

RECORD OF THE SENATE

TUESDAY, FEBRUARY 23, 1999

OPENING OF THE SESSION

At 3:28 p.m., the Senate President, Hon. Marcelo B. Fernan, called the session to order.

The President. The 66th 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. Miriam Defensor Santiago.

Everybody rose for the prayer.

Senator Santiago. Mr. President, this is a prayer of people who have many enemies. It is a Latin prayer taken from the 15th century:

PRAYER

O God, if there are those who wish evil for me or do evil and are my enemies and are my opponents and persecutors, grant to them, O Lord, indulgence and eternal rest, and bring them to Your will. Lord, deign to convert their hearts to wholesome peace, to turn all the malice which they plot secretly or wish against me into good. Grant me Your mercy and save me so that unharmed I might be able to thwart their every effort; and stand by me, that with a pure heart I may be able to scatter for Your name's sake all those who sin against me, so that I may merit to accept remission of all my sins from You, and also, that I may be able to love a friend in You, and an enemy for Your sake.

Amen.

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 *
Senator Franklin M. Drilon Present
Senator Juan Ponce Enrile Present

* On official mission but arrived after the roll call

Senator Juan M. Flavie *

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. Osmehia Absent
Senator Sergio R. Osmehia 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 Absent
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

BILLS ON FIRST READING

The Secretary. Senate Bill No. 1474, entitled

AN ACT PROVIDING FOR THE PUBLICATION
AND DISTRIBUTION OF THE WRITINGS OF
DR. JOSE RIZAL, AMENDING FOR THIS
PURPOSE REPUBLIC ACT NO. 1425, ENTITLED
"AN ACT TO INCLUDE IN THE CURRICULA

* On official mission

Report No. 13, wherein the joint Senate Committees on Tourism, Finance, Trade and Commerce conducted their inquiry, in aid of legislation, on the Philippine financial ability to host World Expo 2002 (P. S. Resolution No. 213, introduced by Senate President Marcelo B. Fernan) and on the reported withdrawal by the Estrada Administration of the Philippines as host of the World Expo 2002 (P. S. Resolution No. 2004, introduced by Sen. Renato L. Compañero Cayetano).

Considering that President Joseph Estrada had already withdrawn the country's bid to host World Expo 2002, which decision is impressed with finality, it is respectfully submitted that the recommendations contained in Committee Report No. 13 are deemed moot and academic. Hence, it is our manifestation to have the Committee Report No. 13 be archived instead.

**MOTION OF SENATOR DRILON
(Archiving of Committee Report No. 13)**

Mr. President, in view of this manifestation, may I move that Committee Report No. 13 be sent to the Archives.

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

**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. Mr. President, may I ask that the principal sponsor, Sen. Teresa Aquino-Oreta, be recognized.

The President. Sen. Teresa Aquino-Oreta, the principal sponsor, is hereby recognized.

Senator Drilon. Mr. President, we are now in the period of interpellations. For that purpose, may I ask the Chair to recognize Sen. Ramon B. Revilla; and afterwards, Sen. Francisco S. Tatad.

The President. Sen. Ramon B. Revilla is recognized for interpellations to be followed by Senator Tatad.

Senator Revilla. Thank you, Mr. President.

The President. Yes, please proceed.

Senator Revilla. Mr. President, will the distinguished sponsor yield for some clarificatory questions?

Senator Aquino-Oreta. Yes, Mr. President.

Senator Revilla. *Unang-unapo*, I would like to congratulate the distinguished sponsor of this piece of social legislation that aims to help alleviate the plight of solo parents.

Mr. President, solo-parenting has been a phenomenon in today's Philippine society. We see solo-parenting as a fact of life, a reality that afflicts most of our younger generations. As a matter of fact, while our elders disfavor this phenomenon, the more liberal approach to this problem is that it would be better for a couple to part ways and live separately than show their children the agony of living together in a hostile environment. This way, we could avoid the occurrence of that evil called "spousal physical abuse" brought about by a continued incompatible cohabitation between husband and wife.

Mr. President, while we should not encourage marital separation through the passage of this bill, we should cure the defects brought about by this phenomenon in our contemporary society. I am therefore inclined to support this bill after clarifying some minor provisions.

May I therefore proceed in asking the distinguished sponsor some clarificatory questions.

Senator Aquino-Oreta. Yes, Mr. President. Gladly, I will answer the gentleman from Cavite.

