



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 54
Wednesday, January 25, 2017

**SEVENTEENTH CONGRESS
FIRST REGULAR SESSION**

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CALL TO ORDER

At 3:23 p.m., the Senate President, Hon. Aquilino K. Pimentel III, called the session to order.

PRAYER

Sen. Joseph Victor G. Ejercito asked the Body to offer a minute of silence to remember the SAF 44 as the nation commemorates the second year anniversary of the Mamasapano incident that day.

Thereafter he led the Body in prayer, to wit:

“Arise, shine, for your light has come, and the glory of the Lord is risen upon you. For behold, the darkness shall cover the earth and deep darkness the people. But the Lord will arise over you, and His glory will be seen upon you.”

Isaiah 60:1-2

Heavenly Father,

We claim this word that Your light shall pierce through these dark years for the loved ones left behind by the SAF 44.

Thank You as the God who reveals deep things of darkness and brings them into the light, that You will let justice rule over this case.

Panginoon, hinihiling po namin na ilabas Ninyo ang buong katotohanan para sa ikatata-himik ng kaluluwa ng SAF 44 at paghilom ng sugat ng kanilang mga minamahal sa buhay at mga Pilipino.

Bigyan po Ninyo ng hustisya ang kamatayang SAF 44 commandos. Bilang mga senador, tulungan po Ninyo kami sa pagpapatawid ng katarungan para sa bayan. Enable us to show mercy and compassion to one another and be instruments of healing for our people.

We ask all of these in the Name of our Lord Jesus Christ, our Savior.

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:

P. M.

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

With 21 senators present, the Chair declared the presence of a quorum.

Senators Cayetano and Pangilinan were on official business as indicated in the letters of their respective chiefs of staff dated January 25, 2017.

Senator Trillanes was on official mission abroad to attend a National Prayer Breakfast and a series of meetings with various agencies of the United States government, as indicated in the letter of his chief of staff dated January 25, 2017.

APPROVAL OF THE JOURNAL

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 53 (January 24, 2017) and considered it approved.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- Sis. Bonnie Oscarson from the Young Women General Presidents; Sis. Jean Bingham, Elder Foresister; and Sis. Shayne Bowen, Philippines Area President of the Church of Jesus of the Latter Day Saints;
- Mayor Marisa Red Martinez from Sta. Cruz, Marinduque;
- Mr. Rommel Santiago;
- Board Member Perla Tomalinan of Cagayan Province;
- Councilor Carlo Sison of Alaminos City, Pangasinan;

- Councilor Jonnabel Paranas of San Mateo, Isabela;
- Legal Management students from San Beda College, Alabang; and
- A.B. Political Science students of PHINMA Araullo University.

Senate President Pimentel welcomed the guests to the Senate.

SUSPENSION OF SESSION

With the permission of the Body, the Chair suspended the session to give the senators the opportunity to greet Senator Legarda on the occasion of her birthday on Saturday, January 28, 2017.

It was 3:28 p.m.

RESUMPTION OF SESSION

At 3:31 p.m., the session was resumed.

REFERENCE OF BUSINESS

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

BILL ON FIRST READING

Senate Bill No. 1307, entitled

AN ACT REQUIRING MANDATORY AUTOPSY ON BODIES OF CRIME VICTIMS, DEATHS UNDER MYSTERIOUS AND SUSPICIOUS CIRCUMSTANCES, AND FOR OTHER PURPOSES

Introduced by Senator Pangilinan

To the Committees on Justice and Human Rights; and Public Order and Dangerous Drugs

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):

MPS *PLB*

Circular Letter No. CL-2017-004 dated 12 January 2017; and

Circular No. 939 dated 12 January 2017.

To the Committee on Banks, Financial Institutions and Currencies

COMMITTEE REPORTS

Committee Report No. 30, submitted jointly by the Committees on Constitutional Amendments and Revision of Codes; and Justice and Human Rights, on Senate Bill No. 14, introduced by Senator Drilon, entitled

AN ACT ADJUSTING THE AMOUNT INVOLVED, VALUE OF PROPERTY OR DAMAGE ON WHICH A PENALTY IS BASED AND THE FINES UNDER ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE,

recommending its approval without amendment.

Sponsors: Senators Drilon and Richard J. Gordon

To the Calendar for Ordinary Business

Committee Report No. 31, prepared and submitted jointly by the Committees on Sports; Health and Demography; and Finance, on Senate Bill No. 1306, with Senators Emmanuel "Manny" D. Pacquiao, Trillanes IV and Joseph Victor Ejercito as authors thereof, entitled

AN ACT CREATING THE PHILIPPINE BOXING COMMISSION TO STRENGTHEN THE BOXING INDUSTRY AND PROMOTE THE SAFETY AND WELFARE OF FILIPINO BOXERS, AND PROVIDING FUNDS THEREFOR,

recommending its approval in substitution of Senate Bill Nos. 191, 541 and 1147.

Sponsor: Senator Emmanuel "Manny" D. Pacquiao

To the Calendar for Ordinary Business

**PRIVILEGE SPEECH
OF SENATOR ZUBIRI**

Availing himself of the privilege hour, Senator Zubiri spoke on the abuses suffered by the sacadas from Mindanao.

Following is the full text of Senator Zubiri's privilege speech:

THE SACADAS FROM MINDANAO

The issue is a bit close to our hearts – to the Senate President's heart as well as mine and Senator Pacquiao's.

The world is astounded by a lot of big things.

A President wakes up to massive protests worldwide even before he starts his first day at the White House.

Yale University announces imminent fisheries collapse with China's island grab and construction in the West Philippine Sea.

OPEC fuels oil price hikes.

Avalanches and floods cause deaths and destruction in many areas.

Our military confirms foreign terrorists are training in the country.

Indeed, we should be astounded by these big things.

However, my colleagues and dear friends, let us hear the plight of the small man called the *sacada*, some of them Manobo, some of them children. They are now in the midst of a deception foisted by a labor recruiter masquerading as a cooperative serving one of the biggest sugar farms in the country. I am referring to the hundreds of *sacadas* from Bukidnon, Cotabato and Davao recruited by a certain Greenhand Labor Service Cooperative to work at Hacienda Luisita.

My *kababayans* were promised big wages, good accommodation, all mandatory social security and health benefits, free transportation to and from work, and free meals. All those promises were broken. The wages were starvation wages. The bunkhouses were cramped. No proof of mandatory contributions remitted to government agencies were found. Clearly, these are labor issues that would have been a simpler issue against Greenhand and the Hacienda. However, one aspect of this deception has made this much more serious.

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The *sacadas* were recruited from far away Bukidnon and areas of Mindanao. They were ferried from Mindanao island to the central plains of Luzon. If the *sacada*, even just one *sacada*, opted out of working at the farm, and even if Greenhand allowed him to go, he could not have done so on his own. Every day, the *sacada* is worked to the bone, not being given the decent meal promised and shortchanged monetarily with a wage as low as P9.46 per day due to the *pakyawan* nature of cutting and loading of sugarcane. Let me repeat. This is less than P10 a day.

Dahil napakalayo ng Tarlac, hindi niya kaya ang pamasahé at lalung-lalo na hindi niya kayang lumangoy pauwi sa bahay niya sa Bukidnon. It smacks of human trafficking, and Greenhand made sure the *sacada* would not dare escape Greenhand's stranglehold on him.

That is why they had to be rescued by the Department of Agrarian Reform and the DSWD from the Central Azucarera de Tarlac area.

Distinguished colleagues, may I enjoin everyone to listen to the interview of one of the rescued *sacadas*, Mr. Mario Memper.

(*At this juncture, a video was presented before the Body.*)

When I watched this video, the first time I saw this documentary that was released recently, I was in tears because *mga kababayan ko ito*. As a matter of fact, one of them passed away. He was an elderly *sacada*. And I happened to find out that he came from my own barangay – Barangay San Miguel, Bukidnon. That broke my heart and so I decided to take action.

But in fairness, I spoke to Hacienda Luisita through an intermediary – the Lorenzo family. And you know, the Lorenzo family also has farms in Bukidnon and they are not known for that type of activity. Apparently, they are also appalled and they condemn the actions of this labor cooperative and are willing to support the investigation and file the necessary charges if need be. I would like to put that also on record.

It is the seventeenth year in the 21st century, yet evil hands still employ 16th century tactics to force fellow Filipinos to work the land for the cash crop or sugar.

