



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 69**  
Wednesday, March 1, 2017

**SEVENTEENTH CONGRESS  
FIRST REGULAR SESSION**

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**CALL TO ORDER**

At 3:06 p.m., the Senate President, Hon. Aquilino “Koko” Pimentel III, called the session to order.

**PRAYER**

Being the first day of March which is the International Women’s Month, Sen. Cynthia A. Villar offered the following prayer for women:

Heavenly Father, on this day, we commit all women everywhere.

We believe in the intrinsic beauty, goodness and worth of women; in our God-given strength, skills, talents, wisdom and well-being; in our capacity to encourage and support each other instead of becoming rivals; and in our capacity to respond to the demands of children, family, career and other duties and obligations.

We celebrate our uniqueness and distinct roles.

We are workers, teachers, farmers, doctors, scientists, artists, engineers, salespeople, cleaners, environmentalists, lawmakers, and breadwinners.

More importantly, we are daughters, sisters, mothers and grandmothers.

We turn to You daily for guidance, faithfulness and resilience in carrying out all our tasks in and out of our homes.

We trust Your plans for us, not to harm or hurt us, but to give us hope and a future.

We continue to anticipate and work for the day when the world will be free of discrimination and free to express themselves.

We pray for equality when all women will get their rightful fair share in everything.

Most of all, we look forward to a time of peace and plenty, as You have generously promised us and all creation.

These, we ask through Your Son, Jesus Christ.

Amen.

**ROLL CALL**

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



Aquino, P. B. IV B.	Legarda, L.
Binay, M. L. N. S.	Pangilinan, F. N.
Ejercito, J. V. G.	Poe, G.
Gatchalian, W.	Pimentel III, A. K.
Gordon, R. J.	Sotto III, V. C.
Honasan, G. B.	Villanueva, J.
Hontiveros, R.	Villar, C. A.
Lacson, P. M.	

With 15 senators present, the Chair declared the presence of a quorum.

Senators Angara, Cayetano, Pacquiao, Recto, Trillanes and Zubiri arrived after the roll call.

Senator Drilon was on official mission “to meet with Filipinos in Johannesburg and Cape Town in South Africa to discuss his proposed amendments to Republic Act No. 9225 (Citizenship Retention and Reacquisition Act of 2003) and on matters concerning proposed measures referred to the Committee in Constitutional Amendments and Revisions of Codes.”

Senator Escudero was on “official business” as indicated in the March 1, 2017 letter of his chief of staff.

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

#### **APPROVAL OF THE JOURNALS**

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journals of Session No. 67 (February 27, 2017) and Session No. 68 (February 28, 2017) and considered them approved.

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

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

- Members of the group LAGABLAB Network and Metro Manila Pride;
- Barangay officials of San Jose, Concepcion, Tarlac, headed by Chairman Reynaldo Santos;
- Curator Joselina Cruz and artist Lanie Maestro; and
- Barangay officials of Guiguinto and Malolos, Bulacan headed by Vice Mayor Banjo Estrella of the Municipality of Guiguinto.

Senate President Pimentel welcomed the guests to the Senate.

#### **REMINDER OF SENATOR SOTTO**

Senator Sotto, chair of the Committee on Rules, informed the members of the Chamber of the scheduled caucus after the reading of the Reference of Business and the sponsorship speech of Senator Poe to thresh out the membership of the 20 committees for both the Majority and Minority blocs.

#### **MANIFESTATION OF SENATOR GORDON**

Senator Gordon informed the Body of the death of former Cabinet secretary and member of the House of Representatives, Simeon Datumanong, a Filipino-Muslim who served the country well. He believed that the Senate should honor Datumanong with a resolution expressing its sympathy to the family as well as condolences and prayers for his passing. He stated that being a Muslim, he was to be interred the day after his death; thus, the Senate does not have the time to commiserate with the family. He said that, subject to style, the Senate should come up with a resolution honoring Simeon Datumanong.

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

Senator Zubiri associated himself with Senator Gordon’s proposed Senate resolution to honor Simeon Datumanong and suggested that all members of the Body be made coauthors of the same.

Senator Sotto replied that, in due time, the request of Senator Zubiri would be considered.

#### **MANIFESTATION OF SENATOR ANGARA**

Senator Angara also associated himself with the resolution and he expressed his appreciation to Senator Gordon for his magnanimity in moving for the resolution honoring Simeon Datumanong.

#### **REFERENCE OF BUSINESS**

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

#### **RESOLUTION**

Proposed Senate Resolution No. 306, entitled

RESOLUTION EXPRESSING THE FULL



**SUPPORT AND ACTIVE PARTICIPATION OF THE SENATE IN THE OBSERVANCE OF WORLD OCEANS DAY ON JUNE 8 OF EVERY YEAR**

Introduced by Senator Aquilino "Koko" Pimentel III

**To the Committee on Rules**

**COMMUNICATIONS**

Letters from the *Bangko Sentral ng Pilipinas*, transmitting to the Senate copies of the following certified and authenticated BSP issuances, in compliance with Section 15(a) of Republic Act No. 7653 (The New Central Bank Act):

Circular Letter Nos. CL-2017-010, 011 and 012 dated 3, 7 and 17 February 2017;

Memorandum Nos. M-2017-004 and 005 dated 8 and 16 February 2017;

and Circular No. 946 dated 17 February 2017.

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

**COMMITTEE REPORT**

Committee Report No. 43, submitted jointly by the Committees on Public Services; and Ways and Means, on House Bill No. 4637, introduced by Representative Umali, *et al.*, entitled

**AN ACT EXTENDING FOR TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO SMART COMMUNICATIONS, INC. (FORMERLY SMART INFORMATION TECHNOLOGIES, INC.), AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7294, ENTITLED AN ACT GRANTING SMART INFORMATION TECHNOLOGIES, INC. (SMART) A FRANCHISE TO ESTABLISH, INSTALL, MAINTAIN, LEASE AND OPERATE INTEGRATED TELECOMMUNICATIONS/COMPUTER/ELECTRONIC SERVICES, AND STATIONS THROUGH-OUT THE PHILIPPINES**

**FOR PUBLIC DOMESTIC AND INTERNATIONAL TELECOMMUNICATIONS, AND FOR OTHER PURPOSES,**

recommending its approval with amendments, taking into consideration Senate Bill No. 1302.

Sponsor: Senator Grace Poe

**To the Calendar for Ordinary Business**

**SPECIAL ORDER**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 43 on House Bill No. 4637 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 43  
ON HOUSE BILL NO. 4637**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, House Bill No. 4673 (Committee Report No. 43), entitled

**AN ACT EXTENDING FOR TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO SMART COMMUNICATIONS, INC. (FORMERLY SMART INFORMATION TECHNOLOGIES, INC.), AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7294, ENTITLED "AN ACT GRANTING SMART INFORMATION TECHNOLOGIES, INC. (SMART) A FRANCHISE TO ESTABLISH, INSTALL, MAINTAIN, LEASE AND OPERATE INTEGRATED TELECOMMUNICATIONS/COMPUTER/ELECTRONIC SERVICES, AND STATIONS THROUGHOUT THE PHILIPPINES FOR PUBLIC DOMESTIC AND INTERNATIONAL TELECOMMUNICATIONS, AND FOR OTHER PURPOSES."**

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

The Chair recognized Senator Poe for the sponsorship.

