# Session No. 37 Monday, 11 December 2023

# 1. Resolution on Third Reading

# Proposed Senate Resolution No. 877

Resolution Concurring in the Ratification of International Labour Organization Convention No. 190 or the "Convention Concerning the Elimination of Violence and Harassment in the World of Work"

## Adopted—Resolution No. 99

Motion of Senator Villanueva that his explanation of vote be inserted into the *Record* 

# 2. Bills on Third Reading

#### • Senate Bill No. 1470

An Act Strengthening the Mechanism for Land Use Development and Infrastructure Planning and Budgeting for State Universities and Colleges, Amending for the Purpose Republic Act No. 11396, Otherwise Known as the "SUCs Land Use Development and Infrastructure Plan (LUDIP) Act"

#### Senate Bill No. 2441

An Act Mandating Private Higher Education Institutions to Waive College Entrance Examination Fees and Charges of Certain Students Qualified to Apply for College Admission

#### Senate Bill No. 2455

An Act Revitalizing and Strengthening the Self-Reliant Defense Posture Program and Promoting the Development of a National Defense Industry Pursuant Thereto and Providing Funds Therefor

#### Explanation of Vote of Senator Dela Rosa

Senator Dela Rosa stated that the approval of the measure on revitalizing the country's self-reliant defense posture would be a testament of the Marcos administration's commitment to protect the country's territory. He added that the measure empowers Filipinos to craft their own defense weapons and further develop the country's defense industry.

Motion of Senator Dela Rosa that he be made coauthor of Senate Bill No. 2455

#### • Senate Bill No. 2432

An Act Defining the Crimes of Agricultural Economic Sabotage, Prescribing Penalties Therefor, Vesting Jurisdiction Over Such Offenses with the Court of Tax Appeals, Providing Mechanisms for its Implementation and Enforcement, Repealing for the Purpose Republic Act No. 10845 or the "Anti-Agricultural Smuggling Act of 2016"

# Motion of Senator Villanueva that his explanation of vote and Senator Dela Rosa's be inserted into the *Record*

#### House Bill No. 4844

An Act Creating a Barangay in the Municipality of Barobo, Province of Surigao Del Sur, to be Known as Barangay Guinhalinan

#### • House Bill No. 5819

An Act Dividing Barangay 176 also Known as Barangay Bagong Silang in the City of Caloocan into Six (6) Separate and Independent Barangays to be known as Barangay 176-A, Barangay 176-B, Barangay 176-C, Barangay 176-D, Barangay 176-E, and Barangay 176-F

# **Manifestation of Senator Hontiveros**

Senator Hontiveros manifested that she had to step out of the Hall while the Body was voting for something important, but she would have voted in favor of the bill.

# 3. Conference Committee Report on House Bill No. 8980 or the 2024 General Appropriations Act

Senator Angara reported on the highlights of the Bicameral Conference Committee Report:

- Approved additional budget for the Department of National Defense (DND) and the Armed Force of the Philippines (AFP), including the General Headquarters, Philippine Army, Philippine Air Force, Philippine Navy, and the Philippine Coast Guard (PCG), and for the Philippine National Police (PNP), Bureau of Fire Protection (BFP) Bureau of Jail Management and Penology (BJMP), Department of Justice (DOJ), National Bureau of Investigation (NBI), PCG, National Intelligence Coordination Agency (NICA), and the National Security Council.
- Augmented budget for the Marawi Compensation Board and Marawi Compensation Fund, and retained realignments for the PAMANA Program;
- Affirmed funds for the programs of the Department of Agriculture (DA) and its attached agencies for rice, corn, livestock, high value crops development, soil health, fisheries, agricultural research and development, and buffer stocking;
- Increased budget for the Department of Education's (DepEd) Senior High School (SHS) Voucher Program, Commission on Higher

