

RECORD OF THE SENATE

FRIDAY, JUNE 2, 1995

RESUMPTION OF THE SESSION

At 6:22 p.m., the session was resumed with the Honorable Edgardo J. Angara, President of the Senate, presiding.

The President: The session is resumed.

Senator Romulo: Mr. President.

The President: The Majority Leader is recognized.

Senator Romulo: Mr. President, we have several Bicameral Conference Committee Reports that have already been submitted.

CONFERENCE COMMITTEE REPORT ON S. NO. 1977/H. NO. 11614 (National Youth Commission)

May I move that we now consider the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 1977 and House Bill No. 11614, entitled "AN ACT CREATING THE NATIONAL YOUTH COMMISSION, ESTABLISHING A NATIONAL COMPREHENSIVE AND COORDINATED PROGRAM ON YOUTH DEVELOPMENT, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES."

Mr. President, the Conference Committee Report has been recommended for the approval and acceptance by both the Senate and the House panels voting in the majority for the approval of this bill.

For the Senate panel, Mr. President, we have the Chairman, Senator Webb. May I ask that he be recognized to render a fuller report.

The President: Senator Webb is recognized.

Senator Webb: This Representation, Mr. President, is honored to seek the support and ratification by this Chamber of an Act that seeks to empower our nation's youth and enable them to realize their sector's vital role in nation-building.

The proposals brought forth to this Chamber's approval were among the four-point policy proposals submitted by the First *Konsultahang Kabataan* National Youth Conference in 1987. Since then, the youth has, time and again, showed potential as a force for change and progress. It is time that we, in Government, give the youth the means and resources to

genuinely take part in our Nation's stride to national development.

The Youth in Nation-Building Act seeks to establish a National Comprehensive and Coordinated Program for Youth Development which shall give direction and vision to the Nation's youth development efforts. The proposed Development Program, Mr. President, was adopted from the Senate version.

We have defined the age of the clientele of this Development Program as those persons between the ages 15 to 30 years old, adopting the House of Representatives' definition to allow more young people to benefit from this legislative act.

This Act also seeks to create a National Youth Commission that shall be the implementing agency for this development program. To enable the Youth Commission to realize its mandate, we have given it the necessary powers, projects, and resources to properly serve our youth.

We have also recognized the maturity needed to enable a youth leader to deal with the government's senior officials and the bureaucracy, fixing the maximum age of the members of the Commission to 40, and 45 years for the Chairman, thereby adopting the Senate version.

This Act also seeks to institutionalize a national Youth Parliament that will serve as a consultative and dialogue mechanism between youth organizations and the Government, as defined in the Senate version. The Youth Parliament shall seek to continue what the *Konsultahang Kabataan* National Youth Conference has started.

Mr. President, together with the *Sangguniang Kabataan* that represents our youth at the local government level, the provisions of this Act shall provide the youth sector with the means to participate in the task of nation-building and progress, as recognized in our Constitution.

I therefore urge my distinguished Colleagues to join the Members of the Senate panel in the approval of the Bicameral Committee Report for the Youth in Nation-Building Act.

Thank you, Mr. President.

APPROVAL OF CONFERENCE COMMITTEE REPORT ON S. NO. 1977 AND H. NO. 11614

Senator Romulo: Mr. President, I move that we vote on the Conference Report on Senate Bill No. 1977 and House Bill No. 11614.

"2) The second copy, to the Congress, directed to the President of the Senate;

"3) The third copy, to the Commission;

"4) The fourth copy, to the dominant majority party as determined by the Commission in accordance with law;

"5) The fifth copy, to the dominant minority party determined by the Commission in accordance with law;

"6) The sixth copy, to a citizens' arm authorized by the Commission to conduct an official count: *Provided, however,* That the accreditation of the citizens' arm shall be subject to the provisions of Section 52 (k) of Batas Pambansa Blg. 881: *Provided, further,* That such citizens' arm previously authorized by the Commission before the effectivity of this Act shall not be qualified for accreditation; and

"7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots; and

"b) In the election of local officials:

"1) The first copy shall be delivered to the city or municipal board of canvassers;

"2) The second copy, to the Commission;

"3) The third copy, to the provincial board of canvassers;

"4) The fourth copy, dominant majority party as determined by the Commission in accordance with law;

"5) The fifth copy, to the dominant minority party as determined by the Commission in accordance with law;

"6) The sixth copy, to a citizens' arm authorized by the Commission to conduct an official count: *Provided, however,* That the accreditation of the citizens' arm shall be subject to the provision of Section 52 (k) of Batas Pambansa Blg. 881: *Provided, further,* That such citizens' arm previously authorized by the Commission before the effectivity of this Act shall not be qualified for accreditation; and

"7) The seventh copy shall be deposited inside the compartment of the ballot box for valid ballots."

