized, involved and organized the community to become fellow vanguards of the community;

*Whereas*, the Roll of Honor for this year's winners of the C.O.P.S. consists of three (3) Police Commissioned Officers and five (5) Non-Commissioned Officers. **NOW, THEREFORE;**

**BE IT RESOLVED**, as it is hereby resolved by the Senate of the Philippines, to congratulate

and commend, as it hereby congratulates and commends, The Country's Outstanding Policemen in Service chosen by the Metrobank Foundation, Inc., Rotary Club of New Manila East and PSBank in their 2011 Search for C.O.P.S., namely:

1. Police Superintendent Steve B. Ludan
2. Police Superintendent Samuel P. Turla
3. Police Chief Inspector Delia J. Ingalla
4. Senior Police Officer 4 Emmanuel P. Isiang
5. Senior Police Officer 2 Helen L. Dela Cruz
6. Senior Police Officer 1 Manuel A. Padlan
7. Police Officer 3 Rodel U. Alcano
8. Police Officer 2 Rina D. Salaya.

#### **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 562**

Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 562, taking into consideration Proposed Senate Resolution No. 563, was adopted by the Body, subject to style.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 4:10 p.m.*

#### **RESUMPTION OF SESSION**

At 4:17 p.m., the session was resumed.

#### **COMMITTEE REPORT NO. 49 ON SENATE BILL NO. 2865**

*(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2865 (Committee Report No. 49), entitled

**AN ACT PROVIDING FOR A NATIONAL  
POLICY ON REPRODUCTIVE  
HEALTH AND POPULATION AND  
DEVELOPMENT.**

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

Thereupon, the Chair recognized Senator Cayetano (P), Sponsor of the measure, and Senator Sotto for the continuation of his interpellation.

**INTERPELLATION OF SENATOR SOTTO**  
(Continuation)

Senator Sotto recalled that in yesterday's session, he had requested that specific provisions of other laws pertinent to the Reproductive Health bill be entered into the Record of the Senate since his intent was to call the attention of the Members to said laws on the subject matter.

As regards the second objective of the RH bill, to provide Filipinos with information under Reproductive Health so that they can make informed and intelligent decisions, Senator Sotto cited the pertinent provisions, to wit:

*Section 3. Guiding Principles for Implementation*

- f) The State shall promote programs that:
- (1) enable individuals and couples to have the number of children they desire with due consideration to the health, particularly of women, and resources available to them ...
  - (3) conducts studies to analyze demographic trends towards sustainable human development in keeping with the principles of gender equality and the promotion of women's health.
- g) The provision of reproductive health care and information must be the joint primary responsibility of the National Government and Local Government Units consistent with their obligation to respect, protect and promote the right to health.

*Section 16. Multi-Media Campaign.* – The DOH shall initiate and sustain a heightened nationwide multi-media campaign to raise the level of public awareness on the protection and promotion of reproductive health and rights including family planning and population and development.

Senator Sotto observed that Section 3(f) is almost a duplicate of certain provisions of existing laws, to wit:

- Republic Act No. 9710 (Magna Carta of Women)

Section 17. *Women's Right to Health*

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(b) *Comprehensive Health Information and Education.* – The State shall provide women in all sectors with appropriate, timely, complete, and accurate information and education on all the above-stated aspects of women's health in government education and training programs, with due regard to the following:

- (1) The natural and primary right and duty of parents in the rearing of the youth and the development of moral character and the right of children to be brought up in an atmosphere of morality and rectitude for the enrichment and strengthening of character;
- (2) The formation of a person's sexuality that affirms human dignity; and
- (3) Ethical, legal, safe, and effective family planning methods including fertility awareness.

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Section 19. *Equal Rights in All Matters Relating to Marriage and Family Relations.* – The State shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and shall ensure:

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- (c) the joint decision on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- Presidential Decree No. 965, which requires applicant for marriage license to receive instructions on family planning and responsible parenthood, provides:

*Section 2. Duties of Family Planning Office.* – The Office of Family planning shall give instructions and information on family and responsible parenthood to applicants for marriage license and other interested persons in the form of personal instruction and/or handbook, pamphlets or brochures. Furthermore, such instructions and information shall be consistent with the policies of the Commission on Population.

As regards Section 3(g) of the RH bill, Senator Sotto observed that it is also reflected in Section 20 (*Comprehensive Health Information and Education*) of RA No. 9710 that he had read earlier.

