

# RECORD OF THE SENATE

MONDAY, NOVEMBER 18, 2002

## OPENING OF THE SESSION

At 3:48 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

**The President.** The 33rd session of the Senate in the Second Regular Session of the Twelfth Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Gregorio B. Honasan. After the prayer, the Philippine Male Chorale will lead us in the singing of the Philippine National Anthem. The choir will also render another song, entitled *Magandang Pilipinas*.

*Everybody rose for the prayer.*

## PRAYER

**Senator Honasan.**

Lord, please help us to convince the Filipino people never to lose hope.

Guide us, senators, that by example, we may teach them to renew their faith in themselves, in each other, and in a future characterized by unity, peace and stability.

Make them believe that with Your help, O God, we will not and we shall not fail them.

Give us fortitude that we may share burdens with many who have long suffered so that all sacrifices will lead to the good of our nation.

Allow us to use the little power You have temporarily placed in our hands for the benefit of the greater number.

Grant us courage to fight for justice against darkness and evil in its many forms that we may reflect Your love for all, and triumph on judgment day.

All these we humbly ask in Your name.

Amen.

## NATIONAL ANTHEM

*Everybody remained standing for the singing of the national anthem.*

**The President.** Thank you very much. The Chair expresses its appreciation to the Philippine Male Chorale for those songs.

## ROLL CALL

The Secretary will please call the roll.

**The Secretary, reading:**

Senator Edgardo J. Angara .....	Present
Senator Teresa Aquino-Oreta .....	Present
Senator Joker P. Arroyo .....	Present
Senator Robert Z. Barbers .....	Present
Senator Rodolfo G. Biazon .....	Present
Senator Renato L. <i>Compañero</i> Cayetano ...	***
Senator Noli "Kabayan" De Castro .....	Present
Senator Luisa "Loi" P. Ejercito Estrada .....	Present
Senator Juan M. Flavier .....	Present
Senator Gregorio B. Honasan .....	Present
Senator Robert S. "JAWO" Jaworski .....	Present
Senator Panfilo M. Lacson .....	Present
Senator Loren B. Legarda Leviste .....	Present
Senator Ramon B. Magsaysay Jr. ....	Present
Senator John Henry R. Osmeña .....	Present*
Senator Sergio R. Osmeña III .....	Present*
Senator Francis N. Pangilinan .....	Present
Senator Aquilino Q. Pimentel Jr. ....	Present
Senator Ralph G. Recto .....	Present
Senator Ramon B. Revilla .....	Present
Senator Vicente C. Sotto III .....	Present
Senator Manuel B. Villar Jr. ....	**
The President .....	Present

**The President.** With 19 senators present, there is a quorum.

The Majority Leader is recognized.

## THE JOURNAL

**Senator Legarda Leviste.** Mr. President, I move that we dispense with the reading of the *Journal* of the 32nd session, November 13, 2002 and consider it approved.

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

## ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF THE PHILIPPINE ASSOCIATION OF SCHOOL SUPERINTENDENTS; PHILIPPINE PUBLIC SCHOOLS TEACHERS ASSOCIATION; AND THE ATENEO GRADE VI PUPILS

**Senator Legarda Leviste.** Mr. President, we would like to acknowledge the presence in the gallery today of the Philippine

\* Arrived after the the roll call

\*\* On official mission

\*\*\* Absent on account of illness

I wish to register my interpellations of the sponsor of the bill, but I am not ready today as the calling of the bill presently surprised me. We were not aware that the bill would be called today, Mr. President.

So may I register my reservation to interpellate the sponsor in the next few days.

**The President Pro Tempore.** The reservation is noted. The Majority Leader is recognized.

**Senator Legarda Leviste.** Mr. President, I move that we suspend the interpellations on Senate Bill No. 2379.

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

SUSPENSION OF CONSIDERATION OF S. NO. 2379

**Senator Legarda Leviste.** I move that we suspend the consideration of the measure.

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

BILL ON SECOND READING

S. No. 2155 — Magna Carta for the Working Child  
(Continuation)

**Senator Legarda Leviste.** Mr. President, I move that we resume consideration of Senate Bill No. 2155 as reported out under Committee Report No. 52.

