

WEDNESDAY, FEBRUARY 10, 1999

OPENING OF THE SESSION

At 3:18 p.m., the Senate President, Hon. Marcelo B. Fernan, called the session to order

The President. The 62nd session of the First Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Sergio R. Osmeña III.

Everybody rose for the prayer.

PRAYER

Senator Osmeña III.

Heavenly Father, we humbly ask You to look with favor upon us Your children as we face another day full of challenges.

Help us to realize the value of the tasks we do, and grant us the light to align our goals with Your will.

Teach us the ways of peacemaking and give us the resolve to make our country a haven of peace and prosperity.

Help us keep our minds focused on the goal of serving our fellowmen. Direct our paths in serving especially the lost, the least and the last.

And above all, give us the courage to face the future, knowing that You will never leave our sides, and that the decisions we make in this Chamber will be inspired by Your wisdom, Your love and Your mercy.

Amen.

The President. The Chair would like to thank Sen. Sergio Osmeña III.

ROLL CALL

The President. The Secretary will please call the roll.

The Secretary, reading:

Senator Teresa Aquino-Oreta Present*
Senator Robert Z. Barbers Present

Senator Rodolfo G. Biazon Present
Senator Renato L. Compañero Cayetano Present
Senator Anna Dominique M.L. Coseteng Present
Senator Franklin M. Drilon Present
Senator Juan Ponce Enrile Present
Senator Juan M. Flavie Present
Senator Teofisto T. Guingona Jr. Present
Senator Gregorio B. Honasan Present
Senator Robert S. Jaworski Present
Senator Loren B. Legarda-Leviste Present
Senator Ramon B. Magsaysay Jr. Present
Senator Blas F. Ople Present
Senator John Henry R. Osmeña Present*
Senator Sergio R. Osmeña III Present
Senator Aquilino Q. Pimentel Jr. Present
Senator Ramon B. Revilla Present
Senator Raul S. Roco Present
Senator Miriam Defensor Santiago Present
Senator Vicente C. Sotto III Present*
Senator Francisco S. Tatad Present*
The President Present

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

The Majority Leader is recognized.

THE JOURNAL

Senator Drilon. Mr. President, I move that we dispense with the reading of the *Journal* of the previous session and consider it approved.

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

Senator Drilon. 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 read the Reference of Business.

REFERENCE OF BUSINESS

BILL ON FIRST READING

The Secretary. Senate Bill No. 1459, entitled

* Arrived after the roll call

Senator Roco. Let me discuss this with both the author and the Comelec, in consultation with the technical group. I can appreciate the legal difficulty and, maybe, that is not what is intended. I suspect that what was intended was that the incumbent governor will continue until September. Beyond that, if, for any reason, there is failure of elections, then the general rule on failure of elections will follow.

Senator Drilon. That is correct.

Senator Roco. I think that is the intent.

Senator Drilon. If I recall, this particular provision was inserted when we debated on this proposed law because there was a hiatus. The term of office will be expiring in March, and we could not hold the election in March but in September. Therefore, there was a period when technically there was no governor.

Senator Roco. We welcome the annotation of the Majority Leader. As worded, it may, in fact, lend itself to that interpretation. I saw the author vigorously nodding his head; apparently, I understood him with the same vigor.

Senator Drilon. On that note, Mr. President, I do hope that the chair of the committee can consider that in crafting the additional committee amendments.

Senator Roco. We will do so, Mr. President.

SUSPENSION OF CONSIDERATION OF S. NO. 1049

Senator Drilon. With that, Mr. President, I now move that we suspend consideration of Senate Bill No. 1049 under Committee Report No. 19.

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

SUSPENSION OF SESSION

Senator Drilon. Mr. President, I move that we suspend the session for a few minutes.

The President. The session is suspended for a few minutes, if there is no objection. *[There was none.]*

It was 4:58 p.m.

RESUMPTION OF SESSION

At 4:59 p.m., the session was resumed.

The President. The session is resumed. The Majority Leader is recognized.

BILL ON SECOND READING S. No. 1404—Solo Parents Welfare Act (Continuation)

Senator Drilon. Mr. President, I move that we resume consideration of Senate Bill No. 1404 as reported out under Committee Report No. 15.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1404 is now in order.

Senator Drilon. May I ask the Chair to recognize Senator Aquino-Oreta, the principal sponsor.

The President. Senator Aquino-Oreta is recognized.

Senator Drilon. We are still in the period of interpellations. May I ask the Chair to recognize Senator Legarda-Leviste.

The President. Senator Legarda-Leviste is recognized to interpellate.

Senator Legarda-Leviste. Thank you, Mr. President. Will the distinguished sponsor yield for some questions?

Senator Aquino-Oreta. Yes, Mr. President.

