

RECORD OF THE SENATE

THURSDAY, MAY 18, 1989

RESUMPTION OF THE SESSION

At 10:20 a.m., the session was resumed, with the Honorable Jovito R. Salonga, President of the Senate, presiding.

The President. Ipinagpapatuloy ang pulong ng Senado.

Tayo ay pangungunahan sa panalangin ni Senador Vicente T. Paterno.

Everybody remained standing for the opening prayer.

PRAYER

Senator Paterno.

Mahal na Panginoon, sa umagang ito, una po ang pasasalamat sa pagkapatibay kahapon ng aking panukalang batas, ang Senate Bill No. 744 tungkol sa COA.

Tuwing araw ng sesyon, may dalangin ako sa Iyo.

Huwag ka sanang masusot, Panginoon, na kadalasa'y ang dalangin ko'y pulos daing, reklamo, pagpula.

Huwag sanang maupos ang Iyong pasensiya na sa halip na aminin ko ang sariling kakulangan, bagkus naghahanap pa ako ng ibang masisisi.

Tinatanggap ko Po ang aking kahinaan at mga kasalanan sa Iyo, at hinihingi ko ang Iyong patawad.

Sa mga sandaling ito, Panginoon, kinikilala namin ang kadakilaan ng Iyong awa at tulong sa lahing Pilipino. Aming pinagtitiyag ang lubos na tiwala at pag-asa sa Iyo ng aming bayan.

Panginoon, tanggapin Mo po ang aming taimtim na pasasalamat sa Iyong pagmamahal, sa Iyong mga handog, at sa Iyong patuloy na pagsubaybay sa bansang Pilipino sa aming labbay tungo sa kinabukasan.

Siya nawa.

Senator Mercado. Mr. President, we have Additional Reference of Business and may I request the Secretary to read it.

ADDITIONAL REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary. Letters from the Secretary of the House of Representatives, informing the Senate that on May 11, 1989 the

House of Representatives passed the following bills in which it requests the concurrence of the Senate.

House Bill No. 15571.

May 12, 1989

Mr. President:

I have been directed to inform the Senate that the House of Representatives on May 11, 1989 passed House Bill No. 15571, entitled

AN ACT CHANGING THE NAME OF THE IBA ESTE PRIMARY SCHOOL IN THE MUNICIPALITY OF CALUMPIT, PROVINCE OF BULACAN, TO DR. VICENTE REYES MEMORIAL SCHOOL,

in which it requests the concurrence of the Senate.

Very respectfully yours,

(Sgd.) QUIRINO D. ABAD SANTOS, JR.
Secretary

The Honorable
Jovito R. Salonga
President of the Senate
Manila

The President. Referred to the Committees on Education, Arts and Culture; and Local Government.

The Secretary. House Bill No. 15572.

May 12, 1989

Mr. President:

I have been directed to inform the Senate that the House of Representatives on May 11, 1989 passed House Bill No. 15572, entitled

AN ACT CHANGING THE NAME OF THE STA. LUCIA ELEMENTARY SCHOOL IN THE MUNICIPALITY OF CALUMPIT, PROVINCE OF BULACAN TO PASCUAL O. CRUZ ELEMENTARY SCHOOL,

in which it requests the concurrence of the Senate.

Very respectfully yours,

(Sgd.) QUIRINO D. ABAD SANTOS, JR.
Secretary

Anti-Graft Law. It is an Act to regulate the right of a Member of Congress to engage, et cetera.

Iyon naman pong isinampa ni Senador Romulo ay An Act to Amend RA No. 3019, Otherwise Known as the Anti-Graft and Corrupt Practices Act." Pero noon pong dumaan sa Komite, iyon pong approach ni Senador Romulo ang nangibabaw. I mean, I guess I can speak for our Colleague, Senator Romulo, who is not here, that if we are agreed on the objective, iyon pong matter of form is, I suppose, something that we can take up on the Floor, maybe in the caucus or even informally. Ako ho, my own bias is really to move away from the Anti-Graft Act dahil ang dating po ay may kabigatan. Ngunit nais ko rin naman pong pagpitaganan ang nagwaging pormularyo doon sa lupon nang aming talakayin ito.

Senator Pimentel. Yes. At any rate, perhaps, we should give that some serious thought, Mr. President. Because if the objective is really merely, among other things, to prohibit lawyer-members of Congress from actively practising the legal profession, for example, then, perhaps, the Act should be geared towards that specific objective instead of making this Act merely an amendatory legislation to the Anti-Graft Law.

Senator Saguisag. Exactly my own preference. But in fairness to Senator Romulo and the Committee, we would have to take that up with those concerned. Sa palagay ko po, ang pakilasa ko naman ay hindi naman siguro magiging isyu dahil ganoon din naman po ang diwa. So, as I said, in the absence of the distinguished Minority Floor Leader, in fairness, we should accord him every opportunity to test the validity of the theories that we, the proponents, have. And for that matter, any other Member should feel free to interpellate again, considering the far-reaching consequences of what we are trying to do here, Mr. President.

The President. The Majority Floor Leader is recognized.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 446

Senator Mercado. Mr. President, I move that we suspend consideration of Senate Bill No. 446.

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

BILL ON SECOND READING Senate Bill No. 149 — Banning Mail-Order Brides

Senator Mercado. Mr. President, considering that we have some time, we can listen to a sponsorship speech. We have one sponsorship speech that is ready on one of the pet bills.

I move that we consider Senate Bill No. 149 as reported out under Committee Report No. 40.

The President. Consideration of Senate Bill No. 149 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. Senate Bill No. 149, entitled

AN ACT TO DECLARE UNLAWFUL THE PRACTICE OF MATCHING FILIPINO WOMEN FOR MARRIAGE TO FOREIGN NATIONALS ON A MAIL-ORDER BASIS AND OTHER SIMILAR PRACTICES, INCLUDING THE ADVERTISEMENT, PUBLICATION, PRINTING OR DISTRIBUTION OF BROCHURES, FLIERS AND OTHER PROPAGANDA MATERIALS IN FURTHERANCE THEREOF AND PROVIDING PENALTY THEREFOR.

The following is the full text of Proposed Senate Bill No. 149:

AN ACT TO DECLARE UNLAWFUL THE PRACTICE OF MATCHING FILIPINO WOMEN FOR MARRIAGE TO FOREIGN NATIONALS ON A MAIL-ORDER BASIS AND OTHER SIMILAR PRACTICES, INCLUDING THE ADVERTISEMENT, PUBLICATION, PRINTING OR DISTRIBUTION OF BROCHURES, FLIERS AND OTHER PROPAGANDA MATERIALS IN FURTHERANCE THEREOF AND PROVIDING PENALTY THEREFOR.

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

Section 1. It is the policy of the State to ensure and guarantee the enjoyment of the people of a decent standard of living. Towards this end, the State shall take measures to protect the Filipino women from being exploited in utter disregard of human dignity in their pursuit of economic upliftment.

Section 2. Pursuant thereto, it is hereby declared unlawful,

a) For a person, natural or juridical, association, club or any other entity to commit any of the following acts:

- 1) To establish or carry on a business which has for its purpose the matching of Filipino women for

marriage to foreign nationals on a mail-order basis or through personal introduction;

- 2) To advertise, publish, print or distribute or cause the advertisement, publication, printing or distribution of any brochure, flier, or any propaganda materials to promote the prohibited act in paragraph a) (1) hereof;
- 3) To solicit, enlist or in any manner attract or induce any Filipino woman to become a member in any club or association whose objective is to match women for marriage to foreign nationals either on a mail-order basis or through personal introduction.

b) For the owner, manager, or other officer or officers concerned of any newspaper, magazine, television or radio station, or other media, or of an advertising agency, printing company or other similar entities, to knowingly allow, or consent to, the acts prohibited in Section 2, Paragraph a) (2) hereof.

Section 3. In case of violation of this Act by an association, club, partnership, corporation, or any other entity, the incumbent officers thereof who have participated in the violation of this Act shall be held liable.

Section 4. Any person found guilty by the court to have violated any of the acts herein prohibited shall suffer an imprisonment of not less than six years and one day but not more than eight years, and, a fine of not less than eight thousand pesos (P8,000). *Provided*, That if the offender is a foreigner, he shall be immediately deported and barred forever from entering the country after serving his sentence and payment of fine.

Section 5. All laws, decrees, orders, instructions, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 6. This Act shall take effect upon its approval.

Approved.

Senator Mercado. Mr. President, I ask that we recognize Senator Maceda.

SPONSORSHIP SPEECH OF SENATOR MACEDA

Senator Maceda. Thank you, Mr. President. I will try to limit myself to five minutes or so.

May I refer to a privilege speech delivered on April 13 on the same subject matter which we will not repeat except to say that this bill is being very much awaited by STOP and several organizations that have been asking for its approval. And in

connection with this bill, may I just read the latest column that has been written about it by Mr. Ruther Batuigas in the *Tempo* written about three weeks ago, entitled *Filipino Bride Sold to Japanese*.

A reader who asked not to be identified wrote us about what she considers dirty business going on in her hometown of Caba, La Union. Here is where a syndicate is said to be raking in a lot of money selling Filipino brides to Japanese tourists. The town's young and beautiful maidens are recruited by the ring, then they are paraded before Japanese tourists. The tourists simply make their choices and civil weddings are held. After the wedding, the groom pays the bride's parents P50,000 and goes home to Japan. Then the syndicate fixes the necessary papers, and in about three or four weeks, ships the bride to her new home in Japan. Of course, the syndicate makes a killing from this in commission and fees.

Our reader cited four girls from La Union who have fallen victims to this bride-for-sale ring. The four were married in civil rights in Manila last March 27. She also gave us the name of another victim, the niece of the headman of the syndicate. She said the niece, one of my dearest friends, was recruited against her will. She worries a lot about her, said our reader, for she has heard about young Filipinas in Japan being sexually exploited and abused.

If these workers have been abused, how much more these Filipinas who were married to Japanese for monetary considerations? Of course, Mr. President, we also previously called the attention to fake weddings which came out in several newspapers that was of course busted by the Commissioner on Immigration.

In the *Malaya*, it stated:

Brides No More - Immigration Commissioner Miriam Defensor Santiago seated, questions from left, Cristina Lea, 20; Fe Reo and Jenny Guiyab, victims of an alleged mail-order-bride racket. The three were supposed to be married yesterday at a country club in Las Piñas but the prospective bridegrooms were arrested. Santiago said the simulated weddings was a sham intended only to enable the brides to obtain visas for entry to Japan.

Mr. President, to shorten the procedure, I think I will just read some of these short sections which are self-explanatory. Announcing in advance, I have two letters from Senator Gonzales and Senator Shahani and the answer to both is common in the sense that, of course, the bill does not intend to prohibit or penalize personal introductions made by friends or clubs which are not for a fee or which are not for business.

Section 1. It is the policy of the State to ensure and guarantee the enjoyment of the people of a decent standard of living.

Towards this end, the State shall take measures to protect the Filipino women from being exploited in utter disregard of human dignity in their pursuit of economic upliftment.

Mr. President, last night, I was at a small party where some of the women were complaining that because of mail-order brides and because of the issue of domestics and entertainers and prostitutes going all over the world in every effort where a Filipino woman now comes in or goes out, she is subjected to so many indignities. And it is our hope that with this particular legislation, we are starting the effort to restore the dignity back to the Filipina and to the Filipino passport.

Section 2. Pursuant thereto, it is hereby declared unlawful,

a) For a person....to commit any of the following acts:

Number 1, to establish or carry on a business which has for its purpose the matching of Filipino women for marriage to foreign nationals on a mail-order basis or through personal introduction;

"To carry on a business," that is the key word there, Mr. President. As we could see in all the newspapers especially on Sunday, they go about it by advertising. So, it was necessary to prohibit the act of advertising, publishing, printing or distributing or causing the advertisement, publication, printing or distribution of any brochure, flier, or any propaganda material calculated to promote the prohibited act in paragraph a) (1) hereof;

All these, in addition to the publication in the newspapers here, so many catalogs and brochures are printed and sent all over the world for a fee.

