

## RECORD OF THE SENATE

WEDNESDAY, FEBRUARY 15, 1995

### RESUMPTION OF THE SESSION

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

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

**Senator Romulo:** Mr. President.

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

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

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

### EIGHTH ADDITIONAL REFERENCE OF BUSINESS

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

**The Acting Secretary [Atty. Raval]:**

February 9, 1995

**Mr. President:**

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

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

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

The Honorable  
EDGARDO J. ANGARA  
President of the Senate  
Manila

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

**The Acting Secretary [Atty. Raval]:**

February 9, 1995

**Mr. President:**

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

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

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

The Honorable  
EDGARDO J. ANGARA  
President of the Senate  
Manila

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

**The Acting Secretary [Atty. Raval]:**

February 9, 1995

**Mr. President:**

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

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

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

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

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

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

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

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

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

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

YES - 13

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

NO - 1

Senator Maceda

ABSTENTION - 0

#### RESULT OF THE VOTING

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

#### BILL ON THIRD READING

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

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

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

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

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

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

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

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

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

YES - 13

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

NO - 1

Senator Maceda

ABSTENTION - 0

#### RESULT OF THE VOTING

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

#### BILL ON SECOND READING

Senate Bill No. 1984 - Intercountry Adoption

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

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

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

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

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

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

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

#### SENATE BILL NO. 1984

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

#### ARTICLE I

##### GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

#### ARTICLE II

##### THE INTER-COUNTRY ADOPTION BOARD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ARTICLE III**

**PROCEDURE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 17. Philippine Inter-Country Adoption Unit.**

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

#### ARTICLE IV

#### PENALTIES

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

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

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

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

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

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

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

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

## ARTICLE V

### FINAL PROVISIONS

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

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

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

Approved,

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

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

### SPONSORSHIP SPEECH OF SENATOR COSETENG

**Senator Coseteng:** Thank you, Mr. President.

Mr. President, Distinguished Colleagues:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

Thank you, Mr. President.

**Senator Rasul:** Mr. President.

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

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

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

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

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

**Senator Osmeña:** Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

**Senator Osmeña:** Thank you, Mr. President.

#### SUSPENSION OF THE SESSION

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

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

*It was 7:10 p.m.*

#### RESUMPTION OF THE SESSION

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

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

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

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1984

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

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

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

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

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

With the permission of the Body, the Secretary will read

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

**The Secretary:** House Bill No. 12761, entitled

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

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

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

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

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

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

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

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

**SEC. 5. Powers and Functions.** - The Council

## RECORD OF THE SENATE

**MONDAY, FEBRUARY 20, 1995**

### RESUMPTION OF THE SESSION

*At 2:27 p.m., the Honorable Edgardo J. Angara, President of the Senate, called the session to order.*

**The President:** The session is resumed.

### **BILL ON SECOND READING** **Senate Bill No. 2066—Amending Sec. 8 of** **RA 7227 BCDA of 1992** *(Continuation)*

**Senator Romulo:** Mr. President, I move that we resume consideration of Senate Bill No. 2066 as reported out under Committee Report No. 951.

**The President:** Resumption of consideration of Senate Bill No. 2066 is now in order.

**Senator Romulo:** May I ask that the distinguished Chairman of the Committee on Finance, Senator Gonzales, be recognized.

**The President:** Senator Gonzales is recognized.

**Senator Romulo:** Mr. President, will the distinguished Gentleman yield for a few questions?

**Senator Gonzales:** Gladly, Mr. President, to the Majority Leader.

**Senator Romulo:** Mr. President, what are the major amendments being proposed to the BCDA?

**Senator Gonzales:** Mr. President, there will be, in effect, a redistribution of the proceeds from the sales of the military lands as authorized under Republic Act No. 7227. Under this bill, the redistribution of the said proceeds will be for the following purposes:

1. Thirty-five percent of the proceeds shall be used to finance the transfer of the Armed Forces of the Philippines military camps;
2. Ten percent to finance the conversion and commercial use of Clark and Subic military reservations;
3. Seven-and-a-half percent to finance the National Shelter Program;

4. Five percent to finance the National Health Insurance Program;
5. Five percent to finance critical infrastructure programs not covered by the BOT scheme;
6. Five percent to finance the benefits and claims of military war veterans and their dependents;
7. Five percent to finance the multiyear programs of the Commission on Higher Education;
8. Five percent to finance the Science and Technology Scholarship and training of young Filipino scientists and students;
9. Five percent to finance the multiyear program of the Prosecution Service;
10. Two percent but not exceeding P2 billion to finance the modernization of the PNP;
11. One percent but in no case exceeding P1 billion for the improvement of the prison facilities;
12. One percent but in no case exceeding P1 billion to finance the Judicial Reform Program and the balance will be remitted to the National Treasury.

**Senator Romulo:** Mr. President, what would be the total amount projected to be raised within the next five years?

**Senator Gonzales:** Mr. President, within the original projection made by the Bases Conversion Council, it remains roughly at P97.9239 billion or to round it off, P98 billion.

**Senator Romulo:** Mr. President, I move that we close the period of interpellations.

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

**Senator Romulo:** Mr. President, I move that we consider the amendments, first, the Committee amendments.

**The President:** Are there any Committee amendments?

**Senator Gonzales:** First, Mr. President, the Committee would want to amend ...

### SUSPENSION OF THE SESSION

May I ask for a one-minute suspension of the session.

and SBMA no longer need this money, I guess there is a tinge of immorality here in reallocating these funds for purposes other than what we originally authorized the sale of Fort Bonifacio for.

Second, Mr. President. We have gotten P19.5 billion simply because we have a chairman and a staff, unlike the chairman and the staff of Petron and the APT, the Chair's favorite institution, unlike the DOTC, which conducts highly irregular, overpriced and underpriced biddings, as the case may be; we have here a chairman and a staff who were able to get beyond our wildest expectations a bid for P33,000 per square meter instead of P10,000 or P15,000. And because of their honesty and their devotion to duty and compliance with all the normal procedures, now everybody wants to have a piece of the pie. It is so demoralizing to these people to see that what they labored for and what they are so honest about is going to be cut up in trillion pieces simply because they did their jobs well.

If I were the chairman now of BCDA or SBMA and were to conduct additional biddings as there will be, I would no longer try as hard to get the best price. Anyway, the success is going to prejudice me because it becomes such a big amount that it will be eyed with such jealousy and envy by many sectors of this Government, including the President of the Philippines.

For that reason, Mr. President, I guess the orientation of this redistribution has to be reviewed by the leadership of this Chamber and that this 10%, which amounts to P9.8 billion, being left to SBMA and BCDA from 50%, is certainly way below.

These BCDA and SBMA people will not even be able to transfer or relocate the squatters out of the property they sold. They would not have money for that. They would not be able to build the new roads within the area, much less the infrastructure.

So in our effort to try to accommodate other priorities, we are losing sight of the basic and minimum requirements of the entities for which these properties were allowed to be sold in the first place.

**The Presiding Officer [Senator Aquino]:** I thank Senator Maceda for his eloquent remarks.

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 2066

**Senator Mercado:** Mr. President, I reiterate the motion to suspend consideration of this measure.

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

#### BILL ON SECOND READING Senate Bill No. 1984 — Inter-country Adoption (Continuation)

**Senator Mercado:** Mr. President, I move that we resume consideration of Senate Bill No. 1984 as reported out under Committee Report No. 689.

**The Presiding Officer [Senator Aquino]:** Resumption of consideration of Senate Bill No. 1984 is now in order.

**Senator Mercado:** Mr. President, we are still in the period of interpellations.

I ask that we recognize Senator Rasul.

**The Presiding Officer [Senator Aquino]:** Senator Rasul is recognized.

**Senator Rasul:** Thank you, Mr. President.

The parliamentary situation is, we were in the period of interpellations since the distinguished Minority Leader, Senator Tañada, requested to give him time to be able to ask some clarificatory questions. But we have been informed by his staff that he has decided not to ask questions, but instead, he has given me a list of his amendments which he would want me to read into the *Record*.

**The Presiding Officer [Senator Aquino]:** Maybe, during the period of amendments, the Lady Senator can mention those amendments. Meanwhile, is there anybody else who wants to interpellate? [Silence] If there is none, the Majority Leader can close the period of interpellations.

**Senator Mercado:** Mr. President, I move that we close the period of interpellations.

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

**Senator Mercado:** Mr. President, I move that we go to the period of Committee amendments.

**The Presiding Officer [Senator Aquino]:** Are there any Committee amendments?

**Senator Rasul:** Mr. President, there are no Committee amendments.

**The Presiding Officer [Senator Aquino]:** There are no Committee amendments.

**Senator Mercado:** Mr. President, I move that we close the period of Committee amendments.

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

**Senator Mercado:** Mr. President, I move that we proceed to the period of individual amendments.

**Senator Maceda:** Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Maceda is recognized.

**Senator Maceda:** In view of the fact that there are only seven Senators here and there are 16 other Senators who are out of the Chamber, there is no way of determining at this time whether any of them do have any individual amendments. I suggest that we just suspend consideration of this bill until all the others come back from the ceremonial ceremonies at Malacañang.

**The Presiding Officer [Senator Aquino]:** Maybe, we can start with the recommended amendments of Senator Tañada.

#### QUESTION OF QUORUM

**Senator Maceda:** Mr. President, I raise the question of quorum.

**The Presiding Officer [Senator Aquino]:** We will not take up the amendments of Senator Tañada anymore until later.

The Majority Leader is recognized.

**Senator Mercado:** Mr. President, a question of quorum has been raised.

#### SUSPENSION OF THE SESSION

**The Presiding Officer [Senator Aquino]:** We will have a one-minute suspension of the session, if there is no objection. *[There was none.]*

*It was 3:18 p.m.*

#### RESUMPTION OF THE SESSION

*At 3:32 p.m., the session was resumed.*

**The Presiding Officer [Senator Aquino]:** The session is resumed.

#### SUSPENSION OF CONSIDERATION OF SENATE BILL NO. 1984

**Senator Mercado:** Mr. President, I move that we suspend consideration of Senate Bill No. 1984.

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

There was a motion made by Senator Maceda earlier.

**Senator Mercado:** The motion for a call of quorum has been withdrawn, Mr. President.

**Senator Maceda:** Mr. President, I withdraw the question of quorum.

**The Presiding Officer [Senator Aquino]:** Thank you, Senator Maceda.

#### BILL ON SECOND READING Senate Bill No. 1751 — Regulating the Cutting of Coconut Trees *(Continuation)*

**Senator Mercado:** Mr. President, I move that we resume consideration of Senate Bill No. 1751 as reported out under Committee Report No. 660.

