



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 56
Tuesday, February 18, 2020

EIGHTEENTH CONGRESS
FIRST REGULAR SESSION

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Tuesday, February 18, 2020

CALL TO ORDER

At 3:00 p.m., the Senate President, Hon. Vicente C. Sotto III, called the session to order.

SILENT PRAYER

The Body observed a minute of silent prayer.

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.
Cayetano, P. S.	Poe, G.
Dela Rosa, R. B. M.	Recto, R. G.
Go, C. L. T.	Revilla Jr., R. B.
Gordon, R. J.	Sotto III, V. C.
Hontiveros, R.	Tolentino, F. T. N.
Lacson, P. M.	Villanueva, J.
Lapid, M. L. M.	Villar, C. A.
Marcos, I. R.	Zubiri, J. M. F.

With 20 senators present, the Chair declared the presence of a quorum.

Senators Drilon, Gatchalian and Pimentel arrived after the roll call.

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


APPROVAL OF THE JOURNAL

Upon motion of Senator Zubiri, there being no objection, the Body dispensed with the reading of the Journal of Session No. 55 (February 17, 2020) and considered it approved.

**ACKNOWLEDGMENT
OF THE PRESENCE OF GUESTS**

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

- Kawit, Cavite Mayor Angelo Emilio Aguinaldo, together with Councilor Jerry Jarin, and Atty. Antonio Margallo; and

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- Cooperative Sector Party-List Rep. Sabiniano S. Canama and cooperative leaders from Luzon, Visayas and Mindanao as well as members of the MSU-IIT National Multi-Purpose Cooperative, Iligan City; BSU and Community Multi-Purpose Cooperative of La Trinidad, Benguet; Zamboanga del Norte Provincial Government Employees Multi-Purpose Cooperative, Climbs Insurance Corporation, MASS-SPECC Cooperative Development Center, PADADA Water System Cooperative, San Dionisio Credit Cooperative, Parañaque City, and the Philippine Cooperative Center.

Senate President Sotto welcomed the guests to the Senate.

REFERENCE OF BUSINESS

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

BILLS ON FIRST READING

Senate Bill No. 1348, entitled

AN ACT REQUIRING THE ESTABLISHMENT OF A PERMANENT CLINIC FOR EVERY PUBLIC SCHOOL AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Pacquiao

To the Committees on Basic Education, Arts and Culture; Health and Demography; and Finance

Senate Bill No. 1349, entitled

AN ACT AMENDING REPUBLIC ACT NO. 8762, OTHERWISE KNOWN AS THE RETAIL TRADE LIBERALIZATION ACT, AND FOR OTHER PURPOSES

Introduced by Senator Zubiri

To the Committee on Trade, Commerce and Entrepreneurship

RESOLUTION

Proposed Senate Resolution No. 325, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE SERIES OF VEHICULAR ACCIDENTS INVOLVING DRIVERS WHO TESTED POSITIVE FOR DRUG USE, AND WHOSE RECKLESS, IRRESPONSIBLE AND NEGLIGENT DRIVING RESULTED TO THE DEATH OF, OR HAVE INFLICTED CRITICAL INJURIES TO A NUMBER OF INDIVIDUALS, AND HAVE CAUSED DAMAGE TO PROPERTY, FOR THE PURPOSE OF RECOMMENDING FURTHER REMEDIAL MEASURES TO ENSURE ROAD SAFETY, AND END THE PROLIFERATION OF DRUG USE IN THE COUNTRY, PARTICULARLY IN THE PUBLIC TRANSPORT SECTOR

Introduced by Senator Dela Rosa

To the Committees on Public Order and Dangerous Drugs; and Public Services

ADDITIONAL REFERENCE OF BUSINESS

BILLS ON FIRST READING

Senate Bill No. 1350, entitled

AN ACT UPGRADING THE POSITION OF THE PROVINCIAL SCIENCE AND TECHNOLOGY OFFICER INTO THE PROVINCIAL SCIENCE DIRECTOR IN THE DEPARTMENT OF SCIENCE AND TECHNOLOGY AMENDING REPUBLIC ACT NO. 6959, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Binay

To the Committees on Science and Technology; Civil Service, Government Reorganization and Professional Regulation; and Finance

Senate Bill No. 1351, entitled

AN ACT INSTITUTIONALIZING RAIN-WATER HARVESTING SYSTEM IN METRO MANILA AND MAJOR CITIES IN THE PHILIPPINES AND FOR OTHER PURPOSES

Introduced by Senator Binay

To the Committees on Public Works; and Finance

Senate Bill No. 1352, entitled

AN ACT MANDATING BANKING INSTITUTIONS TO STRENGTHEN THE FINANCING SYSTEM FOR AGRICULTURAL, FISHERIES AND RURAL DEVELOPMENT IN THE PHILIPPINES

Introduced by Senator Lapid

To the Committees on Agriculture, Food and Agrarian Reform; and Banks, Financial Institutions and Currencies

Senate Bill No. 1353, entitled

AN ACT FURTHER EXPANDING THE JURISDICTION OF THE METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, AND MUNICIPAL CIRCUIT TRIAL COURTS, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS THE "JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED

Introduced by Senator Lapid

To the Committee on Justice and Human Rights

Senate Bill No. 1355, entitled

AN ACT AMENDING SECTIONS 3 AND 4 OF PRESIDENTIAL DECREE NO. 1631, SERIES OF 1979 OR THE ACT CREATING THE LUNGSOD NG KABATAAN AS AMENDED BY

EXECUTIVE ORDER NO. 893,
SERIES OF 1983

Introduced by Senator Angara

To the Committee on Health and Demography

Senate Bill No. 1356, entitled

AN ACT INCREASING THE BED CAPACITY OF THE PHILIPPINE GENERAL HOSPITAL FROM ONE THOUSAND AND FIVE HUNDRED BEDS (1,500) TO TWO THOUSAND AND TWO HUNDRED BEDS (2,200) AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Angara

To the Committees on Health and Demography; and Finance

Senate Bill No. 1358, entitled

AN ACT INTEGRATING LABOR EDUCATION IN THE SENIOR HIGH SCHOOL (SHS) CURRICULUM

Introduced by Senator Villanueva

To the Committee on Higher, Technical and Vocational Education; and Labor, Employment and Human Resources Development

Senate Bill No. 1359, entitled

AN ACT FURTHER EXPANDING THE JURISDICTION OF THE METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, AND MUNICIPAL CIRCUIT TRIAL COURTS, AMENDING FOR THE PURPOSE BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS THE "JUDICIARY REORGANIZATION ACT OF 1980," AS AMENDED

Introduced by Senator Gordon

To the Committee on Justice and Human Rights

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COMMITTEE REPORTS

Committee Report No. 49, prepared and submitted by the Committee on Justice and Human Rights, on Senate Bill No. 1354, with Senators Sotto III, Lacson, De Lima and Gordon authors thereof, entitled

AN ACT AMENDING ARTICLES 183 AND 184 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE,

recommending its approval in substitution of Senate Bill Nos. 8, 28, 373 and 1330.

Sponsor: Senator Gordon

To the Calendar for Ordinary Business

Committee Report No. 50, prepared and submitted by the Committee on Ways and Means, on S. No. 1357, with Senators Zubiri, Recto, Angara and Cayetano authors thereof, entitled

AN ACT REFORMING THE CORPORATE TAX AND INCENTIVES SYSTEM, AMENDING FOR THE PURPOSE SECTIONS 4, 20, 27, 28, 34 AND 290 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED, AND CREATING THEREIN NEW TITLE XIII, AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill Nos. 535, 595 and 702, taking into consideration House Bill No. 4157.

Sponsor: Senator Cayetano

To the Calendar for Ordinary Business

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of Committee Report No. 46 on Senate Bill No. 1341 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 46 ON SENATE BILL NO. 1341

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

Senate Bill No. 1341 (Committee Report No. 46), entitled

AN ACT ALLOWING AND REGULATING THE USE OF MOTORCYCLES AS PUBLIC UTILITY VEHICLES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 4136, OTHERWISE KNOWN AS THE LAND TRANSPORTATION AND TRAFFIC CODE, AND FOR OTHER PURPOSES.

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

SPONSORSHIP SPEECH OF SENATOR POE

Senator Poe, on behalf of the Committee on Public Services, submitted for plenary consideration Senate Bill No. 1341, entitled "An Act Allowing and Regulating the Use of Motorcycles as Public Utility Vehicles, Amending for the Purpose Republic Act No. 4136, Otherwise Known as the Land Transportation and Traffic Code, and for Other Purposes," under Committee Report No. 46. She said that the Land Transportation and Traffic Code was a 1964 law which did not foresee the population boom and its attendant traffic congestion in such proportions that the country has today.

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

Fifty-six years ago, *marami sa atin ang hindi pa ipinapanganak noon at ang sikat pa ay ang kabayo na ginagamit sa mga pelikula*, and no one could have also foreseen the ease in communications and the rise of technology we so depend on these days.

