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SESSION NO. 58
Monday, February 6, 2017

**SEVENTEENTH CONGRESS
FIRST REGULAR SESSION**

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CALL TO ORDER

At 3:08 p.m., the Senate President, Hon. Aquilino "Koko" Pimentel III, called the session to order.

PRAYER

Sen. Risa Hontiveros led the prayer, to wit:

O Panginoon, ang daming panalangin sa aming mga puso ngayon, para sa aming lipunan at para sa aming mga personal na buhay.

Iyong mga naibibigkas namin sa gitna ng madla at iyong mga ikinikimkim lamang namin sa aming mga puso, para sa kalusugan at rehabilitasyon sa aming mga barangay laban sa krimen at simplistikong pagpaparusa at para sa hustisya para sa lahat ng mga biktima, dinggin Mo ang aming panalangin.

Para sa modern at rules-based na pagpapatupad ng aming mga batas, pag-lilinis at muling pagpupuna ng the best and the brightest sa hanay ng aming mga institution, sa paglaan ng mga rekursong pamahalaan at sa pagpapalakas ng public safety sa aming mga pamayanahan, dinggin Mo ang aming panalangin.

Para sa diversity, dangal at karapatan ng pantao at laban sa discrimination at prejudice, dinggin Mo ang aming panalangin.

Panginoon, para sa ganitong mga panalangin na aming naibigkas at iyong iba pa na aming ikinikimkim sa aming mga puso, dinggin Mo ang aming panalangin, gabayan ang aming mga kalooban at aming mga katawan upang kumilos, upang bigyang daan ang Inyong kalooban at ang kabutihan ng karamihan ng aming mga kababayhan.

Siya nawa.

NATIONAL ANTHEM

The Premier Medical Center Chorale led the singing of the national anthem and thereafter rendered the song, entitled "Tagumpay Nating Lahat."

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:

Angara, S.	Hontiveros, R.
Aquino, P. B. IV B.	Lacson, P. M.
Binay, M. L. N. S.	Legarda, L.
De Lima, L. M.	Pangilinan, F. N.
Drilon, F. M.	Pimentel III, A. K.
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.

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

Senator Poe arrived after the roll call.

Senators Cayetano and Trillanes were on official mission abroad to attend the 65th National Prayer Breakfast at the Washington Hilton in Washington, D.C.

Senator Pacquiao was absent.

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. 57 (February 1, 2017) and considered it approved.

REFERENCE OF BUSINESS

The Deputy Secretary for Legislation, Atty. Edwin B. Bellen, read the following matters and the Chair made the corresponding referrals:

BILLS ON FIRST READING

Senate Bill No. 1312, entitled

AN ACT REQUIRING CREMATORIES TO COLLECT FROM THE DECEASED'S REMAINS BIOLOGICAL SPECIMEN FOR DNA SAMPLING AND/OR STORAGE, FINGERPRINTS OR THUMBPRINTS, DENTAL IMPRINTS AND DIGITAL PHOTOS, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Introduced by Senator Pangilinan

To the Committees on Health and Demography; and Local Government

Senate Bill No. 1313, entitled

AN ACT MAINSTREAMING THE PUBLIC HEALTH APPROACH TO PHILIPPINE DRUG POLICY, ESTABLISHING AND IMPLEMENTING COMMUNITY-BASED PROGRAMS AND STRATEGIES FOR DRUG-RELATED ISSUES AND CONCERNS, AND PROHIBITING HARMFUL AND DISCRIMINATORY INTERVENTIONS AND PRACTICES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Risa Hontiveros

To the Committees on Health and Demography; Local Government; and Finance

RESOLUTION

Proposed Senate Resolution No. 281, entitled

RESOLUTION DIRECTING THE COMMITTEE ON LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT AND OTHER APPROPRIATE COMMITTEES OF THE SENATE, TO INQUIRE AND REVIEW, IN AID OF LEGISLATION, THE EMPLOYMENT TRANSITION PLAN PREPARED BY RELEVANT GOVERNMENT AGENCIES IN CASES OF CLOSURE OF BUSINESS

Introduced by Senator Joel Villanueva

To the Committee on Labor, Employment and Human Resources Development

COMMITTEE REPORT

Committee Report No. 33, prepared and submitted jointly by the Committees on Trade, Commerce and Entrepreneurship; and Civil Service, Government Reorganization and Professional Regulation, on Senate Bill No. 1311, with Senators Recto, Paolo Benigno "Bam" Aquino IV, Grace Poe and Zubiri as authors thereof, entitled

AN ACT ESTABLISHING A NATIONAL POLICY ON EASE OF DOING

BUSINESS, CREATING FOR THE PURPOSE THE EASE OF DOING BUSINESS COMMISSION, AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill No. 866, taking into consideration Proposed Senate Resolution No. 23 and 54.

Sponsor: Senator Zubiri

To the Calendar for Ordinary Business

SUSPENSION OF SESSION

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

It was 3:19 p.m.

RESUMPTION OF SESSION

At 3:20 p.m., the session was resumed.

**PRIVILEGE SPEECH
OF SENATOR LEGARDA**

Senator Legarda stated that she was availing herself of the privilege hour to draw attention to one of the most basic needs of human existence, yet it is a resource that lamentably has been taken for granted — water.

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

WATER SECURITY

Man can live for several weeks without food, but a few days without water would be detrimental to one's health. Our body, after all, is made up of 60%-70% water.

The Earth is likewise composed of two-thirds water and the Philippines, being an archipelago, is surrounded by water. But not all of it is suitable for human consumption — 97% is sea water, 3% is fresh water, most of which is frozen, and only 0.5% is the freshwater available for us through aquifers, rainfall, natural lakes, rivers and reservoirs.

Given these basic facts, we should all be aware that water is indeed a very precious resource, but as one saying goes, "We would never know the worth of water, 'til the well is dry."

Let us not wait for this to happen. We need to strengthen our water security.

There are still eight million Filipinos who lack access to safe water and 26.5 million lack access to improved sanitation. Eighteen Filipinos die daily from diarrhea and other water-borne diseases, while 55 Filipinos die daily from diseases caused by lack of proper sewerage and sanitation facilities.

Water is vital to achieving food security as agriculture accounts for 70%-85% of our water consumption.

But water security is not only about the provision of sufficient water for the needs of our people and our economic activities, it is also about having healthy ecosystems and building resilience to water-related disasters, including storms, floods and droughts.

Extreme water events, such as intense or more frequent rains, the increasing number of hot days, along with weak resource management, are factors that lead to low water security.

According to the Asian Water Development Outlook (AWDO), a joint report by the Asian Development Bank (ADB) and the Asia-Pacific Water Forum (APWF), water insecurity in the region is caused primarily by inappropriate management practices rather than physical scarcity of water.