SEC. 2. *Separability Clause.* - If any party of this Act is held invalid or unconstitutional, the remaining parts or provisions hereof shall remain valid and effective.

SEC. 3. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, or part thereof, inconsistent with the provisions of this Act are hereby repealed.

SEC. 4. *Effectivity.* - This Act shall take effect immediately upon its approval.

Approved,

CONFERENCE COMMITTEE REPORT ON
S. NO. 1984/H. NO. 10363
(Inter-Country Adoption)

Senator Romulo: Mr. President, we have on file the Conference Committee Report on the disagreeing provisions of the Senate and House bills on "An Act Establishing the Rules To Govern and Protect the Filipino Child in Inter-Country Adoption Providing for Penalties Thereof and For Other Purposes."

The Conference Committee Report has been endorsed for approval by the full Senate panel headed by its Chairperson, Senator Rasul, and also by the House panel headed by Congresswoman Cabilao.

To give a fuller report on the bill, may I ask, Mr. President, that the distinguished Chairman of the panel, the Honorable Santanina Rasul, be recognized.

The President: Senator Rasul is recognized.

Senator Rasul: Mr. President, the Committee was composed of the Honorable Senator Maceda and the Honorable Senator Roco.

The conferees on the part of the House was chaired by Congresswoman Belma Cabilao with the following Members: Congresswoman Leonor Luciano and the Honorable Jose Carlos Lacson.

The Conference Committee decided to adopt the Senate version of the bill with some modifications. Some of the

modifications were very minor but there were some substantial changes, Mr. President.

Among the most significant change was the organization of the Inter-Country Adoption Board and its function which appears in Section 4 of both the Senate and the House versions which became a consolidated section, Mr. President. This section now reads as follows:

SEC. 4. *The Inter-Country Adoption Board* - There is hereby adopted 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. As such, it shall:

(a) Protect the Filipino child from abuse, exploitation, trafficking and/or sale or any other practice in connection with adoption which is harmful, detrimental, or prejudicial to the child;

(b) Collect, maintain, and preserve confidential information about the child and the adoptive parents;

(c) Monitor, follow up, and facilitate completion of adoption of the child through authorized and accredited agency;

(d) Prevent improper financial or other gain in connection with an adoption and deter improper practices contrary to this Act;

(e) Promote the development of adoption services including post-legal adoption;

(f) License and accredit child-caring/placement agencies and collaborate with them in the placement of Filipino children;

(g) Accredit and authorize foreign adoption agency in the placement of Filipino children in their own country;

There was another section, Mr. President, the fourth paragraph of Section 18 which becomes letter (h), and this reads as follows:

(h) Cancel the license to operate and blacklist the child-caring and placement agency or adoptive agency involved from the accreditation list of the BOARD upon A finding of VIOLATION of any PROVISION under this act [by the courts].

It is significant to note, Mr. President, that before this bill, all adoption was done under the authority of the Department of Social Welfare and Development. With the enactment of this law, all the procedures, rules and regulations will now be under this Board exclusively which is chaired by the Secretary of the Department of Social Welfare and Development.

Section 5 of the Senate version was adopted with very minor modifications.

Section 6 of the Senate version was adopted with some modifications.

Section 7 of the Senate version was adopted.

Section 8 of the House version was adopted with the following modification: The word "Department" was changed to "BOARD".

Section 9 of the Senate version which corresponds to Section 7 of the House version was also adopted as Section 9 with the following change: that the adopting parents should at least be 27 years of age.

Section 10 is a consolidation of Section 10 of the Senate version and Section 8 of the House version. This provides for the rules where to file the application and the other documentary requirements that are necessary when applying for an adoption of a child.

Section 11 of the Senate version corresponds to Section 9 of the House version, and was adopted as Section 11 with some modifications.

Section 10 of the House version which corresponds to Section 12 of the Senate version was adopted as Section 12.