- Education's (CHED) Tulong Dunong Program, Tulong Trabaho Fund, Training for Works Scholarship Program (TWSP), and the Special Training for Employment Program (STEP);
- Additional funds for the Department of Health's (DOH) Medical Assistance to Indigent and Financially-Incapacitated Patients (MAIFIP); the Health Facilities Enhancement Program (HFEP), and specific interventions, including those for at-risk mothers as recommended by the Second Congressional Commission (EDCOM 2), as well as maintained budget for the purchase of drugs, medicines, and vaccines, and the emergency benefits and allowances of healthcare and non-healthcare frontliners;
- Different forms of "ayuda" such as Assistance to Individuals in Crisis Situations (AICS), Sustainable Livelihood Program (SLP), Kapit-Bisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services's (KALAHI-CIDSS) Cash-for-Work, Supplementary Feeding Program, Social Pension for Indigent Senior Citizens, Tulong Panghanapbuhay for the Disadvantaged/Displaced Workers Program, and fuel subsidies under the Department of Transportation (DOTr) and the DA;
- Boosted funding for Pabahay para sa Pamilyang Pilipino (4PH) of Department of Housing and Urban Development (DHSUD), inventory of land for the housing projects, establishment of an interagency council for the Pasig River Urban Development, Integrated Disaster Shelter Assistance Program and Emergency Housing Assistance Program of the National Housing Authority (NHA);
- Significant funds for DOTr's infrastructure projects such as rail transport, land public transportation, aviation; and the Department of Public Works and Highways' (DPWH) asset preservation, network development bridges, as well as other convergence and special support programs for tourism and trade, and other social infrastructure, and retained appropriations for the construction, rehabilitation, and improvement of facilities for persons with disabilities and the elderly, including gender-responsive restrooms;
- Retained the special provision (Bureau of Immigration' its immigration fees and collections) for the reimbursements of incurred travel expenses of passengers who are forced to spend on flights after being deferred, offloaded, or prevented from leaving the country without a valid court order:
- Special account for the purchase of body cameras to be worn by DOTr-Office for Transportation Security's security screening officers, as a safeguard against pilferage or illegal activities at the airport;
- Retained increases in the DENR budget for the rehabilitation, protection, and development of protected areas, and significant augmentations for new and improved marine stations;
- In light of renewable energy, special provisions for the Offshore Wind Integration Port, Philippine Energy Research and Policy Institute, and Waste-to-Energy Component of the Renewable Energy Development Program;
- Additional funding for SMEs led the Department of Trade and Industry (DTI) for the green lanes for strategic investments, and health services facilities, Philippine Creative Industries Development Act (PCIDA), and

- Export and Trade Promotion Program of the Center for International Trade Expositions and Missions (CITEM);
- Augmented budget for the Department of Science and Technology's (DOST) innovation, science and technology, research and development, and the Department of Tourism's promotion of the Philippines as a prime tourist destination and preserving the country's culture and heritage;
- Retained budget for the Department of Foreign Affairs (DFA), its attached agencies, and embassies and consulates; and
- Additional funding for the National Academy of Sports and Philippine Sports Commission in support of the Filipino athletes.

## **Manifestation of Senator Pimentel**

Senator Pimentel raised several points on the budget:

- Level of the confidential and intelligence funds. Senator Angara stated that the Senate did not touch the P9.5 billion contained in the House of Representatives' Genera Appropriations Bill (GAB). As for the Senate, Senator Zubiri informed the Body that the Senate has no confidential and intelligent funds for 2024.
- Unprogrammed appropriations. Senator Pimentel stated that the original proposal in the National Expenditure Program (NEP) was P281.9 billion and yet the final amount totaled to P731 billion, an increase of around P450 billion. On this, Senator Angara explained that the reason for such was to carve out fiscal space in the programmed appropriations for other items. Senator Pimentel sought clarification on his understanding that the P450 billion was "transferred or lowered from programmed appropriations to unprogrammed appropriations", to which Senator Angara concurred.
- Budget practice. Senator Pimentel observed the channeling of more funds under unprogrammed appropriations. While he was aware that it was a standby appropriation, he pointed out that the Constitution does not distinguish when it says that "Congress may not increase the appropriations recommended by the President for the operation of the Government." There was no distinction between programmed or unprogrammed appropriations because, in reality, some unprogrammed appropriations are actually funded, and they become actual expenses of the government.
- Augmented budget of the House of Representatives. Senator Pimentel observed that after the bicameral conference committee, the House budget increased. He stated the House budget increased in 2023 after the bicameral conference and the same happened to its 2024 budget, with a P12-billion increase. To improve the transparency, he pointed out that there is a need to improve the budgeting system, wherein, for example, the actual budget need of the House should be reflected in the GAB.