**The Presiding Officer [Senator Aquino]:** Resumption of consideration of Senate Bill No. 1751 is now in order.

**Senator Maceda:** Mr. President, the parliamentary status is, just like most bills that we are taking up these last few days and today, this bill is now in the period of amendments.

#### SUSPENSION OF THE SESSION

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

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

*It was 3:34 p.m.*

#### RESUMPTION OF THE SESSION

*At 3:35 p.m., the session was resumed.*

there is no objection. [*There was none.*]

**The Secretary:** House Bill No. 14296, entitled

AN ACT CREATING A SPECIAL ECONOMIC ZONE AND FREE PORT IN THE CITY OF ZAMBOANGA CREATING FOR THIS PURPOSE THE ZAMBOANGA CITY SPECIAL ECONOMIC ZONE AUTHORITY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

**The Presiding Officer** [Senator Aquino]: 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 - 14

Senator Aquino	Senator Rasul
Senator Biazon	Senator Revilla
Senator Herrera	Senator Roco
Senator Maceda	Senator Romulo
Senator Mercado	Senator Shahani
Senator Ople	Senator Webb
Senator Osmeña	The President

NO - 0

ABSTENTION - 0

#### RESULT OF VOTING

**The Presiding Officer** [Senator Aquino]: With 14 affirmative votes, no negative vote, and no abstention, House Bill No. 14296 is approved on Third Reading.

#### BILL ON THIRD READING

**House Bill No. 14297—Special Economic Zone in Sta. Ana, Cagayan**

**Senator Romulo:** Mr. President, I move that we vote on Third Reading on House Bill No. 14297. Printed copies of the bill were distributed to all the Members of the Senate on February 15, 1995.

**The Presiding Officer** [Senator Aquino]: Voting on Third Reading on House Bill No. 14297 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:** House Bill No. 14297, entitled

AN ACT ESTABLISHING A SPECIAL ECONOMIC ZONE AND FREE PORT IN THE MUNICIPALITY OF SANTA ANA AND THE NEIGHBORING ISLANDS IN THE MUNICIPALITY OF APARRI, PROVINCE OF CAGAYAN, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

**The Presiding Officer** [Senator Aquino]: 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 - 14

Senator Aquino	Senator Rasul
Senator Biazon	Senator Revilla
Senator Herrera	Senator Roco
Senator Maceda	Senator Romulo
Senator Mercado	Senator Shahani
Senator Ople	Senator Webb
Senator Osmeña	The President

NO - 0

ABSTENTION - 0

#### RESULT OF VOTING

**The Presiding Officer** [Senator Aquino]: With 14 affirmative votes, no negative vote, and no abstention, House Bill No. 14297 is approved on Third Reading.

#### BILL ON SECOND READING

**House Bill No. 1984 — Intercountry Adoption**  
(Continuation)

**Senator Romulo:** Mr. President, I move that we resume consideration of House Bill No. 1984 as reported out under Committee Report No. 689.

**The Presiding Officer** [Senator Aquino]: Resumption of consideration of House Bill No. 1984 is now in order.

**Senator Romulo:** We are now in the period of amendments. I move that we consider, first, the Committee amend-

ments. I ask that the Sponsor, Senator Rasul, be recognized.

**The Presiding Officer** [Senator Aquino]: Senator Rasul is recognized.

**Senator Rasul:** Thank you, Mr. President. There are no Committee amendments, but Senator Tañada left with this Representation his individual amendments.

**The Presiding Officer** [Senator Aquino]: We can tackle that during the period of individual amendments.

**Senator Romulo:** Mr. President, we are now in the period of individual amendments.

**The Presiding Officer** [Senator Aquino]: Are there any individual amendments?

**Senator Rasul:** Mr. President, may we be permitted to read the proposed amendments of Senator Tañada.

**Senator Webb:** Mr. President.

**The Presiding Officer** [Senator Aquino]: Senator Webb is recognized.

**Senator Webb:** I have to apologize, Mr. President. I was talking with somebody. What bill are we taking up right now?

**The Presiding Officer** [Senator Aquino]: House Bill No. 1984, Rules to Govern and Protect the Filipino Child in Intercountry Adoption. We are in the period of individual amendments.

**Senator Webb:** Mr. President, on page 3, line 4.

**The Presiding Officer** [Senator Aquino]: Unless there is an anterior amendment of Senator Tañada.

**Senator Rasul:** Yes, Mr. President. On page 1, lines 12 to 15, delete the phrase beginning from the words "an alternative means" up to the word "Philippines" and in lieu thereof, insert the phrase "AS ALLOWING ALIENS NOT PRESENTLY ALLOWED BY LAW TO ADOPT FILIPINO CHILDREN IF SUCH CHILDREN CANNOT BE ADOPTED BY QUALIFIED FILIPINO CITIZENS OR ALIENS".

This proposed amendment, as explained by Senator Tañada, is in consonance with the last paragraph of Article 184 of the Family Code, which reads:

Aliens not included in the foregoing exceptions may adopt

Filipino children in accordance with the rules on inter-country adoption as may be provided by law.

**The Presiding Officer** [Senator Aquino]: Does the Sponsor accept this amendment?

**Senator Rasul:** Yes, Mr. President. As a matter of fact, I have gone over the amendments introduced by Senator Tañada and I accept all his proposed amendments.

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

**Senator Rasul:** On the same page, lines 22 up to lines 1 and 2 of page 2, delete the phrase beginning with the word "foreigner" up to the word "country", and in lieu thereof, insert the phrase "AN ALIEN NOT QUALIFIED UNDER THE FAMILY CODE TO ADOPT FILIPINO CHILDREN".

As explained by Senator Tañada, this amendment is made because under the Filipino Code, Filipino children permanently residing in a foreign country is not disqualified to be adopted. As a matter of fact, Article 184 of the Family Code allows certain groups of aliens to adopt Filipino children.

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

**Senator Rasul:** On page 3, line 8,...

**Senator Webb:** Anterior amendment, Mr. President.

**The Presiding Officer** [Senator Aquino]: Senator Webb is recognized.

**Senator Webb:** On page 3, line 4, change the word "by" to "OF". It should read "composed OF the Secretary of the Department" and not "composed by the Secretary of the Department".

**The Presiding Officer** [Senator Aquino]: Does the Sponsor accept the amendment?

**Senator Rasul:** It is accepted, Mr. President.

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

**Senator Webb:** Mr. President, on line 5—just a refinement here—delete the words "shall have" and in lieu thereof, insert the word "OTHER" between the words "four (4)" and "members". So the whole text will read "Chairman, and four (4)

OTHER members to be appointed by the President”.

**The Presiding Officer** [Senator Aquino]: What does the Sponsor say? It is a matter of style again. Does the Sponsor accept that amendment?

**Senator Rasul**: Mr. President, as a matter of fact, there is an amendment introduced by Senator Tañada that has to do with the membership of the Board, because it is no longer “four”. There will be “FIVE (5) members”.

**The Presiding Officer** [Senator Aquino]: Then maybe we should take the Tañada amendment first.

**Senator Rasul**: Yes, if I may, Mr. President, then maybe Senator Webb can introduce his amendment later on.

On page 3, line 8, between the words “lawyer”...

**The Presiding Officer** [Senator Aquino]: Is the Sponsor changing the number of members to be appointed by the President?

**Senator Rasul**: Yes. Senator Tañada is reducing.

**The Presiding Officer** [Senator Aquino]: From five to how many?

**Senator Rasul**: There are five members, Mr. President.

**The Presiding Officer** [Senator Aquino]: That is correct.

**Senator Rasul**: There are still five members. But instead of two representatives from the NGO...

**The Presiding Officer** [Senator Aquino]: We can deal with that later.

**Senator Rasul**: Yes, Mr. President.

**The Presiding Officer** [Senator Aquino]: First, we tackle the Webb amendment. On line 5, delete the words “shall have” and insert the word “OTHER” between the words “four (4)” and “members” — “four (4) OTHER members”. It is a matter of style again.

Does the Sponsor accept this amendment?

**Senator Rasul**: Mr. President, if I may, I would like to propose that instead of changing, we just delete the words “and shall”.

**The Presiding Officer** [Senator Aquino]: How will it read?

**Senator Rasul**: Delete the words “shall have” so that it will read “as *Ex-officio* Chairman, and four (4) OTHER members”. So the words “shall have” should be deleted.

**Senator Webb**: That was my amendment, Mr. President. I accept the amendment to my amendment which is the same.

**The Presiding Officer** [Senator Aquino]: Senator Webb accepts the amendment to the amendment. Now we will just delete the words “shall have” so it will read “*Ex-officio* Chairman, and four (4) OTHER members to be appointed” et cetera.

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

**Senator Webb**: Mr. President, on line 6, insert the word “NONRENEWABLE” between the words “a” and “term”, so that it will read “the President for a NONRENEWABLE term of six (6) years”.

**The Presiding Officer** [Senator Aquino]: Does the Sponsor accept this amendment?

**Senator Rasul**: Yes, I accept the amendment, Mr. President.

**The Presiding Officer** [Senator Aquino]: So it is “NON-RENEWABLE of six (6) years”. Senator Webb does not like them reappointed.

**Senator Webb**: That is right, Mr. President.

**The Presiding Officer** [Senator Aquino]: That is the intention.

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

**Senator Rasul**: Can I now go to line 8, Mr. President?

**The Presiding Officer** [Senator Aquino]: Yes, please.

**Senator Rasul**: On line 8, same page, between the words “lawyer” and “and”, insert the words “ONE (1) REGISTERED SOCIAL WORKER”; and on the same line, replace the word “two (2)” to “ONE (1)”. So, it will now read “That there shall be appointed one (1) psychiatrist or psychologist, one (1) lawyer, ONE (1) REGISTERED SOCIAL WORKER and ONE (1)



representative from non-governmental organizations”.

**The Presiding Officer** [Senator Aquino]: Is that the Tafiada amendment?

**Senator Rasul**: Yes, Mr. President.

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

**Senator Rasul**: On the same page, line 25, unless there are some other amendments.

**The Presiding Officer** [Senator Aquino]: Senator Webb.

**Senator Webb**: Mr. President, it is just a question.

**The Presiding Officer** [Senator Aquino]: Yes.

**Senator Webb**: On line 14, it says here, “eight (8) meetings”. I would like to amend that to “FOUR (4) meetings”.

**The Presiding Officer** [Senator Aquino]: Does the Sponsor intend that the Board meets twice a week?

**Senator Rasul**: What line is that, Mr. President?

**The Presiding Officer** [Senator Aquino]: We are talking of line 14, “no compensation shall be paid for more than eight (8) meetings a month”, which means two meetings a week.

