

RECORD OF THE SENATE

WEDNESDAY, FEBRUARY 15, 1995

RESUMPTION OF THE SESSION

At 11:18 a.m., the Honorable Heherson T. Alvarez, Presiding Officer, called the session to order.

The Presiding Officer [Senator Alvarez]: The session is resumed.

Senator Romulo: Mr. President.

The Presiding Officer [Senator Alvarez]: The Majority Leader is recognized.

Senator Romulo: Mr. President, there is an additional reference of business. May I ask the Secretary to read it.

The Presiding Officer [Senator Alvarez]: The Secretary will now read the Eighth Additional Reference of Business.

EIGHTH ADDITIONAL REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Acting Secretary [Atty. Raval]:

February 9, 1995

Mr. President:

I have been directed to inform the Senate that the House of Representatives on February 7, 1995, agreed to the amendments of the Senate to House Bill No. 12303, entitled

AN ACT FOR THE CONVERSION OF DON VICENTE ORESTES ROMUALDEZ AGRICULTURAL COLLEGE IN THE MUNICIPALITY OF BURAUEN, PROVINCE OF LEYTE, INTO A POLYTECHNIC COLLEGE TO BE KNOWN AS THE BURAUEN POLYTECHNIC COLLEGE, AND APPROPRIATING FUNDS THEREFOR.

Very truly yours,

(Sgd.) CAMILO L. SABIO
Secretary General

The Honorable
EDGARDO J. ANGARA
President of the Senate
Manila

The Presiding Officer [Senator Alvarez]: To the Archives.

The Acting Secretary [Atty. Raval]:

February 9, 1995

Mr. President:

I have been directed to inform the Senate that the House of Representatives on February 7, 1995, agreed to the amendments of the Senate to House Bill No. 22, entitled

AN ACT CONVERTING THE LEYTE STATE COLLEGE INTO A STATE UNIVERSITY TO BE KNOWN AS THE LEYTE NORMAL (STATE) UNIVERSITY.

Very truly yours,

(Sgd.) CAMILO L. SABIO
Secretary General

The Honorable
EDGARDO J. ANGARA
President of the Senate
Manila

The Presiding Officer [Senator Alvarez]: To the Archives.

The Acting Secretary [Atty. Raval]:

February 9, 1995

Mr. President:

I have been directed to inform the Senate that the House of Representatives on February 7, 1995, agreed to the amendments of the Senate to House Bill No. 1343, entitled

AN ACT ESTABLISHING A TEN-BED MUNICIPAL HOSPITAL IN THE MUNICIPALITY OF AGUINALDO, PROVINCE OF IFUGAO, TO BE KNOWN AS THE AGUINALDO MUNICIPAL HOSPITAL, AND APPROPRIATING FUNDS THEREFOR.

Very truly yours,

(Sgd.) CAMILO L. SABIO
Secretary General

Third Reading on House Bill No. 7499. Printed copies of the bill were distributed to all the Members of the Senate on February 9, 1995.

The Presiding Officer [Senator Webb]: Voting on Third Reading on House Bill No. 7499 is now in order.

The Acting Secretary will please read only the title of the bill, if there is no objection. [*There was none.*]

The Acting Secretary [Atty. Raval]: House Bill No. 7499, entitled

AN ACT GRANTING THE AZIMUTH BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN FOR COMMERCIAL PURPOSES RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES, AND FOR OTHER PURPOSES.

The Presiding Officer [Senator Webb]: The Senate will now proceed to vote on the bill. The Acting Secretary will please call the roll.

The Acting Secretary called the roll and the result of the voting was as follows:

YES - 13

Senator Aquino	Senator Rasul
Senator Coseteng	Senator Revilla
Senator Gonzales	Senator Romulo
Senator Herrera	Senator Tañada
Senator Macapagal	Senator Tolentino
Senator Mercado	Senator Webb
Senator Osmeña	

NO - 1

Senator Maceda

ABSTENTION - 0

RESULT OF THE VOTING

The Presiding Officer [Senator Webb]: With 13 affirmative votes, one negative vote, no abstention, House Bill No. 7499 is approved on Third Reading.