Senator Legarda-Leviste. While this representation wishes to associate herself with the noble intentions of this bill, allow me to ask some questions for clarification.

In Section 3, Definition of Terms, would it be possible to expand the definition of "solo parents" to include a grandparent who is left to the care of his or her grandchild or grandchildren and, if also possible, foster or surrogate parents like members of the family who shoulder the responsibility in the absence of both parents by reason of death?

Senator Aquino-Oreta. At the proper time, Mr. President, we will accept amendments to that effect. I would like to emphasize that in Section 2 and Section 3, when we talk of families here, we are saying the same. Even solo parents are included in that category of families.

If the lady senator wants to include solo parents that she has just mentioned, we will accept it at the proper time.

Senator Legarda-Leviste. Thank you, Mr. President. Still

under Section 3(b)(1), a rape victim is considered a solo parent. Considering that the crime of rape is quite difficult to prove, what is the degree of evidence needed to qualify a person under this article?

Senator Aquino-Oreta. A rape victim is considered a solo parent if she gives birth due to rape.

Senator Legarda-Leviste. Would it be necessary for a final conviction on the accused before the victim...

Senator Aquino-Oreta. No, Mr. President, there is no need for a final conviction on the accused. In case the victim gives birth as a result of rape, then she is considered a solo parent.

Senator Legarda-Leviste. Also in the definition of solo parents, can unwed fathers and mothers qualify as solo parents?

Senator Aquino-Oreta. Yes, as long as there is that parental responsibility from the parent to the child.

Senator Legarda-Leviste. And these are unwed fathers and mothers who can avail of the benefits under this proposed measure?

Senator Aquino-Oreta. Yes, Mr. President, as long as their income is below the poverty line.

Senator Legarda-Leviste. Considering the alarming upsurge of teenage pregnancies and children being born out of wedlock, how can we obviate the possibility of encouraging illicit relations with the inclusion of unwed fathers and mothers in this bill?

Senator Aquino-Oreta. We are not encouraging illicit affairs, Mr. President. Actually, we are protecting this sector of society that have gotten themselves into this kind of a situation. It is not that the State will have to look after them, too. Besides, I think it is the duty of the State to also see to it that benefits be given to this sector of our society.

Senator Legarda-Leviste. During one of the committee hearings, we have heard the sentiments of the solo parents and their foremost concern is how they could provide quality education for their children. This representation believes that the quality of education is the greatest legacy they can leave their children. I believe this is adequately addressed by the bill through the educational benefits provided for in Section 9.

However, I have some questions. May we know the rationale why aside from the children of solo parents, the solo parents themselves are to be granted educational benefits such as scholarships and the 40-percent discount on all school fees in any institute of learning?

Senator Aquino-Oreta. Actually, we looked into this, Mr. President—that the children be given scholarship because it is difficult for the solo parent to give them that educational benefit. As I said yesterday, I am amenable to any proposed amendments on this matter. If the lady senator thinks that 40 percent is too much, then we will consider any proposed amendment later on. But opportunity for these children to gain education is the rationale why we included the grant of educational benefits to the children of solo parents.

Senator Legarda-Leviste. The concern of this representation is that this proposal could be questioned or, perhaps, could not be acceptable to some learning institutions considering that the discount is quite substantial. If the distinguished sponsor would agree, this could be further discussed during the period of amendments.

What can be done then to prevent the debacle that once happened to senior citizens who suffer the dismay and discouragement whenever any of the benefits due them were not extended by certain institutions or establishments, either because these institutions refused to cooperate or were not capable of giving such discounts?

Senator Aquino-Oreta. Mr. President, we can provide safeguards and penalties in case these benefits will not be given so that the children of solo parents will not be discriminated against.

Senator Legarda-Leviste. Are these safeguards, to make sure that this is amply implemented should this become a law, already provided for in the bill?

Senator Aquino-Oreta. We can do that in the rules and regulations that will be done by the lead agency; that can be provided.

Senator Legarda-Leviste. Thank you, Mr. President. Given that people have the tendency to abuse a well-meaning law, what safeguard mechanisms can we institute to prevent unqualified applicants from availing themselves of these benefits afforded for by this law?

Senator Aquino-Oreta. Before they can avail themselves of benefits, the lead agency will see to it that the applicants are qualified for that. We emphasize here that this law is for the poor solo parent, the marginalized ones, those who are below the poverty line those who have an income of less than P11,388 a month.

Senator Legarda-Leviste. Speaking of safeguards, Mr. President, what safeguard measures can be provided to monitor the status of these so-called solo parents, especially in the event

that they marry, remarry or reunite with their spouse? And if and when this takes place, would the children continue to avail themselves of the benefits provided for under this measure?

