



REPUBLIC OF THE PHILIPPINES  
**Senate**  
Pasay City

# Journal

**SESSION NO. 84**  
Monday, May 22, 2017

**SEVENTEENTH CONGRESS  
FIRST REGULAR SESSION**

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**SESSION NO. 84**  
Monday, May 22, 2017

**CALL TO ORDER**

At 3:16 p.m., the Senate President, Hon. Aquilino "Koko" Pimentel III, called the session to order.

**PRAYER**

The Body observed a minute of silent prayer.

**NATIONAL ANTHEM**

The Senate Choir led the singing of the national anthem.

**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.	Pangilinan, F. N.
Aquino, P. B. IV B.	Pimentel III, A. K.
Binay, M. L. N. S.	Poe, G.
Drilon, F. M.	Recto, R. G.
Gatchalian, W.	Sotto III, V. C.
Honasan, G. B.	Trillanes IV, A. F.
Hontiveros, R.	Villar, C. A.
Lacson, P. M.	Zubiri, J. M. F.
Legarda, L.	

With 17 senators present, the Chair declared the presence of a quorum.

Senators Ejercito, Escudero, Gordon, Pacquiao and Villanueva arrived after the roll call.

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

**APPROVAL OF THE JOURNAL**

Upon motion of Senator Sotto, there being no objection, the Body dispensed with the reading of the Journal of Session No. 83 (May 17, 2017) and considered it approved.

**ACKNOWLEDGMENT  
OF THE PRESENCE OF GUESTS**

At this juncture, Senator Sotto acknowledged the presence in the gallery of Congresswoman Baby Aline Vargas-Alfonso of the 2<sup>nd</sup> District of Cagayan and Assistant Secretary Rhea Peñaflor, representing Visayas in the National Youth Commission.

Senate President Pimentel welcomed the guests to the Senate.

## REFERENCE OF BUSINESS

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

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives informing the Senate that on 10 May 2017, the House of Representatives designated Representatives Yap, Roa-Puno, Arenas, Tambunting, Elago, Primicias-Agabas, Velarde Jr., Ong, Mercado and Bertiz III as conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 5225, entitled

**AN ACT MANDATING THE PROVISION OF FREE WI-FI INTERNET ACCESS IN PUBLIC AREAS; and**

Senate Bill No. 1277, entitled

**AN ACT ESTABLISHING THE FREE INTERNET ACCESS PROGRAM IN PUBLIC SPACES IN THE COUNTRY AND APPROPRIATING FUNDS THEREFOR.**

**To the Committee on Rules**

## SUSPENSION OF THE REFERENCE OF BUSINESS

At this juncture, upon motion of Senator Sotto, there being no objection, the Body suspended the reading of the Reference of Business.

## APPROVAL OF SENATE BILL NO. 1363 ON THIRD READING

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, Senate Bill No. 1363, printed copies of which were distributed to the senators on May 17, 2017.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Sotto, there being no objection, Secretary Barbo read only the title of the bill, to wit:

**AN ACT INSTITUTIONALIZING TELE-COMMUTING IN THE WORKPLACE AND FOR OTHER PURPOSES.**

Secretary Barbo called the roll for nominal voting.

## RESULT OF THE VOTING

The result of the voting was as follows:

### *In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Trillanes
Honasan	Villanueva
Hontiveros	Villar
Lacson	Zubiri

### *Against*

None

### *Abstention*

None

With 22 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 1363 approved on Third Reading.

## APPROVAL OF SENATE BILL NO. 1444 ON THIRD READING

Upon motion of Senator Sotto, there being no objection, the Body considered, on Third Reading, Senate Bill No. 1444, printed copies of which were distributed to the senators on May 18, 2017.

Pursuant to Section 67, Rule XXIII of the Rules of the Senate, upon motion of Senator Sotto, there being no objection, Secretary Barbo read only the title of the bill, to wit:

**AN ACT DECLARING PROTECTED AREAS AND PROVIDING FOR THEIR MANAGEMENT, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7586, OTHERWISE KNOWN AS**

THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) ACT OF 1992, AND FOR OTHER PURPOSES.

Secretary Barbo called the roll for nominal voting.

## RESULT OF THE VOTING

The result of the voting was as follows:

### *In favor*

Angara	Legarda
Aquino	Pacquiao
Binay	Pangilinan
Drilon	Pimentel
Ejercito	Poe
Escudero	Recto
Gatchalian	Sotto
Gordon	Trillanes
Honasan	Villanueva
Hontiveros	Villar
Lacson	Zubiri

### *Against*

None

### *Abstention*

None

With 22 senators voting in favor, none against, and no abstention, the Chair declared Senate Bill No. 1444 approved on Third Reading.

## REFERENCE OF BUSINESS

(Continuation)

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

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives, informing the Senate that on 10 May 2017, the House of Representatives designated Representatives Tan, Villarin, Belmonte, Lopez Jr. and Arcillas as conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 5159, entitled

AN ACT STRENGTHENING THE PROVISION OF EMERGENCY HEALTH CARE SERVICE TO PATIENTS, FURTHER AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, AS AMENDED, ENTITLED AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES,

in anticipation of the approval by the Senate of Senate Bill No. 1353, entitled

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

## To the Committee on Rules

### COMMITTEE REPORTS

Committee Report No. 87, submitted jointly by the Committees on Civil Service, Government Reorganization and Professional Regulation; and Health and Demography, on Senate Bill No. 575, introduced by Senator Trillanes IV, entitled

AN ACT TO PROVIDE TIME OFF WITH PAY FOR EMPLOYEES WHO DONATE ORGAN, BONE MARROW, BLOOD, OR BLOOD PLATELETS,

recommending its approval with amendments.



Sponsor: Senator Trillanes IV

**To the Calendar for Ordinary Business**

Committee Report No. 88, prepared and submitted by the Committee on Civil Service, Government Reorganization and Professional Regulation, on Senate Bill No. 1460, with Senator Trillanes IV as author thereof, entitled

**AN ACT CREATING THE SICK LEAVE BANK FOR GOVERNMENT EMPLOYEES,**

recommending its approval in substitution of Senate Bill No. 554.

Sponsor: Senator Trillanes IV

**To the Calendar for Ordinary Business**

Committee Report No. 89, submitted by the Committee on Public Services, on House Bill No. 5063, introduced by Representatives Espino and Alvarez (F.), entitled

**AN ACT GRANTING THE PANGASINAN GULF WAVES NETWORK CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS THROUGHOUT THE PHILIPPINES,**

recommending its approval with amendments.

Sponsor: Senator Grace Poe;

Committee Report No. 90, submitted by the Committee on Public Services, on House Bill No. 5212, introduced by Representative Del Mar, *et al.*, entitled

**AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO FILIPINAS BROADCASTING ASSOCIATION, INC., PRESENTLY KNOWN AS WORD BROADCASTING CORPORATION, UNDER REPUBLIC ACT NO. 7485, ENTITLED AN ACT GRANTING FILIPINAS BROADCASTING ASSOCIATION, INC. A**

**FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN FOR COMMERCIAL PURPOSES RADIO BROADCASTING AND TELEVISION STATIONS IN THE VISAYAS AND MINDANAO AND FOR OTHER PURPOSES,**

recommending its approval with amendments.

Sponsor: Senator Grace Poe;

Committee Report No. 91, submitted by the Committee on Public Services, on House Bill No. 5064, introduced by Representatives Hernandez and Alvarez (F.), entitled

**AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO SUBIC BROADCASTING CORPORATION UNDER REPUBLIC ACT NO. 7511, ENTITLED AN ACT GRANTING THE SUBIC BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES AND FOR OTHER PURPOSES,**

recommending its approval with amendments.

Sponsor: Senator Grace Poe;

Committee Report No. 92, submitted by the Committee on Public Services, on House Bill No. 5177, introduced by Representatives Cosalan and Alvarez (F.), entitled

**AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO INFOCOM COMMUNICATIONS NETWORK, INC. (PRESENTLY KNOWN AS NOW TELECOM COMPANY, INC.) UNDER REPUBLIC ACT NO. 7301, ENTITLED "AN ACT GRANTING INFOCOM COMMUNICATIONS NETWORK, INC. (ICNI), A FRANCHISE TO CONSTRUCT, ESTABLISH, OPERATE AND MAINTAIN MOBILE RADIO SYSTEMS SUCH AS RADIO PAGING SYSTEMS, CELLULAR PHONE SYSTEMS,**

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PERSONAL COMMUNICATION NETWORK (PCN), AND TRUNKED RADIO SYSTEMS WITHIN AND WITHOUT THE PHILIPPINES FOR A PERIOD OF TWENTY-FIVE (25) YEARS, AND FOR OTHER PURPOSES", AS AMENDED BY REPUBLIC ACT NO. 7940,

recommending its approval with amendments.

Sponsor: Senator Grace Poe;

Committee Report No. 93, submitted by the Committee on Public Services, on House Bill No. 5175, introduced by Representative Go (M.), *et al.*, entitled

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO BETA BROADCASTING SYSTEM, INC., UNDER REPUBLIC ACT NO. 8026, ENTITLED AN ACT GRANTING THE BETA BROADCASTING SYSTEM CORPORATION A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN RADIO BROADCASTING STATIONS IN THE ISLAND OF LUZON, AND FOR OTHER PURPOSES,

recommending its approval with amendments.

Sponsor: Senator Grace Poe;

Committee Report No. 94, submitted by the Committee on Public Services, on House Bill No. 5211, introduced by Representative Abayon, *et al.*, entitled

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO GATEWAY U.H.F. TELEVISION BROADCASTING, INC., PRESENTLY KNOWN AS GATEWAY TELEVISION BROADCASTING, INC., AND DOING BUSINESS UNDER THE NAME AND STYLE OF HOPE CHANNEL PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7223, ENTITLED AN ACT GRANTING GATEWAY U.H.F. TELEVISION BROADCASTING, INC., A FRAN-

CHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN FOR COMMERCIAL PURPOSES UHF TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES,

recommending its approval with amendments.

Sponsor: Senator Grace Poe;

Committee Report No. 95, submitted by the Committee on Public Services, on House Bill No. 4636, introduced by Representative Treñas, *et al.*, entitled

AN ACT GRANTING THE ILOILO BAPTIST CHURCH, INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES,

recommending its approval with amendments.

Sponsor: Senator Grace Poe; and

Committee Report No. 96, submitted by the Committee on Public Services, on House Bill No. 5176, introduced by Representatives Romualdo and Alvarez (F.), entitled

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO SARRAGA INTEGRATED AND MANAGEMENT CORPORATION UNDER REPUBLIC ACT NO. 7478, ENTITLED AN ACT GRANTING THE SARRAGA INTEGRATED MANAGEMENT CORPORATION OF THE PHILIPPINES A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN FOR COMMERCIAL PURPOSES RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES AND FOR OTHER PURPOSES,

recommending its approval with amendments.

Sponsor: Senator Grace Poe

**To the Calendar for Ordinary Business**

## **ADDITIONAL REFERENCE OF BUSINESS**

### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

Letter from the House of Representatives, informing the Senate that on 15 May 2017, the House of Representatives passed the following House bills, in which it requested the concurrence of the Senate:

House Bill No. 5513, entitled

**AN ACT ADJUSTING THE AMOUNTS OF THE VALUE OF PROPERTY ON WHICH A PENALTY IS BASED, AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE, AMENDING FOR THE PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS "THE REVISED PENAL CODE," AS AMENDED**

#### **To the Committee on Rules**

House Bill No. 4136, entitled

**AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO MANILA BROADCASTING COMPANY UNDER REPUBLIC ACT NO. 7816, ENTITLED AN ACT GRANTING THE MANILA BROADCASTING COMPANY A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS WITHIN THE PHILIPPINES, AND FOR OTHER PURPOSES;**

House Bill No. 5556, entitled

**AN ACT EXTENDING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO ISLA COMMUNICATIONS COMPANY, INC., PRESENTLY KNOWN AS INNOVE COMMUNICATIONS, INC., AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7372, ENTITLED AN ACT GRANTING THE ISLA COMMUNICATIONS CO. A FRAN-**

**CHISE TO INSTALL, OPERATE AND MAINTAIN TELECOMMUNICATIONS SERVICES WITHIN THE TERRITORY OF THE REPUBLIC OF THE PHILIPPINES AND INTERNATIONAL POINTS AND FOR OTHER PURPOSES;**

House Bill No. 5349, entitled

**AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO NOTRE DAME BROADCASTING CORPORATION UNDER REPUBLIC ACT NO. 8109, ENTITLED AN ACT GRANTING THE NOTRE DAME BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE, AND MAINTAIN RADIO BROADCASTING STATIONS IN THE PHILIPPINES FOR RELIGIOUS, EDUCATIONAL, AND CULTURAL AS WELL AS FOR COMMERCIAL PURPOSES;**

House Bill No. 5557, entitled

**AN ACT GRANTING IGNITE TELECOMMUNICATIONS, INCORPORATED A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN TELECOMMUNICATIONS SYSTEMS THROUGHOUT THE PHILIPPINES;**

House Bill No. 5558, entitled

**AN ACT GRANTING THE GOLDEN NATION NETWORK INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS WITHIN THE PHILIPPINES; and**

House Bill No. 5559, entitled

**AN ACT EXTENDING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO ERMITA ELECTRONICS INCORPORATED, PRESENTLY KNOWN AS G. TELE-**

COMS, INC., AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8196, ENTITLED AN ACT GRANTING THE ERMITA ELECTRONICS, INCORPORATED, A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, MAINTAIN AND OPERATE RADIO COMMUNICATIONS SYSTEMS IN THE PHILIPPINES.

**To the Committee on Public Services**

House Bill No. 5220, entitled

AN ACT SEPARATING THE SITIOS OF ILEB, NEW COLAYO VILLAGE, KINAMA AND NAMBARAN DAYA FROM BARANGAY NAMBARAN, CITY OF TABUK, PROVINCE OF KALINGA AND CONSTITUTING THEM INTO A SEPARATE AND INDEPENDENT BARANGAY TO BE KNOWN AS BARANGAY NAMBARAN EAST;

House Bill No. 5221, entitled

AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY IPIL IN THE CITY OF TABUK, PROVINCE OF KALINGA;

House Bill No. 5222, entitled

AN ACT SEPARATING THE SITIOS OF GUINA-ANG, MADOPDOP, MALLANGO, LANLANA AND SAN PABLO FROM BARANGAY LACNOG, CITY OF TABUK, PROVINCE OF KALINGA AND CONSTITUTING THEM INTO A SEPARATE AND INDEPENDENT BARANGAY TO BE KNOWN AS BARANGAY LACNOG WEST;

House Bill No. 5223, entitled

AN ACT CREATING A BARANGAY TO BE KNOWN AS BARANGAY BULANAO NORTE IN THE CITY OF TABUK, PROVINCE OF KALINGA; and

House Bill No. 5367, entitled

AN ACT REAPPORTIONING THE SIXTH AND SEVENTH LEGISLATIVE DISTRICTS OF THE PROVINCE OF CAVITE TO CREATE AN ADDITIONAL LEGISLATIVE DISTRICT TO BE KNOWN AS THE EIGHTH LEGISLATIVE DISTRICT OF THE PROVINCE OF CAVITE.

**To the Committees on Local Government; and Electoral Reforms and People's Participation**

House Bill No. 1928, entitled

AN ACT DECLARING JUNE 16 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE MUNICIPALITY OF VILLANUEVA, PROVINCE OF MISAMIS ORIENTAL, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY, TO BE KNOWN AS ARAW NG VILLANUEVA;

House Bill No. 2129, entitled

AN ACT DECLARING JULY 1 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE MUNICIPALITY OF ALUBIJID, PROVINCE OF MISAMIS ORIENTAL, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY, TO BE KNOWN AS ARAW NG ALUBIJID;

House Bill No. 2130, entitled

AN ACT DECLARING SEPTEMBER 1 OF EVERY YEAR A SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY OF JASAAN, PROVINCE OF MISAMIS ORIENTAL, IN COMMEMORATION OF ITS FOUNDING ANNIVERSARY, TO BE KNOWN AS ARAW NG JASAAN;

House Bill No. 2692, entitled

AN ACT DECLARING OCTOBER 28 OF EVERY YEAR A SPECIAL NON-WORKING HOLIDAY IN THE PROVINCE OF DAVAO OCCIDENTAL

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IN COMMEMORATION OF ITS  
FOUNDING ANNIVERSARY;

House Bill No. 5258, entitled

AN ACT DECLARING JULY 4 OF EVERY  
YEAR A SPECIAL NONWORKING  
HOLIDAY IN THE PROVINCE OF  
LANAO DEL NORTE, IN COM-  
MEMORATION OF ITS FOUNDING  
ANNIVERSARY, TO BE KNOWN AS  
ARAW NG LANAO;

House Bill No. 5259, entitled

AN ACT DECLARING JUNE 18 OF  
EVERY YEAR A SPECIAL NON-  
WORKING HOLIDAY IN THE  
PROVINCE OF IFUGAO, IN COM-  
MEMORATION OF ITS FOUNDING  
ANNIVERSARY, TO BE KNOWN AS  
THE IFUGAO FOUNDATION DAY;

House Bill No. 5260, entitled

AN ACT DECLARING FEBRUARY 3 OF  
EVERY YEAR A SPECIAL NON-  
WORKING HOLIDAY IN THE CITY  
OF BIÑAN, PROVINCE OF LAGUNA,  
TO BE KNOWN AS BIÑAN  
LIBERATION DAY; and

House Bill No. 5555, entitled

AN ACT DECLARING JUNE 15 OF EVERY  
YEAR A SPECIAL NONWORKING  
HOLIDAY IN THE PROVINCE OF  
PAMPANGA AND ANGELES CITY  
TO BE KNOWN AS THE MT.  
PINATUBO MEMORIAL DAY.