BILL ON THIRD READING

House Bill No. 5237 - Granting Agusan Communications Foundation, Inc. a Franchise

Senator Romulo: Mr. President, I move that we vote on

Third Reading on House Bill No. 5237. Printed copies of the bill were distributed to all the Members of the Senate on February 11, 1995.

The Presiding Officer [Senator Webb]: Voting on Third Reading on House Bill No. 5237 is now in order.

The Acting Secretary will please read only the title of the bill, if there is no objection. [*There was none.*]

The Acting Secretary [Atty. Raval]: House Bill No. 5237, entitled

AN ACT GRANTING A FRANCHISE TO AGUSAN COMMUNICATIONS FOUNDATION, INC., TO CONSTRUCT, OPERATE AND MAINTAIN STATIONS FOR RADIO AND TELEVISION IN THE PROVINCE OF AGUSAN DEL SUR, AND FOR OTHER PURPOSES.

The Presiding Officer [Senator Webb]: The Senate will now proceed to vote on the bill. The Acting Secretary will please call the roll.

The Acting Secretary called the roll and the result of the voting was as follows:

YES - 13

Senator Aquino	Senator Rasul
Senator Coseteng	Senator Revilla
Senator Gonzales	Senator Romulo
Senator Herrera	Senator Tañada
Senator Macapagal	Senator Tolentino
Senator Mercado	Senator Webb
Senator Osmeña	

NO - 1

Senator Maceda

ABSTENTION - 0

RESULT OF THE VOTING

The Presiding Officer [Senator Webb]: With 13 affirmative votes, one negative vote, no abstention, House Bill No. 5237 is approved on Third Reading.

BILL ON SECOND READING

Senate Bill No. 1984 - Intercountry Adoption

Senator Romulo: Mr. President, I move that we now

consider Senate Bill No. 1984 as reported out under Committee Report No. 689.

The Presiding Officer [Senator Webb]: Consideration of Senate Bill No. 1984 is now in order.

With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the *Record* the whole text thereof.

The Acting Secretary [Atty. Cordoba]: Senate Bill No. 1984, entitled

AN ACT ESTABLISHING THE RULES TO GOVERN
AND PROTECT THE FILIPINO CHILD IN
INTER-COUNTRY ADOPTION, PROVIDING
PENALTIES FOR THE VIOLATION THEREOF,
AND FOR OTHER PURPOSES.

The following is the full text of Senate Bill No. 1984:

SENATE BILL NO. 1984

*Be it enacted by the Senate and House of Representatives
of the Philippines in Congress assembled:*

ARTICLE I

GENERAL PROVISIONS

SECTION 1. Short Title. - This Act shall be known as the "Inter-Country Adoption Act of 1994."

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to provide every neglected and abandoned child with a family that will provide such child with love and care as well as opportunities for growth and development. Towards this end, efforts shall be exerted to place the child with an adoptive family in the Philippines. However, recognizing that inter-country adoption may be considered as an alternative means of child care, if the child cannot, be placed in a foster or adoptive family or cannot in any suitable manner, be cared for in the Philippines, the State shall take measures to ensure that inter-country adoptions are allowed when the same shall prove beneficial to the child's best interests, and shall serve and protect his/her fundamental rights.

SEC. 3. Definition of Terms. - As used in this Act, the following terms, shall be understood to mean:

a) "Inter-Country Adoption" - refers to the socio-legal process of adopting a Filipino Child by foreigner or by a Filipino citizen permanently residing in another country.

b) "Child" - refers to a person below eighteen (18) years of age.

c) "Department" - refers to the Department of Social Welfare and Development.

d) "Authorized and Accredited Agency" - refers to the State Welfare Agency or a licensed adoption agency in the country of the adopting parents or a licensed adoption agency in the country of the adopting parents which provides comprehensive social services and which is duly recognized by the department.

e) "Matching" - refers to the judicious pairing of the adoptive child and the applicant to promote a mutually satisfying parent-child relationship.

f) "Legally-free Child" - refers to a child who has voluntarily or involuntarily committed to the Department in accordance with the Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code.

g) "Board" - refers to the Inter-Country Adoption Board.