Section 13 of the Senate version became Section 13, and this was merged together with Section-11 of the House version.

Section 14 of the Senate version was adopted with some modifications.

Section 15 of the Senate version was deleted.

Section 16 of the Senate version was renumbered as Section 15, and the same was adopted.

Section 18 of the Senate version was renumbered as Section 16, and the same was adopted with some modifications.

Section 17 of the Senate version was deleted.

Section 19 of the Senate version was renumbered as Section 17, and this was adopted.

Section 15 of the House version was renumbered as Section 18, and the same was adopted with the following modification: The phrase "Department of Social Welfare and Development" was changed to "INTER-COUNTRY ADOPTION BOARD".

A new section designated as Section 19 was added to read as follows:

SEC. 19. APPROPRIATIONS. - THE AMOUNT OF FIVE MILLION (P5,000,000.00) IS HEREBY APPROPRIATED FROM THE PROCEEDS OF THE LOTTO FOR THE INITIAL OPERATIONS OF THE BOARD AND SUBSEQUENTLY THE APPROPRIATIONS OF THE SAME SHALL BE INCLUDED IN THE GENERAL APPROPRIATIONS ACT FOR THE YEAR FOLLOWING ITS ENACTMENT.

Initially, Mr. President, there was a proposal to include also the Philippine Charity Sweepstakes Office as one of the sources of funding for this Board, but the Committee decided to just follow the original provision, and that is to use the proceeds from the lotto as the source of funding.

Section 20 is the usual Separability Clause.

Section 21 is the same.

Section 22 of the Senate version was adopted with the following modification: The phrase "in Filipino and English" was deleted." The problem was, the Filipino translation may not be understood by the foreigners who would want to adopt a Filipino child and something might be lost in the translation. So the decision was just to delete that phrase so that it is understood that the law would be in English.

The title of the House version was adopted.

These are among the changes of the Senate bill, Mr. President, and we propose and hope that this will be approved by this Body.

APPROVAL OF CONFERENCE COMMITTEE REPORT ON S. NO 1984/H. NO. 10363

The President: Is there any comment? [*Silence*] We shall now vote for the Conference Committee Report.

As many as are in favor of the Conference Committee Report, please say *Aye*. [*Several Senators: Aye*] As many as are against, please say *Nay*. [*Silence*]

The Conference Committee Report establishing the Rules on Inter-Country Adoption is approved.

The following is the full text of the Conference Committee Report:

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of Senate Bill No. 1984, entitled

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

and House Bill No. 10363, entitled

AN ACT ESTABLISHING THE RULES TO GOVERN INTER-COUNTRY ADOPTION OF FILIPINO CHILDREN, AND FOR OTHER PURPOSES,

having met, after full and free conference, has agreed to recommend and do recommend to their respective Houses that Senate Bill No. 1984, in consolidation with House Bill No. 10363 be approved in accordance with the attached copy of the bill as reconciled and approved by the conferees.

CONFEREES ON THE PART OF THE SENATE

(Sgd.) HON. SANTANINA T. RASUL

(Sgd.) HON. RASUL S. ROCO

(Sgd.) HON. ERNESTO M. MACEDA

CONFEREES ON THE PART OF THE HOUSE OF REPRESENTATIVES

(Sgd.) HON. BELMA A. CABILAO

(Sgd.) HON. LEONOR I. LUCIANO

(Sgd.) HON. JOSE CARLOS V. LACSON

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 1995."

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 allowing aliens, not presently allowed by law to adopt Filipino children if such children cannot be adopted by qualified Filipino citizens or aliens, 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 term:

(a) "Inter-country adoption" refers to the socio-legal process of adopting a Filipino child by a foreigner or a Filipino citizen permanently residing abroad where the petition is filed, the supervised trial custody is undertaken, and the decree of adoption is issued outside the Philippines.

(b) "Child" means a person below fifteen (15) years of age unless sooner emancipated by law.

(c) "Department" refers to the Department of Social Welfare and Development of the Republic of the Philippines.

(d) "Secretary" refers to the Secretary of the Department of Social Welfare and Development.

(e) "Authorized and accredited agency" refers to

the State welfare agency or a licensed adoption agency in the country of the adopting parents which provide comprehensive social services and which is duly recognized by the Department.

(f) "Legally-free child" means a child who has been voluntarily or involuntarily committed to the Department, in accordance with the Child and Youth Welfare Code.