### **Manifestation of Senator Escudero**

Given the borrowing record of the government, Senator Escudero stated that by the end of President Marcos' term in 2028, the national government debt, which currently stood at P13.6 trillion, would be P27.4 trillion. He said that if the government were to maintain a 60% debt-to-

GDP ratio, the country's gross domestic product (GDP) should be doubled in 2028. He noted that increasing the GDP should be kept in mind, not only for debt-to-GDP ratio but also for ensuring that the quality of life of the Filipino would continue.

# Approval of the Bicameral Conference Committee Report

#### **Manifestation of Senator Poe**

Senator Poe pointed out the DOTr's failures to implement the Public Utility Vehicle Modernization Program (PUVMP), particularly the provision on aid for some 300,000 affected PUV drivers. She noted only P1.6 billion was allocated for the PUVMP. She questioned the DOTr's promised route plans that are yet to be finalized, their concept of consolidation not being a phase out, and the modernization that would be implemented after the consolidation deadline.

## Manifestation of Senator Cayetano (P)

Senator Cayetano stated that PUVMP is an extremely important component in the journey towards sustainability. In the context of health and children, she said that there were children who suffered from pulmonary conditions caused by unsafe environmental standards, particularly the lack of clean air. She pointed out the need for a political will to ensure that the budget necessary to help the jeepney drivers transition to more modern and sustainable models.

## 4. Senate Bill No. 2505 under Committee Report No. 175

An Act Protecting the Welfare of Workers in the Movie and Television Industry

Sponsor: Sen. Jinggoy Ejercito Estrada

## Interpellation of Senator Villanueva

Asked why there is a need to pass the proposed measure called the Eddie Garcia bill when there is already an Occupational Safety and Health (OSH) Law that could not even be implemented 100%, Senator Estrada stated that the OSH Law is an integral part of the proposed measure, specifically mentioning the requirement for employers to strictly comply with the provisions of Republic Act No. 11058 or an Act Strengthening the Compliance with a Company Occupational Safety and Health Standards and Providing Penalties for Violations Thereof.

As to whether there had been dialogue and collaboration among industry stakeholders in light of Joint Memorandum Circular No. 1, which prescribes a review to be done every three years at the minimum, Senator Estrada said that unfortunately the DOLE had not made any consultations yet with the leaders or representatives of the movie industry.

With regard to changes or enhancements made to existing OSH Law, protocols, and regulations within the industry after the unfortunate accident involving Eddie Garcia, Senator Estrada said that number of working hours from was increased from eight hours to a maximum of 14

hours. Senator Villanueva also inquired on the definition of workplace, which according to Senator Estrada is almost the same as the definition in the OSH Law.

Senator Villanueva wanted to find out how to make the implementation of the law effective. He opined that the implementors of the law are not ready. As for the compliance of the DOLE with regard to the implementation of the occupational safety and health standards, Senator Estrada stated the compliance with the OSH Law is low. Having said that, Senator Villanueva stated that they have to do more to ensure that the workers in the movie and television industry are protected.

#### **Manifestation of Senator Poe**

Senator Poe commended Senator Estrada as the sponsor of the bill, and expressed her thanks to the actors and to the advocates of the rights of the movie workers.

# Interpellation of Senator Cayetano (P)

Senator Cayetano sought clarification on the definition of "employer". According to Senator Estrada, employers usually refers to movie producers; however, sometimes they hire suppliers for the lights, sound system, cameras, and even food. In light of liability, Senator Estrada said that if something went wrong, the responsibility would fall on the producer. He added that it was not yet contained in the bill, and suggested that Senator Cayetano introduce a clause on liability during the period of amendments.

As for the definition of "movie and television industry", Senator Estrada clarified that it includes documentary or an entertainment show that is not in a movie house or TV, YouTube, Facebook, podcast, and vlogging as long as there are workers hired in general.

As for the normal working hours established at eight hours a day, Senator Estrada concurred that eight hours would be the basis of overtime pay and differentials. He also said that, in general, the workers receive wages that are higher than the prevailing minimum wage rate plus overtime pay.