ARTICLE II

THE INTER-COUNTRY ADOPTION BOARD

SEC. 4. Inter-Country Adoption Board. - There is hereby created the Inter-Country Adoption Board, hereinafter referred to as the Board, to act as the central authority in matters relating to inter-country adoption. It shall act as the policy-making body for purposes of carrying out the provisions of this Act, in consultation and coordination with the Department, the different child-care and placement agencies, adoptive agencies, as well as non-governmental organizations engaged in child-care and placement activities.

SEC. 5. Composition of the Board. - The Board shall be composed by the Secretary of the Department as Ex officio Chairman, and shall have four (4) members to be appointed by the President for a term of six (6) years: *Provided*, That there shall be appointed one (1)

psychiatrist or psychologist, one (1) lawyer and two (2) representatives from non-governmental organizations engaged in child-caring and placement activities. The members of the Board shall receive a *per diem* allowance of Seven hundred pesos (P 700.00) for each meeting attended by them: *Provided, further*, That no compensation shall be paid for more than eight (8) meetings a month.

SEC. 6. Powers and functions of the Board. - The Board shall have the following powers and functions:

a) To prescribe rules and regulations as it may deem reasonably necessary to carry out the provisions of this Act, after consultation and upon favorable recommendation of the different agencies concerned with child-caring, placement, and adoption;

b) To set the guidelines for the convening of a Foreign Adoption Placement Committee which shall be composed of representatives of non-governmental organizations engaged in child caring, placement and adoption activities;

c) To set the guidelines for the manner by which selection/matching or prospective adoptive parents and adoptive child can be made;

d) To determine a reasonable schedule of fees and charges to be exacted in connection with the application for adoption;

e) To determine the form and contents of the application for inter-country adoption;

f) To formulate and develop policies, programs and services that will protect the Filipino child from abuse, exploitation, trafficking and other adoption practice that is harmful, detrimental and prejudicial to the best interest of the child;

g) To institute systems and procedures to prevent improper financial gain in connection with adoption and deter improper practices which are contrary to this Act;

h) To promote the development of adoption services, including post-legal adoption services;

i) To accredit and authorize foreign private adoption agencies which have demonstrated professionalism, competence and have consistently

pursued non-profit objectives to engage in the placement of Filipino children in their own country: *Provided*, That such foreign private agencies are duly authorized and accredited by their own government to conduct inter-country adoption;

j) To take appropriate measures to ensure confidentiality of the records of the child, the natural parents and the adoptive parents at all times;

k) To prepare, review or modify, and thereafter, recommend to the Department of Foreign Affairs, Memorandum of Agreements respecting inter-country adoption consistent with the implementation of this Act and its stated goals, entered into, between and among foreign governments, international organizations and recognized international non-governmental organizations;

l) To assist other concerned agencies and the courts in the implementation of this Act particularly as regards coordination with foreign persons, agencies and other entities involved in the process of adoption and the physical transfer of the child; and

m) To perform such other functions on matters relating to inter-country adoption as may be determined by the President.

SEC. 7. Inter-Country Adoption as the Last Resort. - The Board shall ensure that all possibilities for alternative child care within the Philippines have been exhausted and that foreign adoption is in the best interest of the child. Towards this end, the Board shall set up the guidelines to ensure that steps will be taken to place the child in the Philippines before the child is placed for inter-country adoption.

ARTICLE III

PROCEDURE

SEC. 8. Who May Be Adopted. - Only a legally free child may be the subject of inter-country adoption, upon compliance with the requirements as set forth in the implementing rules and regulations issued by the Board.