To the Committee on Local Government

House Bill No. 5273, entitled

AN ACT TRANSFERRING THE  
PROVINCIAL AGRARIAN REFORM  
OFFICE OF LANAO DEL NORTE  
FROM ILIGAN CITY TO THE  
MUNICIPALITY OF TUBOD, LANAO  
DEL NORTE AND APPROPRIATING  
FUNDS THEREFOR

**To the Committees on Agrarian Reform;  
and Finance**

House Bill No. 5299, entitled

AN ACT CONVERTING THE ROAD  
STRETCHING FROM BARANGAY  
SAN VICENTE TO BARANGAY  
ILOCANOS NORTE, ALL IN THE  
CITY OF SAN FERNANDO, AND  
THE ROAD STRETCHING FROM  
BARANGAY SEVILLA, SAN  
FERNANDO CITY TO BARANGAY  
ILI SUR, MUNICIPALITY OF SAN  
JUAN, ALL IN THE PROVINCE OF  
LA UNION, INTO NATIONAL  
ROADS AND APPROPRIATING  
FUNDS THEREFOR;

House Bill No. 5300, entitled

AN ACT ESTABLISHING THE FIRST  
DISTRICT ENGINEERING OFFICE IN  
THE CITY OF ESCALANTE, PRO-  
VINCE OF NEGROS OCCIDENTAL  
AND APPROPRIATING FUNDS  
THEREFOR;

House Bill No. 5438, entitled

AN ACT UPGRADING THE SUB-  
DISTRICT ENGINEERING OFFICE  
LOCATED IN THE MUNICIPALITY  
OF CARMONA, PROVINCE OF  
CAVITE INTO A REGULAR  
DISTRICT ENGINEERING OFFICE  
AND APPROPRIATING FUNDS  
THEREFOR; and

House Bill No. 5439, entitled

AN ACT CREATING A DISTRICT  
ENGINEERING OFFICE IN THE  
LONE LEGISLATIVE DISTRICT OF  
THE PROVINCE OF DAVAO  
OCCIDENTAL AND APPROPRIAT-  
ING FUNDS THEREFOR.

**To the Committees on Public Works; and  
Finance**

House Bill No. 5356, entitled

AN ACT NAMING THE LINAMON –  
MATUNGAO – BALOI NATIONAL  
ROAD TRAVERSING BARANGAY

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SAMBURON IN THE MUNICIPALITY OF LINAMON, AND BARANGAY BULAO IN THE MUNICIPALITY OF BALOI, ALL IN THE PROVINCE OF LANAO DEL NORTE, AS THE METRO ILIGAN REGIONAL AGRO-INDUSTRIAL CENTER (MIRAIIC) HIGHWAY; and

House Bill No. 5407, entitled

AN ACT RENUMBERING THE THREE (3) DISTRICT ENGINEERING OFFICES TO CONFORM AND CORRESPOND RESPECTIVELY WITH THE NUMBERING OF THE LEGISLATIVE DISTRICTS IN THE PROVINCE OF ZAMBOANGA DEL NORTE.

To the Committee on Public Works

House Bill No. 5372, entitled

AN ACT ESTABLISHING A FISH PORT IN THE MUNICIPALITY OF ABULUG, PROVINCE OF CAGAYAN AND APPROPRIATING FUNDS THEREFOR;

House Bill No. 5373, entitled

AN ACT ESTABLISHING A FISH PORT IN THE MUNICIPALITY OF LOPEZ JAENA, PROVINCE OF MISAMIS OCCIDENTAL AND APPROPRIATING FUNDS THEREFOR;

House Bill No. 5374, entitled

AN ACT ESTABLISHING A FISH PORT IN THE CITY OF OROQUIETA, PROVINCE OF MISAMIS OCCIDENTAL AND APPROPRIATING FUNDS THEREFOR;

House Bill No. 5375, entitled

AN ACT ESTABLISHING A FISH PORT IN BARANGAY MACUYON, MUNICIPALITY OF SIRAWAL, PROVINCE OF ZAMBOANGA DEL NORTE AND APPROPRIATING FUNDS THEREFOR; and

House Bill No. 5376, entitled

AN ACT ESTABLISHING A FISH PORT IN BARANGAY GIL SANCHEZ, MUNICIPALITY OF LABASON, PROVINCE OF ZAMBOANGA DEL NORTE AND APPROPRIATING FUNDS THEREFOR,

**To the Committees on Agriculture and Food; Public Works; and Finance**

Letter from the House of Representatives, informing the Senate that on 15 May 2017, the House of Representatives designated Representatives Villarica, Macapagal-Arroyo, Go, Gonzales and Bertiz III as conferees to the Bicameral Conference Committee on the disagreeing provisions of House Bill No. 4767, entitled

AN ACT EXTENDING THE VALIDITY OF THE PHILIPPINE PASSPORT, AMENDING FOR THE PURPOSE SECTION 10 OF REPUBLIC ACT NUMBERED EIGHT THOUSAND TWO HUNDRED THIRTY-NINE (R. A. NO. 8239), OTHERWISE KNOWN AS THE PHILIPPINE PASSPORT ACT OF 1996; and

Senate Bill No. 1365, entitled

AN ACT EXTENDING THE VALIDITY OF PHILIPPINE PASSPORTS, AMENDING FOR THE PURPOSE SECTION 10 OF REPUBLIC ACT NO. 8239, OTHERWISE KNOWN AS THE "PHILIPPINE PASSPORT ACT OF 1996," AND FOR OTHER PURPOSES.

**To the Archives**

Letter from the House of Representatives, informing the Senate that on 16 May 2017, the House of Representatives ratified the Conference Committee Report on the disagreeing provisions of House Bill No. 4767, entitled

AN ACT EXTENDING THE VALIDITY OF THE PHILIPPINE PASSPORT, AMENDING FOR THE PURPOSE SECTION 10 OF REPUBLIC ACT NUMBERED EIGHT THOUSAND

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TWO HUNDRED THIRTY-NINE (R. A. NO. 8239), OTHERWISE KNOWN AS THE PHILIPPINE PASSPORT ACT OF 199; and

Senate Bill No. 1365, entitled

AN ACT EXTENDING THE VALIDITY OF PHILIPPINE PASSPORTS, AMENDING FOR THE PURPOSE SECTION 10 OF REPUBLIC ACT NO. 8239, OTHERWISE KNOWN AS THE "PHILIPPINE PASSPORT ACT OF 1996," AND FOR OTHER PURPOSES.

**To the Archives**

**RESOLUTIONS**

Proposed Senate Resolution No. 379, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF THE CYBERCRIME PREVENTION ACT WITH THE END IN VIEW OF IMPOSING HIGHER PENALTIES FOR THE CRIME OF CHILD PORNOGRAPHY COMMITTED THROUGH A COMPUTER SYSTEM, INCLUDING CYBERSEX ACTS INVOLVING CHILDREN

Introduced by Senator Leila M. de Lima

**To the Committees on Women, Children, Family Relations and Gender Equality; and Science and Technology**

Proposed Senate Resolution No. 380, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON AGRICULTURE AND FOOD TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE PRESENCE OF IMPORTED RICE WITHOUT THE NECESSARY IMPORT PERMIT AT THE VARIOUS PORTS IN THE COUNTRY AND THE TIMING AND MANNER OF RICE PROCUREMENT BY THE

NATIONAL FOOD AUTHORITY (NFA)

Introduced by Senator Cynthia A. Villar

**To the Committee on Agriculture and Food**

Proposed Senate Resolution No. 381, entitled

A RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE RECENT GLOBAL RANSOMWARE CYBERATTACKS AND THE IMPLEMENTATION OF THE NATIONAL CYBERSECURITY PLAN 2022 WITH THE END VIEW OF PROTECTING THE FILIPINO PEOPLE, INSTITUTIONS, AND INFORMATION RESOURCES FROM CYBERATTACKS AND OTHER CYBER THREATS

Introduced by Senator Paolo Benigno "Bam" Aquino IV

**To the Committees on Science and Technology; and Justice and Human Rights**

Proposed Senate Resolution No. 382, entitled

RESOLUTION RECOGNIZING AND CONGRATULATING BATANG GILAS FOR BEING THE 2017 SOUTHEAST ASIA BASKETBALL ASSOCIATION UNDER-16 CHAMPIONS

Introduced by Senator Joel Villanueva

**To the Committee on Rules**

Proposed Senate Resolution No. 383, entitled

RESOLUTION RECOGNIZING AND CONGRATULATING GILAS PILIPINAS FOR WINNING THE 2017 SOUTHEAST ASIAN BASKETBALL MEN'S CHAMPIONSHIP

Introduced by Senator Joel Villanueva

**To the Committee on Rules**

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## **COMMUNICATION**

Letter from the Commission on Audit, Office of the Supervising Auditor, submitting to the Senate the Annual Audit Reports (AARs) of Lambunao, Buenavista, and Metro Roxas Water District.

### **To the Committee on Public Works**

#### **COMMITTEE REPORTS**

Committee Report No. 97, submitted by the Committee on Public Order and Dangerous Drugs re: Privilege Speech of Senator Trillanes IV on the Public Confession of SPO3 Arturo Lascañas about “Davao Death Squad,” delivered on February 20, 2017,

recommending the adoption of this report and the implementation of its recommendations.

Sponsor: Senator Lacson

### **To the Calendar for Ordinary Business**

Committee Report No. 98, prepared and submitted jointly by the Committees on Energy; Cooperatives; Ways and Means; and Finance, on Senate Bill No. 1461, with Senator Win Gatchalian as author thereof, entitled

AN ACT INSTITUTIONALIZING THE ELECTRIC COOPERATIVES EMERGENCY AND RESILIENCY FUND AND APPROPRIATING FUNDS THEREFOR,

recommending its approval in substitution of Senate Bill No. 1253.

Sponsor: Senator Win Gatchalian

### **To the Calendar for Ordinary Business**

Committee Report No. 99, submitted jointly by the Committees on Women, Children, Family Relations and Gender Equality; and Justice and Human Rights, on Senate Bill No. 1252, introduced by Senator Risa Hontiveros, entitled

AN ACT STRENGTHENING REPUBLIC ACT NO. 8353, OTHERWISE KNOWN AS THE ANTI-RAPE ACT OF 1997,

recommending its approval with amendments.

Sponsor: Senator Risa Hontiveros

### **To the Calendar for Ordinary Business**

Committee Report No. 100, submitted by the Committee on Labor, Employment and Human Resources Development, on Senate Bill No. 1317, introduced by Senator Joel Villanueva, entitled

AN ACT STRENGTHENING COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH STANDARDS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF,

recommending its approval with amendments.

Sponsor: Senator Joel Villanueva

### **To the Calendar for Ordinary Business**

#### **OMNIBUS SPONSORSHIP OF FRANCHISE BILLS**

Upon motion of Senator Sotto, there being no objection, the Body allowed an omnibus sponsorship of the franchise bills, without prejudice to their individual consideration.

#### **SPECIAL ORDERS**

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of the following from the Calendar for Ordinary Business to the Calendar for Special Orders:

1. Committee Report No. 96 on House Bill No. 5176;
2. Committee Report No. 95 on House Bill No. 4636;
3. Committee Report No. 89 on House Bill No. 5063;
4. Committee Report No. 94 on House Bill No. 5211;
5. Committee Report No. 93 on House Bill No. 5175;
6. Committee Report No. 90 on House Bill No. 5212;

7. Committee Report No. 91 on House Bill No. 5064; and
8. Committee Report No. 92 on House Bill No. 5177.

## **FRANCHISE BILLS**

Upon motion of Senator Sotto, there being no objection, the following House bills were considered, on Second Reading, one after the other:

1. Committee Report No. 96 on House Bill No. 5176, entitled

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO SARRAGA INTEGRATED AND MANAGEMENT CORPORATION UNDER REPUBLIC ACT NO. 7478, ENTITLED "AN ACT GRANTING THE SARRAGA INTEGRATED MANAGEMENT CORPORATION OF THE PHILIPPINES A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN FOR COMMERCIAL PURPOSES RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES AND FOR OTHER PURPOSES";

2. Committee Report No. 95 on House Bill No. 4636, entitled

AN ACT GRANTING THE ILOILO BAPTIST CHURCH, INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES;

3. Committee Report No. 89 on House Bill No. 5063, entitled

AN ACT GRANTING THE PANGASINAN GULF WAVES NETWORK CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS THROUGHOUT THE PHILIPPINES;

4. Committee Report No. 94 on House Bill No. 5211, entitled

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO GATEWAY U.H.F. TELEVISION BROADCASTING, INC., PRESENTLY KNOWN AS GATEWAY TELEVISION BROADCASTING,

INC., AND DOING BUSINESS UNDER THE NAME AND STYLE OF HOPE CHANNEL PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7223, ENTITLED "AN ACT GRANTING GATEWAY U.H.F. TELEVISION BROADCASTING, INC., A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN FOR COMMERCIAL PURPOSES UHF TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES";

5. Committee Report No. 93 on House Bill No. 5175, entitled

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO BETA BROADCASTING SYSTEM, INC., UNDER REPUBLIC ACT NO. 8026, ENTITLED "AN ACT GRANTING THE BETA BROADCASTING SYSTEM CORPORATION A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN RADIO BROADCASTING STATIONS IN THE ISLAND OF LUZON, AND FOR OTHER PURPOSES";

6. Committee Report No. 90 on House Bill No. 5212, entitled

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO FILIPNAS BROADCASTING ASSOCIATION, INC., PRESENTLY KNOWN AS WORD BROADCASTING CORPORATION, UNDER REPUBLIC ACT NO. 7485 ENTITLED "AN ACT GRANTING FILIPNAS BROADCASTING ASSOCIATION, INC. A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN FOR COMMERCIAL PURPOSES RADIO BROADCASTING AND TELEVISION STATIONS IN THE VISAYAS AND MINDANAO AND FOR OTHER PURPOSES";

7. Committee Report No. 91 on House Bill No. 5064, entitled

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO SUBIC BROADCASTING CORPORATION UNDER REPUBLIC ACT NO. 7511 ENTITLED "AN ACT GRANTING THE SUBIC BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN

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RADIO BROADCASTING AND TELEVISION STATIONS IN THE PHILIPPINES AND FOR OTHER PURPOSES"; and

8. Committee Report No. 92 on House Bill No. 5177, entitled

AN ACT RENEWING FOR ANOTHER TWENTY-FIVE (25) YEARS THE FRANCHISE GRANTED TO INFOCOM COMMUNICATIONS NETWORK, INC. (PRESENTLY KNOWN AS NOW TELECOM COMPANY, INC.) UNDER REPUBLIC ACT NO. 7301, ENTITLED "AN ACT GRANTING INFOCOM COMMUNICATIONS NETWORK, INC. (ICNI), A FRANCHISE TO CONSTRUCT, ESTABLISH, OPERATE AND MAINTAIN MOBILE RADIO SYSTEMS SUCH AS RADIO PAGING SYSTEMS, CELLULAR PHONE SYSTEMS, PERSONAL COMMUNICATION NETWORK (PCN), AND TRUNK RADIO SYSTEMS WITHIN OR WITHOUT THE PHILIPPINES FOR A PERIOD OF TWENTY-FIVE (25) YEARS, AND FOR OTHER PURPOSES". AS AMENDED BY REPUBLIC ACT NO. 7940.

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 titles of the bills were read without prejudice to the insertion of their full texts into the Record of the Senate.

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

#### **OMNIBUS SPONSORSHIP SPEECH OF SENATOR POE**

With the consent of the Body, Senator Poe delivered an omnibus sponsorship speech covering the eight House bills pertaining to franchise applications.

*Following is the full text of Senator Poe's speech:*

Today, I have the pleasure of sponsoring eight franchise applications – two new franchises for television and radio broadcast and six franchises for renewal.

Those franchises that have expired were issued a provisional certificate by the NTC to continue operating while waiting for Congress to decide on their franchise.

Time and again it has been repeated that a legislative franchise is a special privilege which cannot be exercised at will and pleasure, and that a franchise is reserved for public control and administration under such conditions and regulations as the government may impose on them in the interest of the public.

However, we have to balance the restrictions we impose on franchisees with the privilege we grant to them. We need competition in the broadcast and telecom industries in order to force growth, creativity, and improvement in these sectors. This could eventually translate into better services for the public.

The franchises I sponsor today are relatively small compared to the big broadcast and telecom giants that dominate the airwaves.

Nonetheless, we have to standardize the contents of these franchises with the recently passed franchises of GMA 7 and Smart Communications.

As both the GMA 7 and Smart Communications franchises have gone through exhaustive deliberations in the Senate, I have included the amendments made to these franchises in the franchise bills I am sponsoring today.

All these broadcasting franchises on the floor, whether new or for renewal, are now required to provide, free of charge, adequate public service time to enable the government to reach pertinent populations.

More importantly, we have provided that public service time should be equivalent to 10% of the paid commercials or advertisements, which shall be allocated based on need to the executive, legislative, judiciary, constitutional commissions, and even international humanitarian organizations duly recognized by law.

We also included a provision mandating the franchisees to comply with labor standards and pertinent tax laws.

However, there were provisions that we had to delete as we found these to be unnecessary or burdensome to the franchisees.

For example, we deleted provisions penalizing broadcast franchisees for failing to submit their report to Congress. We did not impose a penalty on GMA 7 for failure to report on time to Congress. Thus, it appears unfair that a penalty provision not found in GMA 7's franchise is included in the bills of the smaller franchises.

We also removed it not because the amount is negligible (which is P500 per day for non-compliance), but because most of these fran-

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chisees are located in the provinces, and I believe we should give them leeway in the submissions of their documents. Also, the NTC already imposes reportorial requirements and penalties on these franchisees.

We retained the penalty provision, however, in the telecom franchise of Infocom, as this provision is also found in the Smart franchise.

For the new franchises, we deleted the requirement for a bond to be filed with the NTC, which is not required with the other franchises, especially a big franchise such as GMA 7. The NTC can also cancel a franchise's authority at any time if they fail to comply.

In the provision titled "*Term of Franchise*," new franchises that fail to either commence operations within one year from the approval of the operating permit by the NTC, or operate continuously for two years, or fail to commence operations within three years from the effectivity of their Act, will have their franchises revoked. I think this penalty serves as a sufficient safeguard to ensure that franchisees take the privilege granted to them seriously.

With regard to the sole telecom franchise for renewal, which is Infocom or now Telecom, we have included a provision mandating the franchisee to improve and extend its services in areas not yet served, and in hazard-and typhoon-prone areas. The franchisee is also mandated to improve and upgrade their equipment, facilities, and services in order to ensure effective compliance with R.A. No. 10639 or the Free Mobile Disasters Alert Act.

Similar with the broadcast franchise bills, we also included in the telecom franchise a provision mandating compliance with labor standards and a provision complying with mobile number portability standards in the future.

We also amended its penalty clause to reflect the same provision found in the Smart franchise.

My dear colleagues, if not for your vigorous participation during the deliberations of the GMA 7 and Smart franchise bills, we would not have been able to come up with these well-thought of amendments at such a short period of time, and have all of these committee reports ready for sponsorship.

#### **SUSPENSION OF CONSIDERATION OF HOUSE BILL NOS. 5176, 4636, 5063, 5211, 5175, 5212, 5064 AND 5177**

Upon motion of Senator Sotto, there being no

objection, the Body suspended consideration of the bills.