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Furthermore, he adverted to the first item in the IRR of said measure, to wit:

1. On October 10, 2006, President Gloria Macapagal-Arroyo issued guidelines and directive for the DOH, POPCOM, and local government units to take full charge of the implementation of the Responsible Parenthood and Family Planning Program.

Relative to Section 16 (*Multimedia Campaign*) of the RH bill, Senator Sotto noted that there are two similar provisions in R.A. No. 9710, specifically item 3 of Section 17(b) *Comprehensive Health Information and Education*, which reads:

- 3) Ethical, legal, safe, and effective family planning methods including fertility awareness.

Lastly, Senator Sotto adverted to pertinent portions of AO 20080029 of the National Center for Health Promotion, to wit:

National Center for Health Promotion

- A. Develop effective mechanisms to promote MNCHN goals and strategies;
- B. Design and assess communication and health promotion schemes addressing various groups of stakeholders involved in MNCHN; and
- C. Provide technical assistance to CHD's, LGUs and other stakeholders in developing locally-specific communication and health promotion packages.

Noting that the health promotion funding in the General Appropriations Act of 2011 was P155,978,000, he asked whether the Committee took into consideration the aforementioned statutes in crafting the RH bill.

Senator Cayetano (P) thanked Senator Sotto for citing existing laws consistent with the RH bill. However, she maintained that although these laws might address many issues in reproductive health, none of them are as specific as those intended in the bill itself. For instance, she pointed out that by its very title, the Magna Carta of Women covers many issues that affect women. Thus, she believed that Congress is not prohibited from enacting a law that specifically addresses reproductive health. As regards the administrative orders cited by Senator Sotto in his interpellation the previous day, she argued

that precisely, administrative orders do not have equal standing as a law, and they can be changed any time by the incumbent secretary of a particular department.

Further, Senator Cayetano (P) noted that three male presidents, namely: Presidents Marcos, Estrada and Ramos were all supportive and open to reproductive health while two female presidents were very ambiguous about it probably because of their religious belief. She believed that the RH bill is critical at the moment because the incumbent President is supportive of it and there is a need for it, especially so since the past President who held office for nine years did not support it. She emphasized that the incumbent President needed an RH law that he can use to implement RH policies. She gave assurance that the Committee would be willing to accept amendments to streamline the provisions of the bill and make them clearer. But, she stressed, although there are provisions in the RH bill that are found in existing laws, they be cannot removed lest by doing so, it creates a vacuum in the bill.

Senator Sotto clarified that he was not against the RH bill per se but he maintained that its objectives can be achieved through effective and efficient implementation of existing laws, presidential issuances and various government programs and policies. He stated that he has supported the yearly funding of the RH programs of the Department of Health and the Population Commission that have been running since the '70s. He pointed out that foreign governments and multilateral institutions were operating their own RH programs through different local government units, the reason many men and women have been freely using contraceptives and getting sterilized. He noted that the record of the Committee on Health proved that the current national contraceptive prevalence rate stands at 51%. In this light, he argued there is no need to guarantee the right to reproductive health through the law, nor prescribe contraception because, anyway, contraception or sterilization is not prohibited.

Senator Sotto cautioned that while the bill might be good for the youth sector, a problem might arise in its implementation, when the government starts prescribing. He noted that there were various groups and organizations supporting it, for instance, the Family Planning Organization of the Philippines (FPOP), an advocate of sexual and reproductive health and rights for all Filipinos, and a member of

# 26

the Association of International Planned Parenthood Foundation – East and South Asia and Oceania Region. He said that International Planned Parenthood was founded at the initiative of Margaret Sanger, who coined the scientific term “eugenics” which means “the scientific strategy of eliminating the poor, the weak and useless and the uneducated” according to its website.

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

He commented that what made the passage of the bill more complicated are the people lobbying for it, saying that had Senators Cayetano (P) and Defensor Santiago been the only ones pushing for it, the Body could have speedily passed it. Thus, he requested the Committee to further explain the bill and put to rest the apprehension of some of the Members that the State might start prescribing contraceptives and utilize public funds therefor. He noted that at present, only the Department of Health was endorsing the RH bill but once foreign groups intervene, he cautioned, some senators might suspect they have vested interests to promote.

Senator Cayetano (P) expressed her gratitude to Senator Sotto for his confidence in her and Senator Defensor Santiago. She assured him that they would do their best to fully explain their objectives in pushing for the passage of the bill.