**The President Pro Tempore.** Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 2155 is now in order.

**Senator Legarda Leviste.** Mr. President, I ask that the sponsor, Sen. Ramon B. Magsaysay Jr., be recognized. We are in the period of interpellations.

**The President Pro Tempore.** Sen. Ramon B. Magsaysay Jr. is recognized for the period of interpellations.

**Senator Legarda Leviste.** And to interpellate the sponsor, I ask that Sen. Teresa Aquino Oreta be recognized.

**The President Pro Tempore.** Sen. Teresa Aquino Oreta is recognized for the period of interpellations.

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF  
REPRESENTATIVES FROM VARIOUS GOVERNMENT  
AGENCIES AND ORGANIZATIONS AND CHILDREN  
FROM ERDA AND VISAYAN FORUM FOUNDATION

**Senator Magsaysay.** Mr. President, while waiting for the

interpellee, may I acknowledge the presence of several agencies and organizations that are present. These are the representatives from the Department of Social Welfare and Development; Department of Interior and Local Government or DILG; Council for the Welfare of Children; TESDA; Ateneo Human Rights Center; Adhikain Para sa Karapatang Pambata; National Union of Workers in Hotels; Restaurants and Allied Industries; Department of Labor and Employment or DOLE; Educational Research Development Assistance or ERDA under Father Tritiz; Society of Jesus. These are former child scavengers in Smokey Mountain. All of them are new in school, presently undergoing rehab at ERDA Sabana for at least two years. And the children from the Visayan Forum Foundation, Incorporated. These children were involved in domestic service—piggery and factory work, under hazardous conditions. At present, they are in temporary shelter at the Visayan Forum Foundation.

**The President Pro Tempore.** The presence of the guests and visitors are made of record. Thank you.

**Senator Magsaysay.** Thank you, Mr. President.

**The President Pro Tempore.** Sen. Teresa Aquino Oreta is now recognized.

**Senator Aquino-Oreta.** Thank you, Mr. President.

May I ask the good gentleman if he will answer some questions?

**Senator Magsaysay.** Certainly, with respect, questions coming from the lady Senator from Malabon and Tarlac, Mr. President.

**Senator Aquino-Oreta.** Mr. President, why are we proposing a Magna Carta for the Working Child? Why are we not categorically stating that child labor is prohibited if the objective of the measure is to eradicate child labor?

**Senator Magsaysay.** Mr. President, owing to the actual situation in our country, we actually allow, based on two other earlier laws—Republic Act No. 7610 and Republic Act No. 7653—and a presidential decree, children below 18 years old to work. We are doing this to comply with ILO Treaty No. 182. We are the 31st country to have ratified it, and we are the first country in Asia to push for this law that will be the enabling law of the commitment that we entered into during the ILO Treaty, Mr. President.

**Senator Aquino-Oreta.** Thank you for that, Mr. President.

Mr. President, the bill defines "employer" as any person whether natural or juridical, including government-owned or controlled corporation or subcontractor which, for value consideration, directly or indirectly procures, uses, avails of,

contracts or otherwise derives benefits from the services of a child in any occupation, undertaking projects or activity whether for profit or not.

Now, we know that children more often than not work for the so-called "underground economy" or the informal sector. What are these businesses which fall under the informal sector? Also, does the gentleman have studies identifying which industries in the informal sector engage the child as a worker?

**Senator Magsaysay.** Mr. President, when we talk of the informal sector, these are probably business enterprises that are not registered with the SEC or the Cooperative Development Authority or the CDA, and are just doing economic activities without any record or avoiding the paper trail. In effect, maybe the handicraft in the Mountain Province, the people doing small silver jewelry or bangles, baubles which have maybe three or four children and are not declaring any economic activities, not registered with the SEC or even with the local government.

**Senator Aquino-Oreta.** All right. So under the proposed measure then, Mr. President, those who could be made liable are employers and/or legal guardians. Filipino families have strong family ties and more often than not, work is a system of delegated tasks. How do we distinguish acts performed under occupation or employment undertaking and acts which are merely family errands and household chores? And also, how would this bill treat children who work for a family business or a related undertaking? Do their parents stand to be penalized?

**Senator Magsaysay.** Mr. President, this bill is a manifestation of the societies of our country's commitment of the children enjoying their childhood, in the sense that we do not want them to be exposed to hazardous work. We call these the worst forms of child labor which are also defined here.

