



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 52**  
Wednesday, February 6, 2019

**SEVENTEENTH CONGRESS**  
**THIRD REGULAR SESSION**

---

**SESSION NO. 52**  
Wednesday, February 6, 2019

**CALL TO ORDER**

At 3:25 p.m., the Senate President, Hon. Vicente C. Sotto III, called the session to order.

**PRAYER**

Sen. Gregorio B. Honasan led the prayer, to wit:

Lord, grant us peace, unity, reconciliation, focus, faith, hope and love.

Amen.

**ROLL CALL**

Upon direction of the Senate President, the Secretary of the Senate, Atty. Myra Marie D. Villarica, called the roll, to which the following senators responded:

Angara, S.	Pacquiao, E. M. D.
Binay, M. L. N. S.	Pangilinan, F. N.
Drilon, F. M.	Poe, G.
Escudero, F. J. G.	Recto, R. G.
Gatchalian, W.	Sotto III, V. C.
Gordon, R. J.	Villanueva, J.
Honasan, G. B.	Villar, C. A.
Hontiveros, R.	Zubiri, J. M. F.
Lacson, P. M.	

With 17 senators present, the Chair declared the presence of a quorum.

Senators Aquino, Ejercito and Pimentel arrived after the roll call.

Senator Trillanes was on official mission abroad.

Senator Legarda, who was on official mission, arrived after the roll call.

Senator De Lima was unable to attend the session as she was under detention.

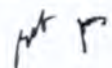
**DEFERMENT OF THE APPROVAL  
OF THE JOURNAL**

Upon motion of Senator Zubiri, there being no objection, the Body deferred the approval of the Journal of Session No. 51.

**ACKNOWLEDGMENT  
OF THE PRESENCE OF GUESTS**

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

- The Ten Outstanding Young Men and Women awardees (TOYM);





- Finance Undersecretary Karl Chua;
- Chairman Filemon Espanes, Pres. Alexander Roquepo and Secretary General Ramil Santos of the Coop-NATCCO partylist;
- Students taking up Masters in Public Administration of Don Honorio Ventura Technological State University led by Assistant Secretary Ted Gatchalian;
- Vice presidents and officers of the Polytechnic University of the Philippines led by PUP President Manuel de Guzman;
- Mrs. Bing Pimentel; and
- Former Finance Secretary Gary Teves.

Senate President Sotto welcomed the guests to the Senate.

#### SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

*It was 3:29 p.m.*

#### RESUMPTION OF SESSION

At 3:30 p.m., the session was resumed.

#### PROPOSED SENATE RESOLUTION NO. 1002

Upon motion of Senator Zubiri, there being no objection, the Body considered Proposed Senate Resolution No. 1002, entitled

RESOLUTION EXPRESSING THE SENSE OF THE SENATE TO DECLARE EVERY FIRST THURSDAY OF FEBRUARY STARTING THIS YEAR AND EVERY YEAR THEREAFTER AS THE NATIONAL SYNCHRONIZED INTER-FAITH NATIONAL PRAYERS FOR PEACE AND RECONCILIATION.

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.

#### ADOPTION OF PROPOSED RESOLUTION NO. 1002

Upon motion of Senator Zubiri, there being no objection, Proposed Senate Resolution No. 1002 was adopted by the Body.

#### MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri informed the Body that Mrs. Bing Pimentel had initiated the "PasaLord Movement", the first synchronized nationwide interfaith prayer for peace. He said that the senators had been requested to join the one-minute prayer for peace which would be held 12:00 noon the following day.

#### APPROVAL OF HOUSE BILL NO. 5654 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 5654, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT GRANTING A LEGISLATIVE FRANCHISE TO COTABATO ELECTRIC COOPERATIVE, INC. — PPALMA (COTELCO-PPALMA) TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM FOR THE CONVEYANCE OF ELECTRIC POWER TO THE END USERS IN THE MUNICIPALITIES OF PIKIT, PIGCAWAYAN, ALEOSAN, LIBUNGAN, MIDSAYAP AND ALAMADA, PROVINCE OF COTABATO, AND ITS NEIGHBORING SUBURBS.

Secretary Villarica called the roll for nominal voting.



**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Escudero	Poe
Gatchalian	Recto
Gordon	Sotto
Honasan	Villanueva
Hontiveros	Villar
Lacson	Zubiri

*Against*

None

*Abstention*

None

With 18 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 5654 approved on Third Reading.

**APPROVAL OF HOUSE BILL NO. 6913 ON THIRD READING**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 6913, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT RENEWING THE FRANCHISE GRANTED TO RADIO MARINE NETWORK, INCORPORATED, UNDER REPUBLIC ACT NO. 4607, AS AMENDED BY REPUBLIC ACT NO. 7512.

Secretary Villarica called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Escudero	Poe
Gatchalian	Recto
Gordon	Sotto
Honasan	Villanueva
Hontiveros	Villar
Lacson	Zubiri

*Against*

None

*Abstention*

None

With 18 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 6913 approved on Third Reading.

**ADOPTION OF HOUSE BILL NO. 8857 AS AN AMENDMENT TO SENATE BILL NO. 1281**

Senator Zubiri informed the Body that the Senate was in receipt of a communication from the House of Representatives informing the Senate that on January 28, 2019, the House of Representatives approved, on Third Reading, House Bill No. 8857 (Farmers and Fisherfolk Enterprise Development Program of the Department of Agriculture), the House counterpart measure of Senate Bill No. 1281 (*Sagip Saka*) which the Senate approved on Third Reading last May 2017.

Upon motion of Senator Zubiri, there being no objection, the Body adopted House Bill No. 8857 as an amendment to Senate Bill No. 1281.

**APPROVAL OF HOUSE BILL NO. 8155 ON THIRD READING**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading,



House Bill No. 8155, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO CATHOLIC BISHOPS' CONFERENCE OF THE PHILIPPINES, INC., UNDER REPUBLIC ACT NO. 5172, AS AMENDED BY REPUBLIC ACT NO. 7530.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 8155 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 8157 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading,

House Bill No. 8157, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO TIRAD PASS RADIO TV BROADCASTING NETWORK, INC. UNDER REPUBLIC ACT NO. 8070, ENTITLED AN ACT GRANTING THE TIRAD PASS RADIO TV BROADCASTING NETWORK, INC., A FRANCHISE TO CONSTRUCT, ESTABLISH, OPERATE AND MAINTAIN COMMERCIAL AM-FM RADIO AND TELEVISION STATIONS IN THE PHILIPPINES AND FOR OTHER PURPOSES.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 8157 approved on Third Reading.

### APPROVAL OF HOUSE BILL NO. 7103 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 7103, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT CREATING A CLASS D  
DISTRICT OFFICE OF THE LAND  
TRANSPORTATION OFFICE (LTO)  
IN THE MUNICIPALITY OF  
PAMPLONA, CAMARINES SUR.

Secretary Villarica called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

#### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

#### *Against*

None

#### *Abstention*

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 7103 approved on Third Reading.

### APPROVAL OF HOUSE BILL NO. 6319 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 6319, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT ESTABLISHING AN EXTEN-  
SION OFFICE OF THE LAND  
TRANSPORTATION OFFICE (LTO)  
IN THE MUNICIPALITY OF  
TUBIGON, PROVINCE OF BOHOL  
AND APPROPRIATING FUNDS  
THEREFOR.

Secretary Villarica called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

#### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

#### *Against*

None

#### *Abstention*

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 6319 approved on Third Reading.



### APPROVAL OF HOUSE BILL NO. 6979 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 6979, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT CONVERTING THE GUIMARAS  
LAND TRANSPORTATION OFFICE  
(LTO) EXTENSION OFFICE INTO A  
REGULAR LTO DISTRICT OFFICE.

Secretary Villarica called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

#### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

#### *Against*

None

#### *Abstention*

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 6979 approved on Third Reading.

### APPROVAL OF SENATE BILL NO. 1963 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, Senate Bill No. 1963, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT UPGRADING THE MINDANAO  
CENTRAL SANITARIUM IN PASO-  
BOLONG, ZAMBOANGA CITY INTO  
A TERTIARY LEVEL HOSPITAL,  
INCREASING ITS BED CAPACITY  
FOR GENERAL CARE SERVICES  
FROM FIFTY (50) TO TWO HUNDRED  
(200) BEDS, AND APPROPRIATING  
FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

#### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

#### *Against*

None

#### *Abstention*

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 1963 approved on Third Reading.

### APPROVAL OF SENATE BILL NO. 2188 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, Senate Bill No. 2188, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT INCREASING THE BED CAPACITY OF THE MARIANO MARCOS MEMORIAL HOSPITAL AND MEDICAL CENTER (MMM&MC), BATAVIA CITY, ILOCOS NORTE FROM TWO HUNDRED (200) BEDS TO SEVEN HUNDRED (700) BEDS, UPGRADING ITS SERVICES, FACILITIES, AND PROFESSIONAL HEALTH CARE, AUTHORIZING THE INCREASE OF ITS MEDICAL AND NON-MEDICAL PERSONNEL, AND APPROPRIATING FUNDS THEREFOR

Secretary Villarica called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

#### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

#### *Against*

None

#### *Abstention*

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 2188 approved on Third Reading.

### APPROVAL OF SENATE BILL NO. 2187 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, Senate Bill No. 2187, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT CONVERTING THE SAN LORENZO RUIZ WOMEN'S HOSPITAL IN MALABON CITY, METRO MANILA INTO A GENERAL HOSPITAL TO BE KNOWN AS THE SAN LORENZO RUIZ GENERAL HOSPITAL, INCREASING ITS BED CAPACITY FROM TEN (10) TO TWO HUNDRED (200) BEDS AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

#### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

#### *Against*

None

#### *Abstention*

None



With 19 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 2187 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 8248 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 8248, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT INCREASING THE BED CAPACITY OF THE MASBATE PROVINCIAL HOSPITAL IN MASBATE CITY, PROVINCE OF MASBATE, FROM ONE HUNDRED TWENTY-FIVE (125) TO TWO HUNDRED (200) BEDS, UPGRADING ITS SERVICES AND FACILITIES, AUTHORIZING THE INCREASE OF ITS MEDICAL PERSONNEL AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 8248 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 8435 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 8435, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT UPGRADING THE EVERSLEY CHILDS SANITARIUM HOSPITAL IN MANDAUE CITY, PROVINCE OF CEBU, INTO A GENERAL HOSPITAL TO BE KNOWN AS THE EVERSLEY CHILDS SANITARIUM AND GENERAL HOSPITAL, INCREASING ITS BED CAPACITY FROM FIFTY (50) BEDS TO TWO HUNDRED (200) BEDS AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None



With 19 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 8435 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 7717 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 7717, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT INCREASING THE BED CAPACITY OF TONDO MEDICAL CENTER IN THE CITY OF MANILA FROM TWO HUNDRED (200) TO THREE HUNDRED (300) BEDS, UPGRADING ITS PROFESSIONAL HEALTH CARE SERVICES AND FACILITIES, AUTHORIZING THE INCREASE OF ITS MEDICAL PERSONNEL, AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 7717 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 7355 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 7355, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT CONVERTING THE ZIGA MEMORIAL DISTRICT HOSPITAL IN THE CITY OF TABACO, PROVINCE OF ALBAY, INTO AN EXTENSION HOSPITAL OF THE BICOL REGIONAL TRAINING AND TEACHING HOSPITAL, AND INCREASING ITS BED CAPACITY FROM FIFTY (50) TO TWO HUNDRED FIFTY (250) BEDS TO BE NOW KNOWN AS THE DR. LORENZO P. ZIGA MEMORIAL DISTRICT HOSPITAL, AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None



*Abstention*

None

With 19 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 7355 approved on Third Reading.

### APPROVAL OF HOUSE BILL NO. 7037 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 7037, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT CONVERTING THE DINAIG MUNICIPAL HOSPITAL IN THE MUNICIPALITY OF DATU ODIN SINSUAT, PROVINCE OF MAGUINDANAO, INTO A FIFTY (50)-BED CAPACITY DISTRICT HOSPITAL TO BE NOW KNOWN AS THE DATU ODIN SINSUAT DISTRICT HOSPITAL, UPGRADING ITS FACILITIES AND PROFESSIONAL HEALTH CARE, AUTHORIZING THE INCREASE OF ITS MEDICAL PERSONNEL, AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

*In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 17 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 7037 approved on Third Reading.

### APPROVAL OF HOUSE BILL NO. 7550 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 7550, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT ESTABLISHING A CAMPUS OF THE POLYTECHNIC UNIVERSITY OF THE PHILIPPINES (PUP) IN THE MUNICIPALITY OF BANSUD, PROVINCE OF ORIENTAL MINDORO, TO BE KNOWN AS THE PUP-BANSUD CAMPUS, MANDATING THE PUP TO OFFER THEREAT GRADUATE, UNDERGRADUATE AND SHORT-TERM TECHNICAL-VOCATIONAL COURSES, AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

*In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	



*Against*

None

*Abstention*

None

With 17 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 7550 approved on Third Reading.

#### **APPROVAL OF HOUSE BILL NO. 7734 ON THIRD READING**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 7734, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT ESTABLISHING A CAMPUS OF THE POLYTECHNIC UNIVERSITY OF THE PHILIPPINES (PUP) IN QUEZON CITY, NATIONAL CAPITAL REGION, TO BE KNOWN AS THE PUP-QUEZON CITY CAMPUS, MANDATING THE PUP TO OFFER GRADUATE, UNDERGRADUATE AND SHORT-TERM VOCATIONAL COURSES THEREAT, AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### **RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 17 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 7734 approved on Third Reading.

#### **APPROVAL OF HOUSE BILL NO. 7866 ON THIRD READING**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 7866, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT ESTABLISHING A CAMPUS OF THE POLYTECHNIC UNIVERSITY OF THE PHILIPPINES (PUP) IN THE MUNICIPALITY OF CALAUAN, PROVINCE OF LAGUNA, TO BE KNOWN AS THE PUP-CALAUAN CAMPUS, MANDATING IT TO OFFER GRADUATE, UNDERGRADUATE AND SHORT-TERM TECHNICAL-VOCATIONAL COURSES THEREAT, AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### **RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	



*Against*

None

*Abstention*

None

With 17 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 7866 approved on Third Reading.

#### **APPROVAL OF HOUSE BILL NO. 7310 ON THIRD READING**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 7310, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT ESTABLISHING AN EXTENSION PROGRAM OF THE UNIVERSITY OF SCIENCE AND TECHNOLOGY OF SOUTHERN PHILIPPINES (USTSP) IN THE MUNICIPALITY OF VILLANUEVA, PROVINCE OF MISAMIS ORIENTAL.

Secretary Villarica called the roll for nominal voting.

#### **RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 17 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 7310 approved on Third Reading.

#### **APPROVAL OF HOUSE BILL NO. 8006 ON THIRD READING**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 8006, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT CONVERTING THE OROQUIETA AGRO-INDUSTRIAL SCHOOL (OAIS) IN THE CITY OF OROQUIETA, PROVINCE OF MISAMIS OCCIDENTAL, INTO A STATE COLLEGE TO BE KNOWN AS THE MISAMIS OCCIDENTAL STATE COLLEGE (MOSC), REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 4941, AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### **RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 17 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 8006 approved on Third Reading.

### APPROVAL OF HOUSE BILL NO. 398 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 398, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT ESTABLISHING A SENIOR HIGH SCHOOL IN BARANGAY TANDANG SORA, QUEZON CITY, METRO MANILA TO BE KNOWN AS TANDANG SORA SENIOR HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

*In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 17 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 398 approved on Third Reading.

### APPROVAL OF HOUSE BILL NO. 6382 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 6382, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT ESTABLISHING AN INTEGRATED SCHOOL IN BARANGAY MAUWAY, CITY OF MANDALUYONG, TO BE KNOWN AS THE SENATE PRESIDENT NEPTALI A. GONZALES INTEGRATED SCHOOL AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

*In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

None



With 17 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 6382 approved on Third Reading.

#### **APPROVAL OF HOUSE BILL NO. 5371 ON THIRD READING**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 5371, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT SEPARATING THE TINAJEROS NATIONAL HIGH SCHOOL - ACACIA ANNEX IN BARANGAY ACACIA, CITY OF MALABON, METRO MANILA FROM THE TINAJEROS NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS ACACIA NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### **RESULT OF THE VOTING**

The result of the voting was as follows:

##### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 17 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 5371 approved on Third Reading.

#### **APPROVAL OF HOUSE BILL NO. 5947 ON THIRD READING**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 5947, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY FRANCISCO HOMES-MULAWIN, CITY OF SAN JOSE DEL MONTE, PROVINCE OF BULACAN TO BE KNOWN AS MULAWIN NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### **RESULT OF THE VOTING**

The result of the voting was as follows:

##### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri

##### *Against*

None

##### *Abstention*

None

With 16 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 5947 approved on Third Reading.



### APPROVAL OF HOUSE BILL NO. 5948 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 5948, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY SAN RAFAEL I, CITY OF SAN JOSE DEL MONTE, PROVINCE OF BULACAN TO BE KNOWN AS SAN RAFAEL NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

#### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri

#### *Against*

None

#### *Abstention*

None

With 16 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 5948 approved on Third Reading.

### APPROVAL OF HOUSE BILL NO. 6105 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading,

House Bill No. 6105, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT ESTABLISHING AN ELEMENTARY SCHOOL IN SITIO CABAGAYAN, BARANGAY SIBULAN, TORIL DISTRICT, DAVAO CITY TO BE KNOWN AS THE CABAGAYAN ELEMENTARY SCHOOL AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

### RESULT OF THE VOTING

The result of the voting was as follows:

#### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri

#### *Against*

None

#### *Abstention*

None

With 16 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 6105 approved on Third Reading.

### APPROVAL OF HOUSE BILL NO. 8096 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 8096, printed copies of which were distributed to the senators on January 31, 2019.

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



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

AN ACT ESTABLISHING AN INTEGRATED NATIONAL SCHOOL IN BARANGAY CAPUY, CITY OF SORSOGON, PROVINCE OF SORSOGON TO BE KNOWN AS CAPUY INTEGRATED NATIONAL SCHOOL AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Angara	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 17 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 8096 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 8187 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 8187, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY AMBIONG, MUNICIPALITY OF LA TRINIDAD, PROVINCE OF BENGUET TO BE KNOWN AS AMBIONG NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Binay	Pacquiao
Drilon	Pangilinan
Ejercito	Pimentel
Gatchalian	Poe
Gordon	Sotto
Honasan	Villanueva
Hontiveros	Villar
Lacson	Zubiri

##### *Against*

None

##### *Abstention*

None

With 16 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 8187 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 8212 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 8212, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT CONVERTING INTO AN INDEPENDENT NATIONAL HIGH

SCHOOL TO BE KNOWN AS THE CURRIMAO NATIONAL HIGH SCHOOL THE CURRIMAO NATIONAL HIGH SCHOOL — PIAS-GAANG CAMPUS IN BARANGAY PIAS NORTE, MUNICIPALITY OF CURRIMAO, PROVINCE OF ILOCOS NORTE, AND SEPARATING IT FROM ITS MOTHER SCHOOL, THE CURRIMAO NATIONAL HIGH SCHOOL IN BARANGAY POBLACION 2, MUNICIPALITY OF CURRIMAO, PROVINCE OF ILOCOS NORTE, HEREINAFTER RENAMED THE WILBUR C. GO NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Binay	Pacquiao
Drilon	Pangilinan
Ejercito	Pimentel
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 15 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 8212 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 8684 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 8684, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT SEPARATING THE MALABON NATIONAL HIGH SCHOOL (MNHS) — CONCEPCION TECHNICAL-VOCATIONAL ANNEX IN BARANGAY CONCEPCION, CITY OF MALABON, METRO MANILA FROM THE MALABON NATIONAL HIGH SCHOOL CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS CONCEPCION TECHNICAL-VOCATIONAL SCHOOL AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Binay	Pacquiao
Drilon	Pangilinan
Ejercito	Pimentel
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 15 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 8684 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 8693 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading,



House Bill No. 8693, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT SEPARATING THE VILLAMAYOR NATIONAL HIGH SCHOOL — BAGOLATAO ANNEX IN BARANGAY BAGOLATAO, MUNICIPALITY OF MINALABAC, PROVINCE OF CAMARINES SUR FROM THE VILLAMAYOR NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS BAGOLATAO NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Binay	Pacquiao
Drilon	Pangilinan
Ejercito	Pimentel
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 15 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 8693 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 8735 ON THIRD READING

Upon motion of Senator Zubiri, there being no

objection, the Body considered, on Third Reading, House Bill No. 8735, printed copies of which were distributed to the senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT CONVERTING THE CAMP OFELIA ELEMENTARY SCHOOL IN BARANGAY LINTANGAN, MUNICIPALITY OF SIBUCO, PROVINCE OF ZAMBOANGA DEL NORTE INTO AN INTEGRATED SCHOOL TO BE KNOWN AS LINTANGAN INTEGRATED SCHOOL, AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Binay	Pacquiao
Drilon	Pangilinan
Ejercito	Pimentel
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 15 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 8735 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 8736 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 8736, printed copies of which were distributed to the senators on January 31, 2019.



Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY CALUBE, MUNICIPALITY OF SULTAN NAGA DIMAPORO, PROVINCE OF LANA DEL NORTE TO BE KNOWN AS CALUBE NATIONAL HIGH SCHOOL, AND APPROPRIATING FUNDS THEREFOR.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Binay	Pacquiao
Drilon	Pangilinan
Ejercito	Pimentel
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 15 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 8736 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 7311 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 7311, printed copies of which were distributed to the senators on January 31, 2019.

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

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

AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY STA. MARIA IN THE MUNICIPALITY OF ABRA DE ILOG, PROVINCE OF OCCIDENTAL MINDORO.

Secretary Villarica called the roll for nominal voting.

#### RESULT OF THE VOTING

The result of the voting was as follows:

##### *In favor*

Binay	Pacquiao
Drilon	Pangilinan
Ejercito	Pimentel
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

##### *Against*

None

##### *Abstention*

None

With 15 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 7311 approved on Third Reading.

#### APPROVAL OF HOUSE BILL NO. 6513 ON THIRD READING

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 6513, printed copies of which were distributed to the Senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY MASAO IN THE MUNICIPALITY OF TUNGA-



WAN, PROVINCE OF ZAMBOANGA  
SIBUGAY.

Secretary Villarica called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Binay	Pacquiao
Drilon	Pangilinan
Ejercito	Pimentel
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri
Lacson	

*Against*

None

*Abstention*

None

With 15 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 6513 approved on Third Reading.

**APPROVAL OF HOUSE BILL NO. 6512  
ON THIRD READING**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Third Reading, House Bill No. 6512, printed copies of which were distributed to the Senators on January 31, 2019.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Zubiri, there being no objection, Secretary Villarica read only the title of the bill, to wit:

AN ACT CREATING A BARANGAY  
TO BE KNOWN AS BARANGAY  
TIMBABAUAN IN THE MUNICI-  
PALITY OF TUNGAWAN, PROV-  
INCE OF ZAMBOANGA SIBUGAY.

Secretary Villarica called the roll for nominal voting.

**RESULT OF THE VOTING**

The result of the voting was as follows:

*In favor*

Binay	Lacson
Drilon	Pacquiao
Ejercito	Pimentel
Gatchalian	Sotto
Gordon	Villanueva
Honasan	Villar
Hontiveros	Zubiri

*Against*

None

*Abstention*

None

With 14 senators voting in favor, none against, and no abstention, the Chair declared House Bill No. 6512 approved on Third Reading.

**SUSPENSION OF SESSION**

Upon motion of Senator Zubiri, the session was suspended.

*It was 4:08 p.m.*

**RESUMPTION OF SESSION**

At 4:09 p.m., the session was resumed.

**REFERENCE OF BUSINESS**

The Secretary of the Senate, Atty. Myra Marie D. Villarica, read the committee reports which the Chair assigned to the Calendar for Ordinary Business:

Committee Report No. 638, prepared and submitted jointly by the Committees on Public Order and Dangerous Drugs; Justice and Human Rights; National Defense and Security; and Finance, on Senate Bill No. 2204, with Senators Gordon, Honasan II, Sotto III, Lacson and Legarda as authors thereof, entitled



AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS "AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM,"

recommending its approval in substitution of Senate Bill Nos. 1134, 1396, 1715, and 1956.

Sponsor: Senator Lacson

Committee Report No. 639, submitted jointly by the Committees on Accountability of Public Officers and Investigations; and Public Works, on Proposed Senate Resolution No. 561, introduced by Senator Emmanuel "Manny" D. Pacquiao, entitled

A RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC WORKS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED FAULTS IN THE SYSTEM, IF ANY, RESULTING TO THE MISUSE OF GOVERNMENT FUNDS FOR ITS ROAD RIGHT-OF-WAY PROJECT COVERED BY ALLEGED SPURIOUS LAND TITLES IN GENERAL SANTOS CITY,

recommending the adoption of the recommendations contained herein.

Sponsor: Sen. Richard J. Gordon

Committee Report No. 640, submitted jointly by the Committees on Justice and Human Rights; and Finance, on House Bill No. 5906, introduced by Representative Umali, *et al.*, entitled

AN ACT CREATING AN ADDITIONAL BRANCH OF THE REGIONAL TRIAL COURT TO BE STATIONED IN THE MUNICIPALITY OF BONGABONG, AND FOUR (4) ADDITIONAL BRANCHES OF THE MUNICIPAL TRIAL COURT TO BE STATIONED IN THE MUNICIPALITIES OF BANSUD, BULALACAO, GLORIA, AND MANSALAY, ALL IN THE PROVINCE OF ORIENTAL MINDORO, AMENDING FOR THE PURPOSE

SECTION 14(E) AND SECTION 30 OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED, AND APPROPRIATING FUNDS THEREFOR,

recommending its approval without amendment.

Sponsor: Sen. Richard J. Gordon

Committee Report No. 641, submitted jointly by the Committees on Justice and Human Rights; and Finance, on House Bill No. 6580, introduced by Representative Lobregat, *et al.*, entitled

AN ACT CREATING FOUR (4) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE NINTH JUDICIAL REGION TO BE STATIONED IN ZAMBOANGA CITY AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (J) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED,

recommending its approval without amendment.

Sponsor: Senator Richard J. Gordon

Committee Report No. 642, submitted jointly by the Committees on Justice and Human Rights; and Finance, on House Bill No. 3492, introduced by Representative Bondoc, *et al.*, entitled

AN ACT CREATING THREE (3) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE THIRD JUDICIAL REGION TO BE STATIONED AT MACABEBE, PAMPANGA, FURTHER AMENDING FOR THE PURPOSE SECTION 14(C) OF BATAS PAMBANSA BILANG 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED, AND APPROPRIATING FUNDS THEREFOR,

recommending its approval without amendment.

Sponsor: Senator Richard J. Gordon



Committee Report No. 643, submitted jointly by the Committees on Justice and Human Rights; and Finance, on Senate Bill No. 1542, introduced by Senator Zubiri, Entitled

AN ACT CREATING TWO (2) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE PROVINCE OF SULTAN KUDARAT, ONE EACH TO BE STATIONED IN THE MUNICIPALITY OF ISULAN AND TACURONG CITY, FURTHER AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (M) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AND APPROPRIATING FUNDS THEREFORE,

recommending its approval without amendment.

Sponsor: Senator Richard J. Gordon

Committee Report No. 644, submitted jointly by the Committees on Justice and Human Rights; and Finance, on Senate Bill No. 1840, introduced by Senator Zubiri, entitled

AN ACT CREATING AN ADDITIONAL BRANCH OF REGIONAL TRIAL COURT IN THE 3RD DISTRICT OF ZAMBOANGA DEL NORTE, TO BE STATIONED IN THE MUNICIPALITY OF LILOY, AMENDING FOR THE PURPOSE, SECTION 14, PARAGRAPH (J) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS THE "JUDICIARY REORGANIZATION ACT OF 1980" AND APPROPRIATING FUNDS THEREFOR,

recommending its approval without amendment, taking into consideration Senate Bill No. 2183.

Sponsor: Senator Richard J. Gordon

Committee Report No. 645, submitted jointly by the Committees on Justice and Human Rights; and Finance, on House Bill No. 286, introduced by Representative Dalog, *et al.*, entitled

AN ACT CREATING AN ADDITIONAL BRANCH OF THE REGIONAL

TRIAL COURT IN THE PROVINCE OF MOUNTAIN PROVINCE TO BE STATIONED IN THE MUNICIPALITY OF PARACELIS, AMENDING FOR THE PURPOSE SECTION 14 PARAGRAPH (A) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED, AND APPROPRIATING FUNDS THEREFOR,

recommending its approval without amendment.

Sponsor: Senat. Richard J. Gordon

Committee Report No. 646, submitted jointly by the Committees on Justice and Human Rights; and Finance, on House Bill No. 3443, introduced by Representative Primicias-Agabas, *et al.*, entitled

AN ACT CREATING AN ADDITIONAL BRANCH OF THE REGIONAL TRIAL COURT IN THE FIRST JUDICIAL REGION TO BE STATIONED IN THE MUNICIPALITY OF ASINGAN, PROVINCE OF PANGASINAN, FURTHER AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (A) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED, AND APPROPRIATING FUNDS THEREFOR,

recommending its approval without amendment.

Sponsor: Senator Richard J. Gordon

Committee Report No. 647, submitted jointly by the Committees on Justice and Human Rights; and Finance, on House Bill No. 2433, introduced by Representative Collantes, *et al.*, entitled

AN ACT CREATING TWO (2) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE PROVINCE OF BATANGAS TO BE STATIONED IN THE MUNICIPALITIES OF STO. TOMAS AND AGONCILLO, AMENDING FOR THE PURPOSE SECTION 14(E) OF BATAS PAMBANSA BLG. 129, OTHERWISE



KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED, AND APPROPRIATING FUNDS THEREFOR,

recommending its approval without amendment.

Sponsor: Senator Richard J. Gordon

Committee Report No. 648, submitted jointly by the Committees on Justice and Human Rights; and Finance, on House Bill No. 652, introduced by Representative Oaminal, *et al.*, entitled

AN ACT CREATING AN ADDITIONAL BRANCH OF THE REGIONAL TRIAL COURT IN OZAMIS CITY, CONVERTING THE MUNICIPAL CIRCUIT TRIAL COURT COVERING THE MUNICIPALITIES OF CLARIN AND TUDELA INTO THE MUNICIPAL TRIAL COURT OF CLARIN, AND CREATING A NEW MUNICIPAL CIRCUIT TRIAL COURT COVERING THE MUNICIPALITIES OF SINACABAN AND TUDELA, ALL IN THE SECOND LEGISLATIVE DISTRICT OF THE PROVINCE OF MISAMIS OCCIDENTAL, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 129 OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AND APPROPRIATING FUNDS THEREFOR,"

recommending its approval without amendment.

Sponsor: Senator Richard J. Gordon

Committee Report No. 649, submitted jointly by the Committees on Justice and Human Rights; and Finance, on House Bill No. 7365, introduced by Representative Aragones, *et al.*, entitled:

AN ACT CREATING FOUR (4) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE FOURTH JUDICIAL REGION TO BE STATIONED IN SAN PABLO CITY, PROVINCE OF LAGUNA, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE SECTION 14(E) OF BATAS PAMBANSA BILANG 129, OTHERWISE KNOWN

AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED,

recommending its approval without amendment.

Sponsor: Senator Richard J. Gordon

Committee Report No. 650, submitted jointly by the Committees on Justice and Human Rights; and Finance, on House Bill No. 7367, introduced by Representative Arcillas, *et al.*, entitled

AN ACT CREATING TWO (2) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT AND ONE (1) ADDITIONAL BRANCH OF THE MUNICIPAL TRIAL COURT IN CITIES IN THE FOURTH JUDICIAL REGION, TO BE STATIONED IN THE CITY OF SANTA ROSA, PROVINCE OF LAGUNA, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE SECTION 14(E) AND SECTION 29 OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED,

recommending its approval without amendment.

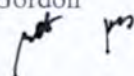
Sponsor: Senator Richard J. Gordon

Committee Report No. 651, submitted jointly by the Committees on Justice and Human Rights; and Finance, on House Bill No. 7405, introduced by Representative Alonte, *et al.*, entitled

AN ACT CREATING TWO (2) ADDITIONAL BRANCHES OF THE MUNICIPAL TRIAL COURT IN CITIES FOR BIÑAN CITY IN THE FOURTH JUDICIAL REGION, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE SECTION 29 OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED,

recommending its approval without amendment.

Sponsor: Senator Richard J. Gordon





Committee Report No. 652, submitted by the Committee on Local Government, on House Bill No. 8700, introduced by Representative Cari, *et al.*, entitled

AN ACT DECLARING DECEMBER 27 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE CITY OF BAYBAY, PROVINCE OF LEYTE, IN CELEBRATION OF ITS "BINAY-BAYON FESTIVAL,"

recommending its approval without amendment.

Sponsor: Senator Sonny Angara

### SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 638 on Senate Bill No. 2204 from the Calendar for Ordinary Business to the Calendar for Special Orders.

### COMMITTEE REPORT NO. 638 ON SENATE BILL NO. 2204

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2204 (Committee Report No. 638), entitled

AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS "AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM."

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Zubiri, 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 Lacson, for his sponsorship speech.

### SPONSORSHIP SPEECH OF SENATOR LACSON

Senator Lacson, on behalf of the Committee on Public Order and Dangerous Drugs, presented

for plenary consideration, Senate Bill No. 2204, entitled AN ACT AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM.

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

#### The Anti-Terrorism Act of 2019

At the outset, let me state here and now with certainty that a vote for the immediate passage of this measure is a vote for the immediate lifting of Martial Law in Mindanao.

Fellow members of this august chamber, I have the honor to report on the Senate floor Senate Bill No. 2204, entitled "An Act Amending Certain Provisions of Republic Act No. 9372, Otherwise Known As 'An Act To Secure the State and Protect our People from Terrorism,'" as embodied in Committee Report No. 638 in substitution of Senate Bill Nos. 1134, 1396, 1715 and 1956.

