



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 36**  
Wednesday, October 19, 2016

**SEVENTEENTH CONGRESS**  
**FIRST REGULAR SESSION**

---

**SESSION NO. 36**  
Wednesday, October 19, 2016

**CALL TO ORDER**

At 3:29 p.m., the Senate President, Hon. Aquilino “Koko” Pimentel III, called the session to order.

**PRAYER**

Sen. Loren Legarda led the prayer, to wit:

Heavenly Father,

We humbly come before You with praise and grateful hearts for all the bountiful blessings we receive each day.

We ask for Your divine guidance and wisdom as we continue to perform our tasks as legislators. For all the issues that may divide us and for all the uncertainties that come our way, we pray that Your Spirit will enlighten us and help us find common ground.

May we act with greater urgency and purpose as we find peaceful solutions to all the challenges facing our nation today, and may we always heed Your call to love one another as You have loved us.

In times of trials and difficulties, let us trust in Your promise when You said, “My grace is sufficient for you, for My strength is made perfect in weakness.”

Amen.

**ROLL CALL**

Upon direction of the Senate President, the Secretary of the Senate, Atty. Lutgardo B. Barbo, called the roll, to which the following senators responded:

Angara, S.	Legarda, L.
Aquino, P. B. IV B.	Pacquiao, E. M. D.
Binay, M. L. N. S.	Pangilinan, F. M.
De Lima, L. M.	Pimentel III, A. K.
Drilon, F. M.	Sotto III, V. C.
Ejercito, J. V. G.	Trillanes IV, A. F.
Escudero, F. J. G.	Villanueva, J.
Honasan, G. B.	Villar, C. A.
Hontiveros, R.	Zubiri, J. M. F.
Lacson, P. M.	

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

Senators Gordon and Poe arrived after the roll call.

Senators Cayetano and Gatchalian were on official mission abroad to accompany President Rodrigo Duterte in his state visit to China.

Senator Recto was absent.



## 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. 35 (October 18, 2016) and considered it approved.

## ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

Senator Sotto acknowledged the presence in the gallery of the following:

- Guests of Senator Pacquiao – Alexander Bryan Reganit, mayor of Maitum, Sarangani; Vice Paul Salarda, mayor of Alabel, Sarangani; Atty. Tessa Constantino, mayor of Malungon, Sarangani; Evelyn Alegario, councilor of Malungon, Sarangani; Leonor Abella, vice-president for promotion of PhilExport; and members of the Right to Know Right Now Coalition led by Ms. Annie Geron;
- Guests of Senator Trillanes – Professional Criminologists Association of the Philippines, led by Atty. Ramil Gabao, Dr. Gerry Cano, Dr. Alyssa Segundo and Solomon Segundo; and the Occupational Therapy Association of the Philippines, led by their president, Anthony Grecia, Lee Asuncion, vice president Marille Arcil Cozon and members of the association.

Senate President Pimentel welcomed the guests to the Senate.

## REFERENCE OF BUSINESS

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

### BILLS ON FIRST READING

Senate Bill No. 1207, entitled

AN ACT AMENDING SECTION 13 OF THE REPUBLIC ACT NO. 3019, AS AMENDED, ENTITLED THE ANTI-GRAFT AND CORRUPT PRACTICES ACT

Introduced by Senator Sotto III

**To the Committee on Justice and Human Rights**

Senate Bill No. 1209, entitled

AN ACT AMENDING SECTION 2 OF REPUBLIC ACT NO. 8187, OTHERWISE KNOWN AS THE PATERNITY LEAVE ACT OF 1996, AND FOR OTHER PURPOSES

Introduced by Senator Maria Lourdes Nancy S. Binay

**To the Committees on Labor, Employment and Human Resources Development; and Civil Service, Government Reorganization and Professional Regulation**

Senate Bill No. 1211, entitled

AN ACT ESTABLISHING THE PHILIPPINE SPACE DEVELOPMENT AND UTILIZATION POLICY AND CREATING THE PHILIPPINE SPACE AGENCY, AND FOR OTHER PURPOSES

Introduced by Senator Paolo Benigno “Bam” Aquino IV

**To the Committees on Science and Technology; and Finance**

## RESOLUTION

Proposed Senate Resolution No. 206, entitled

RESOLUTION URGING THE SENATE COMMITTEES ON HEALTH AND DEMOGRAPHY; AND ON URBAN PLANNING, HOUSING AND RESETTLEMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE KEY ISSUES AFFECTING THE TACLOBAN PERMANENT RESETTLEMENT SITES (PRS), WITH SPECIAL ATTENTION TO THE HEALTH AND SANITATION CONDITIONS OF SAID RESETTLEMENT AREAS, WITH THE END IN VIEW OF PROPOSING APPROPRIATE INTERVENTIONS AND REMEDIAL ACTIONS

Introduced by Senator Risa Hontiveros





**To the Committees on Health and Demography; and Urban Planning, Housing and Resettlement**

### COMMITTEE REPORTS

Committee Report No. 3, prepared and submitted jointly by the Committees on Public Information and Mass Media; Civil Service, Government Reorganization and Professional Regulation; and Finance, on Senate Bill No. 1208, with Senators Honasan II, Pangilinan, Cayetano, Escudero, Trillanes IV, Joseph Victor Ejercito, Grace Poe, Leila M. de Lima, Legarda, Zubiri, Sonny Angara, Paolo Benigno "Bam" Aquino IV, Joel Villanueva and Risa Hontiveros as authors thereof, entitled

AN ACT IMPLEMENTING THE PEOPLE'S RIGHT TO INFORMATION AND THE CONSTITUTIONAL POLICIES OF FULL PUBLIC DISCLOSURE AND HONESTY IN THE PUBLIC SERVICE AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 24, 54, 72, 82, 94, 149, 159, 248, 306, 315, 534, 708, 1014 and 1172.

Sponsor: Senator Grace Poe

### To the Calendar for Ordinary Business

Committee Report No. 4, prepared and submitted jointly by the Committees on Public Order and Dangerous Drugs; and National Defense and Security, on Senate Bill No. 1210, with Senators Honasan II, Lacson, Grace Poe and Sonny Angara as authors thereof, entitled

AN ACT EXPANDING THE SCOPE AND COVERAGE OF REPUBLIC ACT NO. 4200, OTHERWISE KNOWN AS AN ACT TO PROHIBIT AND PENALIZE WIRE TAPPING AND OTHER RELATED VIOLATIONS OF THE PRIVACY OF COMMUNICATION, AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 21, 48, 871, and 950.

Sponsor: Senator Lacson

### To the Calendar for Ordinary Business

## ADDITIONAL REFERENCE OF BUSINESS

### COMMITTEE REPORTS

Committee Report No. 5, submitted jointly by the Committees on Civil Service, Government Reorganization and Professional Regulation; Education, Arts and Culture; and Finance, on Senate Bill No. 812, introduced by Senator Recto, entitled

AN ACT INSTITUTIONALIZING THE GRANT OF A TEACHING SUPPLIES ALLOWANCE FOR PUBLIC SCHOOL TEACHERS AND APPROPRIATING FUNDS THEREFOR,

recommending its approval with amendments.

Sponsor: Senator Trillanes IV

### To the Calendar for Ordinary Business

Committee Report No. 6, submitted jointly by the Committees on Civil Service, Government Reorganization and Professional Regulation; Public Order and Dangerous Drugs; and Finance, on Senate Bill No. 452, introduced by Senator Trillanes IV, entitled

AN ACT REGULATING THE PRACTICE OF CRIMINOLOGY PROFESSION IN THE PHILIPPINES, AND APPROPRIATING FUNDS THEREFOR, REPEALING FOR THE PURPOSE REPUBLIC ACT 6506, OTHERWISE KNOWN AS "AN ACT CREATING THE BOARD OF EXAMINERS FOR CRIMINOLOGISTS IN THE PHILIPPINES,"

recommending its approval without amendment.

Sponsor: Senator Trillanes IV

### To the Calendar for Ordinary Business

Committee Report No. 7, submitted jointly by the Committees on Civil Service, Government Reorganization and Professional Regulation; and Finance, on Senate Bill No. 454, introduced by Senator Trillanes IV, entitled

AN ACT REGULATING THE REGISTRATION, LICENSURE, AND

*ps*



PRACTICE OF OCCUPATIONAL  
THERAPY, PROVIDING FUNDS  
THEREFOR AND FOR OTHER  
RELATED PURPOSES,

recommending its approval without amendment.

