

RECORD OF THE SENATE

WEDNESDAY, AUGUST 13, 2003

OPENING OF THE SESSION

At 3:51 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The ninth session of the Third Regular Session of the Twelfth Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Juan M. Flavier.

Everybody rose for the prayer.

PRAYER

Senator Flavier. Let us bow our heads and feel the presence of God.

Dear Lord, we come to You in our need.

Create in us an awareness of the massive forces that threaten our world today. And grant us a sense of urgency to activate the forces of goodness, of justice of love and of peace.

Where there is armed conflict, let us stretch our arms to our brothers and sisters. Where there is abundance, let there be simple lifestyle and sharing. Where there is poverty, let there be dignified living and constant striving for just structures.

Where there is selfish ambition, let there be humble service. Where there is injustice, let there be atonement.

Where there is despair, let there be hope in the good news. Where there are wounds of division let there be unity and wholeness.

Help us to be committed to the building of Your kingdom, not seeking to be cared for but to care. Not expecting to be served but to place ourselves in the service of others.

Amen.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

Senator Edgardo J. Angara	**
Senator Teresa Aquino-Oreta	Present
Senator Joker P. Arroyo	Present
Senator Robert Z. Barbers	Present
Senator Rodolfo G. Biazon	Present
Senator Noli "Kabayan" De Castro	Present
Senator Luisa "Loi" P. Ejercito Estrada	Present
Senator Juan M. Flavier	Present
Senator Gregorio B. Honasan	Absent
Senator Robert S. "JAWO" Jaworski	Present
Senator Panfilo M. Lacson	Present
Senator Loren B. Legarda	Present
Senator Ramon B. Magsaysay Jr.	Present
Senator John Henry R. Osmeña	Present*
Senator Sergio R. Osmeña III	Present*
Senator Francis N. Pangilinan	**
Senator Aquilino Q. Pimentel Jr.	Present
Senator Ralph G. Recto	Present
Senator Ramon B. Revilla	Absent
Senator Vicente C. Sotto III	Present
Senator Manuel B. Villar Jr.	Present
The President	Present

The President. With 16 senators present, there is a quorum.

THE JOURNAL

Senator Legarda. I move that we dispense with the reading of the Journal of the 8th session, August 12, 2003, and consider it approved.

The President. There is a motion that we dispense with the reading of the Journal of Session No. 8 and consider it approved. Is there any objection? [Silence] There being none, the motion is approved.

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF THE LADY LEGISLATORS OF BAGABAG, NUEVA VISCAYA; THE VISAYAN FORUM; THE ATENEO HUMAN RIGHTS CENTER; THE INTERNATIONAL LABOR ORGANIZATION; THE DOLE OFFICIALS; THE COALITION OF SERVICES FOR THE ELDERLY; THE COALITION OF OLDER PERSONS ORGANIZATION; THE FEDERATION OF SENIOR CITIZENS OF THE PHILIPPINES; AND THE SECRETARIAT OF PHILIPPINE LEGISLATORS COMMITTEE ON POPULATION AND DEVELOPMENT

* Arrived after the roll call
** On official mission

Sponsor: Senator Jaworski

The President. To the Calendar for Ordinary Business

The Chair notes that the approval of *Journal* No. 7 was reconsidered upon the request of Sen. Sergio R. Osmeña III. May the Chair know if the gentleman is already ready with his correction of the *Journal*?

MANIFESTATION OF SENATOR OSMEÑA III
(To Submit His Corrections on the
Journal on August 14, 2003)

Senator Osmeña III. Mr. President, I am just in the process of correcting what my staff prepared. It is rather voluminous. So in order not to waste our precious time, may I be allowed to submit it tomorrow morning?

The President. The Secretariat will receive the proposed amendments and resubmit the *Journal* for approval during the session on Monday.

Senator Osmeña III. Thank you, Mr. President.

The President. The Majority Leader is recognized.

BILL ON SECOND READING
S. No. 2155—Magna Carta for the Working Child
(Continuation)

Senator Legarda. Mr. President, I move that we resume consideration of Senate Bill No. 2155 as reported out under Committee Report No. 52.

The President. Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 2155 is now in order.

Senator Legarda. I ask that the sponsor, Sen. Ramon B. Magsaysay Jr., be recognized.

The President. Sen. Ramon B. Magsaysay Jr. is recognized.

Senator Legarda. Mr. President, we are in the period of interpellations. To interpellate, the Minority Leader, Sen. Vicente C. Sotto III, wants to be recognized.

The President. The Minority Leader, Sen. Vicente C. Sotto III, is recognized for the period of interpellations.

Senator Magsaysay. May I update the plenary, Mr. President, on this particular measure.

The President. Before we do that, the Chair does not have a copy yet of the proposed measure.

SUSPENSION OF SESSION

Senator Sotto. Mr. President, I move that we suspend the session for one minute.

The President. Is there any objection? [Silence] There being none, the session is suspended for one minute.

It was 4:07 p.m.

RESUMPTION OF SESSION

At 4:15 p.m., the session was resumed.

The President. The session is resumed. Senator Sotto is recognized.

Senator Sotto. Mr. President, will the distinguished gentleman yield the second time around to this representation on the Magna Carta for the Working Child?

Senator Magsaysay. Willingly, Mr. President.

Senator Sotto. I will try to make this as swift as possible. But there are a number of questions that I would like to be answered and placed in the record of the Senate.

I glanced through the *Journal* of November 18, 2002 when I started the interpellations on this subject, Mr. President. During that time, my questions were confined to the issues concerning child movie stars or child stars, or children in the entertainment industry.

Earlier, I was informed by Senator Magsaysay, the sponsor, that there is already a memorandum of agreement that is being undertaken by the Department of Labor and Employment and the entertainment industry that addresses some of the problems that I brought out.

So, let me just browse through some of the other very important points that need to be answered to complete our records.

Mr. President, probably the sponsor can confine it to the highlights of the existing provisions of law governing the employment of the working child at present. What are the highlights of the existing provisions of law?

Senator Magsaysay. We are not looking at the measure as we are presenting it now but at existing laws.

Senator Sotto. Yes, existing laws, because we would like to find out what are the inadequacies of that law and if these inadequacies are addressed in this measure so that we can rightfully say that this measure is necessary.

Senator Magsaysay. We have Republic Act No. 7658, providing the minimum age for child workers. That is one law that we passed a few years back. Of course, the new ILO Convention—which is an international recommendation about the definition of the worst form of child labor—is also encompassed in our existing measure.

Does the gentleman want the sponsor to cite here the provisions?

Senator Sotto. Yes, we would like to know what are the inadequacies of the existing law and what are the new features or the new provisions that will be included in the Magna Carta for the Working Child.