Right now, anyone can get motorcycles-for-hire anywhere – *sa apps, Facebook groups, maging sa pinakamalapit na kanto ng mga opisina ng mga manggagawang pagod nang maipit sa trapik araw-araw. Bukod pa ito sa mga motorsiklong ginagamit para magpa-deliver ng pagkain at gamit na hindi rin nasasaklaw ng kasalukuyang batas.*



Ayon sa datos ng Land Transportation Office, mayroong humigit kumulang 18.8 milyong motorsiklo, na bumubuo sa 71% ng rehistradong sasakyan sa bansa. Isa sa bawat tatlong Filipino household ay may motorsiklo, at 51% dito ay ginagamit para sa kabuhayan. Mayroon ding isandaan tatlumpu't apat (134) na habal-habal terminals sa Metro Manila pa lamang. Kung may ganito kalaking supply, ibig sabihin may demand.

Ito mismo ang dahilan kung bakit natin gustong kilalanin ang motorsiklo bilang pampublikong sasakyan. Their numbers grew as traffic conditions worsened; demand remained high even without a law regulating operations.

Legalization and regulation will help address safety risks present in both registered motorcycles-for-hire and the colorums or habal-habal. It will also improve commuter welfare by giving them the option to choose legitimate service providers which will then encourage the habal-habal drivers to migrate to a regulated system in order to improve their services.

Regulation also entails accountability. Like all other public utility vehicles, we will require drivers to undergo rigorous training, strictly regulate those who will be allowed to drive motorcycle-for-hire services, and ensure that only up-to-standards motorcycles will be utilized. *Katulad rin ng ibang mga pampublikong sasakyan, kadalasan ay hindi ang sasakyan mismo ang problema kung hindi ang mismong mga drivers.*

At least 10 other countries – France, Thailand, Indonesia, India, Vietnam, Cambodia, East Africa, Nigeria, Brazil, and Mexico – already legalized their motorcycles-for-hire. This global trend shows that motorcycles can be safe given a properly implemented regulatory framework which puts safety as its top priority.

The optimal track, of course, is to always push for better mass transportation system. *Pero habang hindi pa natin napeperpekto o naaayos nang mabuti ang ating mass transportation, ang ating mga bus, ang ating mga train system, ay kailangan ng alternatibong pampublikong masasakyan ang ating mga kababayan.*

Ano na? 2020 na. It is about time that we harnessed the power of technology to help us address mobility issues. In terms of numbers alone, shared motorcycles are an untapped resource that we should take advantage of.

With the unity of mind of the many senators that filed, I would like to acknowledge Senator Recto, Senator Marcos, Senator Angara, Senator

Villanueva, Senator Revilla, Senator Tolentino, and a manifestation by Senator Gordon to coauthor. And with the support of these senators, I am proud to present to the Body for its consideration the legalization of motorcycles-for-hire. *Isabatas na po natin ang pampublikong motorsiklo.*

And we will seek the guidance of the Senate President who drives himself to work every day. I am sure he has good inputs on the limitations and also on the rights for the new motorcycle-for-hire law.

COSPONSORSHIP SPEECH OF SENATOR RECTO

Senator Recto described how motorcycles have become one of the major forms of transportation of many Filipinos, and he believed that the time has come to regulate their use since these have invaded the Philippine public transport system.

The full text of Senator Recto's sponsorship speech follows:

Throughout history, legislation has always marched behind technology. It has always been innovation first, regulation later.

And most often, government intervention follows this Reagan doctrine: If it moves, tax it; if it keeps moving, regulate it; and if it stops moving, subsidize it.

And when confronted with something new or unfamiliar, toy with the idea of prohibiting it.

In the case of airplanes, it did not have a smooth takeoff as a sanctioned passenger carrier.

Like biplanes flying through the clouds then, it met turbulence along the way to being permitted by the government to fly paying human cargo.

But you know what? From trains, to planes, to automobiles, it was government regulation which made them safe through the years.

And such, and I say this with certainty, will be the case of motorcycle taxis.

This bill, condensed from five measures, bravely confronts a phenomenon that is here and now.

This is not about merely ratifying what is already existing. The act of Congress to permit and regulate what is now in operation is not a *fait accompli*.

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On the contrary, this bill and the implementing rules it would birth would improve the status quo, resulting in a public transport that is safe for the driver, the passenger, and other users of the road.

Ours is a motorcycle republic. Seven in 10 motor vehicles today run on two wheels. At almost 19 million, there is one motorbike per family. There are more "motors" than carabaos today. The likes of Hondas have long outnumbered our horses.

And half of these *motorsiklos* are used for livelihood—to deliver food for the perpetually hungry millennial, deliver packages, and as tricycles that bring people to work or produce to market.

In upland villages in Mindanao, people even ride "ten-dem" — ten-dem *dahil sampu sila* — in circus-like fashion, in bikes with wings or outriggers that they look like land *bancas*.

These are the mountain-summitting *habal-habals* and "*skylabs*" in Mindanao. They have been there for four decades in their stratospheric routes.

And there is this relatively new urban phenomenon, the motorcycle taxi that zips one paying passenger through our cities' gridlocked roads.

Like all inventions, the motorcycle taxi is a product of necessity.

When the time to queue for an MRT ticket is longer than the ride itself, when buses are packed like Spam—*hindi na po sardinas*—when rides are hard to come by that one has to wake up by four o'clock in the morning so he can be at work by eight o'clock, and leave by five o'clock in the afternoon, with no guarantee that he can be home by nine o'clock in the evening, then relief comes in the form of an empty seat behind the motorcycle driver.

There were many independent contractors before some entrepreneurs married ICT with the bike to create a ride-hailing app, driven by well-trained, carefully curated drivers.

In practice, courtesy of the pilot period government gave them, they proved that with right driver training, a motorcycle can, indeed, be a safe ride.

There remains one roadblock, though, for them to operate legitimately—and that is the more-than-half-a-century-old law which bans a motorized two-wheeler as a for-hire vehicle.

If this provision in RA 4136 will not be deleted, then millions of *de facto* motorcycle riders cannot be flagged off as legal paying passenger vehicles.

But delisting them is just part of what is needed to "de-colorumize" this big subset of the land transport sector.

Congress as the rule-setting body, must all lay down the minimum specifications of a motorcycle taxi, one with safety as the main benchmark. And this bill sets it—from engine size, to minimum speed, to build, to weight.

This is the basic set of rules and requirements which the Land Transportation Franchising and Regulatory Board should build on, which will cover not only the vehicle specs but the skill and training a driver must demonstrate before he or she can be licensed.

This bill, however, is not a mother-of-all franchises that will mass legalize motorcycle taxis in one stroke of the pen. Drivers will still have to secure a Certificate of Public Convenience or a special permit from the LTRFB.

This bill is also in response to the call of the DOTr that for as long as the ban in Republic Act No. 4136 exists, their hands are tied in legalizing the likes of *Angkas*, Joy Ride and others.

True, for the river cannot rise above the spring.

The bike was and is apparently the ride of choice of the President. He is our biker-in-chief. And by safely logging tens of thousands of kilometers in criss-crossing Mindanao and the Visayas, he had demonstrably shown the motorbike as a safe ride. Although hundreds of CCs separate the bikes they ride, in general, what is good for the President must be good for the ordinary citizen.

So let us pass this bill, my dear colleagues, not for the sake of the President, but for the people.

And finally, for the record, I continue to ride bikes. It was what I used in courting the lady who would later become my wife.

COSPONSORSHIP SPEECH OF SENATOR TOLENTINO

Senator Tolentino stated that as a former commuter, a man on the street, he was able to observe the traffic flow and has kept track of the hardships endured by the riding public during rush hour from Cubao to Makati and back. Thus, he believed that

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the proposed bill was necessary and very timely so that the operation of motorcycles-for-hire would be regulated to better serve the needs of the riding public not only in Metro Manila but nationwide.

The full text of Senator Tolentino's cosponsorship speech follows:

Motorcycles have long been used in public transportation long before the *Angkas* and other online ride-hailing applications, we already have the *habal-habal* as enunciated by the previous sponsors. The motorcycle taxis are also used as a form of public transportation in other countries.

In Vietnam, motorcycle taxis are called "*xe ôm*." With over 45 million motorcycles, Vietnam represents the largest motorbike market by sales in the world.

In Indonesia, they call it "*ojeks*," which serve as an informal means for moving people around the city. And in 2019, the government started to regulate its fares.

Meanwhile, in Thailand, they still call it "*motorsai rap chang*," and are also regulated by the said country.

Institutionalizing motorcycles-for-hire will not only provide ease and convenience in commute, but more importantly, it will ensure a viable and alternative mode of transportation for our many *kababayans* who everyday wage a battle against traffic in Metro Manila and other urban areas, and also for those who use the "*habal-habal*" and "*skylab*" in rural areas.

It is estimated that there are now over 20 million motorcycle taxis in more than 100 countries as of 2017. And, according to World Bank, this will increase by more than 50% over the next five years.

Given the changing landscape and the rising need of the commuting public, there is a need to respond to its challenges and regulate the same.

As legislators, we have a mandate to craft our laws in response to the times. For as Abraham Lincoln once said, "Legislation must follow and conform to the progress of society."

As chairman of the Committee on Local Government and as coauthor of this measure, it is my firm belief that this bill will be an invaluable addition to our legal arsenal in our pursuit of an accessible and affordable public transportation for an improved quality of life to the Filipino people.

COSPONSORSHIP SPEECH OF SENATOR GO

Senator Go delivered the following speech in support of Senate Bill No. 1341 under Committee Report No. 46 which seeks to allow and regulate public utility motorcycles.