#### **COMMITTEE REPORT NO. 62 ON SENATE BILL NO. 1449**

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1449 (Committee Report No. 62), entitled

#### **AN ACT EXTENDING THE VALIDITY PERIOD OF DRIVER'S LICENSES, AMENDING FOR THAT PURPOSE SECTION 23 OF REPUBLIC ACT NO. 4136, AS AMENDED BY BATAS BLG. 398 AND EXECUTIVE ORDER NO. 1011, OTHERWISE KNOWN AS THE LAND TRANSPORTATION AND TRAFFIC CODE.**

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

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

#### **DRILON AMENDMENT**

On page 3, line 4, as proposed by Senator Drilon and accepted by the Sponsor, there being no objection, the Body approved the deletion of the phrase "and new licenses."

On page 3, line 7, Senator Drilon proposed to rephrase the proviso as follows: PROVIDED, HOWEVER, THAT, SUBJECT TO SECTION TWENTY-SIX HEREOF, THE LTO SHALL PERIODICALLY REVIEW AND, IF PUBLIC INTEREST REQUIRES, MODIFY THE PERIOD OF VALIDITY OF NEW AND RENEWED LICENSES WHICH PERIOD SHALL IN NO CASE BE LESS THAN FIVE YEARS.

Senator Drilon said that he proposed the amendment because he believed that the fixing of the period of validity of drivers' licenses should not be the function of Congress. He explained that under his proposed amendment, after five years, the LTO, when public interest so requires, would be allowed to set the period of validity of drivers' licenses provided that the period shall not be less than five years.

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Senator Lacson inquired whether the proposed amendment would, in effect, eliminate the 10-year period as maximum for the validity of a driver's license. Senator Drilon replied said that the amendment only sets a minimum period, and the LTO could extend the limit to more than 10 years. Senator Lacson expressed his reservations on the proposed removal of the 10-year validity period.

Senate President Pimentel said that a driver's license is a privilege granted to a driver to drive anywhere in the Philippines, and pursuant to the proposed amendment, Congress is delegating to the LTO the power to determine the number of years that a person can exercise or enjoy the privilege to drive a vehicle.

Senator Poe acknowledged that delegating the function of determining the period of validity to the LTO could lessen the red tape in the bureaucracy; on the other hand, the LTO might exercise this delegated authority without considering public interest.

Senator Lacson proposed that the LTO be allowed to shorten the period of validity of driver's license provided that it should not be less than five years and not more than 10 years.

## SUSPENSION OF SESSION

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

*It was 4:02 p.m.*

## RESUMPTION OF SESSION

At 4:18 p.m., the session was resumed with Senate President Pro Tempore Recto presiding.

Thereupon, the Chair recognized Senator Drilon.

## PROPOSED AMENDMENT OF SENATOR DRILON

Senator Drilon restated his proposed amendment incorporating the proposed amendment of Senator Lacson to make sure that the validity of a driver's license, upon renewal, would not be more than ten years, to wit: THE LTO SHALL PERIODICALLY REVIEW AND, IF PUBLIC INTEREST SO REQUIRES, MODIFY THE PERIOD OF

## VALIDITY OF NEW AND RENEWED LICENSES, WHICH PERIOD SHALL IN NO CASE BE LESS THAN FIVE (5) YEARS, BUT NOT MORE THAN TEN (10) YEARS.

He explained that the purpose of the amendment was simply to delegate the determination of the length of validity of the license to the LTO because he believed that the validity of a driver's license should not be subject of debate in both houses of Congress.

Senator Poe, however, opined that giving up what is traditionally voted upon in Congress should be a decision of the majority. She pointed out that the phrase "public interest" is vague and subject to interpretation. She suggested that the proposed amendment be submitted to a vote.

Senator Drilon pointed out that "public interest" cannot be considered vague because it has been defined in so many decisions of the Supreme Court. Likewise, he stated that the delegation of power is a power that Congress has done in so many instances in the past on more critical issues. As a policy, he said that the Body should not be concerned about delegating a simple validity of a license to an administrative body. He said that he was submitting the proposed amendment as amended by Senator Lacson and that he has no problem with submitting it to a vote.

Submitting Senator Drilon's proposed amendment, as amended by Senator Lacson, to a vote, the Chair asked those in favor of the proposed amendment to raise their right hand and, thereafter, asked those against to do the same.

With the majority of the Members voting against the proposed amendment, the amendment was lost.

## POE AMENDMENTS

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

1. On page 1, line 1, after the phrase "Republic Act No.," replace "4236" with 4136;
2. On page 2, line 18, after the word "shall," insert NOW;
3. On page 3, line 1, replace the phrase "ALSO STRIVE TOWARDS CREATING" with the word CREATE;

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4. On the same page, line 2, delete the word "APPLICATION";
5. On the same page and line, after the word "the," insert the words APPLICATION AND;
6. Still on the same page, line 3, after the word "LICENSES," insert the phrase WITHIN ONE YEAR FROM THE EFFECTIVITY OF THIS ACT;

On page 4, line 5, after the word "implementation," Senator Poe proposed to insert the following: WITHOUT PREJUDICE TO ANY OTHER CRIMINAL OR ADMINISTRATIVE LIABILITIES. A PENALTY OF ONE MONTH SUSPENSION WITHOUT PAY SHALL BE IMPOSED UPON THE RESPONSIBLE PERSONS WHO FAILED TO PROMULGATE THE REQUIRED RULES AND REGULATIONS WITHIN THE PRESCRIBED PERIOD.

Senator Drilon asked if there is any other law which imposes penalties for failure to issue rules and regulations.

#### SUSPENSION OF SESSION

Upon motion of Senate President Pro Tempore Recto, the session was suspended.

*It was 4:29 p.m.*

#### RESUMPTION OF SESSION

At 4:31 p.m., the session was resumed.

Upon resumption, Senator Poe withdrew her amendment to line 5 on page 4.

#### POE AMENDMENT

*(Continuation)*

On the title of the bill, after the word "BATAS," Senator Poe proposed the insertion of the word PAMBANSA, subject to style.

Senator Drilon objected to the amendment subjecting it to style. He said that the amendment should be stated on record so that the Body could vote on it.

Senator Poe explained that the Committee was just proposing to insert the word "PAMBANSA" between the word "BATAS" and "BLG. 398" of the original title of the bill.

Senator Drilon stated that he was not objecting to the amendment as specifically indicated by Senator Poe.

There being no objection, the Poe amendment was approved by the Body.

#### CLEAN COPY

The Chair directed the Secretariat to provide the Members of the Body with a clean copy of the measure incorporating the approved amendments.

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1449

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

#### PRIVILEGE SPEECH OF SENATOR SOTTO

At this juncture, Senator Sotto took the floor to speak on a matter of public interest: the numerous complaints because of confusion arising from the Implementing Rules and Regulations (IRR) that was implemented on April 2, 2017, in connection with the Anti-Distracted Driving Act. He explained that a reading of the Journal of the Senate, specifically when the Senate was deliberating on this law, would clearly indicate the legislative intent of the law — that the main focus was on disallowing text messaging or talking on the cellphone while driving but allowing the use of a bluetooth or a headset to answer or make a call.

He noted, however, the IRR expanded the interpretation of Sections 4 and 5 of the law, and compounding the problem, some of the issues being enforced by the MMDA and the LTO were based on an administrative order which practically expanded the entire law. He echoed the comments from people nationwide that navigational applications are, in fact, very helpful to motorists, as well as the expressions of indignation why even the hanging of rosaries in the rearview mirror was prohibited.

He said that although the IRR is consistent with the punishable acts provided for in the law, the problem lies in the implementing agencies and implementation of the law. Thereupon, he asked the Committee on Public Services to exercise its oversight function and review the IRR of the Anti-Distracted



Driving Act, as he enjoined the Senate to express its sense that the implementation of the Anti-Distracted Driving Act be suspended in the meantime until such time that the complaints and problems regarding its implementation shall have been threshed out.

Asked by Senate President Pro Tempore Recto if a motorist is allowed to use a cellphone during a red traffic light, Senator Sotto said that the use of cellphones while driving is not allowed unless such call would be taken with the use of a bluetooth headset or a headphone.

#### **REFERRAL OF SPEECH TO COMMITTEE**

Thereupon, the Chair referred the privilege of speech of Senator Sotto to the Committee on Public Services for appropriate action.

#### **COMMITTEE REPORT NO. 53 ON SENATE BILL NO. 1391**

*(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1391 (Committee Report No. 53), entitled

#### **AN ACT PROVIDING FOR THE MANDATORY PHILHEALTH COVERAGE FOR ALL PERSONS WITH DISABILITY (PWDs), AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7277, AS AMENDED, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR PERSONS WITH DISABILITY," AND FOR OTHER PURPOSES.**

Thereupon, the Chair recognized Senator Ejercito for his cosponsorship speech.

#### **COSPONSORSHIP SPEECH OF SENATOR EJERCITO**

Senator Ejercito delivered his cosponsorship speech on Senate Bill No. 1391 under Committee Report No. 53, entitled "Mandatory Philhealth Coverage for Persons with Disability."

*Following is the full text of Senator Ejercito's cosponsorship speech:*

First of all, I would like to commend and extend our gratitude to the vice chairperson of the Committee on Health and Demography, Sen. Risa Hontiveros. Without her hard work and determination, this proposed measure would not be under consideration of the august Body today.

In sponsoring this measure, the wise words of the late President Ramon Magsaysay who said that "Those who have less in life should have more in law" resonated with us. I believe these words should always be our guide and inspiration whenever we craft laws. We, legislators, are not only given the responsibility to serve our countrymen but also the honor to be put in a noble capacity to uplift their lives.

We know that persons with disabilities should not be treated differently and discriminated from their constitutional right to life, liberty and property, in comparison to abled citizens. But how do we ensure that they are not forgotten by our government? Through legislation, we set the line between equality and equity. For our brothers and sisters with disabilities to have an equal footing in our society, we need to equip them with the necessary tools they need in their daily life struggles.

The proposed measure providing for the "Mandatory PhilHealth Coverage for all Persons with Disability" is a social justice tool. It seeks to unburden our brothers and sisters with disability from PhilHealth contributions that might slow down, if not totally hinder, in reaching their aspirations in life. The bill mandates the government to pay for the premium contributions so that the disabled can avail of the benefits available in the program of the PhilHealth. This will give them the needed aid to sustain the treatments and medicine which they are compelled to take and undergo because of their disabilities and sickness.

Through our laws, we aim to contribute in uplifting their welfare and spirits. Far greater than gold, our citizens, including those with disabilities, are our greatest and most valuable resources. *Alagaan po natin sila.*

When the time comes that persons with disabilities themselves do not feel the difference between being abled and not—we can say that we have served them well. Our laws have equalized the playing field.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1391**

Upon motion of Senator Sotto, there being no

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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. 100 on Senate Bill No. 1317 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## COMMITTEE REPORT NO. 100 ON SENATE BILL NO. 1317

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1317 (Committee Report No. 100), entitled

### AN ACT STRENGTHENING COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH STANDARDS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

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 Villanueva for the sponsorship.

## SPONSORSHIP SPEECH OF SENATOR VILLANUEVA

Senator Villanueva submitted to the Body for plenary consideration Senate Bill No. 1317 under Committee Report No. 100 or the "Occupational Safety and Health Standards Act," which seeks to promote standards for the safety and health of workers as well as fix workplace hazards by implementing sound prevention, reporting and inspection practices.

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

### Safety and Health in the Workplace: Making it Work for All

We envision humane conditions of work for all Filipinos. By ensuring maximum safety and

health at work, we believe that productivity will increase and businesses will be more successful and more sustainable.

For this cause, I am pleased to sponsor Senate Bill No. 1317 or "An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof" under Committee Report No. 100.

The House of Representatives has already approved this bill on Third Reading. It is my fervent hope that this august Chamber will also support and approve this bill as soon as possible, this being one of the priority measures of the government.

*Napaka-importante po ng panukalang ito sapagkat buhay at kaligtasang manggagawa ang nakataya sa pagpapabaya. Integridad ng mga negosyo ang nalalagay sa alanganin sa tuwing may aksidente o peligro sa trabaho. Kung ligtas at malusog ang ating manggagawa, magiging mas maayos ang kanilang trabaho, mas lalago ang negosyo, mas lalakas ang ekonomiya ng bansa.*

### Workplace Accidents

No one should be expected to risk life in return for a contract of employment. Deaths, injuries and illnesses due to unsafe or unhealthy workplaces affect both workers and employers. The pain and suffering caused by these accidents and illnesses to workers, their families and to the nation is incalculable.

Just a few days ago, a three-hour fire gutted the warehouse of Yokohama Tire Philippines, a tire factory in Clark, Pampanga. Up to now, the cause of the fire has not yet been determined.

Last February, the House Technology Industries or HTI burned for 46 hours due to a mechanical accident. HTI is the biggest employer in Cavite Export Processing Zone with over 15,000 workers. The fire left behind three deaths and a total of 125 injured workers, not to mention the cost of damage estimated to reach P12 billion to P15 billion.

*Isa sa mga manggagawang nasawi dahil sa sunog sa HTI ay si Alex Lerog, 30 taong gulang, matapos masunog ang mahigit animnapung porsiyento ng kanyang katawan. Line Leader sa factory ng HTI si Alex, tubong Monica, Surigao del Sur. Ang haligi ng tahanan ng mga Lerog, nagbuwis ng buhay sa trahedyang naganap pa mismo sa kanilang lugar-paggawa, lugar na dapat sana'y nageseguro sa kanilang kaligtasan habang ginagampanan ang kanilang mga gawain sa kumpanya.*

In November 2016, two children were killed and five others were injured when a firework factory exploded in Sta. Maria, Bulacan.

In May 2015, 72 workers perished at the massive fire that razed the two-storey factory building of Kentex Manufacturing in Valenzuela City.

In July 2015, nine workers were buried when the open pit coal mine of Semirara Mining Corporation collapsed.

In January 2011, ten construction workers plunged to their deaths in an accident at the construction site of the Eton Residences in Makati City. Workers fell from as high as the 34<sup>th</sup> floor to the 7<sup>th</sup> floor after the service elevator carrying them collapsed. They were installing a glass panel at the time of the accident.

These tragedies are preventable through the implementation of sound prevention, reporting and inspection practices. Actions should be taken by the government and within enterprises to promote occupational safety and health and to improve working conditions.

#### ***Gravity of the Problem***

According to DOLE, from January 2014 to October 2016, there were reported 199 fatal workplace accidents and 232 non-fatal accidents. These numbers show the poor state of compliance with the Occupational Safety and Health Standards (OSHS). Despite the fact that workplace accidents would always prompt tighter regulations, compliance by all industries continues to be an issue.

Diseases or chronic illnesses also hound our workers: back pain, hypertension, peptic ulcer, stroke, tuberculosis, cataracts, deafness, and the multitude of chronic ailments that arise from exposure to chemicals and other hazards in the course of work.

The survey of the Philippine Statistics Authority (PSA) in October 2015 showed that occupational diseases in establishments employing 20 or more workers doubled in 2013 at 171,787 from only 85,483 in 2011.

Cases of occupational diseases increased in eleven industry groups, with high increases occurring in mining and quarrying, construction, administrative and support service activities and information and communications.

*Nakakaawa po ang mga manggagawa na nagkakasakit dulot ng kanilang trabaho na pwede naman sanang maiwasan kung tatalima lang tayo sa mga alituntunin para sa kaligtasan at kalusugan sa mga lugar-paggawa.*

Your Committee believes that non-compliance with occupational safety and health standards is a crime, a reckless endangerment that should not be tolerated.

#### ***The need to amend the Labor Code***

Sadly, for the longest time, there are no fines or penalties meted out for the violation of occupational health and safety standards. The DOLE Regional Director can only issue a Work Stoppage Order in cases of imminent danger that would result in disabling injury, pursuant to Article 128 of the Labor Code.

The 42-year old Labor Code of the Philippines, as amended, does not declare unlawful violations of OSHS, which makes Article 288 of the Code inapplicable.

Senate Bill No. 1317 seeks to amend the Labor Code to emphasize the importance of OSH, outlining the rights and obligations of the employer and workers and the responsible government agencies.

We have witnessed the massive changes in our workplaces brought about by the dynamism of work processes, and innovations in products, services and technologies. It is about time that we "modernize" the Labor Code, specifically the Occupational Safety and Health Standards, which does not yet contain criminal penalties.

Let us make OSHS attuned to the times. Let us make safety and health in the workplace work for all.

#### ***Important provisions of the bill***

For this reason, Senate Bill No. 1317 provides penalties for non-compliance with OSHS. This is to reiterate that violation of OSH standards is a deliberate disrespect of the well-being of our workers and derogation of their right to humane conditions of work.

The proposed administrative penalty of P100,000 for every day of non-correction of violation intends to bring about immediate correction.

The proposed measure also guarantees the payment of workers' wages or income during work stoppage or suspension of operation due to imminent danger as a result of the employer's violation or fault.

*Kung mapatigil ang trabaho o masuspinde ang kumpanya dahil sa kapabayaan, karanatan ng mga manggagawa na makatanggap pa rin nang tuloy-tuloy ang kanilang sweldo. Ginagaranhiyan po ito ng panukalang batas.*



Furthermore, the bill outlines the duties and responsibilities of all stakeholders and includes a coordinative mechanism for inter-agency harmonization of functions and mandates on occupational safety and health of the nine concerned government agencies.

#### **Labor Law Compliance Officers**

Since a large part of this proposed measure deals with enforcement and inspection, the role of Labor Law Compliance Officers is a crucial aspect in achieving the intent of the measure.

We are glad to hear that the DOLE has increased the number of its labor law compliance officers, now with 574 plantilla officers. This figure is close to the ILO recommended whole-year work standard ratio enforcement of one compliance officer for every 120 establishments. Early this year, the DOLE has requested for additional budget to hire 200 more labor law compliance officers. Once granted, this will bring the number of labor law compliance officers to 774.

In this light, the bill seeks to complement the role of our Labor Law compliance officers by requiring a safety and health program that contains policies in all establishments, projects, sites and all other places where work is being undertaken. It shall be enforced by full-time safety officers who shall undergo the mandatory training on basic occupational safety and health as prescribed by the DOLE.

The bill also seeks to professionalize, upgrade and update the level of competence of workers in all critical occupations or jobs that affect people's lives and safety through the mandatory competency assessment and certification by TESDA.

It is not enough that we express our heartfelt sympathy to those who were killed in workplace accidents or those who suffered workplace injuries or illnesses.

We need a proactive approach to help employers, workers and the government find and fix workplace hazards before workers are hurt. We need a law that places a premium on safety and health in all workplaces. Let us make safety and health in the workplace work for all.