Senator Magsaysay. What we are trying to do here is that we would like to focus on the elimination of all worst forms of child labor and the rights of children who are allowed to work in compliance with International Labor Organization (ILO) Convention 182 which the Senate ratified three years ago. These are the focus of our measure—the worst forms of child labor. Meaning, all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflict.

Then we have the provision on the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances as one of the worst forms of child labor; the use, procuring or offering of a child for illegal or illicit activities, including the production and trafficking of illegal and dangerous drugs; and finally, work which, by its nature or the circumstances in which it is being carried out, is likely to harm the health, safety or morals of children.

These are among the contents of the ILO Convention, Mr. President.

Senator Sotto. And these will all now be incorporated in our Magna Carta?

Senator Magsaysay. That is correct, Mr. President.

Senator Sotto. That is very good. I would like to thank the gentleman for that, Mr. President. Certainly, all of us here would like to eliminate, as the gentleman said, all worst forms of child labor.

To complete our statistics, Mr. President, what is the number of working children in the country today?

Senator Magsaysay. We have some figures here, Mr. President.

Senator Sotto. Will these figures also have the number of, let us say, working children five or 10 years ago? Would that be included?

Senator Magsaysay. This is based on the NSO survey six years ago, 1997.

Senator Sotto. What would be the number, more or less, if the gentleman has a ballpark figure?

Senator Magsaysay. Based on the year 2001 survey, out of 25 million children, meaning those aged 5 to below 18, there are four million children working, or work being done by one out of six children. Most working children were males aged 10 to 17 years old, and seven out of 10 children worked in rural areas. The majority worked as unskilled, unpaid labor in family farms. This is based on the 2000 NSO survey, Mr. President.

Senator Sotto. Mr. President, would the gentleman say there is some kind of increase from his record of 2001 up to now or from 2001 to five years ago?

Senator Magsaysay. The gentleman is correct, Mr. President, in the sense that the other information I have is that of six years ago where there were only 3.7 million children working, of which 2.2 million were exposed to hazardous work and three in ten did not attend school.

So, from 3.7 million in 1997 to 4 million in 2001 is a big increase.

Senator Sotto. Approximately 11%.

Senator Magsaysay. About 11%.

Senator Sotto. Mr. President, what are the general areas of work and employment that these children were mostly engaged in—the present four million? Would the gentleman say present,—2003—approximately four million?

Senator Magsaysay. Certainly, these are already up. The major activities of these working children were those of farming, forestry and fishing, about 454,000; traders and related workers, 136,000; plant and machine operators and assemblers, 46,000; labor and unskilled work, 2.6 million; special occupations, 37,000; and not reported, 118,000.

Senator Sotto. Not reported?

Senator Magsaysay. Not reported on their occupation, 118,000. The bulk is on labor and unskilled workers.

Senator Sotto. May we be furnished with a copy of what the gentleman is reading?

Senator Magsaysay. Certainly, Mr. President.

Senator Sotto. Thank you very much, Mr. President.

Senator Magsaysay. May I also note here, Mr. President, that the age group of working children are: 5 to 9 years old, 246,000; 10 to 14 years old, 1,934,000; 15 to 17 years old, 1.8 million. Our colleagues will be furnished with copies.

Senator Sotto. While they are on the way to giving this representation a copy, would the gentleman say that these figures and statistics include the streetchildren who sell cigarettes and sampaguitas on the street corners?

Senator Magsaysay. They must be covered.

Senator Sotto. Would the gentleman have an estimate of their number, Mr. President?

Senator Magsaysay. Street as the place of work indicated here 180,000 streetchildren; marketplace, 159,000. Again, the largest is in own house, 696,000, or employer's house, 311,000.

Senator Sotto. I am glad that the gentleman has statistics on these. That means we are addressing it now. I take it, his statistics would be coming from the DSWD and the DOLE.

Senator Magsaysay. That is correct, Mr. President.

Senator Sotto. Good. Are these streetchildren considered as working children for purposes of this bill? In other words, are we addressing these children in this bill as well?

Senator Magsaysay. They are considered working in the sense that they are in the streets maybe selling something, begging for some syndicates or parents, scavenging, and doing sundry activities to keep their body and soul together. So they are considered working in the streets.

Senator Sotto. How will they be taken care of in this measure if we consider them as included?

Senator Magsaysay. There are some government centers that are trying to help out these children. I know personally that there are quite a lot of religious groups, like the Don Bosco Brothers and Fr. Tanega in Pasay City, that have put their whole

attention to rehabilitating and educating streetchildren, and even producing some livelihood, like candle-making, et cetera, that have proliferated. This is also being done in other provincial cities where parish-based activities are held to help remove the children from the streets and make them productive citizens.

Senator Sotto. Most of what the gentleman has mentioned are NGOs and concerned religious groups. What about the DSWD at present? How does it take care and protect the rights of these streetchildren?

I ask this, Mr. President, because I want to make sure that we are addressing them in this measure. In just a few days, the "ber" months will be coming and during Christmastime, the streets will be filled with streetchildren again.

Senator Magsaysay. The "bers," yes. By next month, we will be entering the season.

Senator Sotto. They will be out on the streets again. So how does the DSWD fit into this issue and what is it doing to protect the rights of these children?

Senator Magsaysay. The DSWD is working with the local government units to maintain and manage the Lingap Centers in the localities. The Lingap Centers have been devolved recently to the local government and the DSWD is doing its best to try to help out in the devolution.

Senator Sotto. I am quite intrigued by the gentleman's reference to the LGUs having a very prominent role with the DSWD concerning the streetchildren.

Does that mean *na pagka maraming* streetchildren *iyong* city, *iyong* LGU *ay hindi nakikisama?* *Parang ganoon ang...*

Senator Magsaysay. *Siguro po naman ay mayroon silang* partnership with the DSWD *at sila ay nagtutulongan* on the basis of resources and techniques for vocational training and retraining mostly.

Senator Sotto. Have they been successful, Mr. President? We hope to address these in this measure, and I think the DSWD has a very big role to play here.

I am bringing this up, Mr. President, because when I was vice-mayor of Quezon City, one of the tasks that was given to me by the mayor to keep me busy instead of being religious—because, normally, they are kidding or joking the vice mayors for being very religious because they always go to church every day to pray that their mayor will die.

But anyway, during that time, one of the tasks given to me was to take care of the streetchildren in Quezon City. We normally would round them up weekly, bring them to what we call "Bernardo Park," if I am not mistaken, which is near the Quezon City police station but it is about a block away.

In that park, they are fed and bathed. There are medical groups that we call on to look at them—dentists and doctors. But later on in the day, their parents will come and get them. *Ang ibig sabihin, hindi po talagang streetchildren ang mga ito. Sila ay galing sa kung saan-saang area lamang, magko-converge doon, whatever they want to do, and then later on pagka nagkaipun-ipon na, magdaratingan iyong mga magulang nila at kukunin sila.*

So if this had been happening from 1988 to 1992 when I was vice mayor of that city—we did it every week—and if it is still happening today, then we have not done anything about it.