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

(h) "Board" refers to the Inter-country Adoption Board.

ARTICLE II

SEC. 4. *The 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. As such, it shall:

(a) Protect the Filipino child from abuse, exploitation, trafficking and/or sale or any other practice in connection with adoption which is harmful, detrimental, or prejudicial to the child;

(b) Collect, maintain, and preserve confidential information about the child and the adoptive parents;

(c) Monitor, follow up and facilitate completion of adoption of the child through authorized and accredited agency;

(d) Prevent improper financial or other gain in connection with an adoption and deter improper practices contrary to this Act;

(e) Promote the development of adoption services including post-legal adoption;

(f) License and accredit child-carrying/placement agencies and collaborate with them in the placement of

Filipino children;

(g) Accredite and authorize foreign adoption agency in the placement of Filipino children in their own country; and

(h) Cancel the license to operate and blacklist the child-caring and placement agency or adoptive agency involved from the accreditation list of the Board upon a finding of violation of any provision under this Act.

SEC. 5. Composition of the Board. - The Board shall be composed of the Secretary of the Department as ex officio Chairman, and six (6) other members to be appointed by the President for a non-renewable term of six (6) years: *Provided*, That there shall be appointed one (1) psychiatrist or psychologist, two (2) lawyers who shall have at least the qualifications of a regional trial judge, one (1) registered social worker 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 One thousand five hundred (P1,500) for each meeting attended by them: *Provided, further*, That no compensation shall be paid for more than four (4) 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 an Inter-country Adoption Placement Committee which shall be under the direct supervision of the Board;

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: *Provided, however*, That the total number of authorized and accredited foreign private adoption agencies shall not exceed one hundred (100) a year;

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, Memoranda of Agreement 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.

ARTICLE III

PROCEDURE

SEC. 7. Inter-Country Adoption as the Last Resort.

- The Board shall ensure that all possibilities for adoption of the child under the Family Code have been exhausted and that inter-country 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: *Provided, however,* That the maximum number that maybe allowed for foreign adoption shall not exceed six hundred (600) a year for the first five (5) years.

SEC. 8. *Who May Be Adopted.* - Only a legally free child may be the subject of inter-country adoption. In order that such child may be considered for placement, the following documents must be submitted to the Board:

- (a) Child study;
- (b) Birth certificate/foundling certificate;
- (c) Deed of voluntary commitment/decreed of abandonment/death certificate of parents;
- (d) Medical evaluation/history;
- (e) Psychological evaluation, as necessary; and
- (f) Recent photo of the child.

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

- a) is at least twenty-seven (27) years of age and at least sixteen (16) years older than the child to be adopted, at the time of application unless the adoptor is the parent by nature of the child to be adopted, at the time of application or the spouse of such parent;
- b) if married, 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 examples to all his children, including the child to be adopted;

g) agrees to uphold the basic rights of the child as embodied under Philippine laws, 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 a similarly authorized and accredited agency and that adoption is allowed under his/her national laws; and

i) possesses all the qualifications and none of the disqualifications provided herein and in other applicable Philippine laws.

SEC. 10. *Where to File Application.* - An application to adopt a Filipino child shall be filed either with the Philippine Regional Trial Court having jurisdiction over the child, or 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.

The application shall be supported by the following documents written and officially translated in English:

- a) Birth certificate of applicant(s);
- b) Marriage contract, if married, and divorce decree, if applicable;
- c) Written consent of their biological or adopted children above ten (10) years of age, in the form of sworn statement;
- d) Physical, medical and psychological evaluation by a duly licensed physician and psychologist;
- e) Income tax returns or any document showing the financial capability of the applicant(s);
- f) Police clearance of applicant(s);
- g) Character reference from the local church/

minister, the applicant's employer and a member of the immediate community who have known the applicant(s) for at least five (5) years; and

h) Recent postcard-size pictures of the applicant(s) and his immediate family.

The Rules of Court shall apply in case of adoption by judicial proceedings.

SEC. 11. Family Selection/Matching. - 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 Board, 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 one of them, shall personally fetch the child in the Philippines.

SEC. 12. Pre-adoptive Placement Costs. - The applicant(s) shall bear the following costs incidental to the placement of the child;

a) The cost of bringing the child from the Philippines to the residence of the applicant(s) abroad, including all travel expenses within the Philippines and abroad; and

b) The cost of passport, visa, medical examination and psychological evaluation required, and other related expenses;

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 adjustment. 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 as well as the repatriation to the Philippines of a Filipino child whose adoption has not been approved.