We have the Sugar Amelioration Fund. It addressed planters' and farmers' need for capital.

We have the Sugar Industry Development Act. It addressed farmers' income, productivity, marketing, health, education and pension needs

of workers and agrarian reform beneficiaries in sugarlands.

We have the Philippine Cooperative Code that encourages self-help and achieving economic strength through cooperativism.

In other words, we Filipinos have always struggled to free fellowmen from exploitation. Filipinos won the Revolution. We launched reforms. Our laws, development plans, and our national budgets have been evolving in order to address old and emerging problems, especially on economic inequality.

And now to our chagrin, comes a labor recruiter calling itself a cooperative – this is what angers me most—and giving cooperatives a bad name. It ferried workers to a hacienda which bullheadedly resists change. Their business model harks back to the *cacique* system of centuries ago. They have a hard time acknowledging and implementing basic reforms. So much so that many Tarlaqueños, their *kababayan*, refuse to work their own land because of the difficulty of the job at hand. The canes were ripe for harvesting, but bitter labor conditions and paltry wages made harvesting sugar not sweet at all. So now they preyed on workers from Bukidnon.

Let me echo the plea of Mr. Memper to those who would be approached by Greenhand Labor Service Cooperative or other similar devious scheme.

(*At this juncture, a video was presented before the Body.*)

At this time, the DOLE and the NLRC are investigating the matter. Based on those developments, your Committee on Cooperatives proposes to investigate the plight of the Bukidnon and Mindanao workers in order to address their demands for fair treatment, just compensation and for the parties responsible for their plight to be brought to justice, and for crafting measures to prevent the same in the future. Towards these ends, I filed Senate Resolution No. 274.

Ang aking mga kababayan are trying to get the best value for their labor — which, with their small plot of land — is all that they possess.

Let no one cheat them with false promises. Let no one violate their economic and social rights by uprooting them from their homes and preventing them to seek real greener pastures at their own free will.

Lastly, let no one destroy our chance for rural development through cooperativism, as

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mandated by the Constitution. Let no oppressive labor practices disguised as labor service cooperative destroy the good name and noble ideals of true cooperatives.

On these, I enjoin you to support the inquiry to be carried out by the appropriate committees, as it has already been directed to the Committee of Cooperatives and to Senator Villanueva's Committee on Labor, Employment and Human Resources Development, to resolve and craft measures so that the sugar workers do not receive the short end of the cane.

INTERPELLATION OF SENATOR VILLANUEVA

At the outset, Senator Villanueva commended Senator Zubiri for raising the issue. He said that his clarificatory questions would aid in the appraisal of the fundamentals regarding the incident so that the Committee on Labor, Employment and Human Resources Development could assist and provide expeditious action.

Senator Villanueva asked why a labor service cooperative based in Bukidnon was engaged to provide labor services for a farm based in Central Luzon, particularly in Tarlac. Senator Zubiri replied that Greenhand Labor Service Cooperative, whose main office is in Polomolok, South Cotabato, is already engaged in providing services to farms such as pineapple and banana plantations in Mindanao. He said that it was the first time for Greenhand Labor Service Cooperative to provide services outside of Mindanao when it was sought out by Agrikulto Inc. to provide cane workers — the initial batch was 160 workers until it reached 800 — to work in Central Azucarera de Tarlac. He said that most of the workers came from Bukidnon, the rest from Davao and Cotabato.

Senator Villanueva pointed out that under Republic Act No. 9520, the Cooperative Development Authority is responsible for the registration and regulation of cooperatives. He then required if there had been any efforts by the CDA's legal division to act immediately in safeguarding the workers engaged by the Greenhand Labor Service Cooperative. Senator Zubiri replied that on February 2 and 3, the CDA would conduct an investigation to determine whether the cooperative was registered as a labor service cooperative and if it has violated cooperative laws.

Asked if an unfair labor practice action has been filed with the Labor Arbiter either in Bukidnon or

Tarlac, Senator Zubiri disclosed that cases for unfair labor practices and violations against the Labor Code had been filed with the National Labor Relations Commission (NLRC).

Senator Villanueva noted that the CDA has about 16 extension offices, including Manila, Pampanga, Butuan and other provinces, and he sought clarification on whether these offices are mandated by law, IRR or any other issuance to provide assistance to the cooperatives in their respective jurisdictions. Senator Zubiri informed the Body that in the hearing conducted by the Committee on Cooperatives to discuss whether the CDA needed to be strengthened by amending its charter, and whether there was a need to create a Department of Cooperatives as proposed by the House of Representatives, he questioned the absorptive capacity of CDA precisely because of its failure to monitor certain unscrupulous practices by certain cooperatives. He also lamented that in certain instances, the term "cooperatives" and the core vision of cooperatives were wrongly utilized. In fact, he said that his proposed resolution would not only tackle Greenhand Labor Service Cooperative but also other labor service cooperatives that are subjects of complaints due to improper wages, delayed payments and unpaid benefits, which are violations of the Labor Code. He promised that the Committee on Cooperatives and the Committee on Labor, Employment and Human Resources Development would conduct the appropriate investigation to iron out and come up with recommendations that would address labor service cooperatives. He pointed out that the use of the term "associate member" should be done away with because such members do not get the same benefits as regular members.

Senator Villanueva stated that the incidents and circumstances presented in the privilege speech were not only disturbing but truly deplorable in their blatant disregard for the fundamental labor laws, particularly since the Committee on Labor, Employment and Human Resources Development is very concerned and focused on putting an end to "endo" or labor-only contracting. He added that his committee has actively engaged the labor service cooperatives, the CDA and their fellow stakeholders along with the Senate to continue working together to ensure that the parties liable for illegal labor practices would be accountable for their actions. He stressed his committee's determination to work as a force for the laborers in curbing unjust law practices, including the evils of contractualization which is



violative of the provisions of the Labor Code and the 1987 Constitution.

Senator Villanueva assured the Body that his committee, which will be part of the investigation, would not tolerate blatant violations of laborers' rights to proper and adequate compensation, as well as just and humane conditions of work.

Senator Zubiri remarked that those "*endo*" workers who receive the minimum wage, are better off compared to the *sacadas* who are paid less than P10 only. Again, he deplored the inhumane, immoral and illegal treatment of the workers, as he also revealed that some sugar farms pay only P150 a day and mark it as half-day work to skirt around the law and save on production costs.

He promised that the investigation which would focus on illegal trafficking of people from Mindanao to Luzon and other areas, would not be tainted with politics, pointing out that earlier, he mentioned that the Central Azucarera de Tarlac, in fact, condemned what had happened and even expressed its willingness to support charges against the illegal recruiter.

INQUIRY OF THE CHAIR

At the outset, Senate President Pimentel also lamented the plight of the workers who get paid half for a whole day's work.

Asked where the hundreds of *sacadas* are at present, Senator Zubiri replied that one-third of them returned to Bukidnon, while some are still in DSWD offices and DAR offices. He said that he has been assisting the leaders in bringing these workers back to their families.

Senate President Pimentel asked for details as to how they could help and hoped that the investigation would also look at possible violations of the Labor Code and the Cooperative Code. He also hoped that there would be a clear pronouncement and a categorical position as to whether these are genuine labor service cooperatives that could be covered under the Cooperative Code and regulated by the CDA.

MANIFESTATION OF SENATOR AQUINO

Senator Aquino expressed his support for Senator Zubiri's call for an investigation, and he agreed that

the investigation would not be tainted with political color. Relative thereto, he informed the Body that although the Aquinos are from Concepcion, Tarlac, and the Cojuangcos are in Hacienda Luisita, the immediate family of the former President had divested from the Hacienda Luisita; as such, they are no longer connected nor have anything to do with Senator Zubiri's exposé, the reason why Senator Zubiri mentioned the Lorenzo family who is the new owner of Hacienda Luicita.

Senator Aquino hoped that the illegal recruiter and all those involved in such a heinous, inhuman act would be brought to justice as soon as possible.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the Chair referred the speech of Senator Zubiri to the Committees on Labor, Employment and Human Resources Development, and Cooperatives.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto reminded the Body Senate Resolution No. 21 – that all contents of all films, video clips, multimedia or other similar devices shown or displayed or played before the plenary shall be summarized and integrated into the Records of the Senate before said devices are sent to the Legislative Records and Archives Service for safekeeping. He reminded the staff of Senator Zubiri to surrender the videos used during the privilege speech.