In recent years, terrorism has greatly reshaped the security landscape in many countries all over the world. There seems to be no immediate end in sight. Instead, the menacing threat of terrorism continues to spread with even more daring and sophisticated means. While other countries have long responded aggressively to protect and safeguard their citizens, our existing laws are neither sufficient nor responsive to the threat. Sadly, we are lacking in our response. While the global trend is starting to stem the tide of deaths and losses due to terrorist attacks, here in the Philippines, it is a different story.

The Global Terrorism Index of 2018 ranked the Philippines as the 10<sup>th</sup> country most negatively affected by terrorism. It pains me to see the Philippines in the top 10 with countries such as Iraq, Afghanistan, Nigeria, Syria, Pakistan, and Somalia. In fact, our country experienced the highest negative impact from terrorism among states in the Asia-Pacific region. While other states across the globe are starting to see a downtrend in the number of deaths due to terrorism, we are included in the top 10 countries with the largest increase in deaths from terrorism for 2016 - 2017.

In the case of Marawi alone, government reported the death of 900 Maute-ISIS affiliated fighters, 168 government forces, and 47 civilians. The total damage and lost opportunities cost is estimated by the Philippines' Task Force *Bangon*





*Marawi* at P18.23 billion. Said amount does not include the cost of war materiel and other combat service support operations, which was estimated at more than P6 billion. Post-war, the government's conservative estimate for the cost of *Marawi*'s rehabilitation is pegged at P72.58 billion. Furthermore, the fighting in *Marawi* forced out around 72,000 families or 359,000 individuals, many of whom remain displaced to this day. This is not yet taking into account the lives lost and properties destroyed in the recent twin bombings in Jolo, Sulu.

With every terrorist plot being hatched, every terrorist attack being launched, our response is always the same: Bring in the troops. We rely heavily on military-led, kinetic operations as our primary response to the challenge of terrorism. Even when we know that what we need is a more comprehensive response; even when we are aware that there has to be an appropriate criminal justice response.

Why do we resort to this?

It is because our country's existing legislative framework to combat terrorism is a dead letter law. More than a decade ago since the passage of Republic Act No. 9372, otherwise known as the Human Security Act of 2007, the law remains severely underutilized. To illustrate, it took the *Basilan Court* five long years to finally declare the *Abu Sayyaf Group* a terrorist or outlawed organization in 2015.

Meanwhile, thus far, we only have one order of conviction issued by the RTC of Taguig City, finding accused NUR A. SUPIAN guilty of committing acts falling under Section 3 of the Human Security Act.

Do we not find it ironic, or rather alarming, that with the increasing number of deaths due to terrorism, we only hear of one conviction?

Are we not troubled that when terrorists are captured, they are oftentimes charged with cases for violations of the Revised Penal Code, or illegal possession of firearms, or some other special laws rather than for terrorism? While they could be also held accountable for these crimes, should they not be held accountable for the graver crime of terrorism? One may ask, why is this?

We cannot speak of a criminal justice response to terrorism when this is how terrorism-related cases are handled. Our existing anti-terrorism law cannot even give our law enforcers and prosecutors a firm foothold to pursue terrorism cases.

We oftentimes overlook the direct implication in the management and handling of suspects of terrorism-related incidents within our penal facilities. As of October 2018, the BJMP reported 735 high-risk persons deprived of liberty (PDLs) incarcerated in their facilities that are alleged members of terrorist organizations. However, they are not in jail for terrorist acts they have perpetrated. They are in jail for other crimes.

*Abu Sayyaf* members involved in the mass kidnapping of dozens of students, two teachers, and a Catholic priest in *Basilan* in 2000 provide an illustrative sample — 52 people were kidnapped, mostly young students. The priest was killed and two teachers were even beheaded. The incident could easily be classified as terrorist acts. However, the 86 incarcerated for the crime were charged with kidnapping only. In December 2018, 66 of them were found guilty of kidnapping while 20 were acquitted.

Reports even say that the suspects of the recent Jolo suicide bombings are set to face multiple murder and frustrated murder charges for the deaths and injuries caused by said bombings when this is clearly a terrorist act.

This has to stop. We do not need to wait for another *Marawi* siege, or another suicide bombing of the *Mount Carmel Cathedral* in Jolo, Sulu to happen before we act on this. The danger is here, present in our midst.

This is why this Representation is sponsoring today an anti-terrorism bill that seeks to address the evident infirmities of the Human Security Act of 2007.

I beg your indulgence as I enumerate the highlights of our proposed amendments:

1. *The change of the title from "Human Security Act of 2007" to "Anti-Terrorism Act of 2019."*

Human security is a vast concept with a scope that is beyond the contents of the law we are amending. It covers, by way of example, environmental, food, economic and health security, to name a few. With that, we changed the short title to have a clear overview of what the law is at first glance; an instrument to prevent or counterterrorism.

2. *Modification of Section 4 defining "terrorist act."*

Before and even long after the enactment of the law, it has been criticized over and over for its apparent vagueness, which runs counter to the principle of the legality of offenses.



Your Committee on Public Order and Dangerous Drugs has decided to do away with the predicate crimes enumerated in the law and just define a terrorist act as:

"Any of the following unlawful acts, regardless of its stage of execution, which may intimidate, put in fear, force, or induce the government or any international organization, or the public to do, or to abstain from doing any act, or seriously destabilize or destroy the fundamental political, economic or social structures of the country, or create a public emergency or undermine public safety.

"a. Attacks that cause death or serious bodily injury to any person;

"b. Attacks that cause extensive damage or destruction to a government or public facility, critical infrastructure, public place or private property likely to endanger human life or result in major economic loss;

"c. Manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;

"d. Release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life; threat to commit any of the acts listed in paragraphs (a) to (d) of this section."

3. *To deter participation even at the initial stages of plotting, our Committee has introduced new sections providing penalties for the following acts:*

a. Planning, preparing and facilitating the commission of terrorist acts;

b. Attempt to commit, proposal to commit and inciting to commit terrorist acts;

c. Recruitment to participate, join, commit or support any terrorist act or membership in a terrorist group, association or organization proscribed in accordance with this Act;

d. Terrorism by foreign nationals; and

e. Providing material support to terrorists.

To give our law enforcement authorities more teeth in fighting their adversaries in this war against terror, we likewise propose the following:

#### 4. *Surveillance*

With respect to authorization to conduct surveillance previously vested only in the Court of Appeals (CA), the application for judicial authorization to conduct surveillance can now be made also with the Regional Trial Court. This amendment is made for the purpose of convenience and expediency granting that time is of the essence when it comes to impending threats of terrorism.

On the mode of surveillance, we took into consideration this Committee's proposed amendment to the antiquated Anti-Wiretapping Act for purposes of consistency. The said surveillance-related amendments now cover various means of doing so using the technology available today and those that will hereafter be known to science and the various forms of communications that may be the subject thereof.

To further strengthen the surveillance capabilities of our law enforcement authorities and to ensure the cooperation and active participation of the telecommunication companies, in the event of actual or imminent terrorist attack, this proposed legislation authorizes the Anti-Terrorism Council to file an *ex-parte* application with the RTC for an order to compel telecommunications and internet service providers to produce all customer information and identification records, as well as call and text data records and other cellular or internet metadata of persons suspected of committing said actual or imminent attack, with notice to the National Telecommunications Commission (NTC) to ensure compliance. Once again, with the risk of being repetitive, let me emphasize that this provision will only be operative if a terrorist attack is actual or imminent.

Finally, we are also proposing for the extension of the effectivity period of the Judicial Authorization to sixty (60) days, which may be extended for another 30 days if the issuing court is satisfied that such extension is in the public interest.

#### 5. *Proscription of terrorist organizations, associations, or group of persons*

As previously discussed, one of the weaknesses of our law is the lack of urgency in proscribing terrorist groups, associations or organizations. Remember that the proscription of the Abu Sayyaf Group was our country's first and only. Not to mention that the petition languished for five years in

*not p*



the court docket. To remedy this, we are now requiring that verified applications filed with the court shall include an urgent prayer for the issuance of a preliminary order of proscription. The said order shall be issued within 72 hours if the application is sufficient in form and substance, and the court finds probable cause for declaring the respondent a terrorist or outlawed organization or association.

Further, we are proposing to limit the period within which to make the proscription either permanent or to totally set it aside to only six months from the time the application for proscription is filed in court.

6. *The extension of the period of detention of a person suspected of committing terrorist acts or members of declared terrorist organizations without judicial warrant of arrest.*

Under the present law, a person arrested for violation of the provisions of the Human Security Law can be detained for three days without charge, with no liability on the part of the arresting officer under Article 125 of the Revised Penal Code. In the proposed measure, we are proposing a 14-working day period of detention without extension.

The proposal to extend the period of detention was reached after a lengthy review of our neighboring countries' policies and laws for countering terrorism. To name a few figures currently adopted by other jurisdictions, let me state: Indonesia, 21 days, extendible to up to 200 days; Malaysia, 60 days, extendible to up to 2 years; and Singapore, with indefinite period of detention.

The proposed extended period of detention shall only be allowed when necessity has been established. Further, we also made sure that the Judiciary plays a role in the event of detention. Upon taking custody, the judge of the court nearest the place of apprehension or arrest shall be notified in writing of the following facts: 1) the time, date, and manner of arrest; 2) the location of the detained suspect; and 3) the physical and mental condition of the detained suspect.

The detaining facility is mandated to ensure that the suspect is informed of his/her rights as a detainee. Counsel's access to the detainee shall also be ensured, as well as that of entities authorized by law to exercise visitorial powers over detention facilities.

7. *The removal of the unconscionable amount of P500,000 per day of incarceration to be awarded to the suspect for unproven charge of terrorism.*

For law enforcement authorities to utilize the provisions of this Act to its full extent, we are proposing to delete the provision mandating the payment of P500,000 per day of incarceration the moment he/she is acquitted of the charge of terrorism. This is under Section 50 of RA 9372.

This has been the Sword of Damocles that hangs over the heads of our law enforcement authorities and one of the reasons why they cannot enforce the law to its full extent. By removing this, we hope that our law enforcement authorities will now have the courage to fully execute the provisions of the law without fear of being slapped with this exorbitant fine.

It does not mean however that by deleting this provision, those unlawfully charged with violation of this law will not have any recourse in case he/she will be acquitted. In the event of an acquittal, the person illegally charged can always sue for damages under existing laws.

I can anticipate that the human rights advocates will severely criticize this measure in order to provoke the people against the passage of the same. Well and good. We are prepared to justify by presenting facts and the clear and present danger among innocent and clueless bystanders whose only mistake is being in the wrong place at the wrong time.

Due to the evils of terrorism sought to be avoided, there is an imperative need to impose justifiable limitations on the rights of some people, suspected of plotting and actually committing terrorist acts. This is the tough reality. But let me overemphasize that there are corresponding safeguards to avoid the threat of abuse. Every intrusion calls for checks from the Judiciary. Further, lengthy imprisonment penalties are provided to deter exploitation of the law.

I hope we all agree to have a similar perspective on this measure and look at it as containing necessary permissible intrusions with built-in mechanisms to limit the same in regard to human rights.

As per consultation with the Armed Forces of the Philippines and the Department of National Defense during the briefing for



the extension of martial law for another year, a statement was made that the martial law in Mindanao will be lifted once an effective Anti-Terrorism Law is passed by Congress.

To those of our colleagues who voted against and continue to oppose martial law in Mindanao, let me say this: As I said before, a vote for the immediate passage of this measure means a vote for the immediate lifting of martial law in Mindanao.

It is undeniable that terrorism places lives and properties in peril. Aside from violating rights enshrined under our Constitution, it also runs counter to the Covenant on Civil and Political Rights, which declares, "Every human being has the inherent right to life and that everyone has the right to liberty and security." They collectively form part of human rights.

Terrorism violates human rights. The involvement of human rights triggers the obligation of the state to protect its people from threats or acts of terrorism. We have already tried various approaches, such as peace talks, peace agreements, and even the grant of autonomy. Yet, just a few days ago, we had bombing incidents and armed conflict in Mindanao.

On the part of the legislative, numerous resolutions were filed condemning such acts of terrorism. But resolutions are not enough. The value of the lives lost and the lives that are still at risk is far more than that. Why condemn if we could act? Let us toughen the fight against terrorism. Let us combat terrorism and pass the Anti-Terror Act to ensure freedom not only from acts of terrorism but also from threats of terrorism.

#### **COSPONSORSHIP SPEECH OF SENATOR GORDON**

Senator Gordon associated himself with the remarks of Senator Lacson, saying that he authored the proposed bill early on, the original title of which was "An Act Declaring a National Emergency Against Drugs and Terrorism, Establishing a National Policy to Authorize the President in Accordance with the Constitution to Exercise Necessary and Proper Powers to Address Such Emergency." He said that martial law had been declared and he was glad that Senator Lacson had issued a caveat on those who are opposing it.

He recalled that he delivered a privilege speech the other day about the carnage that happened in Jolo where 27 soldiers died. He hoped that seeing the pictures of the carnage would awaken the people from their stupor that anti-terrorism is not an easy task, as he noted that the current law even interdicts law enforcement officials, government officials or even soldiers since detaining a suspect for terrorism would entail P500,000 per day as damages for unproven charge.

Senator Gordon commended Senator Lacson for articulating the provision in the Constitution which stipulated the prime duty of the government to serve and protect its people, and quoting Churchill, he said that to serve and protect the people, "Give us the tools and we will finish the job."

He recalled the year 2000 when he led the Red Cross Chapter in Basilan to pick up more than 20 students detained in Maluso by the Abu Sayyaf; and when the ICRC-Red Cross, who were helping prisoners, including some imprisoned Abu Sayyaf and members, were picked and dragged for four or five months by lawless elements.

Senator Gordon said that he could vividly remember how hard it was to look at the Filipino soldiers cramped in a one-size-fits-all coffin at a funeral parlor in Fort Bonifacio. He agreed with Senator Lacson that events like what he cited earlier including the acts of terrorism that happened in Davao City on September 2, 2016 where 14 people died while 71 others were injured, are needed if only to awaken the people from stupor. He also recalled the abduction of a group of people including Grace Burnham, some of whom were beheaded, which greatly hurt not only tourism but also the people of Palawan because, for a while, nobody wanted to visit the place.

Senator Gordon disclosed that he was recently told by President Duterte himself that the government was going all-out against the Abu Sayyaf, and that he assured the President that the Senate was supporting the move with the suggestion not to hurt the civilians. He also recalled suggesting that the operation of the government be coupled with "social amelioration" because, at one time, some of the teachers could not take their licensure examinations because the staff of the Civil Service Commission would not conduct the examinations in the area for fear of their lives. As a result, he said that

*per* *rs*



the teachers were not given the wages that were due them because they have no license to teach. He also cited the lack of applicants for judge's position because of fear. He agreed with Senator Lacson on the need to put some teeth into the Human Security Act, and as he associated himself with the bill, he said that the country needs soldiers who are properly equipped and prepared to go to war because he does not want to see images of soldiers lying bloody and mutilated or the schools being vandalized.

In closing, Senator Gordon extended his congratulations to Senator Lacson and the members of the Committee for proposing the Anti-Terrorism Law.

#### **MANIFESTATION OF SENATOR GATCHALIAN**

At the outset, Senator Gatchalian commended Senator Lacson for sponsoring the Anti-Terrorism Law even as he expressed disbelief that after many years since the enactment of the Human Security Act, only one conviction was made. He said that it is time to enact the law in order to stop terrorism. He said that the country could not attain genuine prosperity if terrorism would not be stopped.

Senator Gatchalian also appealed to the Body to consider the SIM card registration bill considering that prepaid SIM cards have been a favorite tool of terrorists in terms of communicating with one another in sowing terror and bombings in the country.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2204**

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

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1629 AND HOUSE BILL NO. 172**

Upon motion of Senator Zubiri, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1629, entitled

**AN ACT WAIVING GOVERNMENT FEES  
AND CHARGES ON THE ISSUANCE  
OF DOCUMENTS REQUIRED IN**

**THE APPLICATION FOR EMPLOY-  
MENT OF FIRST TIME JOBSEEKERS;**

and House Bill No. 172, entitled

**AN ACT PROVIDING ASSISTANCE TO  
NEW GRADUATES BY WAIVING  
GOVERNMENT FEES AND CHARGES  
COLLECTED IN CONNECTION WITH  
THE ISSUANCE OF DOCUMENTS  
REQUIRED IN THEIR APPLICA-  
TION FOR EMPLOYMENT.**

The Chair recognized Senator Villanueva to sponsor the report.

#### **SPONSORSHIP SPEECH OF SENATOR VILLANUEVA**

Senator Villanueva submitted to the Body the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1629 and House Bill No. 172 or the "First Time Jobseekers Act."

*The full text of Senator Villanueva's report follows:*

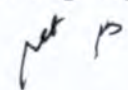
I have the honor to report to the Body the Bicameral Conference Committee Report on Senate Bill No. 1629 and House Bill No. 172 or the "First-time Jobseekers Assistance Act."

*Malaking tulong po ang panukalang batas na ito na mag-e-exempt sa mga bagong graduate at unang beses pa lang mag-apply ng trabaho sa mga bayaring may kinalaman sa mga pre-employment documents.*

*Kasama po sa mga inaprubahan ng bica-meral conference committee ang police at NBI clearance, barangay clearance, birth certificate mula sa PSA, marriage certificate, transcript of records mula sa mga SUCs, tax identification number o TIN, unified multi-purpose ID o UMID card, at medical certificate mula sa mga public hospital.*

*Kapag naging batas, libre na po o walang babayaran ang mga fresh graduate at first-time jobseeker sa mga binanggit kong mga dokumento.*

*Kapag pinagsama-sama po ang gastos para sa mga pre-employment document, mahina po ang 2,000 pesos at mabigat po 'yan para sa isang fresh graduate na kahit pa sabihing graduate na, ang totoo, financially dependent pa rin po siya sa kanyang mga magulang o kaanak.*





*Sa pag-aaral po ng Asian Development Bank na tugma naman po sa mga ginawa nating mga Impact Evaluation Study noon sa TESDA, ang school-to-work transition ng maraming kabataang Pinoy ay one year po kung college graduate at six months to one year naman kung tech-voc graduate. Iyong mga school leaver o drop-out, three years po silang tambay bago makapasok sa trabaho. Isa po sa mga dahilan ng mahaba nilang paghihintay ay ang pag-kumpleto ng mga dokumentong hinahanap ng mga employer.*

*Kapag hinayaan po nating tambay ang mga fresh graduates dahil hindi sila agad makakuha ng mga dokumentong hinahanap ng mga employer, mas lumalaki po ang tiyansa na manakaw sa kanila ang mga trabahong napupunta lang sa mga illegal foreign nationals.*

*Kaya maraming salamat po sa ating mga kasamahan sa bica at sa lahat po ng miyembro ng Senate Committee on Labor, lalung-lalo na po ang mga nag-sponsor at nag-coauthor ng Senate Bill 1629 — Senator Sonny Angara, Senator Grace Poe, Senator JV Ejercito, Senator Nancy Binay, Senator Antonio Trillanes, Senator Loren Legarda at Senator Leila de Lima — dahil malaki po ang magagawa ng panukalang batas na ito para makuha agad ng mga Pilipino — na world-class ang galing — ang mga trabahong sa kasamaang-palad ay napupunta lang po ngayon sa mga banyaga.*

With the aforesaid, I move for the adoption of the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 1629 and House Bill No. 172 or the First-Time Jobseekers Assistance Act.

#### JOINT EXPLANATION OF THE CONFERENCE COMMITTEE

Upon motion of Senator Villanueva, there being no objection, the Body approved the insertion of the Joint Explanation of the Conference Committee into the record.

*Following is the full text of the Joint Explanation of the Conference Committee:*

#### JOINT EXPLANATION OF THE BICAMERAL CONFERENCE COMMITTEE ON THE DISAGREEING PROVISIONS OF SENATE BILL NO. 1629 AND HOUSE BILL NO. 172

The Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 1293 and House Bill No. 172 after having met and

having fully discussed the said provisions, hereby report to their respective Houses the following, that:

1. The conferees agreed to use the Senate version as the working draft.
2. **Section 1.** Section 1 of the Senate version was adopted as Section 1.
3. **Section 2.** Section 2 of the Senate version and Section 1 of the House version were adopted as Section 2 and amended to read as follows:

**“SEC. 2. Declaration of Policy.** – It is the policy of the State to promote full employment and equality of gainful work and opportunities of its citizens. As such the State shall expand accessibility to government services and provide incentives to improve a first time jobseeker’s access to employment.”

4. **Section 3.** Section 2 of the House version was adopted as Section 3 and was amended to read as follows:

**“SEC. 3. Waiver of Fees and Charges.** – Subject to exceptions provided in Section 8 of this Act, all government agencies and instrumentalities, including government-owned and controlled corporations (GOCCs), local government units (LGUs), and government hospitals shall not collect fees or charges from a first time jobseeker: *Provided*, That such fee or charge is paid in connection with the application for and the granting of licenses, proofs of identification, clearances, certificates, or other documents usually required in the course of employment locally or abroad; *Provided, further*, That the benefit provided under this Act shall only be availed of once.”

**“SEC. 4. Covered Governmental Transactions.** – No fees and other charges shall be collected from first time jobseekers when obtaining the following, subject to the requirement in Section 5:

- (a) Police clearance certificate;
- (b) National Bureau of Investigation clearance;
- (c) Barangay clearance;
- (d) Medical certificate from a public hospital, provided that fees and charges collected for laboratory testing and other medical procedures required for the grant of a medical certificate shall not be free of charge;



- (e) Birth Certificate;
- (f) Marriage Certificate;
- (g) Transcript of academic records issued by state colleges and universities;
- (h) Tax Identification Number (TIN);
- (i) Unified Multi-Purpose ID (UMID) card; and
- (j) Other documentary requirements issued by the government that may be required by employers from job applicants."

6. **Section 5.** Section 6 of the Senate version and Section 3 of the House version were consolidated as Section 5 and amended to read as follows:

"SEC. 5. *Proof of Eligibility.* – First time jobseekers availing of the benefits provided under this Act shall present a *barangay* certification stating that the applicant is a first time jobseeker: *Provided,* That any person found guilty of fabrication or falsification shall be liable under the Revised Penal Code."

"SEC. 6. *Database Maintenance.* – The concerned government agencies shall maintain and update a roster of all individuals who have been issued documents under this Act. This roster shall be regularly submitted to the Department of Information and Communication Technology (DICT), which shall compile a database of all beneficiaries of this Act to be made accessible to all relevant agencies."

8. **Section 7.** Section 8 of the Senate version was adopted as Section 7 and amended to read as follows:

"SEC. 7. *One Stop Shop.* – The Public Employment Service Office or PESO in different provinces, cities and municipalities shall assist first time jobseekers in securing required pre-employment documents from relevant government agencies."

9. **Section 8.** Section 9 of the Senate version and Section 4 of the House version were adopted as Section 8 and amended to read as follows:

"SEC. 8. *Exceptions.* – The waiver of fees and charges provided under this Act shall not include those collected in connection with an application to take a professional licensure examination conducted by the Professional Regulation Commission, application for a Philippine passport authentication

and red ribbon of documents from the Department of Foreign Affairs, application for a Career Service Examination with the Civil Service Commission (CSC), and application for a driver's license from the Land Transportation Office."

10. **Section 9.** Section 10 of the Senate version was adopted as Section 9 but deleted the punctuation comma (,) after the word "functions".
11. **Section 10.** Section 11 of the Senate version was adopted as Section 10 but deleted the word "fee" and change it to the word "similar".
12. **Section 11.** Section 12 of the Senate version and Section 5 of the House version were adopted as Section 12 and amended to read as follows:

"SEC. 11. *Interpretation in Favor of the Applicant.* – In all cases, any ambiguity in the interpretation on the provisions of this Act shall be in favor of the applicant."

"No government agency or instrumentality shall issue unduly restrictive regulations which will render nugatory the benefits provided under the Act. Such shall constitute an administrative offense punishable under the Administrative Code and other pertinent laws."

13. **Section 12.** Section 6 of the House version was adopted as Section 12 and amended to read as follows:

"SEC. 12. *Interagency Monitoring Committee.* – An interagency committee is hereby created with the Secretary of the Department of Labor and Employment (DOLE) as chairperson, and as members, the heads of the CSC, the DICT, the Department of Finance (DOF), the Department of Education, the Commission on Higher Education (CHED), the National Youth Commission, the Technical Education and Skills Development Authority and other departments the participation of which the committee may deem necessary."

"The committee shall monitor the compliance of the concerned government agencies and instrumentalities, and may recommend to the proper authorities the filing of an administrative complaint against any person who refuses to comply with the provisions of this Act."

14. **Section 13.** Section 14 of the Senate version was adopted as Section 13 and was amended to read as follows:



**“SEC. 13. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Secretary of Labor and Employment shall, in consultation with the DICT and other concerned agencies, issue the appropriate implementing rules and regulations to effectively implement the provisions of this Act.”**

15. **Section 14.** Section 15 of the Senate version and Section 7 of the House version contain basically the same provision, hence, adopting both versions as Section 14 (Separability Clause).
16. **Section 15.** Section 16 of the Senate version and Section 8 of the House version contain basically the same provision, hence, adopting both versions as Section 15 (Repealing Clause)..
17. **Section 16.** Section 17 of the Senate version and Section 9 of the House version contain basically the same provision, hence, adopting both versions as Section 16 (Effectivity).
18. **Title.** The title of the Senate version was adopted as the title of the consolidated bill, to read as follows:

**“AN ACT WAIVING GOVERNMENT FEES AND CHARGES IN THE ISSUANCE OF DOCUMENTS REQUIRED IN THE APPLICATION FOR EMPLOYMENT OF FIRST TIME JOBSEEKERS”**

In case of a conflict between the statements/ amendments stated in this Joint Explanation and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

## **APPROVAL OF THE CONFERENCE COMMITTEE REPORT**

Upon motion of Senator Zubiri, there being no objection, the Body approved and ratified the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1629 and House Bill No. 172.

## **PROPOSED SENATE RESOLUTION NO. 1012**

With the consent of the Body, upon motion of Senator Zubiri, the Body considered Proposed Senate Resolution No. 1012, entitled

**CONGRATULATING AND COMMENDING THE OUTSTANDING YOUNG**

**MEN (TOYM) 2018 AWARDEES FOR THEIR SIGNIFICANT CONTRIBUTIONS TO THE WELFARE OF THE COUNTRY.**

Thereupon, the Chair recognized Senator Ejercito, sponsor of the measure.

## **SPONSORSHIP SPEECH OF SENATOR EJERCITO**

Senator Ejercito presented to the Body Proposed Senate Resolution No. 1012 congratulating and commending The Outstanding Young Men (TOYM) 2018 awardees for their significant contributions to the welfare of the country.

*Hereunder is the full text of Senator Ejercito's sponsorship speech:*

For almost 59 years now, the Junior Chamber International-Philippines and TOYM Foundation annually recognize outstanding individuals for their invaluable contribution in their respective fields. Today, we are honored to meet, recognize, and congratulate the 2018 TOYM awardees – 11 notable individuals selected among millions of Filipinos nationwide – known not only for their accomplishments and excellent leadership, but also for the heartfelt change they have effected in their respective fields and to people's lives.

I am fortunate to receive the same honor in 2007 for Public Service and Governance while I was still mayor of San Juan. Receiving it was an affirmation that I have truly done something good as a public servant. Eventually, my TOYM award and accomplishments in San Juan also provided a distinction for our city which, after a year, was converted into a highly urbanized city from the status of third-class municipality. As a result, for ever ten years now, San Juan City is recognized nationwide as a haven for businessmen and foreign investors, go-to place for shoppers and tourists. Being a TOYM awardee inspired me to become a better public servant. I believe this resonates to most of our colleagues here who are TOYM awardees as well.

For 2018, we have a diverse set of honorees from around the country who have excelled in the fields of law enforcement, education, public service, international relations, agri-business, economic development, environmental conservation, community service, public health, medicine, and journalism. All of them were thoroughly screened by a panel of past TOYM honorees as

*net js*



well as other distinguished and respected members of our community.

It has been the tradition of this Chamber to be another venue to commend honorees for their significant change in their respective fields. Let me now take this opportunity to mention and commend our eleven (11) TOYM honorees:

1. Dr. Nassef Adiong for International Relations
2. Ms. Jamela Aisha Alindogan for International Journalism
3. Ms. Cherrie Atilano for Agri-business
4. Mr. Karl Kendrick Chua for Economic Development
5. Mr. Bernard Faustino Dy for Public Service
6. Mr. Rodne Galicha for Environmental Conservation
7. Ms. Ibias-Lanuza for Law Enforcement
8. Dr. Erika Fille Legara for Education Innovation
9. Dr. Katerina Leyritana – Public Health
10. Dr. Mark Anthony Sandoval for Medicine
11. Mr. Jatton Zulueta Jr. for Community Development

Congratulations! May you continually embody the best qualities of a TOYM awardee: full of vigor, excellence, leadership, values, vitality and hope! Congratulations also to the Junior Chamber International-Philippines and TOYM Foundation for providing us this prestigious and inspiring award for many years now.

#### **TERMINATION OF THE PERIOD OF INTERPELLATIONS**

There being no interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations and proceeded to the period of amendments.

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

There being no committee or individual amendments, upon motion of Senator Zubiri, there being no objection, the Body closed the period of amendments.

#### **MANIFESTATION OF SENATOR ZUBIRI**

Senator Zubiri informed the Body that Senator Binay also filed a similar resolution, Proposed Senate Resolution No. 974.

#### **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 1012**

Upon motion of Senator Zubiri, there being no objection, the Body adopted Proposed Senate Resolution No. 1012, taking into consideration Proposed Senate Resolution No. 9740, subject to style.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Zubiri, the session was suspended.

*It was 5:04 p.m.*

#### **RESUMPTION OF SESSION**

At 5:10 p.m., the session was resumed.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1616 AND HOUSE BILL NO. 8861**

Upon motion of Senator Zubiri, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1616, entitled

AN ACT AMENDING CHAPTER V, SECTION 85 OF REPUBLIC ACT NO. 9593, OTHERWISE KNOWN AS THE TOURISM ACT OF 2009; and

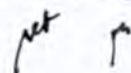
House Bill No. 8861, entitled

AN ACT EXTENDING THE PERIOD FOR THE GRANT OF INCENTIVES TO TOURISM ENTERPRISE ZONES AND REGISTERED TOURISM ENTERPRISES AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9593, OTHERWISE KNOWN AS THE "TOURISM ACT OF 2009."

The Chair recognized Senator Gordon to sponsor the report.

#### **SPONSORSHIP SPEECH OF SENATOR GORDON**

Senator Gordon submitted to the Body the Conference Committee Report on the disagreeing





provisions of Senate Bill No. 1616 and House Bill No. 8861, as he reported that both panels agreed to extend the grant of fiscal and non-fiscal incentives under Republic Act No. 9593, otherwise known as the "Tourism Act of 2009," until December 31, 2029. Similarly, he stated that the Congressional Oversight Committee on Tourism created under Section 103 of the said Act was extended indefinitely and its membership was expanded to include the chair-persons of the Committee on Ways and Means of both Houses.

He said that ratifying the bicameral conference committee report is another milestone in the tourism industry as the primary purpose of the original law which he authored was to ensure that tourism becomes a primary engine of growth for the country as it creates jobs which is an easy way to depart from poverty.

*Following is the full text of the Joint Explanation of the Conference Committee:*

**JOINT EXPLANATION  
OF THE CONFERENCE COMMITTEE  
ON THE DISAGREEING  
PROVISIONS OF SENATE BILL NO. 1616  
AND HOUSE BILL NO. 8861**

The Conference Committee on the disagreeing provisions of **Senate Bill No. 1616** and **House Bill No. 8861**, after having met and fully discussed the subject matter in a conference, hereby report to their respective Houses the following:

1. The conferees agreed to adopt the House version as the working draft;
2. Section 1 of the Senate version and Section 1 of the House version were consolidated to be Section 1 of the reconciled bill;
3. Section 2 of the House version was adopted as Section 2 of the reconciled bill;
4. Section 3 of the House version was adopted as Section 3 of the reconciled bill;
5. Section 4 of the House version was adopted as Section 4 of the reconciled bill;
6. For the title of the reconciled bill, the conferees agreed to adopt a new title which shall now read as follows:

**"AN ACT AMENDING SECTIONS 85 AND 103 OF REPUBLIC ACT NO. 9593, OTHERWISE KNOWN AS 'THE TOURISM ACT OF 2009'"**

In case of conflict between the statements/ amendments stated in this Joint Explanation and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

**APPROVAL OF THE CONFERENCE  
COMMITTEE REPORT**

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1616 and House Bill No. 8861 was approved and ratified by the Body.

**CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 1558  
AND HOUSE BILL NO. 8794**

Upon motion of Senator Zubiri, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1558, entitled

**AN ACT DEFINING AND PENALIZING GENDER-BASED STREET AND PUBLIC SPACES HARASSMENT, EXPANDING THE DEFINITION OF SEXUAL HARASSMENT, AND AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7877, AND FOR OTHER PURPOSES; and**

House Bill No. 8794, entitled

**AN ACT DEFINING GENDER-BASED STREET, PUBLIC SPACES AND ONLINE SEXUAL HARASSMENT, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR.**

The Chair recognized Senator Hontiveros to sponsor the report.

**SPONSORSHIP REMARKS  
OF SENATOR HONTIVEROS**

Senator Hontiveros submitted to the Body the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 1558 and House Bill No. 8794, or the Safe Spaces Act. She expressed hope that the proposed measure, when enacted into law, would protect every Filipino from gender-based harassment in the streets and other

*not yet*



public spaces, online, in the workplace, and in educational institutions, and would finally put a stop to unwanted and uninvited remarks, comments, actions, and gestures which have absolutely no place in society.

## JOINT EXPLANATION OF THE CONFERENCE COMMITTEE

At the instance of Senator Zubiri, there being no objection, the Body approved the insertion of the Joint Explanation of the Conference Committee on the disagreeing provisions of Senate Bill No. 1558 and House Bill No. 8794 into the Journal and Record of the Senate.