Number 3, Mr. President, it is prohibited to solicit, enlist or in any manner attract or induce any Filipino woman to become a member in any club or association whose objective is to match women for marriage to foreign nationals either on a mail-order basis or through personal introduction. And in the period of amendments, we are willing to accept a clarification that what is prohibited is membership in a club or personal introduction for a fee, probably, for a substantial fee. Meaning to say, that personal introductions made through Jayceerette Clubs or Lioness Clubs or other Soroptimist clubs or sparklers clubs which are not really for this purpose are not, of course, going to be penalized.

The other prohibited act is for the manager, or other officer of any newspaper, magazine, television or radio station, or other media, or of an advertising agency, printing company or other similar entities, to knowingly allow, or consent to the acts prohibited in Section 2 hereof. Of course, in the period of amendments, we will be quite ready to accept any possible objections or any further relaxation on this paragraph.

And the usual penal provisions in Section 4,

...the imprisonment of not less than six years and one day but not more than eight years and a fine of not less than Eight thousand pesos (P8,000). *Provided*, That if the offender is a foreigner, he shall be immediately deported and barred forever from entering the country after serving his sentence and payment of fine.

I received a letter here from Senator Saguisag where he proposes to add an additional section:

Nothing in this Act shall be interpreted as a restriction on the freedom of speech and of association for purposes not contrary to law as guaranteed by the Constitution.

which we will accept in the period of amendments, as a new section.

For these reasons, Mr. President, and as part of the continuing effort of the Senate, following the example set by the Gentle Senator from Pangasinan and others in the anti-discrimination of women bill, and so many other bills that have been filed, I hope that with these series of bills, before the end of this year, this Senate can blaze the trail for pro-women legislation which is very much needed; and it is very necessary to really impress the whole world that the Filipina woman who, as I said, in my privilege speech, is "God's gift to the world" should be protected and restored to her proper dignity and stature.

Thank you, Mr. President.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 149

Senator Mercado. Mr. President, I move that we suspend consideration of Senate Bill No. 149.

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

BILL ON SECOND READING Senate Bill No. 871 — Barangay Youth Council Elections

Senator Mercado. Mr. President, I move that we consider Committee Report No. 621 on Senate Bill No. 871.

The President. Consideration of Senate Bill No. 871 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. Senate Bill No. 871, entitled

RECORD OF THE SENATE

TUESDAY, MAY 30, 1989

OPENING OF THE SESSION

At 10:24 a.m., the Honorable Jovito R. Salonga, President of the Senate, called the session to order.

The President. Binubuksan ang pulong ng Senado.

Pangungunahan tayo sa panalangin ni Senador Wigberto E. Tañada.

Everybody remained standing for the opening prayer.

PRAYER

Senator Tañada.

Dear Lord, our steadfast Friend and loyal Ally, please continue to lead and guide us in our continuing struggle for truth, justice, freedom, democracy, peace and progress, for our people.

Be always with us, Lord, especially when we falter, stumble and fall. Let us feel Your love and experience Your power. We know, with You by our side, we will triumph and God's will will be done.

Amen.

ROLL CALL

The President. Babasahin ng Kalihim ang talaan ng mga Senador.

The Secretary.

Senator Heherson T. Alvarez	Present
Senator Edgardo J. Angara	Present
Senator Agapito A. Aquino	Present
Senator Juan Ponce Enrile	Present
Senator Joseph Ejercito Estrada	**
Senator Neptali A. Gonzales	Present
Senator Teofisto T. Guingona, Jr.	Present
Senator Ernesto F. Herrera	Present*
Senator Sotero H. Laurel	**
Senator Jose D. Lina, Jr.	Present
Senator Ernesto M. Maceda	Present
Senator Orlando S. Mercado	Present
Senator John H. Osmeña	Present
Senator Vicente T. Paterno	Present
Senator Aquilino Q. Pimentel, Jr.	Present**

Senator Santanina T. Rasul	Present
Senator Alberto G. Romulo	Present
Senator Rene A. V. Saguisag	Present*
Senator Leticia Ramos Shahani	**
Senator Mamintal Abdul J. Tamano	**
Senator Wigberto E. Tañada	Present
Senator Victor S. Ziga	Present
The President	Present

The President. Labing-anim na Senador ang dumalo sa ating pagpupulong; mayroon tayong korum.

THE JOURNAL

Senator Mercado. Ginoong Pangulo, hinihingi ko na hindi na basahin ang *Journal* ng nakalipas na sesyon at ituring na ito ay sinasang-ayunan.

The President. Mayroon po bang tutol? [Silence] Pinagtibay.

The Secretary will now proceed with the reading of the Order of Business.

REFERENCE OF BUSINESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Secretary.

May 25, 1989

Mr. President:

I have been directed to inform the Senate that the House of Representatives on May 24, 1989 passed House Bill No. 20207, entitled

AN ACT CHANGING THE NAME OF THE SAGANA ELEMENTARY SCHOOL IN THE MUNICIPALITY OF BONGABONG, PROVINCE OF ORIENTAL MINDORO, TO TOMAS S. VILLANUEVA MEMORIAL SCHOOL,

in which it requests the concurrence of the Senate.

Very respectfully yours,

(Sgd.) QUIRINO D. ABAD SANTOS, JR.
Secretary

The Honorable
JOVITO R. SALONGA
President of the Senate
Manila

* Arrived after the roll call
** On official mission

Senate Bill No. 835 achieves its purposes by exempting senior citizens from payment of income tax. This proceeds from the theory that since the State can only afford to render minimal assistance to its citizens who have devoted the best and most productive years of their life to the service of the country, then the State must allow these citizens to keep and use the totality of these meager benefits for purposes beneficial to them. Moreover, the bill also grants a personal privilege discount of 20 percent of the total value of essential goods and services that may be needed by the senior citizen. While the discount is admittedly minimal, it is the most that the State can afford to give, as it is also necessary to consider the legitimate interests of the proprietors of the establishments covered by this Act.

In conclusion, it should be stated and emphasized that perhaps the most important purpose of this bill is to draw the government's attention to the inadequacy of its programs geared towards ensuring the well-being of that sector of our population who are most deserving of government's assistance and protection. Our senior citizens have contributed time, talent, and the better part of their lives to the common effort to make this country what it is today. Their patience, their perseverance, and their patriotism in opting to stay in the country, despite the excesses of the former regime, have contributed in no small measure to the ability of this country to put itself on the road to economic recovery. It is about time that government acknowledge these efforts of our elder citizens. And it is the fervent hope of the Sponsor of this bill that the approval and passage of Senate Bill No. 835 will spur the other departments of government towards expanding the scope of the initial benefits granted in this bill, thus enabling our senior citizens to enjoy their twilight years in the manner that they deserve.

Mr. President, my distinguished Colleagues, this bill has attracted a lot of favorable comments coming from our senior citizens all over the country expressing optimism for the early passage of the law. Many of our elders are pinning their hopes on us. Let us not put them down.

Thank you.

SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 835

Senator Mercado. Mr. President, I move that we suspend consideration of Senate Bill No. 835.

The President Pro Tempore. Is there any objection?
[Silence] Hearing none, the motion is approved.

BILL ON SECOND READING Senate Bill No. 149 -- Banning Mail-Order Brides (Continuation)

Senator Mercado. Mr. President, I move that we consider Committee Report No. 40 on Senate Bill No. 149.

Mr. President, we are in the period of interpellations of this measure. I ask that we recognize Senator Maceda, the Sponsor.

Senator Maceda. Mr. President, before we answer some interpellations, may I just add into the *Record* as part of the sponsorship speech an article in the *Manila Bulletin*, which came out after our sponsorship speech, Monday, May 22, 1989, "Baby Farms Exposed Filipino Women Fall Prey To Racket," by Marcia Rodriguez.

Leaders of women's organizations have expressed concern over reports that Filipino women in the Federal Republic of Germany (FRG) are being used in what are known as "baby farms."

Remy Rikken, executive director of the National Commission on Women, (NCW), said there have been reports that the Third World women are merely treated as "incubators" of babies of German men.

In a meeting of the Stop the Trafficking of Pilipinos Foundation (STOP) at the NCW, Rikken said that many Filipino women, particularly those who are victimized by the "mail-order brides" racket, end up as baby makers. Their babies are later sold to German couples.

And the rest of the article which we will put into the *Record*, Mr. President.

May I also put into the *Record*, Mr. President, the fact that the Department of Labor and Employment strongly - endorses Senate Bill No. 149 to put a stop to the exploitation of our Filipino women under the guise of economic upliftment by matching them with foreign nationals for marriage. Some, if not most, of these persons or associations engaged in this business of matching our Filipino women to foreign nationals are actually importing our women to work as domestic helpers, farmers, or even prostitutes.

The easiest way of allowing their departure from the Philippines is to marry them off to foreign nationals who are not actually looking for wives but for reasons other than that.

And also, Mr. President, a letter signed by L. E. Y. Man Club, treasurer of the Filipino Social Club of the United Kingdom.

Dear Sir:

Our club wholeheartedly supports you on the bill you have formulated to be passed by Congress, but we think that punishment is not harsh enough for these people to deter

them from this degrading business.

Members of this club who have lived in England for years working and earning an honest living are the ones bearing the brand of the shame.

Our club's main aims are to help Philippine nationals who are here and to provide social activities and to help our people back home.

Mr. President, also some clippings from the different newspapers in London, there is an article called "Weekend", it prominently says that the Philippines is the main source of mail-order brides.

Another article, "A Wife" by Post, Teresa Skelly looks at the marriage broking trade in Filipino women.

And again, in another article, Mr. President, it says that there are a million girls desperate to come here — referring again to Filipino women — and for sale brides rolling trade in mail-order Filipino wives. And I quote part of this article:

Around 200 Filipino brides are now arriving in Britain every year, but last night the flourishing trade in mail-order brides was slammed as degrading and insulting.

Labor MP Claire Short said she thought British men might be attracted to Filipino girls because they are powerless and pretty. She explained, "I am very suspicious. I suspect that what is attracted to them is that the woman would be completely powerless and that the man could use her as he wishes."

These series of articles in the London papers focus on the Filipino as the main source of mail-order brides, and include prominent pictures of Filipinas, which we will make as part of the record.

With that, Mr. President, we are ready to accept interpellations on this bill.

Senator Enrile. Mr. President.

The President Pro Tempore. Senator Enrile is recognized.

Senator Enrile. Mr. President, I will agree with the Gentleman wholeheartedly in this bill, but I just want to find out whether we should prohibit this thing altogether or simply regulate it. As I sense this bill, it is a bill calling for the enactment of a law that will prohibit mail-order brides rather than regulate it. It may happen, Mr. President, that there are indeed legitimate marriages done through the so-called "mail-order system." Does not the Gentleman think that it will be unfair, unjust to those who may

legitimately enter into marriage in this fashion if we totally prohibit it by making it unlawful?

Senator Maceda. Mr. President, as I have stated to Senator Shahani and earlier to Senator Saguisag, what is sought to be prohibited is the business of mail-order brides and it does not in any way prohibit legitimate social organizations from making legitimate introductions.

Now, while I may agree that under normal circumstances a mere regulation will do, but considering the extent to which this has been propagated from all over the world, from Australia and New Zealand through all the corners of Europe, to faraway farmplots of Japan, placing the Filipina as a very well publicized commodity for the mail-order bride business, I think that a more emphatic solution in terms of an actual prohibition should be adopted at this time with the understanding, as I said, that if they are legitimate social clubs or introductory clubs — which, of course, could be abused, but then it is a matter of enforcement — and it is not really for business, then we can go along with that.

In one of these articles which I have placed into the *Record*, there is a solicitation here by one Ricardo M. Gloria, "Details of a Special NARRA Plan", and they charge \$300 for mere membership in the organization. Then they charge \$1,500 for a marriage that is arranged and entered into. So, this is no longer a small-time business. It is big business; and worse, the fact, as stated by the Department of Labor, has become a cover for not really mail-order bride or marriage introductions but for importation to their countries of domestic helpers, farmers' helpers or even prostitutes or entertainers of the night.

