

RECORD OF THE SENATE

THURSDAY, FEBRUARY 8, 2007

OPENING OF THE SESSION

At 12:36 a.m., the Senate President, Hon. Manny Villar, called the session to order.

The President. The 65th session of the Third Regular Session of the Thirteenth Congress is hereby called to order.

Senator Pangilinan. May we have the roll call, Mr. President.

The President. *Baka gusto ninyo, para magising, magdasal muna tayo.*

Let us all rise for a minute of silent prayer.

PRAYER

Everybody rose for a minute of silent prayer.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

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| Senator Edgardo J. Angara | Present |
| Senator Joker P. Arroyo | Present |
| Senator Rodolfo G. Biazon | Present |
| Senator Compañera Pia S. Cayetano . . . | Present |
| Senator Miriam Derensor Santiago | Absent |
| 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 | Absent |
| 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 | Present |
| Senator Ramon Bong Revilla Jr. | Present* |
| Senator Mar Roxas | Present |
| The President | Present |

The President. With 18 senators present, the Chair declares the presence of a quorum.

The Majority Leader is recognized.

* Arrived after the roll call

THE JOURNAL (Consideration Deferred)

Senator Pangilinan. Mr. President, I move that we defer the reading and approval of the *Journals* of the 61st session, January 31, 2007; 62nd session, February 5, 2007; 63rd session, February 6, 2007; and the 64th session, February 7 and 8, 2007 as they are still being finalized.

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

Senator Pangilinan. Mr. President, I move that we proceed to the Reference of Business.

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

The Secretary will please read the Reference of Business.

REFERENCE OF BUSINESS

COMMITTEE REPORT

The Secretary. Committee Report No. 270, prepared and submitted jointly by the Committees on Economic Affairs; Local Government; Ways and Means; and Finance; on Senate Bill No. 2598 with Senators Mar Roxas, Lim and Drilon as authors thereof, entitled

AN ACT ESTABLISHING A SPECIAL ECONOMIC ZONE IN THE PROVINCE OF EASTERN SAMAR, CREATING FOR THE PURPOSE THE EASTERN SAMAR SPECIAL ECONOMIC ZONE AUTHORITY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES,

recommending its approval in substitution of House Bill No. 5308.

Sponsor: Senator Roxas

The President. To the Calendar for Ordinary Business

Senator Pangilinan. Mr. President, before we proceed, I move that we defer the reading of the Reference of Business to a later hour to give way to some of the pending measures that we need to act on Third Reading.

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

SUSPENSION OF SESSION

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

- a) To intimidate or force a public social worker to submit valuable documents that will violate the principles of confidentiality of records agreed upon between him/her and the clientele groups: *Provided*, That the release of such documents shall be approved by the clients concerned and shall redound to their social well-being, and upon court order;
- b) To prevent a public social worker from upholding and applying the basic social work principles in carrying out the programs and services for the target client groups of the social work agency;
- c) To intimidate in order to encourage or discourage membership in any social work organization or union;
- d) To prevent a public social worker from carrying out his/her duties and functions in the social work organization or union or to penalize the public social worker for any lawful action performed in that capacity;
- e) To make calculated harassment and interference with the intention of intimidating or preventing the public social worker from performing his duties and functions;
- f) To make calculated harassment against, or, to transfer, penalize or terminate the services of a public social worker who is carrying out his/her advocacy function role for and in behalf of his/her clientele groups who are victims of social injustice.

SEC. 22. *Security of Tenure.* – No public social worker holding a permanent position shall be terminated except for cause: *Provided*, That, in the event the public social worker is found to be unjustly dismissed by the CSC of the NLRC; as the case may be, he/she shall be entitled to reinstatement without loss of seniority rights and backwages with twelve per centum (12%) interest to be computed from the time his/her compensation was withheld from him/her up to the time of reinstatement.

SEC. 23. *Implementing Rules and Regulations.* – The Social Work Management and Consultative Council, upon consultation with the Chairperson of the Senate Committee on Social Justice, Welfare and Rural Development and the Chairperson of the House Committee on Social Services, shall formulate the necessary rules and regulations, not inconsistent with any provisions of this law, for the implementation of the

Magna Carta for Public Social Workers. The rules and regulations shall be promulgated within six months from effectivity of this Act.