Senator Aquino-Oreta. Once parental responsibility is shared with a partner, then the solo parent loses these benefits, Mr. President.

Senator Legarda-Leviste. That is all, Mr. President. I thank the lady sponsor for her patience in answering my questions.

The President. Thank you, Sen. Loren Legarda-Leviste.

The Majority Leader is recognized.

Senator Drilon. Mr. President, Sen. Rene L. *Compañero* Cayetano has certain questions to ask of the sponsor. May I ask that he be recognized.

The President. Sen. Renato L. *Compañero* Cayetano is recognized.

Senator Cayetano. Thank you, Mr. President. Will the lady senator from Malabon, Metro Manila, and the Philippines and the sponsor of the bill answer some clarificatory questions?

Senator Aquino-Oreta. Yes, Mr. President.

Senator Cayetano. First of all, let me congratulate the sponsor for having thought of the possible passage of this bill which has long been anticipated by a number of solo parents, qualified and unqualified as well.

This is indeed a novel bill, Mr. President, and therefore, to that extent, we would like to clarify certain points especially with respect to the definition and the assistance that will be given to the solo parents under this bill.

Mr. President, may I know from the sponsor if there has been surveys as to how many solo parents there are as of, let us say, the end of 1998 and thereon?

Senator Aquino-Oreta. Mr. President, unfortunately, we received information from the National Statistics Office that solo parents are not factored in our statistical system. Because of this, the categories are just single, married, widowed and separated. There is no category for a solo parent.

So we do not have a hard number or statistics on the solo parents. But we have some indicators that there are solo parents in our community. It is something that we cannot just close our eyes to. They are evidently there. But right now, we do not have

a hard number for such category, Mr. President.

Senator Cayetano. Thank you, Mr. President. My only interest there is really to find out how many as of the end of 1998, for instance, would be benefited by this very novel proposed legislation.

Mr. President, indeed, I do realize solo parents, as defined by this bill, do exist and there are certain needs that are quite different from those couples who could not be qualified as solo parents.

With the permission of the sponsor, let me now ask some questions with respect to the definitions. For instance, with the definition of "solo parent," it includes rape victims. Would this also include a married woman who has been a rape victim?

Senator Aquino-Oreta. As long as she is left alone to take care of the child.

Senator Cayetano. The reason I ask this, Mr. President, is, if the rape victim is a married woman and the husband has not abandoned the rape victim, and under the law, both the woman and the man exercise joint parental authority over the children.

Perhaps at the proper time the good sponsor may consider certain amendments on this, otherwise this may create some problems vis-a-vis the provisions of the Family Code.

Senator Aquino-Oreta. Mr. President, the rape victim we referred to here is the victim who gives birth and who is left alone in taking care or in dispensing parental responsibility over the child. The moment parental responsibility is shared with a partner, then she will not be classified as a solo parent.

Senator Cayetano. Going back to my clarificatory question. If the rape victim were a married woman and she has not been abandoned by the husband, she would not qualify?

Senator Aquino-Oreta. We would not consider her as a solo parent, Mr. President.

Senator Cayetano. Suppose the woman is not a rape victim but rather a victim of seduction?

Senator Aquino-Oreta. Has she parental duty over the child?

Senator Cayetano. Yes.

Senator Aquino-Oreta. And is she solo?

Senator Cayetano. Yes.

Senator Aquino-Oreta. Then she is considered a solo parent, Mr. President.

Senator Cayetano. So it is not just a rape victim. Perhaps we can find some words to include also a woman who was a victim of seduction and has given birth to a child, and is taking care of the child alone.

Senator Aquino-Oreta. Yes, as long as she is a solo parent, then she falls under this law.

Senator Cayetano. Perhaps, as I said, at the proper time we may find a substitute for this particular title, paragraph 1. Instead of rape, maybe we could include some words like a victim of rape or a victim of seduction, et cetera.

Senator Aquino-Oreta. Yes, Mr. President, maybe rape and other similar circumstances.

Senator Cayetano. Let me go to the definition under Category 3: "Parent left solo or alone with the responsibility of parenthood because of incarceration of the spouse for more than a year due to criminal conviction."

My question here is, the parent is left alone. Suppose it were the father who was left alone because it was the mother who was convicted for a period of more than one year and the father is the breadwinner and left with the children to take care of. Would the sponsor consider the father who is from the very beginning the breadwinner—and under our law, exercises joint parental authority—a solo parent?

Senator Aquino-Oreta. Yes, Mr. President. I would like to emphasize that if the father is alone in dispensing the parental responsibility and he lives below the poverty line, then he is included as a solo parent.

Senator Cayetano. Before I finish my clarificatory questions on the definition, let me go into that, with the permission of the sponsor, Mr. President.