SEC. 9. Who May Adopt. - A foreigner or a Filipino citizen permanently residing abroad may file an application for inter-country adoption of a Filipino child if he/she:

a) is twenty-four (24) years of age and at least sixteen (16) years older than the child to be adopted, at the time of application;

b) if married, must be married for at least three (3) years at the time of the application; and his/her spouse must jointly file for the adoption;

c) has the capacity to act and assume all rights and responsibilities of parental authority under his national laws, and has undergone the appropriate counseling from an accredited counselor in his/her country;

d) has not been convicted of a crime involving moral turpitude;

e) is eligible to adopt under his/her national law;

f) is in a position to provide the proper care and support and to give the necessary moral values and example to all his children, including the child to be adopted;

g) agrees to uphold the basic rights of the child as embodied under Article 3 of Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code, the U.N. Convention on the Rights of the Child, and to abide by the rules and regulations issued to implement the provisions of this Act;

h) comes from a country with whom the Philippines has diplomatic relations and whose government maintains an authorized and accredited agency and that adoption is allowed under their national laws.

A foreigner permanently residing in the Philippines may also adopt a Filipino child in the Philippines in accordance with Executive Order No. 209, otherwise known as the Family Code of the Philippines: *Provided*, That he/she possesses all the qualifications and none of the disqualifications provided herein. Foreigners temporarily residing in the Philippines are covered by this Act.

Any law to the contrary notwithstanding, a Filipino citizen permanently residing abroad may adopt a Filipino child in accordance with the provisions of this Act: *Provided*, he/she possesses all the qualifications and none of the disqualifications as set forth in Executive Order No. 209, otherwise known as the Family code of the Philippines.

SEC. 10. *Where to File Application.* - An application to adopt a Filipino child shall be filed with the Board, through an intermediate agency, whether governmental or an authorized and accredited agency, in the country of the prospective adoptive parents, which application shall be in accordance with the requirements as set forth in the implementing rules and regulations to be promulgated by the Board.

SEC. 11. *Family Selection/Matching.* - The Foreign Adoption Placement Committee convened by the Board shall assist the Board in the selection/matching of the most suitable family among the roster of approved applicants to meet the needs of the particular child.

No child shall be matched to a foreign adoptive family unless it is satisfactorily shown that the child cannot be adopted locally. The clearance, as issued by the Committee, with the copy of the minutes of the meetings, shall form part of the records of the child to be adopted.

When the Board is ready to transmit the Placement Authority to the authorized and accredited inter-country adoption agency and all the travel documents of the child are ready, the adoptive parents, or any of them, shall personally fetch the child in the Philippines. The Commission shall withhold the release of the Placement Authority until the parents, or any one of them, have arrived in the Philippines.

SEC. 12. *Pre-Adoptive Placement Costs.* - The applicants shall bear the costs incidental to the placement of the child which shall include, but shall not be limited to, the costs incurred incidental to the preparation for the departure of the child and such other reasonable fees as may be provided under the rules and regulations promulgated by the Board.

No fees or other payments shall be required in excess of what is necessary for the processing of the application for inter-country adoption.

SEC. 13. *Fees, Charges, and Assessments.* - Fees, charges, and assessments collected by the Board in the exercise of its functions shall be used solely to process applications for inter-country adoption and to support the activities of the Board.

SEC. 14. *Supervision of Trial custody.* - The governmental agency or the authorized and accredited agency in the country of the adoptive parents which

filed the application for inter-country adoption shall be responsible for the trial custody and the care of the child. It shall also provide family counseling and other related services. The trial custody shall be for a period of six (6) months from the time of placement. Only after the lapse of the period of trial custody shall a decree of adoption be issued in the said country, a copy of which shall be sent to the Board to form part of the records of the child.

During the trial custody, the adopting parent(s) shall submit to the governmental agency or the authorized and accredited agency, which shall in turn transmit a copy to the Board, a progress report of the child's adoption to the set-up. The progress report shall be taken into consideration in deciding whether or not to issue the decree of adoption.

The Department of Foreign Affairs shall set-up a system by which Filipino children sent abroad for trial custody are monitored and checked as reported by the authorized and accredited inter-country adoption agency.