So, what the senator from Malabon and Tarlac is mentioning is the usual work of a child under the parents or guardians that is part of the child's training, meaning taking care of her/his room or taking care of cleaning up the floor of the kitchen and giving her/him some kind of responsibility that are not hazardous or do not conflict with the child's ability to develop herself or himself, including her/his right for better education.

**Senator Aquino-Oreta.** Yes, Mr. President. The sponsor mentioned underground economy. There are families who deal with this and who have children working for them. So how do we categorize them now?

**Senator Magsaysay.** We would like to differentiate child work from child labor, Mr. President.

**Senator Aquino-Oreta.** Precisely, Mr. President. What the

sponsor mentioned is child work, maybe a household chore, we have no debate on that. But how about the children, as the sponsor just mentioned earlier about an underground economy? I would like to think that these are family businesses or some other businesses that do not have any SEC registration, et cetera, but hire children. How do we now classify these children? And in case an abuse is done, who do we run after?

**Senator Magsaysay.** Mr. President, if the burden of work is too heavy for the child's age—incapability—this is child labor. But if the child works unsupervised or supervised by abusive adults, this, of course, is not acceptable. And the other qualification is that with the very long hours of work, the child then has very limited or no time for school, play or rest. So these are the negative parts of child labor.

On the other hand, child work is appropriate to the child's age and mental and physical capabilities, of course, and the child is supervised by responsible and caring adults, including the parents or the guardians, as defined in the Family Code. And the child also has only limited hours of work and does not hinder her/him from going to school, playing or resting for her/his well-being.

So these are the parameters of whether the work is acceptable or the labor is not.

**Senator Aquino-Oreta.** All right. I would like to thank the distinguished sponsor for that.

Now, are there any present local studies concerning the relationship between globalization and the increase in the number of child laborers?

**Senator Magsaysay.** Right now, Mr. President, there is no local study based on child labor vis-a-vis globalization, but we have a Philippine survey on children done in 2001 by the National Statistics Office which shows that there are some results here that give us some indications in the number of children working, based on households with children aged five to 17 years old—below 18.

I have this here, if the lady wants to have a copy. But one of the data here mentions that the number of household with children aged 5 to 17, as of October 2000 to September 2001, is 10,440,000 up by almost a million households from the prior year which is 9,453,000 households. And the number of households with working children out of 10,440,000 are 2,741,000 or roughly about 26.3%. More than one-fourth of the households have children working, those between 5 and 17 years old. So, 26.3%. The number of children out of these households, again, 5 to 17 years old, is 24,851,000. So, this is roughly about almost between one-third and one-fourth of the population.

The number of working children out of the 24.8 million is four million, which 16.2% of the number of children out of the household of 10 million. Four million out of 24.8 million, 16.2%. This is increasing from the previous years, 16% or 3.57 million children working going up to 4.0818 million, more than half-a-million increase in one year's time. Half a million.

**Senator Aquino-Oreta.** We can say that the increase in child labor is going up every year.

**Senator Magsaysay.** It went up between 1995 and 2001 in six years. So, roughly about 100,000 a year incremental increase.

**Senator Aquino-Oreta.** Mr. President, I understand that there is a high incidence of minors being employed in export-oriented manufacturing companies. Is this the case in the Philippines?

**Senator Magsaysay.** Yes, Mr. President.

#### SUSPENSION OF SESSION

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

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

*It was 5:32 p.m.*

#### RESUMPTION OF SESSION

*At 5:32 p.m., the session was resumed.*

**The President Pro Tempore.** The session is resumed.

**Senator Magsaysay.** Mr. President, we have here more details of the NSO's survey on working children.

**Senator Aquino-Oreta.** Mr. President, is this the data for 1995 to 2001?

**Senator Magsaysay.** That is correct, Mr. President.

The lady senator was asking about the export sector.

**Senator Aquino-Oreta.** If this information is true, I understand there is a high incidence of minors being employed in export-oriented manufacturing companies. I would like to find out if this is the case in the Philippines.