So in the sponsor's definition of a solo parent, the income of this solo parent, in order to qualify for the benefits under this proposed bill, will have to be an income below, as the sponsor calls, the poverty line. Am I correct?

Senator Aquino-Oreta. Yes, Mr. President.

Senator Cayetano. So that if a solo parent whose income, let us say, is P12,000 and above—because in the sponsorship speech of the lady senator, she noted that the poverty threshold is pegged at P11,388 to be considered as one—definitely, even if she or he were a solo parent, he or she would not qualify under this bill?

Senator Aquino-Oreta. Yes, Mr. President. We are emphasizing here on solo parents having those responsibilities,

who are poor, who are marginalized and who live below the poverty line.

Senator Cayetano. Thank you. I think I understand now the whole point. Now, in No. 5 definition. "Parent left solo or alone with responsibility of parenthood due to legal separation." I would imagine that when the sponsor said legal separation, this is court-ordered legal separation?

Senator Aquino-Oreta. Yes, Mr. President.

Senator Cayetano. Under the court-ordered legal separation, normally, the victim or the parent without fault is the one left with the children. Would the sponsor still consider that as a solo parent, even if it is the court that directed him or her to have the children?

Senator Aquino-Oreta. As long as that parent is poor, is marginalized and left alone to dispense the parental responsibility, then that parent falls under the solo parent.

Senator Cayetano. All right. Let me give the sponsor some examples. Under our law, when a child is less than seven years old, the child shall remain with the custody of the mother, unless there are exceptional reasons. Suppose it is the mother who gave reason for the legal separation because of adultery or rather sexual infidelity and because the child is less than seven years old, the child was given to her by the court. Would the sponsor still consider that mother a solo parent?

Senator Aquino-Oreta. Yes, Mr. President, because she will still dispense some parental responsibility over the child. Again, if she is poor, her income is below the poverty line, and she is marginalized, then she is considered a solo parent.

Senator Cayetano. I just want to make that very clear. Part of the definition under paragraph 5 is, legal separation or *de facto* separation from spouse. When the sponsor speaks of *de facto*, this is separation by virtue of agreement, *iyong kasunduan*. Is that correct, Mr. President?

Senator Aquino-Oreta. Yes, and also other circumstances, Mr. President.

Senator Cayetano. The reason I ask that is, normally, if it is by virtue of an understanding between spouses, they also have an agreement as to who will have custody of the children. Normally, in a situation like this, the children will be given support. Let us say, in a case where under the *de facto* agreement to separate, the children will be given to the wife and the wife's income falls below the poverty level. But, on the other hand, the husband's income is much, much above the poverty level and he is willing

and, in fact, is giving support to the children and to the wife.

Would the sponsor still consider the wife there as a solo parent under the example I have given?

Senator Aquino-Oreta. I am afraid not because the solo parent has other support. That means we cannot include that solo parent here in that sense because somebody else is helping her cope with the parental responsibilities.

Senator Cayetano. As a general proposition, even if the solo parent earns an income below the poverty line but nevertheless gets support either by law, by agreement or for some other reasons, which would enable the solo parent to have an income beyond the poverty line, that parent will not be covered by this.

Senator Aquino-Oreta. Yes, Mr. President. Family income is a consideration. When we say "family income," that is the total support that the solo parent will have, and we are saying that the minimum level is about P11,388 a month.

Senator Cayetano. Thank you, Mr. President. In Category 6, it says "Parent left solo or alone with responsibility of parenthood due to annulment of marriage as decreed by a court or by a church as long as he/she is entrusted with the custody of the children."

As far as I know, while it is true that there is such a thing as annulment by the church, nevertheless our law does not consider the effect of a church annulment. In the eyes of the law, a church annulment does not result in a separation under civil law. Therefore, even the custody of the children will remain with the parents.

May I know from the good sponsor, under what circumstances will a church annulment give rise to the custody of the children to a particular parent as, as I said, our civil law does not recognize church annulment?

Senator Aquino-Oreta. If it is a *de facto* separation wherein one parent is left alone to take care of the children and there is no other income for the family or that income is marginalized or below the poverty line, then that parent is considered a solo parent.

Senator Cayetano. If the statement of the sponsor that it is a church annulment in the sense that it is a *de facto* separation, then there will be no problem. But, as I said, there could not be an annulment by the church as recognized by the law and, therefore, as envisaged by the last phrase, annulment by the church, et cetera, could not possibly legally happen. But as the good sponsor said, it is also a *de facto* legal separation.

Am I correct, Mr. President?

Senator Aquino-Oreta. Yes, Mr. President. As I was saying, we are looking at the parent as solo. We are looking at the parent dispensing parental responsibility alone and whose income is below the poverty line.

Mainly, the solo parents we are talking about are the poor, marginalized, and doing their parental duties alone.