SEC. 15. Interpretations to be Made. - a) In applying the provisions of this Act, the courts may refer to the applicable law of the foreign applicant's country of origin or habitual residence as to the applicant's legal capacity to adopt. An adoption validly procured abroad shall be given full effect in this jurisdiction: *Provided*, That such recognition shall not be contrary to public policy or morals and is in the child's best interest;

b) All official communications from foreign courts and agencies, including processes to be served abroad, shall be coursed through the Board;

c) The Board shall extend all possible assistance to the courts and government agencies on matters relating to inter-country adoption, particularly regarding the translation of documents, management of any crisis in specific cases, and conflict of laws.

SEC. 16. Executive Agreements. - The Department of Foreign Affairs, upon representation of the Board, shall cause the preparation of Executive Agreements with countries of the foreign adoption agencies to ensure the legitimate concurrence of said countries in upholding the safeguards provided by this Act.

SEC. 17. Philippine Inter-Country Adoption Unit.

- The present Philippines Inter-Country Adoption Unit in the Department shall continue to exist as such except as to powers and functions which are now to be discharged by the Board and shall perform such other functions as may be directed by the Board.

ARTICLE IV

PENALTIES

SEC. 18. Penalties. - a) Any person who shall violate established regulations relating to the confidentiality and integrity of records, documents and communications of adoption applications, cases and processes shall suffer the penalty of imprisonment ranging from one (1) year and one (1) day to two (2) years, and/or a fine of not less than Five thousand pesos (P 5,000) but not more than Ten thousand pesos (P 10,000), at the discretion of the court;

b) Any person who shall knowingly participate in the conduct or carrying out of an illegal adoption, in violation of the provisions of this Act, shall be punished with a penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and/or a fine of not less than Fifty thousand pesos (P50,000), but not more than Two hundred thousand pesos (P200,000), at the discretion of the court. For purposes of this Act, adoption is illegal if it is effected in any manner contrary to the provisions of this Act or established State policies, its implementing rules and regulations, executive agreements, and other laws pertaining to adoption. Illegality may be presumed from the following acts;

- (1) Consent for an adoption was acquired through, or attended by coercion, fraud, improper material inducement;
- (2) There is no authority from the Board to effect adoption;
- (3) The procedures and safeguards placed under the law for adoption were not complied with; and
- (4) The child to be adopted is subjected to, or exposed to danger, abuse and exploitation.

A penalty lower by two (2) degrees than the prescribed for the consummated felony under this Article shall be imposed upon the principals of the attempt to commit any of the act herein enumerated.

The Department shall cancel the license to operate and blacklist the child-caring and placement agency or adoptive agency involved in the accreditation list of the Department upon finding of guilt of any of the acts prohibited under this Act by the courts.

Acts punishable under this Article, when committed by a syndicate or where it involves two or more children shall be considered as an offense constituting child trafficking and shall merit the penalty of *reclusion perpetua*.

Acts punishable under this Article are deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any of the unlawful acts defined under this Article. Penalties as are herein provided shall be in addition to any other penalties which may be imposed for the same acts punishable under other laws, ordinances, executive orders, and proclamations.

SEC. 19. *Public Officers as Offenders.* - Any government official, employee or functionary who shall be found guilty of violating any of the provisions of this Act, or who shall conspire with private individuals shall, in addition to the above-prescribed penalties, be penalized in accordance with existing civil service laws, rules and regulations: *Provided*, That upon the filing of a case, either administrative or criminal, said government official, employee or functionary concerned shall automatically suffer suspension until the resolution of the case.

ARTICLE V

FINAL PROVISIONS

SEC. 20. *Repealing Clause.* - Any law, decree, executive order, administrative order or rules and regulations contrary with, or inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

SEC. 21. *Separability Clause.* - If any of provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected, shall remain valid and subsisting.

SEC. 22. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication, in Filipino and English, in two (2) newspapers of general circulation.

Approved,

Senator Romulo: Mr. President, I ask that we recognize Senator Coseteng to sponsor the bill.

The Presiding Officer [Senator Webb]: Senator Coseteng is recognized.

