



REPUBLIC OF THE PHILIPPINES
Senate
Pasay City

Journal

SESSION NO. 80
Wednesday, May 10, 2017

**SEVENTEENTH CONGRESS
FIRST REGULAR SESSION**

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CALL TO ORDER

At 3:17 p.m., the Senate President, Hon. Aquilino "Koko" Pimentel III, called the session to order.

PRAYER

Sen. Gregorio B. Honasan led the prayer, to wit:

Father Almighty,

Thank you for yesterday, today, and with Your grace the chance to work, pray and serve our country and our people, tomorrow.

Unite us in faith and purpose, that we may look beyond the present and build institutions for as far into the future as we can imagine.

Teach us to harness the power of technology and information for unity, lasting peace, justice and prosperity; that we may build rather than destroy lives, liberties, property and hard-earned reputations; all for the greater good.

All these we ask for the sake of our children, grandchildren and all we hold dear.

Amen.

ROLL CALL

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

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

With 18 senators present, the Chair declared the presence of a quorum.

Senators Pacquiao, Poe and Recto arrived after the roll call.

Senator Cayetano was in Geneva, Switzerland as co-head of the Philippine delegation for the country's Universal Periodic Review at the United Nations Office of the High Commissioner on Human Rights (UN-OHCR) and its associated preliminary side event.

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Senator Legarda was on medical leave as indicated in the May 8, 2017 letter of the Senator's chief legal officer.

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. 79 (May 9, 2017) and considered it approved.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

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

- Patrick Elliott and Arifa Sinja from the International Federation of Red Cross and Red Crescent Societies (IFRC);
- Jason Salvador from the Ateneo School of Government (ASOG);
- Dr. Ronald Quintana from the World Health Organization;
- Cynthia Reyes from the Automobile Association of the Philippines;
- Atty. Mary Grace Anne Rosales Sto. Domingo;
- Engr. Emer Rojas, president of New Vois Association of the Philippines;
- Attys. Carl Marx L. Carumba and Mellisa Jane Cumapay from the Initiatives for Dialogue and Empowerment through Alternative Legal Services (IDEALS), Inc.; and
- Assistant Professor Judith Castro and third year English Major Sheila Gabe from the University of Santo Tomas.

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:

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Letter from the House of Representatives, informing the Senate that on 2 May 2017, the House of Representatives passed House Bill No. 5240, entitled

AN ACT INSTITUTING A NATIONAL LAND USE AND MANAGEMENT POLICY, PROVIDING THE IMPLEMENTING MECHANISMS, AND APPROPRIATING FUNDS THEREFOR,

in which it requested the concurrence of the Senate.

To the Committees on Environment and Natural Resources; Urban Planning, Housing And Resettlement; And Finance

BILLS ON FIRST READING

Senate Bill No. 1440, entitled

AN ACT CREATING THE PHILIPPINE AIRPORTS AUTHORITY, DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Grace Poe

To the Committees on Government Corporations and Public Enterprises; Public Services; Ways and Means; and Finance

Senate Bill No. 1441, entitled

AN ACT FURTHER AMENDING COMMONWEALTH ACT NO. 146 OR THE PUBLIC SERVICE ACT, AS AMENDED

Introduced by Senator Grace Poe

To the Committees on Public Services; and Finance

Senate Bill No. 1442, entitled

AN ACT STRENGTHENING THE CIVIL

AVIATION AUTHORITY OF THE PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9497, OTHERWISE KNOWN AS CIVIL AVIATION AUTHORITY ACT OF 2008

Introduced by Senator Grace Poe

To the Committee on Public Services

Senate Bill No. 1443, entitled

AN ACT ESTABLISHING A FARM SCHOOL IN EVERY TOWN IN THE COUNTRY AND PROVIDE AGRICULTURAL SCHOLARSHIP FUNDS AS PART OF THE TECHNICAL-VOCATIONAL TRAINING FUNDS OF THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY, AND FOR OTHER PURPOSES

Introduced by Senator Cynthia A. Villar

To the Committees on Education, Arts and Culture; Agriculture and Food; and Finance

RESOLUTION

Proposed Senate Resolution No. 369, entitled

RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED CRASHES OF UH-1D COMBAT HELICOPTERS FROM THE ALLEGED ANOMALOUS P1.25 BILLION PROCUREMENT MADE BY THE DEPARTMENT OF NATIONAL DEFENSE (DND) UNDER THE ARMED FORCES OF THE PHILIPPINES (AFP) MODERNIZATION PROGRAM WITH END VIEW OF CRAFTING MEASURES TO ENHANCE THE PROCUREMENT PROCESS AND ENSURE THE ACQUISITION OF MODERN MILITARY EQUIPMENT FOR THE AFP

Introduced by Senator Joseph Victor Ejercito

To the Committees on Accountability of Public Officers and Investigations; National Defense and Security; and Finance

COMMITTEE REPORT

Committee Report No. 61, prepared and submitted jointly by the Committees on Environment and Natural Resources; Finance; and Tourism, on Senate Bill No. 1444, with Senators Legarda, Cynthia A. Villar, Escudero and Maria Lourdes Nancy S. Binay as authors thereof, entitled

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,

recommending its approval in substitution of Senate Bill Nos. 32, 148, 748 and 1214.

Sponsor: Senator Cynthia A. Villar

To the Calendar for Ordinary Business

ADDITIONAL REFERENCE OF BUSINESS

BILLS ON FIRST READING

Senate Bill No. 1445, entitled

AN ACT CREATING THE DEPARTMENT OF OVERSEAS FILIPINO WORKERS, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Introduced by Senator Aquilino "Koko" Pimentel III

To the Committees on Labor, Employment and Human Resources Development; Foreign Relations; and Finance

Senate Bill No. 1446, entitled

AN ACT INCREASING THE PENALTY

1433
P 88

**OF OVERLOADING OF PASSENGER
IN PUBLIC UTILITY VEHICLES AND
CERTAIN TYPES OF VEHICLES
AND OTHER PURPOSES**

Introduced by Senator Joseph Victor Ejercito

To the Committee on Public Services

Senate Bill No. 1447, entitled

**AN ACT PROVIDING FOR THE
SPECIAL PROTECTION OF CHILD
PASSENGERS IN MOTOR VEHICLES
AND PROVIDING APPROPRIA-
TIONS THEREOF**

Introduced by Senator Joseph Victor Ejercito

**To the Committees on Women, Children,
Family Relations and Gender Equality; Public
Services; and Finance**

RESOLUTION

Proposed Senate Resolution No. 370, entitled

**RESOLUTION DIRECTING THE APPRO-
PRIATE SENATE COMMITTEE TO
CONDUCT AN INQUIRY, IN AID
OF LEGISLATION, INTO THE
RECENT BOMBINGS IN METRO
MANILA, WITH THE END IN VIEW
OF INSTITUTING LEGISLATIVE
MEASURES TO HEIGHTEN THE
CAPACITY OF CONCERNED
GOVERNMENT AGENCIES TO
ENSURE PUBLIC HEALTH, ORDER,
SAFETY AND SECURITY**

Introduced by Senator Leila M. de Lima

**To the Committee on Public Order and
Dangerous Drugs**

CHANGE OF REFERRAL

With the concurrence of Senator Sotto, upon motion of Senator Escudero, there being no objection, the Chair approved the change of referral of Senate Bill No. 1443 (Farm School and Agriculture Training Scholarship Act of 2017) to the Committee on Agriculture and Food as the primary committee, and

to the Committee on Education, Arts and Culture, and Committee on Finance as the secondary committees.

**PRIVILEGE SPEECH
OF SENATOR EJERCITO**

Availing himself of the privilege hour, Senator Ejercito sought the passage of three bills—Senate Bill Nos. 1446, 1447 and 1375—to prevent accidents on air, land and marine transportation, strengthen road safety laws being implemented in the country, criminalize passenger overloading, and ensure the safety of children ages 0 to 12 years during non-crash events.

The full text of his speech follows:

SEATS THAT SAVE LIVES

In celebration of the 4th UN Global Road Safety Week, I would like to present to this august chamber the Philippines' current status in the global stage in terms of road safety, and some policies we are pushing in order to help reduce fatal accidents and make roads safer for Filipinos.

Road safety issues gravely concern me as Health Committee chairman and Public Services vice chairperson because it is both a public health and transportation problem. I am sure Senator Grace Poe, who is the Chairperson of Public Services Committee and my ever supportive partner in pushing for reforms in infrastructure and transport sector, is also concerned of these.

The Department of Health has reported that road accidents are the fourth leading cause of deaths in the country. In Metro Manila alone, one person is killed by a road crash every 17 hours. This means that an average of 43 Filipinos die every month, and at least 509 people die every year due to road accidents. What is very unfortunate in these data is that children are the most vulnerable to road fatalities since it is the 2nd leading cause of death of children ages 0-17 years, next to drowning.

The World Health Organization, in its Global Status Report on Road Safety 2015, also reported that 53% of reported road traffic fatalities in the Philippines are riders of motorized two- or three-wheeler vehicles. Second victims are pedestrians who make up the second biggest chunk of road user deaths at 19%, and third, by drivers of four-wheeled vehicles at 14%, followed by their passengers at 11%. 

This gives us an insight on the unacceptably high number of road traffic crashes that occur in the country. We have to do something about this.