## SPONSORSHIP SPEECH OF SENATOR POE

Senator Poe, on behalf of the Committee on Public Services, stated that Committee Report No. 43 recommends approval with amendments of House Bill No. 4637, which seeks to extend the franchise of Smart Telecommunications Inc. for another 25 years, taking into consideration Senate Bill No. 1302, and taking into account the views aired and position papers submitted by government, business and consumer representatives during the two public consultations called by the Committee on Public Services.

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

Like the cellphone load it sells, Smart's franchise has an expiry date—this March 27, which marks the 25<sup>th</sup> year its current franchise, Republic Act 7294, was signed into law.

When RA 7294 was enacted, Internet was in its infancy and Mark Zuckerberg was in first grade. In the quarter of a century that has passed, information technology has rapidly advanced, such that Smart's franchise, for it to be attuned to the age of Facebook, must also be upgraded.

The modifications are evident in a side-by-side comparison of Smart's expiring franchise and the bill that the House had passed.

It would have been expedient for the legislature to roll over Smart's franchise by simply extending it.

But we know that obsolescence does not only plague technology but regulatory frameworks as well.

This is why, in addition to endorsing its approval, we are also proposing amendments to House Bill 4637.

First, we deleted the term "co-use" in the application of the franchise so that this seemingly innocuous word cannot be invoked in employing anti-competition practices.

Second, we have retained the original wording in RA 7294 which mandates the public listing of Smart's shares of stock.

During the hearings, we have emphatically conveyed to SEC the sense of the Senate that it

must enforce this provision of the law and that any failure on the part of the grantee to comply must be severely penalized.

Third, we are compelling Smart to install facilities and bring under its coverage areas not yet served, specifically calamity-prone ones, where the presence of telecommunication services can help in times of disaster.

Fourth, we are requiring it to upgrade and program its entire infrastructure to be on standby to send out free mobile disaster alerts as mandated by Republic Act No. 10639.

Fifth, we are requiring congressional consent on the sale, lease, transfer, usufruct or assignment of the franchise, except in certain cases.

But how I wish that we could include service guarantees, performance benchmarks, improvement pledges in the bill as the public hearings centered on these.

How I wish we could accommodate penalties for lousy service in franchises.

How I wish we could outlaw dropped calls, fine slow Internet, and ban false advertising.

How I wish we could insert provisions which punish overbilling, reinstate vanishing loads, and sanction weak signals.

But unfortunately these do not fall within the ambit of a legislative franchise. It is a function of regulation, and today these are proof of failed or feeble regulation.

As I have been told that these complaints can be addressed in a separate legislation that will apply to all telcos, I hope that before the curtain falls on this Congress, we will be able to pass one for our consumers.

Just the same, our regulators have been put on notice, and come budget season, we will ask them if they have been able to deliver on what they had promised.

These are up their alley, the core of their work, so NTC, DICT, and DTI cannot reply with the pre-recorded message that these concerns "are outside their coverage area."

They need not be reminded of what the Supreme Court had stressed that "a legislative franchise is a special privilege which cannot be exercised at will and pleasure..." and that a franchise is "reserved for public control and administration" under such conditions and regulations the government may impose on them "in the interest of the public."

PMB

As I have said time and again, Smart may have 70 million subscribers but it must also subscribe to our laws.

Smart's large customer base underscores its status as a vital industry.

After power and water, broadband has become the third utility. There are now more phones than people, and more SIM than the population.

And while the archipelago is crisscrossed by electrical lines from hundreds of power distributors, and there are over a thousand water districts and companies piping in water to homes, cellular phone service is dominated by only two players.

The privilege, however, of cornering this market, and making money out it, and of using publicly-owned airwaves, comes with the non-negotiable condition that business will be conducted in an honest and honorable way that satisfies the individual customer, the common good, and national development goals.

Let me emphasize "national development goals."

Because broadband speed affects the pace of our economic growth, I cannot overemphasize the importance of a telco that provides excellent service.

The velocity by which data travels and is transmitted impacts on how fast we progress as a nation. The road to progress is now made up of fiber optics, portals and not just mortars.

The faster our Internet, the faster our growth. A telco thus can catapult our development, or drag it down.

Thank you for your time, and I submit this bill for your consideration.

#### **COSPONSORSHIP SPEECH OF SENATOR ZUBIRI**

Senator Zubiri thanked Senators Grace Poe and Sonny Angara, chairpersons of the Committee on Public Services and Committee on Ways and Means, respectively, for allowing him to cosponsor House Bill No. 4637. At this point, as a manifestation of full disclosure, he informed the Body that Manuel "Manny" V. Pangilinan, chairman, president and CEO of Smart Communications, Inc., was one of his wedding sponsors.

With Smart Communications, Inc.'s existing franchise soon to expire on April 2017, Senator Zubiri

underscored the need for the Chamber to approve the extension of the Smart franchise for another 25 years, and that corollary to such extension is the duty of Smart Communications, Inc. to improve and extend its services in areas not yet served and in hazardous and typhoon-prone areas as determined by NDRRMC. Also, he said that Smart Communications, Inc. is required to improve and upgrade its equipment, facilities and services to make the country's information and communications technology (ICT) infrastructure and services at par with its Asian neighbors.

Thereupon, he moved for the immediate approval of the measure as he expressed concern that failure to act on the franchise extension could affect 70 million of Smart's subscribers nationwide.

#### **SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 4637**

Upon motion of Senator Sotto, there being no objection, the Body suspended consideration of the bill to give time to the other members of the Senate to study the proposed measure.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended for an all-members' caucus in the Senators' lounge concerning the membership of the different committees that have been affected by the new composition of the Minority bloc.

*It was 3:30 p.m.*

#### **RESUMPTION OF SESSION**

At 4:42 p.m., the session was resumed.

#### **SPECIAL ORDER**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 40 on Senate Bill No. 1353 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 40 ON SENATE BILL NO. 1353**

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

*MZP*

Senate Bill No. 1353 (Committee Report No. 40), entitled

**AN ACT INCREASING THE PENALTIES FOR THE REFUSAL OF HOSPITALS AND MEDICAL CLINICS TO ADMINISTER APPROPRIATE INITIAL MEDICAL TREATMENT AND SUPPORT IN EMERGENCY OR SERIOUS CASES, AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, OTHERWISE KNOWN AS “AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES” AS AMENDED BY REPUBLIC ACT NO. 8344, AND FOR OTHER PURPOSES.**

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

#### **MANIFESTATION OF SENATOR EJERCITO**

As the newly elected chairperson of the Committee on Health and Demography, Senator Ejercito informed the Body that he was yielding to Senator Hontiveros, former chairperson of the committee, to sponsor Committee Report No. 40 on Senate Bill No. 1353 (Refusal Of Hospital And Medical Clinics To Administer Medical Treatment In Emergency Cases) and Committee Report No. 41 on Senate Bill No. 1354 (Mental Health Act of 2017), both of which she filed last Monday, February 27, 2017. He believed that it was only appropriate to have Senator Hontiveros, who tirelessly conducted numerous committee hearings and public consultations, to sponsor the aforementioned bills.

Thereupon, the Chair recognized Senator Hontiveros to sponsor the measure.