The full text of Senator Go's cosponsorship speech follows:

The worsening traffic situation in urban areas around the country, especially in Metro Manila, has compelled our countrymen to look for alternative modes of transportation. Demand for and use of motorcycles has increased dramatically as they are more mobile, affordable, and accessible than other vehicles.

Although Transportation Network Vehicle Service (TNVS) has transformed the transportation landscape in the Philippines, the use of motorcycles to ferry passengers was initially banned due to a 55-year old law that prohibits the use of motorcycles-for-hire. Commuters, therefore, have resorted to the informal and unregulated mode commonly known as "*habal-habal*."

Considering public interest and the safety of passengers, the Department of Transportation saw the need to conduct a study to assess the viability of motorcycles-for-hire. Pilot implementation began in June 2019.

Consequently, the Technical Working Group (TWG) has opened up the program to include other participants to be able to establish a benchmark analysis and provide Congress with valuable inputs.

But several issues came up that forced the TWG to recommend the termination of the program. However, I, together with my colleagues in the Senate, have requested DOTr Secretary Tugade and LTFRB Chair Delgra to extend the operation of the motorcycle program.

I am grateful that they have heeded our calls, and did not continue with the termination.

While I support allowing and regulating motorcycles-for-hire or motorcycle PUVs, I also want to underscore that road safety is of paramount importance.

The World Health Organization reported in 2018 that 90% of casualties in motorcycle accidents were due to riders or passengers not wearing helmets. As chairperson of the Committee on Health and Demography, this is unacceptable.

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It is important to ensure the safety of both the rider and passenger by having them abide by road safety standards and regulations. The government should, therefore, impose stringent regulations and strict monitoring on the compliance of motorcycle riders and passengers to ensure their safety.

Bilang rider (ng scooter nga lang), gusto ko po sanang gamitin ang pagkakataong ito para mapasalamatan ang ating mga riders sa kanilang kontribusyon sa pagpapalago ng ating ekonomiya at sa kanilang tulong para magsilbing alternatibong transportasyon sa panahon ng ating pangangailangan.

This proposed measure will help thousands of previously unregulated *habal-habal* drivers in our country by enabling them to become part of the formal economy.

I support the passage of this measure in the name of public interest, and the safety of the riders.

With that, I call on my fellow senators to amend Republic Act No. 4136, or the Land Transportation and Traffic Code of 1964, and to allow the operation of motorcycle PUVs here in the country.

Rather than banning and declaring motorcycles-for-hire as illegal, the State should regulate the use of such vehicles to make sure that it becomes a safe and sustainable option for transportation not only for commuters but also for the riders and pedestrians.

I commend the good sponsor for pushing for this legislation. And allow me to also convey at this point my intention to become coauthor of this proposed measure.

MANIFESTATION OF SENATOR GORDON

At the outset, Senator Gordon commended Senator Poe for coming out with a speedy remedy to address the daily struggle of commuters who have been knocking on government's door for a long time.

He observed that as population grew in the last several years, the country seems to be running to stay in place and that there seems to be an absence of what lies ahead, the reason why people are finding ways to alleviate their needs—for instance, due to lack of job opportunities in the country, some people become overseas workers to be able to provide for their families.

Senator Gordon also assailed the absence of vision and lack of preparation, without regard to their wear and tear when the government constructed the LRT and MRT. He pointed out the need for government to plan ahead for future needs not just in terms of the transport system but also in cyber warfare and national defense.

Quoting the Latin statement "*Mea culpa, mea culpa, mea maxima culpa*" (through my fault, through my fault, through my most grievous fault), he said that one's adversary is one's self; thus, the fault to whatever is lacking at that moment belongs to everyone.

Notwithstanding the risks, he expressed support for the bill as he believed it could temporarily address the demands of the riding public from early morning to nighttime.

Reiterating that people are struggling because government lacked vision for its own policy, he believed that it was still good to have a measure that has less control and protection on the franchise than nothing at all.

Senator Gordon likewise underscored the need for Filipinos to have a "positive vision" and to avoid being reliant on government, by having entrepreneurial mind to carry out the transport business in the country rather than depending on foreign companies.

He also hoped for the time when people would have a vision to start regulating and monitoring motorcycle accidents, and to propose additional safeguards, aside from the strict enforcement of wearing helmets, just like the people of Mindanao who continuously observe better safety measures with their *skylab* motorcycles. He believed that the Filipino people could adjust to various business targets if only they could be given the chance to do so.

Senator Gordon said that it is in the hands of the Senate to find ways, through legislation, to help the people. He commended the Filipinos for their resiliency and consistency in working with what little they have. He said that although he would not want to make the Filipinos too reliant on government, the Senate would have to create avenues to make transportation easier for them. He commended the Committee on Public Services and the authors of Senate Bill No. 1341.

COAUTHORS/COSPONSORS

Upon motion of Senator Zubiri, there being no objection, all the Members present were made coauthors and cosponsors of Senate Bill No. 1341.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1341

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. 35 on Senate Bill No. 1318 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 35 ON SENATE BILL NO. 1318

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1318 (Committee Report No. 35), 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.

The Chair recognized Senator Villar for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR VILLAR

Senator Villar, on behalf of the Committee on Agriculture, Food and Agrarian Reform, presented for plenary consideration Senate Bill No. 1318 under Committee Report No. 35, entitled "An Act Amending Republic Act No. 10068 or the Organic Agriculture Act of 2010" in substitution of Senate Bill Nos. 34, 146, 648, and 773 with Senators Francis "Kiko" Pangilinan, Cynthia A. Villar, Ramon Bong Revilla, Jr., and Grace L. Poe as authors thereof.

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

Senate Bill No. 1318 aims to strengthen sustainable agriculture and enhance support for small organic farmers by creating a Participatory Guarantee System (PGS). The PGS is a locally-focused quality assurance system which is developed and practiced by people actually engaged in organic agriculture. It is built on a foundation of trust, social network, and knowledge exchange. It is used to certify producers and farmers as actual and active practitioners of organic agriculture. Under this system, a PGS group will be created which should have at least five (5) members, composed of farmers from a combination of both the crops and livestock sectors.

In the PGS, there will be created organization levels which are the following: Core PGS Group, the Municipality/City PGS; and the Provincial and National PGS. Each level will have a definite membership requirements and corresponding duties and responsibilities. All in all, they will have a goal to promote the organic agriculture in the society.

Another important consideration in the bill is also the system of certification and the creation of an organic certifying body.

In the PGS, the following may issue a certification:

1. A core PGS group accredited as an organic certifying body;
2. Any accredited organic certifying body which are private group/organization or the national organization of LGUs; and
3. Bureau of Agriculture and Fisheries Standards (BAFS).

The bill also seeks to amend the composition of the National Organic Agriculture Board in order to include representations from a PGS group who are actually engaged in organic agriculture as well as the representatives of small organic farmers to ensure representations from the crops and livestock sectors.

The bill also mandates the Bureau of Agriculture and Fisheries Standards (BAFS) of the Department of Agriculture (DA) as the government agency to perform as the technical and administrative secretariat of the National Organic Agriculture Board.

In summary, the bill seeks to propose amendments to address the challenges faced in promoting organic agriculture in our country at

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the farm and institutional levels. The ultimate goal is to help the small organic farmers attain the organic certification that is needed in order to compete in local and global markets by providing a complementary and low-cost system of quality assurance, with heavy emphasis on social control and knowledge building. This will also encourage poor and small farmers to adopt organic agriculture standards and methods to the benefit of everyone.

In view of the foregoing, it is hereby recommended that the attached bill, Senate Bill No. 1318, prepared by the committee, entitled "An Act Amending Republic Act No. 10068 or the Organic Agriculture Act of 2010" be approved in substitution of Senate Bill Nos. 34, 146, 648, and 773 with Senators Francis "Kiko" Pangilinan, Cynthia A. Villar, Ramon Bong Revilla, Jr., and Grace L. Poe as authors thereof.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan manifested that he would submit a cosponsorship speech on Senate Bill No. 1318 under Committee Report No. 35.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri placed on record that he authored and sponsored the original Organic Agriculture Act in the 14th Congress. He said he would be asking Senator Villar during the period of interpellations on how Senate Bill No. 1318 could improve the implementation of a law that was passed about 10 years ago and how it could strengthen the organic agriculture industry of the Philippines.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1318

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

COMMITTEE REPORT NO. 9 ON SENATE BILL NO. 1083 (Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1083 (Committee Report No. 9), entitled

AN ACT TO PREVENT, PROHIBIT AND PENALIZE TERRORIST ACTS, THEREBY REPEALING REPUBLIC ACT NO. 9372, OTHERWISE KNOWN AS THE "HUMAN SECURITY ACT OF 2007," APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

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

Thereupon, the Chair recognized Senator Lacson, sponsor of the measure, and Senator Pangilinan for the amendments using the amended copy as of February 12, 2020.

PANGILINAN AMENDMENTS

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

Page 3

- On lines 6 to 8, rephrase the definition of "extraordinary rendition," to read as follows:
- (C) "EXTRAORDINARY RENDITION" SHALL REFER TO THE TRANSFER OF A PERSON, SUSPECTED OF BEING A TERRORIST OR SUPPORTER OF A TERRORIST ORGANIZATION, ASSOCIATION, OR GROUP OF PERSONS, TO A FOREIGN NATION FOR IMPRISONMENT AND INTERROGATION ON BEHALF OF THE TRANSFERRING NATION. THE EXTRAORDINARY RENDITION MAY BE DONE WITHOUT FRAMING ANY FORMAL CHARGES, TRIAL, OR APPROVAL OF THE COURT.