As vice chairperson of the Public Services Committee and a transportation advocate, I have pushed for notable measures on road safety such as the Road Speed Limiter Act of 2016 (Republic Act No. 10916), which requires operators and drivers of public utility vehicles, cargo trucks, and select private vehicles to install speed limiter devices to prevent overspeeding resulting in fatal accidents. At the moment, we are still waiting for the Department of Transportation to draft the implementing rules and regulations (IRR) which is already long overdue, especially with the number of accidents recorded in the past year due to overspeeding.

To handle major accidents involving all types of public utility vehicles or vessels, I have also proposed for the creation of a National Transportation Safety Board (Senate Bill No. 1375) that will engage in the investigation and determination of probable cause of transportation accidents, the issuance of safety recommendations and special studies directed at preventing recurrence of accidents and evaluating the effectiveness of concerned government agencies as well as their policies in preventing transportation accidents.

The NTSB is proposed to be primarily responsible for the analysis, evaluation, and prevention of accidents on air, marine and land transportation including railways and pipeline systems for the effective promotion of riders' safety and to prevent loss of life and property. I am expectant that we would soon pass the creation of the NTSB since I believe Senator Poe also filed a similar bill.

Today, I am proposing two more measures that seek to strengthen our road safety laws and to make traveling secure for Filipinos.

The first measure that I am proposing is the Anti-Overloading Act of 2017 (Senate Bill No. 1446), which seeks to criminalize the overloading of public utility vehicles by amending the penalties as prescribed in the Land Transportation and Traffic Code.

We do not want another freak accident such as what happened in Nueva Ecija last month when an overloaded bus fell into a 100-feet ravine which took the lives of 31 people and injured 46. It is about time that we updated the law because in reality, almost all PUVs have a habit of overloading vehicles at the expense of passengers' comfort and safety.

This is why I am proposing to criminalize overloading and to increase the penalties to P50,000 including suspension of franchise for the first offense; P250,000 including suspension of franchise for the second offense; and P1 million and revocation of franchise for the third offense. In the event that fatalities are involved in an accident, I am proposing that those accountable for the deaths should be subjected to two years and one day up to 6 years of *prisión correccional*.

The second measure that I am proposing is the Child Safety in Motor Vehicles Act of 2017 (Senate Bill No. 1447). While the Philippines has implemented the mandatory use of seat belts to reduce death among drivers and passengers, the said law only protects adults and is not purposely adapted for infants and young children. This lack of a road safety law that specifically target children and infants is what I would want to address. This is why I am seeking to pass the use of Child Restraint Systems for ages 0 to 12 in private vehicles.

Child restraints are specifically designed to protect infants and young children during a collision or a sudden stop by restraining their movement away from the vehicle structure and distributing the forces of a crash over the strongest parts of the body, with minimum damage to the soft tissues.

Child restraints are also effective in reducing injuries that can occur during non-crash events such as a sudden stop, a swerving evasive maneuver, or opening of door during vehicle movement. When correctly installed and used depending on the child's size, height and weight, child restraints are proven to reduce fatal injuries among infants by approximately 70%, and among children aged 1 to 4 years by 54%.

As I propose this, I am thinking of the safety of my children and also of yours.

The Philippines already passed six out of seven interventions related to key risk factors on road safety. These laws are the Land Transportation and Traffic Code (R.A No. 4136), Anti-Drunk and Drugged Driving Act of 2013 (R.A. No. 10586), Motorcycle Helmet Act of 2009 (R.A. No. 10054), Seat Belts Use Act of 1999 (R.A. No. 8750), and the Anti-Distracted Driving Act (R.A. No. 10913). Other supporting road safety laws include Senator Sotto's Children's Safety on Motorcycles Act of 2015 (R.A. No. 10666), which barred children from riding motorcycles along national and provincial highways.

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The only measure left is the Child Restraint Law, which shall seal the deal for us in our effort to promote and ensure road safety for all ages and also in fulfilling the road safety targets as reflected in the newly adopted 2030 Agenda for Sustainable Development.

With this, I am seeking the support of my fellow Senators for the passage of the Anti-Overloading Act of 2017 (Senate Bill No. 1446), the Child Safety in Motor Vehicles Act of 2017 (Senate Bill No. 1447), and also of the creation of the National Transportation Safety Board (Senate Bill No. 1375).

May we all remain safe and secure on the road.

MANIFESTATION OF SENATOR HONTIVEROS

Senator Hontiveros thanked and congratulated Senator Ejercito for highlighting the need for the passage of the Child Safety in Motor Vehicles Act. She said that she also shares Senator Ejercito's concern for setting up health promotion, which is one of the six pillars of a universal health care system, and that as chairperson of the Committee on Women, Children, Family Relations and Gender Equality, she also supports his authorship of the Child Restraints Law.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the speech of Senator Ejercito was referred to the Committee on Public Services.

PRIVILEGE SPEECH OF SENATOR GORDON

Avaling himself of the privilege hour, Senator Gordon stated that his speech would cover three matters of public interest: the celebration of World Red Cross Day, Philippine Red Cross Day and the issue of nuclear weapons in the world at present.

He said that the International Red Cross was founded 154 years ago by five individuals from Switzerland, headed by Henry Dunant, a businessman who mobilized people to care for the many wounded he saw in a battle in Solferino, Italy where he was passing through on his way to see Emperor Napoleon.

Since that time, he said that the International Committee of the Red Cross — which originally had

five members and was designed for humanitarian assistance during war time — has spawned 190 national societies and has given birth to another organization called the "International Federation of Red Cross and Red Crescent Societies."

Senator Gordon explained that even though Emilio Aguinaldo and Apolinario Mabini wanted the Philippines to be part of the Red Cross Movement, the country could not become a member because it was not recognized as a legitimate state at the time. This, he said, was the reason why the Philippines became a national society only on April 15, 1947, following the country's liberation from the Americans.

He said that the Supreme Court considers the Red Cross Movement as a *sui generis*, or a class unto itself, even though there had been attempts to politicize the organization.

Senator Gordon also recalled being the vice chairman of the international congress of the organization which met in Geneva to adopt the Red Crystal as a neutral symbol, aside from the other two emblems called "the Red Cross" and the Red Crescent," patterned after the Palestinian Red Crescent and the Magen David Adom of Israel, so that these two countries, which are constantly at war, would also be part of the system.

He said that other legislators had also served in various key positions in the organization such as Sen. Gerónima Tecson, who chaired the Red Cross before him, Senator Zubiri who is the current vice chairperson, Senator Gatchalian who is a member of the Board of Governors, and Senator Villar who chairs the Las Piñas Red Cross Chapter. He gave assurance that they do not use their politics in the Red Cross by, for instance, handing out relief items, pointing out that, in fact, he had authored Republic Act No. 10072 which removed the word "National" from the name "Philippine National Red Cross" as it might be misinterpreted considering that there is conflict in the country.

Senator Gordon then highlighted several achievements of the Philippine Red Cross which included the acquisition of land and a big warehouse where people could be rallied during floods or disasters as well as a training center which was inaugurated the other day. He also announced the launching of its humanitarian ship, the MV/PRC *Amazing Grace*, which is the most modern vessel in the world and



can sit 120 people, carry 20 ambulances or six rescue trucks, payloaders or amphibians in any disaster. This, he said, was the culmination of a dream that was realized through the funding assistance of the International Federation of the Red Cross and Red Cross Society, as well as the Japanese Red Cross, American Red Cross, German Red Cross and the British Red Cross, which allowed them to buy the \$85 million vessel for \$1.7 million. With the ship, he said that the PRC would have the capability of providing assistance to any part of the country which experiences a plethora of disasters because it can dock on any pier – such as in Bohol, which was badly hit by a major earthquake, or in Tacloban, which was ravaged by Typhoon *Yolanda*.

He thanked the senators who attended the celebration including Senate President Pimentel, Senators Sotto, Binay Gatchalian, Villanueva, Zubiri, Ejercito, Villar, Drilon and Honasan.

In a related matter, Senator Gordon also reported that the PRC, with ambulances all around the country, 26 blood centers and 60 blood collection units, was able to supply 52% of the blood requirements of the country — to almost 3,000 patients in the first quarter of 2017, which he expects to go up to between 10,000 to 11,000 patients. As such, he requested the Senate not to tax the Red Cross for providing blood as it only charges P1,800/bag compared to the P5,000 price of private hospitals.

Senator Gordon also said that the PRC has seven payloaders spread out in the country as well as 10 warehouses and cargo trucks along with medical tents for volunteer teams giving assistance locally and abroad.

Senator Gordon said that in June, the United Nations would conduct negotiations on the issue of prohibiting and eliminating the use of nuclear weapons all over the world. He added that the country had previously ratified and signed agreements of the same essence, including the Non-Proliferation of Nuclear Weapons Agreement.

In the leaders' conference in Nagasaki which he recently attended, Senator Gordon said that they came up with a proposal to eliminate nuclear bombs, the reason why upon his return he immediately filed Proposed Senate Resolution No. 349, entitled "Resolution Expressing the Full Support of the Senate of the Philippines to the International Red Cross and

Red Crescent Movement in Prohibiting and Eliminating Nuclear Weapons at the Global Level."