**Senator Magsaysay.** We do not have the details on export manufacturing but industrywide, it should be under manufacturing and there are 186,000 children, those below 18 years old

in manufacturing. But agriculture takes the bulk of children being employed. Meaning in agriculture, hunting and forestry, 2.1 million, and in fishing, 208,000. So, if we compare this to industry, which is a total aggregate of 266,000, agriculture dwarfs in industry, and manufacturing is 186,000, compared to agriculture which is 2.3.49 million. In construction, it is pretty big, 58,000, in the sense that if we look at any construction job in Manila, for sure a few of the peons or the ordinary laborers are below 18 and considered children. These are hazardous jobs.

**Senator Aquino-Oreta.** I would like to go to the hazardous jobs. My next question, Mr. President, is, what could be the implication of the provisions concerning trafficking in this proposed measure or the existing laws on the trafficking of women and children?

**Senator Magsaysay.** We have Section 19. This is subtitled the Unlawful Recruitment of Children.

**Senator Aquino-Oreta.** That is correct.

**Senator Magsaysay.** And, of course, we have the syndicates operating on this. This includes, of course, slavery, prostitution and other violations of the law, which impact negatively on the child's natural well-being.

**Senator Aquino-Oreta.** We understand that, Mr. President. But what could be the implications of this provision concerning trafficking of women and children considering that it is also being closely and minutely studied because of the very complicated laws or other laws?

So I would like to find out what the sponsor has in mind on the implications of this considering that there are other laws that we will have to study concerning the trafficking of women and children.

**Senator Magsaysay.** I understand from my staff, Mr. President, that we are crafting a separate bill particularly on trafficking of women and children. But as far as this bill is concerned, there are penal provisions. If we look at page 14, Section 33, *Illegal Recruitment of Children Constituting Economic Sabotage and for the Worst Forms of Child Labor (WFCL) Involving Children Below Fifteen (15)*, it imposes penalties. So we have instituted a provision here which penalizes, giving the perpetrators the penalty of life imprisonment and a fine of P1,000,000 upon any person found guilty of illegal recruitment of children which constitutes economic sabotage under Section 20 of this Act.

And the worst form of child labor is defined also in Section 3 in violation of the minimum age requirement under Section 5 of this Act. The penalty of imprisonment from 12 years up to 20 years and a fine of not less than P100,000 but not more

than P1 million on any person found guilty of illegal recruitment of children which does not constitute economic sabotage. So we have the very heavy penalty provisions embodied in Section 33.

**Senator Aquino-Oreta.** All right. Thank you again.

I would like to go to the privileged child entertainer. Is it possible for us to provide for personal savings measure, if not adequate employment benefits, to child laborers? What could this be?

**Senator Magsaysay.** Are we referring to Section 17—for entertainment? Did I mention it correctly?

**Senator Aquino-Oreta.** Yes, Mr. President.

**Senator Magsaysay.** This is one of the advocacies that we are looking at. That in case of the working child, under Section 16, a bond has to be posted. But we are trying to work out Section 16 which declares that if the annual income of the working child, let us say, an entertainer or a model, ad model, not beauty contest model, exceeds half a million, the parents or guardian concerned shall apply for authority to administer and manage the fund with the regional trial court and to set aside not less than 10% of the annual income.

But we had discussed this earlier today, Mr. President, since we are also looking at an existing law which requires the parents or the guardian to go to the regional trial court if the income of the working child is more than P50,000 and up. The technical working group decided that this present provision of the law for management of the fund should be increased to half a million and above in Section 16.

**Senator Aquino-Oreta.** Mr. President, I cannot seem to get this. So if a child is earning over half a million pesos, then the parents shall apply with the courts for an authority to administer and manage the funds.

**Senator Magsaysay.** That is correct.

**Senator Aquino-Oreta.** Also, Mr. President, it is common knowledge that many child entertainers here and abroad fail to finish formal education considering that most of them are at the peak of their careers when they are in that age, let us say, from five to 17. So it is also fairly common to hear stories of scarred child stars who regret fame. We have an example of... *Anong pangalan noong artista sa Home Alone?* What is his name? Macaulay, the one who came out in the...

**Senator Magsaysay.** Macaulay Culkin.

**Senator Aquino-Oreta.** Macaulay Culkin, yes, who regrets being—

**Senator Magsaysay.** A child star.

**Senator Aquino-Oreta.** —a famous child star.

Now, do we have any studies with regard to the education of children in the entertainment industry and do we have any study on how many go on to continue with the completion of their formal education?