Senator Pangilinan said that the above definition was being used in the United States, while the definition in the substitute bill was copied verbatim from an article, entitled "*20 Extraordinary Facts about CIA Extraordinary Rendition and Secret Detention.*"

Senator Pangilinan asked why the exceptions on Section 47 (*Ban on Extraordinary Rendition*), which was an original provision of the Human Security Act, were deleted. Senator Lacson replied that based on the interpellation of Senator Pimentel, the Committee

decided to delete the phrase “unless reasonably disowned or denounced by the complainants, decisions or judgments in the said cases shall preclude the filing of other cases based on the same cause or causes of action as those that were filed with the Grievance Committee or its branches.”

Asked why foreign terrorists likewise cannot be extraordinarily rendered under the proposed measure, Senator Lacson stated that the absolute ban applies to them under the same principle as stated in the prohibition.

Page 5

- On line 15, after the word “property,” insert the phrase **LIKELY TO ENDANGER HUMAN LIFE OR RESULT IN MAJOR ECONOMIC LOSS.**

SUSPENSION OF SESSION

Upon the request of Senator Lacson, the session was suspended.

It was 3:57 p.m.

RESUMPTION OF SESSION

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

RECONSIDERATION OF PANGILINAN AMENDMENT

Upon the motion of Senator Pangilinan, there being no objection, the Body reconsidered the approval of the amendment on page 5, line 15.

PROPOSED AMENDMENTS OF SENATOR PANGILINAN

On Section 15, pages 9 to 9A, Senator Pangilinan noted the removal of the exemption of family members from being accessories, which exemption was included in Section 6 of the Human Security Act and in Article 20 of the Revised Penal Code. He read the deleted paragraph, to wit: “Notwithstanding the above paragraph, the penalties prescribed for accessories shall not be imposed upon those who are such with respect to their spouses, ascendants, descendants, legitimate, natural, and adopted brothers and sisters, or relatives by affinity within the same degrees, with the single exception of accessories

falling within the provisions of subparagraph (a).” He pointed out that the exemption was introduced by former Senator Miriam Defensor Santiago due to her concern about the breadth of certain elements of the offense of being an accessory because it could lead to criminalizing neutral acts of family members such as supplying food to a person suspected of being a terrorist.

Asked why the exemption was deleted in the section, Senator Lacson replied that the Committee gave due consideration to the gravity of the offense—that it may cause loss of life and property.

On page 9A, line 24, after the word “shall,” Senator Pangilinan proposed to delete the word “not.” Senator Lacson rejected the proposal, saying that the same amendment was also contained in the proposal of Senator Drilon, which he also did not accept given that the measure is about a crime against humanity.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:03 p.m.

RESUMPTION OF SESSION

At 4:05 p.m., the session was resumed.

Upon resumption, Senator Pangilinan asked for assurance that there is a qualification to the exemption. Senator Lacson cited Section 15 on page 9, lines 16 to 21, the relevant portion of which read: (a) by profiting himself or assisting the offender to profit by the effects of the crime; (b) by concealing or destroying the body of the crime, or the effects, or instruments thereof, in order to prevent its discovery; or (c) by harboring, concealing, or assisting in the escape of the principal or conspirator of the crime.

Senate President Sotto inquired if the cited provision encompasses the concern of Senator Pangilinan and the late Senator Defensor Santiago. Senator Lacson answered in the affirmative, stating that the exemption is not absolute.

Thereupon, Senator Pangilinan withdrew his proposed amendment.

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On Section 18, (*Judicial Authorization Requisites*), Senator Pangilinan noted the deletion of one of the requirements for the issuance of a judicial authorization for surveillance of suspects and interception and recording of communications which is provided in Section 8(c) of the Human Security Act, which states that "There is no other effective means readily available for acquiring such evidence."

Asked why the requirement was deleted, Senator Lacson replied that it would be covered by the determination of the probable cause to be done by the judge, who is the issuing authority of the judicial authorization.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:08 p.m.

RESUMPTION OF SESSION

At 4:10 p.m., the session was resumed.

On page 11, line 24, after the word "information", Senator Pangilinan proposed to insert the following proviso: *PROVIDED, THAT THE PERSON BEING SURVEILLED OR WHOSE COMMUNICATIONS, MESSAGES, CONVERSATIONS, DISCUSSIONS, OR SPOKEN OR WRITTEN WORDS AND EFFECTS HAVE BEEN MONITORED, LISTENED TO, BUGGED OR RECORDED BY LAW ENFORCEMENT AUTHORITIES, HAS THE RIGHT TO BE INFORMED OF THE ACTS DONE BY THE LAW ENFORCEMENT AUTHORITIES IN THE PREMISES OR TO CHALLENGE, IF SHE OR HE INTENDS TO DO SO, THE LEGALITY OF THE INTERFERENCE BEFORE THE COURT OF APPEALS WHICH ISSUED THE WRITTEN ORDER.*

Senator Pangilinan explained that the proposal was a restatement of a provision in Section 9 of the Human Security Act. He also mentioned that even former Senator Defensor Santiago had stressed the need to have sufficient safeguards against such abuse — that the person affected by such surveillance should have an effective remedy against the interference into his or her rights, should it be established, in accordance with Article 2, paragraph 3 of the International Covenant on Civil and Political Rights, to wit:

"3. Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms are herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted."

Senator Pangilinan maintained that the accused should at least get information regarding the surveillance or the evidence that was secured or the legality of the said intervention or interference. Senator Lacson said that he could not accept the proposal because doing so would defeat the purpose of surveillance since a person who is warned that he is being monitored would be very careful in revealing information. He stated that the person being surveilled would anyway be informed after the lapse of the 60-day period of judicial authorization issued by the court.

Senator Pangilinan stated that since the accused would be informed that he has been monitored after the actual conduct of the surveillance and not before or during the activity, he should also be entitled to the information that was obtained and the manner in which it was obtained. He added that it would be an added safeguard for the law enforcers to present the results of their surveillance and the process by which it was undertaken consistent with the provisions of the law.

Senator Lacson said that if the information would be done after the fact, as likewise proposed by Senator Drilon, he would accept the proposed amendment. He said that Senator Drilon had proposed to allot a period of 30 days after the lapse of the extended period of 30 days. Therefore, he said that the concerned individual would be informed of the surveillance when no case has been filed within the 30-day period.

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With the understanding that Senator Lacson would accept a similar amendment by Senator Drilon, Senator Pangilinan withdrew his proposed amendment.

INQUIRY OF SENATOR PANGILINAN

On Section 20, Senator Pangilinan noted that the 30 days validity of the judicial authorization in the Human Security Act had been extended to 60 days and is extendable to another 30 days for a total of 90 days. Asked for the reason behind the extension, Senator Lacson stated that based on their discussion with the law enforcement agencies present during the hearing, they agreed that it was a reasonable period for the law enforcement agencies to gather information or even evidence.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:18 p.m.

RESUMPTION OF SESSION

At 4:19 p.m., the session was resumed.

In Section 20, Senator Pangilinan said that there was a paragraph deleted requiring notice to be given to persons subject of the examination and freezing of accounts and imposing a penalty for noncompliance therewith. He then proposed that the deleted paragraph be reinserted in line 22, page 12, to wit:

IF NO CASE IS FILED WITHIN THE SIXTY (60)-DAY PERIOD, THE APPLICANT POLICE OR LAW ENFORCEMENT OFFICIAL SHALL IMMEDIATELY NOTIFY IN WRITING THE PERSON SUBJECT OF THE BANK EXAMINATION AND FREEZING OF BANK DEPOSITS, PLACEMENTS, TRUST ACCOUNTS, ASSETS AND RECORDS.

He said that he wanted the provision to be reinstated because of his concern that without notice to the person being investigated, the looking out or going through his accounts and the information obtained from the surveillance conducted on his person and in the end, no case is filed, could be a source of abuse.

Senator Lacson said that Section 20 deals only with judicial authorization to conduct surveillance and it is Section 37 that deals with the freezing of assets.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:23 p.m.

RESUMPTION OF SESSION

At 4:29 p.m., the session was resumed.

Upon resumption, Senator Pangilinan tabled his proposed amendment in the meantime while trying to reconcile where the amendment should be placed in the bill.

PANGILINAN AMENDMENTS

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

Page 13

- On lines 8 to 10, delete the sentence "The joint affidavit shall provide the chain of custody or the list of persons which exercised possession or custody over the tapes, discs and recordings";
- After line 11, insert a new paragraph, to read as follows:

IN CASE OF DEATH OF THE APPLICANT OR IN CASE HE IS PHYSICALLY DISABLED TO EXECUTE THE REQUIRED AFFIDAVIT, THE ONE NEXT IN RANK TO THE APPLICANT AMONG THE MEMBERS OF THE TEAM NAMED IN THE WRITTEN ORDER OF THE AUTHORIZING DIVISION OF THE COURT OF APPEALS SHALL EXECUTE WITH THE MEMBERS OF THE TEAM THAT REQUIRED AFFIDAVIT.