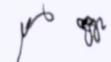
Senator Gordon informed the Body that the first bomb that was dropped in Hiroshima killed 160,000 people, while the second bomb that was dropped in Nagasaki killed 70,000 people. He said that only parts of the buildings remained in Nagasaki, and people were killed either by the blast, heat wave or radiation. He added that it also created diseases which transcended time as some people in Hiroshima and Nagasaki are still sick because of the nuclear fallout.

Senator Gordon stated that the bombing of Hiroshima and Nagasaki is unconscionable and a violation of international humanitarian law because there was no distinction between combatants and civilians. He said that the people who used the weapons should be considered as war criminals. Given all the deplorable effects of a nuclear fallout, like thermal radiation, blast waves, ionization, casualties, radiation and others, he said that people should ensure that such bombs would never be utilized again.

Senator Gordon cited as an example of such catastrophe the testing made in Christmas Island and Bikini Atoll which are inhabitable up to the present. In the recent Fukushima nuclear disaster, he said that the nuclear power center produced radiation that would not allow people near the area for the next 20 to 100 years.

Stressing the importance of associating the country with such endeavors, Senator Gordon expressed hope that the funding for weapons of mass destruction would instead be used to find cure for cancer, diabetes, ways to provide education, and the like. He said that the Red Cross is involved in caring for 125 million people in several countries including Afghanistan, Africa, and Southern Africa where water and food are scarce, even as volunteers are killed or kidnapped in Iraq, Syria and Ukraine.

Senator Gordon stated that one of the greatest fears regarding the possession of nuclear weapons is not the intent or evil in man but accidents. He recalled that in a videotape that was shown in Nagasaki, William Perry, former Secretary of Defense of the US, said that they almost called for appropriate defense measures for a mere video drill put in by a soldier. He also recalled the October missile crisis of



the 1960s when Cuba accepted nuclear missiles from Russia, prompting President Kennedy to warn about the possibility of a nuclear war.

Senator Gordon mentioned some of the countries possessing the 15,000 nuclear weapons in the world, including US, Russia, France, UK, China, India and Pakistan, and he warned of the possibility of terrorists holding nuclear weapons and the capabilities to produce such, putting the world in danger with no capability or cogent plan to handle such catastrophic event.

Senator Gordon urged his colleagues to support the resolution in time for the UN debates in June so that the Philippines would be at the forefront, and to express to the DFA and the President the position of the country. He reiterated that no one should be allowed to possess nuclear weapons as mere negligence, mistake, intent, accident or incompetence could obliterate the world. He also pointed out that the Constitution states that no nuclear weapons shall be allowed in Philippine territory as the country objects to war as an instrument of national policy.

INQUIRY OF THE CHAIR

Asked on what would happen in June, Senator Gordon replied that there would be debates in the United Nations on a treaty that would create a legal standing on the position of prohibition and elimination of nuclear weapons. He hoped that by making that position, the powerful countries of the world would eliminate the use of nuclear weapons.

MANIFESTATION OF SENATOR VILLANUEVA

Senator Villanueva congratulated and commended Senator Gordon for his speech as he associated himself with it. He cited the December 23, 2016 resolution of the United Nations General Assembly on “taking forward multilateral nuclear disarmament negotiations” which states that “additional efforts can and should be pursued to elaborate concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons.” He affirmed that the resolution put forward by Senator Gordon is an effort to ensure that the country upholds its international obligation as a member of the UN and fulfill the constitutional mandate to go against the proliferation of nuclear weapons.

Senator Villanueva reiterated his full support for the resolution and position of Senator Gordon.

MANIFESTATION OF SENATOR HONTIVEROS

Senator Hontiveros likewise expressed her support for the speech of Senator Gordon. Saying that she started her activist life as member of the Nuclear-Free Philippines Coalition, she thanked Senator Gordon for continuing the advocacy in the Senate and that she was looking forward to working with him and supporting him in seeing that the spirit of such advocacy would spread not only in the country but all over the world.

MANIFESTATION OF SENATOR ZUBIRI

Senator Zubiri informed the Body that North Korea would insist on testing another nuclear weapon within a week which makes the resolution quite timely. He proposed to submit the resolution to other countries like China which is very close to North Korea, as the US might be constrained to act with more than just sanctions. He said that an escalation of hostilities between countries possessing nuclear weapons and massive armies would be a worst case scenario.

Senator Zubiri hoped to pass the resolution immediately, and suggested that it be forwarded to the Embassy of China and the US.

In reply, Senator Gordon recalled a talk in Ateneo by Robert Kelly, a political science professor, who said that the great risk posed by North Korea’s missile testing is that the Philippines is in the flight paths of their missiles as one even fell near Batanes at one point. He agreed that the clash between US and North Korea is a very dangerous situation for the world.

He believed that the country’s Red Cross Society and the Senate would be the first to signify support as all the other leaders who attended the meeting in Nagasaki would be doing the same. Reiterating the importance of understanding the measure, he said that as soon as the Body approves the resolution, he would forward it to Geneva and the United Nations. He believed that the resolution would be of great significance to the country’s contribution to peace and tranquility in the world.

REFERRAL OF SPEECH TO COMMITTEE

Upon motion of Senator Sotto, there being no objection, the Chair referred the privilege speech of Senator Gordon and the manifestations thereon to the Committee on Rules.

PROPOSED SENATE RESOLUTION NO. 349

With the consent of the Body, upon motion of Senator Sotto, the Body considered Proposed Senate Resolution No. 349, entitled

RESOLUTION EXPRESSING THE FULL SUPPORT OF THE SENATE OF THE PHILIPPINES TO THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT IN PROHIBITING AND ELIMINATING NUCLEAR WEAPONS AT THE GLOBAL LEVEL.

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

SPONSORSHIP SPEECH OF SENATOR GORDON

Upon motion of Senator Sotto, there being no objection, the privilege speech of Senator Gordon was considered and adopted as the sponsorship speech for Proposed Senate Resolution No. 349.

ADOPTION OF PROPOSED SENATE RESOLUTION NO. 349

Upon motion of Senator Sotto, there being no objection, Proposed Senate Resolution No. 349 was adopted by the Body, subject to style.

PROPOSED SENATE RESOLUTION NO. 365

Upon motion of Senator Sotto, there being no objection, the Body considered Proposed Senate Resolution No. 365, entitled

RESOLUTION RECOGNIZING THE IMPORTANT ROLE OF THE COMMISSION ON HUMAN RIGHTS

ON THE OCCASION OF ITS THIRTIETH FOUNDING ANNIVERSARY ON 5 MAY 2017.

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

SUSPENSION OF SESSION

Upon motion of Senator Sotto, the session was suspended.

It was 4:15 p.m.

RESUMPTION OF SESSION

At 5:07 p.m., the session was resumed.

SUSPENSION OF CONSIDERATION OF PROPOSED SENATE RESOLUTION NO. 365

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

SPECIAL ORDER

Upon motion of Senator Sotto, there being no objection, the Body approved the transfer of Committee Report No. 60 on Senate Bill No. 1439 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 60 ON SENATE BILL NO. 1439

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1439 (Committee Report No. 60), entitled

AN ACT ESTABLISHING THE ENERGY VIRTUAL ONE STOP SHOP FOR THE PURPOSE OF STREAMLINING THE PERMITTING PROCESS OF ENERGY GENERATION PROJECTS.

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

[Signature]

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

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

SPONSORSHIP SPEECH OF SENATOR GATCHALIAN

Senator Gatchalian, on behalf of the Committee on Energy, submitted for plenary consideration Senate Bill No. 1439, otherwise known as the Energy Virtual One Stop Shop Act of 2017, which seeks to address bureaucratic inefficiencies, redundancies, and overlaps, collectively known more commonly as “red tape” in the energy sector.

Following is the full text of Senator Gatchalian’s sponsorship speech:

In a privilege speech I delivered last October I discussed the need to implement comprehensive reforms to build a more robust energy sector. These reforms, embodied in several pieces of legislation targeting diverse issues within the legal and regulatory frameworks of the energy sector, will help us build a stable and sustainable energy supply with savings for the average consumer. Today, it is my pleasure to sponsor on the floor the first of the energy reform bills that has been approved by the Committee on Energy.

Senate Bill No. 1439, otherwise known as the Energy Virtual One Stop Shop Act of 2017, focuses on a problem that is painfully common in all fields of public governance – bureaucratic inefficiencies, redundancies, and overlaps, collectively known more commonly as “red tape.” In the energy sector, red tape is particularly burdensome for power sector investors attempting to get new power plants off the ground. Given that energy generation projects take a tremendous amount of time to develop, additional delays caused by red tape compromise the profitability and sustainability of these projects.

A particularly extreme example is the bureaucratic labyrinth that developers of run-of-river hydro plants have to go through – a tedious permitting process that involves securing at least 359 signatures from 74 regulatory agencies and attached bureaus. They will also have to make sense of 20 different laws governing the entire process as they attempt to accomplish 43 different contracts, certifications, endorsements, and licenses. The whole process is estimated to take around 1,340 days to complete. That is more than three and a half

years! With that in mind, this legislation seeks to break down the walls of this bureaucratic labyrinth by streamlining the permitting process of new energy generation projects, cutting the length of the permitting process into half.