PRIVILEGE SPEECH OF SENATOR GORDON

Availing himself of the privilege hour and on the occasion of the second anniversary of the Mamasapano incident, Senator Gordon recalled that two years ago, in Mamasapano, 44 members of the PNP Special Action Force boldly gave their lives selflessly on a mission that was doomed to fail. Despite numerous investigations done, he said that people's thirst for justice was not yet quenched.

Senator Gordon then proceeded to recite the poem "*Charge of the Light Brigade*" by Lord Alfred Tennyson, to wit:

1. Half a league, half a league,
Half a league onward,
All in the valley of Death
Rode the six hundred.

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"Forward, the Light Brigade!
"Charge for the guns!" he said:
Into the valley of Death
Rode the six hundred.

2. "Forward, the Light Brigade!"
Was there a man dismay'd?
Not tho' the soldier knew
Someone had blunder'd:
Theirs not to make reply,
Theirs not to reason why,
Theirs but to do and die:
Into the valley of Death
Rode the six hundred.

Relating it to the second stanza of the poem, Senator Gordon said that even if someone has made an error or mistake, the soldiers still proceeded to the battlefield precisely because they were trained to obey and because every soldier, police officer or PMA cadet took an oath to defend the country against its enemies, foreign or domestic. Because of this virtue, he said, soldiers are honored, and children often dream of being a fire fighter, soldier or law enforcer because it is a position with a calling to honor, courage and commitment.

He said that every soldier or police takes an oath to serve and protect the country even at the risk of losing their own lives, ready to die for the country anytime. He said that it is easy to be considered a hero upon one's death; however, the true test of heroism is not how a person died but rather on how one lived when he was still alive.

He asked what really happened in Mamasapano. He said that military authorities or any cadet from the PMA, the US, Russia and French Military Academies would tell that the military does not break the chain of command because it is the bedrock upon which discipline in military authority and accountability is built; it represents authority, responsibility and accountability. He said that as the commander-in-chief, the President of a country would take an oath to protect, preserve and follow the Constitution, use the military to promote peace, to save lives, to use them to apply the rule of law, not to kill civilians but to use civilian methodology.

Senator Gordon stated that ignoring the chain of command is a sure formula for defeat. He pointed out that in the case of the Mamasapano encounter, when then President Aquino put General Purisima, who was suspended at that time, in charge of

commanding the operations, the chain of command was broken and authority has become compromised.

He stated that after authority comes responsibility. He stressed that the police as well as the military, are required to have a plan of action with back-up systems in place in case the force of the enemy would prove to be stronger than what they have. He said that one could only imagine what transpired during that fateful dusk of January 25, 2015, in Mamasapano. He lamented that the enemy even had the temerity to videotape the beheading of a police officer. He believed that the government, the President even, owes the Fallen 44 justice and not just a recognition of their courage and heroism. Speaking of responsibility, he questioned why President Aquino did not call on the military to assist the beleaguered police forces. He said that what befell the SAF 44 reminded him of the soldiers who suffered the same fate in Al-Barka, Basilan.

He expressed dismay that 44 of the police's finest suffered such horrific deaths at the hands of the enemies. He recalled how upset he was when he found out that one of the fallen 44 had to be fit in a coffin that was obviously small for him.

Senator Gordon said that he was happy when he learned that President Duterte met with the widows and family of the Fallen 44 in Malacañang the previous day. He clarified that he was not picking a fight with President Aquino but that he was expressing disappointment that the former president did not meet the Fallen 44 when their remains were flown into Manila.

Senator Gordon believed that the SAF 44 died because of poor leadership, improper use of authority, and irresponsible leadership due to the failure in the chain of command, that they died not because of negligence but because there was a deliberate intent to neglect to save the police so as not to affect the peace process with the MILF. He regretted that because of political expediency, the peace process with the MILF was put ahead of national interest and the President failed to use the vast powers he has, resulting in the death of 44 police officers.

Senator Gordon clarified that he was not espousing "an eye for eye" because the country may end up as a country of blind men, of one-eyed men who, instead of looking for justice, blame each other and become partisans killings.

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He stated that he wanted to rise on the floor the other day because what happened to the Korean businessman was bad for the country's tourism because South Koreans are the top tourists in the country. He said that what happened was so embarrassing for the country that even President Duterte had to apologize to South Korea. An apology, however, would not bring justice, he said.

Senator Gordon stated that he took the floor to defend the police officers who died because of poor leadership, and to demand justice for them, and from police officers who kill because justice should be served on all sides. Thus, he said that he was happy that Senator Lacson would be investigating the case of the Korean businessman. He deserves the chamber's support, he added.

Senator Gordon emphasized the importance of supporting the President's call to investigate once more the Mamasapano incident, and the Senate can do no less, notwithstanding other people's impression that nothing happens with Senate investigations, because he himself had filed bills as a result of investigations, including the investigation on extrajudicial killings. He said that he would pursue his proposal to enlarge the motorcycle plate numbers, among other proposals as a result of the investigation on the EJK.

He said that finding out the truth about what happened to the SAF 44 in Mamasapano and the President's initiative to call for another investigation are important because they impact on the country's national security. If, for instance, an outbreak would happen over the Spratlys, he asked if the military and the police would support the President considering the experience of the SAF 44 who were left alone to themselves, without support, without reinforcement. Thus, he underscored that the national leadership has the moral obligation to seek justice, not just for the 44 police officers who fell, not just for the families they left behind, but for all in the country. Only then, he said, will the nation define itself as a people of integrity and courage.

In closing, Senator Gordon quoted a few lines from Alfred Tennyson's "*Charge of the Light Brigade*," to wit:

When can their glory fade?
O the wild charge they made!
All the world wonder'd.
Honour the charge they made!

Honour the Light Brigade,
Noble six hundred!

Paraphrasing the lines into Tagalog, he recited:

*Kailan lilipas ang kaluwalhatian ng ating mga bayaning ito?
Kukupas ba iyan?
O, ang sugo nila, ang sunod sa utos na hindi binali, ginawa nila, ginampanan nila.
At ang buong mundo ay nagtataka. Nagtataka
Hindi lamang sa kagitingan nila, ngunit kung may katarungan.*

Senator Gordon said that the people should honor the 44 SAF and all the soldiers who died in battle to defend the country.

MANIFESTATION OF SENATOR ANGARA

Senator Angara thanked Senator Gordon for reminding the Body of the tragic fate that befell the men in uniform in Mamasapano. He noted that the incident was investigated very thoroughly in the 16th Congress and that he, along with the other members of the Committee on Public Order and Dangerous Drugs, must have spent at least over a hundred man-hours listening to the testimony of the witnesses. He said that there was even a committee report that contained many recommendations which he felt are still valid. For instance, he said that the committee report highlighted, among others, the poor situation of the policemen and their very low hazard pay, because of which Senator Trillanes sponsored a measure increasing the hazard and combat pay of the country's police officers and soldiers.

At this juncture, Senate President Pimentel relinquished the Chair to Senator Pacquiao.

Senator Angara acknowledged that there is a thirst for justice but he pointed out that there are different types of justice: retributive justice which is penal in nature, and there is restorative justice, which seeks to make people whole. He said that since the brave 44 SAF could no longer be made whole, there is still the unfinished business of making their families or the people they left behind whole. He believed that the focus of the Senate as an institution is the role it plays in ensuring its institutional responsibility of providing the uniformed men with the wherewithal.

Senator Angara disclosed that during their closed-door meetings, the Committee found out that of the

two battalions of military men, only one battalion survived because they had an eye in the sky or the GPS so they knew where they opponents were. Thus, he opined that it is the Senate's role to make sure that all the men who are fighting against the enemy are no longer blind like the fallen SAF 44.

He said that the thirst for justice would be addressed through the cases filed before the Ombudsman, and he believed that the Body should focus on making the institution better, make the military better equipped and ensure that there would be less widows and less orphans.

Senator Gordon thanked Senator Angara for reminding them of the job done by the Committee on Public Order and Dangerous Drugs headed by Senator Poe. However, he pointed out that the committee report that was cited was not yet approved, just like the report on the extrajudicial killings, so he suggested that the Body must work on it, and let the recommendations in the report push through. Saying that he has nothing against the committee and the members of the Senate, he said that there are new members amidst them in the Chamber that must know what really happened and take a look at the after-operational report.