Again, I urge our colleagues' support. Let us all work together to ensure the immediate passage of the OSHS bill.

*Ipasa natin ang Senate Bill No. 1317 upang maipatupad ang mga pamantayan sa ligtas at maayos na lugar ng paggawa sa lahat ng lugar, oras at pagkakataon para sa kapakinabangan ng lahat.*

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1317**

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

#### **SENATE CONFEREES**

Upon nomination by Senator Sotto, there being no objection, the Chair designated the following as members of the Senate panel in the bicameral conference committees on the disagreeing provisions of the following measures:

- Senate Bill No. 14 (Amending the Revised Penal Code) and House Bill No. 5513: Senator Drilon as chairman, and Senators Angara and Villanueva as members.

At this juncture, Senator Sotto informed the Body that a conference committee meeting on Senate Bill No. 14 and House Bill No. 5513 would be held on Thursday, May 25, 2017, at 9:30 a.m., at Committee Room No. 2.

- Senate Bill No. 1304 and its counterpart House bill (Universal Access to Tertiary Education Act): Senators Escudero and Aquino as co-chairs, and Senators Recto and Gatchalian as members.

#### **COMMITTEE REPORT NO. 78**

*(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration of Committee Report No. 78, Re: A RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, TO GENERATE EVIDENTIARY DATA TO ESTABLISH THE ECONOMIC EFFECTS UPON THE CONSUMER IN PARTICULAR, AND THE NATIONAL ECONOMY IN GENERAL OF THE PRESENT MODEL OF OPERATION AND REGULATION OF THE TELECOMMUNICATIONS INDUSTRY, TO THE END IN VIEW OF RECOMMENDING POLICY TO STRENGTHEN KEY ECONOMIC REFORMS THAT ARE CONSISTENT WITH THE COUNTRY'S MEDIUM-TERM DEVELOPMENT PLAN AND LONG-TERM VISION AND PROTECTIVE OF THE INTERESTS OF CONSUMERS IN A ROBUST ECONOMY THAT IS FOSTERED BY FREE COMPETITION AND INCLUSIVE GROWTH.

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Senator Sotto that the parliamentary status was still the period of sponsorship.

Thereupon, the Chair recognized Senator Gatchalian to deliver Part II of his sponsorship speech.

## **SPONSORSHIP SPEECH OF SENATOR GATCHALIAN**

Senator Gatchalian, on behalf of the Committee on Economic Affairs, delivered the second part of his sponsorship speech on Committee Report No. 78.

*The full text of part II of Senator Gatchalian's sponsorship speech follows:*

### **LEGISLATION AND THE DIGITAL DIVIDE**

I have the honor to present Part Two of this report, which will outline the key policy recommendations and legislative propositions based on the synthesis of our learnings from the three public hearings. It was indeed fulfilling on the part of the Committee on Economic Affairs to have been able to gain a more informed understanding of the telecommunications industry through this legislative inquiry. I had only one thing in mind when I filed Proposed Senate Resolution No. 213 – to fulfill a campaign promise that if I got elected, I would work to improve telecommunications services in the country. But this legislative inquiry made me realize that this cause is more pressing, more important, and a lot more profound than I have imagined.

According to the 2016 World Development Report, we are in the middle of “the greatest information and communications revolution in human history.” To describe such revolution in numbers, the World Development Report states that:

1. More than 40% of the world’s population has access to the internet, with new users coming online every day.
2. Among the poorest 20% of households, nearly 7 out of 10 have a mobile phone. It observes that the poorest households are more likely to have access to mobile phones than to toilets or clean water.

These rapid technological changes do not merely bring more choices and greater convenience to us. They provide and expand opportunities that were previously out of reach to the poor and disadvantaged, thereby creating prosperous and inclusive societies. In Kenya, for

example, the cost of sending remittances dropped by up to 90% when the M-Pesa digital payment system was introduced. On the other hand, the world’s one billion persons with disabilities can now lead more productive lives with the help of text, voice, and video communication. For women, they can now participate more easily in the labor market as e-commerce entrepreneurs, in online work, or in business-process outsourcing.

*At this juncture, the Senate President Pro Tempore relinquished the Chair to Senator Villanueva.*

Such developmental benefits derived from using these technologies have come to be known as “digital dividends.” But when their aggregate impact falls short and gets unevenly distributed, they create a so-called “digital divide.” We need to close this digital divide in order for everyone everywhere to get the most out of the digital revolution, and I hope that this is the goal that our respective legislations will be able achieve especially in the telecommunications industry.

Please allow me then to share the following key recommendations that were culled and crafted from our three public hearings. As legislators, our individual approaches to our respective legislations may be different, but I hope that sharing these propositions will be useful in shaping, or re-shaping, our advocacies on the telecommunications industry.

#### ***First, on regulation:***

The end goal of regulation should be to promote the paramount welfare of the consumer by assuring the availability of genuine options, quality services and reasonable prices. Our public hearings exposed that the National Telecommunications Commission is organizationally handicapped to fulfill this regulatory function. Due to the agency’s lack of fiscal autonomy and its Commissioners’ lack of security of tenure, the NTC’s supposed independent cloak has always been eclipsed by an avatar of regulatory capture.

Confronted by the problem of weak regulation, the most urgent key reform is to empower and strengthen the NTC to enable it to freely create an environment of regulatory certainty and operational conditions that are necessary to promote the paramount welfare of the consumer. This specific reform necessarily requires clothing the NTC with independence by giving it fiscal autonomy, as well as giving its commissioners a fixed term of office in order to eliminate their vulnerability to all forms of pressure, harassment, or even threats of litigation.

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The NTC also needs what I would loosely call as “super powers” to effectively carry out its regulatory mandate over the now very powerful players in the telecommunications industry. This would entail a review of Republic Act No. 7925 or the “Public Telecommunications Policy Act of the Philippines.” To give an example, RA 7925 does not have a penal provision. Hence, what we use are the penal provisions under Commonwealth Act No. 146 or the “Public Service Act” which provides under Section 21 that any violation of the terms and conditions of any certificates’, orders, decisions or regulations of the NTC shall be fined by not more than P200.00 per day until the violation is corrected. This penalty is, at best, a mere token gesture for non-compliance to NTC regulations. This P200.00 per day fine under CA 146 was enacted in 1936, and has never been increased to a level considering inflation, nor adjusted to make it a real deterrent to erring telecommunications companies. It is time to give the NTC more teeth to better regulate the industry, as it is only with effective regulation that we can ensure that the profit orientation of the telcos is tempered by the welfare of the consumer.

***On the issue of competition:***

Based on the committee’s findings, the present state of the telecommunications industry does not allow the realization of the policies and objectives of the national competition law. Last week, I explained under part one of this Report why there is not enough spectrum left for a third player to enter and compete viably. This is due to the monopolization of the “workhorse frequencies” by Globe and Smart, leaving the hypothetical third player to be able to offer only data-driven services. It will not be able to provide services for calls and texts at par with the array of services offered by the duopoly. The Co-Use Agreement of the 700Mhz spectrum by Globe and Smart has also resulted in a “spectrum split” between the duopoly – further crowding out other viable players in the telecommunications industry.

We have recently heard a lot of noise about relaxing constitutional restrictions to allow foreign firms to enter the telecommunications industry. The foreign telco, eyed as the third player, is seen as the magic formula that will compete against the duopoly – providing better services and offering lower rates. Unfortunately, there will be no competition until this third player – be it foreign or domestic – can be allocated enough frequencies that it can use to offer real competition and give consumers the best value for their money.

This leads us to the third issue: How can our system of spectrum allocation increase competition in the telecommunications industry?

The following key recommendations were given during the legislative inquiry:

We need to develop a more transparent system of spectrum allocation, assignment, reallocation and re-farming, as well as promote and implement a competitive selection process in the allocation of our publicly-owned spectrum. The allocation system must be improved in a manner that best serves the public interest and the promotion of greater competition in the market.

The current “spectrum lockout” could be remedied by spectrum re-farming or spectrum reallocation. It is the Filipino people, not the telcos, who own the spectrum as part of the national patrimony. The telcos are only licensed to use such spectrum. Sec. 4(c) of RA 7925 states that “the radio frequency spectrum is a scarce public resource that shall be administered in the public interest xxx. The government shall allocate the spectrum to service providers who will use it efficiently and effectively to meet public demand for telecommunications service and may avail of new and cost effective technologies in the use of methods for its utilization.” Sec. 15 of the same law also provides that “where demand for specific frequencies exceeds availability, the Commission shall hold open tenders for the same and ensure wider access to this limited resource.”

Despite the aforementioned provisions of law, the dismal state of the telecommunications industry has never impelled the NTC to recall a single spectrum from the telcos. The very-slow-yet-very-expensive telecommunications services that every consumer has to put up with has never motivated the NTC to recall from the duopoly those spectrum that is not being used to “efficiently and effectively meet public demand for telecommunications service.”

We are thus confronted with a situation where spectrum in this country, unless “privately traded” outside of RA 7925, has been allocated to telco firms and were never recalled by the NTC or re-farmed to other entities. It is time that we impose policies setting specific durations for spectrum use, as well as clear service standards for telco firms to comply with as a condition for their continued use of the spectrum.

These were the key policy recommendations gathered from our legislative inquiry. There were other equally valid propositions raised in the

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public hearings – like number portability, open access, convergence, interconnection and cross subsidy – but we chose to concentrate on the issues which we believe need to take precedence for now.

I hope that my two-part report on this legislative inquiry was able to convince my esteemed colleagues to legislate and bridge the digital divide in telecommunications.

I am respectfully recommending the adoption of the summary of our key findings and recommendations.

## SUSPENSION OF SESSION

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

*It was 5:10 pm.*

## RESUMPTION OF SESSION

At 5:11 p.m., the session was resumed.

## SUSPENSION OF CONSIDERATION OF COMMITTEE REPORT NO. 78

Upon motion of Senator Sotto, there being no objection, the Body suspended consideration of Committee Report No. 78.

## SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 87 on Senate Bill No. 575 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## COMMITTEE REPORT NO. 87 ON SENATE BILL NO. 575

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 575 (Committee Report No. 87), entitled

### AN ACT TO PROVIDE TIME OFF WITH PAY FOR EMPLOYERS WHO DONATE ORGAN, BONE MARROW, BLOOD, OR BLOOD PLATELETS.

Pursuant to Section 67, Rules 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.

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

## SPONSORSHIP OF SENATOR TRILLANES

Senator Trillanes, on behalf of the Committee on Civil Service, Government Reorganization and Professional Regulation, submitted for plenary consideration Senate Bill No. 575, entitled “An Act To Provide Time Off With Pay For Employees Who Donate Organ, Bone Marrow, Blood, Or Blood Platelets,” of the “Organ Donor Leave Act of 2017.”

*The full text of Senator Trillanes’ sponsorship speech follows:*

Organ donation has become a necessity in this fast changing world. According to the World Health Organization, despite the frequent use of organs donated by deceased donors, donations from living donors are necessary for some types of transplants, despite the fact that it involves health and life risks for living donors. While this is the case, according to the Philippine Council for Health Research and Development, this compassionate act has not fully gained ground in the country due to cultural apprehensions, misinformation or lack of information. One of the many reasons for this is the government’s lack of support in disseminating the proper information and facilitating the actual process.

Pushing for this measure is one way of addressing this concern. This bill seeks to recognize employees who willingly offer organ, bone marrow, blood and blood platelets by granting them entitlement to organ donor leave with pay.

Under this Act, participating employees shall be given a thirty-day leave in any twelve-month period for donors of organ and bone marrow; one-day leave for blood donors every 56 days; and two-day leave for blood platelets donors. These periods are in accordance with appropriate medical standards established by the Philippine National Red Cross, Philippine Blood Coordinating Council, and other nationally recognized blood collection units.

The donor must be employed by an agency for a period of at least six months before he or she could be granted donor leave with pay, which could only be used after obtaining

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approval from the employee's respective agency. Further, he or she may avail of this donor leave without the prerequisite of using his or her accumulated sick or vacation leaves.

By giving incentives to our organ donors, we also instill consciousness and encourage the act of organ donation as a selfless humanitarian act. Ultimately, this is also a way of promoting healthcare in the country that could save the lives and improve the quality of life of our ailing *kababayans*.

It is in this regard that I encourage our colleagues to support the immediate passage of this important measure.

## **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 575**

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. 88 on Senate Bill No. 1460 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## **COMMITTEE REPORT NO. 88 ON SENATE BILL NO. 1460**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1460 (Committee Report No. 88), entitled

### **AN ACT CREATING THE SICK LEAVE BANK FOR GOVERNMENT EMPLOYEES.**

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.

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

## **SPONSORSHIP SPEECH OF SENATOR TRILLANES**

Senator Trillanes, on behalf of the Committee on

Civil Service, Government Reorganization and Professional Regulation, submitted for plenary consideration Senate Bill No. 1460, entitled "An Act Creating the Sick Leave Bank for Government Employees," under Committee Report No. 88.

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

The sick leave benefit has been one of the many benefits being enjoyed by our employees in the public sector, which benefit they earn in the course of their employment. Based on a study of a multinational services network, Asians, including Filipinos, only file an average of two (2) sick leaves per year. It is unfortunate, however, that there are a number of employees who are forced to exhaust their leave credits and continue to be on extended leave without compensation, particularly in situations when they experience serious illness or injury.

When a sick or injured government employee is forced to go on leave without pay, he or she is left with no means not only to take care of his family but also to provide for his or her own healthcare, medication and/or recovery.

This could be devastating not only for the employee but also for his or her family.

It is in this light that the Committee on Civil Service, Government Reorganization and Professional Regulation seeks to introduce and institutionalize the concept of providing for a "Sick Leave Bank" for all government employees who have been in the service for a period of at least six (6) months. Under this proposal, government employees may voluntarily join the sick leave bank by depositing three (3) full days of accrued sick leave in the sick leave bank. To maintain his or her account, they must maintain at least five (5) sick leave days in his or her sick leave bank.

Sick leave deposited in the sick leave bank can only be used by participating employees in the agency who have exhausted their vacation leave, sick leave and compensated time off and only for the purpose of the employees' personal illness or injury. However, participating employees are not allowed to receive any benefits from the sick leave bank during any period the member is receiving disability benefits from the social security, or worker's compensation.

The same is true in case that they receive benefits for the job or service-related injury or illness that is subject to the same grant.

Participating employees who transfer from one agency to another may transfer their participation in the sick leave bank. Anyone who cancels their participation in the sick leave bank shall not be eligible to withdraw the sick leave time they contributed to the pool.

In cases of termination, retirement, or death, neither a participating employee nor the participating employee's estate shall be entitled to payment for the unused sick leave deposited into the sick leave bank.

This concept of sick leave bank is not a new concept. In fact, as early as the 1980s, certain states in the US have been using this concept for both their public and private sectors. It is the aim of this committee to introduce this mechanism in the public sector, with the end view that those in the private sector may follow suit later.

This Committee believes that there is a need to provide for the improved quality of life of our government employees; and a simple benefit-enhancement scheme like this, which would not impose any additional costs to the government, would definitely go a long way. It is, after all, the government's duty to continue to look after its employees' welfare by trying to find ways to help alleviate their situation, including those who suffer serious injury or extended illnesses.

In view of the foregoing, I hope that our colleagues will support the immediate passage of this measure.

## **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1460**

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. 86 on Senate Bill No. 1459 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## **COMMITTEE REPORT NO. 86 ON SENATE BILL NO. 1459**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1459 (Committee Report No. 86), entitled

## **AN ACT STRENGTHENING THE SECURED TRANSACTIONS LEGAL FRAMEWORK IN THE PHILIPPINES, WHICH SHALL PROVIDE FOR THE CREATION, PERFECTION, DETERMINATION OF PRIORITY, ESTABLISHMENT OF A CENTRALIZED NOTICE REGISTRY, AND ENFORCEMENT OF SECURITY INTERESTS IN PERSONAL PROPERTY, 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.

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

*At this juncture, Senator Villanueva relinquished the Chair to Senate President Pro Tempore Recto.*

## **SPONSORSHIP SPEECH OF SENATOR ESCUDERO**

Senator Escudero, on behalf of the Committee on Banks, Financial Institutions and Currencies, submitted for plenary consideration Senate Bill No. 1459, entitled "An Act Strengthening the Secured Transactions Legal Framework in the Philippines, which shall Provide for the Creation, Perfection, Determination of Priority, Establishment of a Centralized Notice Registry, and Enforcement of Security Interests in Personal Property, and for Other Purposes," under Committee Report No. 86.

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

According to the 2015 Philippine Statistics Authority data, there are 896,839 micro-small and medium enterprises (MSMEs) that established in the Philippines. These MSMEs generated a total of 4,784,870 jobs in 2015 versus 2,181,819 for the large enterprises. This indicates that the MSMEs contributed almost 61% of the total jobs generated by all types of business establishments.

The MSME industry has been termed as the engine of growth of developing countries. In our

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country, this growth is challenged by the lack of funding and an ineffective system to secure these funds. It must be noted that banks are weary of lending to MSMEs because of the operational costs and risks of agreements secured by personal property loan. Further, MSMEs usually do not own real property needed as security in bank loans when these financial institutions prefer real property over chattels. It is therefore the objective of this bill to increase access by MSMEs to more credit at the least cost through the establishment of a unified and modern legal framework for securing obligations with personal property.

Under this proposed measure, an obligation may be secured by any of the following:

1. Any type of personal property;
2. Parts of property and undivided rights and personal property;
3. Generic categories of personal property; and
4. All of the grantor's personal property.

Further, this measure shall provide protection for both lenders and borrowers by bringing about a streamlined and simplified process of registering security interests over a personal property and the subsequent disposal of these properties after default.

The proposed measure comes at a perfect time when investment demand is growing and the desire for self-sufficiency by Filipinos is strong.

With this overriding objective of promoting economic growth, I humbly implore my colleagues to immediately help in the passage of this bill so that we, in one concerted action, can unequivocally declare our support to create more jobs, raise more money, enhance technologies and promote a sustainable economic environment for all Filipinos.

## COSPONSORSHIP SPEECH OF SENATOR AQUINO

As cosponsor of Senate Bill No. 1459, Senator Aquino delivered the following cosponsorship speech:

Before I delve into the bill, I would like to share some trivia about basketball superstar, LeBron James, in the wake of today's loss.