Senator Revilla. *Ginoong Pangulo, ang aking unang katanungan ay ukol sa* No. 4 on page 2 of this proposed measure which talks about mental incapacitation of the spouse as basis for the declaration as a solo parent.

My question is this: Can we inquire from the good sponsor the definition of the term "mental incapacitation?" Is the term "mental incapacitation" similar or analogous to the term "psychological incapacity" as stated in the Family Code?

Senator Aquino-Oreta. Mr. President, the term "mental incapacity" as used under this proposal shall refer to the mental quality or the state of mind of one spouse which makes him or her unable to engage in productive work. This is more synonymous to insanity or imbecility and not "psychological incapacity" as stated under the Family Code.

Senator Revilla. I thank the lady senator for that answer, Mr. President.

Section 3, paragraph 7, defines solo parent as one or alone with responsibility of parenthood due to abandonment of spouse.

My question is this: What if the abandoned spouse who would avail himself of the benefits under the proposed bill was the one who gave rise to the cause which resulted in his or her separation with the other spouse?

Senator Aquino-Oreta. Regardless of who caused the abandonment, she or he may avail himself of the benefits as long as the solo parent has the custody of the children; and as long as that parent dispenses the parental duties, he or she will be entitled to the benefits in this bill.

Senator Revilla. Hindi po kaya magkaroon ng parang drama iyan sa mag-asawa?

Senator Aquino-Oreta. Hindi po. Basta iyong isang parent na naiwan ang siya pong mag-aalaga, mag-aaruga at magpapalaki roon sa bata. Iyon po ang magbe-benefit dito sa ating bill.

Senator Revilla. Paano kung iyong parent na mag-aalaga ang siyang naging dahilan ng pagkakagalit nilang mag-asawa?

Senator Aquino-Oreta. Maski siya ang naging dahilan, basta siya ang nagdi-dispense ng parental duties, ayon sa sinasabi ng bill na ito, siya pa rin ang magkakaroon ng benefit sa ilalim ng bill na ito.

Senator Revilla. Mr. President, Section 5 of the proposed social legislation speaks of comprehensive package of social development and welfare services for solo parents to be developed by the Department of Social Welfare and Development.

Anu-ano po ba ang kalakip ng social welfare services package na tinutukoy ng ating distinguished sponsor sa proposed measure na ito?

Senator Aquino-Oreta. Mr. President, may I call the gentleman's attention to Section 5, page 3, line 23, onwards:

The DSWD shall coordinate with concerned agencies the implementation of the comprehensive package of social development and welfare services for solo parents and their families. The package will initially include livelihood development services, counseling service, parent effectiveness service, special projects for individuals in need of protection.

These programs or services are what consist the social comprehensive package under this bill. If this is not enough, maybe, at the proper time, we will accept amendments to this section.

Senator Revilla. Thank you, Mr. President. Ano po ba ang parameters or standards na sinasabi dito—social welfare service package?

Senator Aquino-Oreta. Ang parameters ay naririyang na po. Ito iyong mga serbisyong ibinibigay ng DSWD, ngunit pinalalawak lamang natin upang maisama ang mga hinaing o problema ng solo parents.

Senator Revilla. First of all, what is the purpose of this 10-day leave? Does the distinguished sponsor have any statistics to show how many solo parents all over the Philippines will benefit as a result of the passage of this measure?

Senator Aquino-Oreta. Mr. President, the purpose of the 10-day parental leave really is just to allow the parent to spend time with the child on certain moments when the presence of the parent is necessary. Such instances, we would like to think, include caring for a sick child, attending PTA meetings or other important occasions wherein the child may need the presence of the parent. We would like to include this in the 10-day leave for the solo parent because the solo parent is alone in dispensing his duty to the child.

Senator Revilla. Mr. President, does my colleague know how many man-day's work we will be losing as a result of granting all solo parents with the 10-day leave per year?

Senator Aquino-Oreta. We do not have hard number or statistics of how many solo parents there are. But we do not think this will dent, in one way or another, the work of the employer, or we do not think this will affect the work of the solo parent.

Senator Revilla. In Section 6 of the proposed bill, it was provided that any employer may request the Department of Labor and Employment for exemption regarding the flexible work-schedule provisions of this proposed bill on certain meritorious grounds.

What is the criteria in determining whether or not the ground relied upon by the employer is meritorious?

Senator Aquino-Oreta. Mr. President, the criteria in determining the exemption from the flexible work schedule based on certain meritorious grounds should be, more or less, similar to the conditions provided under Article 89, Sections C, D and E of the Labor Code.