**Senator Magsaysay.** Mr. President, this is very true. We are working on the basis that the parents generally—maybe 90% or higher—would like their children, even if they are already earning, to finish their education.

But in case of those minority who are very exploitative and are somehow not following the traditional Filipino love for education for their children, we have a provision here in Section 11, page 7, which states: “To ensure and guarantee the access of the working child to education training,…”

**Senator Aquino-Oreta.** Mr. President, I was asking if the committee made some data on the present condition of children in the entertainment industry in this country so that we will be aware of how many of them indeed continue to go to school or how many just dropped out of school because of their job.

**Senator Magsaysay.** On the entertainment industry, we do not have the statistics, but...

**Senator Aquino-Oreta.** So we do not have an idea on this?

**Senator Magsaysay.** On the entertainment industry, we do not have.

**Senator Aquino-Oreta.** Very few.

**Senator Magsaysay.** But we have a national statistics here which shows that of the 3.6 million children working in 1995, only 69% are reported to have attended school during school years 1994-1995 and 1995-1996. And of the children ages 5 to 9, 76% have completed any of the elementary levels up to Grade 5—76% for boys; 82% for girls.

**Senator Aquino-Oreta.** Excuse me, Mr. President, this is the data of 19...?

**Senator Magsaysay.** This is 1995-1996.

**Senator Aquino-Oreta.** So that is about six years ago. Do we not have a more accurate data and up-to-date one?

**Senator Magsaysay.** I just got the Department of Labor's data on working child's permit on entertainment, Mr. President.

In the year 1996 up to the first quarter of 2002, working child's permit issued by the Department of Labor covering TV commercial, cinema, TV program, dubbing, guesting, public relations, print ad, print materials, recording artist, radio commercial, theatre arts, audio-visual presentation, music video, billboard, cinema, advertisement out of a total nationwide of 5,037, NCR constitutes almost the whole—4,927; CAR is only six; Region IV is two; Region VII, meaning Cebu and Bohol, is 30; and Region XI, 72. So, preponderance is Metro Manila, NCR, almost 5,000.

**Senator Aquino-Oreta.** May I know what are the mechanisms employed by the Department of Labor and Employment, Mr. President, to enforce the policies and measures safeguarding child entertainers with regard to employment conditions? For example, their study time, hot spotlights, late night shoots, location shooting? How about the safeguarding of their well-being? Are these being fully implemented by the Department of Labor and Employment?

**Senator Magsaysay.** The Department of Labor and Employment evaluates the contract and asks for a work permit which is under Republic Act No. 7658—one permit per child per project.

So, it is just on a one-shot deal each time a permit is given. And if the lady senator will notice, the provision of the bill that we are presenting also makes it more strict—the total number of hours that children below 15 may work a week which is not more than 20 hours and four hours per day, maximum. And for those 15 and up to below 18, 40 hours but not more than six hours per day.

**Senator Aquino-Oreta.** Yes. I understand that, Mr. President. These are the provisions of our measure.

**Senator Magsaysay.** Yes, Mr. President.

**Senator Aquino-Oreta.** But I would like to find out the present situation. I want to know from the sponsor, what is the Department of Labor and Employment doing right now? Is the safeguarding for the well-being of children being at least looked upon by the Department of Labor and Employment?

**Senator Magsaysay.** The permit covers the specific work that the child is applying for and right now, the...

**Senator Aquino-Oreta.** Is there some monitoring? Yes, it is easy to give a permit, but is there some monitoring from the department on the conditions of children working?

**Senator Magsaysay.** According to the department, Mr. President, it conducts surprise audit monitoring, on-the-spot

inspections, field inspections, to ensure that the law and the contract is being satisfied.

That is what it says officially. Whether it is really doing it, of course, that depends on how many of its inspectors are going out monitoring at the same time. But the fact that almost 5,000 a year are going out around the country, shows that there must be about at least 10 to 15 a day, if its inspectors are working on 365 days. The department has, according to the director, 250 inspectors.

So, if there are 10 to 15 a day out of 365 days a year, the 250 inspectors, maybe 10 or 15 of them, are fielded for actual spot inspections.