*Following is the full text of the Joint Explanation of the Conference Committee:*

### JOINT EXPLANATION OF THE BICAMERAL CONFERENCE COMMITTEE ON THE DISAGREEING PROVISIONS OF SENATE BILL NO. 1558 AND HOUSE BILL NO. 8794

The Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 1558 and House Bill No. 8794 after having met and having fully discussed the said provisions, hereby report to their respective Houses the following, that:

1. The conferees agreed to consolidate Section 1 of Senate Bill No. 1558 and House Bill No. 8794 with modification and which shall read as:

SECTION 1. *Short Title.* – This Act shall be known as the “Safe Spaces Act.”

2. Section 2 of the House version was adopted to be Section 2 (Declaration of Policies) of the Reconciled Bill, adding letter “s” after the word “street” and deleting the conjunction “and” before the word “online” and inserting the phrase “workplaces and educational and training institutions” after the word “online”;
3. Section 3 of the House version was adopted as Section 3 (Definition of Terms) of the Reconciled Bill with modifications which shall read as:

SEC. 3. *Definition of Terms.* - As used in this Act:

- a. *Catcalling* refers to unwanted remarks directed towards a person, commonly done in the form of wolf-whistling and misogynistic, transphobic, homophobic, and sexist slurs;

- b. *Employee* refers to a person, who in exchange for remuneration, agrees to perform specified services for another person, whether natural or juridical, and whether private or public, who exercises fundamental control over the work, regardless of the term or duration of agreement. Provided, that for the purposes of this law, a person who is detailed to an entity under a subcontracting or secondment agreement shall be considered an employee;

- c. *Employer* refers to a person who exercises control over an employee, provided that for the purpose of this Act, the status or conditions of the latter's employment or engagement shall be disregarded;

- d. *Gender* refers to a set of socially ascribed characteristics, norms, roles, attitudes, values and expectations identifying the social behavior of men and women, and the relations between them;

- e. *Gender-based online sexual harassment* refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyber-stalking and online identity theft;

- f. *Gender identity and/or expression* refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relation to masculine or feminine conventions. A person may have a male or female identity with physiological characteristics of the opposite sex, in which case this person is considered transgender;

- g. *Public spaces* refer to streets and alleys, public parks, schools, buildings, malls, bars, restaurants, transportation terminals, public markets, spaces used as evacuation centers, government offices, public utility vehicles as well as private vehicles covered by app-based transport network services and other recreational spaces such as but not limited to cinema halls, theaters and spas; and

- h. *Stalking* refers to conduct directed at a person involving the repeated visual or



physical proximity, non-consensual communication, or a combination thereof that cause or will likely cause a person to fear for one's own safety or the safety of others, or to suffer emotional distress.

4. Section 3 of the Senate version and the first two paragraphs of Section 4 of the House version were consolidated and adopted as Section 4 (Gender-Based Streets and Public Spaces Sexual Harassment) of the Reconciled Bill with some modifications which shall read as:

**SEC. 4. Gender-based Streets and Public Spaces Sexual Harassment.** – The crimes of gender-based streets and public spaces sexual harassment are committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Gender-based streets and public spaces sexual harassment includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks and parks. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.

5. Section 7 of the Senate version and Section 9 of the House version were consolidated and adopted as Section 5 (Gender-based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and Other Privately-owned Places Open to the Public) of the Reconciled Bill, with modifications, which shall read as:

**SEC. 5. Gender-based Sexual Harassment in Restaurants and Cafes, Bars and Clubs, Resorts and Water Parks, Hotels and Casinos, Cinemas, Malls, Buildings and other Privately-owned Places Open to the Public.** – Restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public shall adopt a zero-

tolerance policy against gender-based streets and public spaces sexual harassment. These establishments are obliged to provide assistance to victims of gender-based sexual harassment by coordinating with local police authorities immediately after gender-based sexual harassment is reported, making CCTV footage available when ordered by the Court, and providing a safe gender-sensitive environment to encourage victims to report gender-based sexual harassment at the first instance.

All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly-visible warning signs against gender-based public spaces sexual harassment, including the anti-sexual harassment hotline number in bold letters, and shall designate at least one anti-sexual harassment officer to receive gender-based sexual harassment complaints. Security guards in these places may be deputized to apprehend perpetrators caught in *flagrante delicto* and are required to immediately coordinate with local authorities.

6. Section 8 of the Senate version and Section 11 of the House version were consolidated and adopted as Section 6 (Gender-based Sexual Harassment in Public Utility Vehicles) of the Reconciled Bill, with modifications, which shall read as:

**SEC. 6. Gender-based Sexual Harassment in Public Utility Vehicles.** – In addition to the penalties in this Act, the Land Transportation Office (LTO) may cancel the license of perpetrators found to have committed acts constituting sexual harassment in public utility vehicles, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators who commit gender-based streets and public spaces sexual harassment acts. Gender-based sexual harassment in Public Utility Vehicles (PUVs) where the perpetrator is the driver of the vehicle shall also constitute a breach of contract of carriage, for the purpose of creating a presumption of negligence on the part of the owner or operator of the vehicle in the selection and supervision of employees and rendering the owner or operator solidarily liable for the offenses of the employee.

7. Section 8 of the House version shall be referred to as Section 7 of the Reconciled Bill under a new title "Gender-based Sexual Harassment in Streets and Public Spaces Committed by Minors";

*pk* *rs*



8. Section 9 of the Senate version was adopted as Section 8 (Duties of Local Government Units (LGUs) of the Reconciled Bill, with modification, which shall read as:

**SEC. 8. Duties of Local Government Units (LGUs).** – Local Government Units (LGUs) shall bear primary responsibility in enforcing the provisions under Article I of this Act. LGUs shall have the following duties:

- (a) Pass an ordinance which shall localize the applicability of this Act within sixty (60) days of its effectivity;
- (b) Disseminate or post in conspicuous places a copy of this Act and the corresponding ordinance;
- (c) Provide measures to prevent gender-based sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars;
- (d) Discourage and impose fines on acts of gender-based sexual harassment as defined in this Act;
- (e) Create an anti-sexual harassment hotline; and

Coordinate with the Department of the Interior and Local Government (DILG) on the implementation of this Act.

9. Section 10 of the Senate version was adopted as Section 9 (Role of the DILG) of the Reconciled Bill, with modification, which shall read as:

**SEC. 9. Role of the DILG.** – The DILG shall ensure the full implementation of this Act by:

- (a) Inspecting LGUs if they have disseminated or posted in conspicuous places a copy of this Act and the corresponding ordinance;
- (b) Conducting and disseminating surveys and studies on best practices of LGUs in implementing this Act; and

Providing capacity-building and training activities to build the capability of local government officials to implement this Act in coordination with the Philippine Commission on Women (PCW), the Local Government Academy (LGA) and the Development Academy of the Philippines (DAP).

10. The first two paragraphs of Section 6 of the House version was adopted as Section 10

(Implementing Bodies for Gender-based Sexual Harassment in Streets and Public Spaces) of the Reconciled Bill, with modification, which shall read as:

**SEC. 10. Implementing Bodies for Gender-based Sexual Harassment in Streets and Public Spaces.** – The Metro Manila Development Authority (MMDA), the local units of the Philippine National Police (PNP) for other provinces, and the Women and Children's Protection Desk (WCPD) of the PNP shall have the authority to apprehend perpetrators and enforce the law provided that they have undergone prior Gender Sensitivity Training (GST). The PCW, DILG and Department of Information and Communications Technology (DICT) shall be the national bodies responsible for overseeing the implementation of this Act and formulating policies that will ensure the strict implementation of this Act.

For gender-based streets and public spaces sexual harassment, the MMDA and the local units of the PNP for the provinces shall deputize its enforcers to be Anti-Sexual Harassment Enforcers (ASHE). They shall be deputized to receive complaints on the street and immediately apprehend a perpetrator if caught in *flagrante delicto*. The perpetrator shall be immediately brought to the nearest PNP station to face charges of the offense committed. The ASHE unit together with the Women's and Children's Desk of PNP stations shall keep a ledger of perpetrators who have committed acts prohibited under this Act for purposes of determining if a perpetrator is a first-time, second-time or third-time offender. The DILG shall also ensure that all local government bodies expedite the receipt and processing of complaints by setting up an Anti-Sexual Harassment Desk in all barangay and city halls and to ensure the set-up of CCTVs in major roads, alleys and sidewalks in their respective areas to aid in the filing of cases and gathering of evidence. The DILG, the DSWD in coordination with the DOH and the PCW shall coordinate if necessary to ensure that victims are provided the proper psychological counseling support services.

11. Section 4 of the Senate version and Section 5(A) of the House version was adopted as Section 11 (Specific Acts and Penalties for Gender-based Sexual Harassment in Streets and Public Spaces) of the Reconciled Bill which shall read as:



SEC. 11. *Specific Acts and Penalties for Gender-based Sexual Harassment in Streets and Public Spaces.* – The following acts are unlawful and shall be penalized as follows:

- (1) For acts such as cursing, wolf-whistling, cat-calling, leering and intrusive gazing, taunting, cursing, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs, persistent unwanted comments on one's appearance, relentless requests for one's personal details such as name, contact and social media details or destination, the use of words, gestures or actions that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression including sexist, homophobic, and transphobic statements and slurs, the persistent telling of sexual jokes, use of sexual names, comments and demands, and any statement that has made an invasion on a person's personal space or threatens the person's sense of personal safety –

- a. The first offense shall be punished by a fine of One thousand pesos (Php1,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar to be conducted by the PNP in coordination with the local government unit and the PCW;
- b. The second offense shall be punished by *arresto menor* (6 to 10 days) or a fine of Three thousand pesos (Php3,000.00);
- c. The third offense shall be punished by *arresto menor* (11 to 30 days) and a fine of Ten thousand pesos (Php10,000.00).

- (2) For acts such as making offensive body gestures at someone, and exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party including flashing of private parts, public masturbation, groping, and similar lewd sexual actions –

- a. The first offense shall be punished by a fine of Ten thousand pesos (Php10,000.00) and community service of twelve (12) hours inclusive of attendance to a Gender Sensitivity Seminar, to be conducted by the

PNP in coordination with the local government unit and the PCW;

- b. The second offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Fifteen thousand pesos (Php15,000.00);
  - c. The third offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) and a fine of Twenty thousand pesos (Php20,000.00).
- (3) For acts such as stalking, and any of the acts mentioned in Section 11 paragraphs (1) and (2), when accompanied by touching, pinching or brushing against the body of the offended person; or any touching, pinching, or brushing against the genitalia, face, arms, anus, groin, breasts, inner thighs, face, buttocks or any part of the victim's body even when not accompanied by acts mentioned in Section 11 paragraphs (1) and (2) –
    - a. The first offense shall be punished by *arresto menor* (11 to 30 days) or a fine of Thirty thousand pesos (Php30,000.00), provided that it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the local government unit and the PCW;
    - b. The second offense shall be punished by *arresto mayor* (1 month and 1 day to 6 months) or a fine of Fifty thousand pesos (Php50,000.00);
    - c. The third offense shall be punished by *arresto mayor* in its maximum period or a fine of One hundred thousand pesos (Php100,000.00).
  12. Sections 4 to 11 of the Reconciled Bill are clustered under Article I with the heading "Gender-based Streets and Public Spaces Sexual Harassment";
  13. The last paragraph of Section 3 of the House version was adopted as Section 12 (Gender-based Online Sexual Harassment) of the Reconciled Bill, with modifications, which shall read as:

Sec. 12. *Gender-based Online Sexual Harassment.* – Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and

*ms*



comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyber stalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

14. The last paragraph of Section 6 of the House version was adopted as Section 13 (Implementing Bodies for Gender-based Online Sexual Harassment) of the Reconciled Bill, with modifications, which shall read as:

**SEC. 13. *Implementing Bodies for Gender-based Online Sexual Harassment.*** - For gender-based online sexual harassment, the PNP Anti-Cyber Crime Group (PNPACG) as the National Operational Support Unit of the PNP is primarily responsible for the implementation of pertinent Philippine laws on cybercrime, shall receive complaints of gender-based online sexual harassment and develop an online mechanism for reporting real-time gender-based online sexual harassment acts and apprehend perpetrators. The Cybercrime Investigation and Coordinating Center (CICC) of the DICT shall also coordinate with the PNPACG to prepare appropriate and effective measures to monitor and penalize gender-based online sexual harassment.

15. Section 5(B) of the House version was adopted as Section 14 (Penalties for Gender-Based Online Sexual Harassment) of the Reconciled Bill, with modifications, which shall read as:

**SEC. 14. *Penalties for Gender-based Online Sexual Harassment.*** - The penalty of *prision correccional* in its medium period or a fine of not less than One hundred thousand pesos (Php100,000.00) but not more than Five hundred thousand pesos (Php500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

If the perpetrator is a juridical person, its license or franchise shall be automatically deemed revoked, and the persons liable shall be the officers thereof, including the editor or reporter in the case of print media, and the station manager, editor and broadcaster in

the case of broadcast media. An alien who commits gender-based online sexual harassment shall be subject to deportation proceedings after serving sentence and payment of fines.

Exemption to acts constitutive and penalized as gender-based online sexual harassment are authorized written orders of the court for any peace officer to use online records or any copy thereof as evidence in any civil, criminal investigation or trial of the crime: *Provided*, That such written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses may produce, and upon showing that there are reasonable grounds to believe that gender-based online sexual harassment has been committed or is about to be committed, and that the evidence to be obtained is essential to the conviction of any person for, or to the solution or prevention of such crime.

Any record, photo or video, or copy thereof of any person that is in violation of the preceding sections shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

16. Sections 12, 13, and 14 of the Reconciled Bill are clustered under Article II with the heading "Gender-based Online Sexual Harassment";
17. Section 6 of the Senate version and Section 7 of the House version were consolidated and adopted as Section 15 (Qualified Gender-based Streets, Public Spaces and Online Sexual Harassment) of the Reconciled Bill, with modifications, which shall read as:

**SEC. 15. *Qualified Gender-based Streets, Public Spaces and Online Sexual Harassment.*** - The penalty next higher in degree will be applied in the following cases:

- (a) If the act takes place in a common carrier or public utility vehicle (PUV), including but not limited to jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;
- (b) If the offended party is a minor, a senior citizen, or a person with disability (PWD), or a breastfeeding mother nursing her child;
- (c) If the offended party is diagnosed with a mental problem tending to impair consent;



- (d) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and
  - (e) If the act takes place in the premises of a government agency offering front-line services to the public and the perpetrator is a government employee.
18. Section 15 of the Reconciled Bill shall be under Article III with the heading "Qualified Gender-based Streets, Public Spaces and Online Sexual Harassment";
  19. Section 11 of the Senate version was adopted as Section 16 (Gender-based Sexual Harassment in the Workplace) of the Reconciled Bill, with modifications, which shall read as:

**SEC. 16. *Gender-based Sexual Harassment in the Workplace.*** - The crime of gender-based sexual harassment in the workplace includes the following:

- (1) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;
- (2) A conduct of sexual nature and other conduct based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communications systems;
- (3) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: *Provided*, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and
- (4) Information and communication system refers to a system for generating,

sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.

20. Section 12 of the Senate version was adopted as Section 17 (Duties of Employers) of the Reconciled Bill, with modifications which shall read as:

**SEC. 17. *Duties of Employers.*** - Employers or other persons of authority, influence or moral ascendancy in a workplace shall have the duty to prevent, deter, or punish the performance of acts of gender-based sexual harassment in the workplace. Towards this end, the employer or person of authority, influence or moral ascendancy shall:

- (a) Disseminate or post in a conspicuous place a copy of this Act to all persons in the workplace;
- (b) Provide measures to prevent gender-based sexual harassment in the workplace, such as the conduct of anti-sexual harassment seminars;
- (c) Create an independent internal mechanism or a committee on decorum and investigation to investigate and address complaints of gender-based sexual harassment which shall:
  - (1) Adequately represent the management, the employees from the supervisory rank, the rank and file employees, and the union, if any;
  - (2) Designate a woman as its head and not less than half of its members should be women;
  - (3) Be composed of members who should be impartial and not connected or related to the alleged perpetrator;
  - (4) Investigate and decide on the complaints within ten (10) days or less upon receipt thereof;
  - (5) Observe due process;
  - (6) Protect the complainant from retaliation; and
  - (7) Guarantee confidentiality to the greatest extent possible;



(d) Provide and disseminate, in consultation with all persons in the workplace, a code of conduct or workplace policy which shall:

- (1) Expressly reiterate the prohibition on gender-based sexual harassment;
- (2) Describe the procedures of the internal mechanism created under Section 17(c) of this Act; and
- (3) Set administrative penalties.

21. Section 13 of the Senate version was adopted as Section 18 (Duties of Employees and Co-workers) of the Reconciled Bill and modified by adding the phrase "Report acts of gender-based sexual harassment witnessed in the workplace" as Section 18(d);

22. Section 14 of the Senate version was adopted as Section 19 (Liability of Employers) of the Reconciled Bill, with modifications, which shall read as:

**SEC. 19. *Liability of Employers.*** – In addition to liabilities for committing acts of gender-based sexual harassment, employers may also be held responsible for:

- (a) Non-implementation of their duties under Section 17 of this Act, as provided in the penal provisions; or
- (b) Not taking action on reported acts of gender-based sexual harassment committed in the workplace.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (Php5,000.00) nor more than Ten thousand pesos (Php10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (Php10,000.00) nor more than Fifteen thousand pesos (Php15,000.00).

23. Section 15 of the Senate version was adopted as Section 20 (Routine Inspection) of the Reconciled Bill;

24. Sections 16, 17, 18, 19, and 20 are clustered under Article IV of the Reconciled Bill with the heading "Gender-based Sexual Harassment in the Workplace";

25. Section 10 of the House version was adopted as Section 21 (Gender-based Sexual Harassment in Educational and Training Institutions) of the Reconciled Bill, with modifications, which shall read as:

**SEC. 21. *Gender-based Sexual Harassment in Educational and Training Institutions.*** – All schools, whether public or private, shall designate an officer-in-charge to receive complaints regarding violations of this Act, and shall ensure that the victims are provided with a gender-sensitive environment that is both respectful to the victims' needs and conducive to truth-telling.

Every school must adopt and publish grievance procedures to facilitate the filing of complaints by students and faculty members. Even if an individual does not want to file a complaint or does not request that the school take any action on behalf of a student or faculty member and school authorities have knowledge or reasonably know about a possible or impending act of gender-based sexual harassment or sexual violence, the school should promptly investigate to determine the veracity of such information or knowledge and the circumstances under which the act of gender-based sexual harassment or sexual violence were committed, and take appropriate steps to resolve the situation. If a school knows or reasonably should know about acts of gender-based sexual harassment or sexual violence being committed that creates a hostile environment, the school must take immediate action to eliminate the same acts, prevent their recurrence, and address their effects.

Once a perpetrator is found guilty, the educational institution may reserve the right to strip the diploma from the perpetrator or issue an expulsion order.

The Committee on Decorum and Investigation (CODI) of all educational institutions shall address gender-based sexual harassment and online sexual harassment in accordance with the rules and procedures contained in their CODI manual.

26. Section 17 of the Senate version was adopted as Section 22 (Duties of School Heads) of the Reconciled Bill, with modifications, which shall read as:

**SEC. 22. *Duties of School Heads.*** – School heads shall have the following duties:

- (a) Disseminate or post a copy of this Act in a conspicuous place in the educational institution;
- (b) Provide measures to prevent sexual harassment in educational institutions, like information campaigns;



(c) Create an independent internal mechanism or a CODI to investigate and address complaints of gender-based sexual harassment which shall:

- (1) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;
- (2) Designate a woman as its head and not less than half of its members should be women;
- (3) Ensure representation of persons of diverse Sexual Orientation, Gender Identity and Expression (SOGIE), in the CODI as far as practicable;
- (4) Be composed of members who shall be impartial and not connected or related to the alleged perpetrator;
- (5) Investigate and decide on complaints within ten (10) days or less upon receipt thereof;
- (6) Observe due process;
- (7) Protect the complainant from retaliation; and
- (8) Guarantee confidentiality to the greatest extent possible.

(d) Provide and disseminate, in consultation with all persons in the educational institution, a code of conduct or school policy which shall:

- (1) Expressly reiterate the prohibition on gender-based sexual harassment;
- (2) Prescribe the procedures of the internal mechanism created under this Act; and
- (3) Set administrative penalties.

27. Section 18 of the Senate version was adopted as Section 23 (Liability of School Heads) of the Reconciled Bill, with modifications, which shall read as:

**SEC. 23. Liability of School Heads.** – In addition to liability for committing acts of gender-based sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

- (a) Non-implementation of their duties under Section 22 of this Act, as provided in the penal provisions; or
- (b) Failure to act on reported acts of gender-based sexual harassment committed in the educational institution.

Any person who violates subsection (a) of this section, shall upon conviction, be penalized with a fine of not less than Five thousand pesos (Php5,000.00) nor more than Ten thousand pesos (Php10,000.00).

Any person who violates subsection (b) of this section, shall upon conviction, be penalized with a fine of not less than Ten thousand pesos (Php10,000.00) nor more than Fifteen thousand pesos (Php15,000.00).

28. Section 19 of the Senate version was adopted as Section 24 (Liability of Students) of the Reconciled Bill;
29. Section 20 of the Senate version was adopted as Section 25 (Routine Inspection) of the Reconciled Bill;
30. Sections 21, 22, 23, 24, and 25 are clustered under Article V with heading “Gender-based Sexual Harassment in Educational and Training Institutions”;
31. Section 5(C) of the House version was adopted under Article VI under the heading “Common Provisions” as Section 26 (Confidentiality), Section 27 (Restraining Order), Section 28 (Remedies and Psychological Counselling), Section 29 (Administrative Sanctions), Section 30 (Imposition of Heavier Penalties), and Section 31 (Exemptions) of the Reconciled Bill, with modifications, which shall read as:

#### ARTICLE VI COMMON PROVISIONS

**Sec. 26. Confidentiality.** – At any stage of the investigation, prosecution and trial of an offense under this Act, the rights of the victim and the accused who is a minor shall be recognized.

**Sec. 27. Restraining Order.** – Where appropriate, the court, even before rendering a final decision, may issue an order directing the perpetrator to stay away from the offended person at a distance specified by the court, or to stay away from the residence, school, place of employment, or any specified place frequented by the offended person.

**Sec. 28. Remedies and Psychological Counselling.** – A victim of gender-based



street, public spaces or online sexual harassment may avail of appropriate remedies as provided for under the law as well as psychological counselling services with the aid of the LGU and the Department of Social Welfare and Development (DSWD), in coordination with the Department of Health (DOH) and the PCW. Any fees to be charged in the course of a victim's availment of such remedies or psychological counselling services shall be borne by the perpetrator.

**Sec. 29. *Administrative Sanctions.*** - Above penalties are without prejudice to any administrative sanctions that may be imposed if the perpetrator is a government employee.

**Sec. 30. *Imposition of Heavier Penalties.*** - Nothing in this Act shall prevent LGUs from coming up with ordinances that impose heavier penalties for the acts specified herein.

**Sec. 31. *Exemptions.*** - Acts that are legitimate expressions of indigenous culture and tradition, as well as breastfeeding in public shall not be penalized.

32. Section 21 of the Senate version and Section 12 of the House version which are similar was adopted as Section 32 (PNP Women and Children's Desks) of the Reconciled Bill;

33. Section 13 of the House version was adopted as Section 33 (Educational Modules and Awareness Campaigns) of the Reconciled Bill, with modifications, which shall read as:

**SEC. 33. *Educational Modules and Awareness Campaigns.*** - The PCW shall take the lead in a national campaign for the awareness of the law. The PCW shall work hand-in-hand with the DILG and duly accredited women's groups to ensure all LGUs participate in a sustained information campaign and the DICT to ensure an online campaign that reaches a wide audience of Filipino internet-users. Campaign materials may include posters condemning different forms of gender-based sexual harassment, informing the public of penalties for committing gender-based sexual harassment, and infographics of hotline numbers of authorities.

All schools shall educate students from the elementary to tertiary level about the provisions of this Act and how they can report cases of gender-based streets, public spaces and online sexual harassment committed against them. School courses shall include age-appropriate educational modules against gender-based streets, public spaces

and online sexual harassment which shall be developed by the DepEd, the CHED, the TESDA and the PCW.

34. Section 14 of the House version was adopted as Section 34 (Safety Audits) of the Reconciled Bill, with modification, which shall read as:

**SEC. 34. *Safety Audits.*** - LGUs are required to conduct safety audits every three (3) years to assess the efficiency and effectivity of the implementation of this Act within their jurisdiction. Such audits shall be multi-sectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

35. Section 24 of the Senate version was adopted as Section 35 (Appropriations) of the Reconciled Bill;

36. Section 15 of the House version was adopted as Section 36 (Prescriptive Period) of the Reconciled Bill, with modifications, which shall read as:

**SEC. 36. *Prescriptive Period.*** - Any action arising from the violation of any of the provisions of this Act shall prescribe as follows:

- a. Offenses committed under Section 11 (1) of this Act shall prescribe in one (1) year;
- b. Offenses committed under Section 11 (2) of this Act shall prescribe in three (3) years;
- c. Offenses committed under Section 11 (3) of this Act, shall prescribe in ten (10) years;
- d. Offenses committed under Section 12 of this Act shall be imprescriptible; and
- e. Offenses committed under Sections 16 and 21 of this Act shall prescribe in five (5) years.

37. Section 16 of the House version was adopted as Section 37 (Joint Congressional Oversight Committee) of the Reconciled Bill;

38. Section 17 of the House version was adopted as Section 38 (Implementing Rules and Regulations) of the Reconciled Bill, adding the phrase "the DOLE" after the acronym "DOH";

39. Section 25 of the Senate version and Section 18 of the House version which are similar was adopted as Section 39 (Separability Clause) of the Reconciled Bill;



40. Section 26 of the Senate version and Section 19 of the House version which are similar was adopted as Section 40 (Repealing Clause) of the Reconciled Bill;
41. Section 27 of the Senate version and Section 20 of the House version which are similar was adopted as Section 41 (Effectivity) of the Reconciled Bill; and
42. For the title of the Reconciled Bill, the title of the Senate version was consolidated with the title of the House version which shall read as:

AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS, PROVIDING PROTECTIVE MEASURES AND PRESCRIBING PENALTIES THEREFOR."

In case of conflict between the statements/amendments stated in this Joint Explanation and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

#### APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1558 and House Bill No. 8794 was approved and ratified by the Body.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 5717

Upon motion of Senator Zubiri, there being no objection, the Body considered the Conference Committee Report on the disagreeing votes on House Bill No. 5717, entitled

AN ACT EXTENDING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE ASSIGNED TO PBN BROADCASTING NETWORK, INC., UNDER REPUBLIC ACT NO. 8158, ENTITLED "AN ACT EXTENDING THE FRANCHISE GRANTED TO JORGE D. BAYONA UNDER REPUBLIC ACT NUMBERED FIFTY-SEVEN HUNDRED EIGHTY-NINE, ASSIGNING IT IN FAVOR OF PBN BROADCASTING NETWORK, INC., AND RENEWING THE TERM THEREOF FOR ANOTHER

TWENTY-FIVE (25) YEARS FROM THE DATE OF THE EFFECTIVITY OF THIS ACT."

The Chair recognized Senator Poe to sponsor the report.

#### SUSPENSION OF SESSION

Upon motion of Senator Poe, the session was suspended.

*It was 5:16 p.m.*

#### RESUMPTION OF SESSION

At 5:16 p.m., the session was resumed.

#### JOINT EXPLANATION OF THE CONFERENCE COMMITTEE

At the instance of Senator Poe, upon motion of Senator Zubiri, there being no objection, the Body approved the insertion of the Joint Explanation of the Conference Committee on the disagreeing votes on House Bill No. 5717 into the Journal and Record of the Senate.

*Following is the full text of the Joint Explanation of the Conference Committee:*

#### JOINT EXPLANATION OF THE CONFERENCE COMMITTEE ON THE DISAGREEING VOTES OF THE TWO HOUSES ON THE AMENDMENTS OF THE SENATE TO HOUSE BILL NO. 5717

The Conference Committee on the disagreeing votes of the two Houses on the amendments of the Senate to House Bill No. 5717, after having met and fully discussed the subject matter in a conference, hereby report to their respective Houses the following:

1. The Conference Committee agreed to use House Bill No. 5717 as the working draft.
2. Sections 1, 2, and 3 of the working draft were adopted as Sections 1, 2, and 3 of the reconciled version, respectively.
3. Section 4 of the working draft on Responsibility to the Public was adopted as Section 4 of the reconciled version, with amendments, and shall now read as follows:

"SEC. 4. *Responsibility to the Public.* - The grantee shall provide, free of charge, adequate public service time which is

*mt p*



reasonable and sufficient to enable the government, through the broadcasting stations or facilities of the grantee, to reach the pertinent populations or portions thereof, on important public issues and relay important public announcements and warnings concerning public emergencies and calamities, as necessity, urgency or law may require; provide at all times sound and balanced programming; promote public participation; assist in the functions of public information and education; conform to the ethics of honest enterprise; promote audience sensibility and empowerment including closed captioning; and not use its stations or facilities for the broadcasting of obscene or indecent language, speech, act, or scene; or for the dissemination of deliberately false information or willful misrepresentation, to the detriment of the public interest; or to incite, encourage, or assist in subversive or treasonable acts.

Public service time referred herein shall be equivalent to a maximum aggregate of ten percent (10%) of paid commercials or advertisements which shall be allocated based on need to the Executive and Legislative branches, the Judiciary, Constitutional Commissions, and international humanitarian organizations duly recognized by statutes: *Provided*, That the NTC shall increase the public service time in case of extreme emergency or calamity. The NTC shall issue rules and regulations for this purpose, the effectivity of which shall commence upon applicability with other similarly situated broadcast network franchise holders."

4. Sections 5 and 6 of the working draft were adopted as Sections 5 and 6 of the reconciled version, respectively.
5. Section 7 on Acceptance of Franchise was deleted.
6. Sections 8 and 9 of the working draft were adopted and renumbered as Sections 7 and 8 of the reconciled version, respectively.
7. A new Section 9 on Commitment to Provide and Promote the Creation of Employment Opportunities as proposed by the Senate was adopted as Section 9 of the reconciled version, and shall read as follows:

"SEC. 9. *Commitment to Provide and Promote the Creation of Employment Opportunities*. – The grantee shall create employment opportunities and shall allow on-the-job trainings in their franchise operation: *Provided*, That priority shall be accorded to

the residents where their principal office is located: *Provided further*, That the grantee shall follow the applicable labor standards and allowance entitlement under existing labor laws, rules and regulations and similar issuances: *Provided, finally*, That the employment opportunities or jobs created shall be reflected in the General Information Sheet (GIS) to be submitted to Securities and Exchange Commission annually."

8. Section 10 of the working draft on Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise was adopted as Section 10 of the reconciled version, with amendments, and shall read as follows:

"SEC. 10. *Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise*. – The grantee shall not sell, lease, transfer, grant the usufruct of, nor assign this franchise or the rights and privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity, nor merge with any other corporation or entity, nor the controlling interest of the grantee be transferred, simultaneously or contemporaneously, to any such person, firm, company, corporation, or entity without the prior approval of the Congress of the Philippines. Congress shall be informed of any sale, lease, transfer, grant of usufruct, or assignment of franchise or the rights and privileges acquired thereunder, or of the merger or transfer of the controlling interest of the grantee, within sixty (60) days after the completion of the said transaction. Failure to report to Congress such change of ownership shall render the franchise *ipso facto* revoked. Any person or entity to which this franchise is sold, transferred, or assigned shall be subject to the same conditions, terms, restrictions, and limitations of this Act."

9. Section 11 of the working draft on Dispersal of Ownership was adopted as Section 11 of the reconciled version, with amendment, and shall now read as follows:

"SEC. 11. *Dispersal of Ownership*. – In accordance with the constitutional provision to encourage public participation in public utilities, the grantee shall offer to Filipino citizens at least thirty percent (30%) or a higher percentage that may hereafter be provided by law of its outstanding capital stock in any securities exchange in the Philippines within five (5) years from the commencement of its operations: *Provided*, That in cases where public offer of shares is



not applicable, the grantee shall apply other methods of encouraging public participation by citizens and corporations operating public utilities as allowed by law. Noncompliance therewith shall render the franchise *ipso facto* revoked."

10. Section 12 of the working draft was adopted as Section 12 of the reconciled version.
11. Section 13 of the working draft on Fine was adopted as Section 13 of the reconciled version, with amendment, and shall now read as follows:

"SEC. 13. *Fine.* – Failure of the grantee to submit the requisite annual report to Congress shall be penalized by a fine of Five hundred pesos (P500.00) per working day of noncompliance. The fine shall be collected by the NTC from the delinquent franchise grantee separate from the reportorial penalties imposed by the NTC and the same shall be remitted to the National Treasury."

12. Sections 14, 15, 16, 17, and 18 of the working draft were adopted as Sections 14, 15, 16, 17, and 18 of the reconciled version, respectively.
13. The title of the working draft was adopted as the title of the reconciled version.

In case of conflict between the statements/amendments stated in the joint explanation and that of the provisions of the bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

## APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of House Bill No. 5717 was approved and ratified by the Body.

## CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 6914

Upon motion of Senator Zubiri, there being no objection, the Body considered the Conference Committee Report on the disagreeing votes on House Bill No. 6914, entitled

AN ACT EXTENDING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO PEÑA-FRANCIA BROADCASTING CORPORATION UNDER REPUBLIC ACT

NO. 8166, EXPANDING ITS COVERAGE TO THE ENTIRE PHILIPPINES, AND APPROVING THE TRANSFER OF ITS CORPORATE SHARES.

The Chair recognized Senator Poe to sponsor the report.

## JOINT EXPLANATION OF THE CONFERENCE COMMITTEE

At the instance of Senator Poe, upon motion of Senator Zubiri, there being no objection, the Body approved the insertion of the Joint Explanation of the Conference Committee on the disagreeing votes on House Bill No. 6914 into the Journal and Record of the Senate.

