

RECORD OF THE SENATE

WEDNESDAY, JANUARY 31, 2007

OPENING OF THE SESSION

At 4:09 p.m., the Senate President, Hon. Manny Villar, called the session to order.

The President. The 61st session of the Third Regular Session of the Thirteenth Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Richard J. Gordon.

Everybody rose for the prayer.

PRAYER

Senator Gordon.

Lord, we bow before You today, sincerely hoping that You will lend an ear to our prayer. There have been many prayers in this Chamber. Everyday we pray and we sincerely hope that You lend an ear to our prayers today. We pray for Your guidance and Your spirit that we may be led by Your will in the final days of the Thirteenth Congress and use this remaining time to pass legislations that would promote the welfare and prosperity of our people.

We pray likewise for our colleagues who are ending their terms as senators of the land. We thank You, Lord, for the wisdom that they have shared with this august House and we pray that You will lead them to paths that would enable them to continue to serve the interests of the nation outside of the Senate.

We pray for humility, Lord, that we may, as a nation, submit ourselves to Your will in order to achieve the greatness that You intended for our beloved country; that You imbue this nation with worthy causes, Lord, and the courage and fortitude to pursue and realize these causes, for a nation without a worthy cause is a nation without a soul.

Strengthen our minds that we may understand that each of us must do our part in the work of nation-building, and bless us with a generous heart to give the best of ourselves that we may be worthy of our position, our families, and our paramount role as a citizen of this nation.

And, Lord, I would like to end with the prayer of Saint Ignatius:

Dearest Lord, teach me to be generous; teach me to serve Thee as Thou deservest; to give and not to count the cost; to fight and not to heed the wounds; to labor and not to seek for rest; to toil and not to ask for reward; save that of knowing I am doing Thy most holy and sacred will.

Amen.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

Senator Edgardo J. Angara	Present
Senator Joker P. Arroyo	Present
Senator Rodolfo G. Biazon	Present
Senator Compañera Pia S. Cayetano	Present
Senator Miriam Defensor Santiago	Present
Senator Franklin M. Drilon	Present
Senator Jinggoy Ejercito Estrada	Present
Senator Luisa "Loi" P. Ejercito Estrada	Present
Senator Juan Ponce Enrile	Present*
Senator Juan M. Flavies	Present
Senator Richard J. Gordon	Present
Senator Panfilo M. Lacson	Present
Senator Manuel "Lito" M. Lapid	Present
Senator Alfredo S. Lim	Present
Senator M. A. Madrigal	Present
Senator Ramon B. Magsaysay Jr.	Present
Senator Sergio R. Osmeña III	Present*
Senator Kiko Pangilinan	Present
Senator Aquilino Q. Pimentel Jr.	Present
Senator Ralph G. Recto	Absent
Senator Ramon Bong Revilla Jr.	Present
Senator Mar A. Roxas	Present*
The President	Present

The President. With 19 senators present, the Chair declares the presence of a quorum.

The Majority Leader is recognized.

THE JOURNAL

Senator Pangilinan. Mr. President, I move that we dispense with the reading of the *Journal* of the 59th session, January 29, 2007 and consider it approved.

* Arrived after the roll call

ment and Natural Resources on Senate Bill No. 2586 with Senators Flavio, Cayetano and the Members of the Committee as authors thereof, entitled

AN ACT AMENDING SECTIONS 2 AND 3 OF REPUBLIC ACT NO. 2239, AND FOR OTHER PURPOSES,

recommending its approval in substitution of Senate Bill No. 2563.

Sponsors: Senators Cayetano and Flavio

The President Pro Tempore. To the Calendar for Ordinary Business

The Acting Secretary [Dir. Bantug]. Committee Report No. 238, prepared and submitted by the Committee on Social Justice, Welfare and Rural Development on Senate Bill No. 2587 with Senators Ejercito Estrada (L), Angara, Osmeña III, Villar, Ejercito Estrada (J) and Magsaysay Jr. as authors thereof, entitled

AN ACT PROVIDING FOR A MAGNA CARTA FOR PUBLIC SOCIAL WORKERS,

recommending its approval in substitution of Senate Bill Nos. 173, 437, 759, 897, 1086 and 1168.

Sponsor: Senator Osmeña III

The President Pro Tempore. To the Calendar for Ordinary Business

THIRD ADDITIONAL REFERENCE OF BUSINESS

BILL ON FIRST READING

The Acting Secretary [Dir. Bantug]. Senate Bill No. 2588, entitled

AN ACT PROHIBITING CHILD PORNOGRAPHY, IMPOSING PENALTIES FOR THE COMMISSION THEREOF AND FOR OTHER PURPOSES

Introduced by Senator Madrigal

The President Pro Tempore. Referred to the Committees on Public Information and Mass Media; and Constitutional Amendments, Revision of Codes and Laws

The Majority Leader is recognized.