#### **SPONSORSHIP SPEECH OF SENATOR HONTIVEROS**

Senator Hontiveros, on behalf Senator Ejercito and the Committee on Health and Demography,

submitted for plenary consideration Senate Bill No. 1353, entitled “An Act Increasing The Penalties For The Refusal Of Hospitals And Medical Clinics To Administer Appropriate Initial Medical Treatment And Support In Emergency Or Serious Cases, Amending For The Purpose Batas Pambansa Bilang 702, Otherwise Known As ‘An Act Prohibiting The Demand Of Deposits Or Advance Payments For The Confinement Or Treatment Of Patients In Hospitals And Medical Clinics In Certain Cases’ As Amended By Republic Act No. 8344, And For Other Purposes,” under Committee Report No. 40.

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

#### **A STRONGER ANTI-HOSPITAL DEPOSIT LAW**

At the outset, let me express my gratitude to Sen. JV Ejercito, the new Committee on Health chairperson, for allowing this Representation to sponsor the aforementioned measure. This is living proof that our work here is unhampered by the recent developments affecting this institution.

Of all the bills filed in the committee, I can say that this is the one that hits closest to home. *Naniniwala po ako tulad ng marami sa atin, tulad ng lahat natin, na ang serbisyon pangkalusugan ay para sa lahat, maykaya man o mahirap, bata or may edad, lahat ay may karapatan sa abot-kaya at de-kalidad na serbisyon pangkalusugan. Ang hangad ko ay isang malusog na bayan kung saan walang may sakit ang maitataboy ng ospital at walang pamilyang mamumulubi sa pagpapagamot. Ang Anti-Hospital Deposit Law na gusto po nating amyendahan ay isang mabuting batas. Layon nitong protektahan ang karapatan at interes ng mga pasyente laban sa pang-aabuso. Hangad din nitong mas mapabuti ang propesyon ng paggamot.*

*Nguni’t halos dalawampung taon na ang lumipas simula nang ipasa ang batas na ito, patuloy tayong nakaririnig ng mga kasong paglabag sa batas.* We continue to hear these horror stories of patients, many of whom are indigent, being denied emergency treatment by erring hospitals simply because they failed to give deposit payments in exchange for medical care.

The cases range from refusal to administer medical treatment to outright denial of confinement of patients which resulted in their further

harm or worst, even death. This current state of things is unacceptable. No one should be refused adequate and quality medical care or unnecessarily die just because they are poor. Profit should not have supremacy over the health needs of the people. It not only negates the country's achievements in achieving universal healthcare, it is also inhuman. *Ang deposito ay mababayaran; ang buhay na nawala ay hindi mapapalitan.*

I believe the majority of our hospitals are compliant with the law. I am confident that the majority of them do contribute in helping the government address the wide public healthcare gap. However, we cannot deny the fact that there are abusive hospitals that violate the law, treating patients as mere customers and healthcare simply as a money-making business. While they are few, they are enough to tarnish the good name and reputation of the noble medical profession and erode the people's faith in our medical institutions. We must put an end to this. We cannot deny the sad and tragic stories of those who fell victim to this cruel practice. They have already been denied once too many.

The proposed measure therefore seeks to increase the penalties for violations committed under the current law, but at the same time taking into consideration the concerns of hospitals and medical clinics by ensuring that the costs they incur in providing emergency medical care will be reimbursed by PhilHealth or be tax deductible if not. Our bill, in essence, encourages compliance.

Specifically, the bill proposes the following:

1. Expanding the definition of emergency or serious cases to also cover pregnant women and their unborn children;
2. Defining what constitutes Basic Emergency Care;
3. Addition of a Presumption of Liability Clause to cover the hospital, medical clinic, and the official, medical practitioner or employee involved should serious harm come to a patient because of denial of admission pursuant to a policy of demanding deposit;
4. Establishment of a Health Facilities Oversight Board under the DOH, to be composed of a PhilHealth representative and three representatives from NGOs that shall investigate claims of the patient and if warranted, impose administrative sanctions. The Board will also facilitate the filing of cases in court.

5. PhilHealth reimbursement of "basic emergency care and transportation services" of patients; and
6. Tax deductibility of expenses incurred in providing basic emergency care and transportation services of patients not reimbursed by PhilHealth.

It is my hope that by introducing the aforementioned amendments, we will discourage refusal to admit patients needing emergency medical treatment and show our people that health is, in fact, more important than wealth.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1353**

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

#### **SPECIAL ORDER**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 41 on Senate Bill No. 1354 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 41 ON SENATE BILL NO. 1354**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1354 (Committee Report No. 41), entitled

#### **AN ACT ESTABLISHING A NATIONAL MENTAL HEALTH POLICY FOR THE PURPOSE OF ENHANCING THE DELIVERY OF INTEGRATED MENTAL HEALTH SERVICES, PROMOTING AND PROTECTING PERSONS UTILIZING PSYCHIATRIC, NEUROLOGIC AND PSYCHOSOCIAL HEALTH SERVICES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.**

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

## SPONSORSHIP SPEECH OF SENATOR HONTIVEROS

Senator Hontiveros, on behalf Senator Ejercito and the Committee on Health and Demography, stated that as an advocate championing mental health, it was an honor and privilege for her to submit for plenary consideration Senate Bill No. 1354, entitled “An Act Establishing A National Mental Health Policy For The Purpose Of Enhancing The Delivery Of Integrated Mental Health Services, Promoting And Protecting Persons Utilizing Psychiatric, Neurologic And Psychosocial Health Services, Appropriating Funds Therefor And For Other Purposes,” under Committee Report No. 41, in substitution of Senate Bills No. 9, 415, 522, 657, 1155 and 1190 authored by Senators Sotto, Legarda, Trillanes, Angara, and herself. She also thanked Health Committee Chairman Sen. JV Ejercito for signifying that she would continue to sponsor the bill.

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

Mental health is a critical public health issue. Worldwide, the collective burden of mental, neurological and substance use disorders is the leading cause of years lived with disability. According to the World Health Organization, someone commits suicide every 40 seconds. In the Philippines, the 2010 national census estimates that of the 1.4 million Filipinos with disabilities, 14 percent or over 200,000 persons were found to have “mental disabilities or disorders.” *At ang mas karima-rimarin, pitong Pilipino ang nagpapakamatay araw-araw.*

Despite being a significant cause of disability, we note the inadequate attention that has been given to mental health in the past years. The latest data and information we have on mental health are outdated and the capacity of our health care delivery system to respond to patients with mental health conditions is severely lacking. The ratio of mental health worker per population in the Philippines is two per 100,000 population, which is less than ideal considering that Malaysia and Indonesia have 4.9 mental health workers per 100,000 population and 3.1 per 100,000 population, respectively.

Another pertinent issue is the stigma and discrimination associated with mental health. There are many sad stories of society’s lack of empathy for people living with mental health conditions. We hear stories of people spiraling into destructive depression because of the lack

of social support and the delay in accessing treatment for fear of being ostracized. *Sa mga probinsya o malalayong mga lugar, sinasabihan pang kinulam o sinapian. Pinagbibintangan ng kung anu-an.*

We hear anecdotes of kids being bullied and treated badly because they are considered “different” or “special.” They are subjected to the vilest kinds of name-calling: “*sisa*,” “*may ningning*” or “*baliw*,” at ang “*tard*” na shortcut ng retard ay *ginagamit pang-insulto lalo sa social media*. There are times that even the basic human rights of persons with mental illness are violated. *May mga kwentong kinukulong sa kwarto, tinatali, kinakahiya.* They are subjected to unhygienic and inhumane living conditions, abuse, neglect and harmful and degrading treatment at the hands of a society that has failed to understand their concerns.