On Senator Sotto’s statement that the bill intends to prescribe contraceptives to everyone, Senator Cayetano (P) clarified that it has been established from the beginning that no one shall be forced to use contraceptives or to avail of any RH services. She stated that the measure only provides that these services shall be made available to people who chose to do so, based on their personal needs and as well as their moral beliefs.

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

Senator Cayetano (P) emphasized that the bill only provides access to information, services and contraceptives or whatever may be prescribed that were previously unavailable. On the issue of the unavailability of RH services, she explained that for many years during the Arroyo Administration, only a

small part of the RH budget was spent because then Health Secretary Duque was not inclined to pursue the programs that were supposed to implement the RH policy.

Commenting on the argument that the bill is no longer necessary as RH services were already available, Senator Cayetano (P) cited Mayor Lito Atienza of Manila who, from 2004 to 2007, prohibited the conduct of any discussions and/or seminars on family planning or contraceptives except those methods that jived with his moral beliefs. In this regard, she questioned the authority of Mayor Atienza in issuing the directive against Christians and Muslims alike.

Senator Cayetano (P) bared that she has read the personal accounts of women in Manila who wanted to be ligated but could not avail of the procedure because it is either expensive or unavailable even in private hospitals. She stated that at the other end of the spectrum is the pro-active mayor of Tagum City in Davao who has made ligation service available to women who sought it. She stated that she would be willing to accept the strict wording of certain provisions to ensure that with respect to ligation service and family planning method, they shall not in any way be forced upon anyone.

Senator Cayetano (P) refuted the statement that the bill is not a necessity, as she argued that the bill is, in fact, necessary because without the definition provided in the RH bill, there would be no clear program or cohesive plan of action on reproductive health.

On the issue that there are NGOs, groups and businessmen who are lobbying for the bill, Senator Cayetano (P) noted that their presence in the gallery has always been acknowledged and that the Committee would be willing to provide any information about them, if needed. Likewise, she said that if she failed to perceive the malicious intent of anyone, surely, it would not escape Senator Defensor Santiago’s notice.

On the provisions of the Magna Carta of Women vis-à-vis the RH bill that Senator Sotto highlighted, Senator Cayetano (P) pointed out that the Magna Carta, a broad declaration of women’s rights, does not cover the following provisions of the RH bill:

- Section 5 – Hiring of Skilled Health Professionals for Maternal Health Care and Skilled Birth Attendance; and

- Section 6 – Provision of Emergency Obstetric and Newborn Care; and
- Section 8 – Maternal Death Review.

She stressed that time and again, Senator Sotto has questioned the availability of data that the Committee precisely needed to track the issues on the RH bill. She said that as chair of the Committee, a mother, and a woman, she wanted to know the health issues that confront women and the ailments that strike them down.

Lastly, she stated that she has personally included in the bill Section 12, on the need to include Mobile Health Care Services, because in the many years she chaired the Committee on Health, she found out that it is an impossible task to put up a primary health care unit in every city or clustered cities because there are just too many islands, more than 7,100 in fact. She asserted that the only way to ensure the delivery of health care services is to have a mobile health care service that can shuttle people from their residences to the nearest health care unit. She recalled that during her visit to Palawan last January, while she was being briefed by the provincial governor, she mentioned that she intended to put up a health care unit in the town of Rizal because of the story narrated by her friend, a neuro-surgeon from PGH, about a woman from Rizal who had no health care attendant to provide her pre-natal health care: when the woman went into labor, complications arose with the elbow of the baby coming out first so the woman was rushed to the hospital in a tricycle, the trip took three hours; at the hospital, it was discovered that the baby's elbow was connected to a twin; eventually, the woman was taken to PGH by air. In sum, she asserted that the essence of the RH bill is how to save lives of women.

Senator Sotto pointed out that according to unbiased health experts, the solution is adequate, appropriate and competent health care and not contraception. He stated that whenever asked, the officials of the DOH give assurance that their programs were being implemented, that there was access to health professionals and services were available. The problem, he insisted, has to do with implementation and that it cannot be solved by passing another law.

On the availability of adequate and competent health care, Senator Cayetano (P) stated that there

are OB-Gynaecologists who only recommend natural family planning because of their personal belief; however, they make their patients aware of other available contraceptives that other doctors were willing to prescribe. She asserted that an unbiased doctor is one who does not make a personal decision for her patient, and it is part of the doctors' Hippocratic Oath to provide the patient with complete information.