SUSPENSION OF SESSION

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

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

It was 9:24 p.m.

RESUMPTION OF SESSION

At 9:25 p.m., the session was resumed.

The President Pro Tempore. The session is resumed.

The Majority Leader is recognized.

SPECIAL ORDERS

Senator Cayetano. Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 230 on Senate Bill No. 2580, entitled

AN ACT GRANTING OTHER PRIVILEGES AND INCENTIVES TO PERSONS WITH DISABILITY AND GRANTING THEM THE RIGHT TO LIVE FREE FROM VERBAL AND NON-VERBAL RIDICULE AND VILIFICATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR DISABLED PERSONS AND FOR OTHER PURPOSES."

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

BILL ON SECOND READING

S. No. 2580 – Amendments to Magna Carta for Disabled Persons

Senator Cayetano. Mr. President, I move that we consider Senate Bill No. 2580 as reported out under Committee Report No. 230.

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

Consideration of Senate Bill No. 2580 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 [Dir. Bantug]. Senate Bill No. 2580, entitled

AN ACT GRANTING OTHER PRIVILEGES AND INCENTIVES TO PERSONS WITH DISABILITY AND GRANTING THEM THE RIGHT TO LIVE

FREE FROM VERBAL AND NON-VERBAL RIDICULE AND VILIFICATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR DISABLED PERSONS AND FOR OTHER PURPOSES"

The following is the whole text of the bill:

Senate Bill No. 2580

AN ACT GRANTING OTHER PRIVILEGES AND INCENTIVES TO PERSONS WITH DISABILITY AND GRANTING THEM THE RIGHT TO LIVE FREE FROM VERBAL AND NON-VERBAL RIDICULE AND VILIFICATION, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR DISABLED PERSONS AND FOR OTHER PURPOSES"

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

SECTION 1. A new chapter, to be denominated as "Chapter 8 – Other Privileges and Incentives" is hereby added to Title Two of Republic Act No. 7277, otherwise known as the "Magna Carta for Disabled Persons", with new Sections 32 and 33, to read as follows:

"CHAPTER 8-OTHER PRIVILEGES AND INCENTIVES

SEC. 32. PERSONS WITH DISABILITY SHALL BE ENTITLED TO THE FOLLOWING:

(A) AT LEAST TWENTY PERCENT (20%) DISCOUNT FROM ALL ESTABLISHMENTS RELATIVE TO THE UTILIZATION OF ALL SERVICES IN HOTELS AND SIMILAR LODGING ESTABLISHMENTS; RESTAURANTS AND RECREATION CENTERS FOR THE EXCLUSIVE USE OR ENJOYMENT OF PERSONS WITH DISABILITY;

(B) A MINIMUM OF TWENTY PERCENT (20%) DISCOUNT ON ADMISSION FEES CHARGED BY THEATERS, CINEMA HOUSES, CONCERT HALLS, CIRCUSES, CARNIVALS AND OTHER SIMILAR PLACES OF CULTURE, LEISURE AND AMUSEMENT FOR THE EXCLUSIVE USE OR ENJOYMENT OF PERSONS WITH DISABILITY;

(C) AT LEAST TWENTY PERCENT (20%) DISCOUNT FOR THE PURCHASE OF MEDICINES IN ALL DRUG STORES FOR THE EXCLUSIVE USE OR ENJOYMENT OF PERSONS WITH DISABILITY;

(D) EXEMPTION FROM PAYMENT OF INDIVIDUAL INCOME TAXES; PROVIDED, THAT THEIR ANNUAL TAXABLE INCOME DOES NOT EXCEED THE POVERTY LEVEL AS DETERMINED BY THE NATIONAL ECONOMIC DEVELOPMENT AUTHORITY (NEDA) FOR THAT YEAR;

(E) AT LEAST TWENTY PERCENT (20%) DISCOUNT ON MEDICAL AND DENTAL SERVICES INCLUDING DIAGNOSTIC AND LABORATORY FEES SUCH AS, BUT NOT LIMITED TO, X-RAYS, COMPUTERIZED TOMOGRAPHY SCANS AND BLOOD TESTS, IN ALL GOVERNMENT FACILITIES, SUBJECT TO GUIDELINES TO BE ISSUED BY THE DEPARTMENT OF HEALTH (DOH) IN COORDINATION WITH THE PHILIPPINE HEALTH INSURANCE CORPORATION (PHILHEALTH);