SPONSORSHIP SPEECH OF SENATOR COSETENG

Senator Coseteng: Thank you, Mr. President.

Mr. President, Distinguished Colleagues:

I am honored to submit for this Chamber's approval Senate Bill No. 1984, entitled

AN ACT ESTABLISHING THE RULES TO GOVERN AND PROTECT THE FILIPINO CHILD IN INTERCOUNTRY ADOPTION, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND FOR OTHER PURPOSES.

This measure which was submitted by the Committee on Women and Family Relations in substitution of Senate Bill No. 236 authored by Senator Santanina Rasul is a product of long deliberations and consultations with concerned government agencies and nongovernment organizations responsible for the protection and care of abandoned, orphaned, abused, and neglected Filipino children.

I would like to make note of the fact that I had my apprehensions about passing this proposed bill into law. In particular, I needed reassurance that our own Filipino children would not be made victims of abuse and exploitation in foreign countries, or be made victims of those in the illegal trade of children, and as spare parts needed in the case of organ transplant. This assurance I somehow received during the course of the deliberations on this bill in the various Committee hearings. In fact, the early approval of this measure on intercountry adoption is imperative for the protection of our children, having been certified as urgent by the President of the Philippines. The University of the Philippines' Law Center, through its Committee on Revision of Laws has also conducted a review of this bill and recommended amendments which have been incorporated in the substitute bill.

Mr. President, I believe that none of us here would disagree that our children need to grow up in an environment which is conducive to his or her full and harmonious development. Parents, through their loving care, devotion and protection are

expected to provide children with this kind of an environment. If a child is unfortunately deprived of this opportunity, adoption may be the only means by which a family can be restored to him or her.

This is the opportunity that may be offered by intercountry adoption: a permanent family and a sense of emotional and psychological stability to a child for whom a suitable adoptive family cannot be found in the Philippines. But intercountry adoption is only to be permitted as a last resort. Thus, no legally free child may be given up for intercountry adoption unless all possible means for local placement have been exhausted.

This bill thereby ensures that intercountry adoptions are only allowed in the child's best interest with full respect given to his or her fundamental rights. Passage of this bill may also prevent the abduction, sale, or traffic in children as a matter of much concern and the cause of much grieving for many of our people.

The bill contains several safeguards to ensure that intercountry adoption takes place in the child's best interest, as follows:

1. Only children who are legally free, such as those who have been abandoned or committed to the State shall be considered for intercountry adoption. It is important to take note once more that all efforts must first be exhausted to keep the child with his or her own family and relatives before the possibility of intercountry adoption can even be considered. Therefore, intercountry adoption being a last resort, priority is always given to Filipino adoptive families.

2. Only qualified adoptive families shall be allowed to adopt a Filipino child. Section 9 of the bill enumerates the qualifications of would-be adoptive parents which shall be supported by a comprehensive home study report done by a competent authority, and submission of other documentary evidence. We can do no less than provide the best possible family for our children, taking into consideration the child's upbringing and cultural background as a Filipino. With these investigations and preparations for the adoptive parents, chances for neglect and abuse of the child is significantly minimized.

3. Only authorized, accredited, and competent social welfare or adoption agencies shall be licensed to process intercountry adoptions. Fly-by-night agencies and individuals shall be prohibited from acting as intermediaries for adoption to prevent the possibility of children being sold or traded for profit. The bill provides for the continuous monitoring and investigation of these agencies to ensure that only nonprofit objectives are pursued, and that they are staffed by qualified persons whose

training, experience, and ethical standards qualify them to work in the field of intercountry adoption. The bill also requires that foreign adoptive agencies or individuals are under the supervision of their own countries' competent authorities.

4. The bill also establishes a system of cooperation among government agencies, particularly the Department of Social Welfare and Development (DSWD) and the Department of Foreign Affairs (DFA), and other nongovernmental child-caring and placing agencies in the Philippines, and in their own respective countries.