As regards the ban on contraceptives during the incumbency of Mayor Atienza of Manila, Senator Cayetano (P) cited the situation of Emma, a mother of seven children, who used the pills ineffectively because she only bought it when she had the money. She asked what the Body can do for the woman who needed RH care but could not avail of it. In reply, Senator Sotto said that the woman can either go to the DOH or seek help from other public service programs sponsored by television networks, for instance.

Senator Cayetano (P) noted that the Local Government Code provides autonomy to local government units but they are still mandated to abide by certain policies that emanate, for instance, from the Department of Health. She disclosed that she had a son with a cleft lip who passed away and in his memory, she has sponsored cleft lip operations for indigent children. She stated that when the indigent child has to be brought by his mother to the hospital, she has to pay for their transportation fare and their food the whole day because the mother has to stand in line for hours to see the doctor. She underscored that it is vital therefore that to make basic medical services and medicines available or accessible in municipal health centers, if not in the barangay. She stressed that it is difficult for the indigent patients and their families, who might live quite a way off, to travel all the way to the DOH to seek medical assistance.

Senator Sotto stated that an indigent should try asking for help from the barangay first. He said that a person who wants to be helped can resort to remedies that are available to him/her. He then inquired what the RH Act would do for Emma.

Reponding thereto, Senator Cayetano (P) stated that the RH Act would require both the national and local governments to provide reproductive health care services.

But Senator Sotto argued that this would run counter to local autonomy as guaranteed under the Local Government Code and the issue, he maintained, might have to be decided by the Supreme Court eventually.

Senator Cayetano (P) asserted that it is up to Congress to provide the policies to guide the LGUs accordingly. She stated that the grant of a service that a constituent, say, a woman, needed is something that a mayor or a barangay captain cannot refuse.

#### **MANIFESTATION OF SENATOR MARCOS**

Senator Marcos recalled that during his stint as a local government official, problems related to health care and money for transportation fare were common but the local government does not have the means to provide them, and it is for this reason, he said, that he supports the RH bill. He said that local government fund is not enough to cover every constituent's health and transportation concerns. However, he assured the Body that if local governments are given a mandate and the means to deliver these needed assistance under the RH Act, every local official would try to do everything he/she can to help. He stressed that for now, such services are not provided, not because local government officials do not want to help, but because there is no clear guidance on how they should handle the situation.

He rued that it is not only a problem of transportation fare but also a problem of where to get the money to buy medicine and pay for doctor's fees. At times, he said, the problem does not boil down to money because, among other things, the constituents need to be educated. He believed that the education facet of the bill is very important. On paper, he said, the easy option is to go to the LGU for help but for its part, the LGU does not have the means to give it.

Senator Marcos pointed out that at the grassroots level, extending help is not an option because there is no clear understanding on how RH-related issues ought to be dealt with. He believed that Senator Sotto would understand as he also came from the local government. He said that if LGUs would be given the capability, however, it would be able to *provide better assistance to their constituents.*

In reaction, Senator Sotto surmised that if a local official was asked what the priorities of his area are,

funding of RH would not be one of them. He stated that it is not about 11 or more mothers dying in childbirth everyday, it is also about women dying from cardiovascular and respiratory diseases, cancer, pneumonia, diabetes, TB and accidents. He stressed that if ever an LGU had funds for health care, funding contraceptives would be the least of its priorities.

Senator Marcos assured the Body that if the RH Act would provide funds for the LGU, a local official would use it to help women in need, otherwise, he/she would not win in the next election. However, Senator Sotto argued that the causes of death of women deserve equal priority as reproductive health and in the case of Emma, what she really ought to prioritize is where to get money for her daily sustenance.

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

At this juncture, Senator Cayetano (P) acknowledged the presence in the gallery of former Health Secretaries Cabral and Romualdez.

#### **INTERPELLATION OF SENATOR SOTTO (Continuation)**

Resuming his interpellation, Senator Sotto asked what groups were pushing for the passage of the RH bill. In response, Senator Cayetano (P) stated that she would ask her staff to prepare the list. With respect to the International Planned Parenthood Federation that was mentioned earlier, she read its official statement as follows:

International Planned Parenthood Federation supports all forms of family planning depending on what is considered legal in the individual countries. Therefore, in countries where abortion, as in the Philippines, is not a method considered legal, then it is not a form of family planning that it supports.