*Alam ninyo ba na noong high school pa si LeBron, nais po siyang regaluhan ng kanyang ina ng mamahaling sasakyang na Hummer para sa kanyang 18th birthday?*

*Ang problema, ang Hummer ay nagkakahalaga ng \$50,000 at walang pambili ang kanyang nanay na si Gloria. Dahil wala pong pambili, lumapit si Gloria James sa isang bangko sa Ohio at nangutang.*

*Ang ginamit po niyang collateral ay ang future earnings ng kanyang anak kung siya ay magiging NBA superstar. Kapag napasok na raw si LeBron sa NBA, milyun-milyon naman ang kanyang kikitain.*

*At ang kagulat-gulat po dito, tinanggap ng bangko ang kanyang future earnings bilang collateral. Ang tiningnan po nila ay ang talento ni LeBron at ang posibilidad na ito ay maging isang NBA superstar.*

*Ang ending po ay win-win-win! Gloria got her loan. LeBron got his car, and the bank was paid back with interest.*

But this would not have happened in the Philippines. Currently, it is land and real property that banks consider to be the most favored form of collateral—and this is not just because of its value.

Financial institutions see land and real estate as low-risk because it is easy to ascertain that the piece of land has not been used as collateral for any other loan.

But with lenders fixated on real property, they miss out on the opportunity to provide loans to a broader group of MSMEs and even our farmers.

Consequently, many of our countrymen have a difficult time accessing loans from banks and result to borrowing from friends and family or, worse, resorting to informal loans like the 5/6 system with exorbitant interest rates. This is particularly heartbreaking for micro, small and medium enterprises.

*Sa aking pag-iikot, ang laging tanong sa atin ng mga nagnenegosyo, "Saan po kami makakautang na mababa lang ang interes?"*

*Sayang talaga.*

Many of our small businesses have so much potential—potential for success and potential to lift families out of poverty.

We need to address our MSME's lack of access to loans, and this Personal Property Security Act is one our possible remedies.

This measure will encourage financial institutions to lend to more Filipinos by, one, expanding what banks consider as acceptable collateral and, two, reducing the risks associated to movable collaterals.

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First, this measure will broaden the utilization of movable assets like bank accounts, accounts receivable, inventory, equipment, vehicles, agricultural products, and even intellectual property rights.

Imagine a farmer using his livestock or a craftsman using a contract for a bulk order as collateral for a loan.

But we already recognize a diverse set of movable assets acceptable as collateral for loan purposes, like motor vehicles, equipment, and standing crops, such as rice or sugarcane.

The major challenge of this measure, and those tasked to implement it, would be to reduce the risk of accepting movable collaterals through an efficient, comprehensive, and centralized registry.

The Personal Property Security Act pursues the design, establishment, and operation of a unified, centralized, online notice-based national collateral registry to assure banks that the collateral being submitted has not been utilized for another loan.

This is not new. In other countries, a simple but effective registry has boosted financing for their local entrepreneurs.

In Mexico, the creation of a national Accounts Receivable Finance Platform by the government's development bank supported at least 130,000 SMEs through accounts receivable financing.

In China, loans with movable assets as collateral now amount to US\$3 trillion per year.

Access to a centralized repository of information for movable assets will encourage financial institutions to lend to our MSMEs and may even speed up the loan application process.

With the Personal Property Security Act, our financial institutions increase their income by issuing more loans, Filipinos will have better access to lower interest loans, and more Filipino families can grow their business and livelihood for a brighter future.

The Personal Property Security Act seeks to replicate this win-win-win scenario for the James family in Ohio—not to help parents necessarily purchase luxury vehicles for their children—but to help parents provide a better life and a better future for their children through sustained livelihood.

*Ipasa po natin ang Secured Transaction Act, now known as the Personal Property*

*Security Act, at suportahan natin ang mga maliliit na negosyanteng Pilipino na magtagumpay at umasenso ang buhay.*

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1459

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. 81 on Senate Bill No. 108 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### COMMITTEE REPORT NO. 81 ON SENATE BILL NO. 108

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 108 (Committee Report No. 81), entitled

#### AN ACT DECLARING APRIL 27 OF EVERY YEAR AS A SPECIAL WORKING PUBLIC HOLIDAY THROUGHOUT THE COUNTRY TO COMMEMORATE THE VICTORY OF LAPU-LAPU AND HIS MEN OVER THE SPANIARDS LED BY FERDINAND MAGELLAN IN THE HISTORIC BATTLE OF MACTAN ON APRIL 27, 1521, TO BE KNOWN AS LAPU-LAPU DAY OR ADLAW NI LAPU-LAPU.

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.

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

#### SPONSORSHIP SPEECH OF SENATOR ESCUDERO

Senator Escudero, on behalf of the Committee on Education, Arts and Culture, submitted for plenary

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consideration Senate Bill No. 108, entitled "An Act Declaring April 27 of Every Year as a Special Working Public Holiday throughout the Country to Commemorate the Victory of Lapu-Lapu and His Men over the Spaniards led by Ferdinand Magellan in the Historic Battle of Mactan on April 27, 1521, to be known as Lapu-Lapu Day or Adlaw ni Lapu-Lapu," under Committee Report No. 81.

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

The bill proposes to commemorate the historic victory of the valiant Lapu-Lapu who is regarded as the first national hero of the Philippines who resisted and fought the Spanish colonizers.

Lapu-Lapu, unlike other chiefs in the neighboring islands of Mactan who were converted to Christianity, refused to acknowledge Spanish sovereignty.

On April 27, 1521, Lapu-Lapu, together with the men of Mactan, fought and defeated the Spanish invaders led by Ferdinand Magellan.

In celebrating this holiday, we remember the valor of the first successful defender of the Philippine shores.

Filipinos today should emulate the courage, honor and integrity exemplified by Lapu-Lapu and his men in protecting our country from foreign invasion.

I hope that this Chamber will pass upon Committee Report No. 81 containing Senate Bill No. 108 declaring April 27 as Lapu-Lapu Day or Adlaw ni Lapu-Lapu.

## COAUTHOR

Upon his request, Senator Zubiri was made coauthor of Senate Bill No. 1460.

## INTERPELLATION OF SENATOR DRILON

Asked by Senator Drilon whether the employers would be burdened with premium pay if the workers would work on April 27, a special working public holiday, Senator Escudero replied in the negative. He said that it is the policy of the Committee on Education, Arts and Culture not to add to the existing holidays of the country so as not to burden employers and businesses. He said that the country has too many holidays, approximately 23 or 24. He affirmed that April 27 would simply be an ordinary working day.

## INTERPELLATION OF SENATOR SOTTO

Asked by Senator Sotto on the 23 non-working holidays, Senator Escudero said that among the non-working holidays being commemorated by the country are April 9, Fall of Bataan; August 30, National Heroes' Day; November 30, Bonifacio Day; and December 30, Rizal Day. He said that in the USA, they have a President's Day where they commemorate all the past presidents of the country.

Senator Escudero agreed with Senator Sotto that it is about time to review the existing holidays of the country because there are indeed too many. He said that the average salary of a call center agent is about P2,000 a day which, when multiplied by 24 holidays, would cost an additional burden of P48,000 per call center agent and, at one million, would create an additional burden of P48 billion on the call center industry because of the holidays. He said that if the country wants to remain competitive in the call center industry, it has to review the holidays and the implications of additional costs.

Senator Sotto said that the Committee could be put to task to review and study the existing non-working holidays in the country and to come out with a proposal to be considered by the Body.

## REMARK OF SENATOR GORDON

Senator Gordon said that the country should honor Lapu-Lapu as a hero and as the first Asian to ever beat a colonial invader from the west.

## SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 108

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

## MANIFESTATION OF SENATOR SOTTO

Senator Sotto asked the Committee on Local Government, and the Committee on Education, Culture and Arts to further study the non-working holidays in the country and to come up with a proposed measure relative to such holidays.

## MOTION OF SENATOR DRILON

Senator Drilon moved that the Body adopt a

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resolution, subject to style, directing the Committees on Local Government; Education, Arts and Culture; and Labor, Employment and Human Resources Development to jointly come up with a review of the existing holidays, both national and locals and to submit to the Chamber a consolidated bill for the Body's consideration.

There being no objection, Senator Drilon's motion was approved by the Body.

## SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 82 on House Bill No. 477 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## COMMITTEE REPORT NO. 82 ON HOUSE BILL NO. 477

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, House Bill No. 477 (Committee Report No. 82), entitled

### AN ACT DECLARING JANUARY 23 OF EVERY YEAR A SPECIAL WORK- ING HOLIDAY IN THE ENTIRE COUNTRY TO COMMEMORATE THE DECLARATION OF THE FIRST PHILIPPINE REPUBLIC.

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.

Thereupon, the Chair recognized Senator Escudero, Sponsor of the measure.

## SPONSORSHIP SPEECH OF SENATOR ESCUDERO

Senator Escudero, on behalf of the Committee on Education, Arts and Culture, submitted for plenary consideration House Bill No. 477, entitled "An Act Declaring January 23 of Every Year a Special Working Holiday in the Entire Country to Commemorate the Declaration of the First Philippine Republic."

*Following is the full text of Senator Escudero's speech:*

As chairperson of the Committee on Education, Arts and Culture, I rise to sponsor Committee Report No. 82 which recommends the approval of House Bill No. 477, entitled "An Act Declaring January 23 of Every Year as a Special Working Holiday in the Entire Country to Commemorate the Declaration of the First Philippine Republic" authored by Reps. Sy-Alvarado, Gomez *et.al.*, taking into consideration Senate Bill No. 1323, which was authored by Senate President Pimentel.

The First Philippine Republic, also known as the Malolos Republic, was inaugurated on January 23, 1899 at Barasoain Church in Malolos, Bulacan. This historic event paved the way for the Philippines to be known as the first independent republic in Asia.

After more than three centuries under the Spanish colonial rule, the country's sovereignty was restored and bestowed again to the Filipino people.

The passage of this bill will increase public awareness of the importance of this momentous event in our history.

I earnestly insist that this Chamber act expeditely on Committee Report No. 82 / House Bill No. 477/Senate Bill No. 1323, entitled "'An Act Declaring January 23 of Every Year as a Special Working Holiday in the Entire Country to Commemorate the Declaration of the First Philippine Republic."

## SUSPENSION OF CONSIDERATION OF HOUSE BILL NO. 477

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. 83 on Senate Bill No. 747 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## COMMITTEE REPORT NO. 83 ON SENATE BILL NO. 747

Upon motion of Senator Sotto, there being no

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objection, the Body considered, on Second Reading, Senate Bill No. 747 (Committee Report No. 83), entitled

**AN ACT DECLARING JULY 25 OF  
EVERY YEAR AS THE NATIONAL  
CAMPUS PRESS FREEDOM DAY.**

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.

Thereupon, the Chair recognized Senator Escudero, Sponsor of the measure.

**SPONSORSHIP SPEECH  
OF SENATOR ESCUDERO**

Senator Escudero, on behalf of the Committee on Education, Arts and Culture, submitted for plenary consideration Senate Bill No. 747, entitled “An Act Declaring July 25 of Every Year as the National Campus Press Freedom Day,” under Committee Report No. 83.

*Following is the full text of Senator Escudero’s speech:*

Through campus journalism, students are able to practice their right to freedom of expression, opinion and information. As responsible campus journalists, they have the opportunity of having a deeper understanding of the societal issues in our country and communicating these issues it to their readers.

The State should also recognize the importance of training these young campus journalists who are the future guardians of our democracy.

This bill is also in accordance with every citizen’s constitutional right to free speech and expression by declaring as a policy of state the observance of press freedom day in all educational institutions.

**SUSPENSION OF CONSIDERATION  
OF SENATE BILL NO. 747**

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. 84 on Senate Bill No. 756 from the Calendar for Ordinary Business to the Calendar for Special Orders.

**COMMITTEE REPORT NO. 84  
ON SENATE BILL NO. 756**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 756 (Committee Report No. 84), entitled

**AN ACT DECLARING THE SEVEN-  
TEENTH OF NOVEMBER OF EVERY  
YEAR AS NATIONAL STUDENT  
LEADERS DAY.**

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.

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

**SPONSORSHIP SPEECH  
OF SENATOR ESCUDERO**

Senator Escudero, on behalf of the Committee on Education, Arts and Culture, submitted for plenary consideration Senate Bill No. 756, entitled “An Act Declaring the Seventeenth Day of Every Year as National Student Leaders Day.”

*Following is the full text of Senator Escudero’s speech:*

This bill seeks to recognize the efforts of all the student leaders in the country and promote the vital role of the youth in nation building.

We, in any way we can, should support the youth and hone them to be creative innovators and potential lawmakers and leaders of this country.

The passage of this bill will certainly affirm the duty of the State to inculcate in the youth

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patriotism and nationalism and encourage their involvement in public and civic affairs.

I hope that our colleagues can support me in the passage of this measure.

### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 756**

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. 58 on Senate Bill No. 785 from the Calendar for Ordinary Business to the Calendar for Special Orders.

### **COMMITTEE REPORT NO. 58 ON SENATE BILL NO. 785**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 785 (Committee Report No. 58), entitled

### **ACT PROVIDING A SYSTEM OF EXTENDING NO-COLLATERAL, LOW-INTEREST LOANS TO GRADUATES OF ANY COURSES OFFERED BY THE TECHNICAL EDUCATION AND SKILLS DEVE- LOPMENT AUTHORITY OR DULY ACCREDITED LEARNING INSTI- TUTIONS WITH APPROVED OVER- SEAS JOB CONTRACTS.**

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.

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

### **SPONSORSHIP SPEECH OF SENATOR ESCUDERO**

Senator Escudero, on behalf of the Committee on Banks, Financial Institutions and Currencies,

submitted for plenary consideration, Senate Bill No. 785, entitled "Act Providing a System of Extending No-Collateral, Low-Interest Loans to Graduates of Any Courses Offered by the Technical Education and Skills Development Authority or Duly Accredited Learning Institutions With Approved Overseas Job Contracts," under Committee Report No. 58.

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

Many of the graduates of various courses offered by the Technical Education and Skills Development Authority (TESDA) and other learning institutions lose opportunities to work as an overseas Filipino worker (OFW) or as an entrepreneur due to the inability to raise the funds necessary to cover placement and travel fees for OFWs or capital for entrepreneurs.

Under this proposed measure, holders of national certificates issued by the TESDA or any accredited learning institution may secure special loans by government and private banking financial institutions, provided that these OFWs must have approved job contracts that are validated by the Philippine Overseas Employment Administration and that prospective entrepreneurs must present viable start-up project before they can avail of the special loans.

Further, the measure requires from a borrower the designation of a person, preferably a legitimate spouse or a member of the borrower's immediate family, as a co-borrower in order to promote risk-sharing and collective responsibility in the payment of the loan. It likewise requires the borrower to attend a counseling seminar to fully inform him/her of the responsibilities and penalties for non-payment of a loan.

The bill puts a cap to the loanable amount at One Hundred Thousand Pesos (P100,000.00) payable within a period, not to exceed ten (10) years. This amount shall be subjected to interest rates that are market-determined to provide lenders the leeway to set the cost of credit based on their assessment of the risks and profiles of their borrowers.

With this overriding objective of providing better credit options to members of our workforce, I humbly ask our colleagues to support the passage of this measure.

### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 785**

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. 99 on Senate Bill No. 1252 from the Calendar for Ordinary Business to the Calendar for Special Orders.

## COMMITTEE REPORT NO. 99 ON SENATE BILL NO. 1252

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1252 (Committee Report No. 99), entitled

### AN ACT STRENGTHENING REPUBLIC ACT NO. 8353, OTHERWISE KNOWN AS THE ANTI-RAPE ACT OF 1997.

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.

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

## SPONSORSHIP SPEECH OF SENATOR HONTIVEROS

Senator Hontiveros, on behalf of the Committee on Women, Family Relations and Gender Equality, submitted for plenary consideration Senate Bill No. 1252, entitled "An Act Strengthening Republic Act No. 8353, otherwise Known as The Anti-Rape Act Of 1997.

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

In 1996, a Filipino woman by the name of Karen Vertido was raped by her superior in a hotel after he offered her a ride home from a business meeting they both attended. She promptly filed a case against her rapist and after eight years of the case going through the processes in our trial and appellate courts, the Supreme Court of the Philippines found in favor of her rapist. Undaunted and aggrieved, Ms. Vertido went to the Committee on

Elimination of Discrimination Against Women (CEDAW) claiming that the Philippines violated her rights to non-discrimination when, on the basis of "wrongful gender stereotyping," the Supreme Court ruled that, simply put, she did not resist her rapist enough. The Committee backed Ms. Vertido, and they held that the Philippines, in failing to end discriminatory gender stereotyping in judicial processes, was in breach of our commitments under the CEDAW.

Just this year, in February 2017, the Supreme Court ruled against another rape victim. According to her testimony, she fell asleep from dizziness while drinking alcohol with the accused and another friend and was roused from her sleep when she felt the friend having sex with her. She was afraid that a knife in plain view would be used to kill her if she resisted.

When the friend had left, the accused approached her to ask if they could also have sex, and as she could not respond because she was shivering from fright and dizzy from the alcohol, he proceeded to rape her. The Supreme Court, in acquitting the accused, ruled that "what she did not do was eloquent proof of her consent."

I am not here to cast aspersions on a co-equal branch of government. I am here to demonstrate how, perhaps, our laws on rape are woefully inadequate, if not antiquated, and do not provide women with the mantle of protection against sexual violence. Our age of sexual consent — currently set at 12 years old — is one of the lowest in the world, and the lowest in the region. Just to emphasize, we are beaten only by Nigeria, with the lowest age of sexual consent in the world at 11, and we have the same age of sexual consent as Angola, which ranks 117 out of 144 countries in the gender equality index.

Despite evidence that the Philippines is leading the way for gender equality — we are number 7, a far distance from Angola's 117 — anachronistic cultural norms still make it difficult for women who are victimized by violence to find redress in courts of law. Many rape victims are subjected to humiliation for daring to report cases of rape, and many perpetrators are left off the hook because of a policy and cultural environment that engenders machismo and blames the victims.

It is to this end that I am sponsoring today Senate Bill No. 1252 under Committee Report No. 90, entitled "An Act Strengthening Republic Act No. 8353, Otherwise Known as the Anti-Rape Act of 1997." This bill proposes the following features:

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1. It emphasizes the absence of consent as the essential element of the crime of rape, and especially includes the phrase "whether or not the victim suffers injuries";
2. It increases the age of statutory consent to 18 years old, from the current age of 12 years old;
3. It introduces three additional aggravating circumstances, specifically:
  - a. The use of video recording or electronic device during the commission of the rape;
  - b. The status of the offender as a person of public or moral authority, when such authority is used to perpetrate the crime of rape;
  - c. The perpetration of rape as a hate crime against marginalized communities; and
4. Lastly, it repeals the forgiveness clause, or the clause that allows for the crime of rape to be extinguished by the marriage of the defendant to the accused.