*Following is the full text of the Joint Explanation of the Conference Committee:*

## JOINT EXPLANATION OF THE CONFERENCE COMMITTEE ON THE DISAGREEING VOTES OF THE TWO HOUSES ON THE AMENDMENTS OF THE SENATE TO HOUSE BILL NO. 6914

The Conference Committee on the disagreeing votes of the two Houses on the amendments of the Senate to House Bill No. 6914, after having met and fully discussed the subject matter in a conference, hereby report to their respective Houses the following:

1. The Conference Committee agreed to use House Bill No. 6914 as the working draft.
2. Sections 1, 2, and 3 of the working draft were adopted as Sections 1, 2, and 3 of the reconciled version, respectively.
3. Section 4 of the working draft on Responsibility to the Public was adopted as Section 4 of the reconciled version, with amendments, and shall now read as follows:

"SEC. 4. *Responsibility to the Public.* – The grantee shall provide, free of charge, adequate public service time which is reasonable and sufficient to enable the government, through the broadcasting stations or facilities of the grantee, to reach the pertinent populations or portions thereof, on important public issues and relay important public announcements and warnings concerning public emergencies and calamities, as necessity, urgency or law may require; provide at all times sound and balanced programming; promote public participation; assist in the functions of public information and education; conform to the ethics of honest enterprise; promote audience

*mt ps*



sensibility and empowerment including closed captioning; and not use its stations or facilities for the broadcasting of obscene or indecent language, speech, act, or scene; or for the dissemination of deliberately false information or wilful misrepresentation, to the detriment of the public interest; or to incite, encourage, or assist in subversive or treasonable acts.

Public Service Time referred herein shall be equivalent to a maximum aggregate of ten percent (10%) of paid commercials or advertisements which shall be allocated based on need to the Executive and Legislative branches, the Judiciary, Constitutional Commissions, and international humanitarian organizations duly recognized by statutes: *Provided*, That the NTC shall increase the Public Service Time in case of extreme emergency or calamity. The NTC shall issue rules and regulations for this purpose, the effectivity of which shall commence upon applicability with other similarly situated broadcast network franchise holders."

4. Sections 5, 6, 7, and 8 of the working draft were adopted as Sections 5, 6, 7, and 8 of the reconciled version, respectively.
5. A new Section 9 on Commitment to Provide and Promote the Creation of Employment Opportunities as proposed by the Senate was adopted as Section 9 of the reconciled version, and shall read as follows:

"SEC. 9. *Commitment to Provide and Promote the Creation of Employment Opportunities.* - The grantee shall create employment opportunities and shall allow on-the-job trainings in their franchise operation: *Provided*, That priority shall be accorded to the residents where their principal office is located: *Provided further*, That the grantee shall follow the applicable labor standards and allowance entitlement under existing labor laws, rules and regulations and similar issuances: *Provided, finally*, That the employment opportunities or jobs created shall be reflected in the General Information Sheet (GIS) to be submitted to Securities and Exchange Commission annually."

6. Section 9 of the working draft on Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise was adopted and renumbered as Section 10 of the reconciled version, with amendments, and shall read as follows:

"SEC. 10. *Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise.* - The

grantee shall not sell, lease, transfer, grant the usufruct of, nor assign this franchise or the rights and privileges acquired thereunder to any person, firm, company, corporation, or other commercial or legal entity, nor merge with any other corporation or entity, nor the controlling interest of the grantee be transferred, whether simultaneously or contemporaneously, to any such person, firm, company, corporation, or entity without the prior approval of the Congress of the Philippines. Congress shall be informed of any sale, lease, transfer, grant of usufruct, or assignment of franchise or the rights and privileges acquired thereunder, or of the merger or transfer of the controlling interest of the grantee, within sixty (60) days after the completion of the said transaction. Failure to report to Congress such change of ownership shall render the franchise *ipso facto revoked*. Any person or entity to which this franchise is sold, transferred or assigned, shall be subject to the same conditions, terms, restrictions, and limitations of this Act."

7. Section 10 of the working draft on Dispersal of Ownership was adopted and renumbered as Section 11 of the reconciled version, with amendment, and shall now read as follows:

"SEC. 11. *Dispersal of Ownership.* - In accordance with the constitutional provision to encourage public participation in public utilities, the grantee shall offer to Filipino citizens at least thirty percent (30%) or a higher percentage that may hereafter be provided by law of its outstanding capital stock in any securities exchange in the Philippines within five (5) years from the commencement of its operations: *Provided*, That in cases where public offer of shares is not applicable, the grantee shall apply other methods of encouraging public participation by citizens and corporations operating public utilities as allowed by law. Noncompliance therewith shall render the franchise *ipso facto revoked*."

8. Section 11 of the working draft was adopted and renumbered as Section 12 of the reconciled version.
9. Section 12 of the working draft on Fine was adopted and renumbered as Section 13 of the reconciled version, with amendment, and shall now read as follows:

"SEC. 13. *Fine.* - Failure of the grantee to submit the requisite annual report to Congress shall be penalized by a fine of five hundred pesos (P500.00) per working day of



noncompliance. The fine shall be collected by the NTC from the delinquent franchise grantee separate from the reportorial penalties imposed by the NTC and the same shall be remitted to the National Treasury."

10. Section 13, 14, 15, 16, and 17 of the working draft were adopted and renumbered as Sections 14, 15, 16, 17, and 18 of the reconciled version, respectively.
11. The title of the working draft was adopted as the title of the reconciled version.

In case of a conflict between the statements/amendments stated in the joint explanation and that of the provisions of the bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

#### **APPROVAL OF THE CONFERENCE COMMITTEE REPORT**

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of House Bill No. 6914 was approved and ratified by the Body.

#### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 6166**

Upon motion of Senator Zubiri, there being no objection, the Body considered the Conference Committee Report on the disagreeing votes of House Bill No. 6166, entitled

AN ACT EXTENDING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO FILIPINAS BROADCASTING NETWORK, INC. UNDER REPUBLIC ACT NO. 8168, ENTITLED "AN ACT GRANTING THE FILIPINAS BROADCASTING NETWORK, INC. A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES."

The Chair recognized Senator Poe to sponsor the report.

#### **JOINT EXPLANATION OF THE CONFERENCE COMMITTEE**

Acting on the request of Senator Poe, upon motion of Senator Zubiri, there being no objection,

the Body approved the insertion of the Joint Explanation of the Conference Committee on the disagreeing votes on House Bill No. 6166 into the Journal and Record of the Senate.

*Following is the full text of the Joint Explanation of the Conference Committee:*

#### **JOINT EXPLANATION OF THE CONFERENCE COMMITTEE ON THE DISAGREEING VOTES OF THE TWO HOUSES ON THE AMENDMENTS OF THE SENATE TO HOUSE BILL NO. 6166**

The Conference Committee on the disagreeing votes of the two Houses on the amendments of the Senate to House Bill No. 6166, after having met and fully discussed the subject matter in a conference, hereby report to their respective Houses the following:

1. The Conference Committee agreed to use House Bill No. 6166 as the working draft.
2. Sections 1, 2, and 3 of the working draft were adopted as Sections 1, 2, and 3 of the reconciled version, respectively.
3. Section 4 of the working draft on Responsibility to the Public was adopted as Section 4 of the reconciled version, with amendments, and shall now read as follows:

"SEC. 4. *Responsibility to the Public.* The grantee shall provide, free of charge, adequate public service time which is reasonable and sufficient to enable the government, through the broadcasting stations or facilities of the grantee, to reach the pertinent populations or portions thereof, on important public issues and relay important public announcements and warnings concerning public emergencies and calamities, as necessity, urgency or law may require; provide at all times sound and balanced programming; promote public participation; assist in the functions of public information and education; conform to the ethics of honest enterprise; promote audience sensibility and empowerment including closed captioning; and not use its stations or facilities for the broadcasting of obscene or indecent language, speech, act, or scene; or for the dissemination of deliberately false information or wilful misrepresentation, to the detriment of the public interest; or to incite, encourage, or assist in subversive or treasonable acts.

Public service time referred herein shall be equivalent to a maximum aggregate of ten percent (10%) of paid commercials or



advertisements which shall be allocated based on need to the Executive and Legislative branches, the Judiciary, Constitutional Commissions and international humanitarian organizations duly recognized by statutes: Provided, That the NTC shall increase the public service time in case of extreme emergency or calamity. The NTC shall issue rules and regulations for this purpose, the effectivity of which shall commence upon applicability with other similarly situated broadcast network franchise holders."

4. Sections 5 and 6 of the working draft were adopted as Sections 5 and 6 of the reconciled version, respectively.
5. Section 7 on Acceptance of Franchise was deleted.
6. Sections 8 and 9 of the working draft were adopted and renumbered as Sections 7 and 8 of the reconciled version, respectively.
7. A new section on Commitment to Provide and Promote the Creation of Employment Opportunities as proposed by the Senate was adopted as Section 9 of the reconciled version, and shall read as follows:

"SEC. 9. *Commitment to Provide and Promote the Creation of Employment Opportunities.* – The grantee shall create employment opportunities and shall allow on-the-job trainings in their franchise operation: *Provided*, That priority shall be accorded to the residents where their principal office is located: *Provided further*, That the grantee shall follow the applicable labor standards and allowance entitlement under existing labor laws, rules and regulations and similar issuances: *Provided, finally*, That the employment opportunities or jobs created shall be reflected in the General Information Sheet (GIS) to be submitted to Securities and Exchange Commission annually."

8. Section 10 of the working draft on Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise was adopted as Section 10 of the reconciled version, with amendments, and shall read as follows:

"SEC. 10. *Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise.* – The grantee shall not sell, lease, transfer, grant the usufruct of, nor assign this franchise or the rights and privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity, nor merge with any other corporation or entity, nor the controlling interest of the grantee be trans-

ferred, simultaneously or contemporaneously, to any such person, firm, company, corporation, or entity without the prior approval of the Congress of the Philippines. Congress shall be informed of any sale, lease, transfer, grant of usufruct, or assignment of franchise or the rights and privileges acquired thereunder, or of the merger or transfer of the controlling interest of the grantee, within sixty (60) days after the completion of the said transaction. Failure to report to Congress such change of ownership shall render the franchise *ipso facto* revoked. Any person or entity to which this franchise is sold, transferred, or assigned shall be subject to the same conditions, terms, restrictions, and limitations of this Act."

9. Section 11 of the working draft on Dispersal of Ownership was adopted as Section 11 of the reconciled version, with amendment, and shall now read as follows:

"SEC. 11. *Dispersal of Ownership.* – In accordance with the constitutional provision to encourage public participation in public utilities, the grantee shall offer to Filipino citizens at least thirty percent (30%) or a higher percentage that may hereafter be provided by law of its outstanding capital stock in any securities exchange in the Philippines within five (5) years from the commencement of its operations: *Provided*, That in cases where public offer of shares is not applicable, the grantee shall apply other methods of encouraging public participation by citizens and corporations operating public utilities as allowed by law. Noncompliance therewith shall render the franchise *ipso facto* revoked."

10. Section 12 of the working draft was adopted as Section 12 of the reconciled version, with amendment, and shall now read as follows:

"SEC. 12. *Reportorial Requirement.* – The grantee shall submit an annual report to the Congress of the Philippines, through the Committee on Legislative Franchises of the House of Representatives and the Committee on Public Services of the Senate, on its compliance with the terms and conditions of the franchise and on its operations on or before April 30 of every year during the term of its franchise.

The annual report shall include an update on the roll-out, development, operation and/or expansion of business; audited financial statements; latest GIS officially submitted to the SEC, if applicable; certification of the



NTC on the status of its permits and operations; and an update on the dispersal of ownership undertaking, if applicable.

The reportorial compliance certificate issued by Congress shall be required before any application for permit or certificate is accepted by the NTC."

11. Section 13 of the working draft on Fine was adopted as Section 13 of the reconciled version, with amendment, and shall now read as follows:

"SEC. 13. *Fine*. – Failure of the grantee to submit the requisite annual report to Congress shall be penalized by a fine of five hundred pesos (P500.00) per working day of noncompliance. The fine shall be collected by the NTC from the delinquent franchise grantee separate from the reportorial penalties imposed by the NTC and the same shall be remitted to the National Treasury."

12. Sections 14, 15, 16, 17, and 18 of the working draft were adopted as Sections 14, 15, 16, 17, and 18 of the reconciled version, respectively.
13. The title of the working draft was adopted as the title of the reconciled version.

In case of a conflict between the statements/amendments stated in the joint explanation and that of the provisions of the bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

## **APPROVAL OF THE CONFERENCE COMMITTEE REPORT**

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of House Bill No. 6166 was approved and ratified by the Body.

## **CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 7752**

Upon motion of Senator Zubiri, there being no objection, the Body considered the Conference Committee Report on the disagreeing votes on House Bill No. 7752, entitled

AN ACT EXTENDING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO INSULAR BROADCASTING SYSTEM, INC. UNDER REPUBLIC ACT NO. 7964, ENTITLED "AN ACT GRANTING

THE INSULAR BROADCASTING SYSTEM, INC. A FRANCHISE TO INSTALL, OPERATE AND MAINTAIN BROADCASTING STATIONS IN THE PHILIPPINES."

The Chair recognized Senator Poe to sponsor the report.

## **JOINT EXPLANATION OF THE CONFERENCE COMMITTEE**

Acting on the request of Senator Poe, upon motion of Senator Zubiri, there being no objection, the Body approved the insertion of the Joint Explanation of the Conference Committee on the disagreeing votes of House Bill No. 7752 into the Journal and Record of the Senate.

*Following is the full text of the Joint Explanation of the Conference Committee:*

## **JOINT EXPLANATION OF THE CONFERENCE COMMITTEE ON THE DISAGREEING VOTES OF THE TWO HOUSES ON THE AMENDMENTS OF THE SENATE TO HOUSE BILL NO. 7752**

The Conference Committee on the disagreeing votes of the two Houses on the amendments of the Senate to House Bill No. 7752, after having met and fully discussed the subject matter in a conference, hereby report to their respective Houses the following:

1. The Conference Committee agreed to use House Bill No. 7752 as the working draft.
2. Sections 1, 2, and 3 of the working draft were adopted as Sections 1, 2, and 3 of the reconciled version, respectively.
3. Section 4 of the working draft on Responsibility to the Public was adopted as Section 4 of the reconciled version, with amendments, and shall now read as follows:

"SEC. 4. *Responsibility to the Public*. The grantee shall provide, free of charge, adequate public service time which is reasonable and sufficient to enable the government, through the broadcasting stations or facilities of the grantee, to reach the pertinent populations or portions thereof, on important public issues and relay important public announcements and warnings concerning public emergencies and calamities, as necessity, urgency or law may require; provide at all times sound and balanced programming;

*pk rs*



promote public participation; assist in the functions of public information and education; conform to the ethics of honest enterprise; promote audience sensibility and empowerment including closed captioning; and not use its stations or facilities for the broadcasting of obscene or indecent language, speech, act, or scene; or for the dissemination of deliberately false information or willful misrepresentation, to the detriment of the public interest; or to incite, encourage, or assist in subversive or treasonable acts.

Public service time referred herein shall be equivalent to a maximum aggregate of ten percent (10%) of paid commercials or advertisements which shall be allocated based on need to the Executive and Legislative branches, the Judiciary, Constitutional Commissions and international humanitarian organizations duly recognized by statutes: *Provided*, That the NTC shall increase the public service time in case of extreme emergency or calamity. The NTC shall issue rules and regulations for this purpose, the effectivity of which shall commence upon applicability with other similarly situated broadcast network franchise holders."

4. Sections 5, 6, 7, 8 and 9 of the working draft were adopted as Sections 5, 6, 7, 8 and 9 of the reconciled version, respectively.
5. A new section on Commitment to Provide and Promote the Creation of Employment Opportunities as proposed by the Senate was adopted as Section 10 of the reconciled version, and shall read as follows:

"SEC. 10. *Commitment to Provide and Promote the Creation of Employment Opportunities.* – The grantee shall create employment opportunities and shall allow on-the-job trainings in their franchise operation: *Provided*, That priority shall be accorded to the residents where their principal office is located: *Provided further*, That the grantee shall follow the applicable labor standards and allowance entitlement under existing labor laws, rules and regulations and similar issuances: *Provided, finally*, That the employment opportunities or jobs created shall be reflected in the General Information Sheet (GIS) to be submitted to Securities and Exchange Commission annually."

6. Section 10 of the working draft on Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise was adopted as Section 11 of the reconciled version, with amendments, and shall read as follows:

"SEC. 11. *Sale, Lease, Transfer, Grant of Usufruct, or Assignment of Franchise.* – The grantee shall not sell, lease, transfer, grant the usufruct of, nor assign this franchise or the rights and privileges acquired thereunder to any person, firm, company, corporation or other commercial or legal entity, nor merge with any other corporation or entity, nor the controlling interest of the grantee be transferred, simultaneously or contemporaneously, to any such person, firm, company, corporation, or entity without the prior approval of the Congress of the Philippines. Congress shall be informed of any sale, lease, transfer, grant of usufruct, or assignment of franchise or the rights and privileges acquired thereunder, or of the merger or transfer of the controlling interest of the grantee, within sixty (60) days after the completion of the said transaction. Failure to report to Congress such change of ownership shall render the franchise *ipso facto* revoked. Any person or entity to which this franchise is sold, transferred, or assigned shall be subject to the same conditions, terms, restrictions, and limitations of this Act."

7. Sections 11, 12, 13, 14, 15, 16, 17 and 18 of the working draft were adopted as Sections 12, 13, 14, 15, 16, 17, 18 and 19 of the reconciled version, respectively.
8. The title of the working draft was adopted as the title of the reconciled version.

In case of a conflict between the statements/ amendments stated in the joint explanation and that of the provisions of the bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

## APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, there being no objection, the Conference Committee Report on the disagreeing provisions of House Bill No. 7752 was approved and ratified by the Body.

## SENATE CONFEREES

Upon motion of Senator Zubiri, there being no objection, Senate President Sotto designated the following to constitute the Senate panel in the Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 1597 and House Bill No. 8885 (Student Fare Discount Act): Senator Angara as chairperson, and Senators Villanueva and Drilon as members.



**COMMITTEE REPORT NO. 432  
ON HOUSE BILL NO. 5438**

*(Continuation)*

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 5438 (Committee Report No. 432), entitled

AN ACT UPGRADING THE SUB-DISTRICT ENGINEERING OFFICE LOCATED IN THE MUNICIPALITY OF CARMONA, PROVINCE OF CAVITE INTO A REGULAR DISTRICT ENGINEERING OFFICE, AND APPROPRIATING FUNDS THEREFOR.

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

Thereupon, the Chair recognized Senator Pacquiao, sponsor of the measure.

**TERMINATION OF THE PERIOD  
OF INTERPELLATIONS**

There being no interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations and proceeded to the period of amendments.

**TERMINATION OF THE PERIOD  
OF AMENDMENTS**

There being no committee or individual amendment, upon motion of Senator Zubiri, there being no objection, the Body closed the period of amendments.

**APPROVAL OF HOUSE BILL NO. 5438  
ON SECOND READING**

Submitted to a vote, there being no objection, House Bill No. 5438 was approved on Second Reading.

**SUSPENSION OF CONSIDERATION  
OF HOUSE BILL NO. 5438**

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

**COMMITTEE REPORT NO. 637 ON HOUSE  
CONCURRENT RESOLUTION NO. 23**

*(Continuation)*

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration of House Concurrent Resolution No. 23 (Committee Report No. 637), entitled

CONCURRENT RESOLUTION APPROVING THE TRANSFER, SALE, OR ASSIGNMENT OF THE CONTROLLING INTEREST OF MINDANAO ISLAMIC TELEPHONE COMPANY, INC.

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

Thereupon, the Chair recognized Senator Escudero to sponsor the measure with the permission of Senator Poe, chairperson of the Committee on Public Services, and Senator Drilon for his interpellation.

**SUSPENSION OF SESSION**

Upon motion of Senator Poe, the session was suspended.

*It was 5:23 p.m.*

**RESUMPTION OF SESSION**

At 5:35 p.m., the session was resumed with Senator Recto presiding.

**INTERPELLATION OF SENATOR DRILON**

Preliminarily, Senator Drilon stated that he was fully cognizant of the urgent need to improve the country's internet services as he recognized that the present situation truly calls for a third telecommunications company player since the Philippines suffers one of the worst internet speeds in the world, beating only Afghanistan. However, he said that he would want to make sure that any award to a new player could stand scrutiny so that there is stability in the designation of the third player to avoid having a situation where there would be some difficulty for the telco to begin operations due to the legal issues that might be raised. He explained that he was raising a few questions in the hope that Senator Escudero can review the committee report and introduce amendments that could strengthen the measure.



To Senator Drilon's observation that the resolution seeks to approve the transfer, sale or assignment of the controlling interest of Mindanao Islamic Telephone Company (Mislattel) to the Udenna, Chelsea Logistics Holdings and China Telecommunications, Senator Escudero replied in the affirmative, as he further confirmed that Mislattel is the owner of a 25-year franchise granted under Republic Act No. 8627 dated July 12, 1998, which would expire in four years.

Asked to comment on Mislattel's commitments in regard to the obligations as a third telco which would go beyond the expiration of the franchise, Senator Escudero responded that the roll-out period is five years.

Asked what would happen to the roll-out period when the franchise expires, Senator Escudero explained that in practice, franchise holders usually come to Congress a year and half before their franchises expire and apply for a renewal in the hope that both Houses of Congress, in the exercise of their wisdom and voting separately, would grant them an extension.

Asked what would happen to the project should Congress disapprove the renewal of the franchise, Senator Escudero explained that the consortium which was granted the authority to operate the third telco would have to enlist another firm or look for another partner with a valid and subsisting franchise that would be granted the frequencies that were transferred to the consortium; otherwise, they would not be compliant with the requirements of the National Telecommunications Commission.

At this juncture, Senator Drilon quoted Section 7 of Republic Act No. 8627, to wit:

*Sec. 7. Term of Franchise.* – This franchise shall be for a term of twenty-five (25) years from the date of effectivity of this Act, unless sooner revoked or cancelled. This franchise shall be deemed *ipso facto* revoked, in the event the grantee fails to comply with any of the following conditions:

- (a) Commence operations within one (1) year from the approval of its permit by the National Telecommunications Commission;
- (b) Operate continuously for two (2) years; and
- (c) Commence operations within three (3) years from the effectivity of this Act.

Asked whether Mislattel commenced operation in the year 2000 pursuant to the terms of its franchise granted under RA 8627, Senator Escudero confirmed that during the hearing, Mislattel, through its representatives, admitted their inability to commence operations citing as ground the peace and order situation in Maguindanao, but they could not explain why they could not have operated somewhere given that they have a nationwide franchise.

On whether Mislattel was able to operate continuously for two years or three years from the effectivity of the franchise, Senator Escudero replied in the negative.

Senator Drilon noted that the Mislattel therefore failed to comply with the terms of the franchise, specifically Section 7 thereof because as provided therein failure to comply shall mean that the franchise is "*ipso facto* revoked". But Senator Escudero pointed out that during the committee hearing, the representatives of Mislattel, citing the necessity of due process, explained that the phrase "*ipso facto* revoked" would require one or two acts, in reference to the decision of the Supreme Court in *PLDT vs. NTC* (G.R. No. 88404, October 18, 1990) and *Divinagracia vs. NTC* (G.R. No. 162272, April 7, 2009) that either the State, through the Solicitor General, files a *quo warranto* proceeding to cancel, or the Congress, in the exercise of its discretion, would revoke the franchise issued.

Senator Drilon pointed out that the PLDT franchise did not contain the "*ipso facto*" clause, thus the franchise of Mislattel was different from PLDT to that extent. Senator Escudero agreed. And Senator Drilon noted that notwithstanding the failure to comply with the terms imposed by Congress on Mislattel, Committee Report No. 637 would allow the transfer of the control of the franchise. Senator Escudero stated that should the Senate vote in favor of the approval of the transfer of shares, it is assumed that they considered the particular facts, circumstances, issues or concerns raised by Senator Drilon and discussed thoroughly in the committee hearing.

Citing Section 15 (*Sale, Lease, Transfer, Usufruct, Etc.*) of RA 8627, Senator Drilon asked who the original stockholders of Mislattel were at the time of its incorporation. Senator Escudero replied that the 2015 investments in Mislattel totalling P35 million, or 70%, were under the names of Nicanor L.

*me* *ps*



Escalante, Danilo M. Cortez and Levitico C. Toquero. Senator Drilon pointed out that the authorized capital stock at that time was increased from 60,000 shares to 200,000 shares.

Asked to confirm if Escalante, Toquero, Cortez and CTE Vector Holdings Inc. acquired a total of 70% of the equity, Senator Escudero clarified that CTE Vector Holdings Inc. acquired 35%, while Escalante, Toquero and Cortez acquired 11.67% each, for a total of 70%.

To the information that the acronym CTE stands for Cortez, Toquero and Escalante, Senator Escudero affirmed, but he pointed out that by fiction of law the CTE Vector Holdings Inc. has a separate and distinct personality. Senator Drilon remarked that it is a wholly-owned corporation by the three of them.

Relative thereto, Senator Drilon disclosed that in 2015, the original stockholders, namely, Marte Lascano, Romeo Sabillo, Howard Evangelista, Winsberg Austria and Mariano Pamintuan, Jr. yielded 70% control of Mislattel to the group of Escalante, Cortez and Toquero, *et al.*, as shown by the General Information Sheet filed with the SEC. On whether he was aware if Escalante or the original stockholders attempted to secure from Congress the approval of the transfer, Senator Escudero replied that the Senate does not have any record of such attempt since franchise bills originate from the House of Representatives. Senator Drilon disclosed that in the course of the hearing, Escalante admitted under oath that they did not seek the approval of Congress.

Asked on the effect of the failure to secure prior approval from Congress, Senator Escudero said that although Section 15 does not contain the phrase "*ipso facto* revoked," it would be in violation of the terms of the franchise.

To Senator Drilon's proposition that not having secured the approval of Congress rendered the transfer not effective, Senator Escudero opined that the transfer of Mislattel's franchise would be effective, but it might be a violation of the terms of the franchise should Congress decline to grant the approval. On the other hand, he pointed out that unless the validity of the sale is subject to the condition that Congress will approve such transfer, to disapprove it would violate the nonimpairment of contracts.

Senator Drilon presented another interpretation: transfer was not effected at all because of the lack

of prior consent between the parties. He emphasized that the prior approval of Congress is necessary and, therefore, the lack thereof renders the transfer void, or at the very least, unenforceable. He further pointed out that the grant of franchise is a privilege, not a right; thus, the exercise of the privilege is subject to conditions, including prior consent of Congress to the transfer of control. He pointed out that the grant of franchise is based on the judgment of Congress that the grantee is qualified; thus, when the majority stockholders transfer their interest to another person, Congress has the right to inquire into the qualifications of the transferee, as they did with the original grantees. He reiterated that without prior approval of transfer, it is ineffectual.

Senator Escudero said that it was precisely the reason the Committee was studying the issue in similar provisions to make it clear on several grounds—its actual effect, whether void and enforceable, voidable, or *ipso facto* revoked; and on the common practice of selling small percentages of shares of stocks since the franchisees are of the opinion that the consent of Congress would only be sought if more than 51% of shares would be sold. He said that the Committee would look into the matter and make sure that all the circumstances would be covered, and the concomitant effect of the noncompliance would be crystal clear.

Senator Drilon disagreed, stating that in statutory construction, words should be given ordinary meaning. He added that jurisprudence is replete with rulings that a franchise is a special privilege that should be construed against the grantee; thus, they must comply with the conditions of the privilege. He pointed out that clearly, the transfer of 70% control was without the prior approval of Congress.

On whether he was aware that three members of the five-member board of Mislattel are occupied by the nominees of Escalante, Senator Escudero recalled that in the hearing, Escalante referred to them as his friends. He said that he did not expect Escalante to give an answer that would be contrary to his interest.

Notwithstanding the clear violation of Section 15, Senator Drilon noted that the committee report would still acquiesce and give approval to the transfer of controlling shares of Mislattel to the new group. Senator Escudero answered in the affirmative, as he recalled that during the hearing, it was pointed out

*Net*



that it was the original grantees who actually violated the provision, and the majority group of Escalante were coming before Congress to ask for consent and approval to transfer further to Udena-Chelsea and China Telecom. Thus, he said that the Body can exercise its collective wisdom and decide whether or not the transfer should be approved.

Senator Drilon adverted to Section 16 of RA 8627, the franchise of Mislattel, to wit:

SEC. 16. *Dispersal of Ownership.* - In accordance with the constitutional provisions to encourage public participation in the public utilities, the grantee shall offer at least thirty per centum (30%) of its outstanding capital stock or a higher percentage that may hereafter be provided by law in any securities exchange in the Philippines within five (5) years from the commencement of its operations. Noncompliance therewith shall render the franchise *ipso facto* revoked.

Asked by Senator Drilon whether Mislattel complied with the terms of Section 16, Senator Escudero said that according to the representatives of Mislattel, they did not make a public offering equivalent to 30% of their shareholdings owing to their "nonoperation."

But Senator Drilon argued that nonoperation does not prevent Mislattel from complying with the dispersal orders, and to Senator Escudero's disclosure that there were no buyers, he said that a buyer is not necessary and the public offering was more important.

Senator Drilon noted that notwithstanding the noncompliance, the committee report seeks the Chamber's approval of the transfer of shares from Mr. Escalante, the present stockholder, to the new group.

## SUSPENSION OF SESSION

Upon motion of Senator Drilon, the session was suspended.

*It was 6:08 p.m.*

## RESUMPTION OF SESSION

At 6:09 p.m., the session was resumed with Senate President Sotto presiding.

Senator Drilon said that the Body earlier approved on Third Reading several franchises. He noted that House Bill No. 5654, granting a legislative franchise to Cotabato Electric Cooperative, and all the other franchises in the agenda have the pertinent section on stock dispersal and operation that still contained the *ipso facto* revocation. He asked how the particular provision in the franchise bills that were just approved would be interpreted in the future should the Body be confronted with a similar situation.

Senator Escudero said that the Committee would endeavor to strengthen or clarify some of the provisions. He recalled that during the committee hearing, the Committee took the position that in only one of two ways can a franchise lose effectivity: 1) by the filing of a *quo warranto* proceeding against the franchise holder for any violation of the terms of the franchise granted by Congress, or 2) by Congress, at any point in time, voting to either revoke or repeal the franchise granted for violations of the provisions thereof.

Asked by Senator Drilon whether the Committee would consider the franchise valid even with the phrase "valid until revoked," notwithstanding failure to comply with certain provisions, Senator Escudero said that he would be amenable to insert such language to make sure that the third telco would be sustained.

Senator Escudero said that when the bill was discussed in the House of Representatives, some of the issues and concerns were raised, and they, sitting as a separate chamber and in the exercise of their collective wisdom, decided and approved the proposed transfer of shares taking into consideration the concerns and issues raised. He said that in the same manner, the Senate committee was prepared to introduce language to cure whatever defects or shortcomings the franchise holder may have at the time.

Senator Drilon said that clearly, such an act would weaken the power of Congress to monitor compliance with the conditions imposed on the privilege granted which is the franchise. He said that he could not subscribe to the proposition that the power of Congress in this regard should be weakened, and that as a member of the Minority, he dissented from the committee report and that it would be up to the Majority to act on the recommendation of the committee. He said that as a collegial body acting with collective wisdom, the Senate may assert and

*net*



could ignore the violation. For such reason, he reiterated his dissent from the grant and expressed his intent to continue to cast a negative vote should the bill be put to a vote.

Senator Escudero said that there is no rule or precedent on the matter and that the next Congress, before whom the renewal of the franchise would be up for decision, would be free to decide on the matter.

Senator Drilon said that in Congress, the precedent is the act that has been done when there are no written decisions. He said that in future deliberations, the act of the Senate on the matter would be cited as a precedent for anyone whose compliance with the law is put to test.

#### **TERMINATION OF THE PERIOD OF INTERPELLATIONS**

There being no further interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations and proceeded to the period of committee amendments.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Zubiri, the session was suspended.

*It was 6:16 p.m.*

#### **RESUMPTION OF SESSION**

At 6:17 p.m., the session was resumed.

#### **COMMITTEE AMENDMENTS**

As proposed by Senator Escudero, there being no objection, the following committee amendments were approved, one after the other:

1. On page 1, delete the entire second "Whereas" clause;
2. On the same page, delete the entire third "Whereas" clause; and
3. On page 2, paragraph 2, after the phrase "NTC Memorandum Circular 09-09-2018," delete the phrase "or the Rules and Regulations on the Selection Process for a New Major Player in the Philippine Telecommunications Market".

Senator Escudero proposed to insert after the paragraph before the last "Whereas" clause, a new "whereas" clause, to read:

WHEREAS, CONCERNS HAVE BEEN RAISED REGARDING POSSIBLE VIOLATIONS OF SECTIONS 7, 15 AND 16 OF REPUBLIC ACT NO. 8672 ON THE OPERATION, TRANSFER AND DISPOSAL OF OWNERSHIP, RESPECTIVELY, SUPPOSEDLY COMMITTED BY THE FRANCHISEE.

At this juncture Senator Drilon said that during the committee hearings and in the earlier interpellation, it was established that there were admissions of violations, and he noted that the way the amendment was being proposed, it would appear that they were just alleged or supposed violations. He said that he would have no objection if the qualifying adjectives are removed.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Escudero, the session was suspended.

*It was 6:20 p.m.*

#### **RESUMPTION OF SESSION**

At 6:20 p.m. the session was resumed.

#### **WITHDRAWAL OF PROPOSED COMMITTEE AMENDMENT**

Senator Escudero said that upon conferring with Senator Drilon, he was withdrawing the proposed committee amendment.

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

There being no further committee or individual amendment, upon motion of Senator Zubiri, there being no objection, the Body closed the period of amendments.

#### **ADOPTION OF HOUSE CONCURRENT RESOLUTION NO. 23**

Senator Zubiri moved for the adoption of House Concurrent Resolution No. 23.



Submitted to a vote, and with the majority voting in favor, the Body adopted House Concurrent Resolution No. 23.

Senators Drilon, Lacson and Hontiveros voted against the adoption of the resolution.

## SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 625 on Senate Bill No. 2203 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## COMMITTEE REPORT NO. 625 ON SENATE BILL NO. 2203

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2203 (Committee Report No. 625), entitled

### AN ACT AMENDING REPUBLIC ACT NO. 10068 OR THE ORGANIC AGRICULTURE ACT OF 2010.

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

Thereupon, the Chair recognized Senator Villar for the sponsorship.