**Senator Aquino-Oreta.** All right. Now, Mr. President, the committee report seeks the establishment of a National Committee on Child Labor. Is there really a need for this?

**Senator Magsaysay.** This is actually existing based on the presidential decree and the two laws, Mr. President.

**Senator Aquino-Oreta.** Yes, Mr. President.

**Senator Magsaysay.** But that is a good question because I mentioned also earlier that there must be at least 16 people here. The secretaries are designated but very few of them attend personally. So, this is done once every three months—quarterly basis. We do not mind if it can be improved, Mr. President.

**Senator Aquino-Oreta.** Well, if child labor is a priority, Mr. President, I think it should be given more emphasis. If this is already existing, I was just wondering why it does not have the power to inspect and investigate? What is the use of having this measure if nothing will be inspected or nothing will be implemented from this.

**Senator Magsaysay.** The committee's existing functions, since it has the highest level of program management, are the following: It formulates programs, policies and guidelines; it provides program directions; it identifies capability-building needs of the implementors; it institutes, maintains, and enlarges the collaborative activity program; and it reviews the plan of the Regional Child Labor Program Committees.

But the lady senator is correct in saying that if they are already existing, why are they not as effective as they should be and for us to have this new law?

**Senator Aquino-Oreta.** No. Also, Mr. President, I understand it has no power to inspect nor to investigate.

So, what do we do now with the violators of child labor laws?

**Senator Magsaysay.** Right now, the committee enables the DOLE and other related agencies, like the Department of Social Welfare and Development, to monitor the implementation of the law. And if I understand full well, monitor means it can inspect and it can report. But with regard to whether it can file cases, based on the law, it should be able to for not following the law.

**Senator Aquino-Oreta.** Now, Mr. President, the National Child Labor Law, as the gentleman said, is already existing. How do we differentiate its function from those other labor agencies like, the National Labor Relations Commission? I think that is supposedly after the benefits of laborers. So, what is the difference between this and that other agency?

**Senator Magsaysay.** Well, the NLRC is an adjudicating agency.

**Senator Aquino-Oreta.** Yes, Mr. President.

**Senator Magsaysay.** This committee is for policy-making and setting the direction.

**Senator Aquino-Oreta.** So, the National Committee on Child Labor is only for policy-making and setting direction. Do I get the gentleman right?

**Senator Magsaysay.** Among other things.

**Senator Aquino-Oreta.** So, how are the rights of the children? Who protects them? What agency can we call on if indeed there are some violations on child labor laws? The gentleman says that the National Committee on Child Labor is only for setting direction and policy-making. What agency in government now will be after the violators of the rights of children at least in the labor?

**Senator Magsaysay.** Well, the Department of Justice is part of the committee, and also the Department of Social Welfare and Development. Any of these departments which are parts of the committee, the mother committee, may file cases against the perpetrators of child labor for not following the provisions of this law once enacted.

**Senator Aquino-Oreta.** Mr. President, can the gentleman tell us, if the committee has looked into this, how much it would cost the government to create or establish a real good national child labor committee with definite functions aside from just policy-making and setting directions but will have authority to really go after the violators?

So, could the gentleman tell us how much would it cost the government if we are really looking after child labor laws?

**Senator Magsaysay.** We do not have that budget now. But in Section 28, we can glean the functions of the committee, what the lady senator was asking earlier.

**Senator Aquino-Oreta.** Correct, Mr. President. Did the committee now at least sort of make a study on how we can put teeth or how we can institutionalize agencies like these if we are serious going after the violators of child labor?

**Senator Magsaysay.** The committee is basically an amalgam of different agencies like the Department of Labor and Employment, the DSWD, the DepEd, the Department of Justice, the Department of Health and DILG. These are entities of government, these major departments, which can actually go after those who break the law on child labor. They can go to court, and they have the budget to try to prevent this.

So, the budget of each department is already there so that the law can be given more teeth. As mentioned, cases can be filed against exploitative individuals or employers, those who would like to make use of the innocence, the physical labor of children to further their own pecuniary objectives.

That is why cases can go to courts, domestic courts, of course. But in the absence of the domestic courts, even the regional or municipal courts are authorized to try such cases.