So, hopefully, in this measure, the DSWD and the LGUs will play a very important role, as the gentleman said. Maybe we can incorporate it so that, once and for all, we are able to address this big problem. I say big problem because this is where everything else stems from—the streetchildren. *Iyong mga binabanggit ninyo kanina about using children for drug-trafficking, that is where they get them. The syndicates also make use of children—karamihan doon sa mga nakikita ninyong nanghihingi ng limos na may dala-dalang bata. Hindi niya anak iyon. Hiram lamang iyon o nirerentahan ng sindikato.* That is how we investigated it during that time, *at iyon ang lumabas sa imbestigasyon namin.*

As a matter of fact, that was a big concern of my Quezon City Anti-Drug Abuse Council because these young children sometimes, *para huwag umiyak, at dahil hindi naman niya nanay iyong may hawak sa kaniya, pinaiinom ng cough syrup para matulog. Kaya bata pa, drug addict na.*

This problem has been existing and I am very glad that with this Magna Carta for the Working Child, we may incorporate it here. Is it already incorporated, Mr. President? Would the gentleman point this out to this representation so that our apprehensions may be diminished a little bit?

Senator Magsaysay. In fact, Mr. President, there is a provision in this measure that we are now discussing. This is on page 16, Section 36, *Community Service for Parents Violating the Provisions of This Act.*

We are willing to accept more provisions pertinent to the concern of the gentleman—the commitment of the local government and the DSWD to be more proactive in helping out in this social concern.

Senator Sotto. Would the gentleman agree, Mr. President, if we can formulate a provision here that would mandate the DSWD and the LGU to specifically target that particular concern?

Senator Magsaysay. We will certainly ask the DSWD and DOLE to formulate provisions that we can put in during the period of individual or committee amendments.

Senator Sotto. Thank you. We will try to present also our own version. Hopefully, we can reach a very good compromise on this.

I thank the gentleman for that.

If I may continue, what is the present minimum age of employment for children under existing laws?

Senator Magsaysay. The age is 15, Mr. President.

Senator Sotto. Are there exceptions to this age requirement or are we changing any of these in the proposed measure? Are we changing the minimum age and the requirements?

Senator Magsaysay. We are not changing this. We are including this provision of an existing law in Section 6, titled *Employment of a Working Child.* May I quote, Mr. President.

SEC. 6. *Employment of a Working Child* – A child fifteen (15) years of age and above may be employed for such number of hours and periods of the day as provided herein: *Provided,* That the participation of the child in the job, undertaking, project or activity does not hinder his/her education or expose the child to sexual activities and violence: *Provided* further, That no child shall be employed as a model in any advertisement directly or indirectly promoting alcoholic beverages, intoxicating drinks, tobacco and its byproducts: *Provided* finally, That such employment shall comply with other requirements as may be imposed by the Department of Labor and Employment.

Senator Sotto. What section is that in the bill, Mr. President?

Senator Magsaysay. This is Section 6 on page 6 of the bill.

Senator Sotto. May I invite the distinguished gentleman to move a little back, Mr. President. Under Section 5—maybe I will be reading to him the antonym of that section, but I think it is a good move. I just want to be clarified.

Under Section 5 of the distinguished gentleman's bill, it states that: "No child less than fifteen (15) years of age—" *itong sinasabi ninyo rito ay "under" gayong iyong Section 6 ay "over"—*"shall be employed...except"—that is the key word.

(a) When the child works in a family undertaking directly under the sole responsibility of the parent or guardian who has control and supervision over the activities of the child on that job, activity or undertaking where only members of the family are employed.

May we know what job or business activity is envisioned here that will be exempt?

Senator Magsaysay. Maybe retailing in a *sari-sari* store, maybe casual assignment of work within the house or maybe an occasional agricultural help during the season of harvest and such related casual and not continuing kind of work, Mr. President.

Senator Sotto. Let us suppose there is a family of—*nabanggit ninyo na rin lamang iyong sari-sari* store—cigarette vendors. Under this category, will their children under 15 years old be now allowed to sell cigarettes also?

Senator Magsaysay. The condition here, Mr. President, is that as long as the children are not exposed to exploitation or forced to stop schooling, to the detriment of his or her education, then maybe shortened hours and the work environment are controlled by the parents or the family.

Senator Sotto. We are preventing children to be used in commercials of alcohol, cigarettes, but will we allow them to sell cigarettes?

Senator Magsaysay. I can understand the concern of the gentleman from Quezon City and Cebu. But if the parents are asking them to sell items that include cigarettes, of course, that would not be favorable. But the problem here is how to enforce this once we approve this into a law.

Senator Sotto. Yes, we can only discourage them. But does the gentleman not think we can incorporate that in the measure? I just want to be enlightened. I do not think we have to go into that much of a detail in this measure, I know, but just a concern.

Senator Magsaysay. Right. There is a provision here also, Mr. President. On page 6, line 23, under Section 5, it says: "The employer is further required to secure a work permit from the Department of Labor and Employment before engaging such child in employment." Meaning, less than 15 years of age.

Senator Sotto. What line is this, Mr. President?

Senator Magsaysay. It is on page 6, line 23.

Senator Sotto. I think that would be a good safeguard as long as we know that the DSWD or the DOLE does not allow such.

Senator Magsaysay. That is correct, Mr. President.

Senator Sotto. I would like to thank the distinguished gentleman.

Under Section 8, Mr. President, if I may move on, the working child is entitled "to personally receive his/her wage." What is meant by "personally"? What do we mean when we say money, salary can only be given...Does it mean we only give the salary to the child himself or herself directly?

Senator Magsaysay. The way the statement goes, as the gentleman mentioned, he has to receive it personally, being physically present.

Senator Sotto. Do we allow the delivery of the payment to the parent or the guardian?

Senator Magsaysay. I would think that the working child has to be present even if the delivery will be given to the guardian or parent/parents. As the measure states it, it is provided for.

Senator Sotto. Actually, the way it is stated,—I just want it spread into the records—I think is a good protection for the child. So we should ensure that this provision would not be circumvented.

We should let the employers know how to effect the proper payment. I do not know if we need to elaborate on this line in Section 8.

Senator Magsaysay. We are open to a stronger provision,—

Senator Sotto. Yes. Just to make sure...

Senator Magsaysay. —as the gentleman's concern.

Senator Sotto. Yes, Mr. President

Senator Magsaysay. That is correct, Mr. President.

Senator Sotto. Thank you then, Mr. President.

May I move on now to Section 10. Section 10 requires that the employer should provide the child with the appropriate opportunity, as well as necessary support and assistance, to enable the child to obtain at least primary and secondary education.

Just for clarification. May we know what exactly constitutes "necessary support and assistance?" So that, again, this is clear in the records.