Senator Enrile. Now, Mr. President, my other question here is with respect to paragraph 1-a. When does an activity such as this become a business? How many transactions must be performed by the person held responsible in order that her or his activities would be considered a business? And second, would the mere solicitation of members in an organization without charging any fee make this activity a business?

Senator Maceda. That last question is easier to answer. Of course, in that case the answer is no, if there is no fee charged. But on the main question of when it is a business, I think my distinguished senior partner in the law office of Perkins and Ponce Enrile knows that there is a big incidence of jurisprudence on when a business is a business or when it is an isolated transaction in that context. I suppose, if they have taken a mayor's permit for it, if they have an office, if they advertise, if they have calling cards and they charge fees and they send out catalogues and the like, then all of these will go into the determination of whether it is a business or not. We can imagine, especially after this bill is passed, that there will be attempts, which we cannot all cover, to

go around this law. But as to when one is carrying a business or not, I think there is enough jurisprudence in that regard.

Senator Enrile. May it not be better, perhaps, if instead of requiring the activity to reach the level of a business, that we altogether regulate this activity regardless of whether it is a business or not, through the participation of the Department of Social Welfare, to see to it that the bridegroom is indeed a legitimate, enamored, prospective lifetime partner of the female Filipino citizen in order to protect this citizen from becoming, as he said, a child factory somewhere else in the world.

Senator Maceda. To begin with, Mr. President, if the Gentleman will look at page 2 of the bill, a)-3) does include even the mere solicitation, enlistment or in any manner, in any club or association, whose objective is to match women for marriages to foreign nationals, this is on the basis that it is paid.

Senator Enrile. I am just talking, Mr. President, of the practical aspect of enforcing this statute. If we get into the courtroom, and I assume we will have to reach the courtroom to enforce it because we are criminalizing this activity, the burden of proof is going to be very difficult. Who will testify against the procurers, solicitor, inducer, enlister and attractor, if the woman is already abroad? And in spite of the fact that that Filipina is having a hard time somewhere in the world, it will be very difficult to bring her here to serve as a witness in order to put behind bars the people who are responsible for her misfortune. I would imagine that it would be better, Mr. President, to regulate this so that we forestall the occurrence of what we want to prevent before it occurs.

Senator Maceda. I have no objection to regulating it in terms of having some premarital checking. However, in the case of the criminal aspect of it, I think the situation, as I said, has so deteriorated to a point as shown by apprehensions even by the Commission on Immigration and Deportation of fake marriages being conducted right here that unless there are penalties now for this, I do not think that we will even make a dent. But if we can at least prohibit them from openly opening up businesses and offices in Ermita, here in Roxas Boulevard, and M. H. del Pilar, and limiting their capacity to advertise, I think we will be able to solve the big bulk of the problem. This bill, I will concede, will not effect, 100 percent, a solution to mail-order-bride businesses that would be done under the table. But, without this bill, even if there was a Filipina who got into a bad situation abroad and she comes back home here, there is really no law right now that would make it easy for her to go against the business in M. H. del Pilar that sent her abroad in the first place.

Senator Enrile. My other problem here, Mr. President — this is really the one that would, probably, bother me most — this paragraph b) of Section 2 which penalizes equally newspapers,

magazines, television or radio stations or other media facilities who may allow advertisements, solicitation, et cetera — although I am not quite familiar with this area — we might collide constitutionally with the freedom of speech, freedom of the press, and prior censorship doctrines in our constitutional system.

Senator Maceda. We expected that, Mr. President, and we are willing to soften this provision. But the intent is that, to make a clearer example, if somebody advertises sale of opium or cocaine, I think that that should not be allowed. Or if somebody advertises a "Murder for Hire, Incorporated," then certainly, there is good ground to prohibit the acceptance of advertisements like that; and it is along that same line if this is a prohibited act. This is very important because the principal way by which these people are able to victimize their victims is through the classified acts and advertisements in the newspapers. Now, to soften it, if the Gentleman wants to limit it to the advertising manager or the manager who is in charge of accepting these advertisements, then we will be willing to consider that in the period of amendments.

Senator Enrile. I can see the Gentleman's point, Mr. President, that these things would not thrive unless they use the media. The only thing is that, I would suggest, we should look at this very carefully in order that we will not intrude into the area of press freedom, free speech, and prior censorship, so that we can protect the liberties of our people. But I can assure the Gentleman that I am all for this kind of measure.

Thank you, Mr. President, for favoring me with his answers.

Senator Maceda. Thank you, Mr. President.

Senator Saguisag. Mr. President.

The President Pro Tempore. Senator Saguisag is recognized.

Senator Saguisag. I have just one point to pursue, if the Gentleman will yield.

Senator Maceda. Willingly, Mr. President.

Senator Saguisag. Let us take one really bad case where a Filipina can show that she was beaten black and blue and all that. In the trial, the prosecutor is not able to show a pattern, meaning, that that is the only case. In defense, the advertiser, as well as the publisher, presents 20 Filipinas who will say that they were saved from a life of poverty. Not only did they improve their lives but also those of their families here. Let us even take a case where the woman herself may have six children by another man, and all of them were able to improve their situation abroad, thanks to the groom. Will that be a defense?

Senator Maceda. In that particular case, the abuse of the Filipina wife is really not sought to be penalized in this bill. To begin with, it is really more of a preventive measure from the very beginning, that by prohibiting the mail-order-bride business in this country, whether it is through establishing offices or prohibiting their facility of carrying under business through advertisements that we are able to prevent the so many cases now — it is not only occasional cases, but I think, all the clippings here that we have shown have become a problem, more than an occasional problem every now and then — so, whether it will prevent 20 others from going abroad. As I said earlier, there are other ways of being introduced without taking a risk of going through mail-order-bride business agencies whose main concern really is to make money and not really to make a genuine introduction to people who might be able to, as the Gentleman said, save the lives of these Filipina women.

Senator Saguisag. Because the problem is that even in the conventional courtship type, there is really no way of predicting whether marriage will work or not. And so if I were the Judge, I would really have a problem if I were confronted with a case where it is shown to me that in this case — well, the mail-order-bride device did not work out in one case, but it also proved helpful in other cases. In other words, we have some neutral instrument that could have two kinds of effects. In some cases, malevolent; in other cases, not so.

I think that is also what Senator Enrile was trying to visualize, I think we are all agreed that there is an evil that has to be checked by legislation, by the proposed bill before us now. But still I am really not sure how a judge would react in such a case where it is shown that in some ways, apart from resulting in the evils we seek to check, there are also many instances where the arrangement has been shown to work. So what would be the attitude of a judge, if we may anticipate?

Senator Maceda. Mr. President, at that point in time the judge will no longer decide on the basis of whether this marriage was a bad marriage or 20 marriages were bad marriages. The only time that this law will come into effect is, if we have decided that the business of a mail-order bride is prohibited, as a matter of policy; and, if the defendant engaged in the business of mail-order bride which is a prohibited act.

Now, the question of how many marriages turned out bad or turned sour, will no longer be really in issue. That will only be an issue if it is not *mala prohibita*, and the Gentleman is talking about a specific bride, having been subject to some abuses under an existing law or whether, if there is a civil case for damages and the like. But we are making a decision here that we are prohibiting the mail-order-bride business, and therefore, the only issue that will confront the judge is whether he entered into these prohibited acts or not.

Senator Saguisag. But the question here is that the Constitution has been invoked. So the defense counsel will say: "Your Honor, we like this law, but we have the constitutional right to the pursuit of happiness and the happiness of pursuit." And everybody really gambles when one courts.

So, that is my problem here. Is it really constitutional? The defense counsel will say: "Who would want to marry a stranger?" But in this country some poor women have tried everything and there is no hope. So they gamble. And this is the agency that has enabled them to take their chances elsewhere. No one would want to marry them here for any number of reasons, so they go to Japan, Australia, or wherever there is a batch of 25. And five marriages failed, 20 worked, which probably is par for the course even in conventional marriages. So that is my concern. We do not want to be associated with a law that may be declared unconstitutional. Our pronouncement here does not really resolve the constitutional question.

Senator Maceda. We will concede that, Mr. President, and therefore, we will just have to take our chances. My opinion on the matter is that this is a valid exercise of the police power and I am confident, and the Gentleman's guess is as good as mine, that this law will not be declared unconstitutional. In the meantime, there is a problem. There are so many letters and representations made to us, there are so many articles all over the newspapers crying for some solutions to this problem, and this is our humble effort of trying to solve the problem. Now, if and when this is unconstitutional, then so be it. But I do not believe so, and if there is any way that the Gentleman can assure that this will not be unconstitutional as stated in the Gentleman's letter, we have no objection to the proposed additional section which the Gentleman has proposed, and I quote:

Nothing in this act shall be interpreted as a restriction of the freedom of speech and association for purposes not contrary to law as guaranteed by the Constitution.

The main issue here, really, is whether trafficking in brides could be prohibited or not. I think, under the circumstances — statistics that have already cropped up — I am very confident that the police power will justify prohibiting the business or trafficking in brides.

Senator Saguisag. My concern, Mr. President, is that the statistics and the figures we have are concerned with the marriages that failed. Do we have any figures on the marriages that have worked? That is really the thing that can assure us. The only thing that the public will ever get to know about would be the bad cases.

As a practicing lawyer sometime ago, there were really some touching cases I came to know of, when foreigners were so anxious to have their wives get over to the foreign country, not

only the women but the latter's children by other men. No one hears about these cases. No one hears about the foreigner who has genuinely fallen in love with a Filipina through this device. As a lawyer, I was consulted occasionally. I know that this may not be a valid approach. It may be too anecdotal or episodic. In other words, wala pong pinagtatalunan tayo na may mga nakakalungkot na mga nangyari ryan. Pero, hindi po natin alam kung ano naman talaga ang porsyento ng mga kasal na, kahit papaano, may have been made in heaven. But, it may be at par in relation to the conventional marriages that we know.

In any case, I am prepared to concede that we can frame a law that may be constitutional on its face and probably we will just have to take our chances when it is applied on a case to case basis in the real world. I am glad that I have been reassured that the proposal I made in writing will be accepted at the proper time.

Iyon lamang po. Maraming salamat.

Senator Maceda. I wish to thank the Gentleman for that support. I was just going to use another parallel in the matter of his example which, of course, has raised some genuine problems in his mind. I guess the parallel is: if we have labor recruiters for entertainers to Japan and we prove that in 100 cases, there were 90 genuine entertainers that were placed in good entertainment situations in Japan, but, if we prove also that he did place 10 willingly in 10 slave dens or prostitution dens in Japan, I think that in that case, there would be no question that the POEA or the Department of Labor could cancel his license, not on the basis that he has proven that many entertainers that he sent to Japan were legitimate but on the basis that he knowingly placed a certain number of them in prostitution dens. Even if we could prove that 90 of the entertainers he sent were placed in legitimate entertainment spots and they have a better life, we cannot, I think, in a situation like that, overlook the fact that in a certain number of cases — even if it is the minority of cases — he did place them in prostitution or illegal activity.

Senator Saguisag. The only thing, really, that sets this apart is, the choice of a mate presents some of the more permanent problems of the human race.

Maraming salamat po.

Senator Maceda. Salamat din po.

Senator Paterno. Mr. President.

The President Pro Tempore. Senator Paterno is recognized.

Senator Paterno. Mr. President, I am in complete agreement with the thrust of the bill. I would, however, like to ask some questions just to make clear certain terms herein.

Would Senator Maceda accept a few questions?

Senator Maceda. Willingly, Mr. President.

Senator Paterno. Thank you, Mr. President.

The word "on a mail-order basis" or more precisely, "the matching of women for marriage to foreign nationals on a mail-order basis" is a term used in this bill. What does "on a mail-order basis" mean?

Senator Maceda. I guess the practice is quite established now: bridegrooms from abroad, pursuant to either advertisements or catalogues, write to the broker agent or the mail-order businessman in the Philippines, applying, usually, for a fee — a fee is sent — that he be matched with a bride. That is the usual kind of the mail-order-bride business. Of course, some of them would come here and, probably, before doing so, would write in advance. That would be the majority. Some would probably come here after being told of this; and when they arrive here, there is a referral or they take note of an ad.