Senator Cayetano. I can understand now the explanation. Thank you, Mr. President.

Then Category 7—"Parent left solo or alone with responsibility of parenthood due to abandonment of spouse."

When we speak of abandonment, are we speaking here of physical absence of the other spouse or an abandonment in the sense that the other spouse does not have intent to return?

Senator Aquino-Oreta. Abandonment here means the solo parent was left alone. Abandonment here, physical abandonment, means there is no communication or no connection at all with the spouse. We agreed that this will be after a period of one year.

Senator Cayetano. No, this is quite different. Under Category 7, there is no period here that is involved. It says here, "Parent left solo or alone with responsibility of parenthood due to abandonment of spouse."

I can understand the explanation of the sponsor, Mr. President. As she said, it is really abandonment with no intention of returning. In other words, *mawawala na lamang bigla*. And possibly, *bigla na lamang nawala dahil mayroon nang bagong kalaguyo*, or whatever reason. In that case, the other spouse will be left alone to rear and to take care of the children. Am I correct in this?

Senator Aquino-Oreta. Yes, Mr. President.

Senator Cayetano. Category 8 says "Unwed mother/father who has preferred to keep and rear her/his child/children instead of having others care for them or give them up to a welfare institution."

Mr. President, even assuming that the income of the unwed mother or the income of the father is below the poverty line, why should we include them in the definition? After all, are we not encouraging a situation where a man or a woman will just have children without the benefit of marriage, and therefore destroy the very institution of marriage which requires marriage in order to have children?

Under this, I can see that the unwed mother or father will

in fact be rewarded by this provision because he or she would be included as solo parent.

Senator Aquino-Oreta. Mr. President, I do not think we are rewarding her or him because we will not be looking into the morality or the reason why they decided to separate. We are looking at the fact that the spouse will be left with the sole responsibility of rearing the child. I think the spouse should be helped because if she will bring her child to an institution for adoption, government will still spend for the child. Whereas if she will keep and rear the child, then the State should also see to it that the benefits are given to the child.

Senator Cayetano. Thank you, Mr. President. With the permission of the sponsor, may I now go to page 3, letter (e), *Parental Leave*.

I heard the explanation of the lady senator about why this bill proposes parental leave for solo parents. But I am not quite sure of the reason we should give solo parents parental leave.

Anyway, let me just ask this question, Mr. President. It says here, "to perform parental duties and responsibilities where physical presence is required." May I know the circumstances where physical presence may be required and therefore would justify parental leave? Certainly, this does not speak of giving birth because they have maternity leave.

Senator Aquino-Oreta. In case of medical emergencies, Mr. President. If the solo parent is in the office and she has to go home because of an emergency, then I think the solo parent can apply for a parental leave.

Senator Cayetano. Emergency medical leave?

Senator Aquino-Oreta. Yes, Mr. President. Another example, Mr. President. When the physical presence of the solo parent is needed by the teacher, and the only time that the teacher can talk to the parent of the child is during office hours, then the solo parent can apply for parental leave.

Senator Cayetano. I can appreciate the concern of the sponsor. But let us put ourselves in the shoe of many of the employers, Mr. President. We really have so many paid leaves. In fact, many employers are already complaining about the many benefits that have been given to the workers, the latest of which is the paternity leave which, I understand, took some time before Congress approved it.

In any event, as I said, I can appreciate where certain circumstances would require the physical presence of the solo parent. But is it not a fact, Mr. President, that in the absence of solo

parent—and I am speaking now for all the situations—the grandparents of the child are obligated by law not only to provide support but also to take care, as substitute parental authorities of the children?

If the children being taken care of by the solo parent have grandparents, either maternal or paternal, does the distinguished sponsor think that would suffice in order not to burden the employers, Mr. President?

Senator Aquino-Oreta. Mr. President, this was seen on the solo parents who have no other recourse but themselves for their parental duties.

Senator Cayetano. So the sponsor would then be willing, when the proper time comes for the amendments, that we could possibly put some amendments here in the light of her reply to this representation's questions. Is that correct, Mr. President?

Senator Aquino-Oreta. Mr. President, if the distinguished gentleman deems it proper, at the proper time we are open to it.

Senator Cayetano. That is all I have, Mr. President. Let me thank the good sponsor for giving me time to ask these questions and the opportunity to hear her answers.

Generally, I support this bill, Mr. President, and certainly would like to associate myself with the concept. But I believe that there is still room to improve this bill when the period of amendments comes. And when that time comes, with the permission of the sponsor, I would like to propose certain amendments.

Senator Aquino-Oreta. Yes, Mr. President.

Senator Cayetano. Thank you, Mr. President.

The President. The Chair would like to thank Senator Cayetano.

The Majority Leader is recognized.