Senator Magsaysay. I would interpret this, Mr. President, that in employing the child, he or she should be given the board and lodging, the environment, the financial support or assistance so that he or she may be able to finish his or her primary and secondary school.

There are quite a lot of families that are doing these, and there are schools which are giving equivalency education for domestic help to finish their primary (elementary) or secondary (high school) education. I would think that they should be made as a model to be emulated in other parts of our country.

Senator Sotto. Also, we want it clear so that the child will know what it can demand from the employer and the employer will also know what is expected of him.

Senator Magsaysay. That is correct, Mr. President. This is a Magna Carta for the Working Child, in effect, and the gentleman's observation holds true.

Senator Sotto. Yes. So, the way the gentleman defines "necessary support and assistance" is that, this is at least to the barest minimum, board and lodging, whatever is necessary, that they may be able to achieve primary or secondary education.

Senator Magsaysay. Well, there are also families that try to make the presence of the working children—15, 16, 17, 18—like they have become part of an extended family and, in fact, furnished them with a lot of privileges, say, free clothing, free toiletries. Part of the family, in effect. And that is the Filipino culture. They have allowed them to take time off from work at least once a week, to be able to do what they would like to do during the break.

Senator Sotto. Well, I am glad the gentleman said that—giving them time off at least once a week, because that will bring us to Section 12. But just as a rejoinder, I know for a fact that Filipino families are like that—the way the gentleman describes it. They even go farther than just give them primary and secondary education. They are treated as a family member. It is very common to the Filipinos. But what we are addressing here, hopefully, in Section 10 are those who are un-Filipino in the country. And there are a number of them, I am sure.

Now, the gentleman mentioned Section 12. Just clarify what is expected of the employer under this which requires study, rest and recreation time for the working child at least, again, the bare minimum?

Senator Magsaysay. May I read the provision, Mr. President.

"Employers shall provide within their establishments or work-places areas where the working child can study,

rest and have some recreation, and time for such activities."

Although this is a broad stroke on the intent of allowing the working child to study, rest and time for recreation and activities, we can tighten this with some specifics. But I think that would be up to the Department of Labor and Employment and the DSWD to put in some instructions. But we do not mind if we get some stronger provision on this, if the gentleman would like to tighten this up.

Senator Sotto. Just perhaps a clearer enumeration of what we mean by this. Because just reading through it, we would expect that the employer should provide an area for study, rest and recreation all in one place. *Siguro ay kakaunti lamang ang may kakayahang gumawa noon, Ginoong Pangulo.* So, let us just elaborate more on what we mean here. Hopefully, we will be able to submit also an amendment at the proper time.

I would like to thank the gentleman for that.

Let me move on to Section 13—*Hours of Work of a Working Child.* May we know what is the rule today as to work hours and work period of children under 15 and also over 15? Are we changing anything under this bill? Is this a new proposal?

Senator Magsaysay. According to my staff here, 15 and above and below 18, the working hour is 8 hours.

Senator Sotto. That is the present law?

Senator Magsaysay. Yes, that is the present law.

Senator Sotto. And we are not changing it.

Senator Magsaysay. We are hewing to that, unless we want to improve it.

Senator Sotto. We just want to be informed.

Senator Magsaysay. So, it is practically the same.

Senator Sotto. The committee would be in a better position to tell us which is better.

Senator Magsaysay. I think this suffices, Mr. President. Eight hours a day would be...I know some families who overwork, who allow their domestic help to work even beyond 12 hours.

Senator Sotto. So, below 15...

Senator Magsaysay. Below 15...

Senator Sotto. The gentleman said 15 and above, iyong 8 hours. What about below 15?

Senator Magsaysay. It is silent here. It is against the present law to force children below 15 to work. Meaning, regular work but not seasonal work with their family.

So, the exceptions are stated in Section 10 that we reviewed earlier. But the general policy is not to allow children below 15 work, meaning, have a regular work. We can include some provisions...

Senator Sotto. What the gentleman is saying is that they are not supposed to work.

Senator Magsaysay. They are not supposed to work.

Senator Sotto. So, the gentleman is not providing it here.

Senator Magsaysay. That is correct. The secretary of Labor and Employment has existing listings which are exceptions to this general provision.

Senator Sotto. May we ask that they submit it to the members of the Senate or to the record of the Senate. I am sure the gentleman has it in our committee already.

Senator Magsaysay. We are looking at the provision. This is a very thick book from the Ateneo Human Rights Center. So, this is the policy instruction of the then Ministry of Labor and Employment. So, this was...

Senator Sotto. Where did that book emanate from—Ateneo?

Senator Magsaysay. Ateneo Human Rights Center.

Senator Sotto. I am surprised the gentleman is mentioning it.

Senator Magsaysay. Coming from La Salle,—

Senator Sotto. Yes, I know.

Senator Magsaysay. —I cannot mention it because we have been fighting forever in the court. But outside, we are the best of friends.

Senator Sotto. All right. I thank the gentleman very much.

So, may we have a copy of that particular...

Senator Magsaysay. Certainly, we will give the book to the gentleman, Mr. President.

Senator Sotto. All right.

Senator Magsaysay. A Letran alumnus will get an Ateneo book. [Laughter]

Senator Sotto. That is fine with us, Mr. President. Probably, we will learn Latin. We are only familiar with Spanish.

Anyway, in Section 15 of the bill, it is provided that in the absence of one of the parents, the remaining parent shall be the guardian. In case of the absence of both parents, which is very common these days, who will be the guardian? Just to be clear and for the record, will we follow the provision of the Family Code on substitute and special parental authority or are we providing a separate provision for this?

Senator Magsaysay. Yes, we will follow the provisions of the Family Code in the event that both parents are not present.

Senator Sotto. Does the gentleman want to incorporate Article 216 of the Family Code?

Senator Magsaysay. May we hear that particular provision so we can elaborate it.

Senator Sotto. Does the gentleman mean his staff does not have a copy of that?

Senator Magsaysay. They are giggling. I do not think they have families yet.

Senator Sotto. I see. Well, Article 216, Mr. President, says:

In default of parents or a judicially appointed guardian, the following persons shall exercise substitute parental authority over the child in the order indicated.

(1) The surviving grandparent, as provided in Art. 214;

(2) The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and

(3) The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.

Whenever the appointment of a judicial guardian over the property of the child becomes necessary, the same order of preference shall be observed.

Does the gentleman's back staff agree to this?

Senator Magsaysay. I think this is good to incorporate in the present measure. I am glad that the gentleman's knowledge of this is present and we will include this for a more specific guideline.

Senator Sotto. Thank you very much. *Alampo naman ninyo na basta pam-family, kami ni Senator Pimentel ang mga nangunguna riyan.*

So, we thank the gentleman for that. We will wait for the period of amendments and probably, it can be a committee amendment. We are willing to sponsor that particular amendment if the gentleman wants.