- On line 27, after the word "summaries" and the comma (,), add the word OR, and after the word "excerpts," delete the phrase "and all copies thereof and that no duplicates or copies thereof";

On page 15, line 9, Senator Pangilinan proposed to add another paragraph, to read as follows:

IN ADDITION TO THE LIABILITY ATTACHING TO THE OFFENDER FOR THE

COMMISSION OF ANY OTHER OFFENSE, THE PENALTY OF TEN (10) YEARS AND ONE DAY TO TWELVE (12) YEARS OF IMPRISONMENT AND THE ACCESSORY PENALTY OF PERPETUAL ABSOLUTE DISQUALIFICATION FROM PUBLIC OFFICE SHALL BE IMPOSED UPON ANY LAW ENFORCEMENT AGENT OR MILITARY PERSONNEL WHO MALICIOUSLY OBTAINED AN AUTHORITY FROM THE COURT OF APPEALS TO TRACK DOWN, TAP, LISTEN TO, INTERCEPT, AND RECORD IN WHATEVER MANNER OR FORM ANY COMMUNICATION, MESSAGE, CONVERSATION, DISCUSSION OR SPOKEN OR WRITTEN WORDS OF A PERSON CHARGED WITH OR SUSPECTED OF THE CRIME OF TERRORISM: *PROVIDED*, THAT NOTWITHSTANDING SECTION 23 OF THIS ACT, THE PARTY AGGRIEVED BY SUCH AUTHORIZATION SHALL BE ALLOWED ACCESS TO THE SEALED ENVELOPE OR SEALED PACKAGE AND THE CONTENTS THEREOF AS EVIDENCE FOR THE PROSECUTION OR ANY POLICE OR ANY LAW ENFORCEMENT PERSONNEL WHO MALICIOUSLY PROCURED SAID AUTHORIZATION.

Senator Lacson accepted the proposed amendment, subject to style. However, he invited the attention of Senator Pangilinan to page 9A to 10, Section 16, which is a standby provision, which read as follows:

“SECTION [15]16. *Penalty for Public Official.* – If the offender found guilty of any of the acts defined and penalized under the provisions of this Act is a public official or employee, he/she shall be charged with the administrative offense of grave misconduct and/or disloyalty to the Republic of the Philippines and the Filipino people and be meted with the penalty of dismissal from the service, with the accessory penalties of cancellation of civil service eligibility, forfeiture of retirement benefits and perpetual absolute disqualification from running for any elective office or holding any public office.”

Senator Pangilinan said that he understood the separate section to be on administrative liability. Senator Lacson agreed, saying that it involves perpetual absolute disqualification in addition to the penalty for criminal liability provided in Section 25 of the bill which is imprisonment of ten (10) years and one (1) day to twelve (12) years.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:32 p.m.

RESUMPTION OF SESSION

At 4:34 p.m., the session was resumed.

Upon resumption, Senator Lacson assured Senator Pangilinan that all information that have been maliciously procured should be made available to the aggrieved party.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan said that in a conversation with Senator Hontiveros, he was informed that the Sponsor was not willing to accept the proposal to retain the three-day period under Section 30 on *Detention Without Judicial Warrant of Arrest*. He said it would affect his final vote on the measure.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended

It was 4:35 p.m.

RESUMPTION OF SESSION

At 4:36 p.m., the session was resumed.

PROPOSED AMENDMENT OF SENATOR PANGILINAN

On page 17, line 20, Senator Pangilinan proposed to reinstate the following deleted paragraph:

THE POLICE OR LAW ENFORCEMENT PERSONNEL CONCERNED SHALL, BEFORE DETAINING THE PERSON SUSPECTED OF THE CRIME OF TERRORISM, PRESENT HIM OR HER BEFORE ANY JUDGE AT THE LATTER'S RESIDENCE OR OFFICE NEAREST THE PLACE WHERE THE ARREST TOOK PLACE AT ANY TIME OF THE DAY OR NIGHT.

In reply, Senator Lacson said that, as discussed during the committee hearings, his concern was on

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the safety of the judge. He said that the person may not be brought before the judge and the judge may just be informed in writing that such person is under the custody of law enforcement officers. As an added safeguard, he said that the Committee included the Commission on Human Rights to be given notice as well as visitorial rights for the arrested person.

Senator Pangilinan said that with Senator Lacson's clarification, he would no longer pursue his proposed amendment but he expressed concern on the length of time that an arrested person may be placed in detention without any charges. However, he acknowledged that the physical presentation to the judge would be another safeguard.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended

It was 4:39 p.m.

RESUMPTION OF SESSION

At 4:40 p.m., the session was resumed.

Upon resumption, Senator Lacson pointed out that the safeguards are listed under Section 31 (*Rights of a Person Under Custodial Detention*), such as the right to be informed of the nature and cause of a person's arrest, the right to remain silent and to have competent and independent counsel.

As regards Section 33, Senator Pangilinan noted the deletion of the provision in the committee report and its reinstatement in the current version of the bill. Senator Lacson stated that it was through Senator Pangilinan's intervention that the provision was restored.

On page 19, line 12, Senator Pangilinan noted that the phrase "subject to reasonable restrictions" replaced the phrase "without any form of restriction," under the current Human Security Act. He then asked what constitutes "reasonable restrictions" when it had been agreed upon that in dealing with an accused terrorist, security must be the top priority and must always be in place.

In reply, Senator Lacson clarified that as with any other detention facility, rules are to be followed, such as the number of persons allowed to visit each time, and the time of visit that does not include

lawyers, among other rules that would be reasonable on the part of the wardens.

Senator Pangilinan thanked Senator Lacson for the clarification, adding that the intention for the provision was for the retention of the official custodial logbook and its contents.

PANGILINAN AMENDMENTS

(Continuation)

As proposed by Senator Pangilinan and accepted by the Sponsor, there being no objection, the Body approved the following amendments:

Page 20

- On line 15, after the word "prohibited," insert the phrase AND SHALL BE PENALIZED UNDER SAID LAW;

Page 23

- On line 18, after the word "who," insert the phrase AFTER BEING DULY SERVED WITH THE WRITTEN ORDER OF AUTHORIZATION FROM THE COURT OF APPEALS.

Senator Pangilinan explained that while the title of the section indicated "Defying a Court Authorization," the intention of the phrase was to stress that the bank had indeed received the court authorization and that the bank officials and employees have defied it.

SOTTO AMENDMENT

On page 23, line 18, as proposed by Senate President Sotto and accepted by the Sponsor, there being no objection, the Body approved the insertion of a comma (,) before the word "refuses."

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:46 p.m.

RESUMPTION OF SESSION

At 4:47 p.m., the session was resumed.

PROPOSED AMENDMENT OF SENATOR PANGILINAN

As regards the "Penalty for Unauthorized Revela-

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tion of Classified Materials,” on page 23, Senator Pangilinan stated that RA 9372 stipulated the punishment of 10 years and one day to 12 years imprisonment for violating the provision. However, he noted that the proposed measure reduced the penalty to six months and one day to six years, a huge reduction involving a serious breach.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:49 p.m.

RESUMPTION OF SESSION

At 4:51 p.m., the session was resumed.

After conferring with Senators Lacson and Drilon, Senator Pangilinan proposed the retention of the penalty of imprisonment for the period of ten years and one day to twelve years for unauthorized revelation of classified materials.

Commenting thereon, Senator Drilon stated that there should be no range insofar as the penalty is concerned because under the Revised Penal Code, the penalty would depend on the mitigating and aggravating circumstances which are not provided in the special law. Also, he said that when he reviewed the whole penalty, he found so many penalties and ranges that it has become difficult to figure out what the penalty is; thus, it was suggested that the penalties should be determined by the seriousness of the crime. He then suggested to remove the range to have just one penalty and to keep it to a level so that it could be easy to immediately classify which one would be subject to life imprisonment or to lesser penalties.

PANGILINAN AMENDMENT

On page 23, line 31, as proposed by Senator Pangilinan and accepted by the Sponsor, there being no objection, the Body approved to replace “six (6) months and one day to six (6) years” with TEN (10) YEARS, subject to style.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 4:54 p.m.

RESUMPTION OF SESSION

At 4:55 p.m., the session was resumed.

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan recalled that during the period of interpellations, there was a proposal to delete Section 47 of the existing law regarding the creation of the Grievance Committee. He said that under the law the Grievance Committee, composed of the Ombudsman as chair, with the Solicitor General and an undersecretary from the DOJ as members, is tasked to evaluate complaints against actuations of the police and law enforcement officials. He said that with the deletion, he was under the impression that the CHR would still play its role; however, because the CHR does not have the power to prosecute, it could not hold to account violations and abuses of law enforcers. He said that there should be an entity with powers to prosecute so that the law would have teeth and as an added safeguard.

INQUIRY OF THE CHAIR

At this juncture, Senate President Sotto inquired as to when the Human Security Act was enforced and the number of convictions implemented. Senator Lacson informed the Body that it was enacted in 2007 with only one conviction by RTC 69 in Pasig.

Asked on the role of the CHR in the conviction, Senator Lacson stated that he would have asked the judge who convicted the terrorist but that he was no longer around, although to his knowledge, the CHR had no role in obtaining conviction.

Senate President Sotto stated that according to the information that he received, the suspect pleaded guilty to a lesser offense of accessory to the crime. He cautioned the Body to be very careful because ever since the enactment of RA 9372, law enforcers have been fearful that what happened 13 years ago could happen again.