Senator Drilon. Mr. President, Senator Barbers would want to ask questions of the sponsor.

The President. Senator Barbers is recognized.

Senator Barbers. Thank you very much, Mr. President. At the outset, Mr. President, I would like to congratulate the lady senator from Malabon for taking up the cudgels for the solo parents. I believe that we have a proliferation of solo parents in the country today, and that is why this bill is very timely.

Although I support this bill, Mr. President, I have some points to clarify with the sponsor.

Today, Mr. President, our government is suffering a huge budget deficit. In other words, we have limited resources. Now, the bill provides for financial support coming from the different agencies of government like, for example, the DSWD, the Department of Education, Culture and Sports, the Department of Health and the DILG.

Mr. President, I would like to state here that these departments that I mentioned are also suffering a reduction of their budget as we witnessed during the budget hearings. May I know, Mr. President, how we can cope with the services that are provided for in her proposal?

Senator Aquino-Oreta. Mr. President, right now, the different agencies we have just mentioned are already giving these benefits. We are just strengthening the law on benefits, especially if the one asking is a solo parent. So that the solo parent will not be discriminated against or treated unequally as regards benefits.

Senator Barbers. Mr. President, I would like to follow that line of thinking. As far as I can remember, in the Family Code, as in the case, for instance, of the solo parent who is just legally separated or abandoned, he or she may ask for support from his spouse. In fact, she is given the benefit of summary proceedings with respect to the administration of their property. Moreover, his children, being legitimate, can never be denied support by the abandoning spouse.

I came across a provision in the bill where the income of the solo parent is limited only to his place of domicile. Am I correct, Mr. President?

Senator Aquino-Oreta. Yes, Mr. President.

Senator Barbers. What about if a solo parent has also some special kind of employment outside of his domicile. Will this proposal not cover the income or earnings coming from places outside of his domicile?

Senator Aquino-Oreta. Mr. President, we have considered the family income. If the family income is below the poverty line, then the solo parent who is dispensing parental duties over the children is regarded as solo parent.

Senator Barbers. Yes. But the proposal is very specific, Mr. President, that it is only limited to the place of domicile.

For example, I am an employee in the City of Manila, then

during night time, I work in Pasay City. What happens now to my income coming from Pasay City?

Senator Aquino-Oreta. It is the contribution of the whole income, Mr. President. The family income is considered.

Senator Barbers. Is the sponsor saying the computation is...

Senator Aquino-Oreta. The computation should be, if it is below the minimum level, then one is considered a solo parent.

Senator Barbers. Another thing I would like to clarify, Mr. President, is the provision in the bill where we include other household members' income. May I be enlightened on this?

Senator Aquino-Oreta. If the total family income does not go beyond the poverty line, then the solo parent dispensing parental duties is considered here as the solo parent, Mr. President.

Senator Barbers. What about those household members who have also their own dependents and are also obliged to support them? Will this not affect the help that she is extending to her family members or to her dependents?

Senator Aquino-Oreta. We are considering here, Mr. President, the income of each spouse, and the income should not be over the poverty line.

Senator Barbers. Mr. President, when I reviewed the definition of "solo parent," what came into my mind is a very common scenario nowadays.

We have to admit that there are a lot of prostitutes operating in Metro Manila, for example, who have their own children without the benefit of a father. Will this not fall under the jurisdiction of this bill? Or will this not fall under the definition of a solo parent?

Senator Aquino-Oreta. Under this bill, if they would want to avail themselves of the benefits, they can apply as long as their income is not over the poverty line. As long as these solo parents are marginalized and poor, they can fall under this category. But the minute their income is above the poverty line, I think they cannot avail themselves of the benefits that we are talking about here.

Senator Barbers. Is the distinguished sponsor saying that even prostitutes are included in this bill, Mr. President?

Senator Aquino-Oreta. As long as they are discharging their parental duties and their income are below the poverty line, they are included.

Senator Barbers. How can we now determine the income of a prostitute so that she will be included in this proposal, Mr. President?

Senator Aquino-Oreta. Well, they have no tax returns, Mr. President.

Senator Barbers. Mr. President, in my experience as a law enforcer—not as a prostitute or as a customer *[Laughter]*—these prostitutes make it appear that they are very poor. But the truth of the matter is that they have so much savings in different banks. They have their own businesses.

Mr. President, for purposes of circumventing this proposal, the prostitutes can always say, "That is why we are engaged in prostitution because we are very poor. We only have one customer a day. We only earn as much as P200 a day." Does the distinguished sponsor not think that this will affect the intention of her bill?

Senator Aquino-Oreta. No, Mr. President. Prior to this, the DSWD will conduct an investigation as to the level of their income. Still, if there is some doubt, we will give the benefit of the doubt to the woman.