For example, an employer may request an exemption from the flexible work schedule under the following grounds:

1. When there is urgent work to be performed on machines, installations or equipment in order to avoid serious loss or damage to the employer or some other cause of similar nature;
2. When the work is necessary to prevent loss or damage to perishable goods; and
3. Where the completion or the continuation of work started before the eight hours is necessary to prevent serious obstruction or prejudice to the business or operation of the employers.

In other words, where work is necessary and needed for that particular time, then the employer may request an exemption.

Senator Revilla. Ginoong Pangulo, alam po ba ninyo o mayroon na ba kayong estimate as to how much appropriation is needed annually as a result of implementing the provision of this Act?

Senator Aquino-Oreta. Mr. President, right now, we are depending on the services of the agencies. But if we would like to help the solo parents further—and we are asking the agencies to expand their expertise in dealing with solo parents—maybe, at the proper time, we can put in some funds for the services. The committee is thinking of adding P10 million to the budget of the DSWD for these services.

Senator Revilla. Maraming salamat po sa magandang paliwanag ng ating mabunying sponsor.

Senator Aquino-Oreta. I would like to thank the gentleman, Mr. President.

Senator Revilla. I congratulate her for this important piece of social legislation, and I am sure that this proposed bill will give solo parents a breathing space, especially at this time of financial crisis.

Thank you, Mr. President.

Senator Tatad. Mr. President.

The President. Sen. Francisco S. Tatad is recognized.

Senator Tatad. Mr. President, will our distinguished colleague and sponsor yield for a few questions?

Senator Aquino-Oreta. With pleasure, Mr. President.

Senator Tatad. Mr. President, like all our other colleagues who spoke before me, I would like to congratulate our sponsor for bringing to the attention of the Senate the situation of solo parents under Senate Bill No. 1404.

Needless to say, we are all in favor of doing good by this disadvantaged sector. We recognize this bill as a sort of affirmative action in favor of solo parents. But we believe even affirmative action must comply with certain standards of non-discrimination, equity, and fairness. We need to make sure that we are not enacting a law that would transform the society into a welfare state for a particular class while making sure that it remains an altogether different society for everyone else.

Having said this, Mr. President, may I now propose some clarificatory questions.

Let us revisit for a while the declared purpose of the bill under Section 2 on page 1. This reads as follows:

SEC. 2. Purpose. - This Act aims to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development....

Let us stop there. This sentence is a restatement of Article XV, Section 1 of the Constitution which says, "The family is the foundation of the nation." The "family," as correctly pointed out by one of our colleagues in an earlier interpellation and to which the sponsor had agreed, means a normal family of a man and a woman, with or without children, bound in marriage, which Section 2 of the same Article XV describes as an inviolable social institution.

The sponsor has said, in reply to that previous interpellation, that the word "family" is used in Section 2 exactly as it is used in the Constitution. But immediately thereafter, in Section 3 under the "Definition of Terms," the bill says that whenever used in this Act, the word "family" shall refer to a one-parent family.

Again, as previously pointed out, this would create two different meanings for one word, resulting in so much unnecessary confusion. Now, since this problem has not been resolved to our satisfaction, may I propose a possible solution.

I should like to invite the sponsor's attention to the text of the bill, specifically with respect to the instances where the word "family" or "families" occurs.

On page 3, lines 19 and 20, under Section 5, there is mention of "solo parents and their families". On the same page, lines 25 and 26, still under Section 5, we encounter the same phrase "solo parents and their families". On page 5, line 27, under

Section 12, we again encounter the same phrase, "solo parents and their families". On page 6, lines 1 and 2, again the same phrase, "solo parents and their families". On the same page, lines 5 and 6, the same phrase, "solo parents and their families".

These are the five instances in which the word "families," the plural for "family," is used in a manner that would require a precise definition of the term if it were not already so clearly defined.

But in each of these instances, the complete usage is "solo parents and their families," making it absolutely clear that "families" refer to those of solo parents, in which case the term need not be defined any longer outside of its usage in the Constitution and in Section 2 of this bill. The only other instance in which the word "family" is used without reference to solo parents is on page 3, line 32, when the bill defines Counseling Service as something that may be individual, peer group or family counseling.

Based on existing programs of the DSWD, it does not matter at all whether the families are regular ones or one that belongs to a solo parent to qualify for counseling services. This is a basic service which families in crisis receive from the DSWD even now, whether a family is under the care of one parent or two parents or none at all.

Since the situation then is one in which the term need not be defined, does the sponsor not believe that we would be avoiding so much confusion by simply eliminating the definition?