Sponsor: Senator Trillanes IV

**To the Calendar for Ordinary Business**

**PROPOSED SENATE RESOLUTION NO. 194**

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 194, entitled

RESOLUTION CONGRATULATING  
AND COMMENDING THE HONOR-  
ABLE JUAN MIGUEL F. ZUBIRI FOR  
BEING CONFERRED WITH THE  
PRESIDENTIAL AWARD FROM THE  
UNIVERSITY OF THE PHILIPPINES  
LOS BAÑOS ALUMNI ASSOCIA-  
TION (UPLBAA).

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.

**SPONSORSHIP SPEECH  
OF SENATOR ANGARA**

Senator Angara presented for the adoption of the Body Proposed Senate Resolution No. 194, a resolution congratulating and commending Senator Zubiri for being the recipient of the UP Los Baños Alumni Association Presidential Award in recognition of his being an outstanding alumnus in his chosen field and profession.

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

Allow me to stand in this august Chamber to honor today not just a respected colleague but also a good friend – Sen. Juan Miguel Zubiri, known to most of us as Senator Migz or just Migz.

Throughout his political career, Senator Migz has worn many hats. He once served as chief of staff of his father, current Bukidnon Governor Jose R. Zubiri, when the latter was still the Representative of the 3<sup>rd</sup> District of Bukidnon – a post that Sen. Migz Zubiri himself would hold for three consecutive terms starting from 1998.

At the House of Representatives, where I had the pleasure of serving alongside him and along with many of our colleagues, people would know him as one of the “Spice Boys” – young legislators noted not just for their outspoken ways but also for their looks and boyish demeanor. Then Congressman Migz Zubiri was, of course, a prodigious legislator, principally authoring major laws such as the Comprehensive Dangerous Drugs Act of 2002, the Wildlife Conservation and Protection Act, the National Service Training Program or NSTP Act, and the AFP Rate Pay Increase Act. Upon authoring the Biofuels Act of 2006, some people started calling him “Mr. Ethanol.”

In 2007, he moved up to the Senate where, at 39 years old, he eventually became the youngest Senate Majority Leader since the first Congress in 1946. Under his energetic leadership, the Senate was able to enact over 650 bills.

And with his authorship, several important reforms were enacted into law including, among others, the Renewable Energy Act of 2008, the Home Development Mutual Fund Law of 2009 or the New Pag-IBIG Charter, the National Commission on Muslim Filipinos Act of 2009, and the Mindanao Development Authority Act of 2010, not to mention the Cooperative Code of 2008, which is why he is considered the new “father” of Philippine cooperatives and eminently qualified to serve as the current chairman of the Senate Committee on Cooperatives.

*At this juncture, Senate President Pimentel relinquished the Chair to Senate President Pro Tempore Drilon.*

Senator Migz is also an astute entrepreneur, running successful businesses with ice-making plants, restaurants and solar power plants all over the country.

Perhaps his most important role to date — he would agree — is that of being father to his three children (Maria Adriana, Juan Miguel Jr. and Santiago Gabriel) and that of husband to his gracious wife, Audrey. Not too many people, however, know that Senator Migz was once an *Isko* or an “*Iskolar ng Bayan*” like many of us here. He graduated from UP Los Baños in 1990 with a Bachelor of Science degree in AgriBusiness Management, and earned a Masters in Environment and Natural Resource Management from the UP Open University.

If we are not mistaken, Senator Migz is currently the only UP Los Baños alumnus to ever hold a national elective position as high as





he does in the Senate today. It is only befitting then that earlier this month, during the 98<sup>th</sup> Loyalty Day and the first Grand UPLB Alumni Reunion, the University of the Philippines Alumni Association honored him with the Presidential Award for being among the university's most outstanding alumni. His contribution to our body of laws is truly invaluable, given that he has worked hard to ensure the benefits of his laws are shared with most, if not all, Filipinos.

Hence, we are sponsoring Proposed Senate Resolution No. 194, congratulating and commending our colleague, Senator Migz, for garnering this new award and for effectively adding another notch on his list of achievements and earning another good name for himself throughout his already colorful and eventful career as a public servant.

Allow me then to enjoin everybody in this august Chamber to congratulate and commend our beloved colleague and friend, Sen. Migz Zubiri.

#### **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 194**

Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 194 was adopted by the Body, subject to style.

#### **STATEMENT OF SENATOR LEGARDA**

Senator Legarda called on everyone, specifically the local government units (LGUs), to prepare for typhoon *Lawin* which has intensified into a super typhoon, thereby posing a serious threat to the provinces of Cagayan and Isabela which are currently under Signal No. 5, the highest tropical cyclone warning signal.

Senator Legarda informed the Body that PAGASA had just issued a bulletin which said that typhoon *Lawin*, located at 300 kilometers east of Casiguran, Aurora and was moving west northwest, has a maximum wind of up to 225 kilometer per hour and gustiness of up to 315 kilometer per hour. Given the very intense and massive strength of the typhoon, she warned that it would bring destructive floods, landslides, or possibly a storm surge or a tsunami — two different weather disturbances — and that very heavy rainfall would be expected within the 800-kilometer diameter.

Senator Legarda then announced the latest warning signals, and the areas correspondingly affected, to wit:

Signal No. 5 – Cagayan and Isabela;

Signal No. 4 – Kalinga, Apayao, Ifugao, Mountain Province, Abra, Ilocos Norte and Ilocos Sur;

Signal No. 3 – La Union, Benguet, Nueva Vizcaya, Quirino and Northern Aurora;

Signal No. 2 – Batanes, Pangasinan and the rest of Aurora;

Signal No. 1 – Tarlac, Nueva Ecija, Zambales and Quezon, including Polilio Island, whole of Central Luzon, CALABARZON and Metro Manila.

Senator Legarda further cautioned that although the cyclone tropical warning signals have been determined, it was uncertain what they would become the following day, thus the need to operationalize the signal numbers. Given the strength of the typhoon and its possible impacts, including an expected storm surge, with wave height reaching 14 meters, she warned that there could be heavy damage to high-risk structures, disruption of electrical power and communication services, uprooting of big trees and expected heavy losses in rice and corn crops.

Senator Legarda then called on the NDRRMC to mobilize all its DRR officers, as well as the DSWD to preposition relief goods and personnel in every municipality, province and city that are going to be affected, to help the vulnerable population and to forcibly evacuate or move to safer grounds those living in coastal and landslide-prone areas.

As a matter of urgent national concern, Senator Legarda urged the national and local agencies to prepare, to evacuate, and to preposition goods, services and personnel for the coming supertyphoon.

#### **MANIFESTATION OF SENATOR SOTTO**

Senator Sotto informed the Body that there were six committee reports to be considered in the day's session. However, he said that several Members had been asking about the committee report of the Committee on Justice and Human Rights. He stated that while the committee was ready to submit the committee report for the Body's consideration, he had prevailed upon Senator Gordon to give way to the six committee reports.



## SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 3 on Senate Bill No. 1208 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## COMMITTEE REPORT NO. 3 ON SENATE BILL NO. 1208

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1208 (Committee Report No. 3), entitled

AN ACT IMPLEMENTING THE PEOPLE'S  
RIGHT TO INFORMATION AND  
THE CONSTITUTIONAL POLICIES  
OF FULL PUBLIC DISCLOSURE  
AND HONESTY IN THE PUBLIC  
SERVICE AND FOR OTHER  
PURPOSES.

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

The Chair recognized Senator Poe for the sponsorship.

## SPONSORSHIP SPEECH OF SENATOR POE

Senator Poe, on behalf of the Committee on Public Information and Mass Media, submitted for plenary consideration Senate Bill No. 1208, entitled "An Act Implementing the People's Right To Information And The Constitutional Policies Of Full Public Disclosure And Honesty In The Public Service And For Other Purposes" under Committee Report No. 3.

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

### EMPOWER THE PEOPLE, DARE THEM TO ASK

I stand here today to sponsor Senate Bill No. 1208, otherwise known as the "People's Freedom of Information Act of 2016." The said bill is a consolidation of 14 FOI legislations

filed by our eminent colleagues, namely, Senators Honasan, Pangilinan, Cayetano, Escudero, Trillanes, Ejercito, Legarda, Zubiri, Angara, Aquino, Villanueva, Hontiveros, De Lima, and by this Representation.

Our task today is to pass a freedom of information act in order to institutionalize the constitutional right of the people to information on matters of public concern and fulfill the State's mandate to implement a policy of full public disclosure of all matters involving public interest.