At the heart of the struggle for a mental health law is therefore the urgent need to uphold the basic right of all Filipinos to mental health, ensure access to mental health services, and to promote mental health and psychological well-being.

This Committee report, which is a product of the collective efforts from my fellow sponsors and fellow advocates for mental health from various sectors after a series of meaningful discussions, has the following notable features:

1. It recognizes the rights of individuals with mental health conditions especially their right to decide on matters concerning their health and welfare. It provides the framework for informed consent, supported decision-making, and advanced directives for those with mental health conditions;
2. It articulates the rights of family, legal representatives, and mental health professionals, in supporting individuals with mental health conditions;
3. It integrates mental health services into the primary health care system at the community level and mandates mental health services to be made available at this level;
4. It pushes for the strengthening of the capacity of tertiary regional and provincial hospitals in providing psychiatric, psychosocial, and neurologic services;
5. It seeks the integration of mental health promotion in educational institutions and in the workplace to address the stigma and discrimination associated with mental health;

6. It provides for the capacity building, reorientation, and training of mental health professionals and health workers to develop evidenced-based, culturally-appropriate, and human rights-oriented mental health services;
7. It provides for the punishment of imprisonment of less than six (6) months to two (2) years a fine of P10,000 to P200,000 for violation of the proposed measure; and
8. Last and certainly not the least, it proposes the appropriation of five percent (5%) of the incremental revenues from the excise tax on tobacco and alcohol products collected by the government to secure the necessary resources for the implementation of the proposed measure.

In the promotion of these notable features in this bill, may I also acknowledge that Sen. Joel Villanueva has associated himself with the mental health bill, Senate Bill No. 1190, and that he be manifested as coauthor of this measure.

And before I conclude, allow me to thank my fellow sponsors and committed colleagues in the Committee on Health for their significant inputs not only on this bill but also for being active participants in the Committee in the past eight months. I would also like to express my gratitude as well to my fellow advocates for mental health, the different NGOs and other government agencies, particularly the DOH, which has identified mental health as one of its priority legislation.

Our legislative work in pushing for meaningful reforms in the health sector remains unhampered. Now more than ever, we are determined and committed to pursue our advocacy of achieving universal health care and improving the health and welfare of all Filipinos.

It is time to tell all Filipinos with mental health needs, and who does not, that we are not alone and that no one should suffer silently in the dark.

#### **ACKNOWLEDGMENT OF THE PRESENCE OF GUEST**

At this juncture, Senator Angara acknowledged the presence in the gallery of Mayor Jonalette E. De Pedro from Sultan Kudarat.

Senate President Pimentel welcomed Mayor De Pedro to the Senate.

#### **COSPONSORSHIP SPEECH OF SENATOR SOTTO**

Senator Sotto said that as one of its principal authors, he was seeking the approval of Senate Bill No. 1354 for the following reasons:

1. Currently, there is no law principally protecting the rights of persons with mental health problems, who are called “service users” in the bill, thus making the Philippines one of the very few countries that do not have a mental health law.
2. Based on information from the Department of Health, as of late last year, there are two to three million Filipinos who are service users but that a big part of them are not reported due to the stigma attached to their condition.
3. Services users are vulnerable to abuse considering their frailties, whether mental or physical.
4. The measure is very close to his heart because he has a grandson who is suffering from attention-deficit hyperactivity disorder (ADHD) and Tourette syndrome.
5. The purpose of Senate Bill No. 9, which is one of the bills considered in the subject committee report, is to incorporate and to institutionalize comprehensive mental health services into the national health system of the Philippines and to render available, accessible, affordable and equitable quality mental health care and services to Filipinos, especially to the poor, underserved and high-risk population.

In consideration of the aforementioned reasons, Senator Sotto believed that it was high time to pass a legislation as significant and as relevant as the subject measure. He urged his colleagues to immediately pass the bill.

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

At the outset, Senator Angara thanked Sen. Risa Hontiveros for prioritizing this important measure. He then proceeded to deliver his cosponsorship speech, as follows:

We should heed the staggering numbers that comprise our mental health problem.

For instance, a 2011 WHO study found that the Philippines had the highest incidence of



depression in Southeast Asia. According to a 2004 DOH-SWS survey, almost one out of every 100 households had a family member with a mental disorder. A 2006 DOH study of the prevalence of mental health problems in the National Capital Region found that across 20 government agencies in Metro Manila, one in three employees, or 32% of some 327 respondents, had experienced a mental health problem or breakdown at least once in their lifetime. These include specific phobias, alcohol abuse and depression.

Our numbers are quite dated, which points to two dimensions of our problems: firstly, our institutions are ill-equipped to keep track and treat the mental health of our *kababayans*; and secondly, because of this inability, many cases possibly go undiagnosed.

The Philippine Psychiatric Association said there are roughly 50 qualified psychiatrists for every 10 million Filipinos today. That means we only have 490 psychiatrists serving in the country today. Only a little over 1,000 nurses are helping them with psychiatric care. Very few of our general practitioners, guidance counselors—not to mention barangay health workers or even jail wardens—are trained on early assessment and management of common mental health problems. At times, the only course of action we know is to chain up the mentally ill and isolate them from the rest of society.

But beyond the numbers, I ask that we all imagine the people behind these numbers.

*Sino po ba ang makikinabang kapag naisabatas ang Mental Health Act na ito? Marahil ang office worker na hindi makabangon araw-araw dahil napakabigat ang pasangan ng kanyang utak; o ang accountant na mukhang maaliwalas na nagtatrabaho, pero ang totoo, kumakalas at gumuguho na pala ang kanyang isipan; o ang mag-aaral na ayaw pumasok dahil nababalisa at natatakot siya tuwing iniisip na kailangan niyang pumasok; o ang kaibigan o kapitbahay mong sinasaktan ang kanyang sarili para lamang makaramdam ng iba pang damdamin bukod sa lumbay; o ang kamag-anak mong hindi makatulog, dahil ayaw tumahimik ang mga boses na nagsasalita sa kanyang utak; o ang preso na nakalaboso hindi dahil siya ay masamang tao, kundi pumitik at nabali ang kanyang utak sa dagok ng tadhana.*

*Bawat isa sa kanila po ay may angking galing at talino, may kakayahang at potensyal para makatulong at makapag-ambag sa kasaganaan ng ating bansa. Nagkataon lang na mayroon silang kakaibang karamdamang o*

*kalagayan na kailangan lamang ng partikular na paggamot at dispensasyon, tulad po ng binibigay po natin ngayon sa mga PWD at senior citizens.*

We ought to pass the Mental Health Act for those people so that we give them and their families the opportunity to hope for better lives.

Most of the time, many associate mental health problems with suicide or self-inflicted pain or death, so the fight to integrate mental health into our health care system is usually defended by alarming statistics on suicide, always peppered with numbers on death.

But perhaps we can turn things on their head.

Let us picture a Philippines where every citizen has a shot to address and maintain a stable emotional balance to handle the daily tasks of their lives—like working to earn their keep, playing with and caring for their children, leading a healthy lifestyle, attending to the elderly, having a shot at achieving their dreams, caring for their loved ones and, ultimately, making meaningful contributions to the community.

Building that Philippines is why we fight for free college education, expanded maternity leave benefits, free Internet access, school feeding programs, and a more progressive, more equitable taxation system. That is also why we fight for the Mental Health Act.