That would also be included already; because, part or the main thrust of the business is really the mail-order brides through the mail, through catalogues, and through letters.

Senator Paterno. So, the question of use of the mail for both solicitation of prospective bridegrooms and for the transmission of information about possible Filipina brides is the characteristic of this system that is being objected to by this bill. Is that correct, Mr. President?

Senator Maceda. What we are saying is that, any matching done, not only through the mail for purposes of a possible marriage but for a fee, for a business, is prohibited.

Now, maybe, the Gentleman has pointed out something that is not in the bill — the use of the mail. Because, in the United States, as we all know, once a person uses the mail for any prohibited activity, it becomes a separate crime by itself, as a matter of fact, a federal crime.

Senator Paterno. It is also a specific act — the use of the mail — that can be proven for the purpose of getting a prospective bridegroom. Is it not correct, Mr. President?

Senator Maceda. Yes, Mr. President. It is a specific act that could be proven.

Senator Paterno. Now, would the use of the mail here, for the purpose of locating the bride, be also a feature or a characteristic of the so-called "mail-order basis?"

Senator Maceda. That is correct, Mr. President. That is the normal characteristic. The reason why it was called the "mail-order bride" was because this was done through the mail. Although, as I said, since we have become famous or notorious, worldwide, as a source of Filipino brides, I do concede that some people come here personally instead of just writing through the mail.

Senator Paterno. Yes. Actually, I was wondering, Mr. President, whether the Author would agree to eliminate the personal introduction and limit the bill to the mail-order basis.

Senator Maceda. We are willing to consider that, Mr. President. Although, we have to study whether that might create a loophole that would be used by these people to continue in business by saying: "Well, it is not done through the mail; but these people show up here and we just introduce."

Now, if the personal introduction, as I said, is occasional in the ordinary course of social contact, then I can understand that. But, if the personal introduction is of people who are in a master list, a catalogue, with video tapes, and all of that, or this *omiai* that they talk about where they get 50 girls in Caba, La Union, or in Cebu and they bring five or ten Japanese to look at these 50 girls, which is just like a cattle-market pickup, even though there is no mail used there, just that idea of gathering 50 females on one side and getting a number of applicants to come in for a fee to be able to choose like a slave market, I think, even common decency requires that that should be prohibited. That is a form of personal introduction which, I think, should not be allowed.

Senator Paterno. For the record, Mr. President, would the Author not say that it is not only the protection of Filipino women from exploitation that is sought by the prevention of this, but also the affront to national dignity that happens when advertisements and mail-order brides become very widely known in other countries.

Senator Maceda. How often, I think, have the Gentleman and the other Members of this Chamber, or we have been hearing complaints from people that we know about how low they think of the Filipino women abroad, about how difficult it is to get through Customs now, if one is a Filipino woman with a Filipino passport, and in diplomatic circles in all European capitals, unless she is known personally; that Filipina is known either as a domestic or as a mail-order bride. That is why we have to come to a point in time, as I said to the Minority Floor Leader, that we have to do something about it and come out with more strict prohibitions rather than just pure regulation.

Senator Paterno. Thank you, Mr. President.

I thought I would just bring out these points so that the Sponsor may consider whether some description or definition of

mail-order basis would be appropriate, so the courts would have a better definition of the practices sought to be prevented, and also the consideration by the Sponsor of whether personal introduction is as objectionable to the mail-order system.

Thank you, Mr. President.

Senator Maceda. Yes, we will consider that, Mr. President.

The President Pro Tempore. Senator Aquino is recognized.

Senator Aquino. Mr. President, may I just ask about three questions.

Senator Maceda. Willingly, Mr. President.

Senator Aquino. Is the intention of the bill to prohibit or to regulate mail-order brides?

Senator Maceda. The intention is to prohibit the business of mail-order brides altogether.

Senator Aquino. With regard to prohibition, I hope, Mr. President, we can implement the prohibition in this bill, assuming that they do not use media.

Senator Maceda. Right now, there is no way that we can close down a shop, or a store, or an office in Makati, or Roxas Boulevard, or M. H. del Pilar. At least with this bill, they will not be so open. Then the printing of catalogues, for example, will be reduced. Of course, the use of media is prohibited.

So, at least, while I will concede even now that we cannot fully 100 percent implement this, but compared to the present situation, we will be able to substantially reduce the number of these mail-order bride businesses.

Senator Aquino. Who are we prosecuting — who violates any of these — is it the matchmaker? Is it the matched? the matchee or the matcho? or, the advertiser in the newspaper? I mean, or are they all guilty, Mr. President?

Senator Maceda. No, only the matchmaker, who is usually also the advertiser. The bridegroom or the bride is not punished in any way.

Senator Aquino. And this has to do with mail-order brides, Mr. President?

Senator Maceda. Yes, that is the general rule, although we expand it, as the Gentleman heard us discuss with Senator Paterno to include personal introduction for fee, because, precisely, what is happening now, is they are not all already ordering through the

mails. Some do come in and just walk in to any of these offices in Malate, and look at a videotape, or look at catalogues or albums, or even look at the brides themselves in person in these offices.

Senator Aquino. How about mail-order grooms? Will they also be covered by this Act?

Senator Maceda. It is not such a problem right now. I have not heard of any complaint. But if the distinguished Gentleman would like to present that as an amendment, I am not going to object to the inclusion of that, but I have not heard of any mail-order groom complaining. I think the groups that are really flourishing in this country are domestic grooms. They do not go abroad to get married abroad.

Senator Aquino. Maybe, at the moment. Because I do not like to discriminate that this is only applicable to women. Maybe, there will be men who will also avail themselves of this avenue.

Anyway, thank you, Mr. President.

Senator Gonzales. Mr. President.

The President Pro Tempore. Senator Gonzales is recognized.

Senator Gonzales. Mr. President, may I ask a question or two just for the purpose of spreading this on the record?

Senator Maceda. Willingly, Mr. President.

Senator Gonzales. Suppose this bill becomes a law and the business of conducting a mail-order bride is outlawed and penalized. What will be the effect — yet in spite of that marriages take place — of this law to the marriage, if any?

Senator Maceda. The law does not seek to go into that question. If the marriage has all the elements required by law for a valid marriage, it is not void or voidable, then the marriage is valid.

Senator Gonzales. I just want to spread that into the *Record* lest there be some misconceptions that because the marriage was contracted by the parties through a business that is, by law, declared illegal, then the marriage is already declared void for one reason or another. Because that would be more inimical to the Filipina bride and also to the offspring of such a union. We should always favor legitimacy of the marriage and legitimacy of the children.

Thank you, and that is the only thing I would want to be spread on the record.

Senator Maceda. Thank you, Mr. President.

The President Pro Tempore. Senator Rasul is recognized, Senator Ziga, and then Senator Pimentel.

Senator Rasul. Mr. President, first of all, I would like to congratulate the distinguished Sponsor of this bill for his sensitivity to the plight of Filipino women as well as his comprehensive grasp of the problems of Filipino women who find themselves brides of foreigners abroad.

Senator Maceda. Mr. President, I am only second to the distinguished Chairman of the Committee on Women in that regard.

Senator Rasul. Mr. President, before I ask a few questions, I would just like to make on record that Filipino men have also been champions of the plight of Filipino women, and I always say this with pride whenever I am asked about the status of Filipino women in the Philippines. I think, it is simply because we do not go into confrontation with our men, but rather get their cooperation to promote the welfare of Filipino women. This bill is a very clear indication of this support the Filipino male give the Filipino women.

I would like to ask some questions if the distinguished Sponsor would care to answer them.

Senator Maceda. Willingly, Mr. President.

Senator Rasul. Mr. President, does not the Gentleman think that there is something wrong with our educational system; that we graduate young girls only to look for work abroad as domestic workers or as Filipino brides?

Senator Maceda. That would be one way of looking at it the other way, Mr. President. It was just a matter of economic and personal necessity that in the light of the 20 years of the previous administration our economic situation went to such low or sank to such low that there was no choice for our women but to try to get jobs abroad in these different capacities either as domestic entertainers or even as mail-order brides.

Senator Rasul. Mr. President, I admit that the problem of poverty has always been with us. But even in the areas where very poor families have to rear six or more children, young girls would rather be at home with their families than go abroad. Does the Gentleman agree that, perhaps, our moral values have been so weakened that our young girls no longer think of the dangers that face them when they go abroad or the possibility that they will be led into a life of humiliation and degradation if they go abroad or become mail-order brides?

Senator Maceda. That is a very fair statement, Mr. President, with which I concur.

Senator Rasul. So, Mr. President, I would like to be enlightened on what about the women who go abroad as in the case of Jocelyn Guannieso who went abroad, not as a mail-order bride but subsequently marries her employer and is exploited later on. Would this be included in this bill, Mr. President?

Senator Maceda. No, Mr. President, because the subsequent marriage abroad was not effected through a marriage broker in this country who did the matchmaking. In that particular case it was really a labor recruiter who had sent her abroad as an entertainer, I think.

Senator Rasul. Mr. President, as early as 1987, when Congress convened, the issue of exploitation of women, abuse of Filipino women abroad, has always been front line news insofar as our dailies are concerned. But, it occurs to me that it seems as if we are not doing anything to counter this. I mean, not just the matter of Filipino brides but even the domestic workers who go abroad. These women number not just by the tens, or twenties or by the hundreds but these are by the thousands. So, I was just wondering, Mr. President; would the Gentleman know of any policy, strategy, program or a project of any of our government agencies which has sought to reduce this exploitation or to put a stop to the exploitation and abuse of Filipino women abroad?

Senator Maceda. Yes, Mr. President. That particular case of course is directly under the responsibility of the Department of Labor and Employment and specifically, the POEA. Now, if we will remember that last year, there was even a policy adopted of suspending completely the sending of domestic workers to the Middle East. But for reasons that are not quite clear to me, the suspension was lifted.

Now, the main policy or the main effort here, is really for the POEA to clamp down on fly-by-night recruiters. The problem is really, in terms of fly-by-night recruiters, more cooperating with also Yakuza type or unsavory employers or importers of these workers and entertainers abroad.

Now, part of the problem has also been the difficulty or of making prosecutions stick according to the fiscal's office because in many cases the returning worker or entertainer who complained is eventually fixed or bought out by the accused. We agree with the Gentle Senator from Sulu that that is equally as big a problem and certainly we would support any other piece of legislation that would strengthen the capability of the POEA and the Department of Labor to deal with this problem. Now, of course if I were to be personally asked, I would not mind really going into a stricter prohibition or even suspension of sending domestics to certain

countries again where the incidence of abuse has become more than normal, and that is something which is a policy for us and the Executive Department to consider.

Senator Rasul. Mr. President, during the period of amendments, would the Gentleman consider providing for heavier penalties or sanctions. I think, the penalty of P8,000 is too small, and even the imprisonment, I think, is short. I was just wondering, and I have articulated this observation also in another hearing that in some Muslim countries, for example, the penalty for certain crimes is, we know, an eye for an eye and a tooth for a tooth. And in the case of thievery, for example, the hand of the thief is cut, first time, and the second time the next hand is cut. So, perhaps, if we can think of some sanctions similar to this, then perhaps, we project the gravity of the offense. I do not mean that we really mutilate the person, but what I want to put across, Mr. President, is the idea that we must come up with some sanctions that will make it very difficult for anyone to violate this law when it is approved.

Senator Maceda. We are willing to consider a stricter or heavier penalties, Mr. President.

Senator Rasul. Thank you, Mr. President.

Senator Ziga. Mr. President.

The President Pro Tempore. Senator Ziga is recognized.

Senator Ziga. Thank you, Mr. President. Would the Gentleman care to answer a few questions?

Senator Maceda. Willingly, Mr. President, to the colossus from the Bicol region.

Senator Ziga. Thank you, Mr. President, from one who is listed as one of the "Top Ten Best Dressed" in the country.

My question, Mr. President, is, since this is entitled as the "Mail-Order Bride" does the Gentleman think that this will affect, in any way, the income or the performance of our present postal service?