Senator Gordon said that during his earlier term as a senator, he stood on the floor to call on the Senate to make sure that the country's armed forces are adequately equipped, and to date, he lamented, even the police still lack investigators. He said that more than equipping the armed forces, the people should be made to feel the emotional high of being secured that if something happens, the police officers, soldiers and the citizenry would know that they have leaders, leaders who have learned from the mistakes of the past. He said that the 44 SAF should be given justice, that someone should be held accountable for breaking the chain of command and for failing to rescue the beleaguered forces for reasons only that someone knew.

STATEMENT OF SENATOR ZUBIRI

At the outset, Senator Zubiri said that he never thought that he would ever come back to the Senate after he lost in the elections in 2013 and would just enjoy life with his family as a private citizen and an entrepreneur.

He narrated that what happened in Mamasapano was one of the saddest moments of his adult life and

he felt so helpless as a Filipino citizen; that when he saw the 44 bodies carried out of the plane with taps playing in the background with many people crying onstage, he and his wife became very emotional and cried like babies in their home; and that when he and his wife were able to compose themselves and watch TV patrol that night, they saw Noli de Castro break down so that he and his wife broke down again. He said that the next day, he felt tremendous grief when he learned that the families got text messages from the slain SAF saying goodbye to their children.

Senator Zubiri then commended Senator Gordon for bringing the Mamasapano incident again because there was no closure yet on the case, as well as on the part of the suffering families of the victims. He agreed with Senator Gordon that an investigation should be conducted, especially with the observation of Senator Angara that development, opportunity and support should be given to the troops on the ground because until at present, they are still fighting without any air support. He said that he was also happy that Senator Ejercito has spearheaded the proposal for air support since the country's PNP has no air support whatsoever, not even a drone.

Senator Zubiri also commended Senator Gordon for bringing up the memory of the fallen SAF 44, and for his courage, vision and passion for the Filipino soldiers and policemen, as well as for his courage for bringing it up at a time when he is chair of the Philippine Red Cross.

He stated that while the Red Cross should stay neutral, they cannot be neutral because the SAF 44 were slaughtered mercilessly. He then enjoined everyone to never forget the fallen SAF officers who gave their lives for the freedoms that gave Congress to speak for the people and the ability to wake up every morning to kiss the children goodbye before sending them to school. He stressed that the people should never forget the police and soldiers who surrendered their lives in exchange for the basic freedoms that everyone enjoys everyday.

He then offered a salute to the ladies and gentlemen of the police and the armed forces and enjoined the Body to honor the Fallen 44.

Responding thereto, Senator Gordon believed that it is good for senators to cry once in a while to show the people that they are still human and that



they care. He explained that if the senators do not care, they will forget that they are human and that there would no longer be humanity.

MANIFESTATION OF SENATOR POE

Senator Poe recalled that when she was a neophyte senator in 2013, she could not believe that a committee such as the Committee on Public Order and Dangerous Drugs would be given to her, especially because she is a woman and that it is not tradition for a woman to handle the committee. However, she stated that when then Senate President Drilon assured her that she could do the job, she thought that indeed a woman could lead a committee that has been handled by men for many years and that a woman could give it a different perspective.

She stated that it was not easy to be the chairperson of the committee but she took the task as a privilege. When the Mamasapano incident was referred to the committee, however, she realized that aside from crafting laws, it was more important for lawmakers to ferret the truth and inform the public about it.

Moreover, she averred that even when the Committee knew that the persons being investigated were lying or guilty, it felt powerless to send them to jail because it is limited to investigation in aid of legislation and could only recommend.

Senator Poe recalled that during the hearing on the Mamasapano incident, members of the committee like Senators Marcos, Enrile and Osmeña, members who have already finished their terms, were not prevented to ask questions. She stated that even when Senator Enrile moved to reopen the hearing, the Committee allowed it because it believed that there could be new informations that could enhance the Committee's findings. Similarly, she said that she respects the prerogative of President Duterte to create a truth commission that would reopen the investigation of the Mamasapano incident.

She stressed that the Body is tasked to bring out the truth and not to bury it. She stated that if there are other facts that needed to be known, for the sake of truth and justice, then let it be known. She then thanked Senator Angara for recommending to the Body that the tragic incident should never be forgotten and that many things could be done to avoid it from happening again. She said that the police should be

given enough support that they rightfully deserve. She added that as a result of the investigation, the Committee filed a bill that would give additional benefits to the families of the SAF 44.

Thereafter, she assured the public that the Senate would support any initiative that would side with truth and justice. She believed that nothing would stop the committee if there is a need to reopen the investigation. She stressed that it is not for the senators' political gain, but for the people, because what happened was a great loss for everyone and it should not happen again.

Senator Gordon opined that it would not be out of line if he would request the Body to make sure that all the reports of the committee that have been submitted should have closure as well. He expressed disbelief that the recommendations of the Committee on Public Order during the 16th Congress were not acted upon by the Body.

He recalled that during his first term, whenever an investigation is conducted, the committees were, but not necessarily, required to submit proposed legislation. He believed that if a committee was to recommend, it should be brought to the floor for discussion, and if approved, the proposed measure should be referred to the proper committee.

He suggested that if the Mamasapano investigation was going to be reopened, the same Committee on Public Order and Dangerous Drugs should hear it so that it could swiftly file the proper legislation. In the same manner, he said that the Committee on Justice and Human Rights could easily conduct hearings on police reforms so that it could speedily give its proposal, although it does not necessarily have to be approved. He said that the faster it is done, the faster that justice will come.

MANIFESTATION OF SENATOR EJERCITO

Senator Ejercito stated that he shares the sentiments of Senator Gordon, and he agreed that the Mamasapano incident was probably one of the saddest moments in the country's history. He said that seeing the flag-draped coffins of the elite police force being brought down from the C-130 airplanes made his heart bleed.

He stated that one of the reasons why the beleaguered members of the SAF group were pinned

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down was that they were waiting for the air assets of the Armed Forces of the Philippines to save them, but they never came. He supposed that things would have been different had air assets come to their rescue or had artillery been fired earlier.

He stated that he, together with Senators Recto and Lacson, was contemplating on filing a bill seeking to modernize the PNP modernization program. He said that if there was an AFP Modernization Program, it was about time that the PNP had its own modernization.

Citing Senator Zubiri's statement earlier, Senator Ejercito thanked the Body for approving the budget that would allow the PNP to purchase its own choppers, considering that it has never had a single air asset in the last eight years. He expressed hope the it would be ready by 2018.

Thereafter, he thanked Senator Gordon for allowing the Body to remember what happened in Mamasapano. He expressed hope that Congress would give the PNP the equipment it needs to carry out its mission. He stressed that if Congress would make sure that the PNP would be well-equipped, the risk of losing lives would be minimized.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Angara, there being no objection, the Chair referred the privilege speech of Senator Gordon and the interpellations thereon to the Committee on Public Order and Dangerous Drugs.

SUSPENSION OF SESSION

Upon motion of Senator Angara, the session was suspended.

It was 4:56 p.m.

RESUMPTION OF SESSION

At 5:33 p.m., the session was resumed with Senate President Pimentel presiding.

COMMITTEE REPORT NO. 28 ON SENATE BILL NO. 1304

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second

Reading, of Senate Bill No. 1304 (Committee Report No. 28), entitled

AN ACT PROVIDING FOR A FULL TUITION FEE SUBSIDY FOR STUDENTS ENROLLED IN STATE UNIVERSITIES AND COLLEGES (SUCs), AND APPROPRIATING FUNDS THEREFOR.

Senator Sotto stated that Senators Gatchalian and Zubiri will deliver their cosponsorship speeches on the measure.

COSPONSORSHIP SPEECH OF SENATOR GATCHALIAN

As cosponsor of Senate Bill No. 1304, otherwise known as the Free Higher Education for All Act, Senator Gatchalian expressed great optimism for the future of the country's tertiary education system.

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

Free tuition in state universities and colleges is not a noble idea in the Philippines. In fact, it has been around for decades driven by the frustration of generations of student-activists who have taken to the streets to clamor for the government's help in combating gross inequalities in educational access at the tertiary level.

Truly, I must commend these courageous students because they are the ones who inspired me in the first place, to dig deeper into the possibility of instituting a tuition free system in SUCs back when I was still a congressman, culminating in the filing of the original Free Higher Education Act as House Bill No. 5905 on July 6, 2015, during the Sixteenth Congress.

But much has changed since then. During the Seventeenth Congress, the idea of free tuition in SUCs has caught fire with strong support in both Houses of the legislature.