SEC. 24. *Penal Provision.* – Any person who shall willfully interfere with, restrain or coerce any public social worker in the exercise of his/her rights or shall in any manner commit any act in violation of any of the provisions of this Act, upon conviction, shall be punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) but not more than Forty Thousand Pesos (P40,000.00) or imprisonment of not more than one (1) year, or both, at the discretion of the court. If the offender is a public official, the court, in addition to the abovementioned penalties, may impose the additional penalty of disqualification from office.

SEC. 25. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

SEC. 26. *Repealing Clause.* – All laws, ordinances, rules and regulations, other issuances or parts thereof which are inconsistent with this law are hereby repealed or modified accordingly.

SEC. 27. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved, .

CONFERENCE COMMITTEE REPORT
ONS. NO. 2580/H. NO. 1214
(Magna Carta for Disabled Persons)

Senator Pangilinan. Mr. President, another Bicameral Conference Committee Report is with us. This is the report on the disagreeing provisions of Senate Bill No. 2580 and House Bill No. 1214, entitled "The Magna Carta for Disabled Persons."

To present the report, I ask that Senator Osmeña be recognized.

The President. Senator Osmeña is recognized.

REPORT OF SENATOR OSMEÑA III

Senator Osmeña III. Thank you, Mr. President.

The Conference Committee on the disagreeing provisions of Senate Bill No. 2580 and House Bill No. 1214, after having met and

fully discussed the subject matter in a conference, hereby report to their respective Houses the following:

1. The conferees agreed that the Senate version be used as the working draft.

2. In the reconciled version, an omnibus amendment was introduced to replace the phrase "disabled persons" with the phrase PERSONS WITH DISABILITY.

3. In Section 1 of the reconciled version, Section 1 of the Senate version was adopted, however, subsection (a) under the new Section 33 was amended to read as follows:

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

(A) PERSONS WITH DISABILITY SHALL BE TREATED AS DEPENDENTS UNDER SECTION 35(A) OF 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 UNDER THE SAME SECTION ARE CONCERNED; AND

(B) INDIVIDUALS AND NON-GOVERNMENTAL INSTITUTIONS ESTABLISHING HOMES, RESIDENTIAL COMMUNITIES OR RETIREMENT VILLAGES WHICH ARE CONSTRUCTED SOLELY TO SUIT THE NEEDS AND REQUIREMENTS OF PERSONS WITH DISABILITY SHALL BE ACCORDED THE FOLLOWING:

(I) REALTY TAX HOLIDAY FOR THE FIRST FIVE (5) YEARS OF OPERATION; AND

(II) PRIORITY IN THE BUILDING AND/OR MAINTENANCE OF PROVINCIAL OR MUNICIPAL ROADS LEADING TO THE AFORESAID HOME, RESIDENTIAL COMMUNITY OR RETIREMENT VILLAGE.

4. In Section 2 of the reconciled version, Section 2 of the Senate version was adopted, however, the new Sections 39 to 42 were amended to read as follows:

SEC. 39. PUBLIC RIDICULE.—FOR PURPOSES OF THIS CHAPTER, PUBLIC RIDICULE SHALL BE DEFINED AS AN ACT OF MAKING FUN OR CONTEMPTUOUSLY IMITATING OR MAKING MOCKERY OF PERSONS WITH DISABILITY, WHETHER IN WRITING, IN WORDS, OR IN ACTION, DUE TO THEIR IMPAIRMENT/S.

SEC. 40. NO INDIVIDUAL, GROUP OR COMMUNITY SHALL EXECUTE ANY OF THESE ACTS OF RIDICULE AGAINST PERSONS WITH DISABILITY IN ANY TIME AND PLACE WHICH COULD INTIMIDATE THEM OR RESULT IN LOSS OF SELF-ESTEEM OF THE LATTER.

"CHAPTER 2. DELIVERANCE FROM VILIFICATION"

SEC. 41. VILIFICATION.—FOR PURPOSES OF THIS CHAPTER, VILIFICATION SHALL BE DEFINED AS:

A) THE UTTERANCE OF SLANDEROUS AND ABUSIVE STATEMENTS AGAINST A PERSON; AND/OR

B) AN ACTIVITY IN PUBLIC WHICH INCITES HATRED TOWARDS, SERIOUS CONTEMPT FOR, OR SEVERE RIDICULE OF PERSONS WITH DISABILITY.