## SPONSORSHIP SPEECH OF SENATOR VILLAR

Senator Villar, on behalf of the Senate Committee on Agriculture, presented for plenary consideration Senate Bill No. 2203, entitled "AN ACT AMENDING REPUBLIC ACT NO. 10068 OR THE ORGANIC AGRICULTURE ACT OF 2010," under Committee Report No. 625.

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

Organic farming can be profitable, and organic food appeals to consumers as both a healthy and ethical choice. Beyond money and ethics, though, organic farming practices result in numerous environmental benefits. Organic

farming discourages environmental exposure to pesticides and chemicals which results in many environmental issues. Organic farming helps combat serious soil and land issues, such as erosion, and builds healthy biodiversity which plays a critical role in how resilient or not a farm is to issues like bad weather, disease and pest.

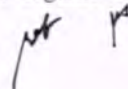
Organic agriculture provides good opportunities to ensure food security and nutrition. It promotes the use of natural and farm-based resources and inputs, and therefore, it does not require high input cost on the part of the farmers. It likewise ensures food availability by encouraging integrated cropping which promotes and results in multiple harvest all year long. This prevents the use of chemical-based inputs, and thus, it ensures environmental integrity and enhances food safety and human nutrition.

Upon the enactment of the Organic Agriculture Act of 2010, the National Organic Agriculture Board (NOAB) undertook a series of activities in order to form the National Organic Agriculture Program (NOAP) which was approved in January 2012. The NOAP between 2012 to 2016 envisions the organic agriculture sector contributing to the country's overall agricultural growth and development, in terms of sustainability, competitiveness and food security, where at least 5% of the Philippine agricultural land practice organic farming and where consumers, both national and international, increasingly support Philippine organic food products.

Essentially, the program aims to promote, propagate, further develop and implement the practice of organic agriculture in the Philippines towards a competitive and sustainable organic agriculture industry that contributes to:

- 1) Better farm income and sustainable livelihood;
- 2) Improve health of farmers, consumers and the public in general;
- 3) Protection of the environment through enhanced fertility and farm diversity, reduced pollution and destruction of the environment;
- 4) Disaster risk reduction and resilience to climate change; and
- 5) Social justice in meeting the basic material needs and improving the standard of living for all, upholding human rights, gender equality, labor standards, and the right to self-determination.

With these potentials, therefore, there is a need to intensify the promotion of organic agriculture in our country as an organic food





producer. A wider promotion and adoption of organic agriculture would only be possible in our country if appropriate and relevant institutional support systems will be set up by the concerned national government agencies. These include the provision of technical assistance to enhance the technical capacities of the smallholder farmers; effective linkage-building between producers and the consumers to ensure the sustainable marketing of organic food products; and review and amendment of the existing Organic Agriculture Act, particularly the certification standards that would fit to the existing conditions of the small farmers who constitute a big chunk in the farming sector of the country.

Promoting organic agriculture in our country is faced with several challenges at the farm and institutional level, which needs to be addressed. Among these is the lack of financial and technical capacity of the small farmers to meet the certification required by the Organic Agriculture Act of 2010. The Organic Agriculture Act of the Philippines requires the certification of organic farms of small farmers by a third-party certifier, to facilitate labeling and marketing of products to markets. Ironically, this certification requires big financial capital, which is not affordable among the small farmers. Aside from the fees for the certification, it requires significant financial outlay for establishing the required facilities, maintaining cleanliness and orderliness in the farms, and keeping an updated record of farm activities. Hence, small farmers are not able to have their farms and products certified, which puts them at a disadvantage with conventional food products because of the lack of organic label.

To address most of these problems, it is recommended that we encourage, promote, and institutionalize Participatory Guaranty System (PGS) in our country to help small organic farmers attain the organic certification they badly need to compete in local and global markets. PGS offers a complementary and low-cost system of quality assurance, with a heavy emphasis on social control and knowledge building. PGS, as a complementary method to third-party certification, is essential to the continued growth of the organic agriculture anywhere. This will encourage poor and small farmers to adopt organic agriculture standards and methods to the benefit of everyone.

The high cost of certification creates a big barrier for small farmers to overcome preventing them to participate, which ultimately hurts the growth and development of the organic movement. Even though certification requires a large

financial outlay, it is still a risk worth taking for some farmers for its creates benefits in the form of easy market capturing, which results in higher and more stable prices for the produce. Complying with the set of standards of the certifying body greatly improves the condition of the farm, quality of produce, and welfare of the farmers. The right choice and proper application of fertilizers, pesticides and other farming inputs, which certification promotes, helps improve the condition and productivity of the farm, and helps lessen the wastage incurred by the improper application of farm.

Providing a low-cost and efficient alternative to the third-party certification is seen as a solution to help boost the participation of small farmers and the development of organic agriculture in the Philippines.

Likewise, we need to increase private sector participation in the National Organic Agricultural Board (NOAB) as expertise in organic agriculture and understanding of the practical challenges of the organic law lies mostly with the private sector. It will be beneficial to add a few more seats to increase organic expertise and achieve a more balanced public-private partnership on the NOAB.

We hope for the immediate passage of this amendment to the Organic Agriculture Act of 2010.

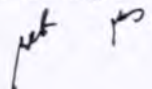
## SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2203

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

## PRIVILEGE SPEECH OF SENATOR EJERCITO

Availing himself of the privilege hour, Senator Ejercito delivered the following speech calling on the Senate and the different labor groups to continue working together for the welfare of the labor sector, including the overseas Filipino workers :

*Kung iisipin natin, ang mga manggagawang Pilipino ay mga bayaning hindi nabibigyan ng sapat ng pagkilala at pasasalamat. Sila ang lumilikha ng yaman sa ating bansa at isa sa haligi ng ating ekonomiya. Ang ating mga damit na suot; jacket na panangga sa lamig; sapatos na sapin sa paa; refrigerator na imbakan ng pagkain; at telebisyon na nagbi-*





bigay sa ating ng kasiyahan – nilikha lahat ng mga manggagawa. Nakalulungkot isipin na sila mismong lumikha ng ating pang-araw-araw na pangangailangan ay siyang walang kakayahan upang bumili ng mga ito. Ang mismong mga manggagawa na lumikha ng hollow blocks na ginagamit sa pagtatayo ng ating bahay ay siya rin na walang sariling tahanan. Ang mismong mga trabahador sa plantasyon, nakararanas ng gutom.

Araw-araw, narurumihan ang kanilang kamay, mga daliri na puno ang kalyo, mga palad na magaspang, ngunit ito ay mga kamay na nananatiling marangal sa kabila ng hirap ng buhay. Sa mga kamay ng manggagawa nabuo ang tulay na ating tinatawiran, mga kalyeng nilalakaran at mga gusaling pina-pasukan. Panahon na para guminhawa ang buhay ng ating mga manggagawa.

Ikinatutuwa po natin na sa pamamagitan ng ating chairman ng Senate Committee on Labor, Employment and Human Resources Development, ang aking seatmate na si Sen. Joel Villanueva, ay naging prayoridad ang mga bills na nagbibigay ng security of tenure at tatapos sa endo practice para sa ating mga manggagawa. Sino ba naman ang hindi mawawalan ng pag-asa at katinuan kung maya't maya na lamang kada limang buwan ay pahinga muna at tapos ay maghanap na lamang muli ng bagong mapapasukan o di kaya ay bumalik sa lamang muli matapos ang ilang buwan. Walang benefits, walang bonus, walang paid leaves. "Take it or Leave it!" ika nga. Gaya ng mga manggawang ilang taon ng contractual sa ilang sikat na kumpanya at establisimiyento. Mulí, ako ay lubos na nagpapasalamat kay Sen. Joel Villanueva at lahat ng grupo ng manggagawa na tumulong upang balangkasin at maipasa sa Senado ang Security of Tenure bill.

Mahaba pa ang magiging landas na ating tatahakin para maibigay ang mga nararapat na proteksyon sa batas para sa ating mga manggagawa. Mahirap pero hindi imposible.

Bago matapos ang 17<sup>th</sup> Congress, nais natin na magkaroon ng karagdagang reporma sa hanay ng sektor ng manggagawa. Una ay pagba-basura ng mga Regional Tripartite Wages and Productivity Boards upang mabigyan ng maka-tao, makatuwiran at makabubuhay na sahod ang ating mga manggagawa sa buong bansa. Inihain ko ang panukalang ito dahil naniniwala ako na kung parehas na ang sahod sa mga probinsya at Kalakhang Maynila, mas pipiliin na ng isang manggagawa na magha-

napuhay na lamang sa kaniyang lalawigan kung saan naroon ang kaniyang tahanan. Hindi na nanaisin ng mga manggagawa na lumuwas pa ng Maynila para magtrabaho. Sa iskemang ito, hindi lamang natin inaangat ang antas ng pamumuhay ng ating mga manggagawa, bagkus ay kasabay pa nating nilulutas ang congestion sa Metro Manila. Layon natin na maisakatuparan ito bago matapos ang 17<sup>th</sup> Congress.

Nais din nating bigyang pansin ang suliranin na araw-araw na nakakaharap ng ating mga makabagong bayani – ang ating mga Overseas Filipino Workers. Hindi kaila ang kontribusyon ng ating mga OFWs sa ekonomiya ng bansa ngunit hindi kaila ang hirap na dinaranas nila sa araw-araw na pamumuhay nila sa labas ng bansa. Maraming kaso ng pang-aabuso, pagpapahirap at pagsasamantala sa kanilang kahinaan, mga kaso na naririnig natin sa balita o nakikita sa social media. Ang dapat gawin ng gobyerno ay ang bigyan ng garantisadong ayuda ang mga mahal nating OFWs sa oras na sila ay mangangailangan. Kailangan din nating palakasin ang ating dayalogo at labor agreements sa mga receiving countries upang maprotektahan ang interes ng ating mga kababayan. Sa Senado, tayo po ay naghain ng panukalang batas, ang Senate Bill No. 886, ang Distressed OFW Assistance Act. Layon nito na magtayo ng Special Assistance Fund para sa mga OFW na naaabuso at nangangailangan ng tulong. Ito ang magtitiyak na ang kanilang kalayaan at kalusugan ay hindi makokompromiso lalo na ang kanilang kaligtasan.

Habang nagpapatuloy tayo sa paggawa ng mga hakbang upang makamit ang ating adhikain na wakasan ang kontratuwalisasyon at tuluyang maiangat ang antas ng pamumuhay ng manggagawang Pilipino, hindi tayo tumitigil upang lumikha ng mga batas na mangangalaga sa kanila at pagpapagaan ng kanilang buhay. Sa ating manggagawa, handog po namin ng mga kapwa senador ang Department of Housing at Universal Health Care. Ito ay ambag natin sa patuloy na pakikibaka ng mga manggagawa.

Sa ating mga naging pagdinig at konsultasyon sa publiko, madalas nating maitanong: "Paano namin kayo matutulungan?" Bilang chairman ng inyong Senate Committee on Health and Demography, nabatid natin ang kahalagahan ng isang malusog ng pamumuhay para sa isang manggagawang Pilipino. Upang maayos na makapagbanat ng buto at may maiuwing makakain sa pamilya, mahalaga na magkaroon



*ng isang malusog na pangagatawan. Tunay na bawal magkasakit. Madalas ay tiisin na ang iniindang karamdaman at kung mayroon mang matira sa sahod na kaunting salapi ay mas pipiliin ng manggagawa na tukol na lamang sa gastusin ng pamilya imbes na magpa check-up. Dahil sa pangyayaring katulad nito, isinulong ang Universal Health Care Act na magbibigay sa kanila ng libreng check-up, piling laboratory tests at basic maintenance medicine.*

*Ang kasaysayan ng manggagawang Pilipino ay kasaykaysan ng pakikibaka. Pakikibaka para sa katuwiran at makabubuhay na sahod, kasiguraduhan sa hanapbuhay at makataong kondisyon sa panggawa. Sa ating mga naisabatas na at ipapanukala pa sa mga darating na taon, naniniwala tayo na mapapabuti natin ang pamumuhay ng bawat manggagawang Pilipino.*

*Bilang pangwakas, hinihikayat ko ang aking mga kasamahan sa Senado at ang mga labor groups upang ituloy ang pagbalangkas at pagsuporta sa panukalang makapagbibigay ng ginhawa sa buhay para sa manggagawa. Bukod pa rito, tumbasan natin ang kanilang kontribusyon sa pamamagitan ng matapat na panglilingkod at sersyong paglaban sa korapsiyon.*

#### **REFERRAL OF SPEECH TO COMMITTEE**

Upon motion of Senator Zubiri, there being no objection, the Chair referred the privilege speech of Senator Ejercito to the Committee on Labor, Employment and Human Resources Development.

#### **MANIFESTATION OF SENATOR VILLANUEVA**

Senator Villanueva thanked and commended Senator Ejercito for his statements on the floor and placed on record that the Senator has been one of his supporters in passing Senate Bill No. 1826 or the Security of Tenure bill.

#### **MANIFESTATION OF SENATOR HONTIVEROS**

Senator Hontiveros associated herself with the statements made by Senator Ejercito in showing appreciation and supporting Senator Villanueva, chairman of the Committee on Labor, Employment and Human Resources Development, in proposing and appealing to the members of the Body that the

Security of Tenure bill be passed within the 17<sup>th</sup> Congress in order to finally pave the way for both the workers and the capitalists to contribute to the economic growth of the country and therefore benefit all Filipinos.

#### **REFERRAL OF MANIFESTATIONS TO COMMITTEE**

Upon motion of Senator Zubiri, there being no objection, the Chair also referred the manifestations of Senators Villanueva and Hontiveros to the Committee on Labor, Employment and Human Resources Development.

#### **SPECIAL ORDER**

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 573 on Senate Bill No. 2176 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 573 ON SENATE BILL NO. 2176**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 2176 (Committee Report No. 573), entitled


**AN ACT PROVIDING FOR COMPREHENSIVE ATOMIC REGULATION, CREATING FOR THE PURPOSE THE PHILIPPINE ATOMIC REGULATORY COMMISSION, AND APPROPRIATING FUNDS THEREFOR.**

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Zubiri, 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 Aquino for his sponsorship speech.

#### **SPONSORSHIP SPEECH OF SENATOR AQUINO**

Senator Aquino presented for the consideration of the Body Senate Bill No. 2176 under Committee Report No. 573 which seeks to modernize and raise





to international standards the current laws governing the control of nuclear and radioactive materials and ionizing radiation generated from electrical devices.

He noted that people tend to take for granted or often do not realize how much nuclear materials have been embedded in the workings of human society. He cited the medical field where the use of nuclear technology has been a great help in the diagnosis and treatment of different diseases, particularly cancer; in industry like the field of manufacturing, where nuclear facilities provide important benefits in quality and process control, and safety measures leading to efficient productivity; and in the environment where nuclear analytical techniques have been dealing with air pollution and water resource management, among others.

Senator Aquino explained that the measure seeks to provide a comprehensive policy framework for the regulation and control of peaceful uses involving radiation sources, nuclear materials and any other radioactive material, and that it also aims to protect public health and safety and to protect the environment against any possible harmful effects of ionizing radiation. To implement the objectives of the bill, he said that there would be an independent, central regulatory body, the Philippine Atomic Regulatory Commission (PARC), which shall be responsible for safety, security, and safeguards involving nuclear materials and other radioactive materials, facilities, and radiation generating equipment.

Through the bill, he hoped to modernize and raise to international standards the current laws governing the control of nuclear and radioactive materials and ionizing radiation generated from electrical devices.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2176**

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

#### **COMMITTEE REPORT NO. 542 ON SENATE BILL NO. 2133**

*(Continuation)*

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2133 (Committee Report No. 542), entitled

**AN ACT FURTHER STRENGTHENING THE POWERS AND FUNCTIONS OF THE AUTHORITY OF THE FREEPORT AREA OF BATAAN (AFAB), AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9728, OTHERWISE KNOWN AS THE "FREEPORT AREA OF BATAAN (FAB) ACT OF 2009."**

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

Thereupon, the Chair recognized Senator Gatchalian, sponsor of the measure, and Senator Drilon for his interpellations.

#### **INTERPELLATION OF SENATOR DRILON**

At the outset, Senator Drilon stated that in a series of meetings that he had with Senator Gatchalian, he already raised his concerns over certain provisions of the measure particularly on the additional incentives to locators which, he opined, would not be consistent with the policy of rationalizing the fiscal incentives granted to industries within the freeport area and the other areas where incentives-granting agencies operate. He said that Senator Gatchalian already made assurance to amend the provisions at the proper time.

Asked to confirm whether the questioned provisions were already amended so that the interpellations can be dispensed with, Senator Gatchalian confirmed that all the concerns that Senator Drilon brought out in his interpellations, particularly the difference in policy on fiscal incentives, were referred to the AFAB and to the proponent of the measure, following the assumptions that there might be some discrepancies in terms of fiscal incentives and other policies relative thereto. He said that the management of AFAB and all the parties involved in the measure, after conducting a series of extensive meetings, agreed to remove the fiscal incentives under the proposed bill and, in effect, observe the *status quo* provisions of the previous legislation with regard to incentives. He then proceeded to cite the provisions that were removed from the proposal, to wit:

1. The subsidies and deduction under Section 3 of the bill;
2. The generation up to 100% domestic sale without losing incentives for FAB enterprises engaged in priority investments as stipulated in Section 4;

*mk ps*



3. The subsequent availment of ITH, NOLCO, and the 5% Final Tax on gross income (Section 6);
4. The exemption from payment of all national and local taxes by AFAB.

Senator Drilon clarified that he was not objecting to the incentives but that he was only concerned about the consistency of the policy being pursued by the current Administration. He noted that TRAIN 2 is basically aimed at rationalizing fiscal incentives and the proposed fiscal incentives granted under Senate Bill No. 2133 may not be consistent with the policy on TRAIN 2. He said that he was glad that Senator Gatchalian saw the validity of the observations that he raised and that the corresponding amendments to the cited provisions would be introduced at the proper time.

Senator Gatchalian expressed his appreciation to Senator Drilon for the suggestions, pointing out that the divergence in policy might create problem when the bill reaches the President, and introducing different policies on fiscal incentives would put the measure at risk of being vetoed by the President and thus would be counterproductive to the people of Bataan. He reiterated that he would be proposing the amendments at the proper time.

#### **TERMINATION OF THE PERIOD OF INTERPELLATIONS**

There being no other interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations and proceeded to the period of individual amendments.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Gatchalian, the session was suspended,

*It was 6:52 p. m.*

#### **RESUMPTION OF SESSION**

At 6:53 p.m., the session was resumed.

#### **GATCHALIAN AMENDMENTS**

As proposed by Senator Gatchalian, there being no objection, the following amendments were approved by the Body, one after the other:

#### *Page 1*

1. On lines 2 to 4, delete the phrase "THE REST OF THE MUNICIPALITY OF MARIVELES, PROVINCE OF BATAAN NOT COVERED UNDER THE FAB MAIN ZONE" and the comma (,) thereafter;
2. On line 5, after the word "AREAS," insert the phrase "WITHIN THE PROVINCE OF BATAAN";
3. On line 6, replace the word "AND" with "INCLUDING";
4. On lines 7 to 10, delete the phrase "INCLUDING MUNICIPAL WATERS OF UP TO FIFTEEN (15) KILOMETERS FROM THE LOW WATER MARK OF THE EDGE OF THE SHORELINE OF THE MUNICIPALITY OF MARIVELES";
5. On line 11, delete the comma (,) after the word "BATAAN";
6. On line 12, delete the phrase "INCLUDING THE ISLANDS EMBRACED THEREIN";
7. On line 13 to 15, delete the semicolon (;) and the proviso "PROVIDED, THAT THE ISLANDS REFERRED IN THIS SECTION ARE WITHIN THE TERRITORIAL JURISDICTION OF THE PROVINCE OF BATAAN";

Asked what would become of the word enclosed in parentheses "(THE OTHER FAB ZONES)," Senator Gatchalian replied that the phrase would be retained.

8. On the same page, delete lines 23 to 28;
9. On the same page, line 31, delete the word "FURTHER";

#### *Page 3*

10. On line 1, replace the word "BOTH" with the phrase TWO OR MORE;
11. On line 2, replace the word "FINALLY" with FURTHER;
12. On line 13, after the word "RESEARCH," replace the comma (,) with the word AND;
13. Delete the phrase starting from the word "DEVELOPMENT" on line 14 up to the word "SOLUTIONS" and the comma (,) on line 20, and in lieu thereof, insert the phrase DEVELOPMENT, ENGINEERING, MEDICAL, EDUCATION, INFORMATION AND COMMUNICATIONS TECHNOLOGY INCLUDING EMERGING AND FUTURE



TECHNOLOGIES SUCH AS ARTIFICIAL, INTELLIGENCE, BLOCKCHAIN, BUSINESS PROCESS OUTSOURCING, CLOUD COMPUTING, CYBER SECURITY, DISTRIBUTED LEDGER TECHNOLOGY, FINANCIAL TECHNOLOGY SOLUTIONS, INTERNET OF THINGS, AND VIRTUAL REALITY;

14. On line 20, replace the word "tourist" with TOURISM;

#### *Page 5*

15. On line 26, after "(LGUs)," insert the phrase AND/OR THE AGREEMENT OF APPROPRIATE NATIONAL GOVERNMENT AGENCIES;
16. On the same line, before the word "APPROVAL," insert the word THE;
17. On line 29, after the word "negotiation" replace the word "or" with a comma (,).
18. On line 30, after the phrase condemnation proceedings," insert the phrase OR ANY OTHER ARRANGEMENT;

#### *Page 6*

19. On line 3, after the word "development," insert the phrase AND ESTABLISHMENT OF NEW INDUSTRIAL ESTATES AND ECONOMIC ZONES UNDER FAB;
20. On line 10, after the word "(LGUs)," insert the phrase AND NATIONAL GOVERNMENT AGENCIES;

#### *Page 7*

21. Delete lines 22 to 31 until lines 1 to 13 on page 8;

#### *Page 8*

22. On line 18, delete the phrase "THE PROVISION OF EXISTING LAWS, RULES AND REGULATIONS TO THE CONTRARY NOTWITHSTANDING," and capitalize the letter "n" in the word "no";

#### *Page 9*

23. On line 6, replace the comma (,) and close quotation (") with a period (.);
24. Delete lines 7 to 27;

#### *Page 10*

25. On line 21, replace the word "AND" with OR;
26. On line 22, replace the word "granted" with DEFINED IN SECTION 34 (D) (3) OF THE NATIONAL INTERNAL REVENUE CODE, AS AMENDED, AND ADMINISTERED;

27. On line 23, replace the words "SEQUENTIALLY WITH" with PRIOR TO;
28. On line 26, delete the word "cumulative";
29. On line 28, delete the phrase "SUCH 20-YEAR PERIOD MAY be extended to"
30. Still on line 29, replace the words "FOR A" with MAY ENJOY FISCAL INCENTIVES FOR ANOTHER;

#### *Page 11*

31. On line 2, replace the name "DEPARTMENT OF TRADE AND INDUSTRY" with DTI;
32. On line 3, replace the name "DEPARTMENT OF FINANCE" with DOF;
33. On line 25, after the word "and," insert the phrase THE METRO BATAAN DEVELOPMENT AUTHORITY (MBDA) AND;
34. On line 27, after the word "FAB," insert a period (.) and a new paragraph to read as follows:

THE EXCLUSIVE DELEGATION OF CERTAIN POWERS TO AFAB UNDER THIS ACT NOTWITHSTANDING, THE AFAB MAY PARTNER WITH THE MBDA IN THE IMPLEMENTATION OF DEVELOPMENT PLANS, ENFORCEMENT OF ENVIRONMENTAL LAWS, MAINTENANCE OF ROAD NETWORK AND TRANSPORT FACILITIES, AND PERFORMANCE OF SUCH OTHER SERVICES DESIGNED TO ENHANCE THE ATTRACTIVENESS OF THE FAB AS AN INVESTMENT DESTINATION. THE AFAB MAY PROVIDE ASSISTANCE TO THE MBDA TO ENSURE THAT THE EQUIPMENT AND OTHER RESOURCES NECESSARY TO PERFORM THE SERVICES ENVISAGED UNDER THIS ACT ARE ADEQUATELY PROVIDED;

#### *Page 13*

35. On lines 19, 21 and 27, replace the word "OFFSHORE" with ONLINE;
36. On line 27, delete the dash (-) before the word "GAMING";

#### *Page 16*

37. On line 15, delete the close quotation (") mark;
38. Delete lines 31 and 32 until lines 1 to 4 on page 17;
39. Re-letter the succeeding sections accordingly;



**Page 17**

40. On line 5, replace the word "ISSUE" with RECOMMEND THE ISSUANCE OF;

**Page 18**

41. On line 29, replace the word "ISSUE" with ENDORSE;

**Page 20**

42. On line 23, after the word "FAB," replace the semicolon (;) with a period (.);
43. On line 26, replace the word "chairman" with ADMINISTRATOR;

**Page 21**

44. Delete line 1;
45. On line 2, capitalize the letter "n" in the word "no";

**Page 22**

46. On lines 10 and 11, delete the phrase "and with the approval of the Secretary of the DTI";

**Page 25**

47. Between lines 6 and 8, insert a new section, to read as follows:

SEC. 15. TRANSITORY PROVISION. – THE INCUMBENT CHAIRMAN AND ADMINISTRATOR OF THE AFAB SHALL CONTINUE TO SERVE AS ADMINISTRATOR FOR THE REMAINING TERM OF HIS APPOINTMENT WITHOUT PREJUDICE TO HIS REAPPOINTMENT TO THE SAME POSITION UPON THE EXPIRATION OF HIS TERM AT THE DISCRETION OF THE APPOINTING AUTHORITY; and

48. Renumber the succeeding sections accordingly.

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

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

## **APPROVAL OF SENATE BILL NO. 2133 ON SECOND READING**

Submitted to a vote, there being no objection, Senate Bill No. 2133 was approved on Second Reading.

## **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2133**

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

## **COMMITTEE REPORT NO. 525 ON SENATE BILL NO. 2120**

*(Continuation)*

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2120 (Committee Report No. 525), entitled

AN ACT INSTITUTIONALIZING THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY AS THE INDEPENDENT ECONOMIC AND PLANNING AGENCY OF THE PHILIPPINE GOVERNMENT, DEFINING ITS FUNCTIONS AND REPEALING EXECUTIVE ORDER NO. 230 SERIES OF 1987, AS AMENDED, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

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

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

## **INTERPELLATION OF SENATOR DRILON**

Asked why the new composition of the NEDA Board with eight members on Section 5 did not include the Vice President as member, and if he has any strong objection to include the Vice President as vice chair of the NEDA Board, Senator Gatchalian explained that the bill simply adopted Executive Order No. 230 (*Reorganizing the NEDA*) and Executive Order No. 292 (*Administrative Code of 1987*) which did not mandate the Vice President to be a member of the NEDA Board. He said that the current composition of the NEDA Board in the proposed bill basically represents the entire government economic cluster.

Senator Drilon asserted that on the contrary, the present policy in the NEDA should be reviewed

*net ps*



because the Vice President, being a "spare tire" in the governmental setup, must at least be informed of plans and policies in the government so that there would be continuity especially when it becomes necessary for him/her to be installed as a "regular tire."

Senator Gatchalian agreed that there must be some form of continuity in terms of economic policy and he conceded that there was nothing wrong with adding the Vice President as part of the NEDA Board. He agreed to consider Senator Drilon's amendment to Section 5 at the proper time.

Asked if the creation of the ninth committee on page 12 would limit NEDA's ability to create additional committees, Senator Gatchalian cited Section 9 which allows the NEDA Board to create inter-agency committees or modify existing ones with respect to its structure.

To Senator Drilon's observation that Section 15 (*Term of Office of the Secretary*) seemed wordy and unnecessary, specifically lines 16 and 17, Senator Gatchalian agreed to improving the provision.

Asked on the number of undersecretaries and undersecretaries at the NEDA, Senator Gatchalian replied that the agency has four deputy director generals whose rank is equivalent to an undersecretary, as well as five assistant director generals whose rank is equivalent to an assistant secretary. He said that the bill proposes to increase the number of assistant undersecretaries to eight.

On whether the 17 offices and staff listed in the measure were existing, Senator Gatchalian clarified that only 16 are existing offices, and the measure proposes the creation of two new offices: Social Infrastructure Group which would be more concerned with socio-economic and human development aspects, such as classrooms and health centers; and the Connectivity Infrastructure Office which would handle the actual infrastructure or hard projects that connect the regional centers and the provinces.

Senator Drilon noted that the provision found in lines 16 to 18 of page 15 authorizes the NEDA Board to approve the creation of additional staff and modification of existing staffs relative to their structures, compositions, powers, and functions. He expressed his concern regarding such an authority because the other agencies may ask for the same privilege. He acknowledged, however, that in the

case of NEDA, internal checks are in place since the chairman is the President himself and the DBM is a member of the board.

For his part, Senator Gatchalian placed on record that the NEDA has agreed to remove the provision which proposes to elevate the salary grade of NEDA officials and employees by one step in response to the concern raised by Senator Drilon that the upgrade might create a distortion. Senator Drilon clarified that he was not objecting to the proposed salary increase.

On the matter of NEDA's effectivity in implementing economic plans, Senator Drilon pointed out the conflict in the bicameral conference committee over the national budget, the implementing instrument of the policies of the government which was initiated and planned at the level of the NEDA. He said that Congress can always assert its authority as the policy-making body, but the reality, he noted, was that there was no congruence between planning and budgeting since Congress has its own priorities and policies which may not be consistent with that of NEDA and the NEDA Board. He asked how the incongruity between Congress, which has the power over the purse, and the NEDA could be resolved. He stated that Congress is a policy-making body whose policies would be backed up and enforced by the appropriate budgetary support; on the other hand, under the regional development council (RDC) setup, all plans in the regional offices are elevated to the national office for purposes of funding and the projects which are consistent with the plan are endorsed theoretically in the sense that based on experience, all RDC projects are readily endorsed. Moreover, he noted that legislators do not even attend RDC meetings because they have their own set of priorities which would be reflected in the budget through insertions.

Senator Gatchalian explained that under the bill, the RDCs will develop their respective investment plans and recommend to the concerned agencies that will, in turn, consolidate the plans before making the recommendations to the Development Budget Coordination Committee (DBCC) and Congress. He said that the budgeting itself should be handled by the budget department and the projects should be implemented according to the plan. He further pointed out that Section 8 (*Exercise of Authority*) lists the powers and functions of the NEDA Board which include approving and endorsing to the DBCC and to Congress, the integrated development plans and

mt ps



programs as basis for the annual and multi-year budget review and deliberation. However, he conceded that realizing such plans would take much discipline among members of Congress as they have the power to amend the proposed budget of the Executive. As such, he believed that the leadership of Congress plays a very important role on the extent of congressional power in amending the budget. In short, he said that even though the bill would spell out the planning and investment programming process, the leadership of Congress should set the parameters on the manner and the extent that the proposed plans and investment programming can be amended.

As regards the possibility that the congressional insertions have nothing to do with the plans of the NEDA, Senator Gatchalian said that it is precisely why good leadership is a vital component in approving the budget.

Senator Drilon commended Senator Gatchalian for his efforts to explain the measure despite the present difficult setup, as he expressed hope that there would be closer coordination between the leadership of Congress and the NEDA so that there would not be any incongruity between the plans and the budget support. In response, Senator Gatchalian reiterated the importance of leadership in approving the budget. He stated that the powers and functions of the NEDA Board include having to closely coordinate and endorse to Congress what had been deliberated upon from the RDC up to the line agencies.

On whether the bill could provide that the congressional insertions and the pork barrel should be consistent with the NEDA plan, Senator Gatchalian said that such matters are outside the jurisdiction of the NEDA and the NEDA Board.

Concluding his interpellation, Senator Drilon commended the NEDA bureaucracy, describing them as one of the most professional bureaucrats in the government. He expressed confidence that with the bureaucracy in the NEDA, struggle to make planning, execution, and funding go along the same parallel lines would continue.

For his part, Senator Gatchalian stated that giving life to the proposed charter would also give life to the country's economic platform in light of the importance of the planning process to the country's economic development.

## TERMINATION OF THE PERIOD OF INTERPELLATIONS

There being no further interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations.

## SUSPENSION OF SESSION

Upon motion of Senator Gatchalian, the session was suspended.

*It was 7:42 p.m.*

## RESUMPTION OF SESSION

At 7:48 p.m., the session was resumed.

## SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2120

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

## COMMITTEE REPORT NO. 556 ON SENATE BILL NO. 2168

*(Continuation)*

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 2168 (Committee Report No. 556), entitled

AN ACT CREATING THE DAVAO INTERNATIONAL AIRPORT AUTHORITY, TRANSFERRING EXISTING ASSETS OF FRANCISCO BANGROY INTERNATIONAL AIRPORT TO THE AUTHORITY, VESTING THE AUTHORITY WITH POWER TO ADMINISTER AND OPERATE THE FRANCISCO BANGROY INTERNATIONAL AIRPORT AND APPROPRIATING FUNDS THEREFOR.

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

Thereupon, the Chair recognized Senator Gordon, sponsor of the measure.



**DRILON AMENDMENTS**

As proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved the following amendments on page 9 of the bill:

1. On line 19, before the word "taxes," insert the word REALTY; and
2. On line 21, before the word "Government," replace the word "National" with LOCAL.

**TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS**

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

**APPROVAL OF SENATE BILL NO. 2168 ON SECOND READING**

Submitted to a vote, there being no objection, Senate Bill No. 2168 was approved on Second Reading.

**SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2168**

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

**COMMITTEE REPORT NO. 301 ON SENATE BILL NO. 1754**  
(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1754 (Committee Report No. 301), entitled

AN ACT AMENDING COMMONWEALTH ACT NO. 146, OTHERWISE KNOWN AS THE PUBLIC SERVICE ACT, AS AMENDED, AND FOR OTHER PURPOSES.

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

Thereupon, the Chair recognized Senator Poe, sponsor of the measure, and Senate President Pro Tempore Recto for his interpellation.

**INTERPELLATION OF SENATOR RECTO**

Asked by Senator Recto on the difference between the House bill and the Senate committee report. Senator Poe replied that on the rate setting, the House bill adopted the one in the EPIRA law, while the rate setting as proposed in Senate Bill No. 2168 will apply only to public utilities, not to public services.