**Senator Aquino-Oreta.** Thank you for that, Mr. President.

Aside from legislative measures, Mr. President, are there any proposed social protective measures being thought of by respective agencies in relation to their mandates?

What we are hoping and looking for in this measure, if we are zeroing in on child labor and providing them protection, Mr. President, is some definitive action and not just an inter-agency committee that will meet and meet and just set up policy-making and directions. We would like some definite actions. And if an agency can take care of that, maybe in the process of approving this bill, we can look for some measures that will give protection against child labor in a more definite way.

**Senator Magsaysay.** Mr. President, I can understand the frustration of the senator from Tarlac and Malabon. Precisely, this enabling law is giving teeth to the ILO Agreement, ILO Conventions 138 and 182: (a) to promote the enforcement of this Act—this is Section 28—and relevant provisions of the Convention on the Rights of the Child, the ILO Conventions No. 138 and 182 and other relevant ILO Conventions and treaties, as well as the other applicable national legislation, rules, regulations and standards on child labor; (b) to establish, coordinate, monitor; (c) to coordinate multisectoral action; (d)

to represent the Philippines in supporting and participating; (e) the secretary of Labor and Employment shall create a coordinative mechanism.

We are also defining here the hazardous conditions, worst form of child labor. I think that is the crux of this particular bill, over and above what the two other laws and presidential decree of 1974 have embodied.

So, looking again at the definition of hazardous work conditions, we will note that on page 2 we are defining this:

(1) Any work underground, under water or at dangerous heights;

(2) Any work with power-actuated or explosion-driven tools or machinery, or which involves manual handling or transport of heavy loads. So, these are parts of the worst situation.

(3) Any work in an unhealthy environment, which may expose the child to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health.

And it mentions about three more.

(4) Any work under particularly difficult conditions, or such as long hours of work during the night without the possibility of returning home each day;

(5) Any other type of work or activity which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health and safety of children; and

(6) Any of the work listed in the List of Hazardous Work which the secretary of Labor and Employment may prepare, review, update and issue from time to time taking into account the standards and enumerations set forth above.

So, this is a dynamic initiative by the secretary of Labor and Employment to add to those lists of hazardous work that can impair a child's ability to improve himself.

**Senator Aquino-Oreta.** Mr. President, I would like to thank the sponsor and, for the record, I would like to support the need to curb this problem of child labor as it is my dream to see every Filipino child in the school. But if we will have to put up some measures for their protection. I would like to see a measure that will be tougher and to make sure the children are in the school instead of in the workplace.

Thank you, Mr. President.

**The President Pro Tempore.** Thank you.

**Senator Magsaysay.** Thank you, Mr. President. May I mention here that the main sponsor and author is Sen. Ramon B. Revilla. He is supposed to defend this but he ran out...His vocal chord is still quite affected. So I am, as his subordinate, trying to help him. But these are the bills that are put together, the Senate bills filed by Sen. Loren Legarda Leviste, Sen. Manuel B. Villar, Sen. Renato L. Cayetano, Sen. Blas F. Ople, Sen. Gregorio B. Honasan, Sen. Tessie Aquino-Oreta, Senator Revilla, of course, being the chairman of the Committee on Labor and Employment, Sen. Luisa Ejercito Estrada, and myself. I just want to have that placed on record.

**The President Pro Tempore.** Thank you. The Majority Leader is recognized.

**Senator Legarda Leviste.** Mr. President, to continue with the interpellation, I ask that the Minority Leader, Sen. Vicente C. Sotto III, be recognized.

**The President Pro Tempore.** The Minority Leader, Sen. Vicente C. Sotto III, is recognized.

**Senator Sotto.** Thank you, Mr. President. Will the distinguished gentleman yield for a few questions?

**Senator Magsaysay.** Certainly, Mr. President, to the distinguished gentleman from Cebu and Quezon City.

**Senator Sotto.** And Nueva Ecija, Mr. President.

**Senator Magsaysay.** And Nueva Ecija.

**Senator Sotto.** Thank you.

Mr. President, I was tempted to ask the question that Senator Angara and I were discussing. Is this bill really necessary? The answer of Senator Aquino-Oreta by nodding will suffice at this point.