To address this, the AWDO developed a water security framework based on five key dimensions for household, economic, urban, environmental, and resilience to water-related diseases. Low water scarcity in these key dimensions can cause economic damages equivalent to up to 2% of our GDP.

The Philippines currently scores number two or what we call "engaged," which means that more than half the people have access to modest drinking water and sanitation facilities; water service delivery is starting to develop supporting economic activities; first measures are taken to improve water quality and first attempts are being made to address water-related risks.

Definitely and clearly, we need to do more. For a country that is likely to experience severe water shortage by 2040 due to the combined impact of rapid population growth and climate change, we must give utmost priority to improving our water security.

We need to craft a roadmap for sustainable water use and to consolidate all water agencies to address issues such as overlapping and fragmented regulation of water supply services.

Last January 20, an interagency meeting for the National Water Summit and Roadmap was convened in Malacañang by this Representation together with Environment Secretary Gina Lopez and Dr. Ernesto Ordoñez as representative of the private sector. Dr. Ernie is with us today.

Using the AWDO key dimensions as guide, the group identified seven sectors to focus on – household, urban, agriculture, economic, environmental, resilience and governance. For each sector, the committee identified issues and initial recommendations.

In the household sector, among the issues are sewerage, the high incidence of water-borne diseases, infrastructure deficiencies, lack of rainwater harvesters even if there is a law since 1989, management of water supply, flooding and contamination of waterlines due to drainage problems.

In agriculture — Senator Pangilinan knows this so well, Senator Villar knows this extremely well — irrigation efficiency and water pollution such as pesticide leaching are among the issues raised. To address these, we need to develop water-efficient technologies such as crop varieties requiring less water, operationalize river basic management to increase irrigation water productivity and to improve irrigation governance.

For urban water security, challenges include water supply and allocation, flooding and mixing of sewage water with domestic water. Initial recommendations include the review of current city plans, providing incentives for investors in urban water collection, construction of water impoundments and rainwater harvesters, and enhancement of water treatment for industries.

For the economic sector, issues on ecotourism, industrial wastes and water as an energy source were raised. It is important that we maintain the integrity of our ecotourism spots, implement payments for environmental services in all major watersheds, and strictly implement the Water Code. We can also utilize an energy source by promoting small water turbines along river systems.

Issues raised in environmental water scarcity or security include the deterioration of our rivers and lakes, solid waste management, mine tailings, sedimentation and erosion, as well as lack of early warning systems.

Last week, Secretary Lopez announced the result of the Department of Environment and Natural Resources' mining audit. It is appalling to see degraded forests and polluted watersheds. For many years, these firms operated in the country and while they may have given

employment to some, the cost of our environment is already irreparable. Many of those recommended for closure or suspension have caused the destruction of our functional watersheds.

We laud the DENR for taking such bold steps towards implementing our environmental laws. We can further address challenges in environmental water security by enhancing river health through clean-up activities, enforcing the Ecological Solid Waste Management Law and Environmental Impact Assessment plans, implementing sediment removal in water impoundments and reservoirs, and enhancing our forecasting systems.

To strengthen resilience to water-related disasters, the country needs to evaluate existing programs to combat desertification and prevent flooding and improve its evacuation strategies, early warning systems and disaster risk reduction and management plans. There should also be strict water quality monitoring in times of drought when higher concentrations of harmful compounds are observed, and water impoundments, dams and other structural facilities must be evaluated. Capacity-building activities for indigenous people must likewise be undertaken so they can adapt to water extremes.

In the area of water governance, the issue of having over 30 water agencies has been a challenge because of overlapping mandates and conflicting programs. We need to have a national center for water to coordinate everyone's efforts. For the meantime, a steering committee for planning collaborative workshops towards a comprehensive roadmap for water security needs to be established.

There will be several meetings that will culminate in a National Water Summit where outputs will be discussed. The main goal is to create an Integrated Water Resource Management Framework as well as short-term, medium-term and long-term strategies and programs for the National Master Plan for Water.

We still have a lot of work to do and I enjoin my colleagues in the Senate to give their inputs as well. We can also do consultations in our local communities and with various sectors of society so we know their concerns as well.

In conclusion, allow me to quote Dr. Ordoñez in one of his commentary pieces as he succinctly describes the water situation: "Water significantly affects our lives. When it is everywhere and when it is nowhere, we have serious problems. That is why we need a water master plan so we can control water, instead of water controlling us."



INTERPELLATION OF SENATOR SOTTO

At the outset, Senator Sotto congratulated Senator Legarda's well-crafted speech and expressed support for her advocacy. He then asked how many people died because of unsafe water. Senator Legarda replied that 18 Filipinos die everyday from diarrhea and other water-borne diseases, while 55 die daily from diseases caused by lack of proper sewerage and sanitation facilities.

Senator Sotto then asked Senator Legarda how she arrived at those figures as he recalled that in the 2011 debates on the reproductive health bill, there were claims that 11 mothers die a day; however, when he did his own nationwide survey, he learned that from 2009 to 2010, only eight mothers died a day.

Senator Legarda replied that the study entitled "Water and Sanitation Crisis in the Philippines" was provided by UP Los Baños whose source was the Department of Health. She clarified that the figures were averages taken by the DOH in the rural areas around the country.

Senator Sotto noted that 73 deaths multiplied by 365 days or one year would translate to 26,645 Filipino deaths a year, or more than the number of extrajudicial killings in the country. In reply, Senator Legarda informed the Body that out of 101 million Filipinos, eight million rely on unimproved, unsafe and unsustainable water sources; 26.5 million, or one-fourth of the country's population, lack access to improve sanitation; and 5.8 million Filipinos in rural areas still practice open defecation. She stated that of the 520,000 cases of water-borne diseases, 18 Filipinos die daily from diarrhea and other water-borne diseases, while 55 die daily from diseases caused by lack of proper sewerage and sanitation facilities.

To Senator Sotto's observation that water-related deaths are more alarming than the reported 7,000 extrajudicial killings in six months or 14,000 a year for purposes of comparison, which include simple murders and homicides, Senator Legarda explained that water-borne diseases are a silent killer because families without safe water source or sanitary toilet facilities within or near their homes would collect water from a nearby barangay or from a neighbor, thus facing a number of risks, like snake bites, robbery, sexual assault and the embarrassment of borrowing a neighbor's toilet. She also disclosed that based on studies in India, the problem of open

defecation leads to sexual assaults and murders of young children in that country. She pointed out that defecation in nearby streams, brooks and river contaminates local water resources, thus impacting on the health of the people. She said that all such considerations were most likely taken into consideration in the UP Los Baños study.