Senator Recto noted that public utility, as far as the bill is concerned, would be the transmission of electricity, distribution of electricity, water works, and sewerage systems. Senator Poe agreed, clarifying that the current setup for rate setting was not being changed; in fact, it was being institutionalized because the ERC was already implementing the international practice for rate setting.

Senator Recto inquired which version changes the rate setting mechanism.

**SUSPENSION OF SESSION**

Upon motion of Senator Poe, the session was suspended.

*It was 7:57 p.m.*

**RESUMPTION OF SESSION**

At 7:59 p.m., the session was resumed.

In reply, Senator Poe said that the House version provided contemporary mechanisms for computing the rate of return; on the other hand, the Senate version, while adopting the same mechanisms, provided a specific example on how to do it without changing the way regulatory bodies set rates at present.

To Senator Recto's observation that the primary purpose of the bill is to define what a public utility is, Senator Poe said that public service, as defined in Commonwealth Act No. 146, Section 13(b), is "every person that now or hereafter may own, operate, manage, or control in the Philippines, for hire or compensation, with general or limited clientele, whether permanent, occasional or accidental, and done for general business purposes, any common carrier, railroad, street railway, traction railway, sub-way motor vehicle"; on the other hand, in the proposed measure, the term "public utility" would be limited to

*put in*



entities operating in the following areas—transmission of electricity, distribution of electricity, and water works and sewerages system. She confirmed that the new definition would separate a public utility from a public service.

Asked if telecommunications would remain as a public service in the house version, Senator Poe answered in the affirmative.

Asked on the difference between a public utility and a public service, Senator Poe said that apart from the definitions earlier mentioned, public utilities are interpreted to be natural monopolies as it is more cost effective to have just one player for the particular sector.

Senator Recto asked if airports could also be considered as natural monopolies. Senator Poe said that there are different areas that can have several airports.

Asked by Senator Recto whether it would make sense to have another airport in Metro Manila which is a natural monopoly, Senator Poe said that an airport is simply located in a specific location but serves several locations. She also pointed out that an airport is not necessarily a natural monopoly since its ownership is usually composed of a consortium of different services and does not pertain to just the physical structure.

Asked whether transmission and distribution of electricity and water works, being public utilities, are subject to the 60/40 ownership requirement under the Constitution, Senator Poe replied in the affirmative.

Asked whether it was the intention of the House of Representatives to open up telecommunications to 100% foreign ownership by taking it away from public utility and moving it to public services, Senator Poe replied in the affirmative.

Asked whether it was the intention to allow 100% foreign ownership of telecommunications considering the security risks involved, Senator Poe said that it was necessary for Congress to pass simultaneously, but separately, other laws which are in conjunction with the measure. She believed that the market forces should be given a chance even as she acknowledged that there are concerns and risks involving foreign ownership because some countries may have other interests in the Philippines. However,

she said that another bill could be passed, guaranteeing that a certain audit may be made on companies that affect national security.

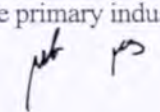
Senator Recto said that his position is to attract foreign investment in export-oriented enterprises, but not necessarily strategic industries that provide public service or public utility, especially telecommunications that are strategic and have certain security risks involved. Senator Poe acknowledged that the concern of Senator Recto was very reasonable, given the scenario and its timing.

Asked why transmission and distribution of electricity, water works and sewerage system, could not be 100% foreign-owned, Senator Poe replied that they are a natural monopoly. She said that Senator Recto can propose a committee, like the Committee on Foreign Investments in the U.S. and Australia, that would vet the investors that are interested to come into what are considered as public services.

Asked if public services no longer require a franchise, Senator Poe replied that a congressional franchise is still required for public services even as some of the functions have been delegated to administrative bodies.

To Senator Recto's observation that the bill would explicitly allow 100% foreign-ownership in the telecommunications sector, Senator Poe affirmed, saying that it also includes the transportation sector. But she clarified that both sectors would still require congressional franchise. She said that when the bill is passed and it happens that the controlling shares of stock are transferred to a foreign entity, it does not matter to whom they are transferred, because they still must report the transfer and get congressional approval.

Asked whether the House version included the provision, Senator Poe replied in the affirmative. But Senator Recto pointed out that the recently passed Open Access Bill does not require a franchise for data transmission which is part of telecommunications. He said that he was looking at four related bills: the Mislattel franchise with 40% ownership, the bill under consideration which talks about a 100% foreign ownership in telecommunications, the Open Access Bill, and the NTC charter amendment. He noted that as far as the House of Representatives was concerned, the telecommunications industry is the primary industry





that they initially wanted to have the possibility of 100% foreign ownership.

Senator Poe said that the proposed Public Service Act was passed in the House of Representatives about two years ago and it was only in December 2017 when President Duterte announced that he wanted a third telco. She said that even the partnership of Dennis Uy with China Telecom did not really commence until August 2018 and because of what has happened, the Committee has become very careful with its outputs.

Senator Recto asked whether all the other services listed in the Public Service Act would remain as a public service, and whether they could be allowed 100% foreign ownership. He said that while there was a 60/40 ownership under the Public Service Act, the bill under consideration considers public utility as open to becoming 100% foreign-owned. Asked what industries would be covered, Senator Poe said that public service includes "every person that now or hereafter may own, operate, manage or control in the Philippines, for hire or compensation, with general or limited clientele, whether permanent, occasional, or accidental and done for general business purposes by any common carrier..."

Asked to define a "common carrier," Senator Poe said that a "common carrier" includes railroad, street, railway traction, airplane, and other transportation like buses and taxis.

Asked whether the Committee consulted with the LTO regarding common carriers, Senator Poe replied in the affirmative, saying that they were invited to the public hearing.

Asked whether it was clear to the taxi owners and operators that they could be subject to foreign competition, Senator Poe replied that they would be including bus companies, and they could also be infused with capital from foreign investors if they agree.

Senator Recto stated that he just wanted to make sure that they were consulted and that they were able to participate in the debate, and submit position papers regarding any policy affecting them. Senator Poe said that she would submit to Senator Recto the feedbacks from the sector and the transcripts of stenographic notes (TSNs) of the committee proceedings.

Asked if it would be possible for the Philippine Airlines to be 100% owned by foreigners, Senator Poe replied in the affirmative.

Senator Recto reiterated that he does not mind opening the economy to foreign investment, but certain industries must be reserved for Filipinos.

Senator Poe said that the Committee could consider Senator Recto's proposal should he submit his recommendations on the industries to be covered.

Senator Recto said that most of the countries in North Asia reserve public utilities and services to their locals and many are state-owned.

Senator Poe said that the Committee tried to redefine a public utility as one that would constitute a natural monopoly. She asserted that by limiting it to certain industries like manufacturing, then it would lose the very legal definition that the Committee was trying to use as a justification to liberalize would be lost.

Senator Recto reiterated that certain services should be reserved for Filipinos while there are certain areas of investment that should be open to foreigners, like manufacturing. However, he believed that telecommunications, because of the security aspect, may be 60%-40% but not 100%. He said that he has a problem with the implications on foreign investment because if one is not a public utility, it is a public service opened to 100% foreign ownership.

Senator Recto said that he does not mind providing definitions for "public utility" and "public services," but he expressed disagreement, as far as regulation is concerned, to redefining what a public utility is in order to allow 100% foreign ownership. He pointed out that under the Constitution, foreign ownership of a public utility should only be up 40%, and making it 100% would mean skirting the Constitution. He said that he would agree to redefining the provision that would allow foreign ownership of public utility but not necessarily to change it to 100% for regulatory purposes, given that public utility is a natural monopoly.

Asked if he would be amenable to insert the clause that reads: "for industries that have a tendency to risk national security, there shall be a vetting agency that will look into the qualification and intention of the potential investor," Senator Recto said that he would prefer that it be placed in the law, then review the provisions on telecommunications which, he believed,



should remain as a public utility because of the security implications, then later on agree on a common carrier. Senator Poe expressed willingness to hear the amendments that Senator Recto would introduce at the proper time.

Senator Recto noted that except for Mactan-Cebu International Airport (MCIA) which was built and operated in partnership with foreign investors, most airports of the country at present are owned by the State, like the Davao International Airport Authority. He observed that under the proposed measure, 100% ownership of MCIA could be allowed, and since MCIA is a natural monopoly, it should also be a public utility. Senator Poe replied that she could accept an amendment to place a provision in the proposed bill that anything that poses to be a natural monopoly, or is more cost-effective to have one particular provider-owner, should be considered as a public utility.

As regards the railways in the country, Senator Recto said that they are still owned by the State and once privatized under the proposed measure, all could be 100% foreign owned. He pointed out that in privatizing the PNR, some Filipinos would want to own a certain line, which is a natural monopoly, and they could get a foreign partner using the 60-40 equity rule. He then asked why it should be 100% foreign ownership under the bill when such rule has never been tried. He suggested that the 60-40 equity rule must be tried first.

Senator Recto further pointed out that any industry that is not listed as a public utility could be 100% foreign-owned, like an ice refrigeration plant, but the railways and subways are natural monopolies. Senator Poe said that a natural monopoly is one that performs a function that could be reproduced, unlike in the case of transportation, a train could run alongside a bus, so that as a carrier, it is not really a natural monopoly of the function that it performs.

Senator Recto asked why 100% foreign ownership is allowed and not limited only to 40%. Senator Poe pointed out that even the World Bank suggested that for the country to sustain economic growth and surpass what it had reached so far, there is a need to open its economy for a certain period of time to raise its per capita income. She said that even the Asian Development Bank (ADB) and the foreign chambers of commerce made the same recommendation.

Senator Recto said that the 60-40 ownership in favor of the Filipinos could be discussed further especially in the telecommunication sector.

Asked if the Energy Regulatory Commission uses the Wage Adjustment Clause (WAC). Senator Poe replied in the affirmative, adding that the water companies also use it but they multiply it based on the revenue and not on the assets.

At this juncture, Senate President Sotto informed the Body of the arrival of Senator Legarda, chairperson of the Committee on Finance, for the senators' caucus to discuss whether the plenary session would be extended until Friday, February 8, 2018.

## SUSPENSION OF SESSION

With the permission of the Body, the session was suspended for an all-senators' caucus.

*It was 8:36 p.m.*

## RESUMPTION OF SESSION

At 9:55 p.m., the session was resumed.

## SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1754

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

## ADDITIONAL REFERENCE OF BUSINESS

Upon direction of the Chair, the Secretary of the Senate read the following matters and the Chair made the corresponding referrals:

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives informing the Senate that on 4 February 2019, the House of Representative designated Representative Villafuerte, Jr. as additional conferee to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 8862 and Senate Bill No. 1532, both entitled

## AN ACT PROVIDING BENEFITS AND PROGRAMS TO STRENGTHEN, PROMOTE, AND DEVELOP THE PHILIPPINE STARTUP ECOSYSTEM.

To the Committee on Rules



Letter from the House of Representatives informing the Senate that on 4 February 2019, the House of Representatives designated Representatives Velasco, Uybarreta, Sambar, Garcia III and Salon as conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 8869, entitled

AN ACT ALLOCATING THE NET NATIONAL GOVERNMENT SHARE FROM THE MALAMPAYA NATURAL GAS PROJECT FOR THE PAYMENT OF THE STRANDED DEBTS AND STRANDED CONTRACT COSTS OF THE NATIONAL POWER CORPORATION AND TO FINANCE FURTHER EXPLORATION, DEVELOPMENT AND EXPLOITATION OF ENERGY RESOURCES TO LOWER ELECTRICITY RATES

in anticipation of the approval by the Senate of its counterpart Senate Bill No. 1950.

**To the Committee on Rules**

Letter from the House of Representatives informing the Senate that on 4 February 2019, the House of Representatives designated Representatives Velasco (L.A.), Uybarreta, Sambar, Garcia III and Salon as conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 6276, entitled

AN ACT ENSURING THE CONTINUOUS AND UNINTERRUPTED TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, THE PROTECTION OF THE INTEGRITY AND RELIABILITY OF THE TRANSMISSION AND DISTRIBUTION SYSTEMS, AND THE PROMOTION OF PUBLIC SAFETY, AND PROVIDING PENALTIES IN VIOLATION THEREOF

in anticipation of the approval by the Senate of its counterpart Senate Bill No. 2098.

**To the Committee on Rules**

Letter from the House of Representatives informing the Senate that on 4 February 2019, the House of Representatives passed House Bill No. 8908, entitled

AN ACT ESTABLISHING THE OFFICE FOR SOCIAL WELFARE ATTACHÉ, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE "MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995," AS AMENDED, AND FOR OTHER PURPOSES

in which it requests the concurrence of the Senate.

**To the Committee on Rules**

**BILLS ON FIRST READING**

Senate Bill No. 2205, entitled

AN ACT AMENDING PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AND PROVIDING FOR THE RATIONALIZATION OF WAGE LEVELS ON A NATIONAL OF INDUSTRIAL BASIS

Introduced by Senator Joseph Victor Ejercito

**To the Committee on Labor, Employment and Human Resources Development**

Senate Bill No. 2206, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8436, ENTITLED "AN ACT AUTHORIZING THE COMMISSION ON ELECTIONS TO USE AN AUTOMATED ELECTION SYSTEM IN THE MAY 11, 1998 NATIONAL OR LOCAL ELECTIONS AND IN SUBSEQUENT NATIONAL AND LOCAL ELECTORAL EXERCISES, TO ENCOURAGE TRANSPARENCY, CREDIBILITY, FAIRNESS AND ACCURACY OF ELECTIONS, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 881, AS AMENDED, REPUBLIC ACT NO. 7166 AND OTHER RELATED ELECTION LAWS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES," AS AMENDED



Introduced by Senator Aquilino "Koko"  
Pimentel III

**To the Committees on Electoral Reforms and  
People's Participation; Science and Techno-  
logy; Ways and Means; and Finance**

Senate Bill No. 2208, entitled

AN ACT ABOLISHING THE SPECIAL  
FUNDS CREATED PURSUANT TO  
REPUBLIC ACT NO. 8794 AND  
REQUIRING THE MONIES COL-  
LECTED AS MOTOR VEHICLE  
USER'S CHARGE BE DEPOSITED  
INTO THE GENERAL FUND

Introduced by Senator Aquilino "Koko"  
Pimentel III

**To the Committees on Public Works;  
Public Services; Ways and Means; and Finance**

#### RESOLUTIONS

Proposed Senate Resolution No. 1011, entitled

RESOLUTION DIRECTING THE PROPER  
SENATE COMMITTEES TO CON-  
DUCT AN INQUIRY, IN AID OF LEGIS-  
LATION, ON THE CURRENT STATE  
OF ACEF SCHOLARSHIP PROGRAM  
IN THE LIGHT OF COMPLAINTS  
THAT THE STUDENTS WHO APPLIED  
FOR SCHOLARSHIP GRANTS HAVE  
NOT BEEN PAID THEIR ENTITLE-  
MENT BY GOVERNMENT

Introduced by Senator Cynthia A. Villar

**To the Committees on Agriculture and Food;  
Education, Arts and Culture; and Finance**

Proposed Senate Resolution No. 1013, entitled

RESOLUTION ADOPTING THE REVISED  
RULES OF PROCEDURE IN THE  
SENATE WHEN SITTING ON  
IMPEACHMENT TRIALS

Introduced by Senator Aquilino "Koko"  
Pimentel III

**To the Committee on Rules**

#### COMMITTEE REPORTS

Committee Report No. 653, prepared and submitted  
jointly by the Committees on Government  
Corporations and Public Enterprises; and Ways  
and Means on Senate Bill No. 2207 with  
Senators Aquino IV, Gordon and Angara as  
authors thereof, entitled:

AN ACT REVITALIZING THE BASES  
CONVERSION DEVELOPMENT,  
AMENDING FOR THE PURPOSE  
REPUBLIC ACT NO. 7227, OTHER-  
WISE KNOWN AS THE "BASES  
CONVERSION AND DEVELOPMENT  
ACT OF 1992," AS AMENDED,

recommending its approval in substitution of  
Senate Bill No. 660, taking into consideration  
House Bill No. 8720.

Sponsor: Senator Richard J. Gordon

**To the Calendar for Ordinary Business**

Committee Report No. 654, submitted jointly by the  
Committees on Tourism and Finance, on House  
Bill No. 6798 introduced by Representatives  
Singson and Nograles (K.A.), entitled

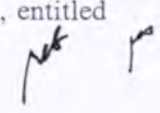
AN ACT DECLARING THE CANDON  
CITY ECOTOURISM ZONE LOCA-  
TED IN BARANGAY PALACAPAC,  
BARANGAY SAN ANDRES, BARA-  
NGAY CUBCUBBUOT AND BARA-  
NGAY AMGUID IN THE CITY OF  
CANDON, PROVINCE OF ILOCOS  
SUR A TOURIST DESTINATION,  
PROVIDING FOR ITS DEVELOP-  
MENT AND APPROPRIATING  
FUNDS THEREFOR,

recommending its approval with amendments.

Sponsor: Senator Maria Lourdes Nancy  
S. Binay

**To the Calendar for Ordinary Business**

Committee Report No. 655, submitted jointly by the  
Committees on Tourism and Finance, on House  
Bill No. 6799 introduced by Representatives  
Singson and Nograles (K.A.), entitled





AN ACT DECLARING SANTIAGO COVE IN THE MUNICIPALITY OF SANTIAGO, PROVINCE OF ILOCOS SUR A TOURIST DESTINATION, PROVIDING FOR ITS DEVELOPMENT AND APPROPRIATING FUNDS THEREFOR,

recommending its approval with amendments.

Sponsor: Senator Maria Lourdes Nancy S. Binay

**To the Calendar for Ordinary Business**

Committee Report No. 656, submitted jointly by the Committees on Tourism and Finance, on House Bill No. 6800 introduced by Representatives Singson and Nograles (K.A.), entitled

AN ACT DECLARING PINSAL FALLS IN THE MUNICIPALITY OF SANTA MARIA, PROVINCE OF ILOCOS SUR A TOURIST DESTINATION, PROVIDING FOR ITS DEVELOPMENT AND APPROPRIATING FUNDS THEREFOR,

recommending its approval with amendments.

Sponsor: Senator Maria Lourdes Nancy S. Binay

**To the Calendar for Ordinary Business**

Committee Report No. 657, submitted by the Committee on Education, Arts and Culture, on House Bill No. 8654 introduced by Representative Roa-Puno, et al., entitled

AN ACT MANDATING PUBLIC AND PRIVATE EDUCATIONAL INSTITUTIONS TO PROVIDE THE APPROPRIATE ARMCHAIRS TO LEFT-HANDED STUDENTS,

recommending its approval with amendments, taking into consideration Senate Bill No. 2114.

Sponsor: Senator Escudero

**To the Calendar for Ordinary Business**

**SECOND ADDITIONAL  
REFERENCE OF BUSINESS**

**MESSAGE FROM THE  
HOUSE OF REPRESENTATIVES**

Letter from the House of Representatives informing the Senate that on 4 February 2019, the House of Representatives passed the following House bills in which it requests the concurrence of the Senate

House Bill No. 8885, entitled

AN ACT INSTITUTIONALIZING THE GRANT OF STUDENT FARE DISCOUNT PRIVILEGES ON PUBLIC TRANSPORTATION AND FOR OTHER PURPOSES;

**To the Committee on Rules**

House Bill No. 8909, entitled

AN ACT STRENGTHENING DRUG PREVENTION AND CONTROL, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9165, AS AMENDED, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002";

**To the Committee on Public Order and  
Dangerous Drugs**

House Bill No. 8912, entitled

AN ACT AUTHORIZING HIGHER EDUCATION CURRICULUM DEVELOPMENT AND GRADUATE TRAINING IN ADVANCED ENERGY AND GREEN BUILDING TECHNOLOGIES, AND APPROPRIATING FUNDS THEREFOR;

**To the Committees on Education, Arts and  
Culture; Energy; and Finance**

House Bill No. 8926, entitled

AN ACT REGULATING THE CATCHING, SALE, PURCHASE, POSSESSION, TRANSPORTATION, IMPORTATION,



AND EXPORTATION OF ALL SHARKS, RAYS, AND CHIMAERAS AND ANY PART THEREOF IN THE COUNTRY;

**To the Committees on Agriculture and Food; and Environment and Natural Resources; and Finance**

House Bill No. 3437, entitled

AN ACT PROVIDING FOR AN ON-LINE NETWORK ESTABLISHMENT POLICY FOR THE PHILIPPINES;

**To the Committees on Science and Technology; Local Government; and Ways and Means**

House Bill No. 6625, entitled

AN ACT CLASSIFYING BAMBOO AS AN UNREGULATED FOREST PRODUCT AND FOR OTHER PURPOSES;

**To the Committee on Environment and Natural Resources; Trade, Commerce and Entrepreneurship; and Ways and Means**

House Bill No. 6973, entitled

AN ACT ENHANCING THE EFFECTIVENESS OF THE METROPOLITAN MANILA COUNCIL IN FORMULATING POLICIES, RULES, REGULATIONS, AND IN ENACTING ORDINANCES FOR METRO MANILA, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7924, ENTITLED, "AN ACT CREATING THE METROPOLITAN MANILA DEVELOPMENT AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES";

**To the Committee on Local Government**

House Bill No. 7030, entitled

AN ACT PROTECTING SENIOR CITIZEN FROM VIOLENCE, DEFINING ELDER ABUSE, AND PRESCRIBING PENALTIES THEREFOR;

**To the Committees on Justice and Human Rights; Social Justice, Welfare and Rural Development; and Finance**

House Bill No. 7410, entitled

AN ACT MANDATING THE WIRELESS TELECOM COMPANIES TO TRANSFER FIVE YEAR OLD CELL TOWERS TO REIT CORPORATIONS;

**To the Committee on Public Services**

House Bill No. 8869, entitled

AN ACT ALLOCATING THE NET NATIONAL GOVERNMENT SHARE FROM THE MALAMPAYA NATURAL GAS PROJECT FOR THE PAYMENT OF THE STRANDED DEBTS AND STRANDED CONTRACT COSTS OF THE NATIONAL POWER CORPORATION AND TO FINANCE FURTHER EXPLORATION, DEVELOPMENT AND EXPLOITATION OF ENERGY RESOURCES TO LOWER ELECTRICITY RATES;

**To the Committees on Rules**

House Bill No. 8870, entitled

AN ACT PROVIDING FOR A STAY IN THE EXECUTION OF A DECISION, ORDER OR RESOLUTION OF AN ADMINISTRATIVE AGENCY OR QUASI-JUDICIAL TRIBUNAL UPON SEASONABLE FILING OF A MOTION FOR RECONSIDERATION, APPEAL OR PETITION FOR REVIEW;

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

House Bill No. 8873, entitled

AN ACT REDUCING FOOD WASTE THROUGH FOOD DONATIONS AND FOOD WASTE RECYCLING;

**To the Committees on Health and Demography; and Social Justice, Welfare and Rural Development**



House Bill No. 8884, entitled

AN ACT EXPANDING THE COVERAGE OF THE EXEMPTION FROM THE PAYMENT OF TRAVEL TAX AND PROVIDING TRAVEL TAX DISCOUNT TO SENIOR CITIZENS AND PERSONS WITH DISABILITIES, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1183, AS AMENDED;

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

House Bill No. 8910, entitled

AN ACT STRENGTHENING THE GAMES AND AMUSEMENTS BOARD AND FOR OTHER PURPOSES;

**To the Committees on Games and Amusement; and Finance**

House Bill No. 8911, entitled

AN ACT MANDATING A MINIMUM DISTANCE FOR OVERTAKING OF CYCLISTS BY MOTOR VEHICLES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF;

**To the Committee on Public Services**

House Bill No. 8918, entitled

AN ACT DESIGNATING THE NATIONAL MUSIC COMPETITIONS FOR YOUNG ARTISTS (NAMCYA) AS THE NATIONAL YOUTH DEVELOPMENT PROGRAM FOR MUSIC, DEFINING ITS ROLE AND FUNCTIONS, AND APPROPRIATING FUNDS THEREFOR;

**To the Committees on Education, Arts and Culture; Ways and Means; and Finance**

and House Bill No. 8959, entitled

AN ACT ALLOWING AND REGULATING THE USE OF MOTORCYCLES AS PUBLIC UTILITY VEHICLES, AMENDING FOR THIS PURPOSE REPUBLIC

ACT NO. 4136, OTHERWISE KNOWN AS THE LAND TRANSPORTATION AND TRAFFIC CODE, AND FOR OTHER PURPOSES.

**To the Committee on Public Services**

**ADOPTION OF HOUSE BILL NO. 8908 AS AN AMENDMENT TO SENATE BILL NO. 1819**

Senator Zubiri stated that the Senate was in receipt of a communication from the House of Representatives requesting the Body's concurrence in House Bill No. 8908, or the "Act Establishing the Office of the Social Welfare Attache", which they approved on February 4, 2019. He said that House Bill No. 8908 was the counterpart of Senate Bill No. 1819 which the Senate approved on October 1, 2018.

At the instance of Senator Villanueva, chair of the Committee on Labor, Employment and Human Resources Development, upon motion of Senator Zubiri, there being no objection, the Body adopted House Bill No. 8908 as amendment to Senate Bill No. 1819.

**CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1534 AND HOUSE BILL NO. 8734**

Upon motion of Senator Zubiri, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1534, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8439, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR SCIENTISTS, ENGINEERS, RESEARCHERS AND OTHER S&T PERSONNEL IN THE GOVERNMENT";

and House Bill No. 8734, entitled

AN ACT INCREASING THE BENEFITS GRANTED TO SCIENCE AND TECHNOLOGY (S&T) PERSONNEL OF THE GOVERNMENT, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8439, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR SCIENTISTS, ENGINEERS, RESEARCHERS AND OTHER S&T PERSONNEL IN THE GOVERNMENT."

*Handwritten initials*



The Chair recognized Senator Aquino to sponsor the report.

# JOINT EXPLANATION OF THE CONFERENCE COMMITTEE

Senator Aquino submitted to the Body the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1534 and House Bill No. 8734, or the "Magna Carta for Scientists, Engineers, Researchers and Other S&T Personnel in the Government," and requested that the Joint Explanation of the Conference be considered as his sponsorship speech.

Upon motion of Senator Aquino, there being no objection, the Body approved the insertion of the Joint Explanation of the Conference Committee into the Record of the Senate.

*Following is the full text of the Joint Explanation of the Conference Committee:*

## JOINT EXPLANATION OF THE CONFERENCE COMMITTEE ON THE DISAGREEING PROVISIONS OF SENATE BILL NO. 1534 AND HOUSE BILL NO. 8734

The Conference Committee on the disagreeing provisions of Senate Bill No. 1534 and House Bill No. 8734, after having met and fully discussed the subject matter in a conference, hereby report to their respective Houses the following that:

1. The conferees agreed to use the Senate version as the working drafts;
2. Section 1 of the Senate Version on Other Benefits was adopted as Section. 1 in the reconciled version with the insertion of the word "SOURCED" on the third paragraph, between the words HONORARIA and FROM, which shall now read as follows;

THE GOVERNMENT SHALL NOT IMPOSE A LIMIT ON THE AMOUNT OF ADDITIONAL HONORARIA SOURCED FROM EXTERNALLY FUNDED GRANTS THAT MAY BE RECEIVED BY S & T PERSONNEL

X X X

3. Section 2 of the Senate version was adopted as Section 2 of the reconciled version on the Definition of Non-DOST S&T personnel:

4. Section 3 of the Senate version was also adopted as Section 3 of the reconciled version;
5. Section 4 of the Senate version on Separability Clause was adopted as Section 4 of the reconciled version;
6. Section 5 of the Senate version on the Repealing Clause was adopted as Section 6 of the reconciled version; and
7. Section 6 of the Senate version on the Effectivity clause was adopted as Section 6 of the reconciled version.
8. The title of the reconciled version shall now read as follows:

AN ACT STRENGTHENING THE MAGNA CARTA FOR SCIENTISTS, ENGINEERS, RESEARCHERS AND OTHER SCIENCE AND TECHNOLOGY PERSONNEL IN THE GOVERNMENT, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8439

In case of a conflict between the statements/ amendments stated in this Joint Explanatory Statement and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

## APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Upon motion of Senator Zubiri, there being no objection, the Body approved and ratified the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1534 and House Bill No. 8734.

## CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1532 AND HOUSE BILL NO. 8862

Upon motion of Senator Zubiri, there being no objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1532 and House Bill No. 8862, both entitled

AN ACT PROVIDING BENEFITS AND PROGRAMS TO STRENGTHEN, PROMOTE, AND DEVELOP THE PHILIPPINE STARTUP ECOSYSTEM.

The Chair recognized Senator Aquino to sponsor the report.



## JOINT EXPLANATION OF THE CONFERENCE COMMITTEE

Senator Aquino submitted to the Body the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1532 and House Bill No. 8862 or the "Innovative Startup Act," and requested that the Joint Explanation of the Conference Committee be considered as his sponsorship speech.

Upon motion of Senator Aquino, there being no objection, the Body approved the insertion of the Joint Explanation of the Conference Committee into the Record of the Senate.

*Following is the full text of the Joint Explanation of the Conference Committee:*

### JOINT EXPLANATION OF THE CONFERENCE COMMITTEE ON THE DISAGREEING PROVISIONS OF SENATE BILL NO. 1532 AND HOUSE BILL NO. 8862

The Conference Committee on the disagreeing provisions of Senate Bill No. 1532 and House Bill No. 8862, after having met and fully discussed the subject matter in a conference, hereby report to their respective Houses the following that:

1. The conferees agreed to use the Senate version as the working drafts;
2. Section 1 of the Senate Version was adopted as the Short Title of the reconciled version;
3. Section 2 of the Senate and House version were identical and adopted as the Declaration of Policy of the reconciled version;
4. Section 3 (Definition of Terms). Adopted Section 3 of the Senate version with modifications, to read as follows:
  - a) *Host Agency* – the Department of Science and Technology (DOST), Department of Trade and Industry (DTI), Department of Information and Communications Technology (DICT), or other national government agency, local government unit, or public academic institution that provides programs, benefits and incentives to startups or startup enablers as defined in this Act subject to an application or selection process;
  - b) *Innovation* – the creation of new ideas that results to the development of new or improved products, processes, or

services which are then spread or transferred across the market;

- c) *Innovative Product* – a good or service that is new or significantly improved, such as improvements in technical specifications, component materials, software in the product, user friendliness or other functional characteristics;
  - d) *Innovative Process* – a new or significantly improved production or delivery method through changes in techniques, equipment and/or software;
  - e) *Innovative Business Model* – a new or significantly improved organizational method in business practices, workplace organization or external relations;
  - f) *Research and Development* – any activity which is a systematic, intensive study directed toward greater knowledge or understanding of the subject studied; a systematic study directed specifically toward applying new knowledge to meet a recognized need; or a systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements;
  - g) *Startup* – any person or registered entity in the Philippines which aims to develop an innovative product, process, or business model;
  - h) *Startup Enabler* – any person or registered entity in the Philippines registered under the Philippine Startup Development Program that provides goods, services, or capital identified to be crucial in supporting the operation and growth of startups by the DTI in consultation with DOST, DICT, and pertinent government and nongovernment organizations.
5. Section 4 of the Senate and House Version were identical and adopted with modifications, to read as follows;

SEC. 4. Philippine Startup Development Program. — There is hereby created a Philippine Startup Development Program hereinafter referred to as the "Program."

The Program shall be composed of programs, benefits, and incentives for startups and startup enablers promulgated through the respective mandates of national government agencies, and through additional



mandates provided by the provisions of this Act. The Program shall also include programs, benefits, and incentives for startup and startup enablers extended by nongovernment organizations in partnership with any national government agency.

The DOST, DICT, and DTI shall be the lead agencies that shall assess, monitor, develop and expand the Program consistent with the objectives of this Act. To this end, DOST, DICT, and DTI, in consultation with government and nongovernment organizations, shall set key metrics to track the impact and development of the Program.

The DTI shall promulgate the rules for the efficient registration and assessment of startup enablers to be registered under the Program.

6. Section 5 (Program Objectives). Adopted Section 5 of the Senate and House version with modifications, to read as follows:

**SEC. 5. Program Objectives.** — The Program shall aim to achieve the following:

- a) Support the research and development of startups and startup enablers in the Philippines;
- b) Support and promote the access to startup development programs, such as, but not limited to, capacity building, exchange programs, and expert training courses, offered locally and internationally for startups, startup enablers, and the implementers of the Program;
- c) Support and promote the participation of startups in international competitions and conferences integral to the promotion of the Philippine startup ecosystem;
- d) Support the participation of startups in local and international events which aim to link them to potential investors, mentors, collaborators, and customers;
- e) Support the collaboration of startups, startup enablers, national government agencies, local government units, public and private academic institutions, and industry partners to develop innovative products, processes or business models which may be utilized in the delivery of public services, programs, or projects of host agencies;
- f) Support the development and growth of enterprises whose innovative product, service, or business model is integral to

creating a competitive startup community in the Philippines; and

- g) Develop and amend policies and regulations to address or remove undue restrictions in the implementation of the Program, and in the development, establishment, and growth of startups and startup enablers to promote ease of doing business.

7. Section 6 (General Roles and Responsibilities of the Host Agencies). Adopted Section 14 of the Senate version and Section 8 of the House version with modifications, to read as follows:

**SEC. 6. General Roles and Responsibilities of the Host Agencies.** — The DOST, DTI, DICT and other host agencies shall have the following general roles and responsibilities in the implementation of this Act:

- a) Promulgate the appropriate policies and guidelines for the coordinated implementation of the Program;
- b) Assess impact and applicability of the benefits and incentives that compose the Program;
- c) Promote the access to the benefits, incentives, and opportunities for startups and startup enablers; and
- d) Ensure the immediate and efficient provision of the benefits and incentives provided under this Act.