SEC. 42. ANY INDIVIDUAL, GROUP OR COMMUNITY IS HEREBY PROHIBITED FROM VILIFYING ANY PERSON WITH DISABILITY WHICH COULD RESULT IN LOSS OF SELF-ESTEEM OF THE LATTER."

In case of conflict between the statements/amendments stated in this explanation and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

(Sgd.) FAYSAH RPM DUMARPA
Chairperson, House Panel

(Sgd.) SERGIOR. OSMEÑA III
Chairperson, Senate Panel

APPROVAL OF CONFERENCE COMMITTEE REPORT
ON S. NO. 2580/H. NO. 1214

I want to thank this Chamber for listening patiently. I move that we approve the Conference Committee Report, Mr. President.

Senator Pangilinan. It is so moved, Mr. President.

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

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

EXPLANATION OF THE CONFERENCE COMMITTEE
ON THE DISAGREEING PROVISIONS OF
SENATE BILL NO. 2580 AND HOUSE BILL NO. 1214

The Conference Committee on the disagreeing provision of Senate Bill No. 2580 and House Bill No. 1214, after having met and fully discussed the subject matter in a conference, hereby report to their respective Houses the following:

1. The conferees agreed that the Senate version be used as the working draft.
2. On the reconciled version, an omnibus amendment was introduced to replace the phrase "disabled persons" with the phrase "persons with disability."
3. On Section 1 of the reconciled version, Section 1 of the Senate version was adopted, however, subsection (a) under the new Section 33 was amended to read as follows:

"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 UNDER SECTION 35(A) OF 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 UNDER THE SAME SECTION ARE CONCERNED; AND"

"(B) INDIVIDUALS OR NONGOVERNMENTAL INSTITUTIONS ESTABLISHING HOMES, RESIDENTIAL COMMUNITIES OR RETIREMENT VILLAGES WHICH ARE CONSTRUCTED SOLELY TO SUIT THE NEEDS AND REQUIREMENTS OF PERSONS WITH DISABILITY SHALL BE ACCORDED THE FOLLOWING:

(I) REALTY TAX HOLIDAY FOR THE FIRST FIVE (5) YEARS OF OPERATION; AND

(II) PRIORITY IN THE BUILDING AND/OR MAINTENANCE OF PROVINCIAL OR MUNICIPAL ROADS LEADING TO THE AFORESAID HOME, RESIDENTIAL COMMUNITY OR RETIREMENT VILLAGE."

4. On Section 2 of the reconciled version, Section 2 of the Senate version was adopted, however, the new Sections 39-42 were amended to read as follows:

"SEC. 39. *PUBLIC RIDICULE*. – FOR PURPOSES OF THIS CHAPTER, PUBLIC RIDICULE SHALL BE DEFINED AS AN ACT OF MAKING FUN OR CONTEMPTUOUSLY IMITATING OR MAKING MOCKERY OF PERSONS WITH DISABILITY, WHETHER IN WRITING, IN WORDS, OR IN ACTION, DUE TO THEIR IMPAIRMENT/S."

"SEC. 40. NO INDIVIDUAL, GROUP OR COMMUNITY SHALL EXECUTE ANY OF THESE ACTS OF RIDICULE AGAINST PERSONS WITH DISABILITY IN ANY TIME AND PLACE WHICH COULD INTIMIDATE OR RESULT IN LOSS OF SELF-ESTEEM OF THE LATTER.

"CHAPTER 2. DELIVERANCE FROM VILIFICATION"

"SEC. 41. *VILIFICATION*. – FOR PURPOSES OF THIS CHAPTER VILIFICATION SHALL BE DEFINED AS:

A) THE UTTERANCE OF SLANDEROUS AND ABUSIVE STATEMENTS AGAINST A PERSON; AND/OR

B) AN ACTIVITY IN PUBLIC WHICH INCITES HATRED TOWARDS, SERIOUS CONTEMPT FOR, OR SEVERE RIDICULE OF PERSONS WITH DISABILITY."

"SEC. 42. ANY INDIVIDUAL, GROUP OR COMMUNITY IS HEREBY PROHIBITED FROM VILIFYING ANY PERSON WITH DISABILITY WHICH COULD RESULT IN LOSS OF SELF-ESTEEM OF THE LATTER."