**The Presiding Officer** [Senator Aquino]: Is it the intention of the Sponsor that the Board members meet twice a week or a maximum of once a week?

**Senator Rasul**: What is the amendment, Mr. President?

**Senator Webb**: I am proposing to change the word and figure “eight (8)” to “FOUR (4)”, Mr. President.

**The Presiding Officer** [Senator Aquino]: So that it will be once a week.

**Senator Rasul**: I accept the amendment, Mr. President.

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

So the Board will have a maximum of once a week or four times a month.

**Senator Rasul**: We are still on page 3, Mr. President.

**The Presiding Officer** [Senator Aquino]: Line 25, unless there is a previous amendment.

**Senator Shahani**: Anterior amendment, Mr. President.

**The Presiding Officer** [Senator Aquino]: Senator Shahani is recognized.

**Senator Shahani**: Mr. President, I do reserve my right to go back because I got my individual amendments a little late. But since the Presiding Officer mentioned line 25 on page 7...

**The Presiding Officer** [Senator Aquino]: We are only on page 3.

**Senator Shahani**: I am sorry, Mr. President.

**The Presiding Officer** [Senator Aquino]: Line 25, page 3.

**Senator Rasul**: On line 25, page 3, replace the semicolon “(;)” after the word “activities” with a period “(.)”. Then add the following words: THE FOREIGN ADOPTION PLACEMENT COMMITTEE SHALL BE UNDER THE DIRECT SUPERVISION OF THE BOARD.

The explanation for this is: Police power is needed in the implementation. So it may be difficult to keep track of compliance, hence, there is a need for this amendment.

**The Presiding Officer** [Senator Aquino]: The Committee accepts this amendment. Is there any objection? [Silence] Hearing none, the amendment is approved.

Are there amendments on page 4?

**Senator Rasul**: None, Mr. President.

**The Presiding Officer** [Senator Aquino]: On page 5.

**Senator Rasul**: On page 5, line 11, delete the words “alternative child care within the Philippines” and in lieu thereof, insert the words “ADOPTION OF THE CHILD UNDER THE FAMILY CODE”.

**The Presiding Officer** [Senator Aquino]: Is there any objection to the amendment?

**Senator Webb**: Mr. President, may we hear the whole sentence again?

**The Presiding Officer** [Senator Aquino]: The Sponsor will please read the whole sentence starting with the words "The Board" on line 10.

**Senator Rasul:** "The Board shall ensure that all possibilities for ADOPTION OF THE CHILD have been exhausted and that "INTERCOUNTRY adoption is in the best interest of the child."

**The Presiding Officer** [Senator Aquino]: No. The Chair thinks that is not the amendment of the Lady Senator. It is something about UNDER THE SUPERVISION OF THE BOARD.

**Senator Rasul:** That was finished, Mr. President.

**The Presiding Officer** [Senator Aquino]: Precisely, that is the one on line 11.

**Senator Rasul:** No, Mr. President. Line 11 is on page 5. What the Gentleman means is page 3.

**The Presiding Officer** [Senator Aquino]: No, we are on page 5, line 11.

**Senator Webb:** Mr. President, I think I remember very well that "alternative child care" was deleted. That is why I asked for a complete sentence.

**The Presiding Officer** [Senator Aquino]: "Alternative child care within the Philippines" is deleted.

**Senator Rasul:** That is right. "The Board shall ensure that all possibilities for ADOPTION have been exhausted and that "INTERCOUNTRY adoption is in the best interest of the child."

**Senator Webb:** Mr. President, may I try to recall, if I may be allowed?

**The Presiding Officer** [Senator Aquino]: Yes.

**Senator Webb:** I think Senator Rasul said, "The Board shall ensure that all possibilities for ADOPTION OF THE CHILD UNDER THE FAMILY CODE have been exhausted..." That is what I heard, Mr. President.

**The Presiding Officer** [Senator Aquino]: That is correct. That is what I heard. It has to do with the Family Code.

#### SUSPENSION OF THE SESSION

**Senator Rasul:** May we have a one-minute suspension of

the session, Mr. President.

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

*It was 6:04 p.m.*

#### RESUMPTION OF THE SESSION

*At 6:05 p.m., the session was resumed.*

**The Presiding Officer** [Senator Aquino]: The session is resumed.

**Senator Rasul:** Mr. President, the provision reads as follows: "The Board shall ensure that all possibilities for ADOPTION OF THE CHILD UNDER THE FAMILY CODE have been exhausted and that INTERCOUNTRY adoption is in the best interest of the child."

**The Presiding Officer** [Senator Aquino]: All right.

**Senator Webb:** There are two amendments. Can we take them one at a time, Mr. President?

**The Presiding Officer** [Senator Aquino]: First, delete the phrase "alternative child care within the Philippines" and in lieu thereof, put the following words: ADOPTION OF THE CHILD UNDER THE FAMILY CODE.

So that it will now read: "The Board shall ensure that all possibilities FOR ADOPTION OF THE CHILD UNDER THE FAMILY CODE have been exhausted and that foreign adoption is in the best interest of the child."

There is only one amendment.

**Senator Webb:** Mr. President, that was not the amendment. That is different.

**Senator Rasul:** Mr. President, that is the amendment on line 11. There is another amendment on line 12.

**The Presiding Officer** [Senator Aquino]: Which is?

**Senator Rasul:** To delete the words "foreign adoption" and in lieu thereof, insert the word INTER-COUNTRY.

**The Presiding Officer** [Senator Aquino]: "INTER-COUNTRY adoption?"

**Senator Rasul:** Yes, Mr. President.

**The Presiding Officer** [Senator Aquino]: So how will it read now in full starting with line 10?

**Senator Rasul:** "The Board shall ensure that all possibilities FOR ADOPTION OF THE CHILD UNDER THE FAMILY CODE have been exhausted and that INTER-COUNTRY adoption is in the best interest of the child."

**The Presiding Officer** [Senator Aquino]: All right. There are two amendments.

Is there any objection to the first amendment? [*Silence*] Hearing none, the same is approved.

Is there any objection to the second amendment by inserting the word "INTER-COUNTRY" before the word "adoption" on line 12? [*Silence*] Hearing none, the same is approved.

**Senator Rasul:** On the same page, lines 23 to 24, delete the phrase "A foreigner or a Filipino citizen permanently residing abroad" and replace it with the words "ANY ALIEN".

So that the section will now read: "Sec. 9. Who May Adopt. - ANY ALIEN may file an application for INTER-COUNTRY adoption of a Filipino child if he/she:"

**The Presiding Officer** [Senator Aquino]: Is there any objection to this amendment?

**Senator Webb:** Mr. President, just one question.

**The Presiding Officer** [Senator Aquino]: Yes.

**Senator Webb:** May I know the reason behind the complete turnaround as far as adoption is concerned because we are now talking of an alien. Is a Filipino who resides abroad considered as an alien, Mr. President?

**The Presiding Officer** [Senator Aquino]: The Chair supposes that a Filipino does not have to go through intercountry, after all, he is within the same country. It is not intercountry if it is a Filipino who is adopting.

What does the Sponsor say?

**Senator Rasul:** The Chair is correct, Mr. President.

**Senator Webb:** Because the words "permanently residing abroad", Mr. President, have a different connotation. I will accept it, but are we now saying that it is only an alien who may

really file an application for an adoption? A Filipino who is abroad is not an alien. He is a Filipino.

**The Presiding Officer** [Senator Aquino]: That is correct.

**Senator Rasul:** That is right, Mr. President. So it should be "ANY ALIEN" without deleting the phrase "or a Filipino citizen permanently residing abroad."

**The Presiding Officer** [Senator Aquino]: All right. In other words, the distinguished Senator is now changing her amendment. Instead of the word "foreigner", we are just going to put the words "ANY ALIEN or a Filipino citizen permanently residing abroad", et cetera?

**Senator Rasul:** Yes, Mr. President.

**The Presiding Officer** [Senator Aquino]: That clarifies it.

**Senator Webb:** That is better, Mr. President.

**The Presiding Officer** [Senator Aquino]: Is there any objection to the words "ANY ALIEN"? [*Silence*] Hearing none, the amendment is approved.

**Senator Webb:** Mr. President, on line 26, before I propose my amendment. May I know the reason why we are asking that it be at the age of 24 for one to be adopted?

**The Presiding Officer** [Senator Aquino]: No, the one who is adopting must at least be 24 years old.

**Senator Webb:** I am sorry. Why does the person have to be 24 years old? Because the age of majority is 18.

**The Presiding Officer** [Senator Aquino]: What does the Sponsor say? The Chair supposes that somebody who is 24 years old is more mature.

**Senator Rasul:** Mr. President, this "sixteen (16) years" here does not refer to the age of the adopter. It refers to the age gap between the person adopting and the child to be adopted, and the minimum age is 24.

**The Presiding Officer** [Senator Aquino]: We understand that. The question is: Why is it 24?

**Senator Rasul:** The presumption is that at age 24, the person adopting is already mature.

**Senator Webb:** Mr. President, if that is the case, then we should not allow people to vote at the age of 18. When we

considered 18 as the majority age, it simply means that he is already responsible. So, if the Sponsor will not mind, I would like to amend this to 18 years old.

**Senator Rasul:** I cannot accept that amendment, Mr. President, because 18 years old is the age of majority but, to be able to adopt a child and to take care of a child, it requires more than the physical aspect. There has to be some maturity and some kind of an experience for a person to be able to adopt another.

#### SUSPENSION OF THE SESSION

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

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

*It was 6:10 p.m.*

#### RESUMPTION OF THE SESSION

*At 6:13 p.m., the session was resumed.*

**The Presiding Officer [Senator Aquino]:** The session is resumed.

**Senator Webb:** Mr. President, after the deliberations, I would withdraw my amendment.

**The Presiding Officer [Senator Aquino]:** Senator Webb withdraws his proposed amendment. We can now proceed. Page 6.

**Senator Webb:** Still on page 5, Mr. President.

On page 5, line 28, after the word "application", insert the words "UNLESS THE ADOPTER IS THE PARENT BY NATURE OF THE CHILD TO BE ADOPTED OR THE SPOUSE OF SUCH PARENT".