(F) AT LEAST TWENTY PERCENT (20%) DISCOUNT ON MEDICAL AND DENTAL SERVICES INCLUDING DIAGNOSTIC AND LABORATORY FEES, AND PROFESSIONAL FEES OF ATTENDING DOCTORS IN ALL PRIVATE HOSPITALS AND MEDICAL FACILITIES, IN ACCORDANCE WITH THE RULES AND REGULATIONS TO BE ISSUED BY THE DOH, IN COORDINATION WITH THE PHILHEALTH;

(G) AT LEAST TWENTY PERCENT (20%) DISCOUNT ON FARE FOR DOMESTIC AIR AND SEA TRAVEL FOR THE EXCLUSIVE USE OR ENJOYMENT OF PERSONS WITH DISABILITY;

(H) AT LEAST TWENTY PERCENT (20%) DISCOUNT IN PUBLIC RAILWAYS, SKYWAYS AND BUS FARE FOR THE EXCLUSIVE USE AND ENJOYMENT OF PERSONS WITH DISABILITY;

(I) EDUCATIONAL ASSISTANCE TO PERSONS WITH DISABILITY, FOR THEM TO PURSUE PRIMARY, SECONDARY, TERTIARY, POST TERTIARY, AS WELL AS VOCATIONAL OR TECHNICAL EDUCATION, IN BOTH PUBLIC AND PRIVATE SCHOOLS, THROUGH THE PROVISION OF SCHOLARSHIPS, GRANTS, FINANCIAL AIDS, SUBSIDIES AND OTHER

INCENTIVES TO QUALIFIED PERSONS WITH DISABILITY, INCLUDING SUPPORT FOR BOOKS, LEARNING MATERIALS, AND UNIFORM ALLOWANCE TO THE EXTENT FEASIBLE: *PROVIDED*, THAT PERSONS WITH DISABILITY SHALL MEET MINIMUM ADMISSION REQUIREMENTS;

- (J) TO THE EXTENT PRACTICABLE AND FEASIBLE, THE CONTINUANCE OF THE SAME BENEFITS AND PRIVILEGES GIVEN BY THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), SOCIAL SECURITY SYSTEM (SSS), AND PAG-IBIG, AS THE CASE MAY BE, AS ARE ENJOYED BY THOSE IN ACTUAL SERVICE;
- (K) TO THE EXTENT POSSIBLE, THE GOVERNMENT MAY GRANT SPECIAL DISCOUNTS IN SPECIAL PROGRAMS FOR DISABLED PERSONS ON PURCHASE OF BASIC COMMODITIES, SUBJECT TO GUIDELINES TO BE ISSUED FOR THE PURPOSE BY THE DEPARTMENT OF TRADE AND INDUSTRY (DTI) AND THE DEPARTMENT OF AGRICULTURE (DA); AND
- (L) PROVISION OF EXPRESS LANES FOR PERSONS WITH DISABILITY IN ALL COMMERCIAL AND GOVERNMENT ESTABLISHMENTS IN THE ABSENCE THEREOF, PRIORITY SHALL BE GIVEN TO THEM.

THE ABOVEMENTIONED PRIVILEGES ARE AVAILABLE ONLY TO PERSONS WITH DISABILITY WHO ARE FILIPINO CITIZENS UPON SUBMISSION AS PROOF OF HIS/HER ENTITLEMENT THERETO ANY OF THE FOLLOWING:

- (I) AN ID ISSUED BY THE CITY OR MUNICIPAL MAYOR OR OF THE BARANGAY CAPTAIN OF THE PLACE WHERE THE PERSON WITH DISABILITY RESIDES;
- (II) THE PASSPORT OF THE DISABLED PERSON CONCERNED; OR
- (III) TRANSPORTATION DISCOUNTED FARE IDENTIFICATION CARD (ID) ISSUED BY THE NATIONAL COUNCIL FOR THE WELFARE OF DISABLED PERSONS (NCWDP).

THE PRIVILEGES MAY NOT BE CLAIMED IF THE PERSON WITH DISABILITY CLAIMS A HIGHER

DISCOUNT AS MAY BE GRANTED BY THE COMMERCIAL ESTABLISHMENT AND/OR UNDER OTHER EXISTING LAWS OR IN COMBINATION WITH OTHER DISCOUNT PROGRAM/S.

THE ESTABLISHMENTS MAY CLAIM THE DISCOUNTS GRANTED (A), (B), (C), (E), (F) AND (G) AS A TAX DEDUCTION BASED ON THE NET COST OF THE GOODS SOLD OR SERVICES RENDERED; *PROVIDED*, HOWEVER, THAT THE COST OF THE DISCOUNT SHALL BE ALLOWED AS DEDUCTION FROM GROSS INCOME FOR THE SAME TAXABLE YEAR THAT THE DISCOUNT IS GRANTED, *PROVIDED FURTHER*, THAT THE TOTAL AMOUNT OF THE CLAIMED TAX DEDUCTION NET OF VALUE ADDED TAX IF APPLICABLE, SHALL BE INCLUDED IN THEIR GROSS SALES RECEIPTS FOR TAX PURPOSES AND SHALL BE SUBJECT TO PROPER DOCUMENTATION AND TO THE PROVISIONS OF THE NATIONAL INTERNAL REVENUE CODE (NIRC), AS AMENDED."