This is my second time to sponsor this bill, and hopefully the last. This proposed law is 24 years or one generation in the making, which compels us to finish the job during our watch and not leave it to the next generation.

The Senate had not only tackled the FOI bill in the past; it had, in fact, approved it on March 10, 2014, unanimously. The House, however, failed to pass the said bill on Third Reading.


On July 23, the Executive branch issued Executive Order No. 2, binding agencies under them to an FOI regime. A legislated FOI strengthens the executive FOI by filling the gaps, by funding the mandates, by providing for criminal penalties, by creating a uniform standard, by closing the loopholes, by clearly defining the exceptions and, above all, by meeting the demands of the people to create an antidote to irregularities. For example, to report on recent disturbing events, requests by journalists for drug war data were not attended to in violation of the EO, thus making the creation of a legislative measure imperative.

In the quarter-of-a-century during which this measure was in limbo, the scandals that rocked our nation had always involved infidelity in the custody of public funds. However, the collateral casualties of stealing are more heart-wrenching: When billions are lost, millions go hungry; when billions are lost, millions go to schools without classrooms; when billions are lost, millions have to endure bad public service.

If there is one costly lesson we have learned from our past, it is this: Secrecy corrupts, and absolute secrecy corrupts absolutely.

There are five successful general principles (SGPs) of FOI laws around the world. Please allow me to enumerate.

First is to have a broad definition of information, and a legal presumption in favor of access to that information. Because openness is fundamental to the democratic life of the country,





access to information should be a key feature of our government. This means that there is blanket coverage for all public information and that all official documents are presumed to be open to the public, unless expressly prohibited by law. Our FOI bill provides for proactive disclosure, such that certain information must be published or accessible to the public, even without the public requesting such information.

Sections 8 and 9 of our bill have enumerated information that should be immediately available and uploaded on an agency's website, such as the SALN of the President, Vice-President, Members of the Cabinet, Members of Congress, Justices of the Supreme Court, among others, shall be disclosed to the public in their official website. You see, our proposed law is not just about transparency and accountability; it is also about creating an enabling environment for meaningful social participation in public affairs.

*Sa ilalim ng batas, pwede, halimbawa, kunin ang address ng mga bahay ng isang opisyal sa SALN. Pero kalabisan namang humingi pa ng litrato ng mga silid-tulugan o imbentaryo ng mga anik-anik sa loob ng bahay.*

Second is the requirement of having limited and strictly construed exceptions, which are enumerated in Section 7 of our bill. We will put "Do not enter" signs, but in delineating no-go zones, we must see to it that they are clearly defined. These non-disclosure areas typically cover matters of national security, operational security, trade secrets, diplomatic security, and presidential privilege. Also included are information that could compromise law enforcement operations or endanger the life of an individual, or constitute an unwarranted invasion of an individual's right to privacy.

I should stress that even if we advocate for access to information, we believe that the right of an individual to privacy is equally sacred. Hence, under Section 10 of our bill, the State is obligated to fully protect the right of privacy of individuals and ensure that the disclosure of personal data under the custody of the State shall be done in accordance with the provisions of the Data Privacy Act of 2012.

Under our bill, all these exceptions shall be strictly construed and none of these exceptions shall be used to cover up a crime or unlawful activity. We have also provided that all exceptions shall undergo mandatory review every three years for possible reclassification and disclosure.

The third trait of a successful FOI law is the creation of the implementing mechanisms that cover all agencies. Thus, unlike the executive order, our FOI bill will cover everyone from the executive, the judiciary and the legislative branches, as well as government-owned and -controlled corporations and even certain private individuals that have transactions with the government. Since each agency has a different department or office from which a person may request for information, we have provided under Section 11 that all government agencies shall prepare an FOI manual. The manual will be there to facilitate the effective implementation of the law. Its absence, however, cannot be used as an excuse to deny a request made in accordance with the FOI Act. This means, the FOI manual shall in no way add to the exceptions enumerated in our bill or provide for a tedious process in complying with the FOI bill as our FOI bill already provides for a uniform procedure for the access of information. *Hindi naman po pwede na sa ilalim ng manual nila ay kailangan ng 12 signatories before information is made accessible to an individual. Sana kung artista pinapapirma nila eh ok lang; sabik pa ang nagre-request para sa autograph nila; pero hindi. Dagdag perwisyo ang dagdag signature sa mga request.*

Section 12 of our bill provides that a person will have to submit either personally, by mail, or through electronic means, a request to the government agency concerned. A person who is unable to make a written request because of illiteracy or disability may make an oral request. Once the request is submitted, the government agency should help the requesting party free of charge and provide the information within 15 days. If the government agency decides to deny the request, in whole or in part, it shall also inform the requesting party within 15 calendar days of the grounds for denial and indicate the available remedies for appeal.

Again, let me remind our countrymen that 15 days may be long, but certain information is already automatically uploaded on a website which can be easily accessed by our countrymen.

Will the requesting party have to pay anything? Yes. A government agency may charge reasonable access and processing fees.

The fourth trait of a good FOI law deals with efficiency and timeliness. For FOI to be effective, citizens must have what experts call "actionable data," which is data that is immediately usable to intervene on an urgent concern. Typically, what we see on government websites today are "after-



the-fact" data. *Ibig sabihin, imbes na impormasyon na makakapigil ng suntukan, ang datos na nakukuha ay yaong tapos na ang boksing.* Under our bill, contracts and agreements involving an amount of at least P50 million shall be uploaded online and in full before the signing. Thus, data uploaded should not only pertain to consummated contracts but also that which will help prevent the consummation of disadvantageous contracts.

The fifth trait of a good FOI is the institutionalization of penalties for non-compliance or for violation of the FOI law. This is what we call the fear factor or our whipping stick. Without penalties, *kung wala pong parusa*, a law will have no teeth and will simply remain lip service to the constitutional provisions upholding the people's right to information.

Unlike an EO, our FOI can provide for criminal and not just administrative liabilities. Among the acts penalized are falsely denying or concealing the existence of information that should be disclosed; divulging or releasing information that is altered, tampered or modified; knowingly or wrongfully claiming an exception under the FOI law or the Constitution when such claim is manifestly devoid of basis; and divulging or releasing information covered as an exception under the law. Our FOI bill also seeks to penalize private individuals who knowingly directed or induced or caused the commission of the foregoing acts.

However, to boost compliance of government agencies, we should create a system of incentives, for more good are wrought by the carrot than by the stick. Under Section 27 of our bill we have provided for a system of incentives and rewards. *Meron din pong gantimpala ang mga sumusunod nang maayos.* For example, *may premyo sa "Most FOI Compliant Agency of the Year."* *Isang milyon na halaga ng bagong equipment. Bakit hindi?*

The litmus test of an FOI law is how it helps the common people secure with ease, without help and without hassle, the documents he needs.

*Kung gustong malaman ng publiko kung bakit kada taon may bagong sasakyan ang isang opisyal ng gobyerno o bakit lahat ng kinakasama ng barangay captain nila ay may negosyo kahit na wala talaga silang hanapbuhay para pagkuhanan ng kapital, eh di dapat may karapatan tayong suriin ang SALN ng mga opisyaes na ito kung ito ba ay nakalagda nang tama o hindi. Kung gustong malaman ng publiko kung saan napunta ang*

*donasyon para sa mga nasalanta, dapat may karapatan din tayong suriin ang financial documents ng DSWD o kung anong mga ahensya na namamahala sa mga donasyon.*

*Sa laki ng binabayad nating tax, nararapat lang na itanong ng ating mga kababayan—ni Juan at Maria—kung saan napupunta ang nakakaltas sa sahod nila. Magkano ba ang magpagawa ng kalsada? Bakit kada taon parehong kalsada ang laging pinapagawa o binubungkal?*

Let me stress, though, that access to these documents or information should be in a language easy to comprehend, which is why the Senate's FOI version made mandatory the use of plain language in official communication. What use is information that is easily accessible if it is not easily understood?

*Kung hindi naman maintindihan ng ating mga kababayan ang dokumento na ibinigay sa kanila ay bale wala ang impormasyon. Kaya dapat madali itong maintindihan kahit pa walang abogado ang ating mga kababayan.*

Admittedly, this bill, when implemented, will incur expenses. Freedom of information does not mean that such information will come free. *May gastos po sa gobyerno.* That is why we provided that the amount necessary to carry out the provisions of this bill shall be charged against the agencies' current budget and shall later be included in the annual General Appropriations Act.