Asked if there was a master plan on how to be able to resolve the problem of water, Senator Legarda replied that the 2014 study on different communities which she quoted in her privilege speech simply recommended, in general terms, the need for sanitation solutions, like research, staff training, and support from micro-financing institutions, as well as the need for the Civil Service Commission and the DBM to look into and rationalize the country's water resources by putting together the government's 30 water agencies with duplicating mandates and functions.

Senator Legarda also cited Senator Villar's suggestion that there should be a bill that would rationalize the functions of the water agencies that would address the water problem. She said that while water is everywhere, there is no water despite the Philippines being an archipelago with 30 million hectares of land and more than 250 million hectares of water area including the exclusive economic zone (EEZ). She said that while water areas in the Philippines are seven times more than the country's land area, government has no master plan for taking care of the country's water.

She underscored the need for a master plan coming from water experts as she questioned why a country with a population of 100 million is always flooded but dry during the summer; why people buy water despite its high cost and use desalination and Kangen machines for drinking water; and why despite the rich source of water, there is no water for irrigation of farm lands. She believed that there should be a policy that would rationalize the 30 water agencies and questioned what the concerned water agencies have done with their MOOE, PS and Capital Outlays in the GAA every year.

Agreeing with Senator Legarda, Senator Sotto stated that countries in the Middle East like United Arab Emirates (UAE) and Saudi Arabia use desalination to resolve their water problems.

Senator Legarda recalled Senator Villar mentioning about Israel as a country with limited land and

water resources yet exports agricultural produce, compared to the Philippines which is an agricultural nation with 12 million families into agriculture.

For his part, Senator Pangilinan affirmed that the agriculture sector, with people directly or indirectly working in agriculture, is more than 50% of the country's employment.

Senator Villar confirmed that during her travel to Israel, she learned that the people there do not believe that they would need so much water to plant, so what they did was to use computer technology or aquaponics and little water to grow vegetable; instead of planting on soil, they use plastic containers to plant. She pointed out that it is all about technology and not about having enough water and soil anymore. She added that Israel is dubbed as the start-up nation because of its technology.

Senator Legarda thanked Senator Villar for her input, but she believed that the Body does not have to look as far as Israel. She said that during the inauguration of Selah Garden Hotel in Pasay City, which she, Mayor Antonino Calixto and Rep. Imelda Calixto attended, they were shown the technology of aquaponics on the hotel wall, their use of solar roofing, and their pond with red tilapia. She pointed out the need for the issue on water to be brought into the national consciousness because water and climate change are inextricably linked and that water tensions and wars are inevitable if the country would not be able to manage its limited water resources.

Senator Legarda said that it is lamentable that the Philippines has no clear road map or master plan for its 250 million hectares of water despite having a Water Code, the Clean Water Act and 30 water agencies. She wondered if the government is managing and using water for the good of the people. She said that the DOH should be asked about the number of Filipinos who do not have sanitation facilities, how much are needed to provide sanitation and wash facilities for the poorest of the poor, and she urged the Body to work together to put up a budget for such facilities in the 2018 GAA.

At this juncture, Senator Villar informed the Body that the DOH, pursuant to a mandamus issued by the Supreme Court, has a project that would clean the Manila Bay, with DOH providing 5,000 toilets for 5,000 families in Baseco. She said that the construction of toilets would be done in batches of 500, and that

if successful in Baseco, it could be duplicated elsewhere in the country. She said that with the DOH as the lead agency, the Metro Manila Advisory Committee would provide the toilet bowl and would build a centralized septic tank for the community.

Asked if the budget for the toilets was incorporated in the 2017 budget, Senator Villar stated that it would be sourced from the regular budget of the DOH.

Senator Legarda stated that Congress should find out from DOH how much more is needed to execute the project and how many communities are like the Baseco compound. She said that if the DOH cannot take the funds from their regular budget, it should be included in the 2018 budget.

Senator Sotto suggested that the statements of Senator Villar be incorporated in the master plan. Thereafter, he said that he would await the article that Senator Legarda had earlier mentioned.

Senator Legarda thanked Senator Sotto and said that she would email the article taken from the website water.org.

INTERPELLATION OF SENATOR DRILON

At the outset, Senator Drilon expressed his support for Senator Legarda's advocacy on water security.

Asked by Senator Drilon if she was aware of the World Toilet Summit, Senator Legarda replied in the affirmative, adding that there was even a World Toilet Day.

Senator Drilon stated that there was a World Toilet Summit in 2016 where the Philippines was a participant, with the theme "Happy Toilet Healthy City."

Asked who were the members of the Philippine delegation to the summit, Senator Drilon stated that the information on the website did not indicate who the Philippines sent. However, he informed the Body that some of the issues that were discussed were about public hygiene awareness strategies, gender issues surrounding toilet access, and the role of toilets in tourism. He believed that tourism arrivals could increase if the country has good toilet facilities. He added that the summit culminated with



the signing of the Kuching Declaration which stressed the importance of addressing all aspects of sanitation ecosystems to achieve sustainable development.

Senator Drilon stressed that management of water resources is very critical, and he agreed with Senator Legarda that no one has been talking about water. He recalled that in previous Congresses, there was an attempt to put up a body that would regulate water on a more rational basis instead of having many agencies involved. He said that he would endorse the idea to the committee concerned. Moreover, he asserted that the bill on water security should be filed or refiled because the management of the country's water resources is very critical.

Senator Legarda replied that she refiled the Water Sector Reform bill which was referred to the Committee on Public Services.

Senator Drilon urged the concerned committee chair and the Senate leadership to put their weight on the issue of water security because this is one of the achievements that the 17th Congress can claim should it succeed in putting up the infrastructure needed to take care of the water resources. Thereafter, he thanked Senator Legarda for giving priority to the issue.

For her part, Senator Legarda acknowledged Senate President Pro Tempore Drilon for informing the Body on the World Toilet Summit and the UN World Toilet Day.

MANIFESTATION OF SENATOR DE LIMA

Senator De Lima informed the Body that the right to access clean water is actually a human right which ought to be justiciable under the country's jurisdiction. She explained that the right to water is an essential component of the right to life enshrined in the fundamental rights and freedoms of the International Human Rights Treaty to which the Philippines is a party.

She stated that it is as justiciable as the right of women to be protected against maternal deaths due, for instance, to non-implementation of the RH Law, as well as the right against arbitrary killing through extrajudicial killings (EJKs) which is a basic non-derogable right deserving of legislative measures, none of which are to be subordinated to each other.