"SEC. 33. INCENTIVES - THOSE CARING FOR AND LIVING WITH THE PERSONS WITH DISABILITY SHALL BE GRANTED THE FOLLOWING INCENTIVES:

- (A) PERSONS WITH DISABILITY SHALL BE TREATED AS DEPENDENTS AS PROVIDED FOR IN THE NATIONAL INTERNAL REVENUE CODE, AS AMENDED, AND AS SUCH, INDIVIDUAL TAXPAYERS CARING FOR THEM SHALL BE ACCORDED THE PRIVILEGES GRANTED BY THE CODE IN SO FAR AS HAVING DEPENDENTS ARE CONCERNED; AND UTTERANCE OF SLANDEROUS AND ABUSIVE STATEMENTS AGAINST A PERSON; B) AN ACTIVITY IN PUBLIC WHICH INCITES HATRED TOWARDS, SERIOUS CONTEMPT FOR, OR SEVERE RIDICULE OF PERSON WITH DISABILITY."

"SEC. 42. ANY INDIVIDUAL GROUP OR COMMUNITY IS HEREBY PROHIBITED FROM VILIFYING ANY DISABLED PERSON WHICH COULD RESULT IN DEGRADATION OF SELF-RESPECT AND MORAL OF THE LATTER."

SEC. 3. Section 46 of Republic Act No. 7277 is hereby amended to read as follows:

"SECTION 46. *Penal Clause.* - a) Any person who violates any provision of this Act shall suffer the following penalties:

1) for the first violation, a fine of not less than Fifty thousand pesos (P50,000.00) but not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not less than six (6) months but not more than two (2) years, or both at the discretion of the court; and

2) for any subsequent violation, a fine of not less than One hundred thousand pesos (P100,000.00) but not exceeding Two hundred thousand pesos (P200,000.00) or imprisonment for not less than two (2) years but not more than six (6) years, or both at the discretion of the court.

b) Any person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months or a fine of not less than Five thousand pesos (P5,000.00), but not more than Fifty thousand pesos (P50,000.00), or both, at the discretion of the court.

c) If the violator is a corporation, organization or any similar entity, the officials thereof directly involved shall be liable therefor.

d) If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

UPON FILING AN APPROPRIATE COMPLAINT, AND AFTER DUE NOTICE AND HEARING, THE PROPER AUTHORITIES MAY ALSO CAUSE THE CANCELLATION OR REVOCATION OF THE BUSINESS PERMIT, PERMIT TO OPERATE, FRANCHISE AND OTHER SIMILAR PRIVILEGES GRANTED TO ANY BUSINESS ENTITY THAT FAILS TO ABIDE BY THE PROVISIONS OF THIS ACT."

SEC. 4. The title of Republic Act No. 7277 is hereby amended to read as the "Magna Carta for Persons with Disability", and all references on the said law to "disabled persons" shall likewise be amended to read as "persons with disability."

SEC. 5. The Department of Social Welfare and Development, the National Council for the Welfare of Disabled Persons, and the Bureau of Internal Revenue in consultation with the concerned Senate and House committees and other agencies, organizations, establishments shall formulate an implementing rules and regulations pertinent to the provisions of this Act within six (6) months after the effectivity of this Act.

SEC. 6. This Act shall take effect fifteen (15) days after its publication in any two newspapers of general circulation.

Approved,

SPECIAL ORDERS

Senator Cayetano. Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders Committee Report No. 231 on House Bill No. 4065, entitled

AN ACT INSTITUTIONALIZING A STRATEGY FOR RURAL DEVELOPMENT, STRENGTHENING VOLUNTEERISM AND FOR OTHER PURPOSES

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

BILL ON SECOND READING H. No. 4065 – Volunteer Act of 2005

Senator Cayetano. Mr. President, I move that we consider House Bill No. 4065 as reported out under Committee Report No. 231.

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

Consideration of House Bill No. 4065 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 [Dir. Bantug]. House Bill No. 4065, entitled

AN ACT INSTITUTIONALIZING A STRATEGY FOR RURAL DEVELOPMENT, STRENGTHENING VOLUNTEERISM AND FOR OTHER PURPOSES

The following is the whole text of the bill:

House Bill No. 4065

AN ACT INSTITUTIONALIZING A STRATEGY FOR RURAL DEVELOPMENT, STRENGTHENING VOLUNTEERISM AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* - This Act shall be known and cited as the "Volunteer Act of 2005".