In the House of Representatives, 18 congressmen have filed bills inspired by the idea of providing free college education to qualified students. Here in the Upper House, our colleagues have pushed for an P8 billion budget insertion to fund this idea. And now, just seven short months into the First Regular Session, this worthy piece of legislation which would institutionalize free SUC tuition once and for all

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has already made it to the Senate floor after one-fourth of our membership filed bills pushing for free public college education.

Today, we are faced with a momentous opportunity to chart a new course for our educational sector in uplifting the lives of millions of Filipinos in the process. This measure, if passed into law, would be a landmark reform in higher education which will give life to the Constitution's lofty promise to protect and to promote the right of all citizens to quality education at all levels.

Allow me to explain why.

According to the estimates generated from the 2014 Annual Poverty Indicator Survey, 54% of youth aged 16 to 21 are not in school. Given the population estimates extrapolated from the 2010 national census, these figures translate to approximately 6.4 million youth.

If we look closer at the data, we can see that 29.77% of these youth disclosed that they are not in school because of the high cost of education. An additional 23.99% indicated that they are not in school because they are either employed or looking for work. These figures suggest that as many as 3.4 million college-aged Filipinos were robbed of the opportunity to pursue further studies due to the prohibitively high cost of education.

Maliwanag ang mensahe na dala ng datos. Milyun-milyong Pilipino ang hindi nakatuntong sa kolehiyo dahil sa kapabayaan ng ating pamahalaan. Milyun-milyong pangarap ang isinasantabi dahil sa kakulangan ng salapi. Hindi ito nararapat. Hindi ito makatarungan. Nangangailangan ito ng karampatan at mabilisang lunas.

Our national network of state universities and colleges was built specifically to address inequitable access to higher education by opening the doors of tertiary learning to all capable Filipino youths regardless of their capacity to pay.

My visit to SUCs across the Philippines, however, made it abundantly clear that our tertiary public school system has failed to fulfill its mandate.

Napakamahal pong magpaaral lalung-lao na sa ating mga kapwa Pilipino na mulat sa kahirapan. Maraming mga pamilya ang napilitang mangutang o di kaya isangla ang kanilang ari-arian upang makapag-aral lamang ang kanilang anak. Ang iba naman ay napi-pilitan nang maghanap ng karagdagang trabaho upang mabayaran ang matrikula ng kanilang mga anak. Huwag natin isantabi ang

kalbaryo na pinagdadaanan ng napakaraming pamilyang Pilipino. Ipagkaloob natin sa kanila ang agarang lingap. Tulungan natin sila.

As lawmakers and representatives of the people, we must take decisive action to uphold and defend the Filipino's inalienable right to pursue a college education. An underprivileged student's right to education should not depend on the generosity of charitable individuals or the patronage of politicians. We must address the issue head on by institutionalizing a mechanism which will ensure full access to higher education for all generations of Filipinos to come.

The importance of ensuring full access to higher education and its potential to build greater equality within Philippine society becomes even clear once we observe the empirical relationship between education and economic outcomes.

Existing literature make it abundantly clear that increases in the number of years of schooling result in statistically significant increases in income-generating capacity. Instinctively, this makes sense. More years in school often correspond to a greater accumulation of skills, which in turn strengthens the person's position in the labor market. Higher levels of education increase the labor market mobility, security of tenure and income stream stability.

This hypothesis is confirmed by the empirical evidence culled from the 2014 Labor Force Survey. Data on the average basic daily pay of a member of the workforce show a strong correlation between educational attainment and higher wages: At P698, the average basic daily pay of a college graduate is more than twice the average basic daily pay of a high school graduate which is only P285 and more than three times higher than the average basic daily pay of an elementary graduate which is only P215.

Maliwanag po sa akin na ang pagpalawig ng mga pagkakataon upang makapag-aral sa kolehiyo ang isa sa pinakamabisang paraan upang puksain ang kahirapan. Sa pagbigay nang sapat na pagkakataong makapag-aral sa mas nakakaraming kabataang Pilipino, binibigyan natin ng pagkakataon ang ating mga naghihikahos na kababayan na makaahon mula sa kahirapan.

Lahat po tayo dito ay nangangarap na magtagumpay ang bawat Pilipino. Lahat po tayo dito ay nangangarap na umasenso ang bawat pamilyang Pilipino. Mayroon tayong pagkakataon na tuparin ang mga pangarap na ito. Totoong posibleng matupad ang mga

pangarap ng milyun-milyong Pilipino. Huwag nating palampasin ang pagkakataon na ito. Palawakin natin ang kasalukuyang napaka-kitim at napakasikip na daan tungo sa kaunlaran. Buwagin natin ang mga hadlang sa pag-asenso ng ating kapwa Pilipino. Bigyan natin ang susunod na henerasyon ng pagkakataon at kakayahang labanan ang kahirapan sa ating bansa.

Esteemed members if this august Body, let us make the most of the opportunity we have today. If we truly believe in the adage that “our future is in the hands of the youth,” let us then invest in each and every one of them. Let the youth build a better tomorrow by securing their right to college education today and for all the generations to come, by passing Senate Bill No. 1304 into law.

COSPONSORSHIP SPEECH OF SENATOR ZUBIRI

As cosponsor of Senate Bill No. 1304, Senator Zubiri delivered the following speech:

I am a firm believer in the value of education. That is why even when I was busy as former Majority Leader in 2008, I still had time to pursue my graduate studies and took up Masters in Environment and Natural Resources Management in the University of the Philippines because I firmly believe that to have inclusive growth and to uplift one from poverty especially our people, we should pursue this by providing them free and quality education, especially in the tertiary level.

Last November 25, 2016, we had the “Bukidnon Anti-Poverty Summit” where we emphasized before my *kababayans* in Bukidnon the importance of education in bringing down the poverty incidence in the province. The experiences of several provinces in the country are clear testament to this and let me cite some.

(At this juncture, several slides showing data on each province cited were shown on the screen.)

Benguet, which is similar in geographical situation to Bukidnon being mountainous and landlocked, is host to several higher educational institutions. They give high value to education and the tourism incidence has brought them to rank 79 in poverty incidence. Its people are highly educated and have flourishing call centers and export zones.

Let us look at another province—Albay.

The province under the leadership of former governor now Cong. Joey Salceda, embarked on a massive scholarship program for tertiary education numbering to about 200,000 scholars. The province is now an economic powerhouse in the region and ranked 43rd in poverty incidence.

And the province that used to be in the top 10, is also from the area of the woods with the Senate President in Mindanao— Zamboanga del Sur, as I mentioned, being the top 10 poorest provinces in terms of poverty incidences is now ranked 49th in the last poverty incidence survey. And I was very curious, I was wondering how they were able to do that and I had a pleasure of visiting the province last year and Governor Cerilles mentioned to me that they put priority to higher education. So much so that their J.H. Cerilles State College was set up in most, if not all, the municipalities of the province so that after they graduate from the national high school which is free high school education, there is no excuse to continue their education up to tertiary level. And the provincial government has allocated a big chunk of its budget for tertiary and technical vocational education.

Misamis Oriental, even closer to our hearts, has also a number of higher education institutions. Even Bukidnon State University, which is located in Malaybalay City, has about ten extension campuses in the Province of Misamis Oriental and it is now ranked 59th in the Poverty Index of the PSA.

Furthermore, the study by Dr. Celia M. Reyes of the Philippine Institute for Development Studies (PIDS) in 2013 also provides concrete proof that higher educational attainment of an individual gives bigger chances that he can be employed, get a higher paying job, and especially get out of poverty.

(At this point, slides of table of statistics were shown on the screen.)

Let us look at some of this data. As we can see, those who have not finished primary education have the highest poverty incidence by as much as 40%. While those who complete tertiary education have less than 5% poverty incidence. The same scenario on the next table shows that farmers and agricultural workers are in the top of the poverty incidence. Professionals are in the bottom or with almost zero poverty incidence.

The next table shows that even between the unskilled and skilled workers—we can assume that these skilled workers are TESDA graduates or those who took up tech-voc studies—there

per 100

is a big difference in poverty incidence. This slide shows the regression, adjusted wage premia among different types of demographics of workers.

(At this juncture, a graph of wages was shown.)

And again you will see, that those who have finished tertiary education versus those who have not even finished primary education have a difference of at least 113% in increased wages. This table shows in monetary terms that wages of different types of workers by educational attainment and clearly, the average wage of those who finished college is more than three times the salary of those who did not even finish primary education.