8. Section 7 (General Registration and Operational Benefits and Incentives). Adopted Section 6 of the Senate and House version was adopted with modifications, to read as follows:

## CHAPTER 2 PROGRAM BENEFITS AND INCENTIVES

**SEC. 7. General Registration and Operational Benefits and Incentives.** — Host agencies shall be authorized to provide the following benefits and incentives to startups and/or startup enablers who have passed their selection and application process:

- a) Full or partial subsidy for the registration and cost in the application and processing of permits and certificates required for the business registration and operation of an enterprise with the appropriate local or national government agencies;



- b) Endorsement of the host agency for the expedited or prioritized processing of applications with other government agency;
- c) Full or partial subsidy for the use of facilities, office space, equipment, and/or services provided by government or private enterprises or institutions;
- d) Full or partial subsidy in the use of repurposed government spaces and facilities of the host agency as the registered business address; and/or
- e) Grants-in-aid (GIA) for research, development, training, and expansion projects.

Provided, That the full or partial subsidies provided by the host agency may be incorporated in the approved GIA of the startup or startup enabler, or may be issued through vouchers issued by the host agency.

The DTI shall be the agency tasked to initiate and coordinate with national and local government agencies involved with the registration, licensing, certification, including those who levy fees and charges for services subsidized by host agencies, and such other regulatory process to be undertaken by startups and startup enablers endorsed by host agencies.

The benefits and incentives provided under this Act may be availed of by startups without prejudice to claiming other benefits and incentives, including but not limited to innovation development credit and financing, under existing laws for which they may be entitled.

9. Section 8 (General Benefits for Participation in Local and International Startup Events). Adopted Section 7 of the Senate and House version, with modifications, to read as follows;

SEC. 8. General Benefits for Participation in Local and International Startup Events. — Host agencies shall be authorized to provide the following benefits and incentives in order to support members of startups and/or startup enablers who have passed their respective selection and application process for the purpose of participating in local or international startup events or competitions:

- a) Endorsement of the host agency for the expedited or prioritized processing of travel documents, such as but not limited to, passport and/or visa application;

- b) Full or partial subsidy for fees and charges incurred in the application for pertinent travel documents;
- c) Full or partial subsidy for baggage allowance for materials, equipment, and/or products pertinent to the participation in the local or international startup event;
- d) Full or partial airfare subsidy for roundtrip airfare; and/or
- e) Per diem allowance.

10. Sections 9 (Startup Investment Development Plan) of the reconciled version. Added a new section was added, to read as follows;

SEC. 9. Startup Investment Development Plan. — The DTI, in coordination with DICT, DOST, and Board of Investments (BOI) shall spearhead initiatives to develop the short, medium, and long-term strategies in order to spur investment in, and promote the growth and development of, startup and startup enablers in the Philippines.

The DTI in coordination with the Board of Investment shall promote and facilitate the provision of applicable benefits to current and prospective investors of startups and startup enablers.

The BOI shall assist DTI, DICT, DOST, and other host agencies in training their personnel tasked with assisting current and prospective startups and startup enablers to access and maximize benefits and incentives which may be extended consistent with the powers and mandate of the BOI.

11. Section 10 (Startup Grant Fund) of the reconciled version. Adopted Section 9 of the Senate version with modifications, to read as follows;

SEC. 10. Startup Grant Fund. — There is hereby created a Startup Grant Fund (SGF) under each of the following agencies:

- a) DOST;
- b) DICT; and
- c) DTI.

Each agency shall use its respective SGF to provide initial and supplemental grants-in-aid for startups and startup enablers that have passed its selection and application process.

Each agency shall propose and include in its respective budget under the annual General Appropriations Act the initial and

*per p*



succeeding appropriations for the creation and replenishment of its SGF.

12. Section 11 (Startup Venture Fund) of the reconciled version. Adopted a new section, to read as follows;

SEC. 11. Startup Venture Fund. — There is hereby created a Startup Venture Fund (SVF) under the DTI, to be administered in coordination with the National Development Company (NDC). The SVF shall be used to match investments by selected investors in startups based in the Philippines.

The NDC and DTI shall jointly develop and issue the appropriate rules and regulations for the selection of investors and the effective management and utilization of the SVF.

The initial and succeeding appropriations for the SVF shall be proposed by the DTI, and included in the budget of the NDC under the annual General Appropriations Act.

13. Section 12 (Startup Visas) Adopted Section 10 of the Senate and House versions were adopted with modifications, to read as follows:

#### CHAPTER 3 STARTUP VISAS

SEC. 12. Startup Visas. — The Department of Foreign Affairs (DFA) shall create the following startup visas:

- a) Startup Owner Visa – for prospective or current foreign owner of startup or startup enabler registered in the Philippines;
- b) Startup Employee Visa – for foreign employee of a startup or startup enabler registered in the Philippines; and
- c) Startup Investor Visa – for prospective or current foreign investor of a startup or startup enabler registered in the Philippines.

The application for the aforementioned startup visas shall require an endorsement from a host agency, on top of visa application requirements to be stipulated by the DFA. These startup visas shall have an initial five (5) year validity and may be renewed or extended with a three (3) year validity.

Multiple-entry interim Startup Visas valid for six (6) months to one (1) year shall be issued for free to prospective startup owners, investors, or enablers upon the endorsement of the appropriate host agency.

Bearers of the Visa shall be exempt from securing an Alien Employment Permit (AEP) issued by the Department of Labor and Employment (DOLE). The DFA, Bureau of Immigration (BI), and DOLE shall promulgate the rules for the implementation of this exemption.

The DFA and BI shall develop and maintain a database for all the bearers of the Visa and their immigration records, and ensure public access to such information subject to existing rules and regulations, including on Freedom of Information and Data Privacy.

The DFA shall promulgate the rules and regulations for the issuance of the Startup Visas by Philippine Consular Officers consistent with the provisions of this Act. The DFA shall allow foreign nationals to lodge their application and claim their visa at Philippine Embassies or Consulates.

The BI shall promulgate the immigration and admission rules and regulations consistent with the provisions of this Act.

14. Section 13 (APEC Business Travel Card [ABTC]) of the reconciled version. A new section has been added, to read as follows;

SEC. 13. APEC Business Travel Card (ABTC). — Bona fide Filipino executives of qualified startups shall be eligible to apply for an ABTC, in accordance with rules and regulations to be promulgated by the DFA.

15. Section 14 (Startup Philippines Website) of the reconciled version. Adopted Section 16 of the Senate version and Section 14 of the House version with modifications, to read as follows:

#### CHAPTER 4 FINAL PROVISIONS

SEC. 14. Startup Philippines Website. — The DICT, in consultation with DTI and DOST, shall develop and maintain a website that shall serve as the primary source of information on statistics, events, programs, and benefits for startups and startup enablers and related enterprises in the Philippines not limited to those defined under this Act. This shall involve the integration of any existing websites and content on programs for startups and startup enablers implemented by the government.

This website shall at least have the following features:

- a) Online database of startups and startup



enablers, indicating basic information such as business address, founders, contact information, and funding received;

- b) Online inquiry, registration, application, and release of results for endorsements, and applications for programs, benefits, and incentives provided under this Act;
- c) Statistical information, annual reports, and studies pertinent to the implementation of this measure, and such other content in line with the goals and objectives of this Act.

The DICT shall assist and coordinate with the relevant national government agencies, and local government units, in the development of a platform or feature to facilitate online applications for pertinent government issued documents such as, but not limited to, permits, authorities, approvals, and certificates, which are necessary for the registration and operation of the startup and/or startup enabler.

- 16. Section 15 (Education Programs) of the reconciled version. A new section has been added, to read as follows:

SEC. 15. Education Programs. — The Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA) are hereby directed to develop and integrate in their respective curricula entrepreneurial programs that shall foster an environment conducive to innovation, and extend incentives to academic institutions that provide funds and/or grants for the research of their students and faculty.

- 17. Section 16 (Creations of Positions) of the reconciled version. A new section has been added, to read as follows:

SEC. 16. Creation of Positions. — The Department of Budget and Management (DBM) shall undertake the assessment and creation of positions, whether temporary or permanent, in coordination with host agencies in order to provide the administrative and technical capacity required in each host agency to undertake the implementation of the programs and benefits under this Act.

- 18. Section 17 (Appropriations) of the reconciled version. A new section has been added, to read as follows:

SEC. 17. Appropriations. — The amount necessary to carry out the initial implementation of this Act shall be sourced from the current budget of the DOST, DICT, and DTI. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the succeeding General Appropriations Act.

- 19. Section 18 (Implementing Rules and Regulations). Adopted Section 17 of the Senate version and Section 15 of the House version were adopted;
- 20. Section 19 (Separability Clause). Adopted Section 18 of the Senate version and Section 16 of the House version were adopted;
- 21. Section 20 (Repealing Clause). Adopted Section 19 of the Senate version and Section 17 House version were identical and adopted;
- 22. Section 21 (Effectivity). Adopted Section 20 of the Senate version and Section 18 of the House version with modifications, to read as follows:

SEC. 21. Effectivity. — This Act shall take effect fifteen (15) days from its complete publication in the Official Gazette and in at least one (1) newspaper of general circulation.

- 23. The title of the Senate and House version were identical and adopted as the title of the reconciled version, to read as follows:

AN ACT PROVIDING BENEFITS AND PROGRAMS TO STRENGTHEN, PROMOTE, AND DEVELOP THE PHILIPPINE STARTUP ECOSYSTEM"

In case of a conflict between the statements/amendments stated in this Joint Explanatory Statement and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

## APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Upon motion of Senator Zubiri, there being no objection, the Body approved and ratified the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1532 and House Bill No. 8862.

## CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 1597 AND HOUSE BILL NO. 8885

Upon motion of Senator Zubiri, there being no



objection, the Body considered the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1597 and House Bill No. 8885, both entitled

AN ACT INSTITUTIONALIZING THE  
GRANT OF STUDENT FARE DIS-  
COUNT PRIVILEGES ON PUBLIC  
TRANSPORTATION AND FOR  
OTHER PURPOSES.

The Chair recognized Senator Aquino to sponsor the report.

**JOINT EXPLANATION  
OF THE CONFERENCE COMMITTEE**

Senator Angara submitted to the Body the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1597 and House Bill No. 8885, or the "Student Fare Discount Privileges Act" and requested that the Joint Explanation of the Conference Committee be considered as his sponsorship speech.

Upon motion of Senator Angara, there being no objection, the Body approved the insertion of the Joint Explanation of the Conference Committee into the Record of the Senate.

*Following is the full text of the Joint Explanation of the Conference Committee:*

**JOINT EXPLANATION OF THE BICAMERAL  
CONFERENCE COMMITTEE  
ON THE DISAGREEING PROVISIONS  
OF SENATE BILL NO. 1597  
AND HOUSE BILL NO. 8885**

The Bicameral Conference Committee on the disagreeing provisions of Senate Bill No. 1597 and House Bill No. 8885 after having met and having fully discussed the said provisions, hereby report to their respective Houses the following, that:

1. The Conference Committee came out with a reconciled version that used and harmonized provisions coming from the House and Senate versions;
2. Section 1 of the House version was adopted as Section 1 of the reconciled bill, to read as:

"SECTION 1. *SHORT TITLE.* – THIS ACT SHALL BE KNOWN AS THE "STUDENT FARE DISCOUNT ACT."

3. Section 2 of the House version was adopted as Section 2 of the reconciled bill, to read as:

"SEC. 2. *DECLARATION OF POLICY.* – SECTION 1, ARTICLE XIV, OF THE 1987 CONSTITUTION STATES: "THE STATE SHALL PROTECT AND PROMOTE THE RIGHT OF ALL CITIZENS TO QUALITY EDUCATION AT ALL LEVELS, AND SHALL TAKE APPROPRIATE STEPS TO MAKE SUCH EDUCATION ACCESSIBLE TO ALL." IN ADDITION, PARAGRAPH 3, SECTION 2 OF THE SAME ARTICLE DIRECTS THE STATE TO ESTABLISH AND MAINTAIN A SYSTEM AT SCHOLARSHIP GRANTS, STUDENT LOAN PROGRAMS, SUBSIDIES, AND OTHER INCENTIVES, WHICH SHALL BE AVAILABLE TO DESERVING STUDENTS IN BOTH PUBLIC AND PRIVATE SCHOOLS, ESPECIALLY TO THE UNDERPRIVILEGED.

CONSISTENT WITH THESE CONSTITUTIONAL MANDATES, THE STATE SHALL:

- A) ESTABLISH A MECHANISM THAT ENSURES THE MANDATORY GRANT OF A STUDENT FARE DISCOUNT PRIVILEGE;
  - B) ENLIST THE COOPERATION AND SUPPORT OF PUBLIC TRANSPORTATION UTILITIES IN EXTENDING ASSISTANCE TO STUDENTS AS A SOCIAL RESPONSIBILITY THROUGH THE OBSERVANCE OF THIS PRIVILEGE; AND
  - C) ENCOURAGE STUDENTS, PARTICULARLY THE POOR AND UNDERPRIVILEGED, TO PURSUE QUALITY EDUCATION TO SECURE THEIR FUTURE AND MAKE THEM RESPONSIBLE CITIZENS."
4. Section 3 of the House version was amended and adopted as Section 3 of the reconciled bill, to read as:

"SEC. 3. *DEFINITION OF TERMS.* – AS USED IN THIS ACT:

- A) STUDENT REFERS TO ANY FILIPINO CITIZEN CURRENTLY ENROLLED IN ANY ELEMENTARY, SECONDARY, TECHNICAL AND VOCATIONAL, OR HIGHER EDUCATION INSTITUTION. THE TERM DOES NOT INCLUDE THOSE ENROLLED IN POST GRADUATE DEGREE COURSES AND INFORMAL SHORT-TERM COURSES

*met* *ys*



SUCH AS DANCING, SWIMMING, MUSIC AND DRIVING LESSONS AND SEMINAR-TYPE COURSES;

- B) PUBLIC TRANSPORTATION UTILITIES REFER TO ALL PHILIPPINE COMMON CARRIERS ENGAGED IN THE BUSINESS OF CARRYING OR TRANSPORTING PASSENGERS OR GOODS BY LAND, SEA/WATER OR AIR, FOR COMPENSATION, OFFERING THEIR SERVICES TO THE PUBLIC; AND
- C) PUBLIC TRANSPORTATION UTILITY OPERATOR REFERS TO THE PERSON OR ENTITY GRANTED WITH A CERTIFICATE OF PUBLIC CONVENIENCE BY A REGULATORY AGENCY TO OPERATE AS A COMMON CARRIER."

5. Section 4 of the House version was amended and adopted as Section 4 of the reconciled bill, to read as:

"SEC. 4. *COVERAGE*. – THIS ACT SHALL COVER ALL PUBLIC TRANSPORTATION UTILITIES SUCH AS, BUT NOT LIMITED TO, PUBLIC UTILITY BUSES (PUBS), PUBLIC UTILITY JEEPNEYS (PUJS), TAXIS AND OTHER SIMILAR VEHICLES-FOR-HIRE, TRICYCLES, PASSENGER TRAINS, AIRCRAFTS AND MARINE VESSELS. THE APPLICATION OF THIS ACT DOES NOT COVER SCHOOL SERVICE, SHUTTLE SERVICE, TOURIST SERVICE, AND ANY SIMILAR SERVICE COVERED BY CONTRACT OR CHARTER AGREEMENT AND WITH VALID FRANCHISE OR PERMIT FROM THE LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD (LTFRB).

THE FARE DISCOUNT GRANTED UNDER THIS ACT SHALL BE AVAILABLE DURING THE ENTIRE PERIOD WHILE THE STUDENT IS ENROLLED, INCLUDING WEEKENDS AND HOLIDAYS: *PROVIDED*, THAT, IN A CASE WHERE A PROMOTIONAL FARE, AS APPROVED BY THE CONCERNED REGULATORY AGENCY, IS GRANTED BY A PUBLIC TRANSPORTATION UTILITY OPERATOR, THE STUDENT SHALL HAVE THE OPTION TO CHOOSE BETWEEN THE PROMOTIONAL FARE AND THE REGULAR FARE LESS THE DISCOUNT AS PROVIDED UNDER THIS ACT."

6. Section 6 of the Senate version was amended and adopted as Section 5 of the reconciled bill, to read as:

"SEC. 5. *STUDENT FARE DISCOUNT PRIVILEGE*. – A STUDENT UNDER THIS ACT SHALL BE ENTITLED TO A GRANT OF TWENTY PERCENT (20%) DISCOUNT ON DOMESTIC REGULAR FARES, UPON PERSONAL PRESENTATION OF THEIR DULY ISSUED SCHOOL IDENTIFICATION CARDS (IDS) OR CURRENT VALIDATED ENROLLMENT FORM, SUPPORTED BY THE PRESCRIBED GOVERNMENT-ISSUED IDENTIFICATION DOCUMENT, SUBJECT TO AN APPROPRIATE VERIFICATION MECHANISM TO BE PROVIDED IN THE IMPLEMENTING RULES AND REGULATIONS (IRR): *PROVIDED*, THAT IN THE CASE OF AIR PUBLIC TRANSPORTATION UTILITIES, THE DISCOUNT SHALL ONLY APPLY TO THE BASE FARE OR THE PRICE OF THE TICKET BEFORE TAXES AND COSTS FOR ANCILLARY SERVICES."

7. Section 6 of the House version was amended and adopted as Section 6 of the reconciled bill, to read as:

"SEC. 6. *PROHIBITION ON AVAILMENT OF DOUBLE DISCOUNTS*. – THE PRIVILEGES MENTIONED IN THIS ACT SHALL NOT BE CLAIMED IF THE STUDENT CLAIMS A HIGHER DISCOUNT AS MAY BE GRANTED BY THE PUBLIC TRANSPORTATION UTILITY, OR UNDER OTHER EXISTING LAWS, OR IN COMBINATION WITH OTHER DISCOUNT PROGRAMS OR INCENTIVES."

8. Section 7 of the House version was adopted as Section 7 of the reconciled bill, to read as:

"SEC. 7. *TAX DEDUCTION*. – THE PUBLIC TRANSPORTATION UTILITY OPERATOR MAY CLAIM AS TAX DEDUCTION THE STUDENT FARE DISCOUNT HEREIN GRANTED BASED ON THE COST OF THE SERVICES RENDERED: *PROVIDED*, THAT THE COST OF THE DISCOUNT SHALL BE ALLOWED AS DEDUCTION FROM GROSS INCOME FOR THE SAME TAXABLE YEAR THAT THE DISCOUNT IS GRANTED: *PROVIDED*, FURTHER, THAT THE TOTAL AMOUNT OF THE TAX DEDUCTION NET OF VALUE-ADDED TAX, IF APPLICABLE, SHALL BE INCLUDED IN THEIR GROSS SALES RECEIPTS FOR TAX PURPOSES AND SHALL BE SUBJECT TO PROPER DOCUMENTATION AND TO THE



PROVISIONS OF THE NATIONAL INTERNAL REVENUE CODE, AS AMENDED."

9. Section 8 of the House version was adopted as Section 8 of the reconciled bill, to read as:

"SEC. 8. *ADDITIONAL RELIEF OR SUPPORT FOR THE PUBLIC TRANSPORTATION UTILITY OPERATOR AND DRIVER.* – THE FOREGOING PROVISION NOTWITHSTANDING, THE APPROPRIATE GOVERNMENT AGENCIES IN CHARGE OF REGULATING THE FARES, ESPECIALLY FOR PUBLIC LAND TRANSPORTATION, MAY DETERMINE AND PROVIDE UNDER THE IMPLEMENTING RULES AND REGULATIONS OF THIS ACT OTHER ALTERNATIVE WAYS, SUCH AS, BUT NOT LIMITED TO, REDUCTION OR EXEMPTION FROM SOME REGULATORY FEES AND CHARGES, TO PROVIDE ADDITIONAL RELIEF OR SUPPORT FOR THE BENEFIT OF PUBLIC TRANSPORTATION UTILITY OPERATORS, INCLUDING THE DRIVERS, WITH THE END VIEW OF MITIGATING THE IMPACT OF THE DISCOUNT GIVEN."

10. Section 9 of the House version was adopted as Section 9 of the reconciled bill, to read as:

"SEC. 9. *FILING OF COMPLAINTS.* – A STUDENT WHO IS REFUSED THE FARE DISCOUNT PRIVILEGE UNDER THIS ACT MAY FILE A COMPLAINT WITH:

- A) THE LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD (LTFRB) FOR LAND PUBLIC TRANSPORTATION UTILITIES, EXCEPT TRICYCLES;
- B) THE MARITIME INDUSTRY AUTHORITY (MARINA) FOR SEA/WATER PUBLIC TRANSPORTATION UTILITIES;
- C) THE CIVIL AERONAUTICS BOARD (CAB) FOR AIR PUBLIC TRANSPORTATION UTILITIES;
- D) THE LEGAL SERVICE OF THE DEPARTMENT OF TRANSPORTATION FOR RAIL PUBLIC TRANSPORTATION FACILITIES, INCLUDING THE MANILA LIGHT RAIL TRANSIT SYSTEM, THE MANILA METRO RAIL TRANSIT SYSTEM AND THE PHILIPPINE NATIONAL RAILWAY SYSTEM; AND
- E) THE OFFICE OF THE LOCAL CHIEF EXECUTIVE OF THE LOCAL GOVERNMENT UNIT CONCERNED FOR TRICYCLES.

THESE AGENCIES AND OFFICES ARE HEREBY AUTHORIZED TO IMPOSE THE PENALTIES PROVIDED FOR IN SECTION 11 OF THIS ACT TO PUBLIC TRANSPORTATION UTILITIES THAT REFUSE OR FAIL TO GRANT THE STUDENT FARE DISCOUNT PRIVILEGE."

11. Section 10 of the Senate version was amended and adopted as Section 10 of the reconciled bill, to read as:

"SEC. 10. *PENALTIES.* – AFTER DUE INVESTIGATION AND FINDING THE COMPLAINT AGAINST ANY PUBLIC TRANSPORTATION UTILITY TO BE TRUE AND VALID, THE FOLLOWING PENALTIES SHALL BE IMPOSED AS HEREIN SPECIFIED:

- a) FOR LAND PUBLIC TRANSPORTATION UTILITIES, INCLUDING TRICYCLES:

THE DRIVER SHALL SUFFER THE PENALTY OF SUSPENSION OF DRIVER'S LICENSE FOR:

- 1) ONE (1) MONTH FOR THE FIRST OFFENSE;
- 2) TWO (2) MONTHS FOR THE SECOND OFFENSE;
- 3) THREE (3) MONTHS FOR THE THIRD OFFENSE; AND
- 4) THREE (3) MONTHS PLUS A FINE OF ONE THOUSAND PESOS (P1,000.00) FOR EACH SUBSEQUENT OFFENSE.

FOR THE OWNER OR OPERATOR OF THE LAND PUBLIC TRANSPORTATION UTILITY: A FINE OF FIVE THOUSAND PESOS (P5,000) FOR THE FIRST OFFENSE; A FINE OF TEN THOUSAND PESOS (P10,000) AND IMPOUNDING OF UNIT FOR THIRTY (30) DAYS FOR THE SECOND OFFENSE; AND A FINE OF FIFTEEN THOUSAND PESOS (P15,000) AND CANCELLATION OF CERTIFICATE OF PUBLIC CONVENIENCE (CPC) FOR THE THIRD AND SUBSEQUENT OFFENSES;

- b) FOR SEA/WATER PUBLIC TRANSPORTATION UTILITIES:

THE OWNER OR OPERATOR OF THE SEA/WATER PUBLIC TRANS-

*per* *yes*



PORTATION UTILITY RESPONSIBLE FOR THE REFUSAL OR FAILURE SHALL BE PENALIZED WITH A FINE OF:

- 1) FIVE THOUSAND PESOS (P5,000.00) FOR THE FIRST OFFENSE;
  - 2) TEN THOUSAND PESOS (P10,000.00) FOR THE SECOND OFFENSE;
  - 3) TWENTY THOUSAND PESOS (P20,000.00) FOR THE THIRD OFFENSE; AND
  - 4) ADDITIONAL INCREMENTS OF TEN THOUSAND PESOS (P10,000.00) ON TOP OF THE FINE FOR THE THIRD OFFENSE FOR EACH SUBSEQUENT OFFENSE.
- c) FOR AIR PUBLIC TRANSPORTATION UTILITIES: A FINE OF FIFTY THOUSAND PESOS (P50,000) FOR THE FIRST OFFENSE; A FINE OF ONE HUNDRED THOUSAND PESOS (P100,000) AND A WARNING FOR THE SECOND OFFENSE; AND A FINE OF ONE HUNDRED FIFTY THOUSAND PESOS (P150,000) AND OTHER SANCTIONS AS MAY BE DETERMINED BY CAB, FOR THE THIRD AND SUBSEQUENT OFFENSES;
- d) FOR RAIL PUBLIC TRANSPORTATION UTILITIES: ALL RAIL PUBLIC TRANSPORTATION UTILITIES ARE MANDATED TO OBSERVE THE AFORESAID FARE DISCOUNT PRIVILEGE AND DESIGNATE A STUDENT/SENIOR CITIZEN FARE BOOTH IN THEIR BOARDING STATIONS. VIOLATIONS THEREOF SHALL BE SANCTIONED OR FINED UNDER THE EXISTING CIVIL SERVICE RULES. FOR PRIVATELY-OPERATED RAIL PUBLIC TRANSPORTATION UTILITIES, THE AMOUNT OF FINES PRESCRIBED UNDER SUB-PARAGRAPH (B) OF THIS SECTION SHALL APPLY, TO BE IMPOSED BY THE DOTR.

UPON FILING OF AN APPROPRIATE COMPLAINT, AND AFTER DUE NOTICE AND HEARING, THE PROPER AUTHORITIES IN SUBPARAGRAPHS (B), (C), AND (D), WITH RESPECT TO PRIVATE RAILWAYS, OF THIS SECTION MAY ALSO CAUSE THE CANCELLATION OR REVOCATION OF CPC, PERMIT TO OPERATE,

FRANCHISE, LICENSES AND OTHER PRIVILEGES GRANTED TO THE TRANSPORTATION UTILITIES WHO FAIL TO COMPLY WITH THE PROVISIONS OF THIS ACT."

12. Section 11 of the Senate version was adopted as Section 11 of the reconciled bill, to read as:

"SEC. 11. *USE OF FALSIFIED IDENTIFICATION DOCUMENTS AND MISREPRESENTATION.* – ANY PERSON WHO AVAILS OR ATTEMPTS TO AVAIL OF THE PRIVILEGES UNDER THIS ACT THROUGH THE USE OF FALSIFIED IDENTIFICATION DOCUMENTS, FRAUD OR ANY FORM OF MISREPRESENTATION SHALL BE DENIED SAID PRIVILEGES AND MAY BE SUBJECT TO CIVIL AND PENAL LIABILITIES PRESCRIBED BY LAW."

13. Section 12 of the House version was adopted as Section 12 of the reconciled bill, to read as:

"SEC. 12. *IMPLEMENTING RULES AND REGULATIONS.* – WITHIN NINETY (90) DAYS FROM THE EFFECTIVITY OF THIS ACT, THE LTFRB FOR LAND TRANSPORT, MARINA FOR SEA/WATER TRANSPORT, CAB FOR AIR TRANSPORT AND THE DEPARTMENT OF TRANSPORTATION FOR RAIL TRANSPORT SHALL RESPECTIVELY PROMULGATE THE IMPLEMENTING RULES AND REGULATIONS COVERING THEIR SECTORS, TAKING INTO CONSIDERATION THE GOVERNMENT CENTRAL IDENTIFICATION PLATFORM, IN CONSULTATION WITH THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, DEPARTMENT OF FINANCE, BUREAU OF INTERNAL REVENUE, DEPARTMENT OF EDUCATION, COMMISSION ON HIGHER EDUCATION, TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY, PHILIPPINE STATISTICS AUTHORITY, OTHER CONCERNED GOVERNMENT AGENCIES, PUBLIC TRANSPORTATION UTILITY OPERATORS AND STAKEHOLDERS."

14. Section 13 of the House version was adopted as Section 13 of the reconciled version, to read as:

"SEC. 13. *SEPARABILITY CLAUSE.* – IF ANY PORTION OR PROVISION OF THIS ACT IS DECLARED INVALID OR UNCONSTITUTIONAL, THE PROVISIONS NOT AFFECTED THEREBY SHALL REMAIN IN FULL FORCE AND EFFECT."

*pet* *ms*



15. Section 14 of House version was amended and adopted as Section 14 of the reconciled bill, to read as:

"SEC. 14. *REPEALING CLAUSE*. – ALL LAWS, DECREES, EXECUTIVE ORDERS, PROCLAMATIONS, RULES AND REGULATIONS, AND OTHER ISSUANCES OR PARTS THEREOF THAT ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT ARE HEREBY REPEALED OR MODIFIED ACCORDINGLY."

16. Section 15 of the House version was adopted as Section 15 of the reconciled bill, to read as:

"SEC. 15. *EFFECTIVITY*. – THIS ACT SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER ITS PUBLICATION IN THE OFFICIAL GAZETTE OR IN A NEWSPAPER OF GENERAL CIRCULATION."

17. Finally, on the title of the reconciled bill, the conferees agreed to adopt the title to read as:

"AN ACT INSTITUTIONALIZING THE GRANT OF STUDENT FARE DISCOUNT PRIVILEGES ON PUBLIC TRANSPORTATION AND FOR OTHER PURPOSES"

In case of conflict between the statements/ amendments stated in this Joint Explanation and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

## **APPROVAL OF THE CONFERENCE COMMITTEE REPORT**

Upon motion of Senator Zubiri, there being no objection, the Body approved and ratified the conference committee report on the disagreeing provisions of Senate Bill No. 1597 and House Bill No. 8885.

## **COMMITTEE REPORT NO. 392 ON SENATE BILL NO. 1826**

*(Continuation)*

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1826 (Committee Report No. 392), entitled

AN ACT STRENGTHENING WORKERS RIGHT TO SECURITY OF TENURE, AMENDING FOR THE PURPOSE ARTICLES 106, 107, 108, AND 109 OF

BOOK III, AND ARTICLES 294 [279], 295 [280], 296 [281], AND 297 [282] OF BOOK VI OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, AS AMENDED.

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

Thereupon, the Chair recognized Senator Villanueva, sponsor of the measure.

## **TERMINATION OF THE PERIOD OF INTERPELLATIONS**

There being no interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations.

## **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1826**

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

## **SPECIAL ORDER**

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 652 on House Bill No. 8700 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## **COMMITTEE REPORT NO. 652 ON HOUSE BILL NO. 8700**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, House Bill No. 8700 (Committee Report No. 652), entitled

AN ACT DECLARING DECEMBER 27 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE CITY OF BAYBAY, PROVINCE OF LEYTE, IN CELEBRATION OF ITS "BINAYBAYON FESTIVAL."

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, with the permission of the Body, upon motion of Senator Zubiri, only the title of the bill was

*mb* *ms*



The Chair recognized Senator Angara for the sponsorship.

#### **SPONSORSHIP SPEECH OF SENATOR ANGARA**

Senator Angara, on behalf of the Committee on Local Government, submitted for plenary consideration House Bill No. 8700, entitled "An Act Declaring December 27 of Every Year a Special Nonworking Holiday in the City of Baybay, Province of Leyte, in Celebration of its "Binaybayon Festival," under Committee Report No. 652. He stated that the rationale behind the Committee's recommendation to declare December 27 as a special nonworking holiday in the City of Baybay, Leyte, is to allow Baybay City to enjoy the legal largesse to celebrate the Binaybayaon on December 27.

He said that the Committee, in recommending the approval of local bills, was guided by the following criteria:

- It is the founding anniversary or charter day of the LGU concerned;
- It involves honoring of a hero revered in the locality;
- It involves commemoration of an event with historical or cultural importance, subject to the favorable endorsement of the NHCP; or,
- The number of existing legislated non-working holidays in the locality does not exceed two.

He said that the proposal for the Binaybayon Festival adhered to the aforesaid criteria. He then urged the Senate to pass this measure, allowing Baybay City to celebrate its local identity and history, which, in turn, adds richness and depth to our culture as a country.

#### **SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 8700**

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

#### **SPECIAL ORDER**

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 657 on House Bill No. 8654

from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 657 ON HOUSE BILL NO. 8654**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, House Bill No. 8654 (Committee Report No. 657), entitled

#### **AN ACT MANDATING PUBLIC AND PRIVATE EDUCATIONAL INSTITU- TIONS TO PROVIDE THE APPRO- PRIATE ARMCHAIRS TO LEFT- HANDED STUDENTS.**

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

#### **MANIFESTATION OF SENATOR ANGARA**

Senator Angara stated that he was sponsoring the bill on behalf of Senator Escudero, chairperson of the Committee on Education, Arts and Culture. Thereafter, he requested that the explanatory note on House Bill No. 8654 be made as Senator Escudero's sponsorship speech.

#### **SPONSORSHIP SPEECH OF SENATOR ESCUDERO**

At the instance of Senator Escudero, upon motion of Senator Angara, there being no objection, the Body approved the insertion of the Explanatory Note of House Bill No. 8654 as Senator Escudero's sponsorship speech.

*The Explanatory Note of House Bill No. 8654 follows:*

About 10% of the world population is left-handed and every day, they struggle to live in a right-handed world.

This bill aims to promote the equal development of student by requiring educational institu-

*r*



tions all over the country to provide left-handed armchairs. Currently, left-handed students are left without a choice but to work with right-handed armchairs.

According to studies, a right-handed armchair does not offer left-handed students arm support that right-handed students enjoy, causing back, neck, and shoulder pain to left-handed students. The inefficient and awkward writing position that some left-handers must adopt in this kind of armchair likewise causes slower handwriting, placing many left-handed students at a real disadvantage on important timed examinations. Left-handed students are thus placed at a learning handicap. Indeed, it is high time that we address the plight of our left-handed students by providing left-handed armchairs.

This bill is a counterpart of House Bill No. 7109 filed by Rep. Cristina "Chiqui" Roa-Puno.

In view of the foregoing, the immediate passage of this bill is earnestly sought.

#### **SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 8654**

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

#### **SPECIAL ORDERS**

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of the following bills from the Calendar for Ordinary Business to the Calendar for Special Orders:

1. Committee Report No. 654 on House Bill No. 6798;
2. Committee Report No. 655 on House Bill No. 6799; and
3. Committee Report No. 656 on House Bill No. 6800.