*Alam po natin na ang tao ay hindi lamang mga katawan na kailangan lamang pakainin, damitan, gamutin o bigyan ng pabahay. Tayo ay may utak at kaluluwa rin na silang uusborg at uunlad kapag mapag-aruga ang ating gobyerno, maging ang buong lipunan. Kaya napakahalaga na ipasa po natin ang panukalang batas na ito.*

## SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1354

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

## COMMITTEE REPORT NO. 36 ON HOUSE BILL NO. 4631 (Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of House Bill No. 4631 (Committee Report No. 36), entitled

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE YEARS (25) YEARS THE FRANCHISE GRANTED TO REPUBLIC BROADCAST SYSTEM, INC., PRESENTLY KNOWN AS GMA NETWORK, INC., AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7252, ENTITLED "AN ACT GRANTING THE REPUBLIC BROADCAST SYSTEM, INC. A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES."

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

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

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

Senator Sotto said that before the consideration of the bill was suspended the previous day, there was a pending proposed amendment by Senator Lacson. He then asked Senator Poe on her response to the proposal of Senator Lacson.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Poe, the session was suspended.

*It was 5:11 p.m.*

#### **RESUMPTION OF SESSION**

At 5:29 p.m., the session was resumed.

#### **LACSON-SOTTO-GORDON-POE AMENDMENTS**

On page 3, between lines 19 and 20, as proposed by Senator Lacson and amended by Senators Sotto, Gordon and the Sponsor herself, there being no objection, the Body approved, subject to style, the insertion the following paragraph:

"PUBLIC SERVICE TIME" REFERRED HEREIN SHALL BE EQUIVALENT OF TEN PERCENT (10%) OF THE PAID COMMERCIALS OR ADVERTISEMENTS PER HOUR WHICH SHALL BE ALLOCATED BASED ON NEED TO

THE EXECUTIVE, LEGISLATIVE, JUDICIARY, CONSTITUTIONAL COMMISSIONS AND INTERNATIONAL HUMANITARIAN ORGANIZATIONS DULY RECOGNIZED BY STATUTE. THE NATIONAL TELECOMMUNICATIONS COMMISSION (NTC) SHALL ISSUE RULES AND REGULATIONS FOR THIS PURPOSE, EFFECTIVITY OF WHICH SHALL COMMENCE UPON APPLICABILITY WITH OTHER SIMILARLY-SITUATED BROADCAST NETWORK FRANCHISE HOLDERS.

#### **VILLANUEVA AMENDMENTS**

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

1. On page 3A, line 20, insert a new Section 5 to read as follows:

*SEC. 5. COMPLIANCE WITH LABOR STANDARDS. – THE GRANTEE, ITS SUCCESSOR OR ASSIGN SHALL COMPLY WITH THE APPLICABLE LABOR STANDARDS UNDER EXISTING LABOR LAWS, RULES AND REGULATIONS AND SUCH OTHER ISSUANCES AS MAY BE PROMULGATED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT, TAKING INTO CONSIDERATION THE NATURE AND PECULIARITIES OF THE BROADCAST INDUSTRY; and*

2. Rerumber the succeeding sections accordingly.

Senator Poe lauded Senator Villanueva for his hard work as chairman of the Committee on Labor, Employment and Human Resources Development and for conscientiously doing his work to ensure that the provision was included in the franchise agreement.

Senator Villanueva stated that he would do the same thing in the succeeding franchises.

#### **CLEAN COPY**

Senate President Pimentel directed the Secretariat to prepare a clean copy of the bill incorporating the approved individual amendments to be used on the next session day.

#### **SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 4631**

Upon motion of Senator Sotto, there being no

objection, the Body suspended consideration of the bill.

#### **COMMITTEE REPORT NO. 17 ON SENATE BILL NO. 1271**

*(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1271 (Committee Report No. 17), entitled

#### **AN ACT PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION (SOGIE) AND PROVIDING PENALTIES THEREFOR.**

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

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

#### **INTERPELLATION OF SENATOR VILLANUEVA**

At the outset, Senator Villanueva reiterated his appreciation and extended his commendation to Senator Hontiveros for coming out with the bill. He stated for the record that he is a cosponsor of the measure because he believes in the importance of passing a legislation that would address the issue of discrimination and that he is a full supporter and advocate of anti-discrimination. However, he wished that the Chamber could come up with a more comprehensive anti-discrimination law that not only deals with sexual orientation and gender identity or expression, as he himself was a victim of personal discriminatory acts like when he was told in school that he has no right to try out for the varsity basketball team because of his height, as well as some form of personal discriminatory acts for being the son of an evangelical preacher while studying at the University of Sto. Tomas, a Catholic university.

Asked by Senator Villanueva on the major and primary objectives of the bill as well as its minor and secondary objectives, Senator Hontiveros clarified that there is already a comprehensive anti-discrimination bill filed in the Chamber by Senator Aquino

and that the bill under consideration is SOGIE-specific, or addresses sexual orientation and gender identity and expression concerns which could be considered as a companion measure that fleshes out the intent of the proposed comprehensive anti-discrimination bill. She explained that the major and primary objectives of the bill were borne out of the past 17 years of advocacy by equality advocates, including the LGBT community and they include the following: 1) it echoes and fulfills the State policy enshrined in the Constitution that the State shall give value to the dignity of every human person and ensure full respect for human rights; 2) to enable the country to continue to comply with international human rights obligations as a state party in good standing in the international community, particularly the state obligation imposed by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, all of which require states to guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status which, based on the prevailing interpretation of a United Nations Human Rights Committee (UNHRC) decision, also includes protection against discrimination on the basis of sexual orientation; and 3) it introduces in Philippine legislation the concept of SOGIE which is not actually a new concept as it has already been mentioned in the Magna Carta of Women and in the Implementing Rules and Regulations of the Anti-Bullying Act but which was not defined in both laws.

Senator Villanueva thanked Senator Hontiveros for acknowledging that there is indeed a more comprehensive anti-discriminatory bill filed by Senator Aquino that is under consideration by the Committee on Cultural Communities. He stated that he would also like to coauthor the measure.

Adverting to the objective of the measure which is to free the Filipinos from any form of discrimination, as prescribed in Section 3(a) of the bill, Senator Villanueva asked how sex is defined in the particular section, whether it refers to the male and female classification and whether it is already covered by existing provisions in the Anti-Sexual Harassment Act (R.A. No. 6725). In reply, Senator Hontiveros said that sex, under the bill, refers to the binary classification of male and female, while SOGIE is an expanded classification that includes LGBTIQs, heterosexual males and heterosexual females. She

gave assurance that the other laws on women, such as the Anti-Sexual Harassment Act, Anti-Violence Against Women and Children Act and the Magna Carta of Women would not be prejudiced by the bill because while they refer to acts which violate women's rights, the proposed measure enumerates discriminatory acts and is aimed to further protect women, whether they are heterosexual women, transgender women, bisexual women or lesbians.

To the observation that the bill is not just for the LGBT community, and whether she would be amenable to an amendment which would expressly state that the bill shall not prejudice the rights and protections granted to certain groups in other laws, Senator Hontiveros explained that the SOGIE bill is going to serve as a protection not just of the LGBTIQs but also heterosexual males and heterosexual females because they all have SOGIE which is a term that is more inclusive and is even used in current human rights discourse.