In case of conflict between the statements/ amendments stated in this explanation and that of the provisions of the consolidated bill in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

(Sgd.) FAYSA HRPM DUMARPA
Chairperson, House Panel

(Sgd.) SERGIOR. OSMEÑA III
Chairperson, Senate Panel

CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of Senate Bill No. 2580, entitled:

AN ACT AMENDING REPUBLIC ACT NO. 7277,
OTHERWISE KNOWN AS THE "MAGNACARTA
FOR DISABLED PERSONS" AND FOR OTHER
PURPOSES"

and House Bill No. 1214, entitled.

AN ACT GRANTING OTHER PRIVILEGES AND
INCENTIVES TO PERSONS WITH DISABILITY,
AMENDING FOR THE PURPOSE THE "MAGNA
CARTA FOR DISABLED PERSONS"

after having met and discussed the subject matter in full
and free conference, has agreed and does hereby recom-
mend to their respective Houses that Senate Bill No.
2580, in consolidation with House Bill No. 1214, be
approved in accordance with the attached copy of the bill
as reconciled and approved by the conferees.

Approved,

CONFEREES ON THE PART OF THE HOUSE OF
REPRESENTATIVES:

(Sgd.) FAYSA HRPM DUMARPA
Chairperson

(Sgd.) CARMEN L. CARI
Vice Chairperson

CYNTHIA A VILLAR

(Sgd.) CORAZON N. MALANYA ON

(Sgd.) ROSELLER L. BARINAGA

(Sgd.) DARLENER. ANTONINO-CUSTODIO

CONFEREES ON THE PART OF THE SENATE:

(Sgd.) SERGIOR. OSMEÑA III
Chairperson

(Sgd.) RAMON B. MAGSAYSAY JR.
Vice Chairperson

(Sgd.) JUAN PONCE ENRILE

(Sgd.) PIA S. CAYETANO

(Sgd.) M.A. MADRIGAL

AN ACT AMENDING 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) 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 COR-
PORATION (PHILHEALTH);
- (E) 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;

- (F) AT LEAST TWENTY PERCENT (20%) DISCOUNT ON FARE FOR DOMESTIC AIR AND SEA TRAVEL FOR THE EXCLUSIVE USE OR ENJOYMENT OF PERSONS WITH DISABILITY;
- (G) AT LEAST TWENTY PERCENT (20%) DISCOUNT IN PUBLIC RAILWAYS, SKYWAYS AND BUS FARE FOR THE EXCLUSIVE USE AND ENJOYMENT OF PERSONS WITH DISABILITY;
- (H) 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;
- (I) 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;
- (J) TO THE EXTENT POSSIBLE, THE GOVERNMENT MAY GRANT SPECIAL DISCOUNTS IN SPECIAL PROGRAMS FOR PERSONS WITH DISABILITY 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
- (K) 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 OF ANY OF THE FOLLOWING AS PROOF OF HIS/HER ENTITLEMENT THERETO:

- (I) AN IDENTIFICATION CARD ISSUED BY THE CITY OR MUNICIPAL MAYOR OR THE BARANGAY CAPTAIN OF THE PLACE WHERE THE PERSON WITH DISABILITY RESIDES;
- (II) THE PASSPORT OF THE PERSON WITH DISABILITY CONCERNED; OR
- (III) TRANSPORTATION DISCOUNT 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 EXISTING LAWS OR IN COMBINATION WITH OTHER DISCOUNT PROGRAMS.

THE ESTABLISHMENTS MAY CLAIM THE DISCOUNTS GRANTED IN SUB-SECTIONS (A), (B), (C), (E), (F) AND (G) AS TAX DEDUCTIONS 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 A PERSON WITH DISABILITY SHALL BE GRANTED THE FOLLOWING INCENTIVES:

- (A) PERSONS WITH DISABILITY SHALL BE TREATED AS DEPENDENTS UNDER SECTION 35(A) OF 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 UNDER THE SAME SECTION ARE CONCERNED; AND

(B) INDIVIDUALS OR NONGOVERNMENTAL INSTITUTIONS ESTABLISHING HOMES, RESIDENTIAL COMMUNITIES OR RETIREMENT VILLAGES SOLELY TO SUIT THE NEEDS AND REQUIREMENTS OF PERSONS WITH DISABILITY SHALL BE ACCORDED THE FOLLOWING:

(i) REALTY TAX HOLIDAY FOR THE FIRST FIVE (5) YEARS OF OPERATION; AND

(ii) PRIORITY IN THE BUILDING AND/OR MAINTENANCE OF PROVINCIAL OR MUNICIPAL ROADS LEADING TO THE AFORESAID HOME, RESIDENTIAL COMMUNITY OR RETIREMENT VILLAGE."