The elimination of red tape in the permitting process will go a long way toward rejuvenating our energy sector. It will remove a formidable barrier to entry that has often discouraged foreign firms from entering the generation market. These foreign firms, with superior financing capabilities and more advanced technology, have the capacity to build cutting-edge power plants that produce energy at lower costs. Their entry into the Philippine power generation industry will infuse greater competition into the system, resulting in a larger energy supply and cheaper generation costs.

This bill, however, will not only benefit prospective power generation developers and other energy industry players. It will also benefit consumers by driving down the cost of electricity through robust competition. Based on my conversations with industry analysts and our own internal research, cutting down red tape could reduce consumer electricity prices by as much as P1 per kWh.

The ordinary household within the Greater Metro Manila Area consumes 200 kilowatt hours per month. Thus, shaving off P1 per kWh would translate into an annual savings of P2,400 for that family. An extra P2,400 can do a lot for a family. That is enough to buy an entire 50-kilogram sack of rice with some extra cash to spend on tuition and supplies for the children, healthcare, and other essentials.

On the macro level, just imagine the overall savings for the entire population each year. P2,400 multiplied by 23 million Filipino households. That amounts to a total consumer savings figure of P55.2 billion per year!

In brief, the greater efficiency under the EVOSS system will result in a welcome bump in disposable income for the average Filipino family. We will be putting a lot of money back where it belongs – in the pockets of Filipino families struggling to pay their basic day to day expenses.

With the economic welfare of the average Filipino family as its driving purpose, the EVOSS Act will mandate the establishment of an online system that allows the single submission and synchronous processing of all required data and information, and provides a single decision-making portal for the evaluation of new power generation projects. The processing of documentary requirements, assessment and payment

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of charges and fees, status updates and progress monitoring, and synchronized permitting approval processes will all be covered through this innovative technology platform. The platform effectively eliminates (1) repetitive form submission, (2) the need to physically transport documents from one agency to another, and (3) existing constraints that prevent multiple agencies from simultaneously processing applications.

EVOSS will be implemented and supervised by the Department of Energy (DOE), while its operations will be determined and monitored by the EVOSS Inter-Agency Technical Working Group (EVOSS IATWG), which will also be chaired by the Office of the President. The Working Group will be accountable for the streamlining of the entire process within six months from the effectivity of this Act. Through the EVOSS, government agencies, instrumentalities, and other public bodies involved in the permitting process of power generation projects will be mandated to follow clear processes within a strict timeframe using published standards. Each and every public body involved in the process will be required to resolve all papers pending before them within a prescribed period of time, and public servants who either refuse or are unable to comply with the timeframe shall be subjected to administrative penalties, ranging from a 30 day suspension without pay to dismissal and perpetual disqualification from public service. In short, say goodbye to long wait times!

Addressing bureaucratic inefficiencies by eliminating red tape is one of the advocacies that inspired me to enter public service almost two decades ago. I spent over a decade streamlining local government services in Valenzuela to deliver better, faster, and more responsive services to Valenzuelanos.

As the chairman of the Committee on Energy, I am proud to introduce a measure that allows me to extend my advocacy to the energy sector – a field that is critical to the long-term growth prospects of our developing nation – but has long been ignored or neglected because of its complexity. It is time to set the energy sector free from the dense expanse of red tape surrounding it. It is way past time for hedge-clipping. It is high time we use the EVOSS Act to set all of that red tape ablaze.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1439

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. 61 on Senate Bill No. 1444 from the Calendar for Ordinary Business to the Calendar for Special Orders.

COMMITTEE REPORT NO. 61 ON SENATE BILL NO. 1444

Upon motion of Senator Sotto, there being no objection, the Body considered, on Second Reading, Senate Bill No. 1444 (Committee Report No. 61), entitled

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.

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, and Senator Binay for her cosponsorship speech.

SPONSORSHIP SPEECH OF SENATOR VILLAR

Senator Villar, on behalf of the Committee on Environment and Natural Resources, submitted for plenary consideration Senate Bill No. 1444, entitled “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,” or the “Expanded NIPAS Act of 2017.” She informed the Body that a similar bill was passed by the Senate during the last Congress but unfortunately, the House of Representatives did not approve it because of some arguments with regard to protected areas in Palawan. She stated that the bill under consideration excluded Palawan because a separate bill for it would be filed.



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

Committee Report No. 61 was prepared and submitted jointly by the Committees on Environment and Natural Resources; Finance; and Tourism. The said committee report is in substitution of Senate Bill No. 32 authored by Sen. Loren Legarda; Senate Bill No. 748 authored by Sen. Francis Escudero; Senate Bill No. 1214 authored by Sen. Maria Lourdes S. Binay and Senate Bill No. 148 authored by this Representation.

The Philippines is one of the 17 megadiverse countries in the world or the world's top biodiversity-rich countries, which host two-thirds of the Earth's biodiversity and contain about 70% to 80% of the world's plant and animal species.

As a megadiverse country, the Philippines has the following attributes: it ranks fifth in terms of number of plant species; it is home to 5% of the world's plants, about 10,000 to 13,000 species of plants described and reported; it is fourth in bird endemism, fifth in mammal and reptile endemism; and it has the second highest seagrass diversity in the world.

The Philippines' rich biodiversity is the source of pride and joy for all of us Filipinos. We actively protect and strongly defend the breadth and depth of our territories to ensure that the future generation of Filipinos will still have the opportunity to take pride and find joy in our country's rich biodiversity.

And as a mechanism to conserve the biodiversity in the Philippines, Republic Act No. 7586 or the National Integrated Protected Areas System or NIPAS Act was enacted in Congress in June of 1992. The Act provides the legal framework for the establishment and management of protected areas in the country.

NIPAS refers to the classification and administration of all designated protected areas, to maintain essential ecological processes and life support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.

The said system under the now proposed "Expanded NIPAS Act of 2017," shall recognize conservation areas and the management of regimes of local government units (LGUs), communities and indigenous peoples (IPs). And that "the State shall ensure the full implementation of this Act by establishing the Institutional

Mechanism for the mobilization of resources and for other adequate scientific and technical support for the conservation of biodiversity and integrity of the ecosystem."

Preservation, maintenance and sustainability are the key consideration when it comes to NIPAS. Particularly, considering that the Philippine is also known as one of the 35 world diversity hot-spot or regions containing exceptional concentration of plant endemism but experiencing high rates of habitat loss. Hotspots have lost around 86% of their original habitat and are also considered to be significantly threatened by extinctions induce by climate change.

And time has always been of great essence when it comes to the preservation and protection of our country's biodiversity.

But it is a sad fact that many areas in our megadiverse country remain underprotected. And, in fact, the protection of some supposedly protected areas remain inadequate.

Many wetlands, marine sanctuaries, tropical forests and others are underprotected and also lack resources to deal with various threats. Thus, this committee, together with the Department of Environment and Natural Resources, specifically the Biodiversity Management Bureau, is pushing for the Expanded NIPAS Act to include the remaining protected areas requiring congressional enactment.

The NIPAS Act requires two major steps in the establishment of protected areas under the system: presidential proclamation and congressional enactment. Once enacted by Congress, a protected area becomes a National Park which is one of the four classifications of public domain which includes forest or timberland, agricultural land, national park and mineral land.

The NIPAS is comprised of 240 protected areas, 170 of which are terrestrial or land-based and 70 are marine protected areas. Of the 240 protected areas, 113 protected areas as of March 2017 had been established through presidential proclamation. These comprise 29 marine protected areas and 84 terrestrial protected areas. Of the 113 protected areas established through presidential proclamation, 13 have been legislated by Congress.

The Expanded NIPAS bill will facilitate 92 more protected areas by legislation. May I also note that of those 92 protected areas, at least six are internationally recognized. These are the ASEAN Heritage Sites, Mount Timpoong-Hibok Hibok and Mount Iglit-Baco; Malaysia-Philippines Heritage Parks, Turtle Islands Heritage

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Protected Area; and Ramar Sites Agusan Marsh, Olongo Island and Las Piñas-Parañaque Critical Habitat and Ecotourism Area (LPPCSEA).

Here are the other salient features of e-NIPAS bill:

- Provides permanency in setting the boundaries of protected areas pursuant to the Philippine Constitution;
- Creates the Protected Area Management Office for each of the protected areas established under the system together with the appointment of a Protected Area Superintendent and regular PA staff with plantilla positions;
- Rationalizes membership in the Protected Areas Management Board; provides inclusion of local government officials (from district representative down to the barangay chairperson) and representatives of national agencies, Indigenous Peoples (IPs)/ Indigenous Cultural Communities (ICCCs), non-government organizations/People's Organizations, academic institutions and private sector; and ensures ample representation of women;
- Reiterates the provisions of RA 10629 on the retention of 75% of Integrated Protected Areas Fund (IPAF) collection for the direct use of protected areas at the site and clarifies the utilization of 25% of the IPAF collection;
- Includes recognition of Indigenous Community Conserved Areas (ICCA) apart from merely respecting the rights of Indigenous Peoples to their ancestral lands within protected areas;
- Allows the development of renewable energy resources of protected areas subject to the adoption of reduced impact technologies, Environmental Impact Assessment (EIA) if such development is not detrimental to the ecosystem functions and biodiversity;
- Provides tax exemption for all grants, bequests, endowments, donations and contributions made to the IPAF;
- Provides for the recognition of tenured migrants within protected areas;
- Revises the prohibited acts and updates penalties for easy evidence gathering and prosecution;
- Requires inventory of existing facilities within the protected areas;

- Allows special uses within the protected areas; and
- Funding priority is provided to legislated Protected Areas by the Department of Budget and Management.