Senator Villanueva informed the Body that he has been the subject of bashing as of late because of the wrong perception that he has been withholding the passage of the bill. He stated for the record that he has many friends in the LGBT community, including Boy Abunda and Paul Cabral, who are close to his wife. He clarified that his concern really is that he wanted to avoid giving extraordinary treatment to any particular group.

Responding to Senator Villanueva's proposal that would expressly state that the bill shall not prejudice the rights and protections granted to certain groups in other laws, Senator Hontiveros said that she could not accept the amendment simply because it would not fit in with the spirit of the bill. She said that she could not imagine recognizing the rights of certain groups, or granting protection to certain groups that, in form and spirit, would have the effect of discriminating against individuals on the basis of their SOGIE.

Asked if the bill would penalize a person from preaching his religious belief on the sanctity of biological identities, Senator Hontiveros replied in the negative, saying that all human rights are equal in value to each other and are equally protected in the bill. Freedom of religion, she emphasized, will continue to be upheld in the bill, as well as human rights protection which never negates the exercise of religious freedom. She cited CBCP president Archbishop Socrates Villegas' March 3, 2015 state-

ment pointing out that passing an anti-discrimination law is going to be a gesture of charity of Christian love, that priests must care for all, including the LGBT community, that Catholic schools are instructed to implement a zero tolerance policy against bullying of gender non-conforming students, and parents are warned against imbuing hate against LGBTs in their children.

She said that according to Archbishop Villegas, discrimination does not conform with Pope Francis's vision of the Church as the sacrament of divine mercy and compassion, that it is contrary to the gospel spirit, and that verbal and physical violence against LGBTs is an offense against God.

To further illustrate her point about discrimination, Senator Hontiveros narrated how the Colorado Civil Rights Division in Colorado, USA ruled that a bakery establishment, the Masterpiece Bakery, committed discrimination by refusing to provide an LGBT couple a cake for an event, for the couple's ceremony because according to the Colorado Civil Rights Division, while religious freedom is important, no one's religious beliefs make it acceptable to break the law by discriminating against prospective customers, that no one was asking the Masterpiece Bakery owner to change his beliefs, but that treating gay people differently because of who they are is plain and simple discrimination. She pointed out that there are important and practicable distinctions in everyday life that are made in continuing to uphold religious freedom and at the same time prohibiting and penalizing discrimination against members of the public or customers who happen to be of a different SOGIE or whose belief differs from the business owner.

Senator Villanueva admitted that he has a hard time understanding how the bill supports promotion of the freedom of religion because earlier, Senator Hontiveros said that the bill respects religious freedom but in the example given, the bakeshop owner was penalized for exercising his religious belief particularly about marriage, when he refused to sell a cake for a celebration of the union of a couple with the same sex or gender.

Senator Hontiveros explained that the plaint of one of the men who tried to order the cake was that "being denied service by Masterpiece Cake Shop was offensive and dehumanizing especially in the midst of arranging what should be a joyful family celebration."

Senator Hontiveros, however, clarified that the measure does not even think that the aforementioned example would happen. She explained that the measure does not seek to grant new or special additional rights to any person, whatever his or her SOGIE, including LGBT, nor does it include same sex marriage. Nonetheless, she said that the cake vendor incident is an important example because it provides a distinction between the bakeshop owner exercising his religious belief and the bakeshop whose core business is to serve, give equal accommodations and services to their customers or give access or use of such facility without any discrimination. In the Philippine setting, she stated that a person would continue to be free to live out their spirituality or religion in his/her personal life but must at the same time be able to live up to and be accountable for the obligations as a different entity such as a commercial establishment.

Asked whether a Filipino baker would be committing a discriminatory act, supposing he did an act similar to what the Collorado bakeshop owner did, Senator Hontiveros answered in the affirmative, adding that if bakers are allowed to discriminate, then the LGBTIQs would also be discriminated against in schools, health care and other aspects of social and economic life. She stressed that business establishments, like bakeshops, which are issued business permits to provide certain products and services to customers but would deny such products or services to customers on the basis of their SOGIE, would be committing a discriminatory act under the measure.

Assuming that an establishment is owned by members of the gay community, Senator Villanueva asked if the owner would also be penalized if a couple, a man and a woman, would be denied services by the establishment. Senator Hontiveros stated that the act of denying a service on the basis of SOGIE constitutes a discriminatory act that is prohibited under the bill. She added that it is the nature of a business to commit to offer its services to the public as a whole.

At this point, Senate President Pimentel asked whether all people have SOGIE. Senator Hontiveros answered in the affirmative, explaining that it is part of human nature as human beings to have sexual orientation. She said that everyone has gender identity which would differ only on how one would express oneself and whom to love.

Asked whether the measure is an anti-discrimination law for all, Senator Hontiveros answered in the affirmative, clarifying that it is a measure for all regardless of the person's SOGIE. But Senate President Pimentel noted that the bill focuses on SOGIE, and he asked why an anti-discrimination law for all cannot be enacted instead.

Senator Hontiveros argued that different minorities need different types of protective mechanisms and the framework of the bill is mainly prohibition of discriminatory acts. She pointed out that based on statistics, discrimination and violence are listed as the most common violations committed against the LGBTIQs in the different human rights contexts, prompting the UN Human Rights Council to appoint an independent expert for LGBT rights. Likewise, she mentioned the UN High Commissioner saying that deeply embedded homophobic attitudes, often combined with lack of adequate legal protection against discrimination on grounds of sexual orientation and gender identity, have exposed many LGBT people of all ages and in all regions of the world to egregious violations of their human rights.

Senator Hontiveros clarified that the SOGIE-based anti-discrimination bill is for all individuals regardless of SOGIE and she stressed the need to pass a SOGIE-specific anti-discrimination bill that is different from other anti-discrimination laws for other minorities because there are different bases of discrimination which require and demand different protective mechanisms. She reiterated that different minorities, such as racial and ethnic groups or religious organizations, require different frameworks for protection and these protections, she pointed out, were already manifested in the anti-discrimination policies of the Magna Carta for PWDs, the Indigenous Peoples' Rights Act and the Magna Carta of Women. She believed that it is also time to protect the LGBTIQs. She said that a comprehensive bill, standing alone and employing protective frameworks in that one law, might not be effective enough for the protection of the LGBTIQs who are sought to be embraced by protection from discriminatory acts, which the bill seeks to provide.

However, Senate President Pimentel believed that the measure should not claim to be an anti-discriminatory law for all when it only applies SOGIE. Senator Hontiveros clarified that SOGIE is an aspect of every human being.



Asked whether members of the cultural minorities are covered by the law, Senator Hontiveros replied that they are covered as persons with SOGIE and not as people of specific ethno-linguistic identity. She stated that if the discriminatory act committed against them is not listed as among the acts in the SOGIE measure, then they should voice out their grievance through the IPRA because the discrimination against them would be on different grounds.

Senate President Pimentel suggested that the measure must be clarified to mean that it is solely for SOGIE and not claim that it is for everybody, otherwise, it would lose its impact. Senator Hontiveros maintained that it would not lose its impact, insisting that everybody has SOGIE. She said that in the absence of a specific law, the LGBTIQs are the majority that are being discriminated against because of their SOGIE. In fact, she said that most of the data about SOGIE-based discrimination are about their sufferings or about violations committed against them.

Citing Section 5 of the measure, Senate President Pimentel noted that the terms “lesbians, gays, bisexuals, transgenders, intersex and queers” are practically new terms that were not defined in the bill.