But let me just make mention of the fact that my attention was called by this specific section, Section 11, that the gentleman discussed with Senator Aquino-Oreta. As a matter of fact, I was prepared to interpellate on another day for we have a number of issues to raise on this particular measure but I could not resist. I have to ask the sponsor on some of his answers to some of the points raised by Senator Aquino-Oreta.

I am particularly concerned about Section 11 and now particularly concerned about the mention of the entertainment industry here. We did not have this before. The laws mentioned by the distinguished gentleman were not in place until about 1996 or 1997, if I am not mistaken.

**Senator Magsaysay.** That is correct, Mr. President.

**Senator Sotto.** Yes. I do not recall having any serious problems of this sort in the entertainment industry when it comes to child labor, and that statement is borne out by the facts. For example, we had child stars like Sharon Cuneta. She is, I think, very successful until today. We had another child star, Ms. Vilma Santos. She is now the mayor of Lipa City. We had so many child stars like Aiza Seguerra. She is a very successful recording star and now owns a hotel in Palawan.

There was no legislation on them to study, for them to have this type of particular section. But they were successful. Niño Mulach is another child star. I do not think any of these child stars today are unsuccessful or are uneducated. Does the gentleman not think that we are trying to legislate what the parents should do? I think this should be done by the parents and not by Congress, Mr. President.

**Senator Magsaysay.** That is a good point, Mr. President. The gentleman from Cebu, Nueva Ecija and Quezon City is precisely hitting the nail on the head. We mentioned here the tradition of the Filipino family to protect the child. When I saw this section which declares that the parents or guardians should go to the RTC to apply for a bond if the income is half a million and above, I made mention to my lawyers that this does not seem to be in conformity with the tradition of the Filipino family—to be protective towards their children. And I was ready to remove this particular section.

**Senator Sotto.** Maybe we can fine-tune it, Mr. President, so that the apprehensions are...

**Senator Magsaysay.** We are open to amending this based on Filipino traditions and values, Mr. President. I would think that the provision is here so that insurance companies and bond companies will have business. We know how some of our staff here are. They would like to put so many provisions that will increase the staff of certain sectors.

**Senator Sotto.** That is some kind of a revelation. I do not know if it is pleasant. But, anyway, my concern, Mr. President, is that we should not be overly strict about some of these points. There are some sectors that need not be legislated, Mr. President.

**Senator Magsaysay.** Is the gentleman referring to Section 16?

**Senator Sotto.** Section 11, Mr. President.

**Senator Magsaysay.** Sections 11 and 16 on implementation to secure the income of the working child. That is correct, Mr. President.

**Senator Sotto.** Yes. I do not have much problem there, except that my concern in Section 11 is that we might be strangling if not handcuffing a certain sector. I have no problem with actual

labor as far as manual labor is concerned. But when it comes to this, there is a specific example that I think we should learn from.

Also, just for the record, Senator Oreta was worried about the statement made by a certain child star in the United States where he said he wished he had studied instead of being a star. I think that was made in a tongue-in-cheek kind of statement. One can only say that when he is already rich. But when one does not have food on the table and money in the bank, I do not think anybody will make that kind of statement. I am sure it is just a tongue-in-cheek statement.

**Senator Magsaysay.** I am also pretty sure of that, Mr. President.

**Senator Sotto.** Anyway, I will terminate my interpellation at this point. If the gentleman will allow, I will continue my interpellation at a future time, Mr. President.

**Senator Magsaysay.** We are open to improving the bill, Mr. President, especially to attain the objective that the Filipino parents are basically responsible, and with their traditional culture, values and religious upbringing, they will certainly protect their child.

Thank you, Mr. President.

**The President Pro Tempore.** The Majority Leader is recognized.

**Senator Leviste Legarda.** Mr. President, I move that we suspend the period of interpellations.

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

#### SUSPENSION OF CONSIDERATION OF S. NO. 2155

**Senator Leviste Legarda.** Mr. President, I move that we suspend consideration of Senate Bill No. 2155.

**The President Pro Tempore.** Is there any objection? *[Silence]* There being none, consideration of Senate Bill No. 2155 is hereby suspended.

#### BILL ON SECOND READING

#### S. No. 2133—Department of Housing and Urban Development Act of 2002 *(Continuation)*

**Senator Leviste Legarda.** Mr. President, I move that we resume consideration of Senate Bill No. 2133 under Committee Report No. 49.