She stressed that the right to water is an issue under the International Covenant on Economic, Social and Cultural Rights (ICESCR); that the EJK is an issue under the International Covenant on Civil and Political Rights (ICCPR); and that the right against maternal deaths is essentially an issue under the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), all of which fall under the same plane as basic human rights.

Senator Legarda thanked Senator De Lima for reiterating that the right to clean potable water is a basic human right.

INTERPELLATION OF SENATOR GORDON

Senator Gordon stated that talking of water in the country reminded him of the *Rime of the Ancient Mariner* which goes, "Water, water everywhere, but not a drop to drink."

Asked by Senator Gordon if she knew about the salt water coming in and taking over the aquifers because there are too many wells already, Senator Legarda replied in the affirmative.

Senator Gordon asked whether Senator Legarda was aware of the statistics involving water and toilets. He recalled that when he was Tourism secretary, by virtue of the Clean Toilet Act, he initiated a toilet campaign because he noticed then that most toilets in the country, whether in hotels or public areas such as bus stations, were not well-maintained because of lack of water access. Senator Legarda agreed that the lack of water could be the reason for the lack of maintenance of the toilets although she said that the cultural aspect should also be considered. Senator Gordon agreed, saying that culture is always the culprit. He lamented that Filipinos have not developed a culture of sanitation and have taken water resources for granted all the time, like leaving the water running while shaving or brushing one's teeth.

Asked on the number of toilets in DepEd schools, Senator Legarda admitted that she has no data on the matter but expressed certainty that there was a sore lack of toilet facilities not just in schools but also rural private homes.

Commenting on Baseco which the Red Cross is also helping, Senator Gordon pointed out that the



area is a trap and he feared that should a disaster happen, the people there would die because it is a bottleneck and they cannot go out. He said that when he flew over the area the other day, he was mesmerized by the fact that a lot of opportunities could be made there especially the area beside the ICTSI that is being occupied by the informal settlers who do not even have access to water. Asked whether she was aware of the situation, Senator Legarda answered in the affirmative, adding that she has, in fact, visited the place and saw for herself the lack of sanitation facilities and of potable running water.

Senator Gordon said that when he was mayor of Olongapo, he put up public toilets especially in the informal settlers' area. However, he said that despite the provision, still people would fight because of water shortage. In areas damaged by Typhoons *Yolanda* and *Pablo*, he said that the Red Cross always made sure that they provided wash facilities, especially for children who are always susceptible to germs and other viruses. He said that the Red Cross and the International Red Cross invested a lot of money in supporting toilet and wash facilities particularly in schools. He lamented that toilets in Manila do not even have water but that despite the water shortage, the people were very grateful when provided with water. Also, he lamented that many toilets in schools do not even have enough water or toilet paper.

Senator Legarda admitted that she uses toilets in public elementary schools whenever she travels by land across the archipelago and that she did not see a single DepEd elementary school with toilet paper, and that most of them have no flush but only pails with water and a dipper.

Senator Gordon said that he was not harping about what the Red Cross has done as he admitted that there is still much to be done to make sure that standards of behavior would be raised so that people would take care of water and the toilets. He also cited the need to require water tanks so that water would be readily available. Thus, he suggested that concerns as regards water be made a priority in the next budget deliberations. He assured Senator Legarda of his support as regards her efforts in making sure that all schools have water facilities. For her part, Senator Legarda said that she would ask the DepEd and the DOH to identify schools which do not have toilets and running water facilities.

Senator Gordon stated that the Red Cross does not build toilets anymore unless there is a water bidet. He disclosed that a lady in Aklan was preparing to leave but changed her mind when she learned from him that they would be provided with a toilet with a bidet because she felt comfortable relieving herself. His encounter with the lady, he said, showed, however sad, how shallow the happiness of people could be by just being provided with toilet facilities. Senator Legarda stated that having toilets is a luxury to some people. She agreed with Senator Gordon that schools should have elevated water collectors and water harvesters to have enough supply of water for the toilets.

In places damaged by Typhoon *Yolanda*, Senator Gordon said that the Red Cross put up 78,000 homes complete with toilets, and since there was no access to water, he required water harvesting complete with tanks which supplied water to toilets. He said that toilets are little comforts that must be provided by a country that claims to be a very literate country but is always criticized for lack of toilets.

Senator Gordon also pointed out that if people do not take care of the forests, farms would be damaged. He cited the experience of the mayor of Bongabong town in Nueva Ecija to whom the Red Cross had to lend payloaders to ease the mudflow in the town's rice fields. He said that if the irrigation system servicing hundreds of thousands of hectares in the country is repaired, then the country does not need to import rice because those lands would yield millions of metric tons of rice enough to feed the entire Philippines.

As regards transferring the New Bilibid Prison to Nueva Ecija, he said that the inmates could be asked — and compensated — to plant trees on the range so that they can start doing something useful before they go out, thus reviving the spectacle of Central Luzon as the rice granary of the Philippines. He said that if irrigation is opened, areas covered with mud could already be planted with corn, and with the water sources fixed, the country would have self-sufficiency in rice and other food staples.

Relative thereto, Senator Gordon said that per UNICEF data, the ratio of toilet-to-people is 1:55 in elementary schools and 1:93 in high schools. He said that the worst case was in Mindanao which can go as high as 1:300, particularly in the ARMM. He said that it is negligence on the part of the government if



the problem which concerns the health and sanitation of the people could not be solved.

At this point, Senator Legarda requested her fellow senators to ensure that in the 2018 budget, the needs of the schools not only for school buildings but for the other essentials as identified by the DepEd and the DOH would be provided and accomplished.

Senator Gordon said that he brought out the idea so that the senators would know the urgency of the problem. He expressed confidence that Senator Sotto as the Majority Leader would lead the Chamber in rallying support for any proposal to ensure that the DepEd would be provided with their needs. He expressed excitement at the thought that not only schools but houses would take very good care of the toilet facilities to be provided to them. He said that running water at home or in schools gives students a lot more reason to go to back to school and for them to be safe at the same time. He thanked Senator Legarda for her advocacy as he pledged his adherence to the advocacy.

REQUEST OF SENATOR PANGILINAN

Senator Pangilinan requested that the privilege speech of Senator Legarda be also referred to the Committee on Agriculture and Food as the secondary committee.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator Legarda and the interpellations thereon to the Committee on Environment and Natural Resources as the primary committee and to the Committee on Agriculture and Food as the secondary committee.