Senator Maceda. I do not believe so, Mr. President, considering that probably in actual terms, maybe we are talking of 20,000, 30,000, 40,000 correspondences. In that sense if the Gentleman feels that 40,000 correspondences would affect it, probably it will only amount to a very small total.

Senator Ziga. This struck me, Mr. President, because one of my continuing concerns is for the upliftment and improvement of our present postal service by the government.

If I may also ask, Mr. President, in the bill, the penalty is only supposed to be for the matchmaker. The parties that are matched are not, in any way, going to be penalized. The act of advertising, publishing or printing advertisement or fliers is also prohibited in this bill, Mr. President.

Senator Maceda. That is correct. That would be the matchmaker or any of his employees or agents.

Senator Ziga. But, if the person or corporation or any club does not advertise; supposing they just open a restaurant or a membership club, and then they just introduce one party to the other, or the woman to the man, and this get around to the public that in that place one can select a prospective bride, would that act be penalized in any way in this bill?

Senator Maceda. As a general rule, no, Mr. President. Unless it could be proven that it is being done for a fee and on a regular basis, then it becomes no longer just a mere social introduction, but already a business of matching or introducing for a fee.

Senator Ziga. Because this is one of the things that concerns me. If it is a mere social introduction as, of course, there are many cases that happen in parties, or in restaurants, maybe clubs, exclusive or not, and social introduction lead to marriages, and some parties might try to run after the one who introduced, or the one who invited this guest to this restaurant or parties that they may be liable under this bill. Are they not liable under this bill?

Senator Maceda. They are not liable if it is not being done for a fee.

Senator Ziga. At present, do we have statistics wherein this practice of matchmaking or mail-order bride is now operating in the country?

Senator Maceda. The statistics, of course, are based on statistics of specific countries like Australia where we estimate by this time around 3000 mail-order brides; in the United Kingdom, we estimate that at the rate of 500 a year, there are more than a thousand there; and, of course, in the other places where this is popular like Germany and the Scandinavian countries. Of late, we have heard of Japanese farmers coming from all over Japan. I would say that probably that is just taking off but, maybe, there is already an area of several hundreds as far as Japanese mail order bride business is concerned. In the United States we hear of Hawaiian catalogues and out of Los Angeles, one person claimed to have placed mail-order brides if I am not mistaken, of around 3000.

The numbers are filing up. As I said it has been a good business for a lot of people. While some may disagree with me, I

think that this is really an insult to the Filipino nation that its women are being advertised all over the world now, no longer only in the United States or Australia, but almost in the whole of Europe, Japan and Asia as mail-order brides.

I think next to us comes Thailand, but they are way behind.

Senator Ziga. I see, Mr. President, and I share the Gentleman's concern and the concern of the Chairman of the Committee on Women that the country, our country, is being known for advertising its women starting with the domestic househelpers and now these marriages being arranged. However, on the other hand, Mr. President, as it was mentioned here by our Committee Chairwoman for the Committee on Women that poverty stalks our families especially in the countryside. And sometimes, as the Gentleman himself mentioned, in Japan, there was an article that I read recently, if I remember correctly, in *Asiaweek*. There was a great pictorial made in that issue of *Asiaweek* wherein the Filipino women were meeting the demands of being brides to Japanese families who are farmers in the countryside of Japan. And in that article, if I can remember correctly, the general information or impression that was being relayed is that the Filipino women or brides were contented and happy in having found a sort of great improvement to their way of life here in the country considering that they come from remote barrios where, sometimes, there is really a great difficulty in finding a job or tilling the soil, producing or farming a piece of land. And, somehow, this helps. They may send back their earnings or whatever benefits back to their families who were left behind. We have seen the experiences in the barrios where in a house, with a relative who is abroad, either in the Middle East working as a domestic helper or being a bride, let us say whether it was arranged or not or it grew out of love but, just the same, the woman becomes a bride in a foreign land, for example, in Japan and we can see that their status in that particular area or barrio, compared to other families who have no relatives that have gone abroad or are staying abroad, has sort of improved. With this bill now, do we not think that we are trying to put a hindrance in the pursuit of happiness and better life for our women?

Senator Maceda. I think, if they will just wait for a few years, they will also be happy with Filipino bridegrooms in this country.

The distinguished Gentleman was talking about the *Asiaweek* issue of April 14, 1989. May I read as part of that story: "A Nigata mother weeps after a row between her son and his Filipina wife, fearful that her daughter-in-law may leave and deny her the chance of being a grandmother. 'I want to go back to the Philippines' cries the homesick bride during a spat in another home. Inevitably, there are marital tensions. Locals tell of a mother so jealous of her son's foreign wife that she took every opportunity to make her life miserable. Such stories add more

ammunition to demands by groups in Japan and the Philippines for a stop to what they call the 'bride trade'. In December last year ... so, this must have been December, 1988 "... priests and nuns all over Japan gathered in Nigata to map a campaign against the practice."

So, if we assume that these priests and nuns are well-meaning, they must have seen the ill-effects of this practice and which, common sense really tells us, that if in this country you are already known to each other before you get married, you know each other's habit and all of that, there is a period of courtship and relationship, and the marriages still break-up, how much more in these cases where they really do not know the bridegroom? Can you imagine really the risk of failure of marriage?

I happen to come across an item here dated July 9 of the *Daily Inquirer* where it says that mail-order brides mostly come from Cebu. They were talking about Norway. Now, they estimate that about 1,000 women have already married Norwegians, according to Cora Querubin, speaking in a *Kapihan Forum*. According to this PNA article, statistics on Australian-Filipino marriages show that only one out of ten are successful, because in the case of Australia, they go to the boondocks, and it has been shown that most of the bridegrooms are really of the uneducated and uncultured type. As a matter of fact, many of them even have psychiatric problems.

Senator Ziga. I see. I was just voicing a concern, especially the present economic condition of our country wherein, of course, it is already a public knowledge now that our country has been known to be, or probably getting to be, the number one exporter of labor starting with nurses, doctors, domestic helpers, and now brides. I would like to voice the concern that if the bride, whether with true love or a love that will develop later on, but, at the same time, will help improve the economic condition of the whole family, might send her brothers or sisters to school, to college, or repair the house, or help her father or her mother pay the hospital bills, by this bill, it would seem that it would be creating a hindrance for these countrymen of ours in pursuing their economic upliftment for a better life.

Senator Maceda. It is very hard to argue against this line of reasoning, which is also along the same line of argument of the Gentleman from Pasig, but considering how it is done, let us say, a Japanese go to Caba, La Union, picks out a bride among 50, and pays \$50,000. I guess the dividing line there between prostitution and mail-order bride is very thin.

Now, the argument that the distinguished Senator is using is like saying, well, if for economic upliftment, a woman has to go into prostitution, and, therefore, we should not be a hindrance to her being a prostitute and being miserable for the rest of her life. I said, the dividing line between a strict case of prostitution, a sophisticated type of prostitution through a mail-order or a

contractual marriage type of situation, I think is very thin. Since we are the number one Catholic country in Asia, it would seem to me that our people would find this as a rule more objectionable than other countries; but as the distinguished Senator could see here there was already delivered in the House of Commons by a member of Parliament objecting to this practice. So, even legislators in other countries are objecting to it. We should take steps really to try to improve, if not — I do not want to use the word — "salvage," the very low public image of our women outside the country.

Senator Ziga. I see, Mr. President. For my last question: I wonder if the distinguished Sponsor would like to have now a government office that could monitor marriages by our Filipino women to foreigners so we can gather some statistics on how long these marriages last.

I know, for a fact, that there is one such office — the Commission on Filipino Overseas which is a commission under the Office of the President. One of its members is the Secretary of Foreign Affairs. I think, that Office started with registering and monitoring marriages of Filipino women to US service men in the military bases, Filipino women who have gotten married to foreign service men and then brought home to the country of their spouses. At the same time, I understand that this office also keeps tab of these Filipino wives whether they become successful or they come back as divorcees, as a result of these marriages. Probably, that will be a good government office to support this bill considering this will become a law. Our government should continue to monitor and keep the statistics updated in all the countries where there are Filipino women who have entered into marriages with foreign nationals.

Senator Maceda. That is a very good suggestion, Mr. President.

Senator Ziga. Thank you, Mr. President. Thank you, distinguished Sponsor.

Senator Pimentel. Mr. President.

The President Pro Tempore. Senator Pimentel is recognized.

Senator Pimentel. Will the distinguished Sponsor yield to a few questions, Mr. President?

Senator Maceda. Willingly, Mr. President.

Senator Pimentel. I would like the distinguished Sponsor to know, Mr. President, that I fully share his concern about the flight of our so-called "mail-order brides." But may I know, Mr. President, if I heard him right when he said that the bride as well

as the bridegroom who get married as a result of the mail-order bride practice are not penalized?

Senator Maceda. That is correct, Mr. President. We have not gone as far as that.

Senator Pimentel. But the process of ordering the bride through the mails is penalized, Mr. President.

Senator Maceda. That is correct, imposing penalty on the matchmaker or marriage broker.

Senator Pimentel. In effect, Mr. President, we are penalizing the means but not the end.

Senator Maceda. That is correct. I guess it is clear that for the poor, probably, not the so highly educated Filipina bride, I do not think there is any question that it may not be really fair to impose a penalty on her. I think the only possible issue to consider is whether the bridegroom should be penalized. Now, I guess part of the problem there is easily answered in the sense that in many cases maybe the bridegroom does not even come to our jurisdiction. The only bridegroom who will be subject to penalty would be those who come here and consummate the marriage here.

That would be similar, Mr. President, to the debate that has long been going on in so many legal jurisdictions, as to whether we penalize the customer in a prostitution case or not. I think there are good reasons, pros and cons, as far as that specific problem is concerned.

Senator Pimentel. And yet, Mr. President, I would really wish for some clarification on this point — whether we have any instance in Philippine laws where the means is considered innocent, but the end product is criminal; or would the Gentleman say that this is the first time that we are introducing a legislation of this kind, because as they say there is always a first time, Mr. President.

Senator Maceda. I am trying to think, but my gut feeling is that there are other acts that are prohibited where the middleman, or the businessman, or the one who makes the profit, is penalized, but the customers, or the people who are involved in the transaction are not necessarily penalized. For example, right now I do not think there is any clear law that penalizes the customer in a prostitution case.

Senator Pimentel. Now, Mr. President, may I just follow the thrust of Senator Saguisag's questioning. Here is a broker of a mail-order marriage, but the marriage turns out to be successful. Are we going to penalize the marriage broker, who advertised, for example, what maybe against the law, in spite of the fact that the marriage turns out to be successful?

Senator Maceda. I guess the answer there really is again when a case goes to a judge, if ever it does, the question is no longer as to what or how many marriages became successful, and what did not, but just the mere fact as to whether he violated the law for establishing a business that is prohibited. Now, I tried to draw an example, and I am trying to draw what could be a better example, but the earlier example I used is that in the case of a labor recruiter who is in the business of sending entertainers to Japan. If it is proven that he did send, let us say, 10 out of 100 entertainers with a clear knowledge that they were going to be sent to a prostitution den in Osaka or somewhere, the mere fact that he did send 90 out of the 100 to legitimate entertainment spots in Tokyo does not absolve him under existing regulations of having been involved in sending a certain number of his clients knowingly to a prostitution den in Osaka. So, there is some parallel there as I said.

Senator Pimentel. Except perhaps for the fact that prostitution is also a crime in this country. Nevertheless, Mr. President, I hope His Honor does not misunderstand me. I am in full accord with the intention of this bill. Only my main concern is to find a rationale and legal basis for the prosecution of the means while at the same time recognizing the validity of the end in cases where the marriage turns out to be successful.

So, may I propose, Mr. President, just a very rough thought, that perhaps we can make this case dependent upon complaint of a victim of a failed or brutalized marriage which resulted from, let us say, the advertisement of a mail-order bride. In other words, Mr. President, there must be a complainant. We should not treat this case as an instance of a victimless crime. There should be an offended party who should initiate the filing of the complaint.