Asked on the definition of the term “queer,” Senator Hontiveros explained that the term “queer” refers to people for whom it is immaterial to define what their gender, identity or sexual orientation may be. As to the gender of the person they love, she said that it may depend on the two of them, either between two people of whatever SOGIE, as she believed that in the end it is all about love. She said that she finds it so beautiful what Filipino queers are teaching which underlines all the best philosophies and spiritualities not only of Filipinos but of humanity.

Senator Sotto recalled that during his interpellation on the measure, Senator Hontiveros defined “queer” differently.

Asked to give an example of a person who is queer, Senator Hontiveros stated that it is the person who should describe himself or herself as queer since the term could not be called out to anyone. She emphasized that a person’s revelation of who he/she is must be respected, however they define themselves. Acknowledging that in the old context the definition of “queer” meant strange or odd, she said that the new definition came from people who define themselves as such.

To the comment of Senate President Pimentel that if the word is not defined in the law, people would refer to the dictionary for the definition of “queer,” Senator Hontiveros admitted that it was the reason why she accepted the correction made earlier which was to include “queer” in the bill’s definition of terms.

At this juncture, Senator Villanueva stated that from a conventional viewpoint, “queer” means strange or odd, unusually different of a questionable nature or character, suspicious, or shady, so that if he were to be described as queer, he would feel offended. Senator Hontiveros believed that even if the dictionary has defined the word outside the expanded context of the bill, being “queer” is not an insult because it is how the SOGIEs define themselves and their relationships which may either be a positive or negative identity. She hoped that the meaning of “queer” in the dictionary would eventually be expanded to better educate the reading public. She disclosed that there is, in fact, the existence of a Queer Theory which is an approach to a cultural study that rejects traditional categories of sexuality. She said that it would be another very interesting and important field of expanded understanding on what it means to be human in different gender expressions.

Senator Sotto pointed out that by defining the word “queer,” the proposed measure would be creating its own meaning in the law to which he would definitely object. Although other terms like “lesbian,” “gay,” “bisexual,” “transgender,” and “intersex,” could be defined under the law, he pointed out that the word “queer” has a different meaning as far as the world is concerned.

Senator Hontiveros said that even the word “straight” is defined as two points connected by a line, but that geometry alone cannot define what it means to be human; otherwise, everyone would find difficulty in identifying themselves with fellow human beings. She then hoped that in the course of the interpellation, there would be an opportunity to embrace the definition of “queer” like how the definitions for LGBT were accepted.

At this point, Senator Sotto suggested placing on record how a queer person could be identified as well as his/her external manifestations, considering the possibility that a person asserting that he/she is queer might abuse the provisions of the bill.

Senator Hontiveros reiterated that as for any

SOGIE, it is up to the person to define whether or not he/she is queer considering that by its definition, gender expressions vary in every individual.

As to the instance cited by Senate President Pimentel whereby a prohibited act under the law is being invoked by the person by simply claiming to be queer although there is no physical manifestation and the queerness is all in that person's mind, Senator Hontiveros said that there may be physical manifestations, and the expressions may vary based on the definition of what it means to be queer.

On the possibility of abuses, Senator Hontiveros stated that there are 21 cities, municipalities, provinces and barangays that have anti-discrimination ordinances, even going ahead of a SOGIE-based anti-discrimination law in the country, for instance, Quezon City, which was the first to address discrimination in employment in 2003 until 2014 when its comprehensive SOGIE-based anti-discrimination ordinance was expanded to include housing and education, among others. Also, she mentioned Cebu City, which was the first to issue a comprehensive anti-discrimination SOGIE-based ordinance in 2012. She noted that in said areas where anti-discrimination ordinances have been in effect for the last 14 years, there was not one complaint for abuse of the ordinance. She underscored that the focus of the bill is the discriminatory act and not the actual SOGIE of a person.

Asked by Senate President Pimentel how one would know if another person is queer, Senator Hontiveros replied that queerness is an attitude that varies in every individual considering their different gender expressions; hence, if there was no intent on the part of the person to violate the rights of the other because of his/her SOGIE, then there is no crime or discriminatory act to complain about.

Senate President Pimentel noted that since the proposed bill is a special law, the act which would violate the law is punishable since intent is not necessary. Senator Hontiveros explained that the bill does not grant new or special rights to persons but simply seeks to give the force of law to the constitutional and international human rights and humanitarian law mandates. Senate President Pimentel clarified that the bill, being a special law, is outside of the Revised Penal Code.

At this point, Senator Villanueva commended Senator Hontiveros for extensively tackling the

measure in all its angles and scenarios. He reverted to his example of a bakeshop owner who refused to create a wedding cake design of two men as cake toppers because it was against his religious belief. Asked how the State would address the issue, Senator Hontiveros said that the bakeshop owner could not be coerced to produce the cake, but to deny access to products would be a discriminatory act punishable under the bill because a bakeshop as a business establishment should produce the cake because the business permit classifies the establishment as a bakeshop and, as such, should produce the cake for the general public, including customers who belong to a particular SOGIE.

But Senator Villanueva pointed out that in the example, the bakeshop owner was simply exercising his religious beliefs. Senator Hontiveros believed that such instance will not materialize under the bill in the same manner that it was ruled as discriminatory by Judge Robert N. Spencer of the Colorado Office of Administrative Courts in the United States.

At this juncture, Senate President Pimentel asked why same sex marriage was used as an example, and whether the bill was copied from the Colorado law. Replying in the negative, Senator Hontiveros stated that she was only giving a better example.

Senate President Pimentel stated that the example should be changed inasmuch as same sex marriage is not recognized in the Philippines. He also pointed out that the Colorado law must not be mentioned unless it is an exact copy of the bill, noting that it is useless to debate on sample cases which are not applicable. Senator Hontiveros said that the anti-discrimination bill was not copied from the Colorado law. She averred that while specific circumstances of the example are not applicable, the principles may apply because the policy was that there should be no discrimination against customers on the basis of their SOGIE, and the bakeshop owner's religious belief is not pertinent to the conduct of his/her business.

Senate President Pimentel suggested that the Body be given an example of a situation that could possibly arise in the Philippine setting since the country does not have a same sex law.

Senator Hontiveros expressed concern over how the lines could be drawn with regard to respecting the rights of establishments and the rights of people with a different SOGIE. For instance, she said that

if a bakeshop is allowed to deny products and services to customers because of their SOGIE, it might open the door for private hospitals, ambulance services, commercial establishments and transportation companies to also discriminate against them. She explained that the bill seeks to set up the protective and preventive mechanism as well as the prohibitions and redress of grievance for all people regardless of their SOGIE, particularly for a greater number within the group who are LGBTIQ who suffer the most discrimination.

Senator Villanueva, however, underscored the big difference between being denied medical services and being denied putting two male figurines in a wedding cake. He said that he would continue to promote equality of rights and like his father who is a passionate human rights defender, he would not allow himself to be part of any advocacy in the Senate that would promote inequality. Nonetheless, he commended Senator Hontiveros for confirming that the Senate was not coming up with a special law that would offer special treatment to any particular sector.