COMMITTEE REPORT NO. 32 ON SENATE BILL NO. 1108

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1108 (Committee Report No. 32), entitled

AN ACT IDENTIFYING OTHER PERSONS CRIMINALLY LIABLE FOR ELECTION OFFENSES AND

INCREASING THE PENALTIES FOR ELECTION-RELATED OFFENSES, AMENDING SECTIONS 263 AND 264 OF BATAS PAMBANSA BILANG 881, AS AMENDED, OR “THE OMNI- BUS ELECTION CODE OF THE PHILIPPINES,” AND SECTION 46 OF REPUBLIC ACT NO. 8189 OR “THE VOTER’S REGISTRATION ACT OF 1996,” AND FOR OTHER PURPOSES.

Senator Sotto stated that the sponsorship of the measure started the week before.

Thereupon, the Chair recognized Senator Ejercito, principal author of the measure, for his cosponsorship speech.

COSPONSORSHIP SPEECH OF SENATOR EJERCITO

Senator Ejercito delivered his cosponsorship speech, to wit:

This afternoon, I rise to cosponsor a measure that aspires to live out the role of Congress in preserving the sanctity of the votes and the secrecy of the ballots and in general, protecting the right to suffrage of the people.

Today, I am pushing for the passage of Senate Bill No. 1108 under Committee Report No. 32. This measure seeks to amend certain provisions of the Omnibus Election Code and the Voter’s Registration Act.

Before I start, I would like to commend and thank the good chair of the Committee on Electoral Reforms and People’s Participation, Sen. Leila De Lima, for giving preference to this measure. It is but right to consider the bill this early as a contingency measure for possible violations of election laws during the Barangay and Sangguniang Kabataan elections this October, and the mid-term elections in 2019.

The cornerstone of a democratic and republican framework, like what we have in the country, is the electoral process by which people are given the opportunity to express their will on who they want as leaders.

In the words of Justice Velasco, “In a democratic system of government, the people’s voice is sovereign. Corollarily, choosing through the ballots the men and women who are to govern the country is perhaps the highest exercise of democracy. It is thus the interest of

the state to insure honest, credible and peaceful elections, where the sanctity of the votes and the secrecy of the ballots are safeguarded, where the will of the electorate is not frustrated or undermined. For when the popular will itself is subverted by election irregularities, then the insidious seeds of doubt are sown and the ideal of a peaceful and smooth transition of power is placed in jeopardy."

Despite the laws and regulations in place to ensure fair and honest elections, certain people have not been dissuaded in their attempts to manipulate the election results. In most elections, allegations of massive fraud, issues of vote-buying and violations of other election offenses are frequently raised in the media.

Based on the report of the Commission on Elections, the top election law violations based on complaints filed in 2010 include threats, intimidation, terrorism, use of fraudulent device and other forms of coercion, vote-buying and selling, transfer of officers and employees in the civil service within the election period, intervention of public officers and employees, and problems in the contents of certificates of candidacy.

Just last May elections, I have observed and read in the news the vile schemes on how election offenses were committed by certain individuals, elective officials, officers of the law, and unfortunately, even officers of the Commission on Elections.

For these reasons, I filed Senate Bill No. 1108. It is my fervent hope that the increase in penalty for the violation of election laws will serve as a deterrent to those who disregard the sanctity of ballots. The proposed measure includes as persons criminally liable for election-related violations, the members of the Board of Election Inspectors, Board of Canvassers, and the officials of the Commission on Elections. In addition, the bill proposes to increase the penalty for violation of election offenses from not less than one year to more than six years, to not less than six years and one day but not more than twelve years.

I cannot agree more with our chairperson of the Committee on Electoral Reforms and People's Participation, Senator De Lima, that the increase in penalty would result in more prosecution of election offenses. This is so because the witnesses will no longer be intimidated and hesitant to report violations of election laws since they can avail of the benefits of the Witness Protection, Security and Benefit Act.

Other amendments contained in the proposed bill include steps to thwart and stomp off evil plans during elections.

Let this proposed bill be our next move to be close to our dream of a transparent and honest election. Let us promote free, orderly and honest elections to preserve the sanctity of the right to vote by providing stiffer penalties to those who attempt to manipulate the result of our elections.

In light of the foregoing, I appeal to this august Body for the passage of this bill.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1108

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 DISCRIMINA- TION 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 De Lima for her interpellation.

INTERPELLATION OF SENATOR DE LIMA

Prefatorily, Senator De Lima commended Senator Hontiveros for coming up with the proposed measure, saying that it will be an important legislation if enacted into law because it would expressly recognize the right of individuals of diverse sexual orientation or gender identity or expression to legal equality as a fundamental right beginning with the Universal Declaration of Human Rights. Also, she noted that the bill would provide legislative clarity to the rights of individuals with diverse sexual orientation or LGBTs as highlighted in the case *Ang Ladlad LGBT Party vs. Comelec*.

Senator Hontiveros thanked Senator De Lima for expressing her support for the bill.

Referring to the title of the bill, Senator De Lima said that according to the Philippine LGBT Hate Crime Watch, there have been 164 cases of murdered LGBTs in the country from 1996 to 2012. Asked if she is aware that adults and children experience harassment or bullying, a phenomenon recognized by the Psychological Association of the Philippines (PAP), Senator Hontiveros replied in the affirmative, noting that based on the 2014 Philippines Country Report "On Being LGBT in Asia," 28 LGBT Filipinos were murdered in 2011 because of their sexual identities. Hate crimes, she said, are among the worst forms of discrimination against people of diverse sexual orientation or gender identity that even the phenomena of harassment/bullying in schools and workplaces likewise constitutes a form of discrimination.

Adverting to the Statement of the PAP published in the Philippine Journal of Psychology in 2011, Senator De Lima quoted that "Lesbian, gay, bisexual and transgender (LGBT) Filipinos continue to experience stigma, prejudice and discrimination in Philippine society. This stigma is manifested in actions such as bullying, teasing and harassment of LGBT children and adolescents in families, schools and communities." Notwithstanding the fact that Republic Act No. 10627, or the "Anti-Bullying Act of 2013" addresses the issue of bullying in elementary and secondary schools, she pointed out that the phenomenon of bullying in the society should produce a bigger picture of laws against many forms of discrimination. Thereupon, she acknowledged that Senator Hontiveros as a human rights advocate has taken a strong consideration to the lifelong impact of discrimination not only against the LGBTs as direct victims but also their families and loved ones.

Senator Hontiveros stated that discrimination against people of diverse sexual orientation or gender identity or expression begins at the early stage of childhood life and leaves a lasting trauma to the young person and his/her family.

To cite an instance in the education sector, she mentioned Hender Gercio, a transgender student from UP Diliman who protested against her French language professor for refusing to address her as a female because the latter said that it is against her religious beliefs; and the case of the first transgender

chairperson of the UP Diliman Student Council, Gabriel Paolo "Heart" Diño, who was asked to sign a "gentleman's policy" in a private school which was a contract that prohibits gay students from screaming or putting on makeup. She said that in any stage, the life cycle of an individual of diverse sexual orientation or gender identity or expression is richly documented in terms of economic cost of homophobia.