In light of workers who are 60 years old and above, Senator Estrada said that he would propose an amendment to the bill by deleting Section 9 (a) and subsection (i), since the intent is to allow workers aged 60 years old and above to work beyond eight hours but in no case exceeding 14 hours. On another note, he said that he would to talk to the members of the movie industry to support Senator Cayetano's advocacy on breastfeeding.

As for Section 12 of the bill on Social Security and Welfare Benefits, which provides Social Security System (SSS), the Home Development Mutual Fund or the Pag-IBIG Fund, and the Philippine Health Insurance Corporation (PhilHealth) coverage for the workers, Senator Estrada explained that if there is an employee-employer relationship, the

contribution shall be jointly shared by the worker and the employer. In the case of the independent workers, they shall be paying voluntarily.

# 5. Bills Approved on Second Reading

Local Public Works Bills (District Engineering Offices sponsored by Sen. Ramon Bong Revilla Jr.

- House Bill No. 1043 under Committee Report No. 81
   An Act Creating a District Engineering Office in the First Legislative District of the Province of Negros Occidental, and Appropriating Funds Therefor
- House Bill No. 907 under Committee Report No. 140
   An Act Creating a District Engineering Office in the Fifth Legislative District of the Province of Batangas and Appropriating Funds Therefor
- House Bill No. 1147 under Committee Report No. 141

  An Act Creating a District Engineering Office in the Sixth Legislative District of the Province of Isabela, and Appropriating Funds Therefor
- House Bill No. 7539 under Committee Report No. 142

  An Act Creating a District Engineering Office in the Third Legislative District of the Province of Bataan, and Appropriating Funds Therefor
- House Bill No. 7553 under Committee Report No. 143
  An Act Creating a District Engineering Office in the Second Legislative District of the Province of Davao Del Norte, and Appropriating Funds Therefor
- House Bill No. 7647 under Committee Report No. 144
  An Act Creating a District Engineering Office in the Lone Legislative District of the City of General Santos, And Appropriating Funds Therefor
- House Bill No. 7768 under Committee Report No. 145
  An Act Creating a District Engineering Office in the Third Legislative District of the Province of Bulacan, and Appropriating Funds Therefor
- House Bill No. 7934 under Committee Report No. 146

  An Act Creating a District Engineering Office in the Lone Legislative District of the City of Lapu-Lapu, and Appropriating Funds Therefor
- House Bill No. 7933 under Committee Report No. 147
  An Act Creating a District Engineering Office in the City of Antipolo,
  Province of Rizal, and Appropriating Funds Therefor
- House Bill No. 7770 under Committee Report No. 148
   An Act Creating a District Engineering Office in the Second Legislative District of the Province of Aklan, and Appropriating Funds Therefor
- House Bill No. 7769 under Committee Report No. 149

  An Act Creating a District Engineering Office in the Third Legislative District of the Province of Iloilo, and Appropriating Funds Therefor
- House Bill No. 7645 under Committee Report No. 150

  An Act Creating a District Engineering Office in the Fourth Legislative District of the Province of Bukidnon, and Appropriating Funds Therefor
- House Bill No. 7648 under Committee Report No. 151

An Act Creating a District Engineering Office in the Sixth Legislative District of the Province of Batangas, and Appropriating Funds Therefor

• House Bill No. 8133 under Committee Report No. 152
An Act Creating a District Engineering Office in the Second Legislative District of Davao City, and Appropriating Funds Therefor

Motion of Senator Villanueva that he, Senators Zubiri and Villar be made coauthors of the 14 bills on District Engineering Offices

## 6. Local Basic Education Bills sponsored by Sen. Win Gatchalian

• House Bill No. 7315 under Committee Report No. 156

An Act Separating the Jose Abad Santos National High SchoolTabayon Extension in Barangay Tabayon, Municipality of Jose Abad Santos, Province of Davao Occidental from the Jose Abad Santos National High School, Converting It into an Independent National High School to be Known as the Tabayon National High School, and Appropriating Funds Therefor

# **Interpellation of Senator Pimentel**

Asked on the criteria for the creation of national high schools, Senator Gatchalian cite DepEd's Department Order (DO) No, 40 series of 2014, which specifies the criteria for the establishment of a school, conversion of a school, and separation of a school annex.