Senator Magsaysay. We would rather prefer that it becomes an individual amendment coming from the good senator because he will also be part of the major coauthors of this measure, which will be the first law in the whole world that hews closely to the ratified ILO Convention 182. So this will become, in fact, a model law for other countries.

Senator Sotto. This ILO Convention was ratified by the Senate already.

Senator Magsaysay. Three years ago.

Senator Sotto. Yes, three years ago, and the ILO Convention was held in?

Senator Magsaysay. In Geneva.

Senator Sotto. In 19..?

Senator Magsaysay. In 2000.

Senator Sotto. In 2000, three years ago also in Geneva.

Senator Magsaysay. On November 28, 2000. The Philippine Senate unanimously signed this ILO Convention No. 182 three years ago and immediately transmitted it to the International Labor Council on November 28, 2000. So, this was three years ago, and we will be the first country in the whole globe to have a specific law that addresses the issue of worst forms of child labor, giving more teeth to end the worst form of child labor, Mr. President.

Senator Sotto. I would like to thank the sponsor for that. We will commend and congratulate the gentleman's committee for that.

Now, another small concern is in Section 16. There is a minimum bond requirement of 10%. Does the gentleman not think that this is a little low? Would he accept an amendment to, say, 15%?

Senator Magsaysay. We would prefer that. This seems to be a bit on the low side. We are open to the gentleman's amendment, Mr. President.

Senator Sotto. Thank you for that, Mr. President. We can move on then, I do not need to elaborate on that.

Under Section 17, this time, Mr. President, it states:

The parent or guardian of a working child below (fifteen) 15 years of age shall set up trust fund for at least twenty-five percent (25%) of the earnings of the child whose wages and salaries from work and other income amount to at least P500,000.00 annually to be administered by a trustee appointed and supervised by the court.

Now, again for the protection of the child, should we not make the minimum amount of the trust fund to at least, say, 30% of the child's earnings?

Senator Magsaysay. That is desirable. What I would like also—maybe we can consider it, because it says here that the child is at least earning half a million annually.

Senator Sotto. For those who earn at least P500,000 or half-a-million pesos annually.

Senator Magsaysay. But I think those earning even below that should be protected by setting aside a trust fund. How many of the working children can earn half-a-million pesos annually, or at least, P40,000 a month, except entertainment and advertising maybe young models. I think we should bring this down to maybe P200,000.

Senator Sotto. Yes, Mr. President.

Senator Magsaysay. For our consideration, Mr. President.

Senator Sotto. Hopefully the gentleman's committee can study this and during the period of amendments, we will be willing to work with him on this matter.

But then, why are we limiting it to only children under 15 years old? Does the gentleman not think that we should require a trust fund for all working children until they reach the age of majority or 18 years of age?

Senator Magsaysay. That is a good point because children are those below 18. The gentleman is saying that even those between the ages of 15 and 17 should also be covered by this particular provision.

Senator Sotto. Yes, Mr. President.

Senator Magsaysay. We have no objection, Mr. President.

Senator Sotto. That is very good, Mr. President. I thank the gentleman very much for that because as everyone knows, I come from the entertainment industry and I have seen that happen so many times. A child star has been working for 10, 15 years, and when he reaches the age of 18, he finds out that he has no money, no savings at all. *Kawawa naman.* They should be protected in this bill.

Senator Magsaysay. We will adjust the percentage to 30% and we can talk about lowering the P500,000 because we would like to cover also those who are...

Senator Sotto. Cover those children until they reach 18 years old.

Senator Magsaysay. Up to 18 years old.

Senator Sotto. I thank the sponsor for that answer, Mr. President.

May I move on to Section 24, Mr. President.

Senator Magsaysay. Yes, Mr. President.

Senator Sotto. The sponsor mentioned NGOs and child-caring institutions. What are those NGOs and child-caring institutions that will be allowed to take a child under their care for protective custody? Is there a list that the DSWD has?

Senator Magsaysay. We have a lady here from the Visayan Forum. Please stand up. [*Senator Magsaysay addressing the lady.*] She is a lady who has not only absorbed a lot of orphans and children but she trained them to become good citizens to be able to protect themselves.

How many children have you helped? [*Senator Magsaysay still addressing the lady.*] Five thousand children mostly from the Visayas and Mindanao. And also some from Luzon.

Senator Sotto. Is there a list aside from them? I hope all of them are...

Senator Magsaysay. We will furnish the gentleman with a list, Mr. President.

Senator Sotto. All right. We just want to be careful in choosing these organizations. *Hindi bale kung katulad silang lahat ng organization na makukuha natin.*

Senator Magsaysay. These are registered with the DSWD and also with DOLE.

Senator Sotto. Mr. President, what is the current practice in putting a child under protective custody, *katulad ng sa kanila?* What is their experience?

Senator Magsaysay. When a child is rescued from exploitation under *Sagip-Bata Manggagawa*, he/she is put under the custody of the DSWD which in turn looks for an accredited NGO—meaning cleared by the government agency like the DSWD or the DOLE—to transfer the child for long-term rehabilitation and training.

Senator Sotto. All right. I thank the sponsor for that answer, Mr. President.

Section 25 refers to "*Confidentiality.*" It states:

Any and all person whether juridical or natural, who shall withhold from the public information on the personal circumstances of the offended party until the court which acquires jurisdiction over the case authorizes...

It also states:

...it shall be unlawful for any person, organization or entity to cause undue publicity of any information on the offended party or any case involving any violation of this Act which results in the moral degradation and suffering of the offended party.

Mr. President, I personally think this is a very good provision. But the most affected here will be the media. Maybe we should make it clear what and when they can report. This is important because a violation of this provision is punishable by six (6) months and one (1) day to six (6) years and a fine of not less than P10,000 but not more than P100,000, or both.

Probably the sponsor can elaborate or give us a situational example of what and how the media should report such an event or a news item. We do not want *Magandang Gabi, Bayan* being charged with such.

In other words, will the sponsor elaborate on what constitutes "undue publicity of any information?" That was the phrase used here, "undue publicity of any information."

Senator Magsaysay. I would think that such a person whose circumstances are bad enough or highly unacceptable in social context should be protected from undue publicity so that when he or she will be rehabilitated, he or she will be able to start a new life and not be exposed to ridicule or public rejection. As in the case of a young girl who was abused by her stepfather a few years ago, media cooperated and never showed her face. She is now a college

student with a new name and she is becoming very much productive, a young part of our society without going through such ridicule.

Senator Sotto. What the gentleman is saying is that, in the past, it happened but only because media cooperated. What we are putting here in this measure is, we are institutionalizing it. In other words, *talagang hinihigpitan natin*.

Senator Magsaysay. That is correct, Mr. President.

Senator Sotto. All right. And it is not in the current law.