SECTION 2. Republic Act No. 7277 is hereby amended by inserting a new title, chapter and section after Section 38 to be denominated as Title 4, Chapters 1 and 2 and Sections 39, 40, 41 and 42 to read as follows:

TITLE FOUR

PROHIBITIONSON VERBAL, NON-VERBAL RIDICULE AND VILIFICATION AGAINST PERSONS WITH DISABILITY

"SEC. 39. *PUBLIC RIDICULE*. – FOR PURPOSES OF THIS CHAPTER, PUBLIC RIDICULE SHALL BE DEFINED AS AN ACT OF MAKING FUN OR CONTEMPTUOUS IMITATING OR MAKING MOCKERY OF PERSONS WITH DISABILITY WHETHER IN WRITING, OR IN WORDS, OR IN ACTION DUE TO THEIR IMPAIRMENT/S."

"SEC. 40. NO INDIVIDUAL, GROUP OR COMMUNITY SHALL EXECUTE ANY OF THESE ACTS OF RIDICULE AGAINST PERSONS WITH DISABILITY IN ANY TIME AND PLACE WHICH COULD INTIMIDATE OR RESULT IN LOSS OF SELF-ESTEEM OF THE LATTER.

"CHAPTER 2. DELIVERANCE FROM VILIFICATION"

"SEC. 41. *VILIFICATION*. – FOR PURPOSES OF THIS CHAPTER VILIFICATION SHALL BE DEFINED AS:

A) THE UTTERANCE OF SLANDEROUS AND ABUSIVE STATEMENTS AGAINST A PERSON; AND/OR

B) AN ACTIVITY IN PUBLIC WHICH INCITES HATRED TOWARDS, SERIOUS CONTEMPT FOR, OR SEVERE RIDICULE OF PERSONS WITH DISABILITY."

"SECTION 42. ANY INDIVIDUAL, GROUP OR COMMUNITY IS HEREBY PROHIBITED FROM VILIFYING ANY PERSON WITH DISABILITY WHICH COULD RESULT INTO LOSS OF SELF-ESTEEM OF THE LATTER."

SECTION 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 OF 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."

SECTION 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".

SECTION 5. The Department of Social Welfare and Development, the National Council for the Welfare of the 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.

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

Approved,

BILL ON SECOND READING
S. No. 2138 — **The Tourism Act of 2007**
(Continuation)

Senator Pangilinan. Mr. President, I move that we resume consideration of Senate Bill No. 2138 as reported out under Committee Report No. 35.

The President. Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 2138 is now in order.

Senator Pangilinan. Mr. President, we are still in the period of individual amendments. Since there are no other reservations for individual amendments, I move that we terminate the period of individual amendments.

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

APPROVAL OF S. NO. 2138 ON SECOND READING

Senator Pangilinan. Mr. President, I move that we vote on Second Reading on Senate Bill No. 2138, as amended.

The President. Is there any objection? [Silence] There being none, we shall now vote on Second Reading on Senate Bill No. 2138.

As many as are in favor of the bill, say *aye*.

Several Members. *Aye*.

The President As many as are against the bill, say *nay*.
[Silence]

The *ayes* have it; Senate Bill No. 2138, as amended, is approved on Second Reading.

Senator Pangilinan. Mr. President, I believe this is a certified measure. May we request the Secretary to read the Certification of the President of the Philippines.

The President. The Secretary will please read the certification.

The Secretary.

Office of the President
of the Philippines
Malacañang

December 19, 2005

HON. FRANKLIN M. DRILON
Senate President
Philippine Senate
Pasay City

Dear Senate President Drilon:

Pursuant to the provisions of Article VI, Section 26(2) of the 1987 Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 2138, under Committee Report No. 35, entitled

AN ACT DECLARING A NATIONAL POLICY FOR TOURISM AS THE PRIMARY ENGINE OF INVESTMENT, EMPLOYMENT, GROWTH AND NATIONAL DEVELOPMENT, REORGANIZING THE DEPARTMENT OF TOURISM AND ITS ATTACHED AGENCIES TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT THAT POLICY, PROVIDING NECESSARY INCENTIVES FOR INVESTMENT AND APPROPRIATING FUNDS THEREFOR,

to address the urgent need to put in place a legal framework that will provide an integrated approach to tourism development which will effectively mold policy directions and coordination among government agen-