This is a bill that is long overdue. It is time to create laws that match the society where men and women are truly equal, not just equal in work and educational opportunities, but equally free from rape and all other forms of sexual violence. Let us protect Filipino women in the most sacrosanct of spaces: in our bodies.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1252**

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

#### **SECOND ADDITIONAL 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. 1464, entitled

**AN ACT PROHIBITING THE CONVERSION OF IRRIGATED AND IRRIGABLE AGRICULTURAL LANDS FOR NON-AGRICULTURAL USES, AMENDING FOR THE PURPOSE**

#### **SECTION 20 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991**

Introduced by Senator Recto

**To the Committees on Local Government;  
and Agrarian Reform**

#### **COMMITTEE REPORTS**

Committee Report No. 101, prepared and submitted jointly by the Committees on Civil Service, Government Reorganization and Professional Regulation; Ways and Means; and Finance, on Senate Bill No. 1462, with Senators Lacson, Sonny Angara, Trillanes IV and Legarda as authors thereof, entitled

**AN ACT PROVIDING FOR SPECIAL FINANCIAL ASSISTANCE AND BENEFITS GRANTED TO BENEFICIARIES OF UNIFORMED AND LAW ENFORCEMENT PERSONNEL OF THE PHILIPPINE NATIONAL POLICE (PNP), ARMED FORCES OF THE PHILIPPINES (AFP), BUREAU OF FIRE PROTECTION (BFP), BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP), PHILIPPINE COAST GUARD (PCG), NATIONAL BUREAU OF INVESTIGATION (NBI), BUREAU OF CORRECTIONS (BUCOR), AND PHILIPPINE DRUG ENFORCEMENT AGENCY (PDEA), KILLED OR PERMANENTLY INCAPACITATED WHILE IN THE PERFORMANCE OF THEIR DUTY OR BY REASON OF THEIR OFFICE OR POSITION, APPROPRIATING FUNDS THEREFOR, REPEALING FOR THE PURPOSE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 6963, AND FOR OTHER PURPOSES,**

recommending its approval in substitution of Senate Bill Nos. 260 and 1264.

Sponsor: Senator Trillanes IV

**To the Calendar for Ordinary Business**

Committee Report No. 102, prepared and submitted jointly by the Committees on Civil Service, Government Reorganization and Professional Regulation; Education, Arts and Culture; Ways and Means; and Finance, on Senate Bill No. 1463, with Senators Sotto III, Trillanes IV, Grace Poe, Escudero, Sonny Angara and Legarda as authors thereof, entitled

**AN ACT GRANTING EDUCATIONAL ASSISTANCE AND BENEFITS TO THE DEPENDENTS OF ALL MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES (AFP), PHILIPPINE NATIONAL POLICE (PNP), BUREAU OF FIRE PROTECTION (BFP), BUREAU OF JAIL MANAGEMENT AND PENALOGY (BJMP), NATIONAL BUREAU OF INVESTIGATION (NBI), PHILIPPINE DRUG ENFORCEMENT AGENCY (PDEA), PHILIPPINE COAST GUARD (PCG) AND BUREAU OF CORRECTIONS (BUCOR) WHO ARE KILLED OR PERMANENTLY INCAPACITATED WHILE IN THE PERFORMANCE OF THEIR DUTY OR BY REASON OF THEIR OFFICE OR POSITION,**

recommending its approval in substitution of Senate Bill Nos. 219, 285 and 1123.

Sponsor: Senator Trillanes IV

#### **To the Calendar for Ordinary Business**

Committee Report No. 103, prepared and submitted jointly by the Committees on Agriculture and Food; and Finance, on Senate Bill No. 1465, with Senators Lacson, Recto, Zubiri, Cynthia A. Villar, Legarda, Joseph Victor Ejercito, Joel Villanueva, Win Gatchalian and Richard J. Gordon as authors thereof, entitled

**AN ACT PROVIDING FREE IRRIGATION SERVICE TO SMALL FARMERS, REVOKING FOR THE PURPOSE THE CORPORATE STATUS OF THE NATIONAL IRRIGATION ADMINISTRATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES,**

recommending its approval in substitution of Senate Bill Nos. 43, 62, 122, 140, 1199, 1412 and 1419.

Sponsor: Senator Cynthia A. Villar

#### **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. 103 on Senate Bill No. 1465 from the Calendar for Ordinary Business to the Calendar for Special Orders.

#### **COMMITTEE REPORT NO. 103 ON SENATE BILL NO. 1465**

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1465 (Committee Report No. 103), entitled

**AN ACT PROVIDING FREE IRRIGATION SERVICE TO SMALL FARMERS, REVOKING FOR THE PURPOSE THE CORPORATE STATUS OF THE NATIONAL IRRIGATION ADMINISTRATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.**

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

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

#### **SPONSORSHIP SPEECH OF SENATOR VILLAR**

Senator Villar submitted for plenary consideration of the Body Senate Bill No. 1465 or the Free Irrigation Service to Small Farmers Act of 2017 under Committee Report No. 103, prepared and submitted jointly by the Committees on Agriculture and Food; and Finance, with Senators Ejercito, Gatchalian, Gordon, Lacson, Legarda, Recto, Vilanueva, Zubiri and herself as authors thereof.

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

As we all know, we have already paved the way in providing Filipino farmers free irrigation services when we included P2 billion in the 2017 national budget which will cover the irrigation service fees being collected from farmers.

To recall, the National Irrigation Authority was allotted P38.4 billion in this year's national budget and the P2 billion will cover operating expenses of the National Irrigation Authority and maintenance of irrigation facilities where they used the irrigation fees or ISF collected from farmers, but that is only for the current year. Thus, there is a need to make free irrigation a policy, institutionalize it to make it more permanent.

As I have repeatedly cited, Filipino farmers and fisherfolk are still among the poorest in the country and freeing farmers from the burden of paying irrigation service fees will significantly reduce production cost, hasten productivity and increase the income of farmers because farmers and fisherfolk comprise 40% of Filipinos living below the poverty line.

As stated in the Free Irrigation Service to Small Farmers Act of 2017, the state also affirms its commitment to contribute to the lowering of the cost of production of those who cannot afford to pay the irrigation service fees of national and communal irrigation systems and relieve them from the burden and consequence of unpaid irrigation service fees. The State, therefore, adopts as a policy, the provision of free irrigation service to small farmers.

Small farmers are hereby defined as those farmers whose combined farm holdings cover an area of not more than five hectares. Upon the effectivity of this act, they will be exempted from the payment of irrigation service fees for waters derived from national irrigation systems and the communal irrigation systems. Such measure will push the growth and development of the agriculture sector as well as help our country achieve its food security goals. As chairperson of the Senate Committee on Agriculture and Food, that is really the bottomline.

But let me also note that free irrigation is not the sole solution in enhancing agricultural competitiveness, but it will help farmers, especially small farmers. To cite, irrigation in Vietnam is eight centavos. In the Philippines, it is 45 centavos, or a difference of 37 centavos. But the bigger difference is in labor. In Vietnam, it is P1.26 per kilo of palay and here in the Philippines, it is between P4.42, or a big difference of P3.16.

Technology and mechanization is really also the key. According to a position paper of the National Academy of Science and Technology, the cost of irrigation is relatively small compared to the cost of labor and fertilizer.

Elimination of the irrigation fee will only reduce cost of production of palay per kilo by 50 centavos. It is said, it is far from enough to make the rice farmers competitive and that if we really want to reduce rice production cost, we should target labor cost reduction through mechanization.

But irrigation is free irrigation and the difference in centavos that it will bring will certainly be much appreciated by small farmers as it is one less burden for them. As I have mentioned in many other occasions, those small farmers or family farmers will be the ones to feed us, not the corporate farmers. Even the United Nations Food and Agricultural Organization has acknowledged that the future of food is in the hands of small family farmers and fisherfolk. We and the future generations of Filipino will rely on them for food. They are a key to a food-secure future.

The proposed bill also seeks the revocation of the corporate status of the National Irrigation Administration. But it shall continue to perform its mandates, power and functions relevant to planning, development, construction, operation, improvement, repair and maintenance of irrigation systems. In effect, it will now be a line agency and will cease to be a GOCC.

In addition, communal irrigation system shall continue to be operated and maintained by irrigators' associations. In lieu of the ISF that are no longer built from small farmers, the national government shall provide for the equivalent funds for the operation and maintenance of the communal irrigation system.

There are still numerous barriers that keep Filipino farmers from being more successful and profitable, including lack of technical expertise, inadequate access to cheap credit and lack of mechanization and financing literacy.

As we work on breaking down those barriers, we also have to take care of helping them in their daily burdens and concerns such as irrigation service fees. Being among the poorest in the country, for them every centavo does count.

On that note, I seek the urgent passage of Senate Bill No. 1465 under Committee Report No. 103.

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## COSPONSORSHIP SPEECH OF SENATOR ZUBIRI

As cosponsor of Senate Bill No. 1465, Senator Zubiri delivered the following cosponsorship speech:

The agriculture sector is still one of the major driving forces of the national economy. A vast majority of our rural population rely on farming who has farm workers for their livelihood. Irrigation is one of the primary factors for the growth of agricultural productivity. However, over two million hectares of irrigable lands in the country has still without irrigation.

Irrigation is crucial to increase the productivity of our farmlands, especially the production of major staples such as rice and corn and is, therefore, key in ensuring food security of the nation. It also plays an important role in making crop diversification viable as it enhances multi-cropping even during the dry season.

In the Philippines, however, the government has adopted a policy that water resource is a commodity and, as such, the national government, through the National Irrigation Administration (NIA), has been implementing various finance mechanisms to collect irrigation fees from the farmers. Farmer-beneficiaries of the National Irrigation System (NIS) program administered by the NIA and irrigation associations under the communal irrigation systems are forced to pay exorbitant fees. This has led to substantial amounts of expenses to our farmers allotted in irrigation services. As a result, many of our poor farmers cannot afford to pay these exorbitant fees and lead to huge amounts of unpaid accounts with the NIA.

My experience as a congressman in Bukidnon was I was always approached by farmers' organizations to help them settle their accounts with NIA so that they may be able to avail of their irrigation services for the next crop season, especially when a crop loss is facing our farmers. The government has justified this practice of collecting the fees, but propounding that the funds collected are necessary to pay for the salaries of more than five hundred NIA employees and workers.

Since 2009, the government has entered into the Participatory Irrigation Development Project (PIDP), a World Bank-assisted project that aims to transform the NIA into a strategically-focused and financially viable irrigation service through the restructuring and reform program in the irrigation sector that will include purportedly the rehabilitation and modernization of the National

Irrigation System (NIS) and rationalization of the NIA.

It is the farmers, however, who are expected to shoulder the payment of such loans from cost recovery arrangements under the PIDP. This is on top of the already high fees being collected by the NIA from farmer-beneficiaries who avail of irrigation services.

Given the strategic importance of irrigation in pursuing a sustained agricultural growth and development, rice self-sufficiency, food security and inclusive growth to our farmers, it should be the obligation of the state to provide free irrigation service.

Our Asian neighbors such as Vietnam, Thailand and Cambodia give the irrigation for free and that is why they are more efficient than we are in rice production. Of course, many other factors like mechanization and other inputs are being assisted to them by their governments.

The stakeholders in the agricultural sector — the farmers, the workers, the irrigators, the associations — have long been clamoring for free irrigation services, the abolition of irrigation service fees collected by the NIA, and a genuinely progressive program that will accelerate agricultural development in the country.

Finally, if we can build roads for free to transport our goods and farm products, why can we not build irrigation canals and facilities for free to produce these farm products? Now is the time. Let us seize the moment.

In view of the foregoing, I ask my colleagues to immediately pass this bill.

## MANIFESTATION OF SENATOR SOTTO

Senator Sotto stated that Senators Legarda and Recto would deliver their cosponsorship speeches on Senate Bill No. 1465 in the next session day.

## COMMITTEE REPORT NO. 33 ON SENATE BILL NO. 1311 *(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1311 (Committee Report No. 33), entitled

AN ACT ESTABLISHING A NATIONAL POLICY OF EASE OF DOING BUSINESS, CREATING FOR THE

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

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

### **TERMINATION OF THE PERIOD OF INTERPELLATIONS**

Upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations and proceeded to the period of individual amendments.

### **PROPOSED AMENDMENT BY SUBSTITUTION OF SENATOR ZUBIRI**

In accordance with Section 82, paragraph 2, Rule XXIX of the Rules of the Senate, Senator Zubiri submitted to the Body his proposed amendment by substitution to Senate Bill No. 1311 under Committee Report No. 33, copies of which were distributed in advance to all the members of the Chamber.

He explained that the substitute bill, now entitled "The Expanded Anti-Red Tape Act of 2017," consolidated the provisions of Senate Bill No. 1311 or the "Ease of Doing Business Act of 2017" and Senate Bill Nos. 932 and 982, both seeking to amend the Anti-Red Tape Act, authored by Senators Recto and Lacson, respectively.

On motion of Senator Zubiri, there being no objection, his proposed amendment by substitution was deemed read and inserted into the record.

*The following is the proposed amendment by substitution of Senator Zubiri:*

AN ACT EXPANDING REPUBLIC ACT NO. 9485 OTHERWISE KNOWN AS THE ANTI-RED TAPE ACT OF 2007, CREATING FOR THE PURPOSE THE BUSINESS ANTI-RED TAPE AND COMPETITIVENESS BUREAU, AND FOR OTHER PURPOSES

**SECTION 1. Short Title.** - This Act shall be known as the "EXPANDED Anti-Red Tape Act of [2007] 2017."

**SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to promote integrity, accountability, proper management of

public affairs and public property as well as to establish effective practices aimed at EFFICIENT TURNAROUND IN THE DELIVERY OF GOVERNMENT SERVICES AND the prevention of graft and corruption in government. Towards this end, the State shall maintain honesty and responsibility among its public officials and employees, and shall take appropriate measures to promote transparency in each agency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified REQUIREMENTS and procedures FOR BUSINESS AND NON-BUSINESS RELATED TRANSACTIONS that will reduce red tape and expedite transactions in government.

**SEC. 3. Coverage.** - This Act shall apply to all government offices and agencies including local government units, government-owned or -controlled corporations AND OTHER GOVERNMENT INSTRUMENTALITIES that provide frontline services COVERING BUSINESS AND NON-BUSINESS RELATED TRANSACTIONS as defined in this Act. Those performing judicial, quasi-judicial and legislative functions are excluded from the coverage of this Act.

**SEC. 4. Definition of Terms.** - As used in this Act, the following terms are defined as follows:

- (a) "Simple Transactions" refer to requests or applications submitted by clients of a government office or agency which only require ministerial actions on the part of the public officer or employee, or that which present only inconsequential issues for the resolution by an officer or employee of said government office.
- (b) "Complex Transactions" refer to requests or applications submitted by clients of a government office which necessitate [the use of discretion] EVALUATION in the resolution of complicated issues by an officer or employee of said government office, such transaction to be determined by the office concerned.
- (c) "Frontline Service" refers to the process or transaction between clients and government offices or agencies involving applications for any privilege, right, permit, reward, license, concession, or for any modification, renewal or extension of the enumerated applications and/or requests which are acted upon in the ordinary course of business of the agency or office concerned.
- (d) "Action" refers to the written approval or disapproval made by a government office or agency on the application or request submitted by a client for processing.

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- (e) "Officer or Employee" refers to a person employed in a government office or agency required to perform specific duties and responsibilities related to the application or request submitted by a client for processing.
- (f) "Irrelevant requirement" refers to any additional document NOT LISTED IN THE COMPREHENSIVE AND UNIFORM LIST OF REQUIREMENTS POSTED IN THE CITIZEN'S CHARTER AND/or performance of an act not directly material to the resolution of the issues raised in the request or needed in the application submitted by the client.
- (g) "Fixer" refers to any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein, and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration.
- (H) "PROCESSING TIME" REFERS TO THE TIME SPENT BY AN APPLICANT FROM THE SUBMISSION OF A REQUEST OR APPLICATION WITH COMPLETE REQUIREMENTS, ACCOMPANYING DOCUMENTS AND PAYMENT OF FEES TO THE ISSUANCE OF CERTIFICATION OR SUCH SIMILAR DOCUMENTS APPROVING OR DISAPPROVING THE REQUEST OR APPLICATION.
- (I) "BUSINESS-RELATED TRANSACTIONS" REFER TO A SET OF REGULATORY REQUIREMENTS THAT A BUSINESS ENTITY MUST COMPLY WITH TO ENGAGE OR OPERATE A BUSINESS, SUCH AS BUT NOT LIMITED TO, COLLECTION OR PREPARATION OF A NUMBER OF DOCUMENTATION, SUBMISSION TO GOVERNMENT AUTHORITIES, APPROVAL OF APPLICATION SUBMITTED, AND RECEIPT OF A FORMAL CERTIFICATE OR CERTIFICATES, PERMITS, LICENSES, CLEARANCES AND SUCH SIMILAR DOCUMENTS WHICH CONFER ELIGIBILITY TO OPERATE AS A LEGITIMATE BUSINESS.
- (J) "NON-BUSINESS TRANSACTIONS" SHALL REFER TO ALL OTHER GOVERNMENT TRANSACTIONS NOT FALLING UNDER SECTION 4 (I) OF THIS ACT.
- (K) "REGULATION" REFERS TO ANY LEGAL INSTRUMENT THAT GIVES EFFECT TO A GOVERNMENT POLICY INTERVENTION AND INCLUDES LICENSING, IMPOSING INFORMATION OBLIGATION, COMPLI-

ANCE TO STANDARDS OR PAYMENT OF ANY FORM OF FEE, LEVY, CHARGE OR ANY OTHER STATUTORY AND REGULATORY REQUIREMENTS NECESSARY TO CARRY OUT ACTIVITY.

**SEC. 5. Reengineering of Systems and Procedures.** - All offices and agencies which provide frontline services are hereby mandated to regularly undertake time and motion studies, undergo evaluation and improvement of their transaction systems and procedures and re-engineer the same if deemed necessary to reduce bureaucratic red tape and processing time.

THE CIVIL SERVICE COMMISSION AND THE BUSINESS ANTI-RED TAPE AND COMPETITIVENESS BUREAU OF THE DEPARTMENT OF TRADE AND INDUSTRY UNDER SECTION 15 OF THIS ACT SHALL COORDINATE WITH ALL GOVERNMENT OFFICES COVERED UNDER SECTION 3 OF THIS ACT TO CONTINUE THE REVIEW AND REPEAL OF EXISTING EXECUTIVE ISSUANCES, AND RECOMMEND THE REPEAL OF EXISTING LAWS AND LOCAL ORDINANCES WHICH ARE OUTDATED, REDUNDANT, AND ADDS UNDUE REGULATORY BURDEN TO THE TRANSACTING PUBLIC.