What I have cited clearly shows that the higher educational attainment of our people, the better their chances in getting out of poverty and in having better lives. They deserve no less and this law will be their ticket out of poverty. I believe that this law will be the game changer in our fight against poverty, in uplifting lives of our people.

This law will realize the spirit of the Constitution in providing free education for our youth. It will realize the clamor of many students from many decades ago up to today, in so many rallies and demonstrations, in asking us in government to give the highest priority to education in the National Expenditures Program.

Thus, I join my colleagues in calling for the immediate passage of Senate Bill No. 1304.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1304

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. 29 on Senate Bill No. 1305 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 29 ON SENATE BILL NO. 1305

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

Senate Bill No. 1305 (Committee Report No. 29), entitled

AN ACT INCREASING THE MATERNITY LEAVE PERIOD TO ONE HUNDRED TWENTY (120) DAYS FOR FEMALE WORKERS IN THE GOVERNMENT SERVICE AND THE PRIVATE SECTOR WITH AN OPTION TO EXTEND FOR AN ADDITIONAL THIRTY (30) DAYS WITHOUT PAY, PROVIDING A PARENTAL LEAVE PERIOD FOR ADOPTIVE PARENTS, AND GRANTING AN ADDITIONAL THIRTY (30) DAYS FOR SOLO MOTHERS, 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 Hontiveros for the sponsorship.

SPONSORSHIP SPEECH OF SENATOR HONTIVEROS

Senator Hontiveros, chairperson of the Committee on Women, Children, Family Relations and Gender Equality submitted to the Body for its plenary consideration Committee Report No. 29 on Senate Bill No. 1305, entitled "An Act Increasing the Maternity Leave Period to One Hundred Twenty (120) Days For Female Workers in the Government Service and the Private Sector with an Option to Extend for an Additional Thirty (30) Days Without Pay, Providing a Parental Leave Period for Adoptive Parents, and Granting an Additional Thirty (30) Days for Solo Mothers, and for Other Purposes," otherwise known as the "Expanded Maternity Leave Law of 2017," in substitution of Senate Bill Nos. 56, 194, 215, 457, 1152, 1262 and 1276.

Following is the full text of Senator Hontiveros' sponsorship speech:

Malaki ang pagpupugay na ibinibigay natin bilang isang lipunan sa ating mga nanay. Sabi natin, ang mga nanay ay ilaw ng tahanan.

Bilang pagkilala sa hirap ng panganganak, sinasabi natin na ang babaeng nagdadaland-tao at nanganganak, ang isang paa nasa hukay. Ang ina ang takbuhan, sandalan, kandili, kanlungan. Clearly, ours is a society that values its mothers.

And yet, our policy framework does not seem to reflect this. Our existing legal infrastructure does not provide the adequate protection and safeguards that lead to welfare-enhancing outcomes for working pregnant women. And it is not at par with international standards. *Ang tinutukoy ko po dito ay ang ating kasalukuyang polisiya hinggil sa maternity leave.*

Our maternity leave law, both for the public and private sectors, only provides sixty (60) days paid leave—38 days short, more than five weeks short of the minimum prescribed under the International Labor Organization's Convention No. 183. It also falls short of the maternity leave benefits in the ASEAN region. Vietnam, notably, provides for 120 to 180 days maternity leave.

It is time to rectify this situation. It is time to do right by our mothers.

Senate Bill No. 1305 has the following salient features:

- Provision of 120 days maternity leave for female workers in the private and public sector, as well as in the informal economy, with the option to extend for 30 days without pay;
- Provision granting an additional 30 days (or total of 150 days) for solo mothers, as identified under the Solo Parents Act;
- Provision of 30 days for adoptive parents upon receipt of the pre-adoptive placement authority issued by the DSWD;
- Provision for sharing of leave credits to the father of the child, or in the absence of the same, an alternative caregiver, for a maximum of 30 days; and lastly
- Provision granting maternity protections for female national athletes who get pregnant.

Bilang chairperson ng Committee on Women, Children, Family Relations and Gender Equality, pero higit sa lahat, bilang babae at solo mom sa apat na anak, sinusulong ko ang panukalang ito na may paniniwalang malaki ang magiging ambag nito sa buhay ng mga babaeng manggagawa, ang kanilang mga anak, at pati na rin ang kanyang pamilya.

By granting more time for a mother to be with her newborn child, we provide the optimal environment for neonatal and maternal health. We support breastfeeding and its demonstrable benefits on infant well-being. We also allow full post-partum recuperation for the mother. When children and mothers are less sickly, we reduce the finance burden for health-related social services. When fathers are provided opportunities to share in child-rearing through shared leave credits, we not only nurture the bonds between father and child, we also create more gender-equal households and neutralize potential employment bias against women of childbearing age.

Let us be the Senate that will shepherd this bill into fruition. It is a long overdue measure that our women workers have been waiting for. *Ibigay po natin ito sa ating mga kababaihang manggagawa.* The last time that the number of paid maternity leave was increased was in 1992 or 25 years ago. *Panahon na para iakma ito sa makabagong panahon at tumugon sa mga modernong pangangailangan ng pamilyang Pilipino.*

COSPONSORSHIP SPEECH OF SENATOR ANGARA

As cosponsor of Senate Bill No. 1305 under Committee Report No. 29, Senator Angara delivered the following speech:

The utmost respect for mothers is universal in all religions and creeds.

The *Sahib al-Bukhari*, one of the major "hadith" or authoritative reports on the words, actions and habits of the Islamic prophet Muhammad reads: "A man came to the Prophet and said, '0 Messenger of God! Who among the people is the most worthy of my good companionship?' The Prophet said: 'Your mother.' The man said, 'Then who?' The Prophet said: 'Then your mother.' The man further asked, 'Then who?' The Prophet said: 'Then your mother.' The man asked again, 'Then who?' The Prophet said: 'Then, your father.'" Indeed, in Islam, mother always comes first. And based on the passage, the father comes fourth.

In Proverbs Chapter 31, verses 25 to 31, the bible reads: "Strength and dignity are her clothing, and she laughs at the time to come. She opens her mouth with wisdom, and the teaching of kindness is on her tongue...Give her of the fruit of her hands, and let her works praise her

in the gates." Indeed, a mother's work is never finished. But she should at least be given the time to "enjoy the fruits of her labor" and "hear her works praise her in the gates."

I bring these up because putting mothers first and providing them utmost care is one of the most binding things in societies across the world. And in cosponsoring this measure to expand maternity leave benefits, we merely seek to do what the rest of the world also holds to be true.

In fact, the bill we filed subsumed by this committee report actually extends the maternity leave period only to 98 days or 14 weeks.

This is the minimum recommendation of the International Labor Organization (ILO), per the Maternity Protection Convention, revised in 2000. Studies have shown that this period provides enough of a balance between keeping a mother's postnatal health and ensuring her individual productivity.

Every mother—every parent for that matter—should be afforded ample time and opportunity to care for their children. Definitely, there is a cost to business and to productivity for sure, but the social and familiar benefits far outweigh the costs.

Investments will be needed to implement this measure fully. And like free college tuition, it will lead to enormous returns to the country, which may not be felt in the short-term, but will definitely have a positive impact in the long-term. To lengthen maternity leave benefits is to safeguard our nation's future. And I thank our Chairperson, Senator Risa Hontiveros, for prioritizing this measure.

This is so because the measure dovetails very well with the first 1,000 days bill which is also being championed in the Committee on Health and Demography, and which we are pushing for. The longer period will free up time for mothers to exclusively breastfeed their babies, and in turn, ensure their child's nutrition.

In 2013, the World Health Organization (WHO) reported that the Philippines has a breastfeeding rate of only 34% for infants younger than six (6) months, missing the 50% breastfeeding target of the 2012 World Health Assembly, where the Philippines is an endorsee. As a result, 3.3 million (30%) Philippine children aged five years old and younger are stunted, based on the latest National Nutrition Survey.

The recent *Cost of Hunger* report by Save the Children calculated that undernutrition has cost the Philippines—from extra schooling expenses (from grade-level repetition), productivity losses from premature child mortality and a skill-impaired workforce—up to P328 billion in economic losses. This is equivalent to around 2.83 percent of our GDP in 2013.

The first 1,000 days of child's life—covering nine months in the womb and the months before their second birthday—is a critical window, particularly in preventing childhood stunting and wasting.