SEC. 15. 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.

ARTICLE IV

PENALTIES

SEC. 16. Penalties. - a) 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 (P50,000.00), but not more than Two hundred thousand pesos (P200,000.00), at the discretion of the court. For purposes of this Act, an 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.

b) 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 (P5,000.00) but not more than Ten thousand pesos (P10,000.00), at the discretion of the court.

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

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 act 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. 17. *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.

SEC. 18. *Implementing Rules and Regulations.* - The Inter-country Adoption Board, in coordination with the Council for the Welfare of Children, the Department of Foreign Affairs, and the Department of Justice, after due consultation with agencies involved in child-care and placement, shall promulgate the necessary rules and regulations to implement the

provisions of this Act within six (6) months after its effectivity.

SEC. 19. *Appropriations.* - The amount of Five million (P5,000,000.00) pesos is hereby appropriated from the proceeds of the Lotto for the initial operations of the Board and subsequently the appropriations of the same shall be included in the General Appropriations Act for the year following its enactment.

SEC. 20. *Separability Clause.* - If any 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. 21. *Repealing Clause.* - Any law, decree, executive order, administrative order or rules and regulations contrary to, or inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

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

Approved,

CONFERENCE COMMITTEE REPORT
ON S. NO. 252/H. NO. 12614
(The Book Development Act)

Senator Romulo: Mr. President, the Conference Committee Report on "An Act Providing for the Development of the Book Publishing Industry Through the Formulation and Implementation of a National Book Policy and a National Book Development Plan" has been filed with the Senate, reconciling the Senate and the House versions of the bill.

The Senate panel, headed by the distinguished Senate President Pro-Tempore, Senator Shahani, and the House panel, headed by Hon. Salvador Escudero III, have recommended the approval and acceptance of the Conference Committee Report.

I ask that the Senate President Pro Tempore, the distinguished Lady from Pangasinan, Senator Shahani, be recognized.

The President: Senator Shahani is recognized.

Senator Shahani: Thank you, Mr. President.

This Representation, together with other Members of the Senate panel, namely, Senators Alvarez, Sotto and Maceda

have the honor to submit to the Senate the Conference Committee Report on Senate Bill No. 252 and House Bill No. 12614 on "The Book Publishing Industry Development Act."

The House panel was headed by Congressman Escudero.

Mr. President, both Conferees of the two Houses met last May 31, 1995 and agreed to consolidate the Senate and House versions. The Committee adopted almost all the provisions of the Senate bill and certain provisions of the House bill.

Mr. President, certain provisions of the Senate and House bills were modified by the Conference Committee, namely, (1) on the creation of the National Book Development Board, its composition, terms, powers and functions which will now read as follows, and I will read these out because I believe these are important:

The Governing Board shall be composed of eleven (11) members which shall be appointed by the President of the Philippines.

The 11 members shall be composed of:

a) Five (5) representatives of the Government to be chosen from the Department of Education, Culture and Sports (DECS), Department of Trade and Industry (DTI), the Department of Science and Technology (DOST), the National Commission for Culture and Arts (NCCA), and nominees by the Commission on Higher Education (CHED) and the Technical Education Skills Development Authority from the academe and training institutions, respectively; and

b) Six (6) representatives from the nominees of organizations of private book publishers, printers, writers, book industry-related activities, students and the private education sector, preferably representatives of the three (3) main islands of the country, in view of the substantial progress made by other regions in the book publishing industry.

I would like to comment, Mr. President, that there was insistence on the part of some Members of the House panel to make sure that the book industry is felt regionwide and not just in the NCR region.

The provisions on Public School and Textbook Publishing, the final version reads as follows:

SEC. 10. The DECS shall consult with the board in prescribing the guidelines, rules and regulations in preparing the minimum learning competencies, and/or prototypes and other specifications for books required by public elementary and secondary schools.

In other words, Mr. President, DECS remains in control concerning decisions on the scope and subjects of textbooks to be used in public schools.

On incentives for book development, the provision reads as follows:

In case of tax and duty-free importation of books or raw materials to be used in book publishing, the board and its duly authorized representatives shall strictly monitor the quality and volume of imported books and materials as well as their distribution and utilization of the said imported materials.