Be that as it may, I strongly maintain that the benefits far outweigh the costs of implementation. Studies show that FOI spending bears high social returns. Investments on FOI resources and technology are needed, and must be mandated, otherwise what good is a law if it ends up as an unfunded mandate?

The FOI Act is long overdue. Let us not delay its passage anymore as it has been delayed long enough.

I would like to thank the advocates even here. I think as a junior senator, Senator Villanueva, Senator Zubiri and all those I have mentioned authored this more than a decade ago. I would also like to thank the Right to Know Right Now! Coalition who has always been with us to provide us with technical advice as well as feedback regarding this measure.

Passing the FOI law is just the beginning. Beyond the law, we need to cultivate a culture of transparency and accountability. *Lahat ay dapat makilahok.* We need to create an environment



where ordinary citizens are fearless enough to ask important questions and have the audacity to demand the truth. We should dare them to ask, dare them to act. Let us empower our people and in doing so, improve our public institutions.

## **COSPONSORSHIP SPEECH OF SENATOR VILLANUEVA**

As cosponsor of Senate Bill No. 1208, Senator Villanueva stressed the importance of using the mother tongue in all government documents so that they could be easily understood.

*The full text of Senator Villanueva's cosponsorship speech follows:*

*Mga minamahal kong kasamahan dito sa Senado, mga tagataguyod ng FOI — noon hanggang ngayon — maganda at mapagpalang hapon po sa inyong lahat.*

*Isang probisyon sa Seksyon 20 ng People's Freedom of Information Act ang pagsasalin ng mahahalagang impormasyon sa mga pangunahing wikang Filipino — kasama ang mga wikang panrehiyon at mga lingua franca, at pagpapabatid nito sa mamamayan sa paraang popular o sa format na madaling ma-access ng lahat.*

*Sa mga deliberasyon tungkol sa FOI nitong mga nakaraang linggo, kahit pa halos labinlimang taon na ang lumipas mula nang una akong mag-sponsor ng FOI Bill sa Maba-bang Kapulungan noong 12<sup>th</sup> Congress, ngayon ko lubos na naiintindihan na lubhang mahalagang maunawaan ng ating mga kababayan ang ating mga batas gamit ang pangunahing wika nila.*

### **Ano po ba ang People's Freedom of Information Act?**

*Kung tutuusin, simple lang ang batas na ito: ang pagbubukas sa lahat ng mga Pilipino ng mga pampublikong dokumento (Seksyon 5). Subalit ipinapanukala rin ang mga exception (Seksyon 7) at mga hakbang para ma-access ang mga pampublikong dokumentong ito (Seksyon 12).*

### **Bakit kailangan po ng batas na ito?**

*Sapagkat kailangan ng reporma at mga mekanismong magsusulong ng partisipasyon ng mga mamamayan sa pagpapatakbo ng gobyerno, transparency o iyong pagiging tapat, malinis at walang itinatago at accountability o ang pagkakaroon ng pananagutan sa mga*

*opisyal ng gobyerno - lalo na at naglagay ng probisyon para sa administrative at criminal offenses at penalties (Seksyon 21 at 22).*

*Noon, marami ang nagsasabi na kung hindi mapagbigyan ang request nila sa gobyerno, "nganga" na lang sila, umasa sa wala dahil parang inilista lang sa tubig ang request nila. Ngayon, sa panukalang ito, obligasyon ng ahensiyang tugunan ang request sa loob ng 15 araw matapos matanggap ang request, at kung magkakaroon man ng extension, hindi ito dapat lalampas sa 20 working days.*

*Pinagsumikapan ng mga tagapagtaguyod ng FOI, sa loob at labas ng Kongreso, na balansehin ang lehitimong pangangailangan ng gobyernong pangalagaan ang mga confidential na impormasyon at ang karapatan ng bawat Pilipinong makaalam at makahingi ng impormasyon sa lahat ng ahensya ng gobyerno.*

*Para kay Juan at Juana dela Cruz, sa mga ordinaryong Pilipino, magiging armas nila ang FOI upang:*

- *Magkaroon ng access sa mga impormasyong pinansiyal, tulad ng SALN ng mga opisyal ng gobyerno sa tatlong sangay ng pamahalaan - ehekutibo, lehislatibo, hudikatura, at makinabang sa mandatoryong pagsasapubliko ng mga transaksyon ng pamahalaan. Kung mandatoryo ang paglalabas ng SALN at mga transaksyon, mas madaling mahabol ang mga tiwaling opisyal hindi lang ng mga imbestigador kundi pati na ng mga interesadong mamamayan.*
- *Pag-aalis ng hirap sa paghahanap ng mga kinakailangang impormasyon mula sa iba't ibang tanggapan sa pamamagitan ng paggamit ng iisang portal para sa lahat ng impormasyon. Ito po ang umiiral na ngayong website ng Official Gazette, ang www.gov.ph.*

*Nabanggit ko na sa Seksyon 20 ng panukalang batas na ito, kailangang isalin ang mahahalagang impormasyon sa mga pangunahing wikang Filipino upang lubos itong maunawaan ng ating mga mamamayan. Kaugnay nito, lahat ng ahensya ng gobyerno ay kailangang maghanda ng Freedom of Information Manual na maglalaman ng mga detalye at pamamaraang magsisilbing gabay sa pagpapatupad ng batas (Seksyon 11).*

*Babanggitin ko po na malaking tulong ang probisyon ng Citizens' Charter, na maituturing ding isang "manual" ng Republic Act 9485 o*

*pp*



Anti-Red Tape Act *para magabayan ang mamamayan sa kanilang karapatan laban sa red tape. Base sa karanasan sa pagpapatupad ng RA 9485, tiyak na malaking tulong din ang Freedom of Information Manual sa lahat ng ahensya ng gobyerno at sa ating mga mamamayan para sa mas epektibong pagpapatupad ng panukalang ito.*

I believe that the proposed measure will pave the way for a quality and strong FOI law: providing a powerful tool to deter corruption and abuses, improve delivery of public services, attract more investors, create more jobs and opportunities for our people BUT only when the education and training sector plays its role in integrating the right to information along with the values of democracy and good governance in our school system.

RIGHT TO INFORMATION IS LONG OVERDUE. DELAY IS NO LONGER AN OPTION.

Thank you and God bless us all.

#### **COSPONSORSHIP SPEECH OF SENATOR EJERCITO**

Also as sponsor of Senate Bill No. 1208, Senator Ejercito reminded the Body of its obligation and commitment to the people to pass the Freedom of Information Act (FOI) which, as he reminded everyone, had been filed in previous Congresses but failed to get the approval of the two Houses of Congress.

*Following the full text of Senator Ejercito's speech:*

I stand here to cosponsor Senate Bill No. 1208 under Committee Report No. 3, entitled "*An Act Implementing the People's Right to Information and the Constitutional Policies of Full Public Disclosure and Honesty in the Public Service and for Other Purposes*" or more commonly known as the Freedom of Information Act.

It feels like *déjà vu* since we are here once again and back to square one in pushing for the passage and implementation of the Freedom of Information Act in every sector of the government. To show my commitment to the public, the FOI was the very first legislative measure I filed in the 17<sup>th</sup> Congress and I would like to thank our chairperson for prioritizing this particular measure that hopefully we will be able to pass early next year.

I first filed the FOI bill when I was still at the House of Representatives during the 15<sup>th</sup> Congress or six years ago. This time, we want to

pass it immediately. We do not want any delays. However, we would like to make sure that the version that we will present to the public will be devoid of any irregularities that might hinder them from invoking their right to information.

The enactment of the Freedom of Information legislation is our obligation to the citizens of the Philippines just as it is their obligation to pay taxes, so it is ours to protect their hard-earned money. It will show the people that government is devoted and putting more effort to curtail the rampant corruption in the government. Furthermore, it will help the government to attain its goal of transparency in the government service to achieve effective governance.

We hope that there will be no other delays in the passage of this bill. The FOI will not only prevent graft and corruption but more importantly, it will help the people get involved and participate in running the affairs of the government.

It is therefore my fervent hope that the passage of Senate Bill No. 1208 or the Freedom of Information Act be immediately sought.

#### **COSPONSORSHIP SPEECH OF SENATOR ANGARA**

Senator Angara underscored the need to pass the Freedom of Information Act to restore the people's trust in the government.