**The Presiding Officer [Senator Aquino]:** What does the Sponsor say?

**Senator Rasul:** Mr. President, may we have the amendment again?

**Senator Webb:** Again, Mr. President. On page 5, line 28, insert after the word "application", the following: "UNLESS THE ADOPTER IS THE PARENT BY NATURE OF THE

CHILD TO BE ADOPTED OR THE SPOUSE OF SUCH PARENT".

**The Presiding Officer [Senator Aquino]:** What does the Gentleman mean by "parent by nature?" Why can we not just say "natural parent?"

**Senator Webb:** Mr. President, that is what the Family Code states. The exact words are the ones we extracted from the Family Code.

**Senator Rasul:** The amendment is accepted, Mr. President.

**The Presiding Officer [Senator Aquino]:** The amendment is accepted. Is there any objection? [*Silence*] Hearing none, the same is approved.

**Senator Webb:** Page 6, line 17, Mr. President.

**The Presiding Officer [Senator Aquino]:** Unless there is an anterior amendment.

**Senator Rasul:** Anterior amendment, Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Rasul is recognized.

#### TAÑADA AMENDMENT

**Senator Rasul:** On lines 12 to 13, delete the word "Article 3" on line 11 up to the word "Code" on line 13 and in lieu thereof, insert the words "PHILIPPINE LAWS".

**The Presiding Officer [Senator Aquino]:** The Sponsor accepts the amendment of Senator Tañada. Is there any objection? [*Silence*] Hearing none, the same is approved.

**Senator Rasul:** On line 20.

**Senator Webb:** Are we on page 6, Mr. President?

**The Presiding Officer [Senator Aquino]:** We are on page 6.

**Senator Webb:** Mine would be on line 19, Mr. President.

**The Presiding Officer [Senator Aquino]:** Please read it.

#### WEBB AMENDMENT

**Senator Webb:** Insert before the word "authorized" the word "SIMILARLY", and delete the words "and accredited".

**The Presiding Officer** [Senator Aquino]: We are deleting the words "and accredited" and putting the word "SIMILARLY". I think it is not a correct English.

**Senator Webb**; No, Mr. President.

Insert the word "SIMILARLY" before the word "authorized" so it will read: SIMILARLY "authorized", and delete the words "and accredited".

**Senator Rasul**: Delete "accredited"? Did I hear it correctly, Mr. President?

**The Presiding Officer** [Senator Aquino]: That is correct.

**Senator Rasul**: Mr. President, it is too risky to allow an agency that has not been accredited to...

**The Presiding Officer** [Senator Aquino]: Maybe I should read it.

**Senator Rasul**: Yes, Mr. President.

**The Presiding Officer** [Senator Aquino]: It states, "comes from a country with whom the Philippines has diplomatic relations and whose government maintains a similar authorized agency".

**Senator Webb**: "SIMILARLY authorized agency." It reads, "whose government maintains a SIMILARLY authorized agency." Because the words "authorized" and "accredited", Mr. President, are almost identical. I just took off one just primarily to make sure that it is clearer.

**The Presiding Officer** [Senator Aquino]: What does the Sponsor say?

**Senator Rasul**: Mr. President, we should retain the word "accredited" because there has to be similar standards regardless of the country and unless we place there the word "accredited", there might be some degree of too much flexibility in the standards that will be used. What we want is to have an agency that will really protect the Filipino child.

**The Presiding Officer** [Senator Aquino]: May I repeat: "A SIMILARLY authorized and accredited agency." That is what the Sponsor wants.

**Senator Webb**: That is why, Mr. President, I was taking away the words "and accredited" primarily because anything that is accredited has been authorized.

**Senator Rasul**: Not necessarily, Mr. President.

**Senator Webb**: I will accept it, Mr. President.

**Senator Rasul**: Thank you, Mr. President.

**The Presiding Officer** [Senator Aquino]: Senator Webb accepts the amendment to the amendment. We will therefore change "an" to A" on line 18 and add the word "SIMILARLY" before the word "authorized".

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

#### TAÑADA AMENDMENTS

**Senator Rasul**: On the same page, line 20, Mr. President, replace the period (.) after the words "national laws".

**The Presiding Officer** [Senator Aquino]: Replace it with what?

**Senator Rasul**: After the word "laws" with a semi colon(;), add the word "AND" between lines 20 and 21, and insert a new paragraph to read as follows:

POSSESSES ALL THE QUALIFICATIONS AND NONE OF THE DISQUALIFICATIONS PROVIDED HEREIN AND IN OTHER APPLICABLE PHILIPPINE LAWS

**The Presiding Officer** [Senator Aquino]: Does the Sponsor accept this Tañada amendment? Is there any objection? [*Silence*] Hearing none, the amendment is approved.

**Senator Rasul**: Mr. President, delete the entire paragraph starting from lines 21 to 30 on page 6 and lines 1 to 3 on page 7.

The explanation for this, Mr. President, is that the distinction between a resident and a nonresident alien should be removed because residency may become a way of circumventing the restrictive provisions of the law. That is the reason for the deletion.

**The Presiding Officer** [Senator Aquino]: The sponsor accepts the amendment to delete lines 21 to 30 on page 6, and lines 1 to 3 on page 7.

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

We are now on page 9.

SHAHANI AMENDMENT

**Senator Shahani:** Mr. President, I have an individual amendment. On page 7, line 5, between the words "the" and "Board", we propose that the phrase "PHILIPPINE REGIONAL TRIAL COURT HAVING JURISDICTION OVER THE CHILD THROUGH THE" be inserted.

**The Presiding Officer [Senator Aquino]:** What does the Sponsor say?

**Senator Rasul:** Mr. President, the amendment might unnecessarily delay the procedure of adoption, unless there is a very good reason for the amendment.

**Senator Shahani:** Mr. President, I proposed this amendment because this makes the issue of adoption now completely out of the judicial jurisdiction of the country and it is now mainly in the hands of the Board. This was one of the reasons why I had to dissent in the final Committee Report because this was a major gap in the Committee proceedings and there was no attempt, during those hearings, to rectify what I thought was a major failure in the text of the law itself.

**Senator Rasul:** We accept the amendment, Mr. President.

**The Presiding Officer [Senator Aquino]:** The amendment is accepted. May we know how it will read now - "Application to adopt a Filipino child shall be filed with the PHILIPPINE REGIONAL TRIAL COURT HAVING JURISDICTION OVER THE CHILD THROUGH THE intermediate agency". Is that correct?

**Senator Rasul:** That is correct, Mr. President.

**The Presiding Officer [Senator Aquino]:** We have removed the word "Board" and in its stead, we put the phrase "PHILIPPINE REGIONAL TRIAL COURT HAVING JURISDICTION OVER THE CHILD THROUGH THE". Is that correct?

**Senator Rasul:** That is correct, Mr. President.

**The Presiding Officer [Senator Aquino]:** Is there any objection to this amendment?

**Senator Gonzales:** Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Gonzales is recognized.

**Senator Gonzales:** With the consent of the two Lady

Senators on the Floor, may I propound some questions for proper enlightenment.

**The Presiding Officer [Senator Aquino]:** Please proceed.

**Senator Gonzales:** To the Sponsor, may I ask these questions: Will the passage of this bill deprive our regular courts of their jurisdiction over adoption cases? Would adoption cases now, under this bill, be a mere administrative instead of a judicial process?

**Senator Rasul:** Yes, it seems to be that way, Mr. President, because it will now be handled by the Board and will no longer go through any court.

**Senator Gonzales:** Does adoption, Mr. President, call for the exercise of judicial power and, therefore, must remain in the judiciary? Or, is it an administrative procedure, the determination of which will have to be exclusively vested in an administrative board in this particular case, known as the Board?

**Senator Rasul:** Mr. President, I think that is a very relevant point raised by the distinguished Senator and we would like to know if there is an amendment.

**Senator Gonzales:** No, but we would like to know because apparently the intent now is to make adoption an administrative matter. If it is essentially a judicial function, how can we, by law, vest the exercise of judicial power in an administrative body? That will violate the principle of separation of powers.

**Senator Shahani:** Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Shahani is recognized.

**Senator Shahani:** Mr. President, may I just explain my amendment. I think that answers the question raised by our distinguished Colleague. But I do not think it was understood.

I am not deleting the Board here, so that the amendment will state: "AN APPLICATION TO ADOPT A FILIPINO CHILD SHALL BE FILED WITH THE PHILIPPINE REGIONAL TRIAL COURT HAVING JURISDICTION OVER THE CHILD THROUGH THE BOARD."

**Senator Gonzales:** So, the obvious purpose of this amendment is to recognize that adoption is an exercise of judicial power and therefore must remain with the courts although it will have to be coursed through, for purposes of matching and other preliminary purposes, the Board. Is that my understanding?

**Senator Shahani:** Yes, Mr. President. We have discussed it with the Sponsor of the bill and have been told that one of the reasons why they have tried to remove this proceeding from the jurisdiction of the court is that the bureaucratic delays are so enormous that sometimes the child is already very much older than when the parents wanted to adopt them and this makes the judicial process inimical to the welfare of the child.

But I would like to say, Mr. President, that in my other amendments there is a provision here to give a deadline to the court of 30 days. Now if nothing happens after that, then the jurisdiction of the Board is no longer there. That is how I would like this problem approached, Mr. President.

**Senator Gonzales:** I really would want to get a complete picture of the operation of this bill, Mr. President, and these are questions which really bother me. Obviously, there will be two processes of adoption in our country: adoption by foreigners of a Filipino child and adoption by Filipinos permanently residing in the Philippines of Filipino children. The latter will be under the jurisdiction of the courts and the former will be under the jurisdiction of the Board.

#### SUSPENSION OF THE SESSION

**Senator Rasul:** Mr. President, may we have a one-minute suspension of the session.

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

*It was 6:28 p.m.*

#### RESUMPTION OF THE SESSION

*At 6:46 p.m., the session was resumed.*

**The Presiding Officer [Senator Aquino]:** The session is resumed. Senator Rasul is recognized.

**Senator Rasul:** Senator Shahani has an amendment, Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Shahani is recognized.

**Senator Shahani:** Mr. President, upon consultation with the Sponsor and with our Colleagues here, this Representation will not press for the requirement of a judicial process. In other words, I accept that the adoption process would essentially be administrative in nature. Having said that, however, this does

not mean that we waive the recourse to the courts in the event that the parties concerned — the parents or the relations of the child as well as the adopted parents — will feel that in the interest of the rights of the child, a judicial process would be best in order to protect the rights of the child under Philippine laws. That is how I understand it, Mr. President.