As cited earlier, time is of great essence in any efforts to protect and preserve as well as to restore and rehabilitate the environment. And the passage of this measure is of paramount importance. As we speak today, habitat loss, destruction, deterioration are occurring in many of the protected areas and in varying degrees. Every day that passes counts. The consequence is serious as biodiversity is a central aspect of our existence. Our population, particularly rural and indigenous people, depend on natural resources for food and income. As the ASEAN Center for Biodiversity pointed out: "The ongoing deterioration of natural resources and the decline of ecosystems as well as the extinction of numerous animal and plant species constitute an ongoing threat for our sustainable development." The clock is ticking away.

To that end, I earnestly seek the swift passage of Committee Report No. 61 which is the Expanded NIPAS Act of 2017.

COSPONSORSHIP SPEECH OF SENATOR BINAY

Senator Binay delivered her cosponsorship speech as follows:

I rise on behalf of the Filipino people to voice out my full support and push for the enactment of Senate Bill No. 1444 or the Expanded National Integrated Protected Areas System (NIPAS) bill.

Senate Bill No. 1444 proposes the establishment of institutional mechanisms that will ensure the proper mobilization of the necessary scientific and technical resources to protect and conserve the ecosystems and biodiversity contained in the protected areas.

One of the areas to be protected as a national park under the expansion of the NIPAS Act of 1992 is the Northwest Panay Peninsula Natural Park located in the municipalities of Pandan and Libertad in Antique and the towns of Malay, Buruanga and Nabas in Aklan. This Representation filed Senate Bill No. 1214 urging for its protection, conservation, management and rehabilitation.

This natural park is the home of various endemic species, some of which are endangered like the Panay monitor lizard or the *mabitang*; the Visayan warty pig; the Visayan spotted deer; and the Visayan hornbill or the *dulungan*.

Aside from the flora and fauna, the Northwest Panay Peninsula Natural Park also hosts some of the cleanest bodies of water and unspoiled beaches. Pandan's Bugong River is a Hall of Fame awardee in the government's Cleanest Inland Body of Water contest, aside from a 2006 awardee of the Green Environment Apple Awards from the United Kingdom-based The Green Organization. There are beaches lining the coast of Pandan up to Buruanga that boasts of fine, sugary sand that would rival Boracay, minus the crowds.

It is only prudent that we set aside landscapes and seascapes that harbor unique and distinct features for protection and conservation so that future generations can enjoy as part of their patrimony and heritage. While we recognize that human development also entails the use of our natural resources, there is also a need to balance and sustainably use these finite resources.

Aside from this, there is only one Earth and we Filipinos must take the necessary actions to take care of our home planet from the irresponsible use of our natural resources and the effects of the changing climate. These protected areas, especially our forests and seas, act as carbon sinks which traps the greenhouse gas carbon dioxide.

In our rush to join the list of developed nations, we, especially here in the cities and other highly-urbanized areas, have become part of the daily hustle and bustle of rapid development to the detriment of our health and relationships.

Marami na rin pong mga siyentipiko ang nagsasabi, base sa kanilang mga pag-aaral, malaki na ang naitutulong ng kalikasan, lalo na ang mga luntiang lugar sa ating kalusugan, mental man or pisikal.

A Chiba University study found out that walking in forest decreases the level of the stress hormone cortisol by 16%, blood pressure and heart rate drops by two percent and four percent, respectively. Korea has "healing forests" and is studying the effects of forest products to reduce stress hormones and asthma symptoms. Finland is researching on the outcomes of natural areas on depression, alcoholism and suicide.

These studies point out that we have become more relaxed and we feel good when surrounded by nature.

Maaaring ganito rin ang nararamdaman ng ating mga kababayan sa mga kanayunan, kung kaya't marami sa kanila ang malusog pa sa kabilang kanilang mga edad.

By maintaining our natural areas, and hopefully expanding them to include more sites in the future, we not only promote the critical importance of protecting and maintaining the natural, biological and physical diversities of the environment. We also keep a vital resource necessary for our sanity and well-being.

It is in this vein that I rise and cosponsor this important legislation.

Huwag po nating hayaang sa mga libro o mga litrato na lamang makikita ng ating mga anak at mga apo ang mga magagandang tanawin at mahalagang hayop at halaman ng Pilipinas. Ang nawala at naubos na likas na yaman, kasama na ang inyong kalusugan, ay hindi na maibabalik at hindi mapapalitan ng pera o materyal na bagay.

COAUTHORS

Upon their request and with the permission of Senator Villar, Senators Zubiri and Villanueva were made coauthors of Senate Bill No. 1444.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1444

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

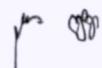
COMMITTEE REPORT NO. 33 ON SENATE BILL NO. 1311

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

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



The Chair recognized Senator Zubiri, sponsor of the measure, and Senator Drilon for his interpellation.

MANIFESTATION OF SENATOR DRILON

Senator Drilon said that he was not ready that afternoon to interpellate Senator Zubiri. However, he requested that two senators from the Majority bloc be given priority in the period of interpellations.

Thereupon, Senator Sotto recognized Senator Lacson for his interpellation.

INTERPELLATION OF SENATOR LACSON

Preliminarily, Senator Lacson expressed some concerns in relation to the "Anti-Red Tape Act of 2007" or ARTA. As a background, he said that ARTA is a law which applies to all government offices and agencies, including local government units and government-owned and -controlled corporations that provide frontline services; and that it was actually intended to improve efficiency in the delivery of government services through the adoption of a simplified procedure that will reduce red tape; and to prevent graft and corruption and expedite transactions in government. He revealed that even the Civil Service Commission announced that efforts to improve the delivery of frontline services in government are yielding results as 99% of agencies subjected to the 2015 Anti-Red Tape Act Report Card Survey passed the test. He then asked how Senate Bill No. 1311 would relate to the ARTA.

Senator Zubiri replied that the Ease of Doing Business Act would enhance the ARTA because it covers all government transactions, like applications for passport and driver's license. He said that the Ease of Doing Business Act would also limit the processing period for business-related transactions, like in the application and renewal of business permits, other licenses and clearances.

As to the difference between the Ease of Doing Business (EODB) measure and ARTA, Senator Zubiri replied that the ARTA simplifies the administrative processes in the bureaucracy since there is no agency that deals with the simplification of regulations. He said that although ARTA has been in place since 2007, there is lack of proper implementation or there is still red tape in the processing of business applications. He disclosed his experience with the Office of the National Commission on Indigenous

Peoples where it took him one year and two months to get a simple clearance for a property that was not part of an ancestral domain and which should be under the ARTA.

To Senator Lacson's proposal that instead of enacting a new bill, ARTA should be enhanced or updated since the measure also seeks to enhance certain provisions of ARTA, Senator Zubiri clarified that the EODB is patterned after laws of several countries that are on top of the World Bank rankings in terms of ease of doing business, which have the best business practices, and which are actually focused on business-related transactions. He disclosed that he had a chance to meet with the ambassador of New Zealand, which ranked number one in the ease of doing business, and they talked about particular regulations related to the measure. He explained that the coverage of ARTA is very large as it concerns all government agencies while the EODB focuses only on business-related transactions. He said that the original plan of the measure was to create an independent commission; however, following discussions with Senator Recto, a committee amendment would be introduced to make the commission under the umbrella of the DTI, so that the DTI, with the aid of the Civil Service Commission, could monitor all the government agencies dealing with business transactions.

To Senator Zubiri's statement that the EODB only covers micro, small and medium enterprises, Senator Lacson pointed out that said enterprises are already covered by ARTA, and he questioned why the need to pass another legislation if ARTA, which was passed in 2007, is already effective and already in place as implemented by the Executive branch.

Senator Zubiri stated that one of the key provisions of EODB is the automatic approval of the applications. To illustrate, he explained that when government agencies fail to process the application at a given time, such as three days for SMSE, 10 days for a gas station, or 30 days for a power plant, then the application would be automatically approved.

However, Senator Lacson pointed out that ARTA, specifically Section 8 thereof, also contains the same feature whereby the application and the request submitted shall be acted upon not longer than five working days in the case of simple transactions and 10 days in the case of complex transactions. He

stated that, in fact, on August 30, 2016, the DTI and the DICT issued a revised standard in processing business permits and licenses in all cities and municipalities wherein the new standard processing time for business registration should not exceed one to two days, but he noted that the new measure wanted to bring back the limit to three days. He also noted that the measure has no provision on the number of signatories needed in the approval of applications while the ARTA was complete.

Senator Zubiri said that at the proper time, he would ask the help of Senator Lacson in including a provision requiring the number of signatories for an application to be approved.