On whether or not an amendment to the title of the bill would be considered to reflect the LGBTs as its direct right holders, Senator Hontiveros said that she is open in amending the title especially if the new title would explicitly identify the right holders which would not only be limited to LGBTs but also include individuals of diverse sexual orientation or gender identities or expressions in the country.

At this point, Senator De Lima expressed her desire to see the list of actual incidents of discriminations so it would be more imperative to further legislate provisions for the protection of individuals with diverse sexual orientations. Accordingly, Senator Hontiveros said that she would submit the comprehensive documentation of gender equality advocates in the Philippines, the most traumatic of which was the case of Jennifer Laude and cases of refusal of entry to establishments involving television personalities – Inday Garutay and BB Gandanghari. Regarding cases of discrimination in employment, mainly in some recruitment processes, she noted that transwomen were told to cut their hair short and dress in men's clothes to get the job they are applying for.

On the issue of cross-dressing or the circumstance whereby a person who was born physically male prefers to be addressed as a "she" and wears lady's apparel, Senator De Lima asked if prohibitions against cross-dressing falls within the contemplation of prohibited acts under the proposed measure. Senator Hontiveros replied that in principle, prohibitions on cross-dressing falls under the prohibited acts. She further explained that under the definition of terms in the bill, "gender identity" refers to the personal sense of identity as characterized, among others, by manner of clothing, inclinations, and behavior in relations to masculine or feminine conventions; in addition, "gender expression," another key concept which the bill seeks to enshrine in Philippine law, refers to the outward manifestations of the cultural traits that enable a person to identify as male or female according to patterns, that at a particular moment

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in history, a given society defines as gender appropriate. This, she said, may embrace the manner of clothing and would relate to the issue of wearing school uniforms.

Senator Hontiveros said that the school is one of the institutions which challenges the equal value and dignity of every person and where Senate Bill No. 1271, as a human rights legislation that addresses the historical prejudice against LGBTs-IQs, must step up to eliminate discrimination. Emphasizing that it is time to remove gender insensitive rules which has contributed to the systematic homophobia, transphobia and stigma, she said that if a rule or policy in an educational institution or workplace would devalue the dignity of another human being, it should be declared discriminatory and should be proscribed.

Also, she said that schools should be reminded that the wearing of uniforms to identify schools and other institutions as well as uniforms worn by persons in authority are not supposed to be imposed to promote gender binaries; instead, rules and policies on uniforms should be challenged to become SOGIE-sensitive.

On school uniforms, Senator De Lima pointed out that there are some schools and universities like FEU that allow students to cross-dress although she is uncertain if it is an exception insofar as the level of tolerance on the issue of cross-dressing in educational institutions is concerned. Saying that she was glad to learn from the Sponsor that the bill would contemplate violations on the part of schools and universities if they impose express prohibition against cross-dressing, she indicated that she would propose a clearer provision on prohibited acts relative to cross-dressing.

Senator Hontiveros appreciated the suggestion and thanked Senator De Lima for mentioning FEU as an example of an institution which promotes non-discrimination and diversity, saying that all government agencies, GOCCs, private companies, private and public educational institutions and other entities should establish diversity programs to ensure that human rights violations and violence on the basis of SOGIE are prevented.

At this juncture, Senator Legarda expressed her wholehearted support to the measure, saying that through the bill, the Philippines could be at the forefront of protecting the rights of individuals

with diverse sexual orientation. Thereupon, she suggested that these rights should include individuals with diverse sexual orientation in the media because sometimes they are mocked in television programs, radio, print and online. She said that this discrimination in print, broadcast and online media was included in a bill that she had previously sponsored but which was limited to discrimination against ethnicity and had been amended by the late Senator Defensor Santiago to include discrimination against gender identity.

For her part, Senator Hontiveros looked forward to discussing with Senator Legarda on how the SOGIE bill and a more comprehensive measure addressing various types of discrimination could be passed separately so that they could complement each other in a package of anti-discrimination measures.

Senator Legarda believed it was important to ensure that gender identity discrimination is eliminated in speech, actions and policies. She also urged government institutions and the private sector to have an open mind and respect the gender identity or expressions of others.

In response, Senator Hontiveros expressed her appreciation for Senator Legarda's affirmation on the need to pass the two anti-discrimination bills separately as well on the concern raised on Section 5 (a) which states that "it shall be unlawful to promote stigma in media" and believed that her colleague would have many rich insights and contributions to further improve the measure.

On another matter, Senator De Lima underscored the importance of having sufficient and effective redress mechanisms for violations of the provisions of the measure. Having been a former chairperson of the Commission on Human Rights (CHR), she noted that while Republic Act No. 9710 (Magna Carta of Women) encompasses all human rights of women, there are instances when men with diverse sexual orientation are without clear recourse or direction in the application for reliefs when there are breaches of their rights as members of sexual minorities. As such, she asked whether the bill would ensure that men with diverse SOGIE can access the CHR in its capacity as gender ombud in investigating such violations until such time that the commission would have its own charter that would include the protection of these parties. Senator Hontiveros replied

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that the bill intends to provide redress mechanisms for SOGIE-related cases for men which is also consistent with Senator Legarda's proposed amendment to explicitly identify the rights holders which would include men of diverse SOGIE.

At this juncture, Senate President Pimentel relinquished the Chair to Senate President Pro Tempore Drilon.

For instance, she said that the inclusion of SOGIE concerns could be implemented by expanding the PNP women and children's desks to cover all individuals of whatever sexual orientation, gender identity and gender expression who might seek redress of their grievances in the spirit of what is promised by the Gender and Development (GAD) Act.

On whether the CHR could develop a database on breaches of human rights of LGBTs amid reported cases of murder and physical violence of such individuals, Senator Hontiveros expressed willingness to receive suggestions on how to further expand the formulation of paragraph 3 of Section 9 (d) (Role of the Commission on Human Rights) which mandates the CHR to "document cases of discrimination on the basis of SOGIE and shall include these documented cases in its annual human rights report" so that this information would be part of the continuing database of the commission.

Asked if the measure would consider tapping the GAD budget for its programs, Senator Hontiveros replied in the affirmative. She explained that Section 11 contemplates the creation of a congressional over-sight committee to be called the Anti-Discrimination Oversight Committee which, within three years after the enactment of this Act, will conduct an audit of national and local policies that discriminate on the basis of SOGIE. She said that part of the audit could be on how well the GAD budget has been spent to promote gender sensitivity, gender equality and eliminate discrimination. She added that this oversight committee would cease to exist six years after its organization since it is expected that during such period, the best practices in terms of spending the GAD budget would have been identified and the spirit and the letter of the law would have been internalized and institutionalized in various public and private institutions in society.