In addition, Senator Cayetano (P) said that the statement of the IPPF and her personal research on the organization are consistent. She said that no one from the federation ever came to her to lobby for the legalization or promotion of abortion. She maintained that in all the hearings, abortion was never considered, *contrary to the belief of anti-RH advocates.* She stressed that the Sponsors of the bill and other stakeholders were not pushing for abortion in order to legalize it. She gave assurance that Senator Sotto

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would be given the list of groups that support the RH bill.

On a related matter, Senator Cayetano (P) took exception to the statement of Senator Sotto that contraceptives should not be prioritized. She stated that contraceptives do not have to be the first priority but judging from the sentiments of women, it is very important to plan families. She cited the case of Bing, a 38 year-old scavenger in Manila, who has five children who were born less than a year apart: one baby died at birth, two others were sent to the province because Bing cannot afford to support them, the other two who were still staying with her cannot be sent to school.

Senator Cayetano (P) stated that after giving birth to their last child, mothers explore the option of planning their family, so they would beg, either with the husbands or with a barangay official, to help them find a way to avoid another pregnancy. She lamented that traditionally, it is the women who suffer with their children; it is the women who budget the limited money of the family and often make the painful decision to send their children to the province or be given away and they do so simply because they cannot feed their children.

Asked if the condom is among the contraceptives allowed under the bill, Senator Cayetano (P) replied in the affirmative. She stated that the condom is recognized as safe and effective and she would inquire from the DOH as to how it would be distributed. She added that limitations and stricter guidelines on the implementation of the RH Act would be addressed during the period of amendments.

On a personal note, Senator Cayetano (P) stated that it is important for every Filipino to be given the proper information as his/her guide in deciding which family planning method to use. She said that evidently, it is more cost efficient and less risky for the mother to undergo ligation or for the father to undergo vasectomy rather than resort to condoms, for instance. She stated that part of the program is giving information on what is the most suitable and cost-efficient method for the individual. However, she said that if a couple just wanted to space their children, then they would consult a family planning counselor and choose an option on how to plan their family.

Upon further query, Senator Cayetano (P) clarified that the IPPF does not support a family

planning method in countries where it is illegal. However, she said that she does not have knowledge as to the extent of support that the IPPF gives and she has to get that information. She recalled that during the previous day's discussion, it was mentioned that a lot of NGOs, doctors and even priests support various forms of contraception. She noted that many countries have legalized abortion and others do not.

Senator Sotto stated that he would look into the matter closely as he did not want to be affiliated with a group that supports abortion.

Responding thereto, Senator Cayetano (P) pointed out that people and groups can never be prevented from supporting a particular legislation. She assured Senator Sotto that there is no way she would allow policies that are contrary to law to affect the measure.

On to the third objective of the bill — provide Filipinos with access to health care facilities and skilled health professionals before, during and after deliver, establishment and upgrading of facilities and training of skilled professionals — Senator Sotto noted the applicable provisions in the bill, to wit:

*SEC. 5. Hiring of Skilled Health Professionals for Maternal Health Care and Skilled Birth Attendance.* – The LGUs, with the assistance of the DOH, shall employ an adequate number of midwives and other skilled health professionals for maternal health care and skilled birth attendance to achieve a minimum ratio of one (1) fulltime equivalent skilled health professional for every one hundred fifty (150) deliveries per year, to be based on the annual number of actual deliveries or live births for the past two (2) years; *Provided, That* people in geographically isolated or highly populated and depressed areas shall not be neglected.

For the purposes of this Act, midwives and nurses shall be allowed to administer life-saving drugs, in accordance with the guidelines set by DOH, under emergency conditions and when there are no physicians available; *Provided, That* they are appropriately trained and certified proficient to administer these life-saving drugs.

*SEC. 6. Provision of Emergency Obstetric and Newborn Care.* – Each LGU shall ensure the establishment or upgrading of hospitals or facilities with adequate and qualified personnel, equipment and supplies to be able to provide emergency obstetric and newborn care. For every 500,000 population, there shall ideally be at least one (1) public or private hospital for

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CEMONC and four (4) public or private health facilities for BEMONC which shall also be capable of providing blood transfusion services; *Provided*, That people in geographically isolated or highly populated and depressed areas shall not be neglected.