As for the budget of the new independent high school, Senator Gatchalian stated that that for 2024, P5.3 million—Personnel Services (PS), and Maintenance and Other Operating Expenses (MOOE)—would be allotted. He explained that the budget had been lodged under the mother school. Thus, once the proposed measure becomes a law and the school separates from the mother school, there is a specific line item for this new school, and that specific budget will be now appropriated to that line item. He added that it is the normal approach of the DepEd for all schools with extension campuses. Senator Gatchalian also added that other than having its own budget and own set of teaching and non-teaching personnel, the reason for the creation of a new national high school is to attract more students and follow the teacher-to-classroom ratio, as well as the student-to-classroom ratio.

With regard to the standard cost in establishing a new high school, Senator Gatchalian said that the DepEd still follows what is the commonly known as the "Boncodin formula." Using MOOE as an example, he said that for high schools, P6,000 is allocated for every classroom; P8,000, for every teacher; and 400, for every learner. Thus, it would be P6,000 times the number of classrooms; P8,000 times the number of teachers; and then, P400 times the number of learners.

The period of interpellation was closed and there being no individual and committee amendments, the period of amendments was also closed.

# • House Bill No. 8399 under Committee Report No. 157

An Act Separating the San Pablo National High School-Sacbulan Extension in Barangay Sacbulan, Municipality of San Pablo, Province of Zamboanga Del Sur from the San Pablo National High School, Converting It into an Independent National High School to be Known as the Sacbulan National High School, and Appropriating Funds Therefor

# House Bill No. 8701 under Committee Report No. 158

An Act Establishing a Senior High School in Progressive Village 3, Barangay Bayanan, City of Bacoor, Province of Cavite, to be Known as the Progressive Senior High School, and Appropriating Funds Therefor

## **Interpellation of Senator Pimentel**

When asked on the criteria for establishing a senior high school, Senator Gatchalian cited the same Department Order No. 40 series of 2014. He also stated that the DepEd issued DO No. 51 series of 2015 to allow the establishment of stand-alone senior high school.

The period of interpellation was closed, and there being no individual and committee amendments, the period of amendments was also closed.

## House Bill No. 8702 under Committee Report No. 159

An Act Establishing an Elementary School in Progressive 15, Barangay Molino 2, City of Bacoor, Province of Cavite, to be Known as the Progressive Elementary School, and Appropriating Funds Therefor

# **Interpellation of Senator Pimentel**

Asked on the legal basis for the establishment of the Progressive Elementary School, Senator Gatchalian stated that it was established in 2010 through a sangguniang barangay resolution dated April 15, 2009 requesting Rep. Erineo "Ayong" Saquilayan Maliksi, through Mayor Strike Revilla, for the construction of the first elementary school in Molino II, Bacoor, Cavite. Senator Gatchalian also noted during that time, there was no specific department order on the establishment of elementary schools. Thus, the barangay resolution became the basis for the local government unit to put up that school and for DepEd to fund that school in terms of operations in 2010.

The period of interpellation was closed and there being no individual and committee amendments, the period of amendments was also closed.

Motion of Senator Villanueva that he be made coauthor of the four bills.

6. Senate Bill No. 2449 under Committee Report No. 137

An Act Providing for Organizational Reforms in the Philippine National Police, Amending for The Purpose Republic Act No. 6975, Otherwise Known as the "Department of the Interior and Local Government Act of 1990", as Amended, and Republic Act No. 8551, Otherwise Known as "Philippine National Police Reform and Reorganization Act of 1998"

Sponsor: Sen. Ronald "Bato" Dela Rosa

# **Interpellation of Senator Pimentel**

Senator Pimentel inquired on the legal basis of the current structure of the PNP. In response, Senator Dela Rosa cited Section 13 (Authority of the Commission to Reorganize the PNP) of RA 8551 or the "Philippine National Police Reform and Reorganization Act of 1998" as the basis of the organizational changes in the PNP. As stipulated in the aforementioned law, the PNP reorganization shall be approved by Congress through a joint resolution. But according to Senator Dela Rosa, though a number of joint resolutions filed were filed during the 13th, 14th, 5th, 16 and 19th Congresses, none was approved. Thus, in order for the PNP to be effective in carrying out its mandate, it created new national support units such as the PNP Anti-Kidnapping Group, which is in charge of kidnapping; the PNP Drug Enforcement Group because of the drug problem in the Philippines; and the Integrity Monitoring and Enforcement Group, which is in charge of counter intelligence and operations against scalawag PNP personnel.