Senator Barbers. Mr. President, I hope this will be done strictly because if we only tell the different government agencies to conduct an investigation, it is very easy to conduct an investigation. But if we will not be religious enough in pursuing the intention or the purpose of the mandate of this bill, I think we will fail.

Also, what made me think twice is the fact that in the last budget hearings, for example, in the case of the DSWD, we even recommended more benefits to the indigents, to the people who are not normal, and to the senior citizens. We got the same answer from the officials of the DSWD that because of budget constraints and budget reductions, they could not accommodate our suggestion or proposal.

This time I was surprised really when the distinguished sponsor stated that the DSWD and the other government agencies have already pronounced their support in providing for the social services of the solo parents. Am I correct, Mr. President?

Senator Aquino-Oreta. Mr. President, there are already existing services that are being given out by the agencies. What we are doing here is, we are crystallizing and strengthening the services that are being given out like maybe hiring more experts as far as counseling on solo parent is concerned. The other economic benefits are already existing and we are saying that the solo parent can qualify for these benefits.

Senator Barbers. What about this seed money that is mentioned also in the bill, Mr. President?

Senator Aquino-Oreta. Mr. President, we did not mention any seed money here. If the gentleman is referring to the livelihood....

Senator Barbers. Anyway, I will revise my question, Mr. President.

In Section 6 of the bill, it provides for a flexible work schedule. However, Mr. President, under this provision, there are two provisos which give the employer of a solo parent the right to deny the privilege on the ground of individual or company productivity, or may request exemption from the said privilege. Section 8 also provides for an additional minimum of 10 working days as additional leave for a solo parent.

My question is: How do we reconcile these two provisions now? How can a solo parent acquire the 10-day additional leave which is a mandate under this bill when an employer may deny the same, provided that the requirements in Section 6 are present? And how sure is our distinguished colleague that the 10-day leave of a solo parent will not jeopardize the productivity of work?

Senator Aquino-Oreta. Mr. President, the intention here is that the solo parent will not be discriminated against in the granting of leave. We are saying that if the employer is giving this leave to other employees, he should also consider giving the same to solo parent.

Senator Barbers. Is the lady senator saying that the 10-day leave of a solo parent from her employer is preferred than the exemption that might be requested by the solo parent herself?

Senator Aquino-Oreta. Under extraordinary occasion, Mr. President, the solo parent can ask the employer and avail herself of that leave. Parental leave is mandatory for employers. We are saying here that solo parents can also enjoy the leave.

Senator Barbers. In other words, it is not applicable in all cases. It is on a case-to-case basis.

Senator Aquino-Oreta. Yes, in extraordinary circumstance, Mr. President.

Senator Barbers. I mentioned a while ago about seed capital. It is incorporated in Section 5, Title II, letter (a)—Livelihood Development Services—This will include trainings on livelihood skills, basic business management, value orientation and the provision of seed capital or job placement.

May I be enlightened on this, Mr. President?

Senator Aquino-Oreta. Right now, Mr. President, the DSWD and other agencies are already providing these services. This means that the agency can help the solo parent look for loan schemes or the needed resources for her. This is what we meant here.

Services are right now being provided, and it is for these agencies to enhance or crystallize these services. Again, these services should be given also to solo parents.

Senator Barbers. What I understand from the word "seed capital," Mr. President, is that the government will provide money or capital to the solo parent.

Senator Aquino-Oreta. There are services being provided right now by the DSWD. In some cases, it helps them put up a seed capital. That is what we meant—that the solo parent can also avail herself of the seed capital being given by government.

Senator Barbers. If a solo parent can avail herself of the seed capital, at how much, Mr. President?

Senator Aquino-Oreta. At the income that the solo parent can afford. That is the reason we said that in the case of the solo parent, he or she alone can avail of the seed capital. She does not have a partner to share the responsibility of paying the loan.

Senator Barbers. For example, I am a solo parent. I want to open a *sari-sari* store. I go to the agency and ask for a seed capital, and I qualify based on its requirements. How much seed capital will I be given to open a *sari-sari* store?

Senator Aquino-Oreta. It depends on the financing of the agency. It also depends on the financial need of the solo parent and on her capacity to pay.

Senator Barbers. What agency of government will provide the seed capital?

Senator Aquino-Oreta. The DSWD, Mr. President.

Senator Barbers. For example, if I go to the DSWD and ask for P100,000 seed capital, will I be given the amount? I will now stop engaging in prostitution; I will open a *sari-sari* store; and I will support my children. Can the DSWD afford to give me a seed capital of P100,000?

Senator Aquino-Oreta. No, Mr. President, the DSWD can refer the gentleman to other financial institutions that will help him find this seed capital.

Senator Barbers. Mr. President, the intention of the bill is laudable. But I would say this comes at a very inopportune time considering that today, we are suffering from a huge budget deficit.