According to experts, if a child's nutrition is assured during this period, "it prevents more than one-third of child deaths per year, improves school attainment by at least one year, increases wages by five to 50 percent, reduces poverty because well-nourished children are 33 percent more likely to escape poverty as adults, empower women to be 10 percent more likely to run their own business and breaks the intergenerational cycle of poverty."

In my view, any measure that helps break the intergenerational cycle of poverty—perhaps the most persistent problem of our country—deserves our full support.

MANIFESTATION OF SENATOR SOTTO

Senator Sotto stated that Senator Binay will be delivering a cosponsorship speech on the measure on a later date.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1305

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

COMMITTEE REPORT NO. 20 ON SENATE BILL NO. 1278 *(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1278 (Committee Report No. 20), entitled

AN ACT ESTABLISHING JOB PLACEMENT OFFICES IN PUBLIC HIGH SCHOOLS TO PROVIDE CAREER SERVICES TO THE YOUTH.



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

Thereupon, the Chair recognized Senator Aquino, sponsor of the measure, and Senator Recto for his interpellation.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 6:03 p.m.

RESUMPTION OF SESSION

At 6:05 p.m., the session was resumed.

INTERPELLATION OF SENATOR RECTO

At the outset, Senator Recto asked on the objective of the measure. Senator Aquino stated that the idea of K to 12 reform is for those who choose not to go to the academic track — they account for 60% of students who should have the skills ready for employment — would be ready for the work force armed with an NC1 certification already, and to attain its objective, he said that it needs support in the form of infrastructure that can help the students, especially those who will not push through with college, get employed. This, he said, is where the *Trabaho* centers come in because its three goals are career counseling, employment facilitation and further academic industry linkage. To implement these goals, he pointed out the need to assign someone in the senior high schools to continuously work with the industries, check the tracking, make sure that the curriculum is on point, and that the OJT program that is part of the K to 12 program will be useful for the future employment of the students.

Senator Aquino also explained that the employment facilitation is similar to a job placement office that can be found in many colleges and universities in the country. Finally, he stressed that career counseling, which is currently the only function being done in the senior high schools, should be continued, and he believed that the career counseling site would be beneficial for the students who push through with the college track because they can be guided as to the course they would take.

To Senator Recto's observation that job placement offices are going to be created to achieve the

objective of finding employment particularly for those graduating from K to 12 and those enrolled in the technical-vocational track, Senator Aquino affirmed, as he explained that the intent of the law is to create job placement offices in 5,965 senior high schools or, as Senator Recto noted, roughly 8,000 schools if all public high schools would be covered.

Senator Aquino also agreed with Senator Recto that creating job placement offices would be an additional responsibility for the DepEd, because the bill talked about having a minimum of one person in each *Trabaho* Center.

To Senator Recto's observation that for a job placement office to be effective, one person would not be enough, Senator Aquino said that it would be preferable to have more, but he explained that the minimum was placed because in a number of additional functions found in schools, like feeding program, they usually maintain one personnel. Should there be more budget, he said that more personnel could be added.

At this juncture, Senate President Pimentel relinquished the Chair to Senator Villanueva.

Senator Recto pointed out that assuming that there would be an average of three personnel for each of the 8,000 public high schools, it would mean 24,000 positions to be filled up. Asked on the proposed salary grade, Senator Aquino replied that it would be Salary Grade 10, or P18,217 per month. Senator Recto computed that the fiscal cost would amount to P6.72 billion, assuming that the program would cover all public high schools with three personnel each.

Asked on the qualifications of a *Trabaho* Center advocate, Senator Aquino said that the bill actually eases the restrictions. As a background, he explained that Republic Act No. 9258, or the Guidance Counseling Act of 2004, mandates that all schools should have guidance counselors, however, through the years, these positions were not filled up because of lack of qualified guidance counselors. In the measure, he said that career advocates need not be guidance counselors, and the Committee is trying to find out if there are plantilla positions for guidance counselors because they could complement the need for career advocates considering that one of their functions is to provide career counseling. He said that he would want the DepEd to actually train them on how to be effective career advocates.

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Asked by Senator Recto on the cost of training 24,000 *Trabaho* center advocates, Senator Aquino said that he would not have information on the exact cost of the training, but he explained that the DepEd would conduct continuous appropriate training programs.

But Senator Recto pointed out that since the program was a new responsibility, the DepEd would entail costs when they hire the people.

Asked whether the career advocates should be college graduates, Senator Aquino replied that although Section 7 of the bill was silent on the matter, he would imagine that they would be college graduates.

Senator Recto noted that the reason why it was difficult for the DepEd to hire guidance counselors was that the Guidance Counseling Act of 2004 set the bar too high especially with the requirement for a master's degree, and he suggested that the law may have to be amended. He proposed the need to clarify the qualifications of *Trabaho* center advocates.

Senator Aquino said that since guidance counselors perform the function of career counseling, based on Section 7, *Trabaho* center career advocates would not need the same educational qualifications as the guidance counselor.

Asked by Senator Recto whether the government has a National Career Assessment Examination, Senator Aquino replied although there is such examination, it has not been implemented uniformly in all schools nationwide but the DepEd, he said, intends to administer the exams yearly and make it more uniform.

Senator Recto stressed that he supports the objectives of the bill except that he was concerned about the fiscal costs it would incur and that he was looking at ways to make the measure more efficient, effective and economical.

Senator Aquino said that one of the ways to move forward was to look into the current budget allocation for guidance counselors and find out if there are unfilled positions which might be utilized to address some of the functions in the bill.

Senator Rector believed that the best way to make sure that the students are employable is to provide them the best quality education and give them the best skills needed for employment.

He expressed concern that the so many promises that it seeks to fulfill, the K to 12 program has entailed costs to the DepEd, citing, among others, the need to hire senior high school teachers, for grade 11 teachers, and hiring additional personnel such as career advocates would add pressure to the DepEd.

Asked by Senator Recto on the backlog in classrooms, Senator Aquino said that because the enrolment of K to 12 was underestimated by 40% since DepEd initially targeted that only 50% of the Grade 10 pupils would go to Grade 11 — and with the current backlog and the new requirement, the backlog reached 90% or about 140,000 classrooms which would require about P65 billion or higher. Senator Recto then requested the Committee to submit to him data on the classroom backlog in relation to the implementation of the K to 12 program by the DepEd.

Asked by Senator Recto whether the constituency of the bill would be those in the tech-voc track, Senator Aquino said that the measure seeks to serve all senior high school students, be they in the tech-voc track or in the academic track.

As regards the number of students per guidance counselor, Senator Recto noted that according to a DepEd circular, there must be one guidance counselor for 500 students. He said that at the proper time, amendments to the bill may be introduced to reduce costs. He then requested the Committee to secure from the DepEd data and information on the smallest public high school and the largest public high school in terms of population, and to provide for the median.

Asked for the enrolment figures in all public high schools, Senator Aquino said that it is at 6,177,876, and 1.5 million for Grade 11 students. As to how many are in the academic track, Senator Aquino said that according to the DepEd, it is about 60% of 1,445,107, 40% in the tech-voc track, and less than 1.5% in the arts and sports track. He said that the various tracks that are going to be offered are academic, sports, arts and tech-voc tracks, each of which has subtracks.

Senator Recto observed that those in the academic track would likely proceed to college but it was also possible that the students in the sports, arts and tech-voc tracks would go to college also once the free public college tuition bill is passed into law. He opined that a bigger percentage of the students in the sports, arts and tech-voc track and its subtracks

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would be the people who would probably look for a job after finishing senior high school.

Senator Recto said that the K to 12 program promised to provide quality education so that the students who graduate from high school would be employable, the reason was why the four tracks and its subtracks are offered to all students in all senior high schools. He asked how many of the 8,000 public schools offer the four tracks, to which Senator Aquino said that most of the schools offer the academic and tech-voc tracks, while the arts and sports tracks are offered by specialty schools.

Senator Recto stressed that the government promised to offer the four tracks and its subtracks to all the students in all public high schools and since there is going to be competition among schools, it was important to point out the areas of focus of the *Trabaho* centers. He explained that he was asking the questions with the intention to make the proper amendments at the proper time and this was the reason it was necessary for the DepEd to provide the data and information that he earlier requested.