**The Presiding Officer [Senator Aquino]:** Is the distinguished Senator withdrawing the amendment?

**Senator Shahani:** Yes, Mr. President, without prejudice to the fact that the judicial process is also a recourse that is not closed to the parties concerned.

**Senator Maceda:** Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Maceda is recognized.

**Senator Maceda:** May I just propound one question to the distinguished Sponsor.

These cases for adoption, annulment of marriages, et cetera, are all of the same level in the sense that they affect family rights or family relations. At the proper time, when a divorce bill is presented in this Chamber, would the same principle be acceptable that divorce would be granted by a Board instead of the courts?

**The Presiding Officer [Senator Aquino]:** Is Senator Shahani willing to state her opinion?

**Senator Shahani:** Mr. President, that is a prejudicial question. Divorce cannot be equated with child adoption, so I should limit myself to the subject of child adoption.

**The Presiding Officer [Senator Aquino]:** Senator Rasul.

**Senator Rasul:** Mr. President, as far as this Representation is concerned and as a Muslim, we accept divorce.

**Senator Maceda:** Thank you, Mr. President.

**The Presiding Officer [Senator Aquino]:** If the amendment has been withdrawn, it now stands as it is, unless there is an amendment.

**Senator Shahani:** Mr. President, it is not exactly withdrawn. But I would like the Sponsor to come up maybe with a formula which is acceptable to this Representation. I think I have stated my position quite clearly.

It is a rather delicate amendment. Maybe some of our staff can get together because I do not think I would just take the risk of just dictating it on the Floor.

**The Presiding Officer** [Senator Aquino]: Maybe our legal luminary from Bicol can give us his version.

Senator Roco is recognized.

**Senator Roco:** Mr. President, I will just testify as to what happened during the discussion where our eminent friends, Senator Tolentino and Senator Gonzales, were discussing on how to solve the problem.

What I understood as agreed upon is to put in the appropriate section of the law a provision making adoption an administrative procedure both for adoption of children by foreigners or by Filipinos. If we must liberalize, let it be liberalized for both foreign adoptions or Filipino adoptions, without prejudice, of course, to allowing the judicial proceedings in either case.

In other words, if there is a foreigner who still wants to adopt using the judicial process, or a Filipino who wants to adopt using the standard judicial process, let it be. So it is that principle, Mr. President.

I cannot craft the amendment now. But if we can approve that in principle so that it applies to both adoption by foreigners or by Filipinos, then, maybe, we shall have made it into a general law and we shall have no unfair or class legislation aspect to the present bill.

**The Presiding Officer** [Senator Aquino]: What does the Sponsor say?

**Senator Rasul:** Yes, we understand the amendment, Mr. President, and we accept it.

**The Presiding Officer** [Senator Aquino]: Senator Maceda is recognized.

**Senator Maceda:** I just want to raise a related point even this early.

The advantage of keeping the judicial process is, by nature, it is a slow, deliberate process. While there may be some objections to that, that is the end result.

Admittedly, when we go into an administrative process, we may have an assembly line-type of approvals.

So while I will be willing to accept an administrative

process for both, we must now insist on a certain fixed limit or number of adoptions per year. I do not want to see that just because of our poverty, which has not been solved to date by any Administration, that suddenly foreign adoption agencies will come here in droves and take our babies out by the thousands.

Truc, it is only 350 now. But, precisely, if we make it so easy and it is just an administrative process or a simple board process, we might have several thousands going out.

I am not quite ready to make it that easy. This is just the result of poverty which, after all, is part of our responsibility as a government to provide for, not only to send them out of the country.

No right thinking Filipino family will give up or abandon his kids or make them legally free, in one way or another, if not because of economic reasons.

I repeat, there should be some limit on the number of adoptions per year.

**Senator Rasul:** Mr. President, perhaps it would be instructive to read the number of adoptions, just to give us the figure of how many children are adopted by relatives and, through the regular channels, by aliens.

In 1986, Mr. President, 187 children were adopted by relatives and 274 children by nonrelatives.

In 1987, 147 children were adopted by relatives for the entire year; 295 children by nonrelatives.

In 1988, 168 children were adopted by relatives; 327 children by nonrelatives.

In 1989, 126 children were adopted by relatives; 290 children by nonrelatives.

In 1990, 148 children were adopted by relatives, 312 children by nonrelatives.

In 1991, 105 children were adopted by relatives, 343 children by nonrelatives.

In 1993, 178 children were adopted by relatives, 322 children by nonrelatives, or a total of 500 for the entire year.

In 1994, 156 children were adopted by relatives, 343 children by nonrelatives, or a total of 499 children adopted by relatives and aliens for the whole year of 1994.



So setting a limit, Mr. President, is also good. After all, there has not been a massive outflow of children adopted by foreigners. Most of these children were adopted out of wedlock or children born out of great incidence. And this would be a way out for these children so they could live a better life outside of the environment where they find themselves.

**Senator Gonzales:** Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Gonzales is recognized.

**Senator Gonzales:** I recognize the concern that has been expressed by Senator Maceda. On the other hand, I also would want to put into the *Record* a concern, if we put an arbitrary limit or number to those children who may be adopted within a year. The moment we put a ceiling, then it might open opportunities for corruption. It may come to a point that the quota system may be revived because we are working within a specified number within a year. That is the counter concern that I would want to state on the record.

**The Presiding Officer [Senator Aquino]:** All right. The Chair will entertain any amendments. We are now on page 7, Section 10. Are there any amendments on page 7?

**Senator Maceda:** Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Maceda is recognized.

**Senator Maceda:** I have a few amendments, but I would rather have the other Gentleman finish his amendments and I will put in my three or four amendments at the end.

**Senator Shahani:** Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Shahani is recognized.

**Senator Shahani:** Mr. President, I would like to go back to the amendment which I proposed about the process going to the Philippine Regional Trial Court. The reason I said this is that it is stated in the Family Code that any adoption has to be done through our courts. This is why we have to revise the Family Code to take account of the fact now that adoption becomes an administrative matter. I think this is the difficulty now in this situation.

**Senator Maceda:** Mr. President, this raises precisely a fundamental procedural point. Now that this issue has been raised, this is a matter that falls concurrently within the jurisdiction

of the Committee on Constitutional Amendments, and Revision of Codes and Laws to find out precisely how this legal conflict should be ironed out, if not concurrently also with the Committee on Justice and Human Rights.

As the distinguished Gentlemen from Camarines Sur and Laguna are here, maybe, they can get together before we adjourn tomorrow and craft the necessary provision. Otherwise, the only correct procedural way to follow this now is to refer this matter to these two Committees for a formal report on these particular points.

**The Presiding Officer [Senator Aquino]:** Maybe, at this stage, we recommend that this particular item, Section 10, be left to Senators Roco and Lina, if they can come up with some compromise arrangement. Meanwhile, we will suspend first Section 10 so that we can take the other sections.

**Senator Roco:** What happened, Mr. President, to the proposed amendment which was accepted? Has it been approved?

**The Presiding Officer [Senator Aquino]:** It has been accepted in principle, but I suppose we want to see the text.

**Senator Roco:** Yes, Mr. President.

**The Presiding Officer [Senator Aquino]:** We will now proceed to Section 11.

Are there any other amendments on page 7? [*Silence*] On page 8? [*Silence*] On page 9?

**Senator Rasul:** On page 9, line 6, delete the period (.) after the word "agency" and add the following phrase "AS WELL AS THE REPATRIATION BACK TO THE PHILIPPINES OF A FILIPINO CHILD WHOSE ADOPTION HAS NOT BEEN APPROVED FOR ANY REASON WHATSOEVER." So that paragraph will now read: "The Department of Foreign Affairs shall set up a system by which Filipino children sent abroad for trial custody are monitored and checked as reported by the authorized and accredited inter-country adoption agency AS WELL AS THE REPATRIATION BACK TO THE PHILIPPINES OF A FILIPINO CHILD WHOSE ADOPTION HAS NOT BEEN APPROVED FOR ANY REASON WHATSOEVER."

**The Presiding Officer [Senator Aquino]:** Is the phrase "THE REPATRIATION BACK TO THE PHILIPPINES" not redundant? The Chair supposes that when we talk of repatriation, we really mean return to the Philippines.

**Senator Rasul:** This is the amendment of Senator Tañada, Mr. President. If the Chair cares to amend the amendment...

**The Presiding Officer [Senator Aquino]:** No. Maybe, to make it very clear — "REPATRIATION BACK TO THE PHILIPPINES". The Chair will not quarrel with that.

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

Is there any other amendment on page 9? [*Silence*] On Page 10? [*Silence*] On page 11? [*Silence*] The last page? [*Silence*]

In that case, we will just await for the amendment of Senator Roco, unless there are other amendments.

**Senator Maceda:** Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Maceda is recognized.

#### MACEDA AMENDMENTS

**Senator Maceda:** Can we start on page 2, Mr. President?

**The Presiding Officer [Senator Aquino]:** Yes.

**Senator Maceda:** On page 2, line 3, change the word "eighteen (18)" to "FIFTEEN (15)".

**The Presiding Officer [Senator Aquino]:** What does the Sponsor say? The term "Child" refers to a person below FIFTEEN (15) years of age.

**Senator Maceda:** Most of the adoptions are really in the infant to below thirteen (13) group. I wonder why we have to go all the way up to eighteen (18). They are 18-year olds. They are ready to vote. They should be ready for civilian reserved duty. We should keep them in this country already. They are too old to be adopted abroad.

**Senator Rasul:** We accept the amendment, Mr. President.

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

**Senator Maceda:** On page 3, Mr. President. On the premise that we will now shift from judicial to an administrative procedure, that now requires a substantial change in the composition of the Board. So I propose that on line 5, the number "four (4)" be increased to "SIX" (6), so we will have a seven-man board instead of five.

**The Presiding Officer [Senator Aquino]:** What does the Sponsor say?

**Senator Rasul:** We accept, Mr. President.

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

**Senator Maceda:** There will be one additional lawyer and one additional representative from the NGOs. So on line 8, "TWO (2) lawyers WHO SHALL HAVE THE QUALIFICATIONS OF A REGIONAL TRIAL COURT JUDGE".

**Senator Rasul:** It is accepted, Mr. President.

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

**Senator Maceda:** And "THREE (3)" instead of "two (2) representatives from non-governmental organizations".

**The Presiding Officer [Senator Aquino]:** No, that has been changed to only "ONE", so that now we go back to "TWO".

**Senator Maceda:** No, we will have to go to "THREE (3)" to make it "SEVEN (7)" instead of even.

**Senator Rasul:** No, we will have eight, Mr. President.

**The Presiding Officer [Senator Aquino]:** Eight, including the Chairman. So it will be "TWO (2) representatives from non-governmental organizations".