*The full text of Senator Angara's cosponsorship speech follows:*

*Nais ko pong ihayag ang aking pagsuporta para kay Senadora Grace Poe, ang chairperson ng Committee on Public Information and Mass Media, sa kanyang muling pag-sponsor nitong People's Freedom of Information Act (FOI).*

*Mahalaga po ang FOI para maibalik ang kumpiyansa at tiwala ng taong-bayan sa kanilang gobyerno. Halimbawa, marami po ang nagdadalawang-isip tuwing magbabayad ng buwis. Iniisip nila, imbes na pumunta sa tama ang pera na kanilang pinaghirapan, ito ay mapupunta lang sa bulsa ng iba. Kaya po siguro marami ang kusing umiiwas sa buwis.*

*Pero kung malaya ang daloy ng impormasyon, malaya ring nasisipat at masusuri ng tao ang daloy ng kanilang buwis — mula sa kanilang pitaka papunta sa kaban ng bayan patungo sa mg proyekto at serbisyo para sa bayan. At kung nakikita nila ito, mas maeenganyo silang magbayad at tuparin ang*

*P. Angara*



*kanilang obligasyon sa bayan. Mas magtitiwala po sila na ang perang binigay nila ay gagastusin para sa ikabubuti ng bansa.*

An open regime of information is a natural check against corruption in how public money is spent; against abuses in procurement processes; or against excesses of officials in how they fulfil their mandates. The more we prevent such occurrences, the more we widen the space for trust to flow back into our public institutions.

*Mahalaga po ang pagbabalik ng tiwala sa gobyerno dahil ito ang magbibigay daan para tunay na lumahok at tumulong ang taong-bayan sa pamamalakad ng bansa para maging tunay na "partners of change" ang bawat Pilipino.*

*Sa aking pananaw, demokrasya po ang tawag sa anumang sistema kung saan lahat ng mamamayan—mula sa ordinaryong tao hanggang sa Pangulo ng bansa—ay sama-samang tumutulong para sa ikabubuti ng bayan. Sa isang demokrasya, lahat nagdadamayan, lahat nagtutulungan.*

*Paano ba tayo magdadamayan kung may tinatago sa atin ang pamahalaan? Paano ba tayo magtutulungan kung hindi natin alam kung ano ang nangyayari o ginagawa ng ating gobyerno? Paano tayo magiging ganap na demokrasya kung takot na takot tayong balutin ng kalayaan ang impormasyong pampubliko?*

*Panahon na po para baguhin ang pagtakbo ng ating gobyerno, upang muling bumalik ang nawalang tiwala ng Pilipino. Panahon na po para hawak ng bawat mamamayan ang impormasyon para magampanan nila ang kanilang responsibilidad sa ating demokrasya. Panahon na para maliwanagan ang bawat isa sa ginawa, ginagawa at gagawin ng kanilang gobyerno – upang sila'y maging totooang katuwang sa pagbabago at pag-asenso.*

*Ipasa na po natin ang FOI.*

## **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1208**

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

## **SUSPENSION OF SESSION**

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

*It was 4: 21 p.m.*

## **RESUMPTION OF SESSION**

At 4:30 p.m., the session was resumed with Senator Drilon presiding.

## **SPECIAL ORDER**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 4 on Senate Bill No. 1210 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## **COMMITTEE REPORT NO. 4 ON SENATE BILL NO. 1210**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1210 (Committee Report No. 4), entitled

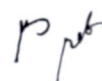
**AN ACT EXPANDING THE SCOPE AND  
COVERAGE OF REPUBLIC ACT  
NO. 4200, OTHERWISE KNOWN  
AS AN ACT TO PROHIBIT AND  
PENALIZE WIRE TAPPING AND  
OTHER RELATED VIOLATIONS OF  
THE PRIVACY OF COMMUNICA-  
TION, AND FOR OTHER PURPOSES.**

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

The Chair recognized Senator Lacson for the sponsorship.

## **SPONSORSHIP SPEECH OF SENATOR LACSON**

Calling for the need to amend the country's 51-year-old Anti-Wiretapping Law, Senator Lacson submitted for plenary consideration Senate Bill No. 1210, entitled "An Act Expanding the Scope and Coverage of Republic Act No. 4200, otherwise known as An Act to Prohibit and Penalize Wire Tapping and Other Related Violations of the Privacy of Communication, and for Other Purposes," under Committee Report No. 4 in substitution of Senate Bill Nos. 21, 48, 871 and 950.





*The full text of his speech follows:*

The right to privacy was indubitably recognized in *Morfe vs. Mutuc* and is now part of Philippine jurisprudence, to wit:

*"The constitutional right to privacy has come into its own. x x x The right to privacy as such is accorded recognition independently of its identification with liberty; in itself, it is fully deserving of constitutional protection."*

On June 19, 1965, Congress enacted Republic Act No. 4200, otherwise known as the Anti-Wiretapping Law, in order to safeguard the constitutional right to privacy of communication.

The law prohibits the tapping of any wire or cable, or using other devices to record, intercept or secretly overhear any private communication or spoken word when it is not authorized by any one of the parties in the conversation, except when it is done pursuant to a court order after compliance with all the requirements set forth by the law.

A perusal of Section 1 of Republic Act No. 4200 makes mention of tapping wires or cables through the use of dictaphone, walkie-talkie or tape recorder. I need not specify them all. One thing is apodictic. Both means of communications and means of intrusion, by way of exemption, are all outdated. *Luma na, laos pa.*

With considerable advances in technology, our laws should be adaptive and responsive, thus calling for the need to amend our 51-year-old Anti-Wiretapping Law. *Mas matanda pang 'di hamak sa mga kasama nating mga batang senador sa 17<sup>th</sup> Congress ang Batas ng Republika Bilang 4200.*

Emanating from the ease of communications in the contemporary era are organized crimes perpetrated through means of communications that are beyond the coverage of our existing law on wiretapping.

Let us take for example the recent Paris terror attack that left 132 persons dead. Though according to reports there was no hard evidence that the attackers used a Sony PlayStation console to plan said attack, experts say that it offers the perfect secure means of communication. In fact, it is so hard to track considering that communications can be sent in different formats. In a statement issued by Sony Incorporated, it said, "PlayStation 4 allows for communication amongst friends and fellow gamers and, in common with

all modern connected devices, this has the potential to be abused."

Back in the days, we watched our kids play with Atari or Family Computers. Now, who would have thought that just an updated modern version of gaming consoles could possibly pave the way for terrorism or other organized crimes? *Ganyan na po ang technology today.*

Since our law enforcement agencies have gained momentum on the fight against illegal drugs, let me call your attention to a statement issued by the 2015 International Narcotics Control Strategy Report of the U.S. Department of State acknowledging that the lack of legislation authorizing judicial wiretapping for drug cases and the lack of reform in the criminal justice system will continue to hamper efforts against international drug trafficking organizations from exploiting the Philippines as a trans-shipment point and market for illegal drugs.

With that in mind, this Representation, together with Senators Greg Honasan, Grace Poe and Sonny Angara, is saying that it is time to amend the Anti-Wiretapping Act.

Today, I stand here to sponsor the "Expanded Anti-Wiretapping Act of 2016."

I would like to describe this measure as "comprehensive." However, mere mention of the word "comprehensive" will definitely raise eyebrows. Let me assure you that with the numerous pronouncements already made by the Supreme Court, the right to privacy shall always be inviolable. Having said so, I beg the kind indulgence of everybody in this hall to keep in mind that the respect for private lives of individuals still remains as the overall context of the Expanded Anti-Wiretapping Act of 2016.

When presenting two opposing news, Filipinos would always ask first, "*Ano ang una mong gustong marinig— good news o bad news?*" Usually, people would rather hear the bad news first. In our case, I would like to think that this measure is good news. As we proceed to deliberate the features of this measure, we will find out that the provisions therein are either "possibly acceptable" to all the members of this august Body, or are "possibly subject of intellectual exchanges of views or opinions."

Let me start with the latter. I think it is a must that our law enforcement agencies and the military are able to prevent and detect crimes by being able to intercept communications, conversations, discussions, data, information, messages in whatever form, kind or nature, spoken or written words through the use of



electronic, mechanical or other equipment or device or technology now known or may hereafter be known to science.