Senator Maceda. I guess I did answer to the Minority Floor Leader that it is not only a matter of redressing the hurt or the injury to a specific victim, but a matter now of "salvaging" — that was the word I used — or rescuing the notorious reputation of Filipina womanhood all over the world, not only as domestic, prostitutes, entertainers, but now as very widely advertised, "mail-order brides." I am afraid, Mr. President, that if we were to require a victim, meaning to say, we will not prohibit just the mere act of engaging in a mail-order bride business, it will not achieve the purpose for which we have presented, and that is really to minimize the incidents of these mail-order-bride cases or contracts, and therefore minimize also the number of "victims."

I would like to find a compromise on this. But at the moment, I am convinced, without any doubt in my mind, that at this moment in time the advantages of prohibiting completely, whether a victim complains or not, people from going into this business is meritorious. Again, let me try to draw another example.

This problem now of buying and selling babies — this question of adoptions. There is no question that these babies will

have a better life if they are gotten by a rich couple in the States or in Norway or in Germany. But still, I think, in that particular case, it is admitted that we abhor the practice of buying and selling babies. So, the DSWD and the CID have now come into the picture, and have now even put a desk at the Manila International Airport to see to it that all adoptions duly pass the appropriate agencies.

Again, while we can say: "Why will we prevent these poor babies, orphans, from having a good life abroad", still the idea of trafficking, commercializing, buying or selling babies is something abhorrent to all of us. I do not see any difference between buying and selling or trafficking babies, and buying and selling brides or our women. To me, that is equally as abhorrent. If what the Gentleman is suggesting is that the DSWD provide now a service where people who want to meet Filipina wives could go to the Department of Social Welfare and Development, then, maybe, that is a practical step that could be taken. But, certainly, the practice of leaving this to private businessmen to make a business or money, to me, as I said, whether it is babies or brides, the principle is basically the same.

Senator Pimentel. Mr. President, the parallelism between babies and brides is a little strained, for the reason that babies have to be protected by the mere fact alone of their being babies. In effect, the State must exercise its role as *parens patriae* over these babies, because of the fact that they are infants and do not have minds of their own; whereas, we are trying to enact a legislation to protect those who might not want our protection. That is, in effect, what I am trying to say, Mr. President. Nevertheless, during the break or, maybe, before the period of amendment comes, we can possibly think of a situation, perhaps, where we can justify again, what I said, penalizing the means but not the end-product. Nevertheless, Mr. President, the Gentleman has my full support for the intent of his bill.

Senator Maceda. Thank you very much.

The President Pro Tempore. May the Chair just ask a clarificatory question.

Senator Maceda. Yes, Mr. President.

The President Pro Tempore. Is a Filipino woman, who advertises herself open to marriage in a newspaper not prohibited under the proposed bill?

Senator Maceda. No, Mr. President, that is not prohibited.

The President Pro Tempore. And if the agency does it indirectly, is that prohibited?

Senator Maceda. If it could be proven that the agency is the one putting these advertisements and the agency is there actually

engaged in a business soliciting fees, either from this woman or from writers or correspondents, then the advertisement, while ostensibly placed by a woman in her own name, if proven through the contract of advertising, if proven through evidence that it is the agency that placed it, would be within the prohibition. But, technically, if it is the woman herself, truthfully, like in a penpal situation, there would be no prohibition.

The President Pro Tempore. Thank you.

The Majority Floor Leader is recognized.

Senator Mercado. Mr. President, I move that we close the period of interpellations on this measure.

The President Pro Tempore. Is there any objection? [Silence] Hearing none, the period of interpellations is closed.

SUSPENSION OF CONSIDERATION SENATE BILL NO. 149

Senator Mercado. Mr. President, I move that we suspend consideration of Senate Bill No. 149.

The President Pro Tempore. Is there any objection? [Silence] Hearing none, the motion is approved.

SUSPENSION OF THE SESSION

Senator Mercado. Mr. President, I move for a suspension of the session for our usual break.

The President Pro Tempore. The session is suspended for the usual break, if there is no objection. [There was none.]

It was 5:27 p.m.

RESUMPTION OF THE SESSION

At 6:00 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

BILL ON SECOND READING Senate Bill No. 29 — Students' Summer Employment (Continuation)

Senator Mercado. Mr. President, I move that we consider Committee Report No. 43, on Senate Bill No. 29.

We are in the period of interpellations on this measure, Mr. President. I ask that we recognize Senator Gonzales.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Gonzales. On page 1, line 14, between the words "Employment" and "and," insert a comma (,) after "Employment," and add the phrase "THE SECRETARY OF EDUCATION, CULTURE AND SPORTS."

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Gonzales. And then, on page 1, between lines 16 and 17, insert a new paragraph to read as follows:

"THE SECRETARY OF THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL BE THE PROJECT DIRECTOR OF THIS PROGRAM."

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Gonzales. On page 1, line 17, after "fraudulent," add the words "OR FICTITIOUS."

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Gonzales. Then, on page 2, lines 8 to 12, delete the entire section and substitute it merely with an authorization provision to read as follows:

"SEC. 5. THE AMOUNT NECESSARY TO CARRY OUT THE PURPOSES OF THIS ACT IS HEREBY AUTHORIZED TO BE APPROPRIATED IN THE GENERAL APPROPRIATIONS ACT FOR 1990 AND THE SUBSEQUENT FISCAL YEARS."

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Gonzales. Mr. President, we are through with the Committee amendments.

The President. Considering that this is the best bill of Senator Gonzales, let us give it an immediate action.

Senator Mercado. Mr. President, I move that we close the period of Committee Amendments and proceed to individual amendments.

The President. Are there any individual amendments? [Silence] There being none, let us approve it on Second Reading.

APPROVAL OF SENATE BILL NO. 29 ON SECOND READING, AS AMENDED

Senator Mercado. Mr. President, I move that we vote on Senate Bill No. 29, as amended, on Second Reading.

The President. We shall now vote on the bill, as amended, on Second Reading. As many as are in favor of the bill will please say Aye. [Several Senators: Aye] As many as are against will please say Nay. [Silence]

The Ayes have it. Senate Bill No. 29, as amended, is approved on Second Reading.

BILL ON SECOND READING Senate Bill No. 149 — Mail-Order Brides (Continuation)

Senator Mercado. Mr. President, I move that we consider Committee Report No. 40 on Senate Bill No. 149.

We are in the period of amendments, Mr. President. I ask that we recognize Senator Maceda.

COMMITTEE AMENDMENTS

Senator Maceda. Mr. President, we have a few amendments, taking into consideration the previous interpellations.

On page 1, line 14, its just a matter of style. Between the words "national" and "on," please insert the word "EITHER."

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. On page 2, line 11, after the word "introduction," remove the period (.) and add the words "FOR A FEE."

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. On line 12, Mr. President, after the word "or," remove or delete the words "other officer or officers concerned" on line 13, and insert in lieu thereof "ADVERTISING MANAGER" so that we are now referring only to the "...owner, manager, or ADVERTISING MANAGER."

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. On the same page, Mr. President, between lines 11 and 12, we skipped this so we will go back to lines 11 and

12. Add another subsection (4) to read: "TO USE THE POSTAL SERVICE TO PROMOTE THE PROHIBITED ACTS DEFINED IN SUBPARAGRAPH (1) HEREOF;" That is the prohibition of the use of the mails.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. On page 2, Mr. President, line 20, this is the usual Senator Laurel or Senator Gonzales or Senator Saguisag amendment, between the words "have" and "participated," insert the word "KNOWINGLY" — "who have KNOWINGLY participated."

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. On page 3, a new section. This is the Saguisag amendment to read:

"NOTHING IN THIS ACT SHALL BE INTERPRETED AS A RESTRICTION ON THE FREEDOM OF SPEECH AND OF ASSOCIATION FOR PURPOSES NOT CONTRARY TO LAW AS GUARANTEED BY THE CONSTITUTION."

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Maceda. On page 3, "Section 5" is changed to "Section 6"; "Section 6" is changed to "Section 7"; and, "Section 7" is the publication requirement which will now read:

" shall take effect upon its PUBLICATION FOR TWO CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION."

The President. How will this section read?

Senator Maceda. "This Act shall take effect upon its PUBLICATION FOR TWO CONSECUTIVE WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION."

The President. All right. Is there any objection? [Silence] The Chair hears none; the amendment is approved.

Senator Maceda. Those complete our Committee amendments, Mr. President.

The President. Are there any individual amendments?

Senator Tañada. Mr. President.

Senator Guingona. Mr. President.

The President. Senator Tañada is recognized first, then Senator Guingona.

TAÑADA AMENDMENTS

Senator Tañada. Mr. President, a matter of style. On page 2, lines 3 and 4, delete the phrase "paragraph a) (1) hereof," and in lieu thereof, insert the following phrase "THE PRECEDING SUBPARAGRAPH."

Senator Maceda. It is accepted, Mr. President.

The President. Is there any objection? [Silence] The Chair hears none; the amendment is approved.

Senator Tañada. On page 2, line 12, delete the word "For" at the beginning of the paragraph and in lieu thereof, insert the following words "IN CASE THE OFFENDER IS A JURIDICAL PERSON, OR A CLUB, SOCIETY OR UNREGISTERED ASSOCIATION."

The President. How will it read?

Senator Tañada. So that it will read:

"IN CASE THE OFFENDER IS A JURIDICAL PERSON, OR A CLUB, SOCIETY OR UNREGISTERED ASSOCIATION, the owner, manager, or other officer...."

Senator Maceda. Mr. President, I think, the Senator is referring specifically more to Section 3, because this really refers to the newspaper or magazine or television station that allows the printing of the prohibited advertisement.

Senator Tañada. Yes, in Section 3.

Senator Maceda. So, the previous paragraph remains as is.

Senator Tañada. Yes, Mr. President.

Senator Maceda. All right.

Senator Tañada. So Section 3, Mr. President, the proposed amendment would be to insert the phrase: "In case THE OFFENDER IS A JURIDICAL PERSON, OR A CLUB, OR SOCIETY, OR UNREGISTERED ASSOCIATION..." I withdraw that. It seems that Section 3 already covers the proposed amendment.

So, I would go to line 17 of page 2, Mr. President. Delete the words: "Section 2, Paragraph a) (2) hereof." And in lieu thereof insert the following words: "THE PRECEDING PARAGRAPH, SHALL BE HELD LIABLE THEREFOR."

Senator Maceda. It is accepted, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Tañada. On page 2, line 26, add the following words after the figure (P8,000): "BUT NOT MORE THAN TWENTY THOUSAND PESOS (P20,000)." So that, that phrase would read:and, a fine of not less than Eight thousand pesos (P8000) BUT NOT MORE THAN TWENTY THOUSAND PESOS (P20,000)."

Senator Maceda. It is accepted, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Tañada. Thank you, Mr. President.

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

GUINGONA AMENDMENTS

Senator Guingona. In view of the fact, Mr. President, that the prospective bride is not inhibited from doing the prohibited acts here and the foreigner groom is also not prohibited from advertising and soliciting, and this may constitute a loophole, I was wondering whether we could just insert the phrase: "DIRECTLY OR INDIRECTLY" on page 1 to cover all the acts.

Senator Maceda. It is accepted, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Senator Guingona. And since we would like to soften those responsible, it would be very hard for an owner of a newspaper, magazine, television, radio station to be held accountable for the day-to-day advertising that is legally prohibited. Perhaps the distinguished Sponsor will agree to delete "owner, manager" and just confine it to the "OFFICER OR OFFICERS CONCERNED OR IN CHARGE of a newspaper, magazine, television or radio station or other media or of an advertising agency." So, we have deleted the "other officer."

Senator Maceda. So, we will remove "owner" and "manager" and say: "for the OFFICER OR OFFICERS IN CHARGE OR ADVERTISING MANAGER OF ANY NEWSPAPER,...."

Senator Guingona. I think "manager" should be included here.

Senator Maceda. So, it is only the "owner" that the Gentleman would not include?

Senator Guingona. Yes.