5. This measure also creates the Intercountry Adoption Board, composed of professionals and representatives of concerned nongovernment organizations, which shall serve as the central authority for the processing and approval of intercountry adoptions. The DSWD Secretary shall act as Chairperson of the Board in an *ex officio* capacity.

6. To ensure that adopted children are properly integrated into their adoptive families, personnel in our Philippine embassies shall be tasked with the monitoring of adoptive placements in the adoptive parents' country. Continuous monitoring and reporting shall continue to ensure that adopted Filipino children are well-cared for, happy, and not subjected to any form of abuse.

In any event, adoptive families shall have custody of adopted children for a trial period of six months. After this period of trial custody, the adoption shall be assessed and rescinded if it is found that the adoption will not prove beneficial to the child's best interest.

Mr. President, one other area of concern was the DSWD's acceptance of donations and fees for the processing of intercountry adoptions. This would make it appear that our country was making money from the placement of our children with foreign adoptive families. Under the proposed measure, no donation can be accepted by the DSWD in lieu of an application for adoption. With regard to the collection of fees, the DSWD is only allowed to collect fees, charges, and assessments necessary to process applications for intercountry adoption and necessary to support the Board's activities.

The bill also provides penalties for any violation of the proposed law's provisions. These penalties range from one (1) year and one (1) day to *reclusion perpetua* for violation of any of the regulations which may hereafter be issued by the Board, or the sale of two or more children for profit by a syndicate.

Public officials who shall be found guilty of violating the provisions of this law, or who shall conspire with private

individuals to perpetrate any of the acts prohibited herein, shall also suffer the penalties provided for under existing civil service rules and regulations. Such public officials shall also be automatically suspended upon the filing of the proper administrative or criminal complaint in court. This suspension can only be lifted after the case has been resolved.

Mr. President, enshrined in our Constitution is the State policy on the protection of our children. It is within the context of this commitment to promote the welfare and protect the interests of the Filipino child that this bill has been submitted by the Committee on Women and Family Relations for this Body's consideration. Without this bill, many children will be deprived of the opportunity for a stable family life. It is my belief that the proposed measure provides adequate safeguards that should meet this Chamber's approval.

Thank you, Mr. President.

Senator Rasul: Mr. President.

The Presiding Officer [Senator Webb]: Senator Rasul is recognized.

Senator Rasul: Mr. President, I rise in support of the Senate bill on Intercountry Adoption and also to amplify some of the provisions of that bill.

For the record, this Intercountry Adoption Bill was filed during the last Congress. It went through an exhaustive and very lengthy deliberations by the Senate Committee on Women and Family Relations, of which I was the Chairperson. And, if only to point to the urgency of approving this measure, Mr. President, all adoptions, intercountry adoptions, in the country today are illegal without this bill enacted into law.

And so, Mr. President, I strongly recommend that this Chamber, before we adjourn, approve this bill so that all the adoptions to be made will be given the color of legality. I would like to reiterate my full support to this bill.

The Presiding Officer [Senator Webb]: It is so noted.

Senator Osmeña: Mr. President.

The Presiding Officer [Senator Webb]: Senator Osmeña is recognized.

Senator Osmeña: Just to clarify, Mr. President. One of the anomalies, I would say, that has been brought to my attention is the trading of infants or children. I am told that there are certain publications in the United States that carry ads announcing or

advertising the services of organizations which will arrange for the adoption of Filipino children.

Senator Coseteng: That is correct, Mr. President. As a matter of fact, it has been advertised in several magazines of international circulation that the present going rate of a child for adoption is anywhere from US\$3,000 to US\$15,000 per child.

Senator Osmeña: And considering that we have no jurisdiction beyond the territory of the Republic, how would this bill curtail the activities of these particular organizations? Of course, they need Filipinos to cooperate with them. They could not be just producing these things out in thin air.

Senator Coseteng: That is correct, Mr. President. That is why, at the outset, I was rather hesitant to stand to sponsor this bill because, as in all laws that are already being implemented in the country, it is in the implementation that we find all the loopholes, as well as unscrupulous persons abusing the law or going against the law.