Senator Zubiri said that delays actually happened, saying that after the passage of the ARTA, the country dropped several notches down in the World Competitive Index as regards the EODB. Saying that businessmen should be given medals for being resilient in spite of the slow action of the government, he shared his personal experience wherein the construction of his ice plant in Sual was stalled in the last three months because the HLURB sent notice that the plant site has no HLURB approval for land zoning. He narrated that it was the first time he experienced such problem after successfully putting up ice plant in Leganes, Iloilo; Cagayan de Oro; and in Cabancalan, Negros Oriental. The local government units there, he said, have already zoned the plant sites by the highways as industrial and commercial. In Sual, he said that the HLURB asked him to approach the Sangguniang Panlalawigan to approve a zoning ordinance for that highway. Meantime, he said that the loan for the construction was gathering interest.

Senator Lacson asked for a guarantee that the implementation of the EODB would be different from the implementation of the ARTA. Also, he asked if Senator Zubiri was belying the ARTA Report card survey undertaken by the Civil Service Commission that reported that 99% passed the test.

Senator Zubiri explained that during the committee hearings, business groups like the Indian, European and the Spanish Chambers of Commerce, including the Philippine Chamber of Commerce and Industry, have the same complaint or have experienced similar problems regarding the length of time getting the approval of their business applications. He noted that even businessmen do not know that they could ask for help from the Civil Service Commission. But with

the proposed EODB commission under the bill, he said that they can go directly to the DTI to file their complaints and the EODB commissioner would report to the cabinet secretary or the undersecretaries in charge who in turn, could make the report card based on the complaints of the businessmen. He said that the EODB commissioners would also have the task of doing the necessary filing of charges with the Ombudsman since wrongdoings would constitute criminal penalties.

Senator Lacson observed that the bottlenecks are always the local government units. He said that he would agree on the passage of the measure if the participation of the local government would be eliminated and putting up a one-stop-shop or an agency under the DTI where processing of all the papers would be done. But he noted that having a one-stop-shop agency would only cover certain business ventures like big-ticket items. He recalled asking Secretary Lopez about the threshold because he was thinking of filing a bill that would put up a one-stop-shop only for big business applications and he was told that the viable figure would be P100 billion.

He stressed that there is already a law called ARTA and such law, he maintained, could be enhanced by amending it and incorporating all the provisions of the EODB to complement the shortcomings of ARTA because the principles are similar, including the provision on the automatic approval after the lapse of certain period of time.

Senator Zubiri explained that the EODB is envisioned to establish a regulatory management system which follows international practices, while ARTA is focused on red tape in the administrative processes. He said that ARTA failed to take into account the issue on whether regulations imposed by agencies are burdensome or not in the business community. Currently, he said that the DTI and the National Competitive Council has this Project Repeal, which seeks to identify and later call for their repeal all unnecessary, inefficient, outdated and redundant laws.

Senator Lacson said that Senator Villanueva was also interested in the measure because he was the author of the counterpart bill in the House of Representatives in 2006.

Asked how the EODB intends to reduce graft and corruption in the business registration, Senator Zubiri cited Section 5 of the bill which requires all govern-



ment offices and LGUs concerned on business transactions to come up with a master list or checklist to be published in their website and place of transaction and such check list should be duly certified by the EODB for consistency. He said that the check list would serve as guide to whoever would be applying for documents. Senator Lacson noted that such requirement was already in ARTA, to which Senator Zubiri countered by saying that the provision was not implemented.

Senator Zubiri also recalled that the Civil Service Commission admitted during the hearings that they are undermanned, thus they could not monitor all government agencies. Also, he cited the lack of feedback mechanism from the people.

On the issue of graft and corruption, Senator Lacson asked whether the zero-contact policy in business registration would be considered. Senator Zubiri answered in the affirmative.

Senator Lacson stated that at the period of amendments, he would introduce the zero-contact policy because graft and corruption would likely be committed if there is human contact.

Senator Zubiri suggested that Senator Lacson be made principal sponsor and author of the measure, citing a measure filed by Senator Lacson which is now pending before the Committee on Civil Service and Government Reorganization, chaired by Senator Trillanes.

Asked whether large firms could be included in the EODB provision, or the one-stop-shop for business applications, Senator Zubiri answered in the affirmative.

As regards the inclusion of micro, small and medium and large enterprises in the scope of the measure, Senator Zubiri stated that the law does not differentiate between MSMEs and large business. However, he said that he is open to amendments as regards the establishment of a specific one-stop-shop for big businesses.

Asked on the definition of "extraordinary due diligence" as provided for in Section 8, Senator Zubiri said that the provision concerns petro-chemical plants, coal-fired plants or certain industries where Environmental Compliance Certificates as well as design and engineering of the plant are necessary.

As regards the concern that leaving the extension of prescribed processing time to the discretion of certain officials could lead to corruption, Senator Zubiri assured that at the proper time, he would provide a clearer definition on the reasonableness of extension for license, clearance and/or permit applications which, under the measure, could only be done once. He said that Section 8 seeks to address the request of some government agencies to have more time for the technical evaluation of business applications which may exceed the peg time of 30 working days.

Asked for the difference between the prescribed processing time proposed by the bill and that provided for in the Anti-Red Tape Act of 2007 (ARTA), Senator Zubiri said that the bill provides a one-time extension of the processing period, thereby putting a cap on the date of that particular business transaction while the ARTA has a continuous extension period.

As regards the meaning and example of "qualified local government units" under Section 11, Senator Zubiri cited the E-Readiness survey conducted by the DTI and the DILG for qualified government units which are the same agencies under the ARTA. However, he lamented that not all LGUs are qualified, particularly those in Mindanao since most LGUs therein are not interconnected through the Internet.

Asked how the bill would not undermine the principle of local autonomy under the Local Government Code, Senator Zubiri admitted that several proposals were made to limit local autonomy in view of several complaints from the businessmen that the ordinances being issued in barangays are different or in conflict with city or municipal ordinances. He also pointed out that some barangays are even more difficult to deal with than the city or municipal local government. That being so, Senator Lacson noted that the bill would encroach on local autonomy because it contemplates integrating LGUs with the national government to make the implementation of the law more efficient.

For his part, Senator Zubiri assured that the bill does not intend to amend the Local Government Code. Furthermore, he said that the Ease of Doing Business Commission would conduct a survey among all LGUs. At present, he said that it is the National Competitiveness Council, actually a

nongovernment organization, which prepares the competitiveness report that is being used for this purpose. He clarified that the measure seeks to change the mindset on the process, similar to how the New Zealand government treats its taxpayers as customers. He explained that the EDBC would come up with various standards and/or categories respecting the LGU's conduciveness as a business environment.

To the concern that creating the EDBC would only add another level of bureaucracy, Senator Zubiri averred that under best practices, several countries have utilized the Ease of Doing Business Act by coming up with a regulatory framework and a body that would monitor businesses in their respective locations.

Asked to explain the structure of the contemplated EDBC, Senator Zubiri explained that Section 18 would be amended so that the EDBC would not be a stand-alone agency but would be integrated with the DTI, by enhancing the Competitiveness Bureau of the DTI to access all DTI offices in the country.

As regards the working relationship of the Commission with other agencies tasked to issue licenses and clearances, Senator Zubiri stated that the Commission would be the “go-to body” of businessmen in case there is no action from other government agencies.

To the remark that the creation of the Commission would mean an additional level of bureaucracy, Senator Zubiri believed that it is one that is needed to oversee the implementation of the national policy on the ease of doing business.

Asked if there was a compelling reason to create the Commission, Senator Zubiri reiterated that in his sponsorship speech, the Philippines ranked 6th in terms of competitiveness among ASEAN countries, lower than Vietnam and possibly Cambodia. He feared that if the country does not get its act together, it could likewise be bested by Laos considering the country's drop in ranking for the last 10 years. Moreover, he said that the 2015 Global Competitiveness Report showed that an entrepreneur would have to go through 16 procedures to start a business in the Philippines compared to three in Singapore and Malaysia, and six in Thailand and Laos. He lamented having personally experienced the tedious process of applying for a business permit for his plant because everything was pending, to the

extent that alarms and even fire extinguishers must first be procured before the fire inspection permit would be issued. This, he said, prompted him to include a special provision for the Bureau of Fire Protection (BFP) under Section 13 that would streamline the procedure in securing a fire safety clearance as well as prevent the BFP from selling fire extinguishers and other fire safety equipment.

To the remark that the same proviso was also provided under the Anti-Graft and Corrupt Practices Act, Senator Zubiri clarified that the practice was not implemented, and he believed that with the passage of the bill, the national policy on ease of doing business would be more explicit as there would be a corresponding penalty for violations concerning business applications.

To the observation that the Commission has the same function with the National Economic Research and Business Assistance Center (NERBAC) created under RA 7470, Senator Zubiri explained that the NERBAC was merged with the Business Research and Investment Center to assist GoNegosyo Centers such that it serves as a one-stop shop for MSEs in the barangay level. He disclosed that although GoNegosyo Centers aid in applying for business applications, they are helpless in addressing actual problems in dealing with LGUs in terms of permit applications.

Since there was no inadequacy as far as legislation is concerned and that, in fact, the bill has provisions with other laws, Senator Lacson suggested that the provisions of Senate Bill No. 1311 be merged with the ARTA rather than passing another piece of legislation that would overlap with the existing law. Senator Zubiri pointed out that the bill adopts the best practices implemented in many countries which helped them move forward. He noted that each ASEAN country has anti-red tape legislation for all government transactions and such focus on their business policy has increased local and foreign investments tenfold, as in the case of Thailand and Malaysia.