**Senator Rasul:** It is accepted, Mr. President.

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

**Senator Maceda:** In view of the higher qualifications and now the importance of this Board, I move to amend the per diems to increase it from "Seven hundred pesos (P700.00)" to "ONE THOUSAND FIVE HUNDRED PESOS (P1,500.00) for each meeting".

**The Presiding Officer [Senator Aquino]:** What does the Sponsor say?

**Senator Rasul:** It is a little too high, Mr. President.

**Senator Maceda:** No. That is the normal amount we approved now for SSS and for other boards. That will only come out to P12,000.00 a month for eight meetings.

**The Presiding Officer** [Senator Aquino]: That will only come out to P6,000.00 because we have limited the meetings to four a month.

**Senator Maceda:** Well, then much more we have to increase it. Who will accept appointment to the Board if the compensation is low?

**Senator Rasul:** We accept the amendment, Mr. President.

**The Presiding Officer** [Senator Aquino]: The Sponsor accepts P1500. Is there any objection? [*Silence*] Hearing none, the amendment is approved.

**Senator Maceda:** On page 4, I would like to add two provisos on line 19, and this is all in the context of one year or two years, subject to review. "*PROVIDED, HOWEVER, THAT NOT MORE THAN FIVE (5) PER COUNTRY SHALL BE ACCREDITED AND AUTHORIZED; AND PROVIDED, FINALLY, THAT THE TOTAL NUMBER FOR ALL COUNTRIES SHALL NOT EXCEED ONE HUNDRED (100) A YEAR, SUBJECT TO REVIEW EVERY TWO (2) YEARS.*"

**The Presiding Officer** [Senator Aquino]: What does the Sponsor say?

**Senator Rasul:** In principle, Mr. President, we accept. But there are some countries, like the United States, where we have the bulk of Filipinos living abroad. Usually, they are the biggest adopter of Filipino children. If we limit it to 100 and give the same number to Italy or Germany...

**Senator Maceda:** No, we are limiting it to five per country and a total of 100 worldwide. I do not want to see 10,000 adopting agencies coming here and really making this a "flesh market."

**Senator Rasul:** Mr. President, as pointed earlier by the distinguished Senator from Mandaluyong City, this might lead to some kind of a quota system.

**Senator Maceda:** That is true.

**Senator Rasul:** It might, in fact, lead to some kind of graft and corruption in the adoption.

**Senator Maceda:** But we have seen also, Mr. President, that when there has been no limit on the recruitment agencies operating out of Taiwan, Japan, or the Middle East, then suddenly we have also fly-by-night foreign agencies coming in here to recruit laborers; in this case, to adopt children, which is, in my understanding in certain countries of the world, is even a

more lucrative business than recruitment of workers.

**Senator Rasul:** Mr. President, we can accept the amendment to limit it to 100 but without specifying which country. Just make it "ONE HUNDRED (100) WORLDWIDE".

**Senator Maceda:** We accept that amendment to the amendment, Mr. President.

**The Presiding Officer** [Senator Aquino]: The Chair is a little confused. A maximum of five agencies per country?

**Senator Maceda:** No, Mr. President. That is being amended now. The only proviso that will be proposed now is: "*PROVIDED, THAT THE TOTAL NUMBER OF AUTHORIZED AND ACCREDITED FOREIGN PRIVATE ADOPTION AGENCIES SHALL NOT EXCEED ONE HUNDRED (100) A YEAR.*"

**Senator Rasul:** The amendment is accepted, Mr. President.

**The Presiding Officer** [Senator Aquino]: Just to make sure. It is one hundred accredited agencies worldwide?

**Senator Maceda:** Yes, Mr. President.

**The Presiding Officer** [Senator Aquino]: Is there any objection to this provision? [*Silence*] Hearing none, the same is approved.

**Senator Maceda:** On page 5, line 16, add this proviso:

"*PROVIDED, HOWEVER, THAT THE MAXIMUM NUMBER THAT MAY BE ALLOWED FOR FOREIGN ADOPTION SHALL NOT EXCEED SIX HUNDRED (600) A YEAR FOR THE FIRST FIVE (5) YEARS.*"

**Senator Rasul:** Mr. President, I did not get it.

**Senator Maceda:** I was told earlier, based on the records that the Lady Senator read, that there are only about 400 to 450. Based on that, I therefore even make allowances for some additional which would come out to about 50 a month or 600 a year.

**The Presiding Officer** [Senator Aquino]: The other alternative can be one per 100,000 in population which means a maximum of...

**Senator Maceda:** No, Mr. President. I really still hope to see if we have a better administration in 1998 that we will get enough economic progress to keep all these people here. In

principle, I do not want to see any Filipinos being encouraged to be adopted to go to foreign shores where they are going to grow up in a culture that is not part of the Filipino culture. It is good if they are all just babies — a few days after birth. But if they are already 14, 13, 12, 11, 10, 9, 8, 7, 6 years old and they are going to be sent to another culture and to another country, the less we send out, the better for us and our pride and dignity as a nation.

**Senator Rasul:** We agree, Mr. President.

**The Presiding Officer [Senator Aquino]:** Does the Sponsor accept the amendment of a maximum of 600? Is there any objection?

**Senator Rasul:** Earlier, we thought it was a maximum of 100.

**Senator Maceda:** No, those are the agencies. We are talking of 600 children.

**Senator Rasul:** Six hundred is very liberal, Mr. President.

**The Presiding Officer [Senator Aquino]:** The Sponsor accepts. Is there any objection? *[Silence]* Hearing none, the amendment is approved.

**Senator Maceda:** May we be enlightened on page 6, lines 21 to 27.

**The Presiding Officer [Senator Aquino]:** That has been deleted.

**Senator Maceda:** The whole?

**The Presiding Officer [Senator Aquino]:** The whole paragraph, as a matter of fact, all the way until line 3 of page 7 has been deleted.

**Senator Maceda:** All right. So that really erased some problems.

On page 5, line 26, I do not feel very strongly about this, but I want to go in the other direction. Why 24 years old specifically? Why not an older person?

**Senator Rasul:** We are amenable to an amendment, Mr. President.

**Senator Maceda:** Mr. President, even in this country or we studied in the US, when one is 24 years old, he is just out of college and he is not really financially in a position to adopt or to take care of a child. So I would like to propose that this

"twenty-four (24)" be changed to "thirty (30)".

**Senator Rasul:** Thirty might be a little old.

**Senator Maceda:** By the time they reach 30, they would probably have five or six years of experience on the job or jobs and they would be more financially settled.

**Senator Rasul:** Mr. President, we would like to amend that amendment to "twenty-five (25)" instead of "thirty (30)".

**Senator Maceda:** The Gentleman here from Camarines Sur is suggesting "TWENTY-SEVEN (27)", Mr. President.

**Senator Rasul:** We accept that, Mr. President.

**The Presiding Officer [Senator Aquino]:** So, "TWENTY-SEVEN (27)".

**Senator Maceda:** Because the Gentleman from Bicol looks like he is only 27.

**The Presiding Officer [Senator Aquino]:** Twenty years ago.

**Senator Maceda:** Although his waistline is bigger than 27. *[Laughter]*

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

**Senator Maceda:** I thank the Sponsor for her patience.

**Senator Rasul:** Thank you, Mr. President.

**Senator Lina:** Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Lina is recognized.

**Senator Lina:** Thank you, Mr. President.

My amendment is on page 5, lines 29 to 31. A person who is single can adopt, is it not? I would like to ask the Sponsor before I introduce my amendment.

**Senator Rasul:** Yes, Mr. President.

**Senator Lina:** Then, why is it that a person who is married has to wait after three years before he can adopt? What is the difference? If a single person can adopt without any condition except to age and other qualifications, why are we going to put

a limit or qualification to a person who is married? He has to wait for three years before he can adopt.

Therefore, I move that we strike out or delete the phrase "must be married for at least three (3) years at the time of the application; and".

So that the sentence will read: "if married, his/her spouse must jointly file for the adoption;"

**Senator Rasul:** Mr. President, there is a reason for the three years. During the honeymoon stage, the couple may not be psychologically fit to take care of an adopted child.

**Senator Lina:** That is a very arguable question. What I am saying is that if a single person can adopt, why are we going to limit a married person from adopting right away as long as the petition is filed jointly by the spouses?

**Senator Rasul:** If the Sponsor feels very strongly about that three-year period, Mr. President, I suppose we can accept the amendment.

**Senator Lina:** Thank you.

**The Presiding Officer [Senator Aquino]:** Senator Webb does not agree.

**Senator Webb:** No, Mr. President, because maybe there is a reason for those three years. Not only because of the honeymoon period, because honeymoons really do not last that long. But given three years, first, I think it might be the time for them to be stable enough to be able to adopt. Second, maybe at that time, if they do not still have a child, then they shall have made up their minds to adopt. So, there are safeguards to this particular provision.

Not that I am against the point of Senator Lina, but I think there are reasons for those three years.

I would like to ask the Sponsor, what are the real reasons? A reason like honeymoon cannot be used here, Mr. President.

They had Committee hearings, Mr. President, and I would like to find out what came out of the Committee hearing—why three years.

**Senator Rasul:** Mr. President, we are not a member of that Committee, so we really do not know what took place during the Committee deliberations. But I presume the three years is to provide for the couple to stabilize their lives together, for them to be able to determine what kind of a child and what age they

would want to adopt.

It is not as if only one person will adopt. It has to be a joint decision of the couple. A single person does not have to consult anyone. But a married couple will have to consult each other on the child that they would want to adopt. And that is the reason for the three years.

**Senator Webb:** That is the reason that I asked, Mr. President, because I think there is sufficient ground to specify three years. In fact, as far as I am concerned, it should even be five years. But if we just say they got married and they will adopt, and then comes their child, magkakaroon pa iyan ng selosan. Kaya nga siguro ang tatlong taon ay sapat nang panahon para malaman nila kung ano ba talaga ang gusto nila. Mag-a-adopt ba sila o magkakaroon ba sila ng kanilang sariling anak?

**The Presiding Officer [Senator Aquino]:** Maybe, it takes three years to convince a wife to accept what the husband wants or vice versa.

**Senator Lina:** Mr. President, that concept is not being removed by the amendment that I introduced because the adoption by a married person will have to have the concurrence of the other spouse. That concept is not being removed. What is being removed is the three-year limit or time frame.