ALL PROPOSED REGULATIONS OF GOVERNMENT AGENCIES UNDER SECTION 3 OF THIS ACT SHALL UNDERGO REGULATORY IMPACT ASSESSMENT TO ESTABLISH IF THE PROPOSED REGULATION DOES NOT ADD UNDUE REGULATORY BURDEN AND COST TO THESE AGENCIES AND THE APPLICANTS AND/OR REQUESTING PARTIES. PROVIDED, THAT, WHEN NECESSARY, ANY PROPOSED REGULATION MAY UNDERGO PILOT IMPLEMENTATION TO ASSESS REGULATORY IMPACT.

**SEC. 6. Citizen's Charter.** - All government agencies including departments, bureaus, offices, instrumentalities, or government-owned and/or controlled corporations, or local government or district units shall set up their respective service standards to be known as the Citizen's Charter in the form of information billboards which should be posted at the main entrance of offices or at the most conspicuous place, IN THEIR RESPECTIVE WEBSITES and in the form of published materials written either in English, Filipino, or in the local dialect, that detail:

- (a) A COMPREHENSIVE AND UNIFORM CHECKLIST OF REQUIREMENTS FOR EACH TYPE OF REQUEST AND/OR APPLICATION;

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- (b) The procedure to obtain a particular service;
- (c) The person/s responsible for each step;
- (d) The maximum time to conclude the process;
- (e) The document/s to be presented by the customer, if necessary;
- (f) The amount of fees, if necessary; and
- (g) The procedure for filing complaints.

**SEC. 7. Accountability of the Heads of Offices and Agencies.** - The head of the office or agency shall be primarily responsible for the implementation of this Act and shall be held accountable to the public in rendering fast, efficient, convenient and reliable service. All transactions and processes are deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned.

**SEC. 8. Accessing Frontline Services.** - The following shall be adopted by all government offices and agencies:

- (a) Acceptance of Applications and Request –
  - (1) All officers or employees shall accept written applications, requests, and/or documents being submitted by clients of the office or agencies.
  - (2) The responsible officer or employee shall ISSUE ACKNOWLEDGEMENT [acknowledge] receipt of such application and/or request [by] IN writing, WITH THE SEAL OF THE AGENCY AND [or] printing clearly thereon THE [his/her] name OF THE RESPONSIBLE OFFICER OR EMPLOYEE, the unit where he/she is connected with, and the time and date of receipt. SUCH ACKNOWLEDGEMENT RECEIPT ISSUED SHALL BE ENOUGH PROOF OR HAS THE SAME FORCE AND EFFECT PROOF OF A LICENSE, PERMIT OR CERTIFICATION WHEN THE AUTOMATIC APPROVAL MECHANISM UNDER SECTION 9 OF THIS ACT TAKES EFFECT.
  - (3) The receiving officer or employee shall perform a preliminary assessment of the request AND/OR APPLICATION so as to promote a more expeditious action on requests. THE RECEIVING OFFICER OR EMPLOYEE SHALL IMMEDIATELY NOTIFY THE APPLICANT OR THE REQUESTING PARTY OF ANY DEFICIENCY IN THE ACCOMPANYING REQUIREMENTS AS ENUMERATED IN

THE CITIZEN'S CHARTER PROVIDED, THAT THE APPLICANT OR THE REQUESTING PARTY SHALL BE LIMITED TO SUBMITTING ONLY THE REQUIREMENTS PROVIDED IN THE CITIZEN'S CHARTER IN THE PROCESSING OF AN APPLICATION OR REQUEST.

- (4) THE RECEIVING OFFICER OR EMPLOYEE SHALL ASSIGN A UNIQUE IDENTIFICATION NUMBER TO A REQUEST AND/OR APPLICATION, WHICH SHALL BECOME THE IDENTIFYING NUMBER FOR ALL SUBSEQUENT TRANSACTIONS BETWEEN THE GOVERNMENT AND THE APPLICANT AND/OR REQUESTING PARTY, WITH RESPECT TO SUCH SPECIFIC REQUEST OR APPLICATION.

(b) Action of Offices –

- (1) All applications and/or requests submitted shall be acted upon by the assigned officer or employee WITHIN THE PRESCRIBED PROCESSING TIME [during the period] stated in the Citizen's Charter which shall not be longer than [five] THREE (3) working days in the case of simple transactions and [ten (10)] SEVEN (7) working days in the case of complex transactions from the date the request AND/or COMPLETE application was received. Depending on the nature of the frontline services requested or the mandate of the office or agency under unusual circumstances, the maximum time prescribed above may be extended ONLY ONCE FOR THE SAME NUMBER OF DAYS. For the extension due to nature of frontline services or the mandate of the office or agency concerned the period for the delivery of frontline services shall be indicated in the Citizen's Charter. The office or agency concerned shall notify the requesting party PRIOR TO THE LAPSE OF THE PROCESSING TIME in writing of the reason for the extension and the final date of release for the extension and the final date of release of the frontline service/s requested. THE NOTIFICATION REQUESTING FOR EXTENSION SHALL HAVE PROOF OF RECEIPT OR ACKNOWLEDGEMENT IN WRITING FROM THE CLIENT.

- (2) No application or request shall be returned to the client without appropriate



action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the client [within five working days from the receipt of the request and/or application] WITHIN THE PRESCRIBED PROCESSING TIME, stating therein the reason for the disapproval [including a list of specific requirement/s which the client failed to submit].

- (c) Denial of Request for Access to Government Service - Any denial of request for access to government service shall be fully explained in writing, stating the name of the person making the denial and the grounds upon which such denial is based. Any denial of request is deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned.
- (d) Limitation of Signatories - The number of signatories in any document shall be limited to a maximum of [five] THREE (3) signatures which shall represent officers directly supervising the office or agency concerned. PROVIDED, THAT IN CASE THE AUTHORIZED SIGNATORY IS ON OFFICIAL BUSINESS OR OFFICIAL LEAVE, AN ALTERNATE SHALL BE DESIGNATED AS SIGNATORY. ELECTRONIC SIGNATURES OR PRE-SIGNED PERMIT, LICENSE, OR CERTIFICATION WITH ADEQUATE SECURITY AND CONTROL MECHANISM MAY BE USED.
- (E) ALL GOVERNMENT AGENCIES COVERED UNDER SECTION 3 OF THIS ACT SHALL, WHEN APPLICABLE, DEVELOP ELECTRONIC VERSIONS OF LICENSES, CLEARANCES AND/OR PERMITS WITH THE SAME LEVEL OF AUTHORITY, WHICH MAY BE PRINTED BY BUSINESSES IN THE CONVENIENCE OF THEIR OFFICES.
- [e)] (F) Adoption of Working Schedules to Serve Clients - Heads of offices and agencies which render frontline services shall adopt appropriate working schedules to ensure that all clients who are within their premises prior to the end of official working hours are attended to and served even during lunch break and after regular working hours.
- [f)] (G) Identification Card - All employees transacting with the public shall be provided with an official identification card which should be visibly worn during office hours.

[(g)] (H) Establishment of Public Assistance/Complaints Desk - Each office or agency shall establish a public assistance/complaints desk in all their offices.

**SEC. 9. Automatic APPROVAL AND/OR Extension of Permits and Licenses.** – IF A GOVERNMENT OFFICE OR AGENCY FAILS TO APPROVE OR DISAPPROVE AN ORIGINAL APPLICATION FOR ISSUANCE OF PERMIT, LICENSE OR CERTIFICATION WITHIN THE PRESCRIBED PROCESSING TIME, SAID APPLICATION SHALL BE DEEMED APPROVED. PROVIDED, THAT ALL REQUIRED DOCUMENTS HAVE BEEN SUBMITTED AND ALL REQUIRED FEES AND CHARGES HAVE BEEN PAID. THE ACKNOWLEDGEMENT RECEIPT ISSUED TO THE APPLICANT OR REQUESTING PARTY SHALL BE ENOUGH PROOF OR HAS THE SAME FORCE AND EFFECT OF A LICENSE, PERMIT OR CERTIFICATION UNDER THIS AUTOMATIC APPROVAL MECHANISM.

If a government office or agency fails to act on an application and/or request for renewal of a license, permit, CERTIFICATION or authority subject for renewal within the prescribed [period] PROCESSING TIME, said permit, license, CERTIFICATION or authority shall automatically be extended [until a decision or resolution is rendered on the application for renewal]: Provided, That the automatic APPROVAL AND extension shall not apply when the permit, license, CERTIFICATION or authority covers activities which pose danger to public health, public safety, public morals or to public policy AND/OR HIGHLY TECHNICAL APPLICATIONS including, but not limited to, natural resource extraction activities. PROVIDED FURTHER, THAT THE PROCESSING TIME FOR REQUESTS AND OR APPLICATIONS WHICH POSE DANGER TO PUBLIC HEALTH, PUBLIC SAFETY, PUBLIC MORALS, PUBLIC POLICY AND/OR HIGHLY TECHNICAL APPLICATIONS SHALL BE ACTED UPON WITHIN THIRTY (30) WORKING DAYS, AND MAY BE EXTENDED ONLY ONCE FOR ANOTHER THIRTY (30) WORKING DAYS, UPON DUE NOTICE TO THE REQUESTING PARTY OR THE APPLICANT PRIOR TO THE LAPSE OF THE INITIAL PROCESSING TIME. PROVIDED FINALLY, THAT THE CIVIL SERVICE COMMISSION, DEPARTMENT OF TRADE AND INDUSTRY AND THE OTHER AGENCIES WHICH SHALL FORMULATE THE IMPLEMENTING RULES AND REGULATIONS OF THIS ACT SHALL PROVIDE A LISTING OF ACTIVITIES WHICH POSE DANGER TO PUBLIC HEALTH, PUBLIC SAFETY, PUBLIC MORALS OR TO PUBLIC

POLICY AND/OR HIGHLY TECHNICAL APPLICATIONS.

**SEC. 10. STREAMLINED PROCEDURES FOR THE ISSUANCE OF LOCAL BUSINESS PERMITS.** – LOCAL GOVERNMENT UNITS ARE MANDATED TO IMPLEMENT THE FOLLOWING REVISED GUIDELINES IN THE ISSUANCE OF BUSINESS PERMITS AND LICENSES:

- (A) A SINGLE OR UNIFIED BUSINESS APPLICATION FORM SHALL BE USED IN PROCESSING NEW APPLICATIONS FOR BUSINESS PERMITS AND BUSINESS RENEWALS WHICH CONSOLIDATES ALL THE INFORMATION OF THE APPLICANT BY VARIOUS LOCAL GOVERNMENT DEPARTMENTS, SUCH AS BUT NOT LIMITED TO, THE LOCAL TAXES AND CLEARANCES, BUILDING CLEARANCE, SANITARY PERMIT, ZONING CLEARANCE, AND OTHER SPECIFIC LOCAL GOVERNMENT UNIT REQUIREMENTS AS THE CASE MAY BE, INCLUDING THE FIRE CLEARANCE FROM THE BUREAU OF FIRE PROTECTION. THE UNIFIED FORM SHALL BE MADE AVAILABLE ONLINE USING TECHNOLOGY-NEUTRAL PLATFORMS SUCH AS, BUT NOT LIMITED TO, THE CENTRAL BUSINESS PORTAL OR THE CITY/MUNICIPALITY'S WEBSITE AND VARIOUS CHANNELS FOR DISSEMINATION.
- (B) A ONE-STOP BUSINESS FACILITATION SERVICE, HEREINAFTER REFERRED TO AS THE BUSINESS ONE STOP SHOP, FOR THE CITY/MUNICIPALITY'S BUSINESS PERMITTING AND LICENSING SYSTEM TO RECEIVE AND PROCESS MANUAL AND/OR ELECTRONIC SUBMISSION OF LICENSE, CLEARANCE AND/OR PERMIT APPLICATIONS SHALL BE ESTABLISHED. THERE SHALL BE A QUEUING MECHANISM IN THE BUSINESS ONE STOP SHOP TO BETTER MANAGE FLOW OF APPLICATIONS AMONG THE LOCAL GOVERNMENT UNITS' DEPARTMENTS RECEIVING AND PROCESSING APPLICATIONS, INCLUDING THE BUREAU OF FIRE PROTECTION.
- (C) CITIES/MUNICIPALITIES SHALL, AS FAR AS PRACTICABLE, AUTOMATE THEIR BUSINESS PERMITTING AND LICENSING SYSTEM OR SET UP AN ELECTRONIC-BUSINESS ONE STOP SHOP WITHIN A PERIOD OF ONE (1) YEAR UPON THE EFFECTIVITY OF THIS ACT FOR A MORE

EFFICIENT BUSINESS REGISTRATION. CITIES/MUNICIPALITIES WITH ELECTRONIC- BUSINESS ONE STOP SHOP SHALL DEVELOP ELECTRONIC VERSIONS OF LICENSES, CLEARANCES AND/OR PERMITS WITH THE SAME LEVEL OF AUTHORITY, WHICH MAY BE PRINTED BY BUSINESSES IN THE CONVENIENCE OF THEIR OFFICES. THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY SHALL MAKE AVAILABLE TO QUALIFIED LOCAL GOVERNMENT UNITS THE SOFTWARE FOR THE COMPUTERIZATION OF THE BUSINESS PERMIT AND LICENSING SYSTEM. THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, AND THE DEPARTMENT OF TRADE AND INDUSTRY SHALL PROVIDE TECHNICAL ASSISTANCE IN THE PLANNING AND IMPLEMENTATION OF A COMPUTERIZED OR SOFTWARE-ENABLED BUSINESS PERMITTING AND LICENSING SYSTEM.

- (D) TO LESSEN THE TRANSACTION REQUIREMENTS, OTHER LOCAL CLEARANCES SUCH AS, BUT NOT LIMITED TO, SANITARY PERMITS, ENVIRONMENTAL AND AGRICULTURAL CLEARANCES SHALL BE ISSUED TOGETHER WITH THE BUSINESS PERMIT.
- (E) BUSINESS PERMITS SHALL BE VALID FOR A PERIOD OF ONE (1) YEAR. THE CITY/ MUNICIPALITY MAY HAVE THE OPTION TO RENEW BUSINESS PERMITS WITHIN THE FIRST MONTH OF THE YEAR OR ON THE ANNIVERSARY DATE OF THE ISSUANCE OF THE BUSINESS PERMIT.

**SEC. 11. STREAMLINED PROCEDURES FOR SECURING FIRE SAFETY CLEARANCE.** – FOR THE ISSUANCE OF THE FIRE SAFETY INSPECTION CERTIFICATE, THE FOLLOWING SHALL BE ADOPTED TO MAKE BUSINESS PERMITTING MORE EFFICIENT:

- (A) ISSUANCE OF FIRE SAFETY CLEARANCE SHALL IN NO CASE BE LONGER THAN FIFTEEN (15) WORKING DAYS;
- (B) FOR NEW BUSINESS PERMIT APPLICATION, THE FIRE SAFETY INSPECTION CERTIFICATE ALREADY ISSUED DURING THE OCCUPANCY PERMIT STAGE SHALL BE SUFFICIENT AS BASIS FOR THE ISSUANCE OF THE FIRE SAFETY INSPECTION CERTIFICATE FOR A BUSINESS

- ENTITY AS A REQUIREMENT FOR THE BUSINESS PERMIT;
- (C) FOR RENEWAL OF BUSINESS PERMIT, THE BUREAU OF FIRE PROTECTION SHALL PRESENT THE FIRE SAFETY INSPECTION CERTIFICATE TO THE CITY/MUNICIPALITY, EITHER THRU THE COPY OF THE FIRE SAFETY INSPECTION CERTIFICATE OR THE NEGATIVE/POSITIVE LIST. PROVIDED, THAT THE BUSINESS ENTITY SHALL INFORM THE BUREAU OF FIRE PROTECTION AND SUBMIT THE NECESSARY DOCUMENTARY REQUIREMENTS IF RENOVATIONS, MODIFICATIONS OR ANY FORM OF ALTERATIONS ARE MADE TO THE ORIGINAL BUILDING STRUCTURE THIRTY (30) DAYS BEFORE THE EXPIRATION OF THE BUSINESS PERMIT;
- (D) IF THE BUREAU OF FIRE PROTECTION FAILS TO FURNISH THE CITY/MUNICIPALITY WITH THE FIRE SAFETY INSPECTION CERTIFICATE OR INFORM THE SAME THRU THE NEGATIVE/POSITIVE LIST, THE BUSINESS ENTITY SHALL BE DEEMED TO HAVE A VALID FIRE SAFETY INSPECTION CERTIFICATE AND THEREFORE, THE BASIS FOR THE RENEWAL OF THE BUSINESS PERMIT;
- (E) THE BUREAU OF FIRE PROTECTION OR ANY OF ITS OFFICIALS OR EMPLOYEES SHALL NOT SELL, OFFER TO SELL, OR RECOMMEND SPECIFIC BRANDS OF FIRE EXTINGUISHERS AND OTHER FIRE SAFETY EQUIPMENT TO ANY APPLICANT OR BUSINESS ENTITY. VIOLATION THEREOF SHALL BE PUNISHABLE BY IMPRISONMENT OF ONE (1) YEAR TO SIX (6) YEARS;
- (F) THE BUREAU OF FIRE PROTECTION SHALL CO-LOCATE WITH THE BUSINESS ONE STOP SHOP OR IN AN APPROPRIATE AREA DESIGNATED BY THE CITY/MUNICIPALITY WITHIN ITS PREMISES TO ASSESS AND COLLECT THE FIRE SAFETY INSPECTION FEES;
- (G) THE BUREAU OF FIRE PROTECTION MAY ENTER INTO AGREEMENTS WITH CITIES/MUNICIPALITIES, ALLOWING THE LATTER TO BE DEPUTIZED AS ASSESSORS AND/OR COLLECTING AGENTS FOR THE FIRE SAFETY INSPECTION FEES; AND
- (H) THE BUREAU OF FIRE PROTECTION MAY DEVELOP AND ADOPT AN ONLINE OR

ELECTRONIC MECHANISM IN ASSESSING FEES, COLLECTING/ACCEPTING PAYMENTS AND SHARING/EXCHANGE OF OTHER RELEVANT DATA ON BUSINESS PERMIT PROCESSING.

THE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 9514, OTHERWISE KNOWN AS THE REVISED FIRE CODE OF THE PHILIPPINES OF 2008, ARE HEREBY AMENDED ACCORDINGLY.