In terms of services also, that will be provided by the different government agencies. As the sponsor mentioned, these would also suffer a reduction in their budgets. Does the sponsor not think that if we will be buying time, we can file this bill probably in the months to come or until such time when the government recovers from its deficit?

We still have a lot of priorities like, for example, the modernization of the Armed Forces of the Philippines, the modernization of the Philippine National Police, and so forth and so on. We are confronted with so many problems in Mindanao. We have the MILF problem. We have the ARMM elections. We have the problem in the Caraga region which should be given prominence.

Senator Aquino-Oreta. Mr. President, solo parents are a reality. Whether we have all these problems surmounting us, solo parents are still there and will need government support. Besides, I think the cost of providing into the benefits for solo parents will not entail too much.

What we are saying here is, the benefits being given to the citizens should also include the solo parents.

Senator Barbers. Mr. President, I am happy that the sponsor has responded well in my clarificatory questions. However, I still have some reservations to make, and I will just ask more questions in the next session.

Thank you very much.

The President. Thank you, Senator Barbers. The Majority Leader is recognized.

SUSPENSION OF SESSION

Senator Drilon. Mr. President, I move that we suspend the session for a few minutes.

The President. Is there any objection? [Silence] There being none, the session is suspended for a few minutes.

It was 5:54 p.m.

RESUMPTION OF SESSION

At 5:56 p.m., the session was resumed.

The President. The session is resumed. The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF S. NO. 1404

Senator Drilon. I move that we suspend consideration of Senate Bill No. 1404 under Committee Report No. 15.

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

BILL ON SECOND READING
S. No. 1255—Philippine Clean Air Act of 1998
(Continuation)

Senator Drilon. I move that we resume consideration of Senate Bill No. 1255 as reported out under Committee Report No. 8.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1255 is now in order.

Senator Drilon. May I ask the Chair to recognize Sen. Gregorio Honasan, the principal sponsor, and Sen. Aquilino Pimentel for the period of individual amendments.

The President. Senator Honasan is recognized for sponsorship. Senator Pimentel is likewise recognized for interpellation.

MANIFESTATION OF SENATOR HONASAN
(Amended Copy of the Bill as of February 9, 1999
as Basis of Discussion)

Senator Honasan. Mr. President, before we proceed with Senator Pimentel's proposed amendments, the sponsor would like to manifest on the floor that we will use as reference the amended copy of the bill as of February 9, 1999.

The President. The basis of our discussion is the amended copy of the bill as of February 9, 1999.

Senator Pimentel. Mr. President, will the distinguished sponsor kindly yield for a few questions or suggestions for amendments?

The President. The gentleman may yield, if he so desires.

Senator Honasan. Willingly, Mr. President.

Senator Pimentel. I would like to start by saying that I got lost in the reading of the various versions that are supposed

to be used as basis of our discussion. In any event, I would like to seek the guidance of the distinguished sponsor by informing him that I would like to present an amendment on the matter of the preparation of the integrated air quality framework plan. I am not too sure where that is now.

May I just make this manifestation, subject to the gentleman's better judgment where to place it, that in the preparation of the integrated air quality improvement action plan, the Department of Environment and Natural Resources shall do so in consultation with the leagues of provinces, cities, municipalities, nongovernment organizations, the private sector and other appropriate government agencies and offices, et cetera.

PIMENTEL AMENDMENTS

The proposal then, Mr. President, is for the department to act in consultation with the leagues of provinces, cities, municipalities, NGOs, et cetera, in the preparation of an integrated air quality framework plan.

Has the gentleman found the section, Mr. President?

Senator Honasan. Yes, Mr. President. Referring to the amended copy as of February 9, it is located as part of Section 7.

We accept the wisdom of such a suggestion from Senator Pimentel. The committee intends to incorporate it on page 10 and page 11, in the last paragraph, which I shall read so that we may be guided accordingly, subject to style.

On page 10, lines 30 and 31, up to page 11, lines 1 to 3, I shall read the complete paragraph for our guidance. "The plan shall be formulated within six (6) months after the effectivity of this Act with the participation of nongovernment organizations (NGOs), people's organizations (POs), the academe and other concerned entities from the private sector."

Senator Pimentel. Mr. President, may we include in that enumeration the participation of the local government units?

Senator Honasan. Mr. President, we shall, subject to style, be guided accordingly.

Senator Pimentel. Thank you, Mr. President. May we also kindly make this proposal that in the action plan thus adopted, companies that install pollution control devices or retrofit their existing facilities with technologies that reduce pollution shall be entitled to tax incentives, such as tax credits or accelerated depreciation deductions and the like.

Subject to style, at the proper section which this might prove to be useful.