#### **COMMITTEE REPORT NO. 654 ON HOUSE BILL NO. 6798**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, House Bill No. 6798 (Committee Report No. 654), entitled

**AN ACT DECLARING THE CANDON CITY ECOTOURISM ZONE LOCATED IN BARANGAY PALACAPAC, BARANGAY SAN ANDRES, BARANGAY CUBCUBBUOT AND BARANGAY AMGUID IN THE CITY OF CANDON, PROVINCE OF ILOCOS SUR A TOURIST DESTINATION, PROVIDING FOR ITS DEVELOPMENT AND APPROPRIATING FUNDS THEREFOR;**

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

#### **SPONSORSHIP SPEECH OF SENATOR BINAY**

Senator Binay requested that her sponsorship speech on House Bill No. 6798, otherwise known as "Candon City Ecotourism Zone" under Committee Report No. 654, be deemed inserted and read into the Record of the Senate.

*The full text of her speech follows:*

I rise today to sponsor House Bill No. 6798, or "An Act Declaring the Candon City Ecotourism Zone located in Barangay Palacapac, Barangay San Andres, Barangay Cubcubbout and Barangay Amguid in the City of Candon, Province of Ilocos Sur a Tourist Destination, Providing for its Development and Appropriating Funds therefor" under Committee Report No. 654.

This measure was introduced in the House of Representatives by our colleagues, Representative Eric Singson of the Second District of Ilocos Sur, and then Davao City First District Representative Karlo Alexei Nograles.

Last year, our country recorded 7.1 million foreign tourist arrivals—a rise of 7.65% from 2017's 6.6 million arrivals. This number was achieved despite the closure of Boracay for six months. *Ang pagsasarado ng Boracay ay nagbigay-daan upang mapansin at mabisita ang iba pang tourist destinations sa ating bansa. Ito rin ay nagbukas ng oportunidad*

*rs*



*upang ma-develop o gumawa ng plano upang ma-develop ang iba pang mga lugar sa Pilipinas.*

*Isa sa mga lugar na umaasang magiging regular na dayuhin ng mga turista ay ang lungsod ng Candon sa lalawigan ng Ilocos Sur, partikular na ang Candon City Ecotourism Zone. A sprawling 395.25 hectare plot of land, the Zone is planted with more than 10,000 trees, including fruit-bearing ones. Ito ay dulot ng taunang tree planting activity na ginawa ng lungsod mula pa noong 2005 na tinatawag na "Fiesta ti Bantay" o Feast of the Forest.*

The topmost part of the Zone overlooks most of the city's barangays, including the city hall and parts of the national highway. The Zone also has the potential to boost the eco- and agri-tourism sector of the city and the province especially since the city can be a convergence area also for the towns of Santa Lucia, Salcedo, and Galimuyod.

It is also the aim of House Bill No. 6798 that the ecotourism zone could be legally protected and preserved not only for the present, but also for the benefit of future generations to come. The bill seeks the improvement of the general and specific features of the area through the construction, installation, and maintenance of proper facilities and infrastructure. These can be done via the crafting and implementation of a tourism development plan by the Department of Tourism with the support of the local government units and other concerned government agencies.

The proposed law also seeks to preserve and conserve the environment and historical significance of the area using the principles of ecotourism.

*Umaasa po ang mahigit 60,000 na residente ng Candon City, Ilocos Sur na sa pagpasa ng panukalang batas na ito ay magkakaroon sila ng bagong oportunidad upang magkaroon ng trabaho at umangat ang antas ng pamumuhay. Nais din po nilang matulad sa ibang panig ng Pilipinas na positibong binago ng turismo, at ng direct at indirect benefits nito ang mga buhay ng ating mga kababayan.*

It is through our help that this aspiration of a better life could be realized, as well as protecting the environment and opening more destinations to tourists.

It is in this light that I urge my fellow government workers here in the Senate to support and approve House Bill No. 6798.

## **SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 6798**

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

## **COMMITTEE REPORT NO. 655 ON HOUSE BILL NO. 6799**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, House Bill No. 6799 (Committee Report No. 655), entitled

### **AN ACT DECLARING SANTIAGO COVE IN THE MUNICIPALITY OF SANTIAGO, PROVINCE OF ILOCOS SUR A TOURIST DESTINATION, PROVIDING FOR ITS DEVELOP- MENT AND APPROPRIATING FUNDS THEREFOR.**

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

## **SPONSORSHIP SPEECH OF SENATOR BINAY**

Senator Binay requested that her sponsorship speech on House Bill No. 6799, otherwise known as "Santiago Cove as Tourist Destination" under Committee Report No. 655, be deemed inserted and read into the Record of the Senate.

*The full text of her speech follows:*

*Narito po ako upang mag-sponsor ng House Bill No. 6799, or "An Act Declaring Santiago Cove in the Municipality of Santiago, Province of Ilocos Sur a Tourist Destination, Providing for its Development and Appropriating Funds therefor" na nasa Committee Report No. 655.*

*Ang panukalang batas na ito ay inakda ng ating mga kasama sa House of Representatives na sina Congressman Eric Singson ng ikalawang distrito ng Ilocos Sur, at ni noong Congressman Karlo Alexei Nograles ng unang distrito ng Davao City.*

*P*



*Ang munisipalidad ng Santiago, Ilocos Sur ay isang fourth class municipality na may populasyon na mahigit 18,000 katao. Ito ay maaaring marating mula sa Senado sa loob lamang ng anim hanggang pitong oras sa pamamagitan ng North Luzon, Subic–Clark–Tarlac, at Tarlac–Pangasinan–La Union expressways. Ang Barangay Sabangan kung nasaan ang Santiago Cove ay 10 minutes lang mula sa Manila North Road; 30 minutes mula sa Candon City; at 45 minutes mula sa Vigan.*

*Tinaguriang Boracay of Ilocos Sur ang Santiago Cove dahil sa puting buhangin nito. The coast is almost a kilometer long while the cove covers an area of 800.25 hectares. A number of private commercial establishments and resorts are located in the cove.*

*Maraming mga magagandang tanawin at makasaysayang lugar ang Ilocos Sur. Ngunit wala ito, maliban siguro sa lungsod ng Vigan, sa karaniwang itinerary ng mga turista.*

*Nais ng House Bill No. 6799 na maideklarang tourist destination ang Santiago Cove at ma-promote sa mga turista.*

*Layunin din nito na maprotektahan at mapangalagaan ang likas na yaman na ito upang magamit hindi lamang ngayon kundi pati na rin ng mga susunod na salinlahi sa pamamagitan ng pagsunod sa konsepto ng ecotourism at paggawa ng isang tourism development plan. The tourism development plan will ensure that the facilities and amenities are appropriate and necessary for the tourists.*

As chair of the Committee on Tourism, I firmly believe that tourism is a tool to give our fellow Filipinos a better life. By generating economic and livelihood opportunities, tourism can positively change the lives of community members in tourism sites.

I urge my colleagues to support this bill and bring about progress and development to our kababayans in Santiago, Ilocos Sur.

#### **SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 6799**

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

#### **COMMITTEE REPORT NO. 656 ON HOUSE BILL NO. 6800**

Upon motion of Senator Zubiri, there being no

objection, the Body considered, on Second Reading, House Bill No. 6800 (Committee Report No. 656), entitled

#### **AN ACT DECLARING PINSAL FALLS IN THE MUNICIPALITY OF SANTA MARIA, PROVINCE OF ILOCOS SUR A TOURIST DESTINATION, PROVID- ING FOR ITS DEVELOPMENT AND APPROPRIATING FUNDS THEREFOR.**

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

#### **SPONSORSHIP SPEECH OF SENATOR BINAY**

Senator Binay presented for plenary consideration House Bill No. 6799 otherwise known as "Pinsal Falls as Tourist Destination" under Committee Report No. 655, be deemed inserted and read into the Record of the Senate.

*The following is the full text of her speech:*

As chair of the Senate Committee on Tourism, I rise to sponsor House Bill No. 6800, or "An Act Declaring Pinsal Falls in the Municipality of Santa Maria, Province of Ilocos Sur a Tourist Destination, Providing for its Development and Appropriating Funds therefor," under Committee Report No. 656.

*Layunin ng panukalang batas na ito na inakda nina Ilocos Sur second district Representative Eric Singson at noon ay Davao City first district Congressman Karlo Alexei Nograles na mabigyang prayoridad ng Department of Tourism ang development ng Pinsal Falls sa munisipalidad ng Santa Maria, Ilocos Sur.*

*Ang Pinsal Falls ay may taas na 85 feet at matatagpuan sa Barangay Baballasioan sa nasabing bayan. Ang falls ay 45 minutes ang layo mula sa municipal hall ng Santa Maria. Ito rin ay maaaring marating mula sa bayan ng Pilar, Abra.*

*Upang marating ang tuktok ng falls, kailangang akyat ang mga steps na ginawa*



*sa gilid ng burol. May dalawang catch basin sa ilalim ng falls na bumabagsak mula sa isang makipot na gorge. May kweba rin na makikita sa likod ng main waterfall.*

A number of natural pools can be found at the top of the falls, while salty water drips down from a point in the southern hillside. There is also a hot spring in the area, where the water is hot enough to boil an egg.

*May potensyal ang Pinsal Falls na maging isang ecotourism site, kung kaya't nararapat lamang na maprotektahan at mapangalagaan. Nais ng House Bill No. 6800 na magkaroon ng isang tourism development plan upang masiguro na ang construction, installation, at maintenance ng mga pasilidad at amenities ay angkop at nararapat.*

*Dapat ding siguruhin na ito ay alinsunod sa konsepto ng ecotourism na nasa National Ecotourism Strategy ng Department of Environment and Natural Resources (DENR) at ng DOT.*

*Noong isang taon, mahigit 7.1 milyong foreign visitors ang naitala ng DOT na bumisita sa ating bansa. Ito ay dahil na rin sa paghihimok ng ating pamahalaan na bisitahin ang iba pang mga magagandang tanawin ng Pilipinas.*

*Nakakasiguro ang inyong lingkod na sa tamang development at promosyon, marami pang mga tourist destinations ang mapapagpilian at mapupuntahan ng mga turista sa mga susunod pang mga taon, kasama na ang Pinsal Falls.*

*Patuloy po tayong naniniwala sa mga positibong benepisyo ng turismo na maidudulot sa buhay ng bawat Pilipino. Ang ating samasamang pagkilos, lalo na ang pagsuporta ng ating mga kasama rito sa Senado, ay isang malaking hakbang upang masiguro na makakarating ang mga oportunidad na ito sa ating kapwa Pilipino.*

## **SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 6800**

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

## **SUSPENSION OF SESSION**

Upon motion of Senator Zubiri, the session was suspended.

*It was 10:19 p.m.*

## **RESUMPTION OF SESSION**

At 10:20 p.m., the session was resumed.

## **SPECIAL ORDER**

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 653 on Senate Bill No. 660 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## **COMMITTEE REPORT NO. 653 ON SENATE BILL NO. 660**

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 660 (Committee Report No. 653), entitled

**AN ACT AMENDING REPUBLIC ACT  
NO. 7227, AS AMENDED BY REPUBLIC  
ACT NO. 9400, OTHERWISE KNOWN  
AS THE BASES CONVERSION AND  
DEVELOPMENT ACT OF 1992.**

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

## **SPONSORSHIP SPEECH OF SENATOR GORDON**

Senator Gordon presented for plenary consideration Senate Bill No. 660 under Committee Report No. 653, entitled "An Act Amending Republic Act No. 7227, as amended by Republic Act No. 9400, otherwise known as the Bases Conversion and Development Act of 1992."

He said that the bill would give recognition and justice to the people who volunteered in Subic when the Americans withdrew from the base, to the people of Subic Bay in Olongapo who took a leap of faith to volunteer and lobby in Congress until the Subic Bay Metropolitan Authority (SBMA) was created by virtue of Republic Act No. 7227. Sadly, he lamented, the previous administration abandoned the spirit of the law and filled the agency with political appointees.

*rs*



Senator Gordon stated that Republic Act No. 7277 identified Subic and the town and city of Olongapo as freeports and special economic zones while Castillejos and San Marcelino are considered as the other special economic zone along with Morong, Hermosa and Dinalupihan in Bataan. He said that the freeport thrived inside Subic Bay and generated employment for people, even those residing outside of Subic. However, he lamented that 27 years had passed and yet the vision of extending the Subic Bay freeport up to Subic town until the boundary of Castillejos and Olongapo has yet to be realized even though it has become a necessity considering the entry of new establishments around the area.

One of the objectives of the bill, he said, is to take the progress inside the base out of the gates through the creation of tax regime inside Olongapo City and the town of Subic which would be different from that of the freeport since only a five (5%) final tax would be paid in lieu of other national or local taxes.

He noted that previously, the revenue sharing was 3% for the national government, and 2% for the local government until the percentage sharing became bigger because of the inclusion of other towns. In contrast, he stated that the bill proposes a revenue sharing of 2% for local government which would be divided according to population, land area and equal sharing, 1% for national government, and 2% for SBMA.

Senator Gordon stated that the same tax regime would also be arranged for Clark wherein 1% goes to the national government, 1% for the local government, and 2% for Clark Special Economic Zone, thus permitting a certain sum as revolving capital.

He also recalled that when the BCDA law was amended sometime in 2008, Clark Field was made into a freeport by President Ramos until Congress converted it into a special economic zone, including Baguio and Poro Point which enabled them to save the investments at the time. Regrettably, he said that the economic growth of the Subic area was adversely affected by amendments to the law that lessened fiscal incentives for investors there while adding more to those doing business in Clark Field. He believed that the proposed revenue sharing scheme of Senate Bill No. 660 is essential to sustain the development of Subic and the rest of Region III.

Senator Gordon pointed out that the conflict between China and the United States has prompted

several Taiwanese companies, particularly banks, to relocate operations to the Philippines. Hence, he believed that the passage of the RIICH bill would enhance competition not only in Clark and Subic but also in the entire Region III, providing a chance for urban development which is much needed not only in Olongapo but also in other towns and provinces of Central Luzon including Tarlac, Pampanga and Bataan. He further added that with the Authority of the Freeport area of Bataan (AFAB) amendment, there would be vibrancy in the region stemming from the improvement and construction of airports and seaports as well as the new highway connectivity which would boost investments all the way to Bulacan.

Senator Gordon underscored the importance of passing the bill in preparation for future challenges. He expressed support for any region that has local initiative as he believed that the proximity of the special economic zone to Manila would not only help decongest Manila's traffic but also disperse industries in the area due to its seaports and airports as well as open a new regime to bring in more capital that can be reinfused by the SBMA, Olongapo City, and the towns of Subic, Castillejos, San Marcelino, Morong, Hermosa, and Dinalupihan. He envisioned setting up a gate at Layac, Dinalupihan so that the SCTEX and the Olongapo-Gapan Highway would become bridges for employment and livelihood.

In closing, Senator Gordon appealed to his colleagues, on behalf of the people of Olongapo, to pass the measure when Congress resumes sessions in May.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2207**

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

#### **SUSPENSION OF SESSION**

Upon motion of Senator Zubiri, the session was suspended.

*It was 10:37 p.m.*

#### **RESUMPTION OF SESSION**

At 10:38 p.m., the session was resumed.



## SPECIAL ORDERS

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of the following to the Calendar for Special Orders:

1. Committee Report No. 640 on House Bill No. 5906;
2. Committee Report No. 641 on House Bill No. 6580;
3. Committee Report No. 642 on House Bill no. 3492;
4. Committee Report No. 643 on House Bill No. 1542;
5. Committee Report No. 644 on House Bill No. 1840;
6. Committee Report No. 645 on House Bill No. 286;
7. Committee Report No. 646 on House Bill No. 3443;
8. Committee Report No. 647 on House Bill No. 2433;
9. Committee Report No. 648 on House Bill No. 652;
10. Committee Report No. 649 on House Bill No. 7365;
11. Committee Report No. 650 on House Bill No. 7367; and
12. Committee Report No. 651 on House Bill No. 7405.

## BILLS CREATING ADDITIONAL BRANCHES OF REGIONAL TRIAL COURTS

Upon motion of Senator Zubiri, there being no objection, the following House bills were considered on Second Reading, one after the other:

1. House Bill No. 5906 (Committee Report No. 640), entitled

AN ACT CREATING AN ADDITIONAL BRANCH OF THE REGIONAL TRIAL COURT TO BE STATIONED IN THE MUNICIPALITY OF BONGABONG AND FOUR (4) ADDITIONAL BRANCHES OF THE MUNICIPAL TRIAL COURT TO BE STATIONED IN THE MUNICIPALITIES OF BANSUD,

BULALACAO, GLORIA, AND MANSALAY, ALL IN THE PROVINCE OF ORIENTAL MINDORO, AMENDING FOR THE PURPOSE SECTION 14(E) AND SECTION 30 OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS THE JUDICIARY REORGANIZATION ACT OF 1980, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR;

2. House Bill No. 6580 (Committee Report No. 641), entitled

AN ACT CREATING FOUR (4) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE NINTH JUDICIAL REGION TO BE STATIONED AT ZAMBOANGA CITY AND APPROPRIATING FUNDS THEREFOR AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (J) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980", AS AMENDED;

3. House Bill No. 3492 (Committee Report No. 642), entitled

AN ACT CREATING THREE (3) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE THIRD JUDICIAL REGION TO BE STATIONED AT MACABEBE, PAMPANGA, FURTHER AMENDING FOR THE PURPOSE SECTION 14(C) OF BATAS PAMBANSA BILANG 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980", AS AMENDED, AND APPROPRIATING FUNDS THEREFOR;

4. House Bill No. 1542 (Committee Report No. 643), entitled

AN ACT CREATING TWO (2) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE PROVINCE OF SULTAN KUDARAT, ONE EACH TO BE STATIONED IN THE MUNICIPALITY OF ISULAN AND TACURONG CITY, FURTHER AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH 9M) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS THE "JUDICIARY REORGANIZATION ACT OF 1980," AND APPROPRIATING FUNDS THEREFOR;



5. House Bill No. 1840 (Committee Report No. 6440), entitled

AN ACT CREATING AN ADDITIONAL BRANCH OF THE REGIONAL TRIAL COURT IN THE 3<sup>RD</sup> DISTRICT OF ZAMBOANGA DEL NORTE, TO BE STATIONED IN THE MUNICIPALITY OF LILOY; AMENDING FOR THE PURPOSE, SECTION 14, PARAGRAPH (J) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS THE "JUDICIARY REORGANIZATION ACT OF 1980" AND APPROPRIATING FUNDS THEREFOR.

6. House Bill No. 286 (Committee Report No. 645), entitled

AN ACT CREATING AN ADDITIONAL BRANCH OF THE REGIONAL TRIAL COURT IN THE PROVINCE OF MOUNTAIN PROVINCE TO BE STATIONED IN THE MUNICIPALITY OF PARACELIS, AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (A) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980", AS AMENDED, AND APPROPRIATING FUNDS THEREFOR;

7. House Bill No. 3443 (Committee Report No. 646), entitled

AN ACT CREATING AN ADDITIONAL BRANCH OF THE REGIONAL TRIAL COURT IN THE FIRST JUDICIAL REGION TO BE STATIONED IN THE MUNICIPALITY OF ASINGAN, PROVINCE OF PANGASINAN, FURTHER AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (A) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS THE JUDICIARY REORGANIZATION "ACT OF 1980", AS AMENDED, AND APPROPRIATING FUNDS THEREFOR;

8. House Bill No. 2433 (Committee Report No. 647), entitled

AN ACT CREATING TWO (2) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE PROVINCE OF BATANGAS TO BE STATIONED IN THE MUNICIPALITIES OF STO. TOMAS AND AGONCILLO, AMENDING FOR THE PURPOSE SECTION 14(E) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY

REORGANIZATION ACT OF 1980", AS AMENDED, AND APPROPRIATING FUNDS THEREFOR;

9. House Bill No. 652 (Committee Report No. 648) entitled

AN ACT CREATING AN ADDITIONAL BRANCH OF THE REGIONAL TRIAL COURT IN OZAMIZ CITY, CONVERTING THE MUNICIPAL CIRCUIT TRIAL COURT COVERING THE MUNICIPALITIES OF CLARIN AND TUDELA INTO THE MUNICIPAL TRIAL COURT OF CLARIN, AND CREATING A NEW MUNICIPAL CIRCUIT TRIAL COURT OF CLARIN, AND CREATING A NEW MUNICIPAL CIRCUIT TRIAL COURT COVERING THE MUNICIPALITIES OF SINACABAN AND TUDELA, ALL IN THE SECOND LEGISLATIVE DISTRICT OF THE PROVINCE OF MISAMIS OCCIDENTAL, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS THE JUDICIARY REORGANIZATION ACT OF 1980;

10. House Bill No. 7365 (Committee Report No. 649), entitled

AN ACT CREATING FOUR (4) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE FOURTH JUDICIAL REGION TO BE STATIONED IN SAN PABLO CITY, PROVINCE OF LAGUNA, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE SECTION 14 (E) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980" AS AMENDED;

11. House Bill No. 7367 (Committee Report No. 650), entitled

AN ACT CREATING TWO (2) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT AND ONE (1) ADDITIONAL BRANCH OF THE MUNICIPAL TRIAL COURT IN CITIES IN THE FOURTH JUDICIAL REGION, TO BE STATIONED IN THE CITY OF SANTA ROSA, PROVINCE OF LAGUNA, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE SECTION 14 (E) AND



SECTION 29 OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980", AS AMENDED; and

12. House Bill No. 7405 (Committee Report No. 651), entitled

AN ACT CREATING TWO (2) ADDITIONAL BRANCHES OF THE MUNICIPAL TRIAL COURT IN CITIES FOR BINAN CITY IN THE FOURTH JUDICIAL REGION, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE SECTION 29 OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS "THE JUDICIARY REORGANIZATION ACT OF 1980", AS AMENDED;

### MANIFESTATION OF SENATOR GORDON

At the outset, Senator Gordon stated that would be submitting his sponsorship speech for insertion into the record. He explained that the areas covered in the proposed measures have varying requirements, with some having a case load of only 1,800, others with 7,954, while others have no courts at all. He said that he had personally urged President Duterte to begin appointing judges to address the issue. He also hoped that the bills on additional courts would be passed by May.

### SPONSORSHIP SPEECH OF SENATOR GORDON

Upon motion of Senator Gordon, there being no objection, the Body approved the insertion of his sponsorship speech into the Journal and Record of the Senate:

*The full text of his speech follows:*

Mr. President, esteemed colleagues in this Senate, the Committee on Justice and Human Rights now sponsors, for the consideration of this august Chamber, the following bills on the creation of additional branches of trial courts, name:

- (1) House Bill No. 3492 under Committee Report No. 642, which creates three (3) additional branches of the Regional Trial Court in the Third Judicial Region to be stationed in Macabebe, Pampanga;
- (2) House Bill No. 286, under Committee Report No. 645, which creates a new branch of the

Regional Trial Court in the First Judicial Region to be stationed in Paracelis, Mountain Province;

- (3) House Bill No. 3443, under Committee Report No. 646, which creates a new branch of the Regional Trial Court in the First Judicial Region to be stationed in Asingan, Pangasinan;
- (4) House Bill No. 2433, under Committee Report No. 647, which creates two (2) additional branches of the Regional Trial Court in the Fourth Judicial Region to be stationed in Municipalities of Sto. Tomas and Agoncillo, Batangas;
- (5) House Bill No. 5906, under Committee Report No. 640, which creates one (1) additional branch of the Regional Trial Court in the Fourth Judicial Region to be stationed in Bongabong, Oriental Mindoro; and four (4) additional branches of the Municipal Trial Court in the Fourth Judicial Region to be stationed in Bansud, Bulalacao, Gloria, and Mansalay, all in the Province of Oriental Mindoro;
- (6) House Bill No. 6580, under Committee Report No. 641, which creates four (4) additional branches of the Regional Trial Court in the Ninth Judicial Region to be stationed in Zamboanga City;
- (7) House Bill No. 7365, under Committee Report No. 649, which creates four (4) additional branches of the Regional Trial Court in the Fourth Judicial Region to be stationed in the City of San Pablo, Laguna;
- (8) House Bill No. 7367, under Committee Report No. 650, which creates two (2) additional branches of the Regional Trial Court and two (2) additional branches of the Municipal Trial Court in Cities, all in the Fourth Judicial Region, to be stationed in the City of Santa Rosa, Laguna;
- (9) House Bill No. 7405, under Committee Report No. 651, which creates two (2) additional branches of the Municipal Trial Court in Cities in the Fourth Judicial Region, to be stationed in the City of Biñan, Laguna;
- (10) Senate Bill No. 1542, under Committee Report No. 643, which creates two (2) additional branches of the Regional Trial Court in the Twelfth Judicial Region, each to be stationed in the Municipality of Isulan and Tacurong City, both in Sultan Kudarat;
- (11) Senate Bill No. 1840, under Committee Report No. 644, which creates an additional



branch of the Regional Trial Court in the Ninth Judicial Region, to be stationed in the Municipality of Liloy, Zamboanga del Norte.

These measures are meant to address the perennial problem of the congestion of our courts' dockets and, ultimately, to advance the rule of law in the country. The Office of the Court Administrator of the Supreme Court has recommended the passage of these much-needed measures.

### Statistics

The current caseloads in the areas where the new salas of trial courts are proposed to be created are as follows:

PLACE AND PROPOSED NEW SALAS	STATUS PENDING CASES (as of December 31, 2018)
House Bill No. 3492 under Committee Report No. 642 proposes the creation of three (3) additional branches of the Regional Trial Court in Macabebe, Pampanga.	There are two existing branches of the Regional Trial Court – Macabebe, Pampanga  Regional Trial Court Branch 54 with 813 pending cases and Regional Trial Court - Branch 55 with 419 pending cases.
House Bill No. 286 under Committee Report No. 645 proposes the creation of one (1) branch of the RTC in Paracelis, Mountain Province	There is no existing sala of the Regional Trial Court in Paracelis, Mountain Province. Branches 35 and 36 of Regional Trial Court-Bontoc, Mountain Province take cognizance of the Municipalities of the whole province.
House Bill No. 3443 under Committee Report No. 646 proposes the creation of one (1) branch of the Regional Trial Court in Asingan, Pangasinan.	There is no existing sala of the Regional Trial Court in Asingan, Pangasinan.
House Bill No. 2433 under Committee Report No. 647 proposes the creation of two (2) new branches of the Regional Trial Court in Sto. Tomas and Agoncillo, Batangas.	There is no existing sala of the Regional Trial Court in Sto. Tomas and Agoncillo, Batangas.

House Bill No. 5906 under Committee Report No. 640 proposes the creation of one (1) additional branch of the Regional Trial Court in Bongabong, Oriental Mindoro  and  four (4) additional branches of the Municipal Trial Court in Bansud, Bulalacao, Gloria, and Mansalay, all in the Province of Oriental Mindoro	There is no existing sala of the Regional Trial Court in Bongabong, Oriental Mindoro. The cases filed from Bongabong are pending before two RTCs in Pinamalayan, which is 47 kilometers away from the municipalities.  Meanwhile, there are no Municipal Trial Court in Bansud, Bulalacao, Gloria, and Mansalay, all in Oriental Mindoro.
House Bill No. 6580 under Committee Report No. 641 proposes the creation of four (4) additional branches of the Regional Trial Court in Zamboanga City	There are (10) existing branches of Regional Trial Court in Zamboanga City, two (2) of which are newly organized courts. They have a total number of pending cases of 7,954.
House Bill No. 7365 under Committee Report No. 649 proposes the creation of four (4) additional branches of the Regional Trial Court in the City of San Pablo, Laguna	There are (3) existing branches of the Regional Trial Court in San Pablo City, Laguna with a total caseload of 3,961 pending cases.
House Bill No. 7367 under Committee Report No. 650 proposes the creation of two (2) additional branches of the Regional Trial Court and two (2) additional branches of the Municipal Trial Court in Cities in Santa Rosa, Laguna	There are two (2) newly organized Regional Trial Court in Santa Rosa, Laguna with the following caseload:  RTC - Branch 101 with 1,270 pending cases RTC - Branch 102 with 1,280 pending cases  Meanwhile, there is only one (1) existing Municipal Trial Court in Cities in Santa Rosa, Laguna with a caseload of 714 cases.
House Bill No. 7405 under Committee Report No. 651 proposes the creation of two (2) additional branches of the Municipal Trial Court in Cities in the City of Biñan, Laguna	There is one existing Municipal Trial Court in Cities in Biñan, Laguna with a caseload of 1,176 cases.



Senate Bill No. 1542 proposes the creation of two (2) additional branches of the Regional Trial Court one each in the Municipalities of Isulan and Tacurong City, both in Sultan Kudarat	The RTC of Isulan has a pending caseload of 2,018 as of June 30, 2018.  The RTC of Tacurong has a pending caseload of 1,504.
Senate Bill No. 1840 under Committee Report No. 643 proposes the creation of an additional branch of the Regional Trial Court in the Municipality of Liloy, Zamboanga del Norte	There is one existing Regional Trial Court in Liloy, Zamboanga del Norte with a caseload of 553 cases.

### Conclusion

Under Section 16 of our Bill of Rights: "All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies." However, the sheer volume of our judges' caseload render it difficult for them to resolve cases judiciously and with dispatch.

Thus, it was held in the case of *People of the Philippines vs. The Honorable Sandiganbayan* (G.R. Nos. 188165 & 189063 decided on 11 December 2013), the Supreme Court observed that: "Thus under our present fundamental law, all persons are entitled to a speedy resolution of their cases be it civil, administrative or criminal cases. It is, in criminal cases however where the need to a speedy disposition of their cases is more pronounced. It is so, because in criminal cases, it is not only the honor and reputation but even the liberty of the accused...is at stake."

Our courts are clogged with too many cases, and too few judges to try them. This has been the never-ending lament of our people.

Mr. President, this representation's vision is not only for our courts to be able to keep up with the manageable caseload of 300 cases for second level courts and 500 cases for first level courts, based on studies conducted by the Supreme Court, in other words, to keep up with the demand, but to be ahead of it. Let us not wait for our courts' dockets to be clogged before we act on them.

Mr. President, apart from conducting hearings, judges need time to study, analyze and research the facts and applicable laws and rules to come up with decisions. Court docket congestion, however, deprives the courts of the

essential element of time that they could allot to each case. The quality of justice is adversely affected.

In view of all these, this Representation unconditionally seeks the support of the Members of this Chamber in the approval of the foregoing measures without amendment.

### SUSPENSION OF CONSIDERATION OF HOUSE BILL NOS. 5906, 6580, 3492, 1542, 1840, 286, 3443, 2433, 7365 AND 740

Upon motion of Senator Zubiri, there being no objection, the Body suspended consideration of House Bill Nos. 5906, 6580, 3492, 1542, 1840, 286, 3443, 2433, 7365 and 740.

### SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 639 (Re: Proposed Senate Resolution No. 561) from the Calendar for Ordinary Business to the Calendar for Special Orders.

### COMMITTEE REPORT NO. 639

Upon motion of Senator Zubiri, there being no objection, the Body considered Committee Report No. 639 Re Proposed Senate Resolution No. 561, entitled A RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC WORKS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED FAULTS IN THE SYSTEM, IF ANY, RESULTING TO THE MISUSE OF GOVERNMENT FUNDS FOR ITS ROAD RIGHT-OF-WAY PROJECT COVERED BY ALLEGED SPURIOUS LAND TITLES IN GENERAL SANTOS CITY.

### SPONSORSHIP SPEECH OF SENATOR GORDON

Preliminarily, Senator Gordon stated that the Blue Ribbon Committee not only held numerous hearings on the misuse of funds for road right-of-way but even went to General Santos City to identify the principal mastermind behind the scam. He said that exhaustively discussed in the committee report were the documents that were made to look like certified true copies of land titles belonging to bogus owners when, in fact, they were actually owned by the government.



Senator Gordon stated that the mastermind, identified as Wilma Mamburam, was being financed by Nelson Ti, a Chinese national who was even photographed with high officials related to the previous administration. He lamented that the anomaly represented the slowness of justice in the country considering that the suspect had long been identified by several people.

He pointed out that the government paid P255.55 million for the property – a process that was controlled by the regional director, in connivance with the assessor, register of deeds, as well as officials in the national office of the LRA.

Senator Gordon believed that the land title scam should serve as a strong signal to government officials against using their position and influence for personal gain. He said that the Committee recommended that a lifestyle check be conducted on the officials involved. He recalled that even the city assessor failed to provide the Committee with the land use plan which has a list of the people who owned the property because the names had been falsified.

He also identified the government officials who are guilty of violating the Revised Penal Code and the Anti-Graft and Corrupt Practices Act, such as LRA officers Ser John Pastrana and Eulalio Diaz, along with other officials in the Department of Public Works and Highways (DPWH), and a judge who reportedly threatened people who were investigating the anomaly.

Senator Gordon said that he was submitting the committee report for perusal by the Members and expressed hope that it could be ratified by May. He said that he did not want the Senate and its Members to be seen as dragging their feet on the matter. He also hoped for a positive outcome resulting from the report even though the Senate is being deluged with various bills and investigations. He said that the ratification of the measure is the only thing legislators can do to justify their existence as honorable men and women of the Philippine Senate.

#### **TERMINATION OF THE PERIOD OF INTERPELLATIONS**

There being no interpellation, upon motion of Senator Zubiri, there being no objection, the Body closed the period of interpellations.

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

There being no committee or individual amendment, upon motion of Senator Zubiri, there being no objection, the Body closed the period of amendments.

#### **ADOPTION OF COMMITTEE REPORT NO. 639**

Upon motion of Senator Zubiri, there being no objection, Body adopted the findings and recommendations contained in Committee Report No. 639.

#### **ANNOUNCEMENT OF SENATOR ZUBIRI**

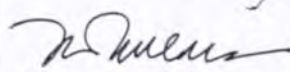
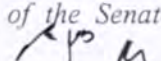
Senator Zubiri informed the Members that the Bicameral Conference on the national budget would be held at the Manila Polo Club at nine o'clock in the morning of Friday, February 8, 2019, after which the senators would return to the Senate at 3:00 p.m.

#### **ADJOURNMENT OF SESSION**

Upon motion of Senator Zubiri, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Friday, February 8, 2019.

*It was 10:55 p.m.*

I hereby certify to the correctness of the foregoing.

  
**ATTY. MYRA MARIE D. VILLARICA**  
*Secretary of the Senate*  


Approved on May 21, 2019