After all, Mr. President, it is not automatic that when a couple who has just been married will file an application for adoption, that the application will be approved. It will have to be the Board that will evaluate things. So that if the Board believes that the couple is not in a position to adopt, then the Board will say so and will dismiss the application.

What I am just concerned about is that we are putting a limit without any scientific basis, an unnecessary limit. What if it is for the best interest of the child to be adopted right away and there is a couple that looks good, balanced people, mentally and emotionally. Why should we prevent them from adopting?

**Senator Rasul:** We accepted the amendment earlier, Mr. President — to delete the three-year period.

**The Presiding Officer [Senator Aquino]:** Yes, that is correct. The Sponsor accepted the amendment, unless somebody objects to this particular amendment of Senator Lina.

**Senator Webb:** I will have to object, Mr. President, because what I am after here is, let us face it — what is our intention? Is it not to protect the child, first and foremost? It is the Filipino child who is exposed here.

By giving it three years, and I reiterate, we are giving three years to the couple to decide finally what kind of a life they would like to have. We have to put certain parameters. It is not what they want that is important, it is what we want for the Filipino child.

**The Presiding Officer [Senator Aquino]:** Maybe we can listen to the words of wisdom from Senator Maceda.

**Senator Lina:** Let me just add a little more, Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Lina.

**Senator Lina:** First, if a couple has been diagnosed by doctors, even prior to the date of marriage, because there are some cases where the prospective wife or husband will undergo medical examination, and they are very transparent with each other that one of them cannot bear or cannot be part of a procreative process; then, why do they have to wait for three years when it is already known that the couple cannot bring forth children? So, there will be no reason to prevent them from adopting.

Second, as I said, and I just would like to emphasize, the application per se by a married couple will not be approved immediately. The Board will have to determine and study the circumstances surrounding the adoption, the capability of the spouses to bring forth or rear the children. All these things will be factored in, Mr. President.

There may be couples who have been married for six or ten years, but they are not that responsible people. Therefore, the Board, using its wise discretion, will also dismiss or disapprove the application. So, I do not see why we have to limit the couple to three years after before they can adopt.

I think I have said my piece, Mr. President. I see no reason why we should have that limitation. Anyway, the amendment has been accepted by the Sponsor.

**Senator Maceda:** Mr. President.

**The Presiding Officer [Senator Aquino]:** Senator Maceda is recognized.

**Senator Maceda:** I wanted to touch on several points. But on this point, then my previous amendment that has been adopted becomes more meaningful — the 27-year-old, and I had wanted earlier 30.

If my recollection is correct, Filipino women on the average, a great majority of them, get married at the age of 19 and

Filipino men at 21 or 22. So, by the time they are 27, they have probably been married for some time even without this particular three-year period. The great majority would have been married for some time.

Also, with regard to single people, at least, they are not 24 or younger people. At 27, they are generally very matured already.

I would like to raise — before we suspend — some questions now that have to be raised in view of the distinction that is being brought up between married and single.

Has the Committee considered the problem of homosexuality, lesbianism, and separated couples? Under the previous law, if one already has a legitimate child, he is not allowed to adopt. Should somebody who has ten kids still be allowed to adopt? Those are questions that are not in this particular bill on who may adopt?

Since we are talking about single people, the Gentleman is now talking about single parents; he is now talking about lesbians; and he is talking about homosexuals, and potential pedophiles.

Thank you.

#### SUSPENSION OF THE SESSION

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

*It was 7:23 p.m.*

#### RESUMPTION OF THE SESSION

*At 7:27 p.m., the session was resumed.*

**Senator Romulo:** We are ready to resume, Mr. President.

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

**Senator Webb:** Mr. President, due to the insistence of our Majority Leader, I now yield and will not insist on my amendment, with a proviso that I would review the records of the Committee hearings to find out the reason why they included not only the particular situation of a person as being married, but also the waiting period of three years. I believe there must have been grounds for it. So that my submission to the request of the Majority Leader is without prejudice to asking for a reconside-

ration of the proposed amendment.

Thank you, Mr. President.

**The Presiding Officer** [Senator Aquino]: That is fine. So, the amendment proposed by Senator Webb is withdrawn.

The Sponsor accepts the amendment proposed by Senator Lina to delete the words starting from "must" on line 29 and the entire line 30 on page 5. So that the same shall read: "if married, his/her spouse must jointly file for the adoption".

Is there any objection? [*Silence*] hearing none, the amendment is approved.

Are there other amendments?

**Senator Romulo**: I move that we close the period of individual amendments, Mr. President.

**The Presiding Officer** [Senator Aquino]: Except for one. Senator Lina earlier agreed to accommodate one more possible amendment from Senator Roco. What is the pleasure of the Gentleman?

**Senator Roco**: I move that we close the period of individual amendments, Mr. President.

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

**Senator Romulo**: Mr. President, I move that we vote on Senate Bill No. 1984 on Second Reading.

**The Presiding Officer** [Senator Aquino]: Senator Shahani is recognized.

**Senator Shahani**: Mr. President, I am just wondering whether the amendment of Senator Roco has now been reflected in the records because I believe that is a major amendment.

**Senator Romulo**: May I request, Mr. President, that Senator Lina be recognized.

**The Presiding Officer** [Senator Aquino]: Senator Lina is recognized.

**Senator Lina**: The amendment that was introduced by Senator Roco and which has been accepted by the Sponsor was

that there will be a two-pronged approach now to adoption: one, through administrative proceeding; and two, without prejudice through the usual judicial process. That amendment was already accepted and it will just have to be put in writing, subject to refinement and style, Mr. President.

**Senator Shahani**: Mr. President, it is not just a matter of style; but a matter of substance. If those two points are clear in the amendment, then I will accept that proposal with the condition that that is clearly reflected in the written text.

**The Presiding Officer** [Senator Aquino]: That is correct. That proposed amendment has been accepted by the Sponsor, just to formalize.

Is there any objection to that two-pronged approach? [*Silence*] Hearing none, the same is approved.

There are no more amendments.

**Senator Romulo**: Mr. President, I therefore reiterate my motion to close the period of individual amendments.

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

#### APPROVAL OF SENATE BILL NO. 1984 ON SECOND READING

**Senator Romulo**: Mr. President, I move that we vote on Senate Bill No. 1984, as amended, on Second Reading.

**The Presiding Officer** [Senator Aquino]: 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*]

Senate Bill No. 1984, as amended, is approved on Second Reading.

**Senator Romulo**: Mr. President, may I ask the Secretary to please read the Ninth Additional Reference of Business.

**The Presiding Officer** [Senator Aquino]: The Secretary will please read the Ninth Additional Reference of Business.

#### NINTH ADDITIONAL REFERENCE OF BUSINESS

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

**The Acting Secretary** [Atty. Raval]:

## RECORD OF THE SENATE

**TUESDAY, FEBRUARY 28, 1995**

February 16, 1995

### RESUMPTION OF THE SESSION

*At 5:00 p.m., the session was resumed with the Honorable Edgardo J. Angara, Senate President, presiding.*

**The President:** The session is resumed.

**Senator Romulo:** Mr. President, there is an Additional Reference of Business. I ask the Secretary to read it.

**The President:** The Secretary will do so.

### ADDITIONAL REFERENCE OF BUSINESS

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

**The Secretary:**

February 16, 1995

**Mr. President:**

I have been directed to inform the Senate that the House of Representatives on February 16, 1995, agreed to the amendments of the Senate to House Bill No. 1432, as embodied in Senate Bill No. 1690, entitled

**AN ACT CONVERTING THE SOUTHERN AGUSAN NATIONAL AGRICULTURE COLLEGE OF BUNAWAN, AGUSAN DEL SUR INTO A STATE COLLEGE, TO BE KNOWN AS THE AGUSAN DEL SUR STATE COLLEGE OF AGRICULTURE AND TECHNOLOGY, AND APPROPRIATING FUNDS THEREFOR.**

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

The Honorable  
EDGARDO J. ANGARA  
President of the Senate  
Manila

**The President:** To the Archives.

**The Secretary:**

**Mr. President:**

I have been directed to inform the Senate that the House of Representatives on February 16, 1995, agreed to the amendments of the Senate to House Bill No. 4622, as embodied in Senate Bill No. 1638, entitled

**AN ACT CONVERTING THE BICOL REGIONAL TRAINING AND TEACHING HOSPITAL INTO BICOL MEDICAL CENTER, DEFINING ITS FUNCTIONS, RESPONSIBILITIES, POWERS AND AUTHORITY, AND APPROPRIATING FUNDS THEREFOR.**

Very truly yours,

(Sgd.) CAMILO L. SABIO  
Secretary General

The Honorable  
EDGARDO J. ANGARA  
President of the Senate  
Manila

**The President:** To the Archives.

**The Secretary:**

February 17, 1995

**Mr. President:**

I have been directed to inform the Senate that the House of Representatives on February 16, 1995, agreed to the amendments of the Senate to House Bill No. 322, entitled

**AN ACT ESTABLISHING A TEN-BED CAPACITY MUNICIPAL HOSPITAL IN THE MUNICIPALITY OF SAN JOSE, PROVINCE OF SURIGAO DEL NORTE, TO BE KNOWN AS THE SAN JOSE MUNICIPAL HOSPITAL, AND APPROPRIATING FUNDS THEREFOR.**

Very respectfully,

(Sgd.) CAMILO L. SABIO  
Secretary General



DETERMINE WHETHER OR NOT PROPER AND ADEQUATE TREATMENT IS BEING ADMINISTERED TO THE HANSENITES RESIDING IN THESE FACILITIES,

recommending the approval of the findings, conclusions and recommendations stated therein.

Sponsors: Senators Webb and Biazon

**The President:** To the Calendar for Ordinary Business.

**The Secretary:** Committee Report No. 995 submitted by the Committee on Health and Demography on House Bill No. 5920, introduced by Congressman Diaz, entitled

AN ACT INCREASING THE BED CAPACITY OF TALAVERA DR. PAULINO J. GARCIA MEMORIAL RESEARCH AND MEDICAL CENTER EXTENSION HOSPITAL IN THE MUNICIPALITY OF TALAVERA, PROVINCE OF NUEVA ECUIJA, FROM TENTO FIFTY-BED CAPACITY, AND APPROPRIATING FUNDS THEREFOR,

recommending its approval with amendments.