*Sa panahon ngayon, ang mga kidnappers ay hindi na po gumagamit ng landline para makipag-negotiate ng ransom sa kaanak ng kanilang mga biktima o sa pakikipag-usap sa isa't isa. Kung hindi man cellular phone ang gamit kapag nag-uusap, dinadaan na nila ito sa text messaging. They use cellphones not only because that is our technology today, but they are probably aware that their communication is not likely to be intercepted by law enforcement agents. Landlines are already a thing of the past.*

Whereas, under the 51-year-old law, only the crimes of treason, espionage, provoking war and disloyalty in case of war, piracy, mutiny in the high seas, rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, inciting to sedition, kidnapping, violations of Commonwealth Act No. 616, punishing espionage and other offenses against national security are covered; hence, we are proposing in our amendment of Section 3 of Republic Act No. 4200 to also permit the performance of otherwise declared unlawful acts in cases involving:

1. Coup d'état and conspiracy and proposal to commit coup d'état;
2. Robbery in band as defined and penalized by Articles 294, 295, 296, 299 and 302 of the Revised Penal Code;
3. Brigandage and highway robbery;
4. Violations of the Comprehensive Dangerous Drugs Act of 2002; and
5. Violations of the Anti-Money Laundering Act of 2001.

Though inclusion of additional crimes may appear to open wider gates towards the curtailment of the right to privacy, I encourage our distinguished colleagues to view the said amendment rather as a vital tool in enhancing crime prevention and suppression. Further, the proceeds of judicial wiretapping will definitely strengthen the evidence against apprehended criminals when they are brought before the bar of justice.

U.S. Supreme Court Justice Louis Brandeis said, "The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding." True. That is why we also include by way of amendment, a significant increase in penalties to ensure accountability for covert surveillance practices

and abuses by law enforcement or military officers, authorized or not and even by private individuals.

Our amendments would show that we intend to provide stricter and more detailed provisions with respect to the application and grant of authority to ensure that rights can only be interfered if directed towards a legitimate claim in the interest of public safety and security.

In order to be allowed to wiretap, intercept, surveil or record communications, prior authorization from the regional trial court is required and shall be granted only upon proof:

- (1) That there are reasonable grounds to believe that any of the crimes enumerated in Section 3 has been committed, is being committed, or is about to be committed;
- (2) That there are reasonable grounds to believe that the evidence that will be obtained is essential to the conviction of any person for, or to the solution of, or to the prevention of any such crimes; and
- (3) That there are no other effective means readily available for obtaining such evidence.

To ensure a system of checks and balances, the role of our courts shall not be limited to the issuance of authority, but shall extend even after the implementation of its order by being the depository of whatever it is to be obtained by virtue of said authorization and also by requiring another order for the opening and use of the materials deposited therein, with notice and opportunity to be heard, to the individual/s subject of the court authorization.

Allow me to emphasize that all persons whose communications were wiretapped, intercepted, surveilled or recorded shall not be left in the dark as they are mandated to be notified of such fact within 90 days from the expiration of the court order.

With our intention to include effective mechanisms for protection against indiscriminate use of wiretapping or any other means permissible by law, I am hoping that there is no need to launch a battle between efficiency of law enforcement and the right to privacy.

I am hoping that this measure will merit your full support in order for us to be responsive to the plight of law enforcement agencies to have more efficient and effective investigative tools in the interest of public safety and security.

Allow me to repeat myself: the respect for private life of individuals still remains as the





overall context in amending the antiquated, technologically unresponsive Anti-Wiretapping Act. This measure is no more than a mere balancing of interest in the digital age.

#### COAUTHOR

Upon his request, and accepted by Senator Lacson, Senator Sotto was made coauthor of Senate Bill No. 1210.

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1210

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

#### SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 2 on Senate Bill No. 1184 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### COMMITTEE REPORT NO. 2 ON SENATE BILL NO. 1184

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1184 (Committee Report No. 2), entitled

AN ACT PROVIDING FOR SECURITY  
OF TENURE FOR ALL CASUAL  
AND CONTRACTUAL EMPLOYEES  
OF THE GOVERNMENT WHO  
HAVE RENDERED THE PRES-  
CRIBED YEARS OF SERVICE IN  
THE NATIONAL GOVERNMENT  
AGENCIES AND THE LOCAL  
GOVERNMENT UNITS AND FOR  
OTHER PURPOSES.

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

The Chair recognized Senator Trillanes for the sponsorship.

#### SPONSORSHIP SPEECH OF SENATOR TRILLANES

Saying that no less than the 1987 Constitution itself guarantees the security of tenure of casual and contractual government employees, Senator Trillanes submitted for plenary consideration Senate Bill No. 1184, entitled as "An Act Providing For Security of Tenure for All Casual and Contractual Employees of the Government Who Have Rendered the Prescribed Years of Service in the National Government Agencies and the Local Government Units and for Other Purposes," under Committee Report No. 2.

*The full text of Senator Trillanes' sponsorship speech follows:*

It has been the promise of the present administration to end the practice of contractualization, or what is commonly referred to in the vernacular as "endo" for "end of contract," in the country. The President has given marching orders to government officials to start strictly enforcing anti-contractualization laws and policies. However, we cannot expect private companies to follow this initiative when our very own public institutions have hundreds of thousands of casual and contractual workers.

This measure seeks to serve as an instrument in making good President Duterte's promise and policy pronouncements of ending contractualization in the government.

Our government has created casual and contractual positions and is continuously appointing contractals year after year. This simply proves that said positions are clearly necessary and desirable to the orderly and efficient operation of concerned agencies. The fact that these agencies keep on appointing the same employees to these casual and contractual positions year after year will lead us to the inevitable conclusion that these employees meet the minimum qualification standards and that they effectively perform the functions of the said positions.

As guaranteed by the 1987 Constitution, casual and contractual employees who have rendered many years of continuous service to the government and the public are entitled to security of tenure.

In 1990, Republic Act No. 6850 was enacted to grant civil service eligibility to government employees appointed under provisional or temporary status and who have rendered a total





of seven (7) years of efficient service, pursuant to implementing rules and regulations drafted by the Civil Service Commission (CSC).

After its enactment, however, there has been an appeal for passage of a similar law which would cover casual and contractual employees who have likewise rendered efficient service to the government for substantial period of time.

This Committee, on the other hand, is of the position that granting civil service eligibility to the affected employees may not necessarily guarantee them security of tenure because:

- First, most of them hold non-permanent positions and granting them civil service eligibility will have no effect at all if said positions are scrapped or abolished; and
- Second, granting eligibility to the affected employees does not necessarily guarantee that they will be appointed to permanent positions, even if the said positions are available, since the same is actually subject to the discretion of the appointing authority.

Thus, this Committee seeks to address this concern by providing security of tenure to all incumbent casual and contractual government employees who have rendered at least five (5) years of continuous service in the case of national government agencies, or a total of ten (10) years of continuous service in the case of local government units as of the date of the approval of this Act.

To further ensure that the affected employees will indeed enjoy security of tenure, we have adopted a concept to give the positions of the qualified employees a "co-terminus with the incumbent" or CTI status. The CTI status gives the concerned employee security of tenure because it mandates that he or she may not be removed from his or her position if he does not occupy a permanent or plantilla position, except for cause and with due process of law, until his resignation, promotion or retirement, at which time his or her position would be considered as abolished.

This is not a new concept. In fact, the DBM has approved the grant of CTI status in the past to certain employees within the bureaucracy, particularly to certain rank-and-file employees of the National Food Authority (NFA) and the Department of Agriculture whose positions were considered redundant.

In response to the government's campaign to end contractualization, we must adopt this measure instead of implementing a rationalization

plan which would remove hundreds of thousands of employees in the government.

At the end of the day, these employees are not just numbers. They are people who have families to support and who have rendered years of dedicated and efficient service to the country and our people.

It is in this light that as the chairman of the Committee on Civil Service, Government Reorganization and Professional Regulation, I am earnestly urging our colleagues in this Chamber to support the immediate passage of this measure.

### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1184**

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

### **MANIFESTATION OF SENATOR TRILLANES**

Senator Trillanes requested that Senate Bill No. 1164 authored by Senator Villanueva, and Senate Bill No. 1193 authored by Senator Ejercito, which were late referrals to the committee, be included in Committee Report No. 2. Senator Sotto replied that the appropriate motion would be taken up at a later time.

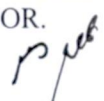
### **SPECIAL ORDER**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 5 on Senate Bill No. 812 from the Calendar for Ordinary Business to the Calendar for Special Orders.

### **COMMITTEE REPORT NO. 5 ON SENATE BILL NO. 812**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 812 (Committee Report No. 5), entitled

AN ACT INSTITUTIONALIZING THE  
GRANT OF A TEACHING SUPPLIES  
ALLOWANCE FOR PUBLIC  
SCHOOL TEACHERS AND APPRO-  
PRIATING FUNDS THEREFOR.