As chairperson of the Committee on Trade, Commerce and Entrepreneurship, Senator Zubiri said that he is focused on helping the business community and the economy to move forward, in line with President Duterte's desire to end red tape in business transactions. He expressed confidence that the bill would institutionalize the best practices

of ease of doing business as in every LGU nationwide.

As regards the proposal to enhance the ARTA instead of passing the bill, Senator Zubiri said that the measure would complement the ARTA because it is mainly focused on business communities, MSMEs and large businesses. However, Senator Lacson believed that it would be better to amend the ARTA since it has a more comprehensive coverage. He noted that it would be practical to align the functions of the proposed commission with the purpose of NERBAC instead of creating another commission that would result in a duplication and overlapping of functions. In reply, Senator Zubiri reasoned that the NERBAC is already non-existent as it was converted into GoNegosyo Centers.

Noting that supplemental legislation could be passed to enhance a previous one, like the Clean Air Act which was superseded by the Biofuels Act and Renewable Energy Act, Senator Zubiri maintained that there was no duplication of functions in the ARTA and Senate Bill No. 1311 since the latter would prioritize the business sector to bring in more investments, increase job opportunities, improve global competitiveness and promote ease in business applications. He proposed that the ARTA be enhanced for all government transactions alongside the passage of the bill which creates a fully functioning commission that would attend to the grievances, complaints and concerns of the business sector regarding business applications or business operations.

Senator Lacson manifested that he would suspend his interpellation in the meantime so that he could discuss his issues on the bill with Senator Zubiri.

INTERPELLATION OF SENATOR DRILON

Senator Drilon believed that the resistance to the measure would be lessened if all the proposals under Senate Bill No. 1311 are incorporated as an amendment to the ARTA so that the problem of red tape would be addressed. He noted that even Senator Gatchalian had sponsored a bill which was designed to remove the red tape and expedite the approval of energy projects. He said that he understood Senator Lacson's concern that people might be confused as to which of these measures ought to be followed. He asked whether Senator Zubiri would be amenable to Senator Lacson's proposal that the ARTA be amended by incorporating the provisions found in Senate Bill No. 1311.

Senator Zubiri stated that actually, he really wanted an expanded Anti-Red Tape Act, but he was constrained to come up with another bill because the other bills that seek to amend the ARTA such as the bill of Senator Lacson, were referred to the Committee on Civil Service and Government Reorganization chaired by Senator Trillanes. He said that he would be amenable to the suggestion if Senator Trillanes would allow him to sponsor the other bills which could be reconciled through an amendment by substitution and incorporate the two titles so that it would be called the Expanded Anti-Red Tape Act in Ease of Doing Business. He said that he would discuss the proposal with Senator Trillanes and Senator Lacson on Monday.

At this juncture, Senator Drilon suggested that the interpellation on the bill be suspended until Senator Zubiri could come up with an agreement with Senator Trillanes. He said that he would postpone his questions until he is able to see the new version of the measure once the period of amendments is accomplished. He clarified that he wanted to see a revised bill being introduced first to do away with having to ask questions where his concerns might have already been addressed in the revised version.

Senator Zubiri agreed to the suggestion of Senator Drilon, hoping that in the end, the Body could agree on a bill that would help the country and move the economy forward.

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. 44 ON SENATE BILL NO. 1363

(Continuation)

Upon motion of Senator Sotto, there being no objection, the Body resumed consideration, on Second Reading, of Senate Bill No. 1363 (Committee Report No. 44), entitled

**AN ACT INSTITUTIONALIZING
TELECOMMUTING IN THE
WORKPLACE AND FOR OTHER
PURPOSES.**

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

Thereupon, the Chari recognized Senator Villanueva, sponsor of the measure, and Senator Drilon for his interpellation.

INTERPELLATION OF SENATOR DRILON

Asked by Senator Drilon to explain the main features of the bill and the purpose for its passage, Senator Villanueva explained that “telecommuting” is defined as the partial or total substitution of computers or telecommunication technologies or both for the commute to work by employees. He said that the bill seeks to create an additional working arrangement which, he clarified, is not being forced on any company or employers but can be voluntarily offered to workers subject to terms and conditions mutually agreed upon by both parties.

Since the bill is based on the premise that telecommuting employees should be treated the same way as employees working at the employer’s premises, Senator Villanueva said that one of its salient features is to have employers be more responsible for taking the appropriate measures with regard to the software use for data protection. As such, he said that the provisions of the Data Privacy Act of 2013 shall have suppletory effect to the bill.

Senator Drilon noted that Senator Villanueva’s earlier statement that the bill does not force any employer to adopt the telecommuting program was further reinforced by Section 4 (Telecommuting Program), lines 20 to 24 which provides that the adoption of a telecommuting program shall be voluntary based on the agreement with the employer and its employees. He then sought clarification on what exactly was being legislated if the provision is not compulsory. Senator Villanueva explained that the proposed measure seeks to clarify the rights and benefits given to telecommuting employees. He cited the case of one telecommuter who told him that his employer does not give him benefits since he is working from home. He said that the bill would ensure that telecommuters will get the same benefits and will be treated equally with other employers who are rendering work in the premises of the employer.

Aside from clarifying the responsibilities of employers with regard to data protection, Senator Villanueva also believed that the institutionalization of

a policy and legal framework for telecommuting would provide protection to telecommuting employees whose work shall not be subject to arbitrary policy changes which may happen if telecommuting is governed only by a department order or program.

On whether the bill seeks to ensure that the benefits to telecommuting employees are equal to those regular employees who report to the place of business or work, Senator Villanueva replied in the affirmative.

Asked whether such provisions need to be legislated if these are already covered by the labor standards legislation in equality in pay, Senator Villanueva replied that their committee hearings on the bill revealed that some workers were not receiving the benefits due them as they are being classified as part-time workers instead of regular workers doing telecommuting work.

INTERPELLATION OF SENATOR SOTTO

Asked by Senator Sotto whether the proposed telecommuting bill covers writers such as those working for the noontime program *Eat Bulaga*, who work at home and do not report in the television station, Senator Villanueva replied in the affirmative, saying that telecommuting is one of the flexible working arrangements that are currently practiced, such as:

- the Compressed Work Week - wherein the normal work week is compressed to less than six days but the total number of 48 work hours per week remains;
- Gliding or flexi time, which refers to work which may be completed within the establishment but where the employee can determine their arrival and departure time; and
- Fixed Holiday Schedule – where employees agree to avail of the holidays at some other days provided there is no diminution of resulting benefits.

Senator Villanueva further explained that under the telecommuting scheme, the employee is allowed by the employer to complete his task in places outside the establishment or place of work for at least one day a week. This, he said, necessarily entails ensuring and monitoring the performance of the workers despite their physical placement outside the immediate proximity of their superiors.

[Signature]

While the measure does not compel employers to offer such a scheme, he believed that it would be beneficial to them as it would, for example, help them cut costs in terms of office space, furniture and equipment as is the case with many IT companies.

Senator Sotto noted that with such a proposal, Senator Villanueva would also be supportive of the amendments to the Solo Parents Welfare Act that would be sponsored by Senator Hontiveros and would include the provision allowing solo parents to have flexibility in their work hours. He said that he would cosponsor the bill and propose amendments as well. Senator Villanueva expressed support for the measure.

INQUIRY OF THE CHAIR

At this juncture, Senate President Pimentel asked whether the telecommuting arrangement is anticipated to become a popular and favored work scheme in the future since the bill recognizes the arrangement and protects employees working under this scheme from having different benefits compared to regular workers. Senator Villanueva replied in the affirmative, pointing out the fact that telecommuting, as a voluntary work mode, is observed in many countries in the Asia Pacific, America, Europe and parts of the Middle East in types and components of work such as communication, animation, writing and architecture, among others. Presently, he said that there are about 261 companies in the Philippines that are implementing telecommuting work.

On whether there have been complaints that employees under such a work arrangement have not been properly treated, Senator Villanueva replied that the DOLE has not received any negative reports. He reiterated that the bill seeks to provide protection for telecommuting workers.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

Upon motion of Senator Sotto, there being no objection, the Body closed the period of interpellations.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1363

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

SUSPENSION OF SESSION

Upon motion of Senator Sotto, there being no objection, the session was suspended.

It was 6:44 p.m.

RESUMPTION OF SESSION

At 6:50 p.m., the session was resumed.

COMMITTEE REPORT NO. 17 ON SENATE BILL NO. 1271

(Continuation)

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

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

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

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

INTERPELLATION OF SENATOR VILLANUEVA

At the outset, Senator Villanueva recalled his previous interpellation about academic freedom and discrimination in educational institutions. Senator Hontiveros said that the topics on academic and religious freedom included the classification based on biological sexual assignment, promotion of values regarding same-sex relationship as a sin, and refusing or revoking the accreditation of LGBT organizations.

Senator Villanueva again asked whether a religious institution that would not impose but promote its religious beliefs on the issue of same-sex relationships, would be committing a discriminatory act under the bill. Senator Hontiveros emphasized that the bill does not contemplate anything related to same-sex marriage. She pointed out that teaching against LGBT

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relationships, as one expression of sexual orientation and gender identity, would be akin to homophobia. She said that it would be tantamount to discrimination if the LGBT students would be punished for being who they are or for being in a relationship with those whom they are attracted to or love by way of disciplinary action.