Senator Magsaysay. It is not.

Senator Sotto. This would be another main feature of this Magna Carta for the Working Child.

Senator Magsaysay. These are also like young girls in bars or parlors that when they are rescued or arrested, they are protected from public view by the *Sagip-Bata Manggagawa* so that they may be able to have a fresh start without the liability of being publicly ridiculed at an earlier age or ages.

Senator Sotto. All right. I think this is, as I said, a very good provision. If there is no objection from the media, I will fully support it.

The beautiful lady beside the distinguished senator, whom the gentleman said represents the Visayan organization, what is the name of that organization? At present there is a working children's organization. Is this the same one?

Senator Magsaysay. Yes. I think she visited the gentleman's office a few times and he has been helping her. She is Cecille Uybanda.

Senator Sotto. What is the name of the organization again?

Senator Magsaysay. It is the Visayan Forum.

Senator Sotto. That is different. We understand there is currently a working children's organization. Is the gentleman familiar with this?

Senator Magsaysay. She is also part of that.

Senator Sotto. May we have more information about this organization, please? Well, just for informational purposes, Mr. President.

Let me move on to Section 30, Mr. President. Hopefully, these will be my last two points.

On the need for a medical certificate, may I know if drug testing will be part of the tests to be conducted, Mr. President?

Senator Magsaysay. I would think that this is part of the test as stated: "to continue employment or engagement in work."

Senator Sotto. We do not actually mandate it. It can be...

Senator Magsaysay. It may be, yes.

Senator Sotto. All right. I just wanted to know. I did not want to really spread it here, Mr. President, because we have been having bad experiences with drug testing lately.

Finally, Mr. President, may I know why there is no—or I just missed it—penalty for parents who fail to file a bond or open a trust fund for their children? I have not found it here. Why are we not putting it here if my glancing or browsing through is correct? We might be giving the wrong signal to parents who may continue to exploit their children and waste their earnings. Did I just miss it?

Senator Magsaysay. There is a section here penalizing other violations of this Act.

Senator Sotto. Is it Section 35?

Senator Magsaysay. Section 35, page 15.

Senator Sotto. Yes, Mr. President.

Senator Magsaysay. So the section is broad enough that the court will be able to decide on the basis of the absence of protection of those children, 17 and below, on the trust fund and the support of the parents.

We may accept an amendment if the gentleman would like to make this specific—to impose penalty on parents who do not comply with the trust fund, et cetera.

Senator Sotto. Well, yes. Personally, I think we must impose a substantial fine for erring parents.

Senator Magsaysay. We will accept the provision that will be put forward at the proper time.

Senator Sotto. Thank you then, Mr. President. We will do so, and I would like to thank the gentleman and congratulate him for this measure.

We would like to commend the committee for the Magna Carta for the Working Child. And hopefully, at the proper time, we may be able to present the amendments which will be graciously

accepted by the distinguished sponsor. Thank you, Mr. President.

Senator Magsaysay. Thank you, Mr. President. We will accept anything to improve this measure. This is something that all the senators should be made a part of,—and indeed they are— with these very interesting interpellations and observations.

Senator Legarda. The last person to interpellate, Mr. President, is Sen. Aquilino Q. Pimentel Jr.

The President. Sen. Aquilino Q. Pimentel Jr. is recognized.

Senator Pimentel. Thank you very much, Mr. President.

I have very few questions, but I would like to clarify certain things if the sponsor would kindly respond to some questions, Mr. President.

Senator Magsaysay. Certainly, Mr. President, to the gentleman from Cagayan de Oro, Mindanao, and the Philippines.

Senator Pimentel. This bill would not regulate working conditions or working terms for people who are 18 and above, is that correct?

Senator Magsaysay. That is correct. This is just for the working child—the child, as defined by the United Nations, below 18 years of age.

Senator Pimentel. Yes. In any event, it looks like this bill would also clarify working terms for children, 15 and above, but below 18. Is that correct, Mr. President?

Senator Magsaysay. That is correct.

Senator Pimentel. And the terms and conditions for children, 15 and above but below 18, would not apply or would be very different from those that applied to children below 15?

Senator Magsaysay. That is correct, Mr. President.

Senator Pimentel. Because as far as children below 15 are concerned, the provision is absolute?

Senator Magsaysay. There are certain exemptions as provided for, I think, in Section 10.

Senator Pimentel. Which are? Kindly remind us, Mr. President.

Senator Magsaysay. Section 5, line 3 of page 6, states:

Sec. 5. Minimum Age of Employment. - No child less than fifteen (15) years of age shall be employed, permitted or suffered to work in any job or undertaking except under the following circumstances:

(a) When the child works in a family undertaking, directly under the sole responsibility of the parent or guardian who has control and supervision over the activities of the child on that job, activity or undertaking where only members of the family are employed;

So this is like family-oriented activity, work.

b) When the participation of the child in a job, activity or undertaking is absolutely necessary and essential, or the part, function or role concerned could be performed or undertaken only by a child, such as those parts, functions or roles of children in public information or entertainment activities, undertakings or projects, specifically in cinema, theater, radio, television or in other forms of media: *Provided*, That the contract for the purpose is concluded with parents or guardians with the express agreement of the child and the approval of the Department of Labor and Employment.

So prior approval of parents or guardians.

The parent, guardian or employer:

(1) Ensures the protection of the health, safety, morals and normal development of the child;

(2) Institutes measures to prevent exploitation of and discrimination against the child; and

(3) Formulates and implements continuing programs for the education, training and skills acquisition of the child.

The employer is further required to secure a work permit from the Department of Labor and Employment before engaging such child in employment.

So these are for children less than 15 years of age. These are exemptions.

Senator Pimentel. Yes. Is the sponsor done, Mr. President?

Senator Magsaysay. Then Section 6, for those children above 15 years of age.

Senator Pimentel. All right. Let us just tackle the situation of children below 15. The exemption apparently covers activities of children working with family firms, Mr. President, or working with the entertainment and media industries. Is that correct?

Senator Magsaysay. That is correct, Mr. President.

Senator Pimentel. What about children below 15 who, because of poverty, are working on the streets? I am just rewording actually Senator Sotto's concern because these children are not obviously covered by the exemption.

In other words, they are trying to earn a living to make body and soul live under very strenuous circumstances that normally should not be allowed. What do we intend to do with them?

Senator Magsaysay. If these children below 15 are working on the streets and they are working under the supervision of their parents or guardians but still go to school and are not vulnerable to safety hazard, health, et cetera, and are not working during the difficult times of the day, maybe they fall under this provision. But I understand that a lot of these streetchildren below 15 are just working because they want to survive and without any supervision. I do not think even the parents know, if they have parents at all. Many of them or a lot of them are runaways, and they are out there to escape the abuses of their parents or stepfathers.