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

Thereupon, the Chair recognized Senator Trillanes for the sponsorship.

#### **SPONSORSHIP SPEECH OF SENATOR TRILLANES**

Senator Trillanes, on behalf of the Committee on Civil Service, Government Reorganization and Professional Regulation, submitted for plenary consideration Senate Bill No. 812, entitled "An Act Institutionalizing the Grant of a Teaching Supplies Allowance for Public School Teachers and Appropriating Funds Therefor," under Committee Report No. 5, principally authored by Senator Recto.

*The full text of Senator Trillanes' sponsorship speech follows:*

Section 15, Article B of Republic Act No. 4670 mandates that public school teachers' salaries "shall be such as to ensure a reasonable standard of life for themselves and their families." Thus, it is the duty of the State to promote the improvement of the living and working conditions of our beloved teachers.

We are all aware of the sacrifices being made by our public school teachers in order to serve and educate the youth, the bulk of whom go to public schools. Aside from the time and effort they provide, oftentimes, they shell out money from their own meager pockets for the materials they use in teaching.

It is a sad reality that in acting on many pressing concerns of our country, we often fail to recognize the sacrifices of our public school teachers and frequently overlook their welfare and well-being.

At present, our public school teachers are receiving an allowance for their annual teaching supplies in the amount of P1,500.00 which translates to a measly P7 subsidy per day. This is clearly insufficient to provide for supplies they need to effectively perform their task of educating our children.

On top of this, the volume of work and great responsibility entrusted to them are not commensurate to the salary they are receiving. Their salaries are currently bound by the Salary Standardization Law (SSL) which gives them a minimum basic salary of only P19,077.

Unfortunately, because of the sheer number of our public school teachers, currently estimated to be 743,288 and the fact that their compensation is tied to our Salary Standardization Law, it is often extremely difficult to muster the necessary resources and obtain budgetary support for measures seeking to improve their lot.

Your Committee believes that one of the best ways to respond to the clamor to support our public school teachers is to grant them additional benefits in the form of cash allowances which would not be covered by the SSL. It is in this regard that Senate Bill No. 812 seeks to institutionalize the grant of a Teaching Supplies Allowance and, in effect, increase the annual cash allowance of public school teachers who are engaged in actual classroom teaching from P1,500.00 to P3,500.00.

While this represents a 100% increase of the allowance, it is admitted that in terms of total purchasing power, the same is barely enough for the purpose it is intended.

However, your Committee believes that, for our beloved teachers, even a little token like this would go a long way. What is important is that we are able to convey to them that we in the public policy-making branch of government continue to look after their welfare and to try to find ways to help ameliorate their situation.

I am happy to report that during the committee hearing we held to deliberate on this bill, the same received unanimous support from all the affected stakeholders, including the Philippine Games and Amusement Corporation (PAGCOR), from which the supplemental funding for the increase shall be sourced. Hence, I believe that there is an imperative necessity for the State to promptly act on this measure.

Being the professionals to whom we entrust the most important task of instilling our youth not only with academic and technical knowledge but particularly with important life values, discipline, and integrity, the passage of this measure is the least we can do for our public school teachers, at this time, in order to help alleviate their burden and uplift their lives and advance their welfare.

For this reason, your committee seeks the support of our colleagues for the immediate approval of this bill.

#### **COSPONSORSHIP SPEECH OF SENATOR RECTO**

Upon motion of Senator Sotto, there being no objection, the cosponsorship speech of Senator Recto





on Senate Bill No.812 was considered read into the Journal and Record of the Senate.

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

### **TIME TO ERASE AND CHANGE THE CHALK ALLOWANCE**

Like anything written on the blackboard, we can erase and change the amount of "chalk allowance" our public school teachers get.

Which is what this bill precisely sets out to do – erasing "P1,500" and replacing it with "P3,500."

"Chalk allowance" is the popular term for the "teaching supplies allowance" given to teachers at the start of the school year.

The money is for consumable teaching supplies like pens, paper, cartolinas, paste, erasers, and yes, for that classroom mainstay which has been used to teach generations of Filipinos to read, count and write and after which the allowance is named – chalk.

Fortunately, as chalk writings are not indelible, so are the rules that peg the amount for chalk allowance.

At present, the chalk allowance is P1,500 per year, which translates to about P7.43 a day, with 202 school days in an academic year.

Seven pesos will only get you about seven pieces of bond paper at the corner *sari-sari* store which means that it could not meet what is required, a task impossible even for a profession famous for miraculously making ends meet.

That is why for three Congresses now, I have been campaigning to raise the chalk allowance.

Fortunately, we have managed to, pun intended, chalk up small victories along the way.

In 2014, when the then administration proposed P1,000, I lobbied to have it increased to P1,500, and with the support of then Finance chair Chiz Escudero, it was approved by the Senate and incorporated into the 2015 national budget.

And in this Congress, among the first I filed was the bill doubling the chalk allowance from P1,500 to P3,000. But after seeing that it was not enough, I have since campaigned for a higher amount – P5,000.

But my years in Congress have taught me the value of compromise, that it would be better

to go home with half a loaf of bread than nothing. So when Sen. Sonny Trillanes proposed P3,500, I signed on. Because a half-full box of chalk is better than an empty box.

The idea is to break the embargo in adjusting this very important allowance.

We are easily dazzled by the endless zeroes in the budget, more so when typical budget hearing discourse is so peppered by billions and even trillions that P1,500 seems to fall in the realm of the puny.

It may be small, a mere speck in the budget, but it cannot be dismissed as unimportant.

Chalk and pens, and papers, and cartolinas are to teachers what bullets and combat rations are to soldiers.

In the war against illiteracy, these are the ammo our teachers use and with the little supplied to them, they can only improve as much, and plain old *diskarte* has limits.

For them to push back ignorance, we have to beef up their ammo load. This bill does that, plus it does more.

It sends the reassuring message to our literacy war frontliners that we have always their welfare in mind and that their simple requests have not been forgotten.

Hopefully, a P3,500 allowance would allow them to expand their shopping list, even a bit, to include perhaps a USB and other computer and Internet-use supplies needed in this digital age when online research aids instruction.

The incurable cynics would scorn the P3,500 as not enough. I agree. It will not enrich the teacher but it would somehow enrich the way they teach.

And those who prefer status quo to change should be reminded that a small nudge is better than a nailed position. And I know that this is just the seminal first step in what I am sure would be a regular practice of adjusting the chalk allowance.

In fact, a section in the bill provides for that. It mandates the Secretary of Education to periodically adjust the rate, and by periodically, it means often and not by eons, or after an Ice Age.

Increasing the chalk allowance to P3,500 will cost P2.78 billion based on the 2017 DepEd teaching workforce of 797,119.

Because P1.195 billion is already in the 2017 budget, the additional fund needed is about P1.59 billion.





In this bill, we have proposed that P1,500 of the P3,500 be appropriated in the DepEd budget, and the P2000 will be shouldered by PAGCOR.

You can call it a chip-for-chalk swap. I call such an arrangement a winning combination.

How much does the proposed chalk allowance allocation compare with the P3.35 trillion national budget? It is a microscopic 0.08 percent.

But not amount gives a better and beneficial yield. This is one retail spending that gives a higher return.

Please join us in writing a higher chalk allowance for our teachers.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 812**

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

#### **MANIFESTATION OF SENATOR SOTTO**

Senator Sotto stated that earlier, Senator Trillanes requested that Senate Bill Nos. 1164 and 1193, both late referrals to the committee, be included in Committee Report No. 2. He said that he would formally make the appropriate manifestation during the period of interpellations on Senate Bill No. 1184.

#### **SPECIAL ORDER**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 6 on Senate Bill No. 452 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 6 ON SENATE BILL NO. 452**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 452 (Committee Report No. 6), entitled

AN ACT REGULATING THE PRACTICE  
OF CRIMINOLOGY PROFESSION IN  
THE PHILIPPINES AND APPROPRIATING FUNDS THEREFOR,  
REPEALING FOR THE PURPOSE  
REPUBLIC ACT 6506, OTHERWISE

KNOWN AS "AN ACT CREATING  
THE BOARD OF EXAMINERS  
FOR CRIMINOLOGISTS IN THE  
PHILIPPINES."

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

Thereupon, the Chair recognized Senator Trillanes for the sponsorship.