Senator Dela Rosa noted that PNP units were created through National Police Commission (NAPOLCOM) resolutions, whose legal basis is also of RA 8551. Still, according to him, upon invoking the doctrine of qualified political agency (acts of the secretary are deemed to be the acts of the President, unless prohibited by the President), the PNP proceeded with the changes in the staffing pattern, and created positions up to a division chief and equivalent level under the Executive branch. Senator Dela Rosa explained further that the GAA authorizes the President to create new offices and modify existing ones.

Asked on the differences between a police office and police station, Senator Dela Rosa explained that a police office is bigger than a police station, and is more of supervisory services. A police station caters to day-to-day delivery of the basic police services to the community.

Senator Dela Rosa noted that a police unit is called city police office for highly urbanized cities because it is somewhat like the same level as a provincial police office. But for small (component) cities, it is called city police stations.

As for the existence of 11 directorates provided in the Section 2 of the proposed measure, Senator Dela Rosa confirmed that the 11 directorates are already in existence, and that none would be added with regard to the number of directorate and existing functions. With regard to the area

police command, Senator Dela Rosa explained that the PNP is following the military model. The logic behind the pattern is synchronization and one-to-one coordination between the police and military as far as area command is concerned.

Senator Dela Rosa explained that, in general, the provisions in the bill are existing and operational except the area police command (APC). The APC shall have operational control over the existing regional mobile force battalions within the respective areas of responsibility, subject to the exercise of the power of delegation of authority of the Chief PNP. Currently, the regional mobile force battalions are under the operational control of the regional director. But as proposed by the PNP and NAPOLCOM, the operational control of the regional police mobile force battalions should be under the APCs, both administratively and operationally.

The purpose of which is for initial police personnel complement as more personnel in the area police office will be added. The battalion, according to Senator Dela Rosa, is just the initial personnel, which ranges from 500 to 700 plus.

When asked of what will be left for the regional director, Senator Dela Rosa stated that the regional director will be left with all the police provincial offices in the different provinces and as far as mobile forces is concerned. Senator Dela Rosa added that as far as law enforcement is concerned, the area police commander is going to support the police regional offices. But as far as the internal security operation, it is the primary function of the area police APCs making insurgency, terrorism, and other internal security threat as its primary jurisdiction.

Responding to the query on the APC support to the police regional offices in the conduct the inter-regional anti-criminality operations and investigation, Senator Dela Rosa stated that the support would come in the form of coordination as criminal groups sometimes operate not only in one region, but also in other regions. As far as the phrase "anti-criminality operations", Senator Dela Rosa said that it means the area command can go after the criminals. He explained that the said provision is contained for purposes of clarity.

## 7. Privilege Speech of Senator Hontiveros

Senator Hontiveros called for an investigation on the Kingdom of Jesus Christ, a religious group led by Pastor Apollo Quiboloy. In her privilege speech, she revealed the alleged abuse of women and children occurring within the religious group. She then urged the Body to save the children, and hold space for the victims who cower in silence and live in fear, hoping that they find their voice and their power.

Motion of Senator Villanueva to refer the privilege speech of Senator Hontiveros to the Committee on Women, Children, Family Relations and Gender Equality

Motion of Senator Villanueva to designate the Senate conferees—Sen. Cynthia A. Villar as chairperson; Senators Imee Marcos, Joseph Victor "JV" G. Ejercito, Aquilino "Koko" Pimentel III, and Sen. Risa Hontiveros, as members—to the Bicameral Conference Committee Report on the Disagreeing Provisions of Senate Bill No. 2432 and House Bill No. 9284, entitled Anti-Agricultural Economic Sabotage

Motion of Senator Villanueva to transfer the secondary referral of the Senate Bill No. 2498 (Philippine National Nuclear Energy Safety Act); and Senate Bill No. 1194 (the Philippine Nuclear Regulation Act of 2022) from the Committee on Civil Service, Government Reorganization and Professional Regulation to the Committee on Energy, while maintaining the referral to the Committees on Ways and Means and Finance, and Committee on Science and Technology

The session was adjourned at 9:20 p.m.