**SEC. 12. CENTRAL BUSINESS PORTAL.** – TO ELIMINATE BUREAUCRATIC RED TAPE, AVERT GRAFT AND CORRUPT PRACTICES AND TO PROMOTE TRANSPARENCY AND SUSTAIN EASE IN DOING BUSINESS, THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY SHALL BE PRIMARILY RESPONSIBLE IN ESTABLISHING, OPERATING AND MAINTAINING, THROUGH THE GOVERNMENT INFRASTRUCTURE, A CLOUD-NATIVE CENTRAL BUSINESS PORTAL OR OTHER SIMILAR TECHNOLOGY, AS THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY MAY PRESCRIBE.

THE CENTRAL BUSINESS PORTAL SHALL SERVE AS A CENTRAL SYSTEM TO RECEIVE APPLICATIONS AND CAPTURE APPLICATION DATA INVOLVING BUSINESS-RELATED TRANSACTIONS, IN PARTICULAR, BUSINESS PERMITS AND LICENSES ISSUED BY THE LOCAL GOVERNMENT UNITS, PROVIDED THAT THE CENTRAL BUSINESS PORTAL MAY ALSO PROVIDE LINKS TO THE ONLINE REGISTRATION OR APPLICATION SYSTEMS ESTABLISHED BY NATIONAL GOVERNMENT AGENCIES.

THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, UPON CONSULTATION WITH THE DATA PRIVACY COMMISSION, LOCAL GOVERNMENT UNITS AND OTHER NATIONAL GOVERNMENT AGENCIES SHALL ISSUE RULES AND GUIDELINES ON THE FOLLOWING: (A) THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF THE CENTRAL BUSINESS PORTAL; AND (B) THE USE OF ELECTRONIC SIGNATURES.

**SEC. 13. PHILIPPINE BUSINESS DATABANK.** – THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY SHALL ESTABLISH A PHILIPPINE BUSINESS DATABANK WHICH SHALL PROVIDE CONCERNED NATIONAL GOVERNMENT AGENCIES AND LOCAL GOVERNMENT UNITS ACCESS TO DATA AND INFORMA-

TION OF REGISTERED BUSINESS ENTITIES FOR PURPOSES OF VERIFYING THE VALIDITY, EXISTENCE AND OTHER INFORMATION RELEVANT TO BUSINESS ENTITIES.

THE CONCERNED NATIONAL GOVERNMENT AGENCIES AND ALL LOCAL GOVERNMENT UNITS SHALL EITHER LINK THEIR OWN DATABASE WITH THE SYSTEM OR PERIODICALLY SUBMIT TO THE SYSTEM UPDATES RELATIVE TO THE INFORMATION REGISTERED WITH THEM. THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY SHALL PRIMARILY BE RESPONSIBLE FOR DEVELOPING, MANAGING OPERATING AND MAINTAINING THE PHILIPPINE BUSINESS DATABANK.

THE DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, IN CONSULTATION WITH THE DATA PRIVACY COMMISSION, AND OTHER CONCERNED AGENCIES, SHALL ISSUE THE IMPLEMENTING RULES AND REGULATION ON THE DEVELOPMENT, MANAGEMENT, OPERATION AND MAINTENANCE OF THE PBD WITHIN THREE (3) MONTHS FROM THE EFFECTIVITY OF THIS ACT.

SUBMISSION OF DOCUMENTS ALREADY PROVIDED BY AN APPLICANT TO AN AGENCY WITH ACCESS TO THE PHILIPPINE BUSINESS DATABANK SHALL NO LONGER BE REQUIRED BY OTHER AGENCIES HAVING SIMILAR ACCESS. THE CONCERNED AGENCY SHALL CROSSCHECK AND RETRIEVE THE REQUIRED INFORMATION OR DOCUMENT IN THE PHILIPPINE BUSINESS REGISTRY DATABANK.

AT THE LOCAL GOVERNMENT LEVEL, THE CITY OR MUNICIPAL BUSINESS PROCESS AND LICENSING OFFICE SHALL NOT REQUIRE THE SAME DOCUMENTS ALREADY PROVIDED BY THE APPLICANT TO THE LOCAL GOVERNMENT DEPARTMENTS IN CONNECTION WITH OTHER BUSINESS-RELATED LICENSES, CLEARANCES OR PERMITS SUCH AS, BUT NOT LIMITED TO, TAX CLEARANCE, OCCUPANCY PERMIT AND BARANGAY CLEARANCE.

**SEC. 14. CIVIL SERVICE COMMISSION.** – THE CIVIL SERVICE COMMISSION, ASIDE FROM ITS POWERS TO HEAR AND DECIDE ON COMPLAINTS ON ERRING GOVERNMENT EMPLOYEES OR OFFICIALS AND NON-COMPLIANCE ON THE PROVISIONS OF THIS ACT, SHALL MONITOR THE PERFORMANCE OF FRONTLINE SERVICES, DEVELOP AND

MAINTAIN FEEDBACK MECHANISM, RECOMMEND IMPROVEMENT IN PROBLEM AREAS AND INEFFICIENCIES IN FRONTLINE SERVICES, AND PROVIDE INCENTIVES FOR EXCELLENT DELIVERY OF SERVICES IN ALL GOVERNMENT AGENCIES THROUGH ITS INTEGRATED ANTI-RED TAPE ACT PROGRAM.

**SEC. 15. BUSINESS ANTI-RED TAPE AND COMPETITIVENESS BUREAU.** – THE COMPETITIVENESS BUREAU UNDER THE EASE OF DOING BUSINESS GROUP OF THE DEPARTMENT OF TRADE AND INDUSTRY IS HEREBY RENAMED AS THE BUSINESS ANTI-RED TAPE AND COMPETITIVENESS BUREAU, HEREIN REFERRED TO AS THE BUREAU, TO BE HEADED BY A BUREAU DIRECTOR. IN ADDITION TO ITS EXISTING POWERS AND FUNCTIONS, THE BUREAU SHALL:

- (A) COMPLEMENT THE FUNCTIONS OF THE CIVIL SERVICE COMMISSION BY MONITORING THE COMPLIANCE OF FRONTLINE AGENCIES DELIVERING BUSINESS-RELATED TRANSACTIONS AS DEFINED UNDER THIS ACT;
- (B) RECEIVE COMPLAINTS FOR VIOLATIONS OF THIS ACT AND REFER THE SAME TO THE CIVIL SERVICE COMMISSION;
- (C) ASSIST COMPLAINANTS IN FILING NECESSARY CASES WITH THE CIVIL SERVICE COMMISSION, THE OMBUDSMAN AND OTHER APPROPRIATE COURTS, AS THE CASE MAY BE;
- (D) RECOMMEND POLICIES, PROCESSES AND SYSTEMS TO IMPROVE REGULATORY MANAGEMENT TO INCREASE THE PRODUCTIVITY, EFFICIENCY, AND EFFECTIVENESS OF BUSINESS PERMITTING AND LICENSING AGENCIES;
- (E) CONDUCT REGULATORY MANAGEMENT TRAINING PROGRAMS TO CAPACITATE NATIONAL GOVERNMENT AGENCIES AND LOCAL GOVERNMENT UNITS TO COMPLY WITH SOUND REGULATORY MANAGEMENT PRACTICES;
- (F) PREPARE, IN CONSULTATION WITH THE CIVIL SERVICE COMMISSION, REGULATORY MANAGEMENT MANUALS FOR ALL GOVERNMENT AGENCIES AND/OR INSTRUMENTALITIES AND LGUS;
- (G) PROVIDE TECHNICAL ASSISTANCE, ADVISORY OPINIONS IN THE REVIEW OF PROPOSED NATIONAL OR LOCAL LEGISLATION, REGULATIONS OR PROCEDURES;

- (H) ENSURE THE DISSEMINATION OF AND PUBLIC ACCESS TO INFORMATION ON REGULATORY MANAGEMENT SYSTEM AND CHANGES IN LAWS AND REGULATIONS RELEVANT TO THE PUBLIC BY ESTABLISHING THE PHILIPPINE BUSINESS REGULATIONS INFORMATION SYSTEM;
- (I) ENLIST THE TECHNICAL ASSISTANCE OF THE CIVIL SERVICE COMMISSION AND OTHER GOVERNMENT AGENCIES IN THE IMPLEMENTATION OF ITS POWERS AND FUNCTIONS PROVIDED FOR IN THIS ACT; AND
- (J) GENERALLY PERFORM SUCH ACTS AS MAY BE NECESSARY TO ATTAIN THE OBJECTIVES OF THIS ACT.

THE SECRETARY OF THE DEPARTMENT OF TRADE AND INDUSTRY IN CONSULTATION WITH THE CIVIL SERVICE COMMISSION AND THE DEPARTMENT OF BUDGET AND MANAGEMENT, SHALL DETERMINE THE QUALIFICATION STANDARDS, STAFFING PATTERN AND COMPENSATION IN THE REORGANIZATION OF THE BUREAU IN ACCORDANCE WITH EXISTING LAWS, RULES AND REGULATIONS.

**SEC. [10] 16. Report Card Survey.** - All offices and agencies providing frontline services shall be subjected to a Report Card Survey to be initiated by the Civil Service Commission, in coordination with the [Development Academy of the Philippines] BUSINESS ANTI-RED TAPE AND COMPETITIVENESS BUREAU AND THE PHILIPPINE STATISTICS AUTHORITY, which shall be used to obtain feedback on how provisions in the Citizen's Charter AND THE PROVISIONS OF THIS ACT are being followed and how the agency is performing.

The Report Card Survey shall also be used to obtain information and/or estimates of hidden costs incurred by clients to access frontline services which may include, but is not limited to, bribes and payment to fixers.

A feedback mechanism shall be established in all agencies covered by this Act and the results thereof shall be incorporated in their annual report.

**SEC. [11] 17. Violations.** - After compliance with the substantive and procedural due process, the following shall constitute violations of this Act together with their corresponding penalties:

- (a) Light Offense - (1) Refusal to accept application and/or request within the

prescribed period or any document being submitted by a client;

- (2) Failure to act on an application and/or request or failure to refer back to the client a request which cannot be acted upon due to lack of requirement/s within the prescribed period;
- (3) Failure to attend to clients who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch;
- (4) Failure to render frontline services within the prescribed period on any application and/or request without due cause;
- (5) Failure to give the client a written notice on the disapproval of an application or request; and
- (6) Imposition of additional irrelevant requirements other than those listed in the [first notice] CITIZEN'S CHARTER.

Penalties for light offense shall be as follows:

First Offense - Thirty (30) days suspension without pay and mandatory attendance in Values Orientation Program;

Second Offense – [Three (3)] SIX (6) months suspension without pay; and

Third Offense – ONE (1) YEAR TO SIX (6) YEARS IMPRISONMENT, Dismissal and perpetual disqualification from public service, AND FORFEITURE OF RETIREMENT BENEFITS.

- (b) Grave Offense - Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage.

Penalty - Dismissal and perpetual disqualification from public service.

**SEC. [12] 18. Criminal Liability [for Fixers].** - In addition to Sec. 11 (b), fixers, as defined in this Act, shall suffer the penalty of imprisonment not exceeding six years [or] AND a fine not less than Twenty Thousand Pesos (P20,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00) or both fine and imprisonment at the discretion of the court.

CRIMINAL LIABILITY WILL ALSO ATTACH UPON THE COMMISSION OF BRIBERY, EXTORTION, OR ONCE THE VIOLATION WAS DONE DELIBERATELY AND MALICIOUSLY WITH THE PURPOSE OF HARASSING THE APPLICANT AND/OR TO SOLICIT FAVOR IN



CASH OR IN KIND. IN SUCH CASE, THE REVISED PENAL CODE AND SUCH OTHER APPLICABLE PENAL LAWS SHALL APPLY.

**SEC. [13] 19. Civil and Criminal Liability, Not Barred.** - The finding of administrative liability under this Act shall not be a bar to the filing of criminal, civil or other related charges under existing laws arising from the same act or omission as herein enumerated.

**SEC. [14] 20. Administrative Jurisdiction.** - The administrative jurisdiction on any violation of the provisions of this Act shall be vested in either the Civil Service Commission (CSC), [the Presidential Anti-Graft Commission (PAGC)] or the Office of the Ombudsman as determined by appropriate laws and issuances.

**SEC. [15] 21. Immunity; Discharge of Co-Respondent/Accused to be a Witness.** - Any public official or employee or any person having been charged with another under this Act and who voluntarily gives information pertaining to an investigation or who willingly testifies therefore, shall be exempt from prosecution in the case/s where his/her information and testimony are given. The discharge may be granted and directed by the investigating body or court upon the application or petition of any of the respondent/accused-informant and before the termination of the investigation: Provided, That:

- (a) There is absolute necessity for the testimony of the respondent/accused-informant whose discharge is requested;
- (b) There is no other direct evidence available for the proper prosecution of the offense committed, except the testimony of said respondent/accused-informant;
- (c) The testimony of said respondent/accused-informant can be substantially corroborated in its material points;
- (d) The respondent/accused-informant has not been previously convicted of a crime involving moral turpitude; and
- (e) Said respondent/accused-informant does not appear to be the most guilty.

Evidence adduced in support of the discharge shall automatically form part of the records of the investigation. Should the investigating body or court deny the motion or request for discharge as a witness, his/her sworn statement shall be inadmissible as evidence.

**SEC. 22. TRANSITION FROM MANUAL TO SOFTWARE-ENABLED BUSINESS REGISTRATION.** - THE DEPARTMENT OF

INFORMATION AND COMMUNICATIONS TECHNOLOGY, IN COORDINATION WITH OTHER CONCERNED AGENCIES, SHALL WITHIN ONE (1) YEAR AFTER THE EFFECTIVITY OF THIS ACT DEVELOP THE NECESSARY SOFTWARE AND TECHNOLOGY-NEUTRAL PLATFORMS AND SECURED INFRASTRUCTURE FOR THE IMPLEMENTATION OF THIS ACT.

**SEC. 23. TRANSITORY PROVISION.** - ALL BUSINESS REGULATORY MANAGEMENT PROGRAMS AND BUSINESS-RELATED ANTI-RED TAPE INITIATIVES ACROSS GOVERNMENT AGENCIES SHALL BE GATHERED BY THE BUREAU. THE DEPARTMENT OF TRADE AND INDUSTRY, THE NATIONAL COMPETITIVENESS COUNCIL, DEPARTMENT OF FINANCE, THE DEVELOPMENT ACADEMY OF THE PHILIPPINES, AND THE NATIONAL ECONOMIC DEVELOPMENT AUTHORITY SHALL SUBMIT TO THE BUREAU A REPORT ON THE STATUS OF THEIR RESPECTIVE PROJECTS RELATED TO BUSINESS REGULATORY MANAGEMENT.

**SEC. 24. APPROPRIATIONS.** — THE AMOUNT OF TWENTY MILLION PESOS (P20,000,000.00) AS ADDITIONAL FUNDING FOR THE BUREAU TO BE CHARGED AGAINST THE UNEXPENDED CONTINGENCY FUNDS OF THE OFFICE OF THE PRESIDENT IS HEREBY APPROPRIATED. THEREAFTER, THE AMOUNT NEEDED FOR THE OPERATION AND MAINTENANCE OF THE BUREAU SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

**SEC. [16] 25. Implementing Rules and Regulations.** - The Civil Service Commission in coordination with the DEPARTMENT OF TRADE AND INDUSTRY, DEPARTMENT OF INFORMATION AND COMMUNICATIONS TECHNOLOGY, THE [Development Academy of the Philippines (DAP)] PHILIPPINE STATISTICS AUTHORITY, AND the Office of the Ombudsman [and the Presidential Anti-Graft Commission (PAGC)], shall promulgate the necessary rules and regulations within ninety (90) days from the effectivity of this Act.

**SEC. [17] 26. Separability Clause.** - If any provision of this Act shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions of this Act.

**SEC. [18] 27. Repealing Clause.** - All provisions of laws, presidential decrees, letters of instruction and other presidential issuances which are incompatible or inconsistent with the

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provisions of this Act are hereby deemed amended or repealed.

**SEC. [19] 28. Effectivity.** - This Act shall take effect within fifteen (15) days following its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Senator Zubiri stated that at the proper time, he would move for the approval of his amendment by substitution without prejudice to answering questions and entertaining individual amendments from the Members

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1311**

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

#### **COMMITTEE REPORT NO. 57 ON SENATE BILL NO. 1397**

*(Continuation)*

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1397 (Committee Report No. 57), entitled

AN ACT PENALIZING AND PREVENTING THE USE OF MOTORCYCLES OR SCOOTERS IN THE COMMISSION OF CRIMES THROUGH THE USE OF BIGGER PLATE NUMBERS AND IDENTIFICATION MARKS, REGULATION OF BACKRIDERS AND FOR OTHER PURPOSES.

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

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

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

Senator Gordon recalled that during the previous session, he expressed willingness to incorporate the issues raised during the interpellations as amendments to the bill during the period of amendments. He said he would submit the amended version of the bill unless there are still interpellations to be made by Senator Drilon.

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 6:19 p.m.*

#### **RESUMPTION OF SESSION**

At 6:21 p.m., the session was resumed.

#### **TERMINATION OF THE PERIOD OF INTERPELLATIONS**

Upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations on Senate Bill No. 1397.

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

Senator Gordon stated that a copy of the amendments was already provided to the staff of Senator Drilon and that the bill would be retitled "AN ACT PREVENTING AND PENALIZING THE USE OF MOTORCYCLES IN THE COMMISSION OF CRIMES THROUGH VISIBLE PLATE NUMBERS AND IDENTIFICATION MARKS AND FOR OTHER PURPOSES."

#### **SUSPENSION OF SESSION**

Upon motion of Senator Sotto, the session was suspended.

*It was 6:23 p.m.*

#### **RESUMPTION OF SESSION**

At 6:23 p.m., the session was resumed.

#### **SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1397**

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

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

In the interest of making the proceedings orderly and to allow the Members to read his amendments well, Senator Gordon stated that he would submit a line by line amendment of the bill.

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Senate President Pro Tempore Recto noted Senator Gordon's manifestation.

#### SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

*It was 6:23 p.m.*

#### RESUMPTION OF SESSION

At 6:25 p.m., the session was resumed.

#### ADJOURNMENT OF SESSION

Upon motion of Senator Sotto, there being no

objection, the Chair declared the session adjourned until three o'clock in the afternoon of the following day.

*It was 6:26 p.m.*

I hereby certify to the correctness of the foregoing.

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


Approved on May 23, 2017