So, this is where the DSWD and the local government come in and try to put them under a kind of shelter wherein they can be given some decent basic living and training, board and lodging, or maybe three meals a day.

So, that is where the government or the local government comes in, Mr. President.

Senator Pimentel. In effect, Mr. President, what we are saying is that if a child really has to work to survive, he is not covered by this provision. I think the bill of the sponsor would penalize adults who sort of exploit the children. But if the children themselves really have to work to survive, then they might not be covered by this bill.

Senator Magsaysay. I agree with the distinguished gentleman, Mr. President. I mean, how can we let them... These are children that are not covered in the sense that they are forced to work to survive to get even one square meal a day. How can we pull them out unless there is something better for the government or the NGO to offer?

Senator Pimentel. In fact, that is the thrust of my question. In this particular bill, my understanding is that we are trying to prohibit and penalize adults who exploit children by compelling

them to work under hazardous or perhaps sometimes oppressive conditions. But we do not cover instances where children themselves are compelled to work under certain conditions in their lives.

Senator Magsaysay. Mr. President, the gentleman's observation is quite acute, sensitive. But there are laws that penalize those who exploit, including adults—P.D. No. 603 and Republic Act No. 7610—which answer the gentleman's deep concern as to penalizing those who exploit children under such situations and at such tender minds.

Senator Pimentel. Probably I did not phrase my question clearly, but I was talking of the children themselves. In other words, it is clear that if an adult would exploit children, that adult would come within the purview of this bill as well as under the purview of the decree that the gentleman has cited.

I am talking of a situation where a child is not exploited by anyone, but is compelled to work to survive. Therefore, what I would like to find out is, can we not somehow fit his situation under the gentleman's bill so that he may be covered even if he is not exploited by anyone but would have to do an adult's work in order to survive?

Senator Magsaysay. I agree with the gentleman. We should broaden the coverage of the bill so that those children who had to work because of their difficult situation, just to keep their body and soul together, should be covered by this bill. I think a provision of putting more teeth or compelling the DSWD and the LGUs to put more resources and time could address the concerns of these children that the gentleman is talking about, who are not covered in this present measure.

Senator Pimentel. As the gentleman perceptively pointed out, the situation that I envision would cover runaways—children who would go, for example, to a gasoline station and would beg the owner of the gasoline station, "Please allow me to serve as a gasoline attendant or to just wipe the tires of the cars that come here so I can earn something to buy my next meal." I do not know if that can be covered by our bill, Mr. President.

Senator Magsaysay. We will try to craft a provision that will address this social issue to cover the children that the gentleman is referring to, Mr. President.

Senator Pimentel. Probably, Mr. President, we should also put a provision prohibiting the penalty of death to be imposed on any of these children.

We are talking about, "Okay, *masama iyan. Huwag mong gawin iyan.*" But if we allow children to be penalized with death,

even, let us say, above 15 and below 18,—there are some instances of these in the death row where children had been sentenced to death—I think we can reenforce the rights of the child by putting that provision here.

Senator Magsaysay. There is no death penalty now. Is it death or theft?

Senator Pimentel. It is death— *kamatayan, bitay*.

Senator Magsaysay. There is another pending bill on the comprehensive juvenile justice. But if this is germane to the measure that we are looking at, we do not mind to absorb some of those provisions that address this issue.

Senator Pimentel. Yes, because we are talking of protecting the rights of the child. What can be a greater right of the child than the right to life?

Senator Magsaysay. In fact, in Cebu, Margot Vargas Osmeña, the wife of Mayor Tommy Osmeña, put up a center for young offenders so that they will be separated from the real adult criminals and that they can be rehabilitated much better and within the context of removing them from the bad influence of the more adult criminals. And this is the model that other cities should follow. I think Boys Town in Marikina is towards this direction. It is like a halfway house.

Senator Pimentel. Finally, Mr. President. I was listening very intently to the discussion between the gentleman and Senator Sotto on the trust fund requirement for parents to make sure that they do not misuse the earnings of their child. I think we should be a little careful on this because I do believe that the relationship between parents and child should be dictated by love, not by legal prescriptions.

In other words, it would look terribly bad as an indictment on the kind of parents we have in this country if we have to put a law to make sure that these parents will not misuse the earnings of the child. Of course, there is a need to protect the child's earnings. But I wonder if it is necessary to specify a legal provision that would penalize the parents for perceived misuse of the earnings of the child. Of course, I would bow to the experienced observation of Senator Sotto. If he believes that indeed there are widespread instances of parents abusing the earnings of their children, then probably we should go into it. But, basically, my position is that, parental relationship with children should never be dictated by law. It should be defined by love.

Senator Magsaysay. The feedbacks from the DSWD and the DOLE are that, there are really some exploitations on children's income. For example, when the child entertainer or star becomes

an adult, it is all gone and they have nothing to look forward to, even to finish their college. So I think Senator Sotto has a good, keen insight on this industry.

Senator Pimentel. Just a final point on that, Mr. President.

I think there are adequate provisions in the Civil Code that can very well cover that instance. As a matter of fact, for example, there are many instances where the managers—even a manager of a boxer—misuse the earnings of an athlete under their custody or under their supervision and control. But I am not too sure that there is a need to provide for a trust fund for that adult boxer or adult athlete so that his manager will not misuse his earnings. In any event, his earnings are protected already by the fiduciary relationship between him and his manager as embodied in the Civil Code provisions.

Senator Magsaysay. The observation is noted, Mr. President.

The President. Sen. Joker P. Arroyo is recognized.

Senator Arroyo. Mr. President, the sponsor, Senator Magsaysay, and the Majority Leader, Senator Legarda, should be commended for this bill because child labor is the product of poverty.

I have no intention of interpellating, but I listened to the interpellation of the Minority Leader who is an expert on children and it aroused my interest. So I would just like a clarification.

I am referring to the hours of work of a working child on page 8, lines 9, 10 and 11. It says:

(b) No child fifteen (15) years of age and above shall be allowed to work between ten o'clock in the evening and six o'clock in the morning of the following day, for more than eight (8) hours a day and in no case beyond forty (40) hours a week.

Mr. President, I am reminded about the problems of maids. There are maids who are within the age of 15 and 18. We know maids are at the beck and call of their employers.

I was just wondering how we can enforce this—that no work between ten o'clock in the evening and six o'clock in the morning and in no case beyond 40 hours a week, when actually maids work more than that. I would just like a clarification on that, Mr. President.

Senator Magsaysay. I can see the point of the gentleman—how can we enforce this particular provision? As the gentleman

said, the hours covered here are also the hours that the help are asked—between ten o'clock in the evening and six o'clock in the morning. Because the children might even be waking up earlier than six o'clock in the morning and the help will be preparing breakfast, et cetera.

Is the gentleman saying, Mr. President, that this is not enforceable, or will this make families break the law if this stays?