SEC. 12. *Mobile Health Care Service.* – Each congressional district shall acquire a Mobile Health Care Service (MHCS) in the form of a van or other means of transportation appropriate to coastal and mountainous areas. The MHCS shall deliver health care goods and services to its constituents, more particularly to the poor and needy, as well as disseminate knowledge and information on reproductive health. The purchase of such may be funded from the Priority Development Assistance Fund (PDAF) of each Congressional District. The MHCS shall be operated by skilled health providers and adequately equipped with a wide range of reproductive health care materials and information dissemination devices and equipment, the latter including, but not limited to, a television set for audio-visual presentations. All MHCS shall be operated by LGUs of provinces and highly urbanized cities.

SEC. 14. *Capacity Building of Barangay Health Workers (BHWs).* – The DOH shall be responsible for disseminating information and providing training programs to the LGUs. The LGUs, with the technical assistance of DOH, shall be responsible for the training of BHWs and other barangay volunteers on the promotion of reproductive health.

SEC. 15. *Employers' Responsibilities.* – The Department of Labor and Employment (DOLE) shall ensure that employers respect the reproductive rights of workers and their right to gender equality.

Employers shall also uphold the right of all workers to know work conditions which may affect their health, particularly those related to their reproductive health. Employers shall furnish in writing the following information to all employees and applicants:

- a) The medical and health benefits which workers are entitled to, including maternity and paternity leave benefits; and
- b) The reproductive health hazards associated with work, including hazards that may affect their reproductive functions especially for pregnant women.

Moreover, Senator Sotto observed that Section 5 of the bill is mirrored in Section 20 of the Magna

Carta of Women and the activities mentioned therein were already being implemented by the Women's Health and Safe Motherhood Project, Local Health Systems Development of the Department of Health.

Further, Senator Sotto pointed out that Sections 5, 6, 12 and 14 of the RH bill are already covered by existing laws such as R. A. No. 9710, (Magna Carta for Women) together with its implementing rules and regulations; R. A. No. 7883 or the Barangay Health Workers Benefits and Incentives Act of 1995; R. A. No. 7160, (Local Government Code); A. O. No. 2008-0029 (Implementing Health Reforms for Rapid Reduction of Maternal and Neo-Natal Mortality); A. O. No. 2010-0036, (The Aquino Health Agenda: Achieving Universal Health Care for all Filipinos); and implemented by the DOH — Women's Health and Safe Motherhood Project; and the Family Planning Program.

At this point, Senator Sotto requested that all provisions that he cited be deemed read into the Record of the Senate.

For her part, Senator Cayetano (P) said that it was not quite accurate to say that the cited provisions are mirrored in the Magna Carta of Women. She explained that item no. 2, which refers to LGUs organizing and deploying teams of health care workers, is very different from the provision of the RH bill which refers to the health and skilled birth attendants and the provision on emergency obstetric for new-born care.

She also pointed out Section 5 of the RH bill defines and details the roles of the LGUs and the DOH. To stress her point, she read Section 5, to wit:

The LGUs, with the assistance of the DOH, shall employ an adequate number of midwives and other skilled health professionals for maternal health care and skilled birth attendants to achieve a minimum ratio of one full-time equivalent skilled health professional for every one hundred fifty (150) deliveries per year, to be based on the annual number of actual deliveries or live births for the past two (2) years; *Provided*, That people in geographically isolated or highly populated and depressed areas shall not be neglected.

Senator Cayetano (P) disagreed to the observation of Senator Sotto that the provisions of the RH bill he mentioned are mirror images of provisions of other existing laws. She maintained that there is nothing

that prevents Congress from including in the proposed Act provisions that are similar to or duplications of already existing laws.

Senator Sotto argued that the provisions may not be mirror-images but their spirit is the same.

**SUSPENSION OF CONSIDERATION  
OF SENATE BILL NO. 2865**

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

**COAUTHOR**


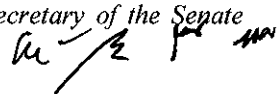
Upon his request, Senator Villar was made coauthor of Senate Bill No. 50, (Creating the Department of Information and Communications Technology).

**ADJOURNMENT OF SESSION**

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

*It was 5:27 p.m.*

I hereby certify to the correctness of the foregoing.

  
EMMA LIRIO REYES  
Secretary of the Senate  


Approved on August 24, 2011