Senator Maceda. All right. "For the manager or officer IN CHARGE OR ADVERTISING MANAGER."

It is accepted, Mr. President.

The President. Is there any objection? [Silence] Hearing none, the amendment is approved.

Is there any other amendment? [Silence] If there is none, the Majority Floor Leader is recognized.

Senator Mercado. Mr. President, if there are no further amendments, I move that we close the period of amendments; and vote on Senate Bill No. 149 on Second Reading.

APPROVAL OF SENATE BILL NO. 149 ON SECOND READING, AS AMENDED

The President. Is there any objection? [Silence] There being none, we shall now vote on the bill on Second Reading. As many as are in favor of the bill will please say *Aye*. [Several Senators: Aye] As many as are against will please say *Nay*. [Silence]

Senate Bill No. 149 is approved on Second Reading.

SUSPENSION OF THE SESSION

Senator Mercado. Mr. President, I move for a suspension of the session.

The President. The session is suspended, if there is no objection. [There was none.]

It was 6:15 p.m.

RESUMPTION OF THE SESSION

At 6:16 p.m., the session was resumed.

The President. The session is resumed.

BILL ON SECOND READING Senate Bill No. 748 — Return of PC-INP Criminal Cases to Civil Courts (Continuation)

Senator Mercado. Mr. President, I move that we consider Committee Report No. 311 on Senate Bill No. 748.

RECORD OF THE SENATE

MONDAY, JUNE 5, 1989

OPENING OF THE SESSION

At 10:24 a.m., the Honorable Jovito R. Salonga, President of the Senate, called the session to order.

The President. Binubuksan ang pulong ng Senado.

NATIONAL ANTHEM

Ang Pambansang Awit at ang *Pilipinas* ang iparirinig sa atin ng G.S.I.S. Quezon City Singing Group. At pagkatapos ay pangungunahan tayo sa panalangin ni Senador Agapito "Butz" A. Aquino.

Everybody rose for the singing of the National Anthem and remained standing for the opening prayer.

PRAYER

Senator Aquino.

Lord, we pray for all the victims in China's version of people power. May all the bitterness and sufferings terminate, and efforts towards reconciliation and freedom begin.

Amen.

ROLL CALL

The President. Babasahin ng Kalihim ang talaan ng mga Senador.

The Secretary.

Senator Heherson T. Alvarez	Present
Senator Edgardo J. Angara	Present
Senator Agapito A. Aquino	Present
Senator Juan Ponce Enrile	Present
Senator Joseph Ejercito Estrada	Present
Senator Neptali A. Gonzales	Present
Senator Teofisto T. Guingona, Jr.	Present
Senator Ernesto F. Herrera	Present
Senator Sotero H. Laurel	**
Senator Jose D. Lina, Jr.	Present
Senator Ernesto M. Maceda	Present
Senator Orlando S. Mercado	Present
Senator John H. Osmeña	Present
Senator Vicente T. Paterno	Present

Senator Aquilino Q. Pimentel, Jr.	***
Senator Santanina T. Rasul	Present
Senator Alberto G. Romulo	Present
Senator Rene A. V. Saguisag	***
Senator Leticia Ramos Shahani	**
Senator Mamintal Abdul J. Tamano	**
Senator Wigberto E. Tañada	Present
Senator Victor S. Ziga	*
The President	Present

The President. Labimpito ang mga Senador na dumalo sa ating pagpupulong; mayroon tayong korum.

THE JOURNAL

Senator Mercado. Ginoong Pangulo, hinihingi ko na huwag nang basahin ang *Journal* ng nakalipas na sesyon at ito ay ituring na sinasang-ayunan.

The President. Mayroon po bang tutol? [*Silence*] Pinagtibay.

The Secretary will now proceed with the reading of the Order of Business.

REFERENCE OF BUSINESS

BILLS ON FIRST READING

The Secretary. Senate Bill No. 1178, entitled

AN ACT AMENDING SECTION 6 OF REPUBLIC ACT NUMBERED SIXTY-SEVEN HUNDRED TWENTY-FOUR RELATING TO THE COMPOSITION OF THE FOREIGN DEBT COUNCIL.

Introduced by Senators Romulo, Tañada, and Herrera.

The President. Referred to the Committees on Economic Affairs; Finance and Ways and Means.

The Secretary. Senate Bill No. 1179, entitled

AN ACT ESTABLISHING TOURIST INFORMATION CENTERS IN CHARTERED CITIES AND PROVINCIAL CAPITALS, AND FOR OTHER PURPOSES.

Introduced by Senators Romulo and Herrera.

* Arrived after the roll call

*** On official mission but appeared after the roll call

**On official mission

of intellectuals in this country; but, also because it affects the 62.4 percent of our population that is below 21 years old. Any legislation that is for our young people is welcome and, certainly, much more so if and when the legislation is to give some form, not only of income, of training and employment to prepare them for a better life in the future. For those reasons, Mr. President, I vote *Yes*.

EXPLANATION OF VOTE OF SENATOR MERCADO

Senator Mercado. Mr. President, I also vote *Yes*. I am in favor of this measure, as one who has gone through college as a working student taking on all sorts of jobs. I know, as many others in this Chamber know, the value of being given an opportunity to earn income to be able to finish one's education. This is a very good bill, Mr. President, and I am in full support of the said measure.

EXPLANATION OF VOTE OF SENATOR PATERNO

Senator Paterno. Mr. President, we all know that it is the birthday of the Author on Saturday, but the vote of *Yes* is being cast without reference to that birthday. So, my vote is *Yes na Yes*, Mr. President, to Senator Gonzales.

EXPLANATION OF VOTE OF SENATOR RASUL

Senator Rasul. Mr. President, I vote *Yes*. The proposed legislation gives welcome relief to the many young men and women rendered idle during summer vacation.

Under the incentives provided under this law, the youth will be able to have productive vacations, earning good money while at the same time, gaining education vouchers for the coming semester.

We have had extensive discussions of the incentives provided under this bill. We have argued over the merits of the voucher plan proposed initially. This salary payment scheme is an interesting innovation. It allows the student-worker to earn a decent wage, provide him with incentives for continuing his education, and also stimulates employers to hire students during vacations.

However, Mr. President, we must be careful in reapplying this compensation scheme elsewhere. This cautionary note is important for me because our Constitution also protects the rights of workers as to the nature and payment of their wages. I am not saying that this particular innovation as applied today is invalid. I am saying, Mr. President, that, perhaps, we cannot so readily apply the same in future cases. Nevertheless, I join the other Members of this Chamber in wholeheartedly supporting this bill, and in congratulating the distinguished Sponsor, Senator Gonzales, for his foresightedness and his creativity.

EXPLANATION OF VOTE OF SENATOR ROMULO

Senator Romulo. Mr. President, may I be permitted to attach to the record the full text of my remarks.

But I would just like to say that I am voting *Yes* on this bill. I hope that there are more bills of this nature for our young people, for the poor, and for education. I think, Mr. President, we owe this to the foresightedness and wisdom of the principal author of this bill, Senator Gonzales.

I vote *Yes*, Mr. President, and may I also extend birthday greetings to Senator Gonzales.

Thank you.

EXPLANATION OF VOTE OF SENATOR SAGUISAG

Senator Saguisag. Thank you, Mr. President.

I likewise vote *Yes* without prejudice to my attaching to the record, if I may, a copy of my written explanation.

Thank you.

EXPLANATION OF VOTE OF SENATOR SALONGA

The President. I vote *Yes* because this bill can stand on its own intrinsic value, and also because, on the basis of the reluctant grudging admission of Senator Gonzales — this is his best bill. I have no reasons to doubt the correctness and wisdom of his own evaluation.

BILL ON THIRD READING

Senate Bill No. 149 — Banning Mail-Order Brides

Senator Mercado. Mr. President, I move that we vote on Third Reading on Senate Bill No. 149. Copies of the bill were distributed to all Members of the Senate on June 2, 1989.

The President. Voting on Third Reading on Senate Bill No. 149 is now in order. The Secretary will please read only the title of the bill, if there is no objection? [*There was none.*]

The Secretary. Senate Bill No. 149, entitled

AN ACT TO DECLARE UNLAWFUL THE PRACTICE OF MATCHING FILIPINO WOMEN FOR MARRIAGE TO FOREIGN NATIONALS ON A MAIL-ORDER BASIS AND OTHER SIMILAR PRACTICES INCLUDING THE ADVERTISEMENT, PUBLICATION, FLIERS AND OTHER

PROPAGANDA MATERIALS, AND PROVIDING PENALTY THEREFOR.

The President. The Senate will now proceed to vote on the bill. The Secretary will please call the roll.

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

YES - 20

Senator Alvarez *	Senator Mercado *
Senator Angara *	Senator Osmeña
Senator Aquino *	Senator Paterno
Senator Enrile	Senator Pimentel
Senator Estrada	Senator Rasul *
Senator Gonzales *	Senator Romulo *
Senator Guingona *	Senator Saguisag *
Senator Herrera	Senator Salonga
Senator Lina *	Senator Tañada
Senator Maceda *	Senator Ziga

NO - None

ABSTENTION - None

RESULT OF THE VOTING

The President. With 20 affirmative votes, no negative vote, and no abstention, Senate Bill No. 149 is approved on Third Reading.

EXPLANATION OF VOTE OF SENATOR ALVAREZ

Senator Alvarez. Mr. President, I vote *Yes* for this very sensitive, very humanist-oriented legislation, sponsored by the debonair and very able Gentleman from Manila, Pagsanjan and of the Ilocos Regions.

I vote *Yes* to this bill that seeks to stop the degradation of Filipino women, who may be misled even unto undue sufferings. Yes, all of us recognize that the rootcause why some Filipino women are willing victims of the mail-order bride racket is their desire for economic upliftment. Until our country can provide better opportunities for our women, such practices will remain attractive even if done on the sly. This renders all the more urgent our work in Congress to lay down policies that will move the country further forward and improve our gains during these past years so ultimately our Filipino women will be indeed fully liberated.

* With explanation of vote

EXPLANATION OF VOTE OF SENATOR GONZALES

Senator Gonzales. Mr. President, ordinarily this mail-order bride business seems to be a legitimate activity, and therefore would be the subject of reasonable regulation on the part of the State, but because it is not intrinsically bad, it should not be criminalized. However, legislation is intended to meet existing conditions. And we believe that, under the evils and the abuses committed upon our womanhood by the mail-order bride, there is sufficient basis for Congress to penalize this act, more so if it is tainted as a commercial activity. I believe, this statute can withstand a constitutional test. And, I believe that it is a good policy, coming as it does from its Author, a Lothario of some sorts. Then I vote *Yes* to this bill.

EXPLANATION OF VOTE OF SENATOR GUINGONA

Senator Guingona. Mr. President, I vote *Yes*. This bill does not seek to restrict love; it seeks to limit the excesses and the abuses of what could task to be a legitimate, human relationship. This is allied to the need, Mr. President, for greater control in the exploitation of women through illegal recruitment, illegal inducement, illegal activities, not only here, but abroad.

We have heard testimonies, Mr. President, of women from the barrios and from the provinces who were lured by the recruiters to go to Japan, and there, be subjected to the most inhuman abuses, to be used not as barmaids, not as employees, not even as wives, but as prostitutes, misused and abused five or ten times a day, and given shabu as payment thereof. I think, the entire nation should concentrate its efforts towards curbing this kind of excess.

This Bill represents one way by which we can limit this abuse. Therefore, I vote *Yes*, Mr. President.

EXPLANATION OF VOTE OF SENATOR LINA

Senator Lina. Mr. President, this measure that we are voting upon is one which, perhaps, a few decades ago, would have been unthinkable in our tradition and culture. I say this because we never contemplated a situation where our women, the treasurers of our culture and tradition, would be subject to or endangered of being subjected to the kind of exploitation, abuse, and, at times, violent behavior as "mail-order brides."

To have a situation where our women, due to economic difficulties we are facing, will resort to becoming brides by mail or personal introduction for a fee is one of the tragic consequences of our present economic crisis.