Asked how the committee would address possible objections to the bill on the basis of religion, Senator Hontiveros stressed that human rights protection

does not negate the exercise of religious freedom. In fact, she said that Catholic Bishops of the Philippines (CBCP) President Archbishop Socrates Villegas himself had said that passing an anti-discrimination law would be a gesture of charity or love. She adverted to a statement that the Archbishop issued on March 3, 2015 which urged priests to care for all, including the LGBT community. She said that Archbishop Villegas not only warned parents against imbuing children with hate against LGBTs but even instructed Catholic schools to implement a zero tolerance policy against bullying. She also noted that such statement presages some of the measures contemplated by the bill in terms of programs to promote non-discrimination and diversity.

Senator Hontiveros also quoted statements from the CBCP which demonstrate that the bill did not contradict but is consistent with what is being preached by the Roman Catholic Church such as its belief that discrimination "does not conform to Pope Francis' vision of the Church as the sacrament of Divine mercy and compassion." Moreover, she noted that the CBCP also underscored the pontiff's belief that discrimination is contrary to the gospel spirit because verbal and physical violence against LGBTs is an offense against God.

Believing that the measure would not* meet many objections from the Catholic Church, particularly as Pope Francis himself has given assurance that transsexuals and homosexuals are being accepted and embraced by the Catholic church, Senator De Lima, however, stated that the bill should address objections by other sects who might not have the same level of tolerance because of concerns that it would be encroaching on the freedom of religion.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1271

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

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

* As corrected by Senator De Lima dated February 7, 2017.

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

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

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended,

It was 5:04 p.m.

RESUMPTION OF SESSION

At 5:06 p.m., the session was resumed.

**MANIFESTATION
OF SENATOR SOTTO**

Senator Sotto informed the Body that Senators Lacson and Recto would avail themselves of the period of interpellations on the bill the following day and on Wednesday.

**SUSPENSION OF CONSIDERATION
OF SENATE BILL NO. 1304**

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

**COMMITTEE REPORT NO. 8
ON SENATE BILL NO. 1233**

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1233 (Committee Report No. 8), entitled

AN ACT CREATING THE COCONUT FARMERS AND INDUSTRY TRUST FUND, PROVIDING FOR ITS MANAGEMENT AND UTILIZATION, AND FOR OTHER PURPOSES.

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

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

SUSPENSION OF SESSION

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

It was 5:07 p.m.

RESUMPTION OF SESSION

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

**INTERPELLATION OF SENATOR RECTO
(Continuation)**

Senator Recto recalled that during the last portion of his previous interpellation, they were discussing the history of coco levy fund, the nature of the fund, and from whom it was collected pursuant to RA 6220.

In reply, Senator Pangilinan confirmed that it was RA 6260, enacted in June 1971, that created the coco levy fund, and that the coco levy was collected from the coconut farmers who were then issued coco fund receipts to be converted into shares of stocks which were used to establish the Coconut Investment Fund.

As to how much was collected by virtue of the law, Senator Pangilinan said that according to the PCGG, PCA and COA, P158 million was collected from 1971 to 1981. Senator Recto pointed out that pursuant to the law 55 centavos was collected for every 100 kilos of copra.

Asked on the breakdown of the collected amount, Senator Pangilinan said that 50 centavos was allocated to the CIF which was used exclusively to pay the subscription by the Philippine government for and in behalf of the coconut farmers to the capital of CIC; two centavos was allocated for the maintenance and operation of the recognized National Association of Coconut Producers; and three centavos was allocated to Philcoa for administrative expense. He explained that at that time, the existing body was Philcoa or the Philippine Coconut Administration, not yet the PCA.

Asked on the reason for the levy imposed on the coconut farmers, Senator Pangilinan replied that it was to accelerate the development of the coconut

industry. Senator Recto noted that it was the first time the national government got involved with the coconut industry.

Senator Recto asked how the levy was collected from the farmers.

SUSPENSION OF SESSION

Upon motion of Senator Pangilinan, the session was suspended.

It was 5:15 p.m.

RESUMPTION OF SESSION

At 5:18 p.m., the session was resumed.

Upon resumption, Senator Pangilinan said that he would find out the actual process by which the coco levy was collected as well as the actual procedure by which Philcoa undertook its role as collection agent.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1233

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

MANIFESTATION OF SENATOR PANGILINAN

Senator Pangilinan stated that Senators Recto and Gordon would interpellate on the bill the following day.

ADDITIONAL REFERENCE OF BUSINESS

The Secretary of the Senate read the following resolution and committee report and the Chair made the corresponding referral:

RESOLUTION

Proposed Senate Resolution No. 282, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY INTO THE AMNESTY INTERNATIONAL REPORT THAT DRUG-RELATED

KILLINGS APPEAR TO HAVE BEEN EXTRAJUDICIAL EXECUTIONS IN THE GOVERNMENT'S WAR AGAINST DRUGS WITH THE END IN VIEW OF ENACTING LEGISLATIVE MEASURES TO ADDRESS THE SAME

Introduced by Senator Escudero

To the Committee on Justice and Human Rights

COMMITTEE REPORT

Committee Report No. 34, prepared and submitted by the Committee on Foreign Relations, on Proposed Senate Resolution No. 283, entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE AGREEMENT BETWEEN JAPAN AND THE REPUBLIC OF THE PHILIPPINES ON SOCIAL SECURITY,

recommending its approval without amendment.

Sponsors: Senators Cayetano and Drilon

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. 34 on Proposed Senate Resolution No. 283 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 34
ON PROPOSED SENATE
RESOLUTION NO. 283**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Proposed Senate Resolution No. 283 (Committee Report No. 34), entitled

RESOLUTION CONCURRING IN THE RATIFICATION OF THE AGREEMENT BETWEEN JAPAN AND THE REPUBLIC OF THE PHILIPPINES ON SOCIAL SECURITY.

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 resolution was read without prejudice to the insertion of its full text into the Record of the Senate.

SUSPENSION OF SESSION

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

It was 5:22 p.m.

RESUMPTION OF SESSION

At 5:22 p.m., the session was resumed with Senator Angara presiding.

Upon resumption, the Chair recognized Senate President Pro Tempore Drilon for the sponsorship.