Sponsor: Senator Webb

**The President:** To the Calendar for Ordinary Business.

**BILL ON THIRD READING**  
**Senate Bill No. 1984 - Inter-country Adoption**

**Senator Romulo:** Mr. President, I move that we vote on Third Reading on Senate Bill No. 1984. Printed copies of the bill were distributed to all the Members of the Senate on February 21, 1995.

**The President:** Voting on Third Reading on Senate Bill No. 1984 is now in order.

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

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

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

THEREOF, AND FOR OTHER PURPOSES.

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

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

**YES - 15**

Senator Alvarez	Senator Osmeña
Senator Aquino	Senator Rasul
Senator Biazon	Senator Revilla
Senator Gonzales	Senator Romulo
Senator Herrera	Senator Shahani
Senator Lina	Senator Tañada
Senator Maceda	The President
Senator Mercado	

**NO - 0**

**ABSTENTION - 0**

**RESULT OF THE VOTING**

**The President:** With 15 affirmative votes, no negative vote, and no abstention, Senate Bill No. 1984 is approved on Third Reading.

**BILL ON SECOND READING**  
**Senate Bill No. 2061 - Water Crisis Bill**  
*(Continuation)*

**Senator Romulo:** Mr. President, I ask that we resume consideration of Senate Bill No. 2061, as reported out under Committee Report No. 919.

**The President:** Resumption of consideration of Senate Bill No. 2061 is now in order.

**Senator Romulo:** Mr. President, may I ask that the Chairman of the Committee on Public Services, Senator Osmeña, be recognized.

**SUSPENSION OF THE SESSION**

May I ask for a one-minute suspension of the session.

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

*It was 5:09 p.m.*

## RECORD OF THE SENATE

FRIDAY, JUNE 2, 1995

### RESUMPTION OF THE SESSION

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

**The President:** The session is resumed.

**Senator Romulo:** Mr. President.

**The President:** The Majority Leader is recognized.

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

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

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

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

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

**The President:** Senator Webb is recognized.

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

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

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

"3) The third copy, to the Commission;

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

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

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

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

"b) In the election of local officials:

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

"2) The second copy, to the Commission;

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

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

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

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

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

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

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

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

Approved,

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

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

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

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

**The President:** Senator Rasul is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 7 of the Senate version was adopted.

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

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

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

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

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

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

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

Section 15 of the Senate version was deleted.

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

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

Section 17 of the Senate version was deleted.

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

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

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

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

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

Section 20 is the usual Separability Clause.

Section 21 is the same.

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

The title of the House version was adopted.

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

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

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

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

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

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

### CONFERENCE COMMITTEE REPORT

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

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

and House Bill No. 10363, entitled

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

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

### CONFEREES ON THE PART OF THE SENATE

(Sgd.) HON. SANTANINA T. RASUL

(Sgd.) HON. RASUL S. ROCO

(Sgd.) HON. ERNESTO M. MACEDA

### CONFEREES ON THE PART OF THE HOUSE OF REPRESENTATIVES

(Sgd.) HON. BELMA A. CABILAO

(Sgd.) HON. LEONOR I. LUCIANO

(Sgd.) HON. JOSE CARLOS V. LACSON

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

## ARTICLE I

### GENERAL PROVISIONS

**SECTION 1. *Short Title.*** - This Act shall be known as the "Inter-Country Adoption Act of 1995."

**SEC. 2. *Declaration of Policy.*** - It is hereby declared the policy of the State to provide every neglected and abandoned child with a family that will provide such child with love and care as well as opportunities for growth and development. Towards this end, efforts shall be exerted to place the child with an adoptive family in the Philippines. However, recognizing that inter-country adoption may be considered as allowing aliens, not presently allowed by law to adopt Filipino children if such children cannot be adopted by qualified Filipino citizens or aliens, the State shall take measures to ensure that inter-country adoptions are allowed when the same shall prove beneficial to the child's best interests, and shall serve and protect his/her fundamental rights.

**SEC. 3. *Definition of Terms.*** - As used in this Act, the term:

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

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

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

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

(e) "Authorized and accredited agency" refers to

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

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

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

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

## ARTICLE II

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

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

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

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

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

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

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

Filipino children;

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

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

**SEC. 5. Composition of the Board.** - The Board shall be composed of the Secretary of the Department as ex officio Chairman, and six (6) other members to be appointed by the President for a non-renewable term of six (6) years: *Provided*, That there shall be appointed one (1) psychiatrist or psychologist, two (2) lawyers who shall have at least the qualifications of a regional trial judge, one (1) registered social worker and two (2) representatives from non-governmental organizations engaged in child-caring and placement activities. The members of the Board shall receive a per diem allowance of One thousand five hundred (P1,500) for each meeting attended by them: *Provided, further*, That no compensation shall be paid for more than four (4) meetings a month.

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

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

b) to set the guidelines for the convening of an Inter-country Adoption Placement Committee which shall be under the direct supervision of the Board;

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

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

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

f) to formulate and develop policies, programs and

services that will protect the Filipino child from abuse, exploitation, trafficking and other adoption practice that is harmful, detrimental and prejudicial to the best interest of the child;

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

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

i) to accredit and authorize foreign private adoption agencies which have demonstrated professionalism, competence and have consistently pursued non-profit objectives to engage in the placement of Filipino children in their own country: *Provided*, That such foreign private agencies are duly authorized and accredited by their own government to conduct inter-country adoption: *Provided, however*, That the total number of authorized and accredited foreign private adoption agencies shall not exceed one hundred (100) a year;

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

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

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

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

### ARTICLE III

### PROCEDURE

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

- The Board shall ensure that all possibilities for adoption of the child under the Family Code have been exhausted and that inter-country adoption is in the best interest of the child. Towards this end, the Board shall set up the guidelines to ensure that steps will be taken to place the child in the Philippines before the child is placed for inter-country adoption: *Provided, however,* That the maximum number that maybe allowed for foreign adoption shall not exceed six hundred (600) a year for the first five (5) years.

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

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

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

- a) is at least twenty-seven (27) years of age and at least sixteen (16) years older than the child to be adopted, at the time of application unless the adoptor is the parent by nature of the child to be adopted, at the time of application or the spouse of such parent;
- b) if married, his/her spouse must jointly file for the adoption;
- c) has the capacity to act and assume all rights and responsibilities of parental authority under his national laws, and has undergone the appropriate counseling from an accredited counselor in his/her country;
- d) has not been convicted of a crime involving moral turpitude;
- e) is eligible to adopt under his/her national law;

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

g) agrees to uphold the basic rights of the child as embodied under Philippine laws, the U.N. Convention on the Rights of the Child, and to abide by the rules and regulations issued to implement the provisions of this Act;

h) comes from a country with whom the Philippines has diplomatic relations and whose government maintains a similarly authorized and accredited agency and that adoption is allowed under his/her national laws; and

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

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

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

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



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

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

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

**SEC. 11. Family Selection/Matching.** - No child shall be matched to a foreign adoptive family unless it is satisfactorily shown that the child cannot be adopted locally. The clearance, as issued by the Board, with the copy of the minutes of the meetings, shall form part of the records of the child to be adopted. When the Board is ready to transmit the Placement Authority to the authorized and accredited inter-country adoption agency and all the travel documents of the child are ready, the adoptive parents, or any one of them, shall personally fetch the child in the Philippines.

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

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

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

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

**SEC. 14. Supervision of Trial Custody.** - The governmental agency or the authorized and accredited agency in the country of the adoptive parents which filed the application for inter-country adoption shall be responsible for the trial custody and the care of the child. It shall also provide family counseling and other related services. The trial custody shall be for a period of six (6) months from the time of placement. Only after the lapse of the period of trial custody shall a decree of adoption be issued in the said country, a copy of which shall be sent to the Board to form part of the records of the child.

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

The Department of Foreign Affairs shall set-up a system by which Filipino children sent abroad for trial custody are monitored and checked as reported by the authorized and accredited inter-country adoption agency as well as the repatriation to the Philippines of a Filipino child whose adoption has not been approved.

**SEC. 15. Executive Agreements.** - The Department of Foreign Affairs, upon representation of the Board, shall cause the preparation of Executive Agreements with countries of the foreign adoption agencies to ensure the legitimate concurrence of said countries in upholding the safeguards provided by this Act.

#### ARTICLE IV

#### PENALTIES

**SEC. 16. Penalties.** - a) Any person who shall knowingly participate in the conduct or carrying out of an illegal adoption, in violation of the provisions of this Act, shall be punished with a penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and/or a fine of not less than Fifty thousand pesos (P50,000.00), but not more than Two hundred thousand pesos (P200,000.00), at the discretion of the court. For purposes of this Act, an adoption is illegal if it is effected in any manner contrary to the provisions of this Act or established State policies, its implementing rules and regulations, executive agreements, and other laws pertaining to adoption. Illegality may be presumed from the following acts:

1) consent for an adoption was acquired through, or attended by coercion, fraud, improper material inducement;

2) there is no authority from the Board to effect adoption;

3) the procedures and safeguards placed under the law for adoption were not complied with; and

4) the child to be adopted is subjected to, or exposed to danger, abuse and exploitation.

b) Any person who shall violate established regulations relating to the confidentiality and integrity of records, documents and communications of adoption applications, cases and processes shall suffer the penalty of imprisonment ranging from one (1) year and one (1) day to two (2) years, and/or a fine of not less than Five thousand pesos (P5,000.00) but not more than Ten thousand pesos (P10,000.00), at the discretion of the court.

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

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

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

SEC. 17. *Public Officers as Offenders.* - Any government official, employee or functionary who shall be found guilty of violating any of the provisions of this Act, or who shall conspire with private individuals shall, in addition to the above-prescribed penalties, be penalized in accordance with existing civil service laws, rules and regulations: *Provided*, That upon the filing of a case, either administrative or criminal, said government official, employee or functionary concerned shall automatically suffer suspension until the resolution of the case.

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

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

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

SEC. 20. *Separability Clause.* - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected, shall remain valid and subsisting.

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

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

Approved,

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

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

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

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

**The President:** Senator Shahani is recognized.

**Senator Shahani:** Thank you, Mr. President.

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

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

The House panel was headed by Congressman Escudero.

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

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

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

The 11 members shall be composed of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**The President:** Are there any comments?

**Senator Webb:** Mr. President.

**The President:** Senator Webb is recognized.

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

Thank you, Mr. President.

**The President:** It is so noted.

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

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

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

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

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

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

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

and House Bill No. 12614, entitled

**THE BOOK DEVELOPMENT ACT**

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

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

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

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

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

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

3.3 Corrections as to form and style;

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

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

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

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

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

The eleven (11) members shall be composed of:

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