At this juncture, Senator Pangilinan noted that Section 46 of the bill provides that the CHR shall have concurrent jurisdiction to prosecute. He stated that he would no longer pursue the retention of the grievance committee since the proposed measure gives the CHR the power to prosecute.

Senator Lacson stated that the Committee simply adopted Section 55 of RA 9372.

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SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:01 p.m.

RESUMPTION OF SESSION

At 5:03 p.m., the session was resumed.

INQUIRY OF SENATOR PANGILINAN

Senator Pangilinan asked whether the phrase "immediately cease operations" on page 31, line 11 of Section 50 (*Promoting Peace and Inclusivity in Schools, Learning Centers and Training Institutions*) would mean that the revocation of the license would be after notice and hearing. Senator Lacson replied in the affirmative.

PANGILINAN AMENDMENT

On page 31, as proposed by Senator Pangilinan and accepted by the Sponsor, there being no objection, the Body approved to insert the phrase AFTER NOTICE AND HEARING, after the word "operations" on line 11.

Senator Pangilinan noted that while the provisions of Book 1 of the Revised Penal Code shall be applicable to the Act under Section 52, the new Section 53 of the proposed measure would provide that the provisions of the Revised Penal Code not inconsistent with the provisions of Senate Bill No. 1083 shall have suppletory application, thus, it is no longer an absolute non-application.

SUSPENSION OF SESSION

Upon motion of Senator Lacson, the session was suspended.

It was 5:05 p.m.

RESUMPTION OF SESSION

At 5:07 p.m., the session was resumed.

CLEAN COPY

Upon the request of Senator Drilon, the Chair directed the Secretariat to prepare a clean copy of

the bill, incorporating therein the approved amendments as of February 18, 2020.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1083

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

CHANGE OF COMMITTEE REFERRAL

Upon motion of Senator Zubiri, there being no objection, the Body approved the change of referral of Senate Bill No. 405 (*Katutubong Tagapagtanggol Act*) to the Committee on Public Order and Dangerous Drugs as the primary committee and to the Committee on National Defense and Security, Peace, Unification and Reconciliation as the secondary committee.

SUSPENSION OF SESSION

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

It was 5:10 p.m.

RESUMPTION OF SESSION

At 5:11 p.m., the session was resumed with Senator Gatchalian presiding.

COMMITTEE REPORT NO. 30 ON SENATE BILL NO. 1233

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1233 (Committee Report No. 30), entitled

AN ACT EXPANDING THE USE OF THE LEGAL ASSISTANCE FUND, AMENDING FOR THE PURPOSE SECTION 26 OF REPUBLIC ACT NO. 8042, AS AMENDED, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995.

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

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Thereupon, the Chair recognized Senator Villanueva, sponsor of the measure, and Senator Drilon for his interpellation.

SUSPENSION OF SESSION

Upon motion of Senator Zubiri, the session was suspended.

It was 5:11 p.m.

RESUMPTION OF SESSION

At 5:13 p.m., the session was resumed.

INTERPELLATION OF SENATOR DRILON

At the outset, Senator Drilon noted that the first amendment to Senate Bill No. 1233 on the Legal Assistance Fund, is to locate the power to hire foreign lawyers from the Legal Assistant to the Office of the Undersecretary for Migrant Workers Affairs. He then asked on the purpose of changing the authority. Senator Villanueva replied that it was the actually the OWWA which has the authority. However, he said that he had agreed to the recommendation of Senator Drilon that the authority be lodged with the head of mission of the Philippine Embassy concerned.

Senator Drilon said that he made proposal because he believed that immediate access to the fund should be made and the best judge is the head of mission of the Philippine Embassy concerned rather than the head office in Manila. He said that they just have to trust that the heads of mission would use their best judgement in hiring lawyers, rather than wait for the authority from home office, through the Office of the Undersecretary for Migrant Workers Affairs. As an example, he said that if there is a need for a lawyer in Riyadh, the Philippine Embassy in the Kingdom of Saudi Arabia should be authorized to hire the legal counsel there and not go back to Manila to seek the authority of the office of the undersecretary. He said that he would propose such an amendment at the appropriate time. Senator Villanueva said that it was a logical amendment, considering that it is actually the heads of post who hire the legal services of foreign lawyers.

As regards using the fund on paralegals, Senator Drilon expressed concern that it might be difficult to control the fund and he suggested that hiring should be done similar to a special project, wherein a lawyer

would be hired only when the migrant worker or overseas Filipino worker is facing a case, and to let the lawyer handle the paralegal services rather than having the DFA handle the hiring of the paralegal. He said that at the appropriate time, he would propose to delete on page 2, line 3, starting with the words "IN ADDITION" up to the words "AND/OR HIRED" on line 12. Agreeing with Senator Drilon, Senator Villanueva said that the sentence could be deleted since the provision may also be subject to abuse.

Referring to the proviso which states that "THE LEGAL ASSISTANCE FUND SHALL, AT ALL TIMES, BE IMMEDIATELY AVAILABLE TO ALL MIGRANT WORKERS AND OVERSEAS FILIPINOS IN DISTRESS WHO INITIATE OR WHO IS IMPEADED IN ANY TYPE OF CASE INITIATED IN A FOREIGN POST FROM THE TIME OF THE COMMENCEMENT OF THE COMPLAINT, ACTION, OR SIMILAR PROCEEDINGS AND IN ALL STAGES OF THE PROCEEDINGS UNTIL PROMULGATION AND EXECUTION OF JUDGMENT AND AT ALL LEVELS OF APPEAL," Senator Drilon placed on record that to benefit from the Fund, the operative fact must be that they should be overseas Filipinos in distress. Senator Villanueva agreed.

Asked whether overseas Filipinos who are not in distress should not have access to the Fund, Senator Villanueva replied in the affirmative.

Asked on the amount of the current fund allocated for legal assistance to OFWs, Senator Villanueva replied that under the 2020 General Appropriations Act, it is P201,348,053.17.

Asked how much was allocated in 2019 and how much was utilized, Senator Villanueva replied that the total budget in 2019 was P209,920,252, of which P207 million was utilized, leaving a balance of P1.9 million, or a utilization rate of 99.07%.

As regards the types of cases where the Fund would be used, Senator Villanueva cited the following fees and services where payments could be made chargeable to the funds:

- (1) professional fees for service rendered by private lawyers abroad;
- (2) professional fees for services rendered by domestic lawyers in the Philippines in relation to

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trafficking, illegal recruitments, and related cases, such as criminal or police cases, labor-related disputes, and immigration or deportation cases;

- (3) filing fees, docket fees, court fees, notarial fees, and other charges or cost imposed by courts or tribunals, including immigration penalties and, on case by case basis, fines and civil judgments;
- (4) incidental investigation, litigation, case monitoring, and related training to this and out-of-pocket expenses;
- (5) bail bonds to secure temporary release of Filipinos under detention overseas, for which an amendment would be introduced to include not only bail bonds but also other bonds;
- (6) expenses necessary to secure and preserve documentary or testimonial evidence;
- (7) expenses intended for the protection of witnesses and to ensure their cooperation; and,
- (8) expenses for public information campaigns and training for paralegal conducted or sponsored by the Department of Foreign Affairs.

Asked whether the aforementioned fees and services were the same in the current legislation, Senator Villanueva answered in the affirmative.

Senator Drilon proposed to introduce an amendment asking the Department of Foreign Affairs, specifically the Office of Migrant Workers, to issue rules and regulations on the access to the funds rather than to enumerate all such instances in the law. Senator Villanueva stated that he would gladly accept the proposal of Senator Drilon.

Senator Drilon explained that Congress should not be restricted by the enumeration mentioned. Thus, he proposed to provide in the law that the Department of Foreign Affairs shall issue rules and regulations on which cases the funds would be used. Senator Villanueva agreed, but he pointed out that his enumerations were cited in Section 2 of the *Implementing Rules and Regulations*.

Senator Drilon added that, in general, he would want to insert a phrase or two which would indicate that the rules that would be promulgated should indicate the specific uses of the fund. He noted that as currently worded, it could include collection cases. Thus, he expressed the need for the operative fact to be "in distress." He said that the rule should reflect

such intention to exclude purely personal cases, for instance, the collection of proceeds of debts.

Senator Drilon stated that at the proper time, he would propose to insert the phrase AND OVERSEAS FILIPINOS after the word "workers" on page 1, line 12. Senator Villanueva said that he would make the necessary adjustments.

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.

Senator Villanueva stated that the bill in consideration was a substitute measure.

DRILON AMENDMENTS

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

Page 1

1. On lines 10 and 11, replace the phrase "[Legal Assistant]" OFFICE OF THE UNDERSECRETARY for "Migrant Workers Affairs" with HEAD OF MISSION OF THE PHILIPPINE EMBASSY CONCERNED;
2. On line 12, after the word "workers," insert the phrase AND OVERSEAS FILIPINOS;

Page 2

3. On line 3, delete sentence starting with the words "IN ADDITION" up to the phrase "AND/OR HIRED" on line 12.

The session was suspended and was resumed shortly thereafter.

Page 3

4. On line 4, after the word "Act" and the comma (,), insert the phrase INCLUDING BUT NOT LIMITED TO THE SPECIFIC USES OF THE FUND and a comma (,).

TERMINATION OF THE PERIOD OF INDIVIDUAL AMENDMENTS

There being no other individual amendment, upon

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

APPROVAL OF SENATE BILL NO. 1233 ON SECOND READING

Submitted to a vote, there being no objection, Senate Bill No. 1233 was approved on Second Reading.