#### **SPONSORSHIP SPEECH OF SENATOR TRILLANES**

Recognizing the importance of the criminology profession in nation-building and development, Senator Trillanes, on behalf of the Committee on Civil Service, Government Reorganization and Professional Regulation, submitted for plenary consideration Senate Bill No. 452, entitled "An Act Regulating the Practice of Criminology Profession in the Philippines, and Appropriating Funds Therefor, Repealing for The Purpose Republic Act 6506, Otherwise Known As "An Act Creating the Board of Examiners For Criminologists In The Philippines," under Committee Report No. 6.

*The full text of Senator Trillanes' sponsorship speech follows:*

Recognizing the importance of the criminology profession, Republic Act No. 6506, or "An Act Creating the Board of Examiners for Criminologists in the Philippines," was signed in 1987 by President Corazon Aquino. At present, the Bachelor of Science in Criminology course remains one of the courses with the highest number of board examinees every year. Graduates of this course usually end up in the field of law enforcement, criminal justice administration and correction and jail management.

The State recognizes the vital role of the criminology profession in nation-building and development. This signifies the importance we give to peace and order in our country, the protection of life, liberty and property, and the promotion of the general welfare of the people. Thus, it is our duty to help and develop and nurture the competence of our law enforcement officers and criminal justice administrators; make them more virtuous, productive and well-

*ps net*



However, it is upsetting to note that those who have sworn to preserve and uphold the laws of the land, and the profession whose core values seek to dutifully uphold and enforce the same, had in the past, been tainted with issues and controversies, especially with the recent events in our country. The Committee believes that it is high time that we further strengthened and regulated the profession to better address these issues and to make it attuned to the recent developments in the field and to the technological developments in the globalizing world.

This measure seeks to repeal RA 65906 and replace it with a new regulatory law that is consistent with the other professional regulatory laws that we have passed in recent congresses.

The following are the salient features of this proposed measure:

- First, we are proposing the re-definition of scope of practice of criminology, and providing for a clear delineation of functions vis-à-vis its allied profession;
- Second, we are proposing for the creation of a Professional Regulatory Board, which shall supervise the practice of criminology, with the mandate to adopt and institute mechanisms to guarantee the fitness of individuals admitted into the criminology profession;
- Third, we are incorporating into the law, the mandate for the Continuing Professional Development (CPD) of our criminologists to ensure that they are updated on the latest developments and innovations in their profession;
- Fourth, as in other professions, in compliance with our international obligations, we seek the inclusion of a foreign reciprocity clause which would pave the way for our criminologists to practice abroad, provided that we also afford the same privileges to citizens of the receiving country; and
- Lastly, we are mandating the integration of all professional criminology groups through the mandatory membership of all registered criminologists in the Accredited Integrated Professional Organization (AIPO) of criminologists which will be accredited by the Professional Regulation Commission (PRC), as registered with the Securities and Exchange Commission (SEC).

Your committee believes that this measure will provide a stable and updated framework that would hone capable and competitive criminology professionals who would be properly equipped to serve our country and our people.

It is in this light that I urge our colleagues to support the immediate passage of this measure.

### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 452**

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

### **SPECIAL ORDER**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 7 on Senate Bill No. 454 from the Calendar for Ordinary Business to the Calendar for Special Orders.

### **COMMITTEE REPORT NO. 7 ON SENATE BILL NO. 454**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 454 (Committee Report No. 7), entitled

### **AN ACT REGULATING THE REGISTRATION, LICENSURE, AND PRACTICE OF OCCUPATIONAL THERAPY, PROVIDING FUNDS THEREFOR AND FOR OTHER RELATED PURPOSES.**

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

Thereupon, the Chair recognized Senator Trillanes for the sponsorship.

### **SPONSORSHIP SPEECH OF SENATOR TRILLANES**

Senator Trillanes submitted for the consideration of the Body Senate Bill No. 454 under Committee Report No. 7, or the Philippine Occupational Therapy Law of 2016.

*The full text of his speech follows:*

Our State recognizes the vital role of occupational therapists in nation-building. They function in important places such as hospitals,





rehabilitation centers, schools and other workplaces, and assist people in overcoming various occupation-related problems. Occupational therapists work with people and communities to enhance their well-being and their ability to engage in their day-to-day activities or in the things that they want to, need to, or are expected to do.

However, the current law, Republic Act No. 5680, or the law creating the Board of Examiners for Physical Therapists and Occupational Therapists, may no longer be attuned to the local and international standard of practice and to the recent developments in the field of healthcare.

Also, this 47-year old law, which was never amended, regulates two different allied health professions: physical therapy and occupational therapy.

It is high time that we addressed this anomaly by creating a separate regulatory board and legal framework for the profession in light of the increasing demand for our highly competitive occupational therapists, and the challenges being brought by our commitments in the ASEAN Economic Community, particularly in terms of the movement of professionals within the region.

This measure seeks to formally recognize occupational therapy as an independent medical profession from physical therapy and to align its regulatory framework with international standards of practice. The provisions in this measure are consistent with other professional regulatory laws that we have passed in the previous congresses.

Specifically, Senate Bill No. 454 seeks to:

- Re-define the practice of occupational therapy and its coverage;
- Create a Board of Occupational Therapy under the administrative supervision of the Professional Regulation Commission;
- Mandate the institution of a Continuing Professional Development (CPD) for occupational therapists;
- Include a reciprocity clause that would pave the way for our occupational therapists to practice abroad, provided that we also afford the same privilege to the citizens of the receiving country;
- Integrate the occupational therapy profession into one national professional organization thru the Accredited Integrated Professional Organization (AIPO) to be recognized by the Board of Occupational Therapy.

Your Committee believes in the importance

of promoting occupational health in its potential contribution to a healthier and stronger citizenry.

As one of the fastest growing professions in the country and abroad, updating the regulatory framework for the practice of our occupational therapists would undoubtedly complement the talent and skills of Filipino occupational therapists not only to make them more globally competitive but also to enable them to give greater service to our country and our people.

It is in this light that I earnestly urge our colleagues to support the immediate passage of this measure.

### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 454**

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

### **PROPOSED SENATE RESOLUTION NO. 207**

With the consent of the Body, upon motion of Senator Sotto, the Body considered Proposed Senate Resolution No. 207, entitled

### **RESOLUTION RECOGNIZING AND CONGRATULATING JESUS IS LORD CHURCH FOR CELEBRATING ITS 38<sup>TH</sup> FOUNDING ANNIVERSARY ON OCTOBER 28, 2016,**

taking into consideration Proposed Senate Resolution No. 208.

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.

The Chair recognized Senator Ejercito to sponsor the measure.

### **SPONSORSHIP SPEECH OF SENATOR EJERCITO**

Senator Ejercito presented to the Body Proposed Senate Resolution No. 207, Recognizing and Congratulating Jesus is Lord Church for Celebrating its 38<sup>th</sup> Founding Anniversary on October 28, 2016.

*The full text of his speech follows:*

The vast expansion and clout of Jesus is Lord or JIL Church proves how the Filipino youth can be great influences of faith and



servant-leadership to the nation. With only about 15 founding students from the Polytechnic University of the Philippines in 1978, now it has grown to more than four million members with more than 1,160 chapters across different provinces nationwide and is now present in 56 countries nationwide.

Last October 6, JIL's founder and spiritual leader Bro. Eddie Villanueva, who is the benevolent father of our distinguished colleague, Sen. Joel Villanueva, also celebrated his 70<sup>th</sup> birthday. I can imagine how jubilant the celebrations are now in the Jesus is Lord Church, and I want to congratulate them all.

May we recognize and congratulate today the Jesus is Lord Church ahead of this milestone of their 38<sup>th</sup> Anniversary on October 28, 2016. May JIL continue to contribute to the country's moral recovery, to nurturing communities, and to nation-building.

#### **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 207**

Upon motion of Senator Sotto, there being no objection, the Body adopted, subject to style, Proposed


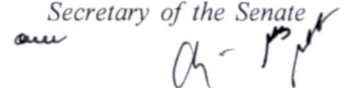
Senate Resolution No. 207, taking into consideration Proposed Senate Resolution No. 208.

#### **ADJOURNMENT OF SESSION**

Upon motion of Senator Sotto, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Monday, November 7, 2016.

*It was 5:17 p.m.*

I hereby certify to the correctness of the foregoing.

  
**ATTY. LUTGARDO B. BARBO**  
*Secretary of the Senate*  


Approved on November 7, 2016