SPONSORSHIP SPEECH OF SENATE PRESIDENT PRO TEMPORE DRILON

Submitting to the Body for plenary consideration, Proposed Senate Resolution No. 283 under Committee Report No. 34, Senate President Pro Tempore Drilon delivered the following speech:

In this era of global integration, we are witnessing a period of massive and dynamic migration of Philippine labor. To date, there are over 10,240,000 overseas Filipinos around the world who embraced the abundant employment opportunities and wide-ranged labor demands beyond our territorial borders.

Unfortunately, our existing legal framework is not adequate to protect our overseas labor force as far as it concerns their access to social security benefits. For one, overseas Filipino workers face territorial or nationality-based restrictions which deny them access to such benefits. Many receiving states do not cover foreign workers under the social security schemes, leaving our workers with no access to basic safety nets while working abroad. In some instances, they are unable to accumulate enough insurance premium payment periods to qualify for full social security pensions since the average requirement is about 20 to 40 years. Moreover, many employers face the risk of dual coverage or payment of double contributions when they send workers on a temporary basis to another country.

Labor protection should take the frontline in this age of globalization. As we aim to develop a robust and multi-faceted relationship with other states and the rest of the world, we must likewise take steps to guarantee the full protection of our workers here and abroad.

I, therefore, urge this Chamber to concur in the ratification of the *Agreement between Japan and the Republic of the Philippines on Social Security* which was signed on November 19, 2015, and ratified on January 12, 2017, by the President of the Republic. This agreement will protect the social security rights of overseas Filipinos in Japan and will enable them to have access to social security benefits, including sickness, maternity, paternity, occupational diseases, invalidity, old age and survivor's pension.

To date, our country has signed Social Security Agreements with Austria, the United Kingdom and Northern Ireland, Spain, France, Canada and Quebec, Switzerland, Belgium, Denmark and the Netherlands. Our social security agreement with Portugal which the Senate concurred in last May 2015 is now awaiting completion of Portugal's legal process prior to its entry into force.

Similar to the social security agreements with other countries, the Philippine-Japan agreement contains standard provisions that are consistent and compliant with the Universal Declaration of Human Rights and various International Labor Organization conventions. It also adopts and codifies the fundamental principles of international coordination of social security legislation, such as:

- 1) *Equality of treatment* which entitles the covered person in one State, his family members and survivors, to social security benefits under the same conditions as nationals of the other State;
- 2) *Export of benefits* which allows covered persons to continue receiving his/her social security pension whether he/she decides to reside in the Philippines or in Japan; and
- 3) *Totalization of periods of coverage* which allows the tacking of creditable periods of covered persons under the social security schemes of the Philippines and Japan to determine eligibility of benefits.

According to the Department of Foreign Affairs and the Social Security System, the agreement will redound to the benefit of an estimated 377,233 Filipinos in Japan. It will likewise benefit the over 17,021 Japanese nationals presently in our country.

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Clearly the agreement will not only further promote and strengthen our diplomatic relations with Japan but more importantly, it will guarantee the necessary protection to our main economic drivers, our migrant workers.

For these reasons and more, I urgently seek my colleague's support for the Senate's concurrence in the ratification of the agreement on Social Security between the Republic of the Philippines and Japan.

COSPONSORSHIP SPEECH OF SENATOR CAYETANO

Upon motion of Senator Sotto, there being no objection, the sponsorship speech of Senator Cayetano on Proposed Senate Resolution No. 283 was considered read and inserted into the Journal and Record of the Senate.

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

As chairperson of the Committee on Foreign Relations, I have the honor to sponsor the Senate's concurrence in the ratification of the Agreement between Japan and the Philippines on Social Security endorsed by President Rodrigo Roa Duterte to the Senate on 12 January 2017.

The Agreement aims to coordinate pension programs for people who live or work in the Philippines and Japan wherein those covered by their respective social security systems will continue to receive the benefits due them, whether they reside in the Philippines, Japan, or even in another country. It was signed by Japanese Ambassador Kazuhide Ishikawa and former Secretary of Foreign Affairs Albert del Rosario in Manila on 19 November 2015, with Japanese Prime Minister Shinzo Abe and then Philippine President Benigno S. Aquino III as witnesses.

After appropriate consultations, the Department of Labor and Employment, the Social Security System, the Government Service Insurance System, and the Philippine Health Insurance Corporation have issued the required Certificates of Concurrence, and we are now being asked to exercise the privilege and duty of issuing our legislative imprimatur to this Executive act.

The Department of Foreign Affairs — Office of the Undersecretary for Migrant Workers Affairs estimates that as of December 2015, there are 377,233 Filipinos in Japan. The Japanese Embassy in the Philippines meanwhile reports that, as of October 2013, there are 17,702

Japanese nationals in the country. Under the existing regime, expatriates like them are either subject to compulsory coverage under the social security systems of both countries—their host country and their current place of work—or unable to comply with the minimum number of contributions in order to avail of the social security benefits.

Upon the entry into force of this Agreement, those employees temporarily dispatched for a period of five years or less to the other country will be, in principle, covered only by the pension system of the country from which these employees are dispatched. The Agreement will also enable the establishment of eligibility to receive pension in each country by totalizing the periods of the coverage in both countries. Employees who have divided their careers between the Philippines and Japan will no longer be required to pay pension premiums in both countries, and their contribution in one jurisdiction maybe considered as contribution in the other.

This is similar to the social security arrangements we have with other countries like Austria, United Kingdom and Northern Ireland, Spain, France, Canada and Quebec, Switzerland, Belgium, Denmark and Netherlands. The Agreement contains the standard provisions that are consistent with International Labor Organization (ILO) Convention No. 118 on equality of treatment, and ILO Convention No. 157 on maintenance of social security rights. Under this Agreement, a covered person and his family members and survivors in one State become entitled to social security benefits under the same conditions as nationals of the other State. They can also continue receiving their social security pensions/benefits wherever they decide to reside since the administrative agencies are required to facilitate coordination and mutual assistance.

With your support to the ratification of the Agreement between Japan and the Philippines on Social Security, we can solve the problem of double payments, remove the burdens imposed on Japanese and Filipino companies and employees, and further facilitate people-to-people exchanges and economic cooperation between Japan and the Philippines.

SUSPENSION OF CONSIDERATION OF PROPOSED SENATE RESOLUTION NO. 283

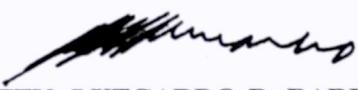
Upon motion of Senator Sotto, there being no objection, the Body suspended consideration of the resolution.

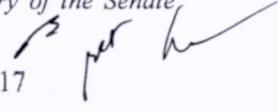
ADJOURNMENT OF SESSION

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

It was 5:30 p.m.

I hereby certify to the correctness of the foregoing.


ATTY. LUTGARDO B. BARBO
Secretary of the Senate


Approved on February 7, 2017