In other words, while the Board has a monitoring duty, it should not control the importation of raw materials and other duty-free materials.

Mr. President, to allay the fears of the employees of the Instructional Material Corporation and the Instructional Material Development Center, the transitory provisions of the bill were modified to read as follows:

Within a period of one hundred eighty (180) days after the approval of this Act, the board shall be constituted to start its operation.

All other government offices having functions similar to those of the board shall then cease to perform such functions. This notwithstanding, the DECS shall maintain an office and staff to perform functions specified herein relative to its participation in the government textbook program.

Mr. President, it was also agreed and decided, in order to have a smooth transition in the publication of elementary and secondary textbooks, to add a safety net in Section 10 of the consolidated bill to read as follows:

SEC. 10. The DECS shall within a period of not more than three (3) years from the effectivity of this Act phase out its elementary and secondary textbook publication and distribution functions and shall support the phasing in of private sector publishers to assume these functions here. For its part, the board shall monitor and conduct an annual evaluation of the progress of the shift of functions from the DECS to the private sector.

Mr. President, it was also decided that for administrative purposes, the Book Industry Board shall be under the jurisdiction of the Office of the President, and for its initial operating expenses, the amount of P5 million was appropriated from the Office of the President.

Mr. President, we believe the enactment of this Book Development Act is going to be a milestone in the book publishing industry in our country and will also help the various areas in the educational field and ensure the adequate supply of affordable quality produced books.

Mr. President, in view of the fact that the school year begins on Monday, this Representation believes that it would be appropriate if this Body now will, as one of its final acts in the Ninth Congress, approve this Conference Committee Report.

The President: Are there any comments?

Senator Webb: Mr. President.

The President: Senator Webb is recognized.

Senator Webb: Mr. President, I would like to insert into the *Record* a written explanation of my support for the said bill.

Thank you, Mr. President.

The President: It is so noted.

APPROVAL OF CONFERENCE COMMITTEE REPORT ON S. NO. 252/H. NO. 12614

The President: We shall now vote on the Conference Committee Report.

As many as are in favor of the Conference Committee Report on the development of the Book Publishing Industry, please say *Aye*. [*Some Senators: Aye*] Those against please say *Nay*. [*Silence*]

The Conference Committee Report on Senate Bill No. 252/ House Bill No. 12614 is hereby approved.

The following is the full text of the Conference Committee Report:

The Conference Committee on the disagreeing provisions of Senate Bill No. 252, entitled

AN ACT PROVIDING FOR THE DEVELOPMENT OF THE BOOK PUBLISHING INDUSTRY THROUGH THE FORMULATION AND IMPLEMENTATION OF A NATIONAL BOOK POLICY AND A NATIONAL BOOK DEVELOPMENT PLAN

and House Bill No. 12614, entitled

THE BOOK DEVELOPMENT ACT

after having met and fully discussed the subject matter in a conference, on May 31, 1995, has come to an agreement, and the conferees hereby recommend to their respective Houses the following, that:

1. Section 1 (Title) is common to both Senate and House bills, but majority of the provisions came from the Senate version;

2. Section 2 (Declaration of Policy) was taken from Section 2 of the Senate version, taking into consideration the provisions of Section 2 of the House bill;

3. Section 3 (Definition of Terms) was a consolidation of both Section 3 of the Senate and House bills with the following modifications:

3.1 Paragraphs (a), (b), (c), (e) and (f) of the Senate bill were adopted;

3.2 Paragraphs (e), (b), (c) and (d) of the House bill were adopted;

3.3 Corrections as to form and style;

4. Section 4 (National Book Policy) was a consolidation of both Section 4 of the Senate and House bills with modifications for clarity, form and style;

5. Section 5 (National Book Development Policy) was a consolidation of both Section 5 of the Senate and House bills;

6. Section 6 (Registration of Entities) is Section 6 of the House bill;

7. Section 7 (Governing Board; Composition; Terms; Powers and Function) was a consolidation of Section 6 of the Senate bill and Section 7 of the House bill with modifications, to read as follows:

"The Governing Board shall be composed of eleven (11) members who shall be appointed by the President of the Philippines.

The eleven (11) members shall be composed of:

a) Five (5) representatives of the government to be chosen from the Department of Education, Culture and Sports (DECS),