Not too long ago, marriages were "arranged" between parents; some of them without regard to the personal feelings of the bride or the groom. These were marriages of political or economic advantage to the families. These have now become archaic and no

longer done in the greater majority of cases - a victory indeed for the liberation of our women. In some tribes and groups, the dowry is still required or at least expected when a bride marries. But this practice is now fading away. However, both traditions of arranged marriages and the dowry never exploited women and reduced them to a state of indignity and degradation as this practice which we seek to prohibit under this measure — the mail-order bride.

The monitoring of this measure and the mechanism for bringing to the bar of justice those who are part of this syndicated practice of mail-order brides need clarification or at least close supervision. Will the women do this on their own? Why are they mail-order brides, to begin with? What can we do to overcome our present economic crisis so that our women need not resort to this kind of exploitation to improve their economic status and help support their family?

There are many unanswerable questions, Mr. President, all leading to one major issue: our Filipino women must be protected, loved, and cared for. In voting for this measure, Mr. President, I call to mind my mother who gave me life and whom I honor and respect; my grandmother who helped raise me and taught me the values of our people; my sisters for whom I have abiding affection; and my wife and daughters who give me inspiration to serve our people, and for whose well-being and protection I would offer my life.

I vote Yes, Mr. President.

EXPLANATION OF VOTE OF SENATOR MERCADO

Senator Mercado. Mr. President, I vote Yes, and I would like to make a reservation to submit a written explanation.

Mr. President, the Filipino women's decades of struggle against sexual discrimination finally paid off when the 1986 Constitution granted them what they so long deserved: special attention and sexual equality.

However, events have once again overtaken the spirit and intent of our fundamental law. Mail order brides have proliferated, borne clearly by economic depravity.

Mr. President, despite all these, the government must, in line with its constitutional mandate to promote the role of women in nation-building, protect not only the very life of our Filipinas, but also their image abroad.

Mr. President, our women are not chattels to be peddled in the international market. As the mothers of our children, the guiding light and foundation of every family, they deserve all the support and care the government can give.

Mr. President, I vote Yes.

EXPLANATION OF VOTE OF SENATOR RASUL

Senator Rasul. Mr. President, the stories that abound of Filipina mail-order brides trapped and brutalized in loveless and exploitative marriages with foreigners in foreign lands are rendered no less heart-wrenching by their seeming constancy.

For indeed, while the names and faces are different, the circumstances, the needs, and the dreams that continue to impel these women to risk life and honor are almost always sadly the same. And, the culmination of the journeys begun with so much hope hardly ever partakes of a fairy tale's conclusion.

Those engaged in the mail-order bride business undoubtedly bear a large responsibility for the tragic accounts, even as their activities compromise the honor and dignity of all Filipino women. For in the unrelenting search for profits, they craft and propagate a false image of our women as essentially nothing more than subservient, convenient home companions or hardworking automated machines, in much the same fashion and in the same category, I surmise, as pets and other merchandise for sale.

While the proposed legislation may not completely stem the tide of Filipino women, seeking greener pastures from going abroad as mail-order brides, and even as we expect protests not only from those who stand to lose financially, but from the very women whom the protective mantle of this law is sought to be made, I say, Mr. President, it is a welcome and determined first step against the devaluation and possible exploitation of our women, the greed-rooted trivialization of romance and consequent shattering of dreams.

I vote Yes, Mr. President.

EXPLANATION OF VOTE OF SENATOR ROMULO

Senator Romulo. Mr. President, may I be allowed to attach my remarks to the record, but I would like to make of record now that I would like to vote Yes to this major, important, and indispensable bill.

Thank you, Mr. President.

EXPLANATION OF VOTE OF SENATOR SAGUISAG

Senator Saguisag. I vote Yes, Mr. President. There is no question in my mind that on its face this bill is constitutional. As applied to certain cases, there may be questions raised whether it is overbroad. That is my concern, and I am glad that the champion of Filipino womanhood has accepted my proposed amendment.

For instance, Mr. President, in the March 21, 1988 issue of *Time*, there was an article entitled "Fighting Off Hanayomebosoku" or "Bride Shortage". There we see that Filipinas seem to be able to cope with it. In that item or story, Dolores Kajimoto confesses that she has small arguments with her husband about the sin — when he refuses to eat her Filipino cooking, which she finds hard to believe is not a snub. Then, there is the mother-in-law problem. But then, these are really permanent problems of the mating game. There, Dolores declared herself happy that she came to Japan. Says she: "In the Philippines there are many poor families. I am safe and comfortable."

As long as it is not safe and comfortable in our country, there would be problems in hampering the constitutional right to the pursuit of happiness and the happiness of pursuit.

Finally, Mr. President, apart from the merits of this bill, which I really deeply believe in, I also vote *Yes*, in hopes that the distinguished Sponsor of this bill may yet abstain from abstaining when my Senate Bill No. 446 comes up for a vote later. Anyway, his ideal of every Member of Congress being a full-time public servant is adequately met in Senate Bill No. 1154.

Seriously, mag-aabut-abot din ito sa Conference Committee or wherever. Kaya naman ako ay bumoboto ng *Oo* sa panukalang batas na ito.

Marami pong salamat.

EXPLANATION OF VOTE OF SENATOR ANGARA

Senator Angara. Mr. President, I vote *Yes* to this bill. I have a prepared explanation for my vote. Just for the sake of saving time, may I be allowed to put it on record.

Mr. President, it is one of the tragic consequences of our sorry economic plight that the image of the Filipino abroad has gone down dramatically in recent years.

The most hurting image is that of the fairer members of our nation — the Filipinas. In the last decade, much unfair criticisms and observations were heaped on them, always in a patronizing manner and often in contempt. They have been generalized as domestic helpers, cheap laborers, even prostitutes.

One of the most contemptible instrument of this undeserved image is the mail-order bride practice wherein Filipinas are matched with foreigners whom they barely know.

Cases of Filipinas entering into mail-order marriages, which have little chances to succeed in the first place, are too numerous to be ignored. We have heard of Filipinas married in this fashion

being beaten up, harrassed, terrorized, neglected, discriminated, or treated unfairly by their mail-order husbands.

There had been cases where our Filipinas end up marrying foreigners who are handicapped, sadistic, grossly immature or even mentally deficient.

Section 14, Article II of the 1987 Constitution begins with the positive declaration "The State recognizes the role of women in nation-building....." Being committed to the recognition, protection and advocacy of Filipino women and their dynamic participation in society, we are called upon to uphold all their rights, including their welfare, and image in the international community of nations.

Our women, through the mail-order bride scheme, are being victimized by greedy businessmen, who exploit the poverty and ignorance of some Filipinas by dangling marriage to foreigners as an illusory solution. Filipino customs and traditions call for long courtship before marriage. In contrast, mail-order marriage encourages a mendicant mentality where the foreigner is viewed as the expedient economic savior.

Senate Bill No. 149, Mr. President, should eliminate this demeaning Mail-Order Bride scheme which merely enriched a few unscrupulous businessmen at the expense of our Filipino women.

For these reasons, Mr. President, I vote for the approval of Senate Bill No. 149.

EXPLANATION OF VOTE OF SENATOR AQUINO

Senator Aquino. I have only a one-paragraph explanation, Mr. President.

The Constitution clearly recognizes the role of women in nation-building. This bill provides safeguards for the abuse of Filipino women with the aim of protecting the interest and welfare of our fellow Filipinos, in particular, those abroad.

I congratulate the principal Sponsors of this bill — Senators Maceda, Rasul, Tamano, Mercado, Herrera and Romulo — for their efforts in protecting the interests of Filipinas from all over.

With this affirmative vote, I identify myself with the struggle of the Filipino women towards equality, dignity, and social justice.

EXPLANATION OF VOTE OF SENATOR MACEDA

Senator Maceda. Mr. President, I would like to thank the Chairman of the Committee on Women, Senator Rasul, as well as my cosponsors of this bill.

On behalf of Leovigilda "Leovy" Bonggay, a 28-year old lass from Batangas and thousands like her, Leovy who left her family and a good job as a switchboard operator in Manila, only to be abandoned with a child and without a job by her British fiance, for within weeks after her arrival in London as a mail-order bride, Leovy's fairy-tale world was shattered when her fiance confessed that he was not ready for marriage. At that time, she was already pregnant.

This story is covered in yesterday's issue of *Starweek*, Mr. President. But worst, according to Leovy, the husband or the ex-fiance is now on the lookout for another Filipino wife in the mail-order bride catalogues. And what about the introduction bureau that influenced and stirred the imagination of Leovy, and which made her believe that she was doing herself a favor by getting married to Kruger? It is nowhere to be found.

According to this article, Mr. President, and I will just read five short paragraphs out of the whole article:

Leovy's case is just the tip of the iceberg. There are dozens of Filipinas suffering modern type of slavery perpetrated by these Introduction Bureaus is very depressing, not to mention degrading, to learn that some of our women who are highly regarded in our country are being exploited and treated with disregard in foreign lands because of the mail-order bride business. There are now more than 28 marriage bureaus in London that cater to Filipinas and British men. Filipino women are simply being exploited by these marriage bureaus which make profits at the expense of these Filipinas. In this business, Filipino women are largely treated as commodities. Most of these bureaus rake in profit at the expense of the Filipinas. They try to project Filipinas as naive, sexually exotic, submissive and anxious to please their husbands. They also emphasize the fact that Filipinas are English-speaking and Christians. Filipinas are potentially exploitable because the British immigration law requires that as a visitor or fiance, she must have a sponsor who is prepared to support her and the most likely candidate will be her future husband, thus, making her even more dependent on him. Another is that it will take two years after they get married before a Filipina can achieve legal status, and until then, she cannot work, cannot be included in the government health program, and so on, and for all her needs, she has to depend on her husband.

CMFW Sister Margaret Hilly cited several cases of Filipinas coming to them asking for help because they have been treated unfairly by their British husbands. There have been instances when they were forced to take only tea and bread, suffering the cold weather because their husbands refuse to turn on the heater, locking them inside the house, and telling them that they are not supposed to complain and just be grateful for what they can get in the land of opportunity, not to mention physical beatings in some cases.

Sister Margaret stressed that Filipinas should learn that as a consequence of such a marriage, they are transplanted

into a completely new society which is very different from the one they know and from what they have been led to expect by the marriage bureaus and they are completely dependent on their husbands. This is true in Australia, in Japan, in Germany, in Norway and other Scandinavian countries.

Mr. President. In closing, the article states:

The prevailing public mood towards such practices is that they denigrate Filipino women. And with this kind of sentiment, the government should act on this matter as soon as possible before many more Filipinas fall victim to this dreaded business. It is very hard to ignore the sufferings and the pain that these exploiters have inflicted on Leovy and many more like her by buoying their false hopes, by making profits out of export-quality Filipinas that they are projecting, and by staining the image of our women. This should not be forgotten. Their cry for justice must be heard. They simply cannot continue doing this to our women and get away with this.

Sister Margaret Hilly, Leovy and all the thousands like you, the Senate today is answering your plea for justice. And I thank the Senate President, the leadership, and the Members of the Body for supporting this bill, Mr. President.

The President. I am voting Yes but may I also point to the possibility of a minor typographical error in the last line of this bill, as printed. It says here, "providing penalty therefor". But in the text of the bill, I noticed four penalties: imprisonment, fine, deportation, and exclusion. So, probably, the Secretariat can do something about this minor typographical error.

BILL ON THIRD READING

Senate Bill No. 748 — Return of PC-INP Criminal Cases to Civil Courts

Senator Mercado. Mr. President, I move that we vote on Third Reading on Senate Bill No. 748. Printed copies of the bill were distributed to all Members of the Senate on the 2nd of June, 1988.

The President. Voting on Third Reading on Senate Bill No. 748 is now in order. The Secretary will please read the title of the bill only, if there is no objection. [*There was none.*]

The Secretary. Senate Bill No. 748, entitled

AN ACT PROVIDING FOR THE RETURN TO THE CIVIL COURTS OF JURISDICTION OVER CERTAIN CRIMINAL CASES INVOLVING MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES AND THE INTEGRATED NATIONAL POLICE, AND FOR OTHER PURPOSES.