MANIFESTATION OF SENATOR VILLANUEVA

Senator Villanueva expressed his appreciation to the people who helped him craft Senate Bill No. 1233, through the following manifestation:

Please allow me to thank and congratulate all of you for approving on Second Reading Senate Bill No. 1233 under Committee Report No. 30, expanding the use of the Legal Assistance Fund.

Allow me also to shorten the subject or title of this bill which is the "Legal Assistance Fund" into the acronym "LeAF." A leaf— especially a green leaf— depicts hope.

Ito po ang gusto nating maramdaman at maranasan ng ating mga kababayang OFWs in distress—sila na humaharap sa mga kaso, nasa piitan, o nagsampa ng mga reklamo laban sa kanilang mga amo o employer abroad na may pag-asa po sila, na puwedeng magbago ang sitwasyon nila dahil ang bansang Pilipinas, ang gobyerno nila, hindi sila iiwan; tutulungan sila.

A leaf is also a symbol of courage. That is why, I think that the "Legal Assistance Fund" is precisely like that of a leaf.

Although LeAF is intended for our OFWs in distress, it is actually for the 10.4 million overseas Filipinos, including OFWs who are scattered to many places in the world, so that they will feel secure thinking that whatever happens, they will have adequate protection and support from the Philippine government.

Labis po tayong nasaktan bilang isang bansa sa mapait na pangyayaring naranasan ng ating mga kababayang sina Joanna Demafelis, Jeanelyn Villavende at iba pang inabuso at pinaslang doon sa bansang Kuwait.

Hindi po natin gustong maulit ito. Naisabatas na natin ang Republic Act No. 11 299 o ang Social Welfare Attache Law; isunod na po natin ang Legal Assistance Fund para maipakita natin sa buong mundo na ang unang

nagmamalasakit sa mga Pilipino ay walang iba kundi mga Pilipino rin.

Allow me to reiterate our thanks and appreciation to all our colleagues for cosponsoring this bill—Senator Binay, Senator Villar, Senator Pacquiao, Senator Bato Dela Rosa, our distinguished Minority Leader for giving us these meaningful amendments that were raised a while ago.

We also thank Senator Gatchalian, Senator Go, Senator Hontiveros, Senator Lacson, Senator Lapid, Senator Marcos, Senator Pangilinan, Senator Tolentino, and, of course, our hardworking Majority Leader, Sen. Migz Zubiri who is also coauthor of the measure and for finally calendaring this measure; and, of course, our Senate President Tito Sotto III.

Let me also put on record Senator Angara, Senator Gordon, and Senator Poe who also intended to cosponsor the measure.

Maraming salamat po sa inyong lahat. Maraming salamat sa DOLE and DFA families sa patuloy na pakikipagtulungan sa ating opisina, at sa ating mga OFW na walang sawang nagpapadala ng kanilang mga mensahe sa social media bilang pagsuporta dito sa Senate Bill No. 1233, gayundin po sa lahat ng mga organisasyong tumututok sa panukalang batas na ito.

Muli, taos-pusong pasasalamat at pagpalain tayo ng ating Panginoon.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1233

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 5:37 p.m.

RESUMPTION OF SESSION

At 5:38 p.m., the session was resumed with Senator Villanueva presiding.

SPECIAL ORDER

Upon motion of Senator Zubiri, there being no objection, the Body approved the transfer of

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Committee Report No. 49 on Senate Bill No. 1354 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 49 ON SENATE BILL NO. 1354

Upon motion of Senator Zubiri, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1354 (Committee Report No. 49), entitled

AN ACT AMENDING ARTICLES 183
AND 184 OF ACT NO. 3815, AS
AMENDED, OTHERWISE KNOWN
AS THE REVISED PENAL CODE.

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. 1354 under Committee Report No. 49, entitled "An Act Amending Articles 183 and 184 of Act No. 3815, as amended, otherwise known as the Revised Penal Code."

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

"Liar" is just as ugly a word as "thief," because it implies the presence of just as ugly a sin in one case as in the other. If a man lies under oath or procures the lie of another under oath, if he perjures himself or suborns perjury, he is guilty under the statute law."

— "By former President Theodore Roosevelt."

The Committee on Justice and Human Rights now sponsors, for the consideration of this Chamber, Committee Report No. 49, and seeks approval of its proposed measure, Senate Bill No. 1354, entitled: "An Act Amending Articles 183 and 184 of Act No. 3815, as Amended, Otherwise Known as the Revised Penal Code."

The following bills and resolutions relating to the proposed measure were referred to the Committee on Justice and Human Rights. These are: Senate Bill No. 1330, introduced by this Representation, entitled: "An Act Amending Article 183 of Act No. 3815, as Amended, Otherwise Known as the Revised Penal Code"; Senate Bill No. 8, introduced by Sen. Vicente C. Sotto III entitled: "An Act Increasing the Penalty for the Crime of Perjury Amending for the Purpose of Article 183 of the Revised Penal Code and for Other Purposes"; Senate Bill No. 28, introduced by Sen. Panfilo M. Lacson, entitled: "An Act to Amend Articles 180, 183 and 184 of Section Two, Chapter Two, Title Four of Act No. 3815, Otherwise Known as the Revised Penal Code, as Amended"; and Senate Bill No. 373, introduced by Sen. Leila M. de Lima, entitled: "An Act Amending Articles 180, 183, and 184 of Act No. 3815, Otherwise Known as the Revised Penal Code, as Amended, Increasing the Penalties Thereof, Criminalizing Subornation of Perjury, and for Other Purposes."

For centuries, perjury has been characterized as an offense against the effective administration of justice. The term "perjury" comes from the Latin word "*periurium*" which means false oath.

In the ancient past, oaths were an important part of religious rites. In the Old Testament, prohibitions against those who give false testimony are mentioned in Deuteronomy and Leviticus—something which the current chair is fully aware of. At around 1780 BCE, even the Mesopotamian Code of Hammurabi listed perjury along with murder and witchcraft as top offenses.

The offense rests on at least two levels. On the first level, perjury interferes with a particular dispute between individuals and on the second level, it impedes the effective administration of justice as a whole.

It tarnishes the integrity of the justice system by diminishing the respect necessary in order to reach the goal of ascertaining the truth in a particular case.

Perjury became an American crime in 1790. In *United States vs. Norris*, the U.S. Supreme Court observed that "perjury is an obstruction of justice; its perpetration may well affect the dearest concerns of the parties before the tribunal." The Court also regarded perjury as a "pollution," an "egregious offense," and an "obvious and flagrant affront against the basic concepts of judicial proceedings."

Similarly, in the Philippines, perjury is committed by any person who, knowingly

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makes untruthful statements and not being included in the provisions of the crimes of false testimony, shall testify under oath, or make an affidavit, upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires.

Under Article 183 of the Revised Penal Code, the current penalty for the crime of perjury is *arresto mayor* in its maximum period to *prision correccional* in its minimum period, has a range of four months and one day to two years and four months.

Based on the available records of the Office of the Court Administrator, for the period from September 1, 2013 to February 11, 2020, the number of cases are: Perjury, convicted – 36, acquitted – 98; Falsification, convicted – 197, acquitted – 311.

As we uncovered during our committee hearing, a factor for the low cases is the low penalty imposed on the crime of perjury. The current penalty for perjury is subject to probation and the bail imposed is also low, around P6,000.

Given the high costs in prosecuting a crime, like engaging the services of a private counsel, and also the time and effort it takes to see the trial to its finality, there is no motivation to prosecute the crime of perjury. It is costly, time consuming, and people may not be able to get the penalty that they want because they could actually go under probation.

Perjury does not only damage the victim of the crime but also damages the administration of justice—which is the most important. The law of perjury was created not only because the man lies or somebody lies, but because he practically impugns the time of the tribunals. It damages the time and efforts of our people.

The main objectives of this bill are: 1) to deter the commission of perjury; and 2) to create a culture of truth-telling. In other words, you lie, you pay.

Salient Provisions of the Bill

What we are proposing is to increase the penalty for the crime of perjury or Article 183 of the Revised Penal Code.

Currently, under the Revised Penal Code, the crime of perjury is punished with *arresto mayor* in its maximum period to *prision correccional* in its minimum period or four months and one day to two years and four months.

Under Senate Bill No. 1354, we are proposing to:

1. Increase the penalty to *prision mayor* in its minimum period to *prision mayor* in its medium period, or from six years and one day to ten years;
2. That any person who shall incriminate or impute, through false testimony or untruthful statements under oath or through an affidavit, any person in the commission of a crime shall suffer the same penalty as that being imputed;
3. Provided that if what is being incriminated or imputed to a person provides for a lesser penalty than what is provided for in the first paragraph (*prision mayor* in its minimum period to *prision mayor* in its medium period), that person shall suffer the same penalty as provided thereof;
4. Finally, if a person responsible for the commission of this felony is a public officer or employee, the penalty shall be imposed in its maximum period.

There are people who come here in the Senate and lie. We end up putting them in contempt. However, we should file cases of perjury against them, right away. They give false testimonies and hamper on the administration of justice.

We must make a statement. Do not trifle with us. Do not trifle with somebody's future. Do not trifle with truth, *hindi ba?* That is the whole point.