In fact, Mr. President, in this particular case—and I am glad that Senator Osmeña, soon to be Congressman Osmeña, has brought this out—we will recall that when this Representation was a Member of the House of Representatives, Congressman Pablo Garcia, almost to-be opponent of Congressman Osmeña, vehemently objected to this particular measure in the House precisely because it may legitimize the traffic and trade of infants.

Frankly speaking, I hope that it will not be so, because of so many stories that we have been hearing, cases of pedophiles actually coming out in the open to adopt legally, through intercountry adoption proceedings, in many different countries, not just here in the Philippines.

We would also like to see, hopefully, all the other issues being brought out during the deliberation. Because we also have been informed—in fairness, I have to cite this or air this because this also came out in the Committee hearings—that children are traded as source of spare parts, because it may take about \$15,000, \$20,000 to \$25,000 to purchase one kidney for a kidney transplant.

Right now, intercountry adoption is not legal in the country. I understand that the Department of Social Welfare and Development collects about \$500 per child for adoption abroad, which means that there is almost more than \$14,500 difference between adopting a child and purchasing a kidney.

So, frankly and honestly, Mr. President, as Chairman of the

Committee on Women and Family Relations, this bill was assigned to our Committee. I hope that somehow this can be closely monitored and that we are not going to be made accomplices to this unforgivable criminal act of trafficking of children.

Senator Osmeña: Thank you, Mr. President.

SUSPENSION OF THE SESSION

Senator Romulo: Mr. President, may I ask for a one-minute suspension of the session.

The Presiding Officer [Senator Webb]: The session is suspended for one minute, if there is no objection. [*There was none.*]

It was 7:10 p.m.

RESUMPTION OF THE SESSION

At 7:11 p.m., the session was resumed.

The Presiding Officer [Senator Webb]: The session is resumed.

Senator Romulo: Mr. President, there are reservations to interpellate the Sponsor of the bill; in fact, the Minority Leader has asked that he be allowed to interpellate tomorrow.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1984

In view thereof, I move that we suspend consideration of Senate Bill No. 1984.

The Presiding Officer [Senator Webb]: Is there any objection? [*Silence*] Hearing none, the motion is approved.

BILL ON SECOND READING House Bill No. 12761—Creating the National Livelihood Council

Senator Romulo: Mr. President, I move that we consider House Bill No. 12761 as reported out under Committee Report No. 817.

The Presiding Officer [Senator Webb]: Consideration of House Bill No. 12761 is now in order.

With the permission of the Body, the Secretary will read

only the title of the bill, without prejudice to inserting in the *Record* the whole text thereof.

The Secretary: House Bill No. 12761, entitled

AN ACT CREATING THE NATIONAL LIVELIHOOD DEVELOPMENT COUNCIL THEREBY INSTITUTIONALIZING THE LIVELIHOOD MOVEMENT OF THE PHILIPPINES.

The following is the full text of House Bill No. 12761:

*Be it enacted by the Senate and House of Representatives
of the Philippines in Congress assembled:*

SECTION 1. Title. - This Act shall be known as the
"National Livelihood Development Act of 1994."

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to free the poor Filipinos from the bondage of poverty, improve their living conditions, and give them the opportunity to increase their productive and income-earning capabilities through a comprehensive, integrated and effective national livelihood development program.

The State shall pursue a comprehensive national livelihood development program for the socioeconomic upliftment of the poorest sector of our population in order to integrate them into the mainstream of society, promote social justice and hasten the development and industrialization of the countryside.

SEC. 3. Creation. - There is hereby created a National Livelihood Development Council (NLDC), under the Office of the President of the Philippines, hereinafter referred to as the Council, which shall coordinate livelihood-generating activities of all government agencies including government-owned and -controlled corporations.

SEC. 4. Purpose. - The Council shall formulate a comprehensive and integrated national livelihood development program within the framework of the Philippine Development Plan, create structures to integrate all livelihood initiatives particularly within the government and oversee its implementation.

SEC. 5. Powers and Functions. - The Council