For her part, Senator Hontiveros stressed the importance of allowing any individual of whatever SOGIE to have the same recognition and protection in identifying and relating, as had been progressively done over the past decades, for other basic human rights, including social services in the Philippines.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1271**

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

#### **PROPOSED SENATE RESOLUTION NO. 307**

With the consent of the Body, upon motion of Senator Sotto, the Body considered Proposed Senate Resolution No. 307, entitled

**RESOLUTION EXPRESSING THE PROFOUND SYMPATHY AND SINCERE CONDOLENCES OF THE SENATE OF THE PHILIPPINES ON THE DEATH OF HON. SIMEON A. DATUMANONG, FORMER REPRESENTATIVE OF THE 2<sup>ND</sup> DISTRICT OF MAGUINDANAO.**

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

#### **COAUTHORS**

Senator Sotto manifested that all senators are coauthors of Proposed Senate Resolution No. 307.

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

Senator Villanueva lauded and honored his friend, former Justice Secretary and Congressman Datumanong, a great Filipino, decent and a man of integrity.

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

Senator Sotto personally believed that former Congressman Datumanong was one of the best department secretaries of the Department of Justice, particularly for having introduced Circular No. 46 which ordered an automatic review by the Office of the President, of all dismissed drug cases. Under the circular, he said that drug pushers cannot be released until the case has reached its conclusion. He noted that the last administration effected another circular which placed the automatic review under the Office of the Justice Secretary, allowing the suspected pusher to be released while the case is under review.

#### **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 307**

Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 307 was adopted.

#### **PROPOSED SENATE RESOLUTION NO. 308**

With the consent of the Body, upon motion of Senator Sotto, the Body considered Proposed Senate Resolution No. 308, entitled

**RESOLUTION EXPRESSING THE FULL SUPPORT OF THE SENATE OF THE PHILIPPINES IN THE CELEBRATION OF THE FIRST NATIONAL HOMESCHOOL DAY.**

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

## **MANIFESTATION OF SENATOR SOTTO**

Senator Sotto informed the Body that Senator Pangilinan had requested the adoption of the proposed resolution that day which is the First National Homeschool Day.

## **ADOPTION OF PROPOSED SENATE RESOLUTION NO. 308**

Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 308 was adopted by the Body.

## **COAUTHORS**

Senator Sotto manifested that all Members present are coauthors of the resolution.

## **COMMITTEE MEMBERSHIPS**

Upon motion of Senator Sotto and pursuant to Rule X, Section 13 of the Rules of the Senate, there being no objection, the following senators were elected members of the following committees:

### ***Accountability of Public Officers and Investigations***

Senator Gatchalian (Majority)  
vice Senator de Lima (Minority)

### ***Agriculture and Food***

Senator Ejercito (Majority)  
vice Senator De Lima (Minority)

Senator Sotto informed the Body that it was the Minority that provided him with the list of their own members who would be removed from the committees.

Senate President Pimentel said that the changes in committee memberships would adjust the membership ratio between the Majority and the Minority in each committee to conform with the overall 18:6 ratio or 3:1 ratio in the Senate.

For her part, Senator Hontiveros confirmed that the Minority had decided to remove Senator De Lima as a member of the committees for the time being.

### ***Civil Service, Government Reorganization and Professional Regulation***

Senator Aquino (Minority)  
vice Senator Poe (Majority)

### ***Constitutional Amendments and Revision of Codes***

Senators Villar, Lacson and Poe (Majority)  
vice Senators Drilon, De Lima,  
Trillanes (Minority)

### ***Cooperatives***

Senator Aquino (Minority) vice Senator  
Escudero (Majority)

### ***Electoral Reforms and People's Participation***

Senators Binay and Gatchalian (Majority)  
vice Senators Trillanes and Aquino  
(Minority)

### ***Energy***

Senator Pangilinan (Minority)  
vice Senator Angara

### ***Environment and Natural Resources***

Senator Hontiveros (Minority)  
vice Senator Cayetano (Majority)

### ***Ethics and Privileges***

Senator Trillanes (Minority)  
vice Senator Escudero (Majority)

### ***Games and Amusement***

Senator Trillanes (Minority)  
vice Senator Legarda (Majority)

### ***Justice and Human Rights***

Senator Ejercito (Majority)  
vice Senator De Lima (Minority)

### ***Peace, Unification and Conciliation***

Senators Trillanes and Pangilinan  
(Minority) vice Senators Escudero  
and Zubiri (Majority)

### ***Public Information and Mass Media***

Senator Villanueva (Majority)  
vice Senator De Lima (Minority)

### ***Public Services***

Senator Hontiveros (Minority)  
vice Senator Pacquiao (Majority)

***Public Works***

Senator Aquino (Minority)  
vice Senator Escudero (Majority)

***Sports***

Senator Pangilinan (Minority)  
vice Senator Gatchalian (Majority)

***Tourism***

Senators Trillanes and Aquino (Minority)  
vice Senators Legarda and Escudero  
(Majority)

***Trade, Commerce and Entrepreneurship***

Senator Pangilinan (Minority)  
vice Senator Escudero (Majority)

***Urban Planning, Housing  
and Resettlement***

Senator Aquino (Minority)  
vice Senator Pacquiao (Majority)

***Women, Children, Family Relations  
and Gender Equality***

Senators Cayetano and Escudero (Majority)  
vice Senators de Lima and Trillanes  
(Minority)

***Ways and Means***

Senator Lacson vice Senator Cayetano

**MANIFESTATION OF SENATOR SOTTO**

Senator Sotto explained that the other committees had been untouched because they represent the correct ratio between the Majority and the Minority.

**FOREIGN AFFAIRS SUBCOMMITTEE  
CHAIRPERSON ON THE PARIS  
AGREEMENT ON CLIMATE CHANGE**

Pursuant to Section 18, Rule X of the Rules of the Senate, Senator Sotto manifested for the record that Senator Cayetano, Chair of the Committee of Foreign Relations, designated Senator Legarda as chairperson of the subcommittee to hear the Paris Agreement on Climate Change.

**CHANGE OF REFERRAL**

Upon the request of Senator Gatchalian, and

with the consent of Senator Poe, upon motion of Senator Sotto, there being no objection, the Chair referred Senate Bill No. 1237 (Mobile Number Portability Act), which was originally primarily referred to the Committee on Public Services, instead to the Committee on Economic Affairs.

**SUSPENSION OF SESSION**

Upon motion of Senator Gordon, the session was suspended.

*It was 6:59 p.m.*

**RESUMPTION OF SESSION**

At 7:00 p.m., the session was resumed.

**ADDITIONAL REFERENCE OF BUSINESS**

The Secretary of the Senate read the following messages of the President of the Philippines which the Chair referred to the Committee on Foreign Relations:

Letters of President Rodrigo RoaDuterte, dated 21 February 2017, submitting for the Senate's consideration and concurrence the:

Agreement on Social Security between the Republic of the Philippines and the Kingdom of Sweden, which was signed on 15 October 2015, in Stockholm, Sweden; and

Agreement between the Republic of the Philippines and the Federal Republic of Germany on Social Security, which was signed on 19 September 2014, in Germany.

Letter of President Rodrigo RoaDuterte, dated 28 February 2017, submitting for the Senate's consideration and concurrence the "Paris Agreement," which was signed on 22 April 2016, in New York.

**SUSPENSION OF SESSION**

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

*It was 7:02 p.m.*



**RESUMPTION OF SESSION**

At 7:21 p.m., the session was resumed.

**ADJOURNMENT OF SESSION**

Upon motion of Senator Sotto, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Monday, March 6, 2017.

*It was 7:22 p.m.*

I hereby certify to the correctness of the foregoing.

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


Approved on March 6, 2017