Senator Arroyo. I was just wondering how we can make this... Because, actually, nobody will know—since these are maids or help employed in households—what hours of the day they work. So I was just wondering how we could craft this bill in such a way that we will be able to enforce this provision. That is, more or less, my question.

Senator Magsaysay. There is another pending bill here, the Magna Carta for Household Help that addresses this issue and also carries the same provision.

But the gentleman's concern is genuine—how can we work on the ambit of evening activities which requires the services of household help?

In fact, during the day they are not so busy other than the usual cleaning up. But it is in the evening when the family arrives—the children, the father, the mother, and a lot of load gets into the latter part of the day, which is early evening up to maybe ten or eleven. And then the next day, maybe at five o'clock in the morning, they have to wake up and prepare breakfast. It is the actual practice of the family.

Senator Arroyo. One other thing. Most parents of these young help sometimes are the ones who collect the salaries from their masters. So the child works, but the parents collect the salaries.

I know there are certain provisions about the trust fund and all of that. But how can we help protect the child when the parent is the one who collects the salary? That has been a practice that is tolerated in our culture.

Senator Magsaysay. That is correct, Mr. President. I think in the farm areas, in the *haciendas* before, the helpers are asked by their parents to keep on remitting the whole allowance or income, and they are left with not even 10% of their income because of their obligation to their parents.

Senator Arroyo. I will leave it to the sponsor, I think, because he is more familiar with this, and he is aided by experts in this field to figure out how we can introduce a committee report to make this provision, Section 13(b), workable.

I will proceed to another one. I am referring to Section 13, subsection (a): "No child below fifteen (15) years of age shall be allowed to work between eight o'clock in the evening and six o'clock in the morning of the following day,...."

Now, I wonder—I offer no solution—whether we can just eliminate this and then prohibit children below 15 years of age from working. It is just a thought. I am not saying that I have the competence to... I have studied this very well, but why do we not just prohibit 15 years old and below from working?

Senator Magsaysay. The answer here, Mr. President, is that we ratified an ILO Convention...

Senator Arroyo. The 15 years old and below are allowed to work?

Senator Magsaysay. Yes, under certain circumstances.

Senator Arroyo. If that is the case, then we are bound by that. That is about all. I only wanted to clarify certain points.

I would like to thank the distinguished sponsor, Mr. President.

Senator Magsaysay. Thank you, Mr. President.

The President. Thank you, Senator Arroyo. The Acting Majority Leader is recognized.

Senator Flavio. Mr. President, I move that we suspend consideration of Senate Bill No. 2155 under Committee Report No. 52.

The President. Before we do that, can we not terminate the period of interpellations on this particular measure, if no senator has reserved to interpellate?

Senator Flavio. In view of that, Mr. President, I withdraw my former motion and instead move for the termination of the period of interpellations on Senate Bill No. 2155.

Senator Magsaysay. Before that, Mr. President, may I just mention here that Senator De Castro, who was scheduled to interpellate, has waived his time because he knows the importance and expediency of this bill. So he gracefully waived in favor of just introducing some amendments when the period of amendments comes.

The President. All right, the period of interpellations on Senate Bill No. 2155 is hereby terminated.

Is the committee prepared with the committee amendments?

Senator Magsaysay. We have no committee amendments, Mr. President.

The President. If there are no committee amendments, then when we resume consideration of the measure, it will be in the period of individual amendments.

Senator Magsaysay. That is correct, Mr. President.

The President. The Acting Majority Leader is recognized.

Senator Flavier. I move that we terminate the period of committee amendments and proceed to the individual amendments.

The President. Since the committee has no amendment, the period of committee amendments is terminated.

SUSPENSION OF CONSIDERATION OF S. NO. 2155

Senator Flavier. Mr. President, I move that we suspend consideration of Senate Bill No. 2155.

The President. Is there any objection? *[Silence]* There being none, the motion is approved.

Senator Magsaysay. Thank you, Mr. President.

Senator Flavier. At this point, Mr. President, I move that we resume...

The President. Before the motion of the Acting Majority Leader, may the Chair first recognize Sen. Sergio R. Osmeña III. What is the pleasure of the gentleman from Cebu?

PARLIAMENTARY INQUIRY OF SENATOR OSMEÑA III
(Re: Limitation of Definition of "Special Purpose Vehicle" in the Bicameral Conference Committee Report on the Excise Tax)

Senator Osmeña III. Mr. President, just a parliamentary matter, with the permission of the Senate President Pro Tempore and Acting Majority Leader.

The President. Please proceed, Senator Osmeña.

Senator Osmeña III. I have before me, Mr. President, a copy of the Conference Committee Report on the excise tax. Unfortunately, the chair is not here, although Sen. Joker Arroyo, who was there, is here. I remember very clearly last night that Senator Magsaysay brought up a matter that might seem minor but might affect a substantial number of vehicles with regard to exemption from the excise tax.

So I refer, for the record,—today I want to make sure—page 4, subsection (f) which is the definition of "Special Purpose Vehicle." In the Bicameral Conference Committee Report, it reads: "Special Purpose Vehicle shall mean a motor vehicle designed for specific application such as cement mixer, firetruck, ambulance and/or medical unit, and off-road vehicles for heavy industries and not for recreational activities."

Mr. President, I think the record will reflect that last night, Senator Magsaysay brought up vehicles that are used, say, by utilities—PLDT, the telephone companies, the electric distribution utility companies—whether they are vans or boom trucks, or whatever type of contraption they have on them, or sometimes they might just be plain vans which come around to fix the lines that fall down in front of our residence, and by other industries such as water company and even television stations. They have OB vans or they just have the plain reporter's vans which are really pickups.

They are intended to be exempt from excise taxes because they are used for commercial purposes and do not fall under the automobile meaning of the word as used in the law.

I am a little bit surprised, perhaps,—because of the late hour—that the definition of "Special Purpose Vehicle" is sort of limited. Maybe we should have put in a phrase "such as, but not limited to," or "vehicles for industrial and commercial purposes."

Mr. President, unfortunately, I cannot get this clarification. The transcript of last night's meeting is not yet ready, will not be ready till 9:00 a.m. tomorrow, I understand, and Senator Recto is not here.

MANIFESTATION OF SENATOR OSMEÑA III
(To Bring to the Attention of the Bicameral Panel the Inclusion of Vehicles for Industrial and Commercial Purposes in the Definition of "Special Purpose Vehicle")

I would like to put on record that I objected, in my signature, for this purpose just to make sure that maybe we can still have time to correct this—that those types of vehicles are included in the law under those vehicles that would be exempt from excise taxes.

Thank you, Mr. President.

The President. The manifestation of the gentleman from Cebu is noted on the record and at the appropriate time, this will be brought to the attention of the chair of the Senate contingent to the Bicameral Conference Committee when he reports out the Bicameral Conference Committee Report.

The Acting Majority Leader is recognized.