During our committee hearing, we really intended to make the penalty higher. However, a downside to this is that this might discourage people to work for the government. That is why we encourage debate, and I hope the Senate will pay attention and conduct the debate.

We may see this as Draconian but that is why we have these debates on the Floor. I hope that in the coming days, we can debate this to have more liveliness and more intelligence in the debate.

INTERPELLATION OF SENATOR DRILON

Adverting to page 2, lines 7 to 11 of the bill, which states: "Any person who shall incriminate or impute, through false testimony or untruthful statements under oath or through an affidavit, any person the commission of a crime shall suffer the same penalty as that being imputed," Senator Drilon

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asked what the penalty for perjury would be if the capital offense which was imputed turned out to be false—in the case of murder, for instance.

Senator Gordon admitted that while the provision was proposed by Senate President Sotto and Senator Lacson, he would further study the bill carefully in order to submit a proposition that is proportionate to the offense being punished and to avoid imposing a cruel punishment. He then enjoined the Body to discuss the matter, saying that he was open to amend the said provision.

Thereupon, Senator Drilon suspended his interpellation until the next session day.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1354

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

SUSPENSION OF SESSION

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

It was 5:51 p.m.

RESUMPTION OF SESSION

At 5:52 p.m., the session was resumed with Senate President Sotto presiding.

COMMITTEE REPORT NO. 12 ON SENATE BILL NO. 1086

(Continuation)

Upon motion of Senator Zubiri, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1086 (Committee Report No. 12), entitled

AN ACT CREATING AND ESTABLISH-
ING THE PHILIPPINE HIGH SCHOOL
FOR SPORTS AND PROVIDING
FUNDS THEREFOR.

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

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

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 individual amendments, Senate Bill No. 1086 being a substitute bill.

SUSPENSION OF SESSION

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

It was 5:54 p.m.

RESUMPTION OF SESSION

At 5:54 p.m., the session was resumed.

GATCHALIAN AMENDMENTS

As proposed by Senator Gatchalian, there being no objection, the Body approved the following amendments, one after the other:

Page 2

- On line 27, after the word “campus” and the period (.), add a new sentence, to read as follows:

THE PHSS SHALL AT ALL TIMES BE GIVEN AN UTMOST PRIORITY IN THE USE OF THESE SCHOOL AND SPORTS FACILITIES AND INFRASTRUCTURE WHICH SHALL BE FREE OF CHARGE AS LONG AS UTILIZED TO CARRY OUT THE PURPOSES AND FUNCTIONS OF THE PHSS;

- On line 28, replace the word “its” with THE;
- On line 29, after the word “costs,” insert the phrase OF THE SCHOOL FACILITIES.

Page 3

- On lines 8 and 9, delete the phrase “one (1) representative each from the House of Representatives and the Senate” and lieu thereof, insert the phrase ONE (1) REPRESENTATIVE FROM THE PRIVATE SECTOR IN THE FIELD OF SPORTS TO BE APPOINTED BY THE CHAIRPERSON UPON CONSULTATION WITH THE BOARD; and
- On line 29, insert a new subsection (a), to read as follows:

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(A) TO FORMULATE POLICIES, GUIDELINES AND CRITERIA IN ORDER TO RATIONALIZE THE ESTABLISHMENT, ADMINISTRATION, AND OPERATION OF THE SPORTS HIGH SCHOOLS UNDER THE PHILIPPINE HIGH SCHOOL FOR SPORTS SYTEM.

- Reletter the succeeding subsections accordingly.

GORDON AMENDMENT

On page 3, as proposed by Senator Gordon and accepted by the Sponsor, there being no objection, the Body approved to replace the word "Council" with COMMITTEE, on line 31 and wherever found in the bill.

SUSPENSION OF SESSION

Upon motion of Senator Gatchalian, the session was suspended.

It was 5:58 p.m.

RESUMPTION OF SESSION

At 6:07 p.m., the session was resumed.

CAYETANO AMENDMENTS

As proposed by Senator Gatchalian, on behalf of Senator Cayetano, there being no objection, the Body approved the following amendments, one after the other:

Page 1

- On line 4, before the phrase "The State," insert a new sentence, to wit:

ARTICLE XIV OF THE 1987 CONSTITUTION RECOGNIZES THE ROLE OF THE STATE TO PROTECT AND PROMOTE THE RIGHT OF ALL CITIZENS TO QUALITY EDUCATION AT ALL LEVELS AND TO TAKE APPROPRIATE STEPS TO MAKE SUCH EDUCATION ACCESSIBLE TO ALL;

- On the same line, between the words "State" and "recognizes," insert the word ALSO;

Page 2

- On lines 2 and 3, delete the first sentence and replace it with a new sentence, to wit:

THERE IS HEREBY CREATED AND ESTABLISHED A PHILIPPINE HIGH SCHOOL FOR SPORTS THAT SHALL ACCEPT STUDENTS WHO HAVE DEMONSTRATED THE POTENTIAL OF EXCELLING IN SPORTS TO TRAIN IN A WORLD-CLASS SPORTS FACILITY WHICH IS AT PAR WITH INTERNATIONAL STANDARDS WHILE CONTINUING THEIR HIGH SCHOOL EDUCATION.;

- On line 3, before the word "shall," replace the word "This" with PHSS, and make the sentence and the succeeding lines as a new paragraph;
- After line 9, insert a new paragraph to read as follows:

IN COMPLIANCE WITH REPUBLIC ACT NO. 10533 OR THE ENHANCED BASIC EDUCATION ACT OF 2013, THE PHSS SHALL AT THE SAME TIME PROVIDE ITS STUDENTS WITH QUALITY SECONDARY EDUCATION IN THEIR CHOSEN TRACK WHICH SHALL NOT BE LIMITED TO THE SPORTS TRACK. THE ESTABLISHMENT OF THE PHSS SHALL LIKEWISE NOT PREJUDICE THE CREATION OF OTHER SCHOOL FOR SPORTS IN DIFFERENT CITIES, MUNICIPALITIES, AND PROVINCES ALL OVER THE COUNTRY.;

- Delete lines 11 to 18 and replace it with a new Section 4 to read as follows:

SEC. 4. PURPOSE OF THE PHSS. – THE PHSS SHALL OFFER, ON A FULL OR PARTIAL SCHOLARSHIP BASIS, A HOLISTIC CENTER FOR STUDENTS WHO HAVE SHOWN POTENTIAL IN EXCELLING IN SPORTS AND SHALL PROVIDE THEM WITH ACCESS TO EDUCATION THAT TAKES INTO CONSIDERATION THEIR TRAINING NEEDS.;

- Delete lines 21 to 27 and replace it with the following paragraphs:

THE PHSS SHALL BE ESTABLISHED WITHIN THE NEW CLARK CITY IN CAPAS, TARLAC. THE STUDENTS SHALL HAVE ACCESS TO EXISTING SPORTS FACILITIES IN THE NEW CLARK CITY.

THE BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA) SHALL PROVIDE THE LAND FOR THE SITE BY WAY OF USUFRUCT. THE

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BCDA SHALL ALSO BE IN CHARGE OF THE CONSTRUCTION OF CLASSROOMS, DORMITORIES, AND OTHER SPORTS FACILITIES, AND RELATED AMENITIES AS MAY BE DETERMINED BY THE BOARD OF TRUSTEES AT THE NEW CLARK CITY CAMPUS.;

- On line 32, replace the word "President" with CHAIRPERSON;

The session was suspended and was resumed shortly thereafter.

Page 3

- On line 10, replace the word and figure "three (3)" with the word and figure TWO (2), and insert the phrase REPRESENTATIVES FROM THE PRIVATE SECTOR WHO HAVE DISTINGUISHED THEMSELVES IN THE FIELDS OF SPORTS, EDUCATION OR BOTH, TO BE APPOINTED BY THE CHAIRPERSON UPON CONSULTATION WITH THE BOARD, subject to style;
- On line 24, delete the word "corporate";

Page 4

- On line 7, insert a new subsection, to read as:
(F) TO DETERMINE THE CONDITIONS OF THE ACCEPTANCE OF PAYING STUDENTS AND ESTABLISH THE QUALIFICATIONS AND CRITERIA THEREOF;
- Reletter the succeeding subsection accordingly.

Page 6

- On line 23, after the word "teachers," insert the phrase COACHES, TRAINERS, SPORTS AND MEDICAL PROFESSIONALS WHO ARE EXPERTS IN THE FIELD;

- On lines 24 and 25, replace phrase "and personnel with long and vast experience in sports administration, education and management," with AND OTHER PERSONNEL.

**MANIFESTATION
OF SENATOR GATCHALIAN**

Senator Gatchalian said that Senator Gordon had requested that the period of amendments be extended until the following day, February 19, 2020.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1086**

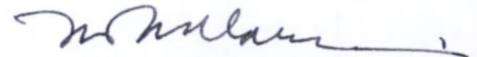
Upon motion of Senator Zubiri, there being no objection, the Body suspended consideration of the bill.

ADJOURNMENT OF SESSION

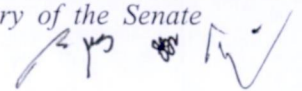
Upon motion of Senator Zubiri, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of the following day.

It was 6:22 p.m.

I hereby certify to the correctness of the foregoing.



ATTY. MYRA MARIE D. VILLARICA
Secretary of the Senate



Approved on February 19, 2020