Senator Villanueva presented another scenario wherein a religion teacher in a Catholic university would continue to teach the students not to engage in same-sex marriage. He asked if it would be considered as discrimination on the part of the teacher. Replying in the affirmative, Senator Hontiveros said that an educational setting should be where humanistic education is contemplated.

Senator Villanueva, however, pointed out that even the Constitution honors religious freedom. He recalled being discriminated against and called a “son of a religious leader, a son of a fundamentalist” by his teacher and that although he felt discriminated, he also understood it because of the kind of faith or doctrine being taught in the institution, and at that time, there was no law that he could resort to.

Senator Villanueva also pointed out that religious institutions believe and preach, as part of their faith, not to promote same-sex relationship. If a student would feel attacked in that particular setting, he asked if the student would have the right to file charges against the professor or institution, although cursing or name-calling would obviously make the professor liable.

Senator Hontiveros stated that the choice of one's faith, how one sees oneself, and how one relates to God is part of being a human being, and teaching that such belief is wrong or less than another, similar to teaching homosexuality as a sin, is a promotion of stigma and a form of discrimination. She added that children should be taught not to be homophobic, in the same way that they are taught not to be racist or misogynistic. She expressed hope that educational institutions, including religious ones, would partner with parents to teach the children to be conscientious human beings and respectful of others.

Senator Villanueva said that while he respects the points raised by Senator Hontiveros, there is also the need to understand the importance of religious and academic freedom. He gave another scenario

wherein a student who was born male but is inclined to being female would be addressed by the teacher as “Miss” and the class would laugh. Asked if it would also constitute a violation, Senator Hontiveros remarked that the teacher would, in fact, be considered respectful and inclusive and the reaction of the class would be an opportunity for the teacher to further promote gender sensitivity. She recalled a case in UP Diliman, a secular university which is actually a public school, where a professor, citing religious beliefs, refused to address a transgender student with a pronoun consistent with the student's gender identity.

Senator Hontiveros said that the situation points out the need for all educational institutions, whether private, public or religious, to be sensitive to their students of different SOGIE and to be aware of such teaching moments. She agreed that religious freedom is important because it enhances other freedoms, but it should never be used as an excuse for anyone to be disrespectful.

Senator Villanueva stated that religious institutions – whether Catholic or Muslim schools – respect one's humanity. Nonetheless, he pointed out that there are certain religious teachings that follow the Holy Bible and considers “homosexuality to be a sin.” He believed that it would be unfair to characterize a religious doctrine as creating a stigma when the people are only acting within the precepts of their religious beliefs and teachings.

Senator Hontiveros clarified that there was no unfairness contemplated in the bill as it equally upholds academic and religious freedom together with the rights of every individual whatever his or her SOGIE to access the full range of human rights, including the right to education. She reiterated that academic freedom, as defined by Justice Frank Further, is “an atmosphere in which there prevail the essential freedoms of university to determine for itself on academic grounds who may teach, what may be taught and who may be admitted to study.”

She also underscored that while the bill does not infringe on anyone's right to exercise religious freedom because it does not force any person or institution to change his or her belief on homosexuality, it does not deny anyone their human rights. She said that she did not mind continuing discussions on biblical teachings since one must live according to one's own faith; however, the Body should legislate according to the Constitution.

Senator Villanueva gave assurance that he would not discuss anything that involved his faith because he believes that there must be respect for each person's religious beliefs – not only that of the Christian community, be it the Catholics or the born-again Christians, but for every Filipino, regardless of their SOGIE.

He recalled that Senator Hontiveros had talked about exemptions for Catholic seminaries and convents from the application of religious non-discrimination. This being the case, he suggested that all other religious seminaries and theological schools regulated by CHED should also be covered by the exemption.

Asked by Senate President Pimentel for the section where exemptions could be found, Senator Hontiveros said that it was a proposal that had been discussed in a previous interpellation. Senator Villanueva said that he would be introducing the exemptions during the period of amendments.

Senator Hontiveros confirmed that the bill does not cover seminaries or convents which are religious institutions because of their particular character as teaching institutions that are primarily under the supervision of their respective congregations. However, she said that she would not be open to broadening the ambit of the exemption to include religious educational institutions like Catholic schools. She explained that although the schools teach religion or theology, they are still primarily supervised by the Deped or the CHED, both under the supervision of the Republic of the Philippines, within the ambit of the Philippine Constitution which guarantees the full range of human rights to all citizens and not to be discriminated against on any grounds.

Asked by Senate President Pimentel whether teaching that "homosexuality is a sin" by religious educational institution would be a violation of the measure, Senator Hontiveros replied in the affirmative, saying that it would have the effect of stigmatizing and discriminating against members of the studentry who are of an LGBT SOGIE.

Asked if teaching the same doctrine in a seminary would also be a violation of the measure, Senator Hontiveros replied in the negative, saying that it is outside the ambit of the bill.

She said that as a Catholic laywoman, she knew that there are SOGIE-based issues that are also issues over which people of faith who are of the LGBT-SOGIE struggle with. However, she pointed out that SOGIE is not something that diminishes the passion of their love for God and of serving Him through the people, and that their humanity, including their sexuality, comes into their service and love. She reiterated that seminaries and convents are not within the ambit of the bill. However, she reiterated that a religious school teaching the doctrine that "homosexuality is a sin" would be in violation of the bill.

Asked if mentioning that "homosexuality is a sin" in a religious service is a violation of the measure, Senator Hontiveros clarified that making such a statement in a religious service like a mass would probably be a different case because it is a religious activity, the audience of which would be a varied SOGIE but all people of faith. Therefore, she said that the penalties would not apply in such a particular setting.

She reiterated that religious educational institutions, particularly Catholic educational institutions, already have in their roster of student organizations accredited LGBT organizations. She said that it would not be impossible for a Catholic educational institution to embrace LGBT organizations in the extracurricular formation of their students.

On whether refusal of a religious educational institution to accredit LGBT organizations would be in violation of the bill, Senator Hontiveros replied that it would be violation because the refusal would impinge on the rights of the students to organize, and promote their advocacy which are considered expressions of active citizenship of the youth.

Asked whether a religious educational institution, once it secured a license from the government to operate as an educational institution, trumps its religious character, Senator Hontiveros said that precisely the main purpose of the incorporation of Catholic schools is to educate, unlike a seminary or a convent whose main purpose is to form priests or nuns although there may be vocation or promotion activities on campus.

Senator Villanueva believed that there is discrimination if convents and seminaries would be exempted from the penal provisions of the bill while

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the Christian Bible schools would not be exempted because they are being regulated by the CHED because, to him, what may be taught comes under the purview of academic freedom which includes the right of the schools and the religious educational institutions as protected by the Constitution, to determine the values they will teach to the students including the belief that "homosexuality is a sin" and, as such, it should be respected.

Asked by Senator Villanueva whether the measure, in effect, limits the school's freedom to choose what it may teach, Senator Hontiveros replied that while there is no limit on the academic freedom of schools contemplated by the bill, there is a firm reminder to the schools or any religious educational institution that while they operate as schools in the Philippines within the ambit of the Constitution, academic freedom is upheld in the same vein that the human right of the student to access a quality, affordable education is guaranteed. However, she surmised that religious bible schools are not akin to seminaries and convents because they serve the community of the faithful as a whole and not just pastors.

As regards the view that a student in a bible school is similar to someone being trained to become a priest or enter a lifetime vocation in the ministry, Senator Hontiveros said that if such was the case, then exemption would apply.

While thankful that his Christian faith was being represented in the Senate, Senator Villanueva, however, wondered what it would be like for the Muslims and the Buddhists as well as the other religions not represented in the debates. He believed that all the senators ought to study the measure and determine if it would really benefit the Filipinos and not just Catholics, Christians or Muslims.

Senator Hontiveros said that she would be open to hearing what the Madrasah are teaching in the Filipino-Muslim communities, but she pointed out that there are people in the Muslim faith who are themselves anti-discrimination advocates who are supportive of the anti-discrimination bill. She opined that Zen Buddhism is very close to Catholicism

since it is one of the most inclusive, all-embracing spiritual beliefs. She said that the presence of all the communities of faith in the country enriches the secular legislative process.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1271

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

OVERSIGHT COMMITTEE MEMBERSHIP

Pursuant to Section 54 of Republic Act No. 10606, upon motion of Senator Sotto, there being no objection, the following were elected to constitute the Senate panel in the Joint Congressional Oversight Committee on the National Health Insurance Program; Senator Ejercito as chair, and Senators Sotto, Villanueva, Binay and Hontiveros as members.

COAUTHOR

Upon motion of Senator Sotto and with the concurrence of Senator Zubiri, there being no objection, Senator Gordon was made coauthor of Senate Bill No. 1311 (Ease of Doing Business Act).

ADJOURNMENT OF SESSION

Upon motion of Senator Sotto, there being no objection, the Chair declared the session adjourned until three o'clock in the afternoon of Monday, May 15, 2017.

It was 7:26 p.m.

I hereby certify to the correctness of the foregoing.



ATTY. LUTGARDO B. BARBO
Secretary of the Senate
[Handwritten signature]

Approved on May 15, 2017