Asked to cite the subtracks under the tech-voc track, Senator Aquino said that these are: agri-fishery; home economics; ICT; industrial arts; and TVL maritime. He said that under agri-fishery are agricultural crops production; animal health care; aquaculture; artificial insemination; fish capture; fishing gear repair and maintenance; under home economics are handicraft, food and beverage, bartending, attraction and theme parks, caregiving, dressmaking, cookery; under ICT are animation, telcom and subscriber line installation computer systems; and computer programming; for industrial arts, automotive and others.

Asked which of the aforementioned courses are actually being offered in the public schools, Senator Aquino said that much has to be desired in practice and in reality.

Senator Recto opined that even with the *Trabaho* centers in place, but the courses are not actually offered in schools, it may still be difficult to find employment for the student-graduates. He said that it is more important to ensure that DepEd has the resources and the capability to provide the tracks to the students.

Senator Aquino said that only the relevant ones are being offered to the students in all schools and

not all tracks. He said that finding the relevant ones is a process which the Committee found to be incomplete and which the DepEd was unable to do because they do not have the personnel or the functions to actually work with the private sector to find out what tracks are relevant.

Asked who would train the *Trabaho* Center advocates, Senator Aquino said that one of the functions of the *Trabaho* Center advocates would be to work with the DOLE, the LGUs and the Chambers of Commerce.

Senator Recto noted that the DepEd Secretary, the division superintendent and the district supervisor do not know of training and coordination yet they would hire 24,000 people that would train the other teachers as well as provide guidance counselling, in effect, to the students. He expressed concern that this undertaking would possibly cost billions, the reason why he was taking the opportunity to see how the DepEd is implementing the K to 12 program. Senator Aquino agreed.

Asked if the Committee could provide him with the data on how many students are enrolled in each track and their subcomponents, Senator Aquino replied in the affirmative.

Senator Recto asked how much it would cost to offer all those tracks in every school so that the Senate would be guided in the next budget hearing of the DepEd. He said that since there are two more years of senior high schools, the government should build more classrooms and hire more teachers. He said that if he were to give the DepEd a grade on their K to 12 program, he would give them a failing grade.

To cite an example, he said that in his hometown in Lipa, none of the 14 national high schools there offer those tracks, the reason why they have GASTPE where there is a voucher system for the students to go to private schools. He added that in some instances, if ever there are high schools that offer a particular track, students had to walk eight barangays to get vocational training there, but these schools lack equipment or facilities. He reiterated that the DepEd needs billions of pesos to be able to accomplish the objectives of the K to 12 program.

Senator Recto said that his concern is that most schools are not offering the tech-voc tracks and

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they lack equipment, facilities, classrooms and teachers so that the DepEd needs more funding. He said that he understood the objective of the bill and that he was looking for ways on how to go about it, one of which is to just choose the schools where it can have job placement offices.

Senator Aquino asked if Senator Recto's intent is to test the objective of the bill in certain areas first and, if successful, to roll it out further. Senator Recto replied in the affirmative. However, Senator Aquino pointed out that although admittedly the tracking provided in the K to 12 program leaves much to be desired, with more reason that there should be someone who should work with the private sector to constantly check the tracking that is being provided, make sure that the OJT process is actually useful and not a waste of time, and help in the process of job placement. Senator Recto noted that it is also a timing issue.

Agreeing with Senator Recto, Senator Aquino noted that what they are seeing at present are the problems of the immediate implementation of the measure. However, he said that when some of those basic functions have been accomplished, that is when they need to consider the lack of classrooms and textbooks.

Senator Recto then asked how many public schools were able to offer all the four tracks in senior high schools and why the other schools were not able to provide all the four tracks. Senator Aquino replied that they were still getting the data from the website and would just submit it to the office of Senator Recto.

Given that not all public high schools could not offer all four tracks, Senator Recto asked what is the additional cost per student to enrol in a different senior high school which offers two tracks. He said that there are some information that he wanted Senator Aquino to get from the DepEd.

Asked how many coordinators there should be, assuming the distribution is division-based, Senator Aquino replied that there should be 219 *Trabaho* Center coordinators corresponding to 219 DepEd divisions of schools.

Asked if there are PESOs in all local government units, Senator Aquino replied in the affirmative, adding that the bill requires the *Trabaho* Center advocates to work with the PESO.

Asked if it would not be a duplication of the functions of the PESO, Senator Aquino replied that the scope of PESO is larger than the schools as they handle employment issues of the whole municipality. He said that tracking the equipment needed and the OJT process are beyond the scope of the PESO.

To Senator Recto's suggestion that the school division coordinate with the PESO where the division gives information to the principal, who would then adopt a program down the line in the schools, thus it would cost much lesser, Senator Aquino replied that the principal would be overburdened with work. But Senator Recto pointed out that the principal would still have to oversee the job of the career advocate.

Senator Aquino said that the teachers are already burdened with their work, especially with the *Pagkaing Pinoy* bill which also needs teachers to handle the feeding program.

Senator Recto noted that the *Pagkaing Pinoy* bill is for grade school only and has nothing to do with the senior high school. Senator Aquino replied that the teachers would be further burdened with the task of coordinating with the private sector and looking for OJT opportunities.

As to the suggestion to tap a guidance counselor, Senator Aquino replied that the current teaching personnel may not handle the load.

Asked if the DBM was amenable to adding new plantilla positions, Senator Aquino replied that the DBM did not give their official position nor oppose the new plantilla positions of the DepEd during the committee hearings.

Senator Recto suggested that the Committee find out again if the DBM has the fiscal resources. To cite an example, he pointed out that P8 billion for free public college tuition was already incorporated in the budget for 2017; and that two years after, it would cost P16 billion. He cautioned that once too much pressure is added on spending by creating too many offices, the Department of Finance would impose additional taxes. He suggested that the Senate look at some of the bills which add pressure eventually to the government because many of them do not realize that in promoting certain ideas, these ideas have price tags which the citizens of the country would eventually pay.

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Senator Recto then suggested that the government should have job centers only in schools that are already offering K to 12 program to make sure that the graduates could find a job. Senator Aquino replied in the affirmative.

Senator Recto noted that the entry level for guidance counsellors is SG 10 all the way up to SG 24, sometimes much higher than the salary grade of principals, and the DepEd has just created a new plantilla position called Youth Formation Coordinator. He then asked how many are holding such position at present. Senator Aquino replied that he was still getting the information from the DepEd. Senator Recto suggested that the DepEd should be present during the deliberations of the bill so that they would understand its objectives.

Senator Aquino said that the youth formation coordinators are currently the teachers, and it would be too much for them if they are to serve as career advocates. He said that the DepEd is looking at another item to lower the cost of the bill.

Senator Recto then requested for a more information about the youth formation coordinators from the DepEd. Senator Aquino replied that the youth formation coordinators could serve as the *Trabaho* Center coordinators as well. Senator Recto suggested that the existing plantilla positions could do the work instead of hiring 24,000 new personnel which would cost P8 billion to train and the government is not even sure if the program would work.

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 6:53 p.m.

RESUMPTION OF SESSION

At 6:54 p.m., the session was resumed.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1278

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

MANIFESTATION OF SENATOR RECTO

Senator Recto requested that in the future, whenever important measures such as Senate Bill

No. 1278 are being discussed on the floor, the members should be present so that they could hear the debates and understand the issues.

Responding thereto, Senator Sotto stated that the Committee on Rules would inform the members of Senator Recto's request, and that it would make sure that the important bills, considered as Category 1, would be taken up at an early hour during the sessions. He took exception on the day's session because two members delivered privilege speeches that dealt with equally important issues. He suggested that privilege speeches be limited to Mondays and Tuesdays, so that more bills would be taken up for Wednesdays.

CHANGE OF REFERRAL

Upon motion of Senator Sotto, there being no objection, the Body approved the change of referral of Proposed Senate Resolution No. 261 from the Committee on Rules to the Committee on Climate Change.

Thereafter, Senator Sotto announced that the Committee on Climate Change would hold a hearing on Thursday, February 2, 2017.

COAUTHOR

Senator Sotto manifested that the following senators are coauthors of the bills hereunder indicated:

1. Senator Zubiri - Senate Bill No. 1304; and
2. Senator Villanueva - Senate Bill Nos. 1277, 1278 and 1279.

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, January 30, 2017.

It was 6:57 p.m.

I hereby certify to the correctness of the foregoing.


ATTY. LUTGARDO B. BARBO

Secretary of the Senate

Approved on January 30, 2017