Senator Aquino-Oreta. Mr. President, at the outset, the family that we refer to in Section 2 of this bill is a group of people, aside from the regular traditional family that we have—father, mother, children. We are saying that one who dispenses parental duty to a child and not necessarily having a partner will already constitute a family. Aside from the the traditional family that we have, the families that we are referring to under Section 3 is a group of people with one parent attending or dispensing parental duty to the children.

Senator Tatad. Mr. President, we have no difficulty with the definition. Precisely, we understand the definition. But in each instance where the word "family" or "families" is used, the word is connected to "solo parents."

Senator Aquino-Oreta. Meaning, solo parent and their children.

Senator Tatad. We are referring to the text of the bill.

Senator Aquino-Oreta. Yes, Mr. President.

Senator Tatad. All right. I have cited the instances where the

term "families" occurs, and there are five instances. So the word "families" occur five times in the bill and in each of these instances, there is a connection to solo parents. "Solo parents and their families," says the bill. That is the complete usage. So it is understood that "families" as used in this bill refer to families of solo parents.

Senator Aquino-Oreta. Mr. President, at the proper time, we can change "and families." Maybe, we can amend it and say, solo parents AND THEIR CHILDREN. Because when we said solo parents and their families, we meant that group of people, the one parent dispensing parental duty to the children.

Maybe, at the proper time, Mr. President, we will be amenable to delete the phrase "their families" and change it to THEIR CHILDREN, if the gentleman wishes.

Senator Tatad. No. Mr. President, there may be no need to delete or even to change the usage. It is a perfectly good usage; it is a correct one. What we are simply saying is that in the definition of terms, there would have been need to define "family" or "families" if there were instances in the bill where the term "family" or "families" occurs without being immediately related to solo parents. But each time we refer to families here, as the bill is crafted, we say "solo parents and their families." So it is understood beyond doubt that when we talk of families here, we talk of the families of the solo parents; ergo, there is no need to include in our definition of terms the word "family" because it is sufficiently defined in the bill.

That is all my point. So I am not quarreling with anything. I am in agreement with the meaning except that for economy, for a better architecture of the bill, I would propose at the right time that we simply do away with the word "family" as a term that still needs to be defined, because it is already well-defined in the bill.

May we go now to the substantive provisions, Mr. President.

The bill proposes certain benefits for solo parents and lists nine specific instances when one may be called a "solo parent." This is under Section 3, the nine instances when one becomes a solo parent. But it is not enough for one to be a solo parent in order to receive assistance from the State, as contemplated in this bill. He or she must, first of all, have an income, together with the income of the members of his or her household, below the poverty line.

We are saying what a solo parent is. We refer to Section 3. A solo parent is a rape victim, a woman who gives birth as a result of rape. She is a solo parent. But if her income is above the poverty line, she is not entitled to the benefits contemplated under this bill.

We go to the other instances. A parent left solo or alone with

the responsibility of parenthood due to death of spouse. If that parent has an income below the poverty line, then that parent is covered. But if the income goes above the poverty line, there is no benefit to that parent. I think that is very clear.

So first of all, the parent must have an income, together with the income of all those in the household, below the poverty line. Let us examine this rather complex proposition. First of all, let us examine the nine categories of solo parents.

No. 1 speaks of a parent who gives birth as a result of rape. Just for our information, Mr. President, is it sufficient under this provision for a woman to claim that her offspring is the result of rape? Or is it necessary that she should have reported the rape immediately after it had occurred in order for her to qualify later on for the proposed benefits under this bill, just in case that rape eventually produces an offspring?

Senator Aquino-Oreta. Mr. President, we are considering the established rape victim here. So if it was established that she was a rape victim and she is carrying the child because of that rape, and as the gentleman said she lives below the poverty line, then we will consider her in this category.

Senator Tatad. So long before she gives birth, it is already known that she was a victim of rape.

Senator Aquino-Oreta. Yes, Mr. President, and there is an established state of that woman that she was a rape victim.

Senator Tatad. And that it should be established that the child to which she gives birth is a product of the rape.

Senator Aquino-Oreta. As a result of the rape.

Senator Tatad. There is no possibility of the child having been fathered by somebody else who did not rape her. All right. So that is established.

If that is the case, we would protect women of this sort. But what do we do to victims of rape but who did not have the courage to report the rape to the authorities prior to giving birth?

Senator Aquino-Oreta. Mr. President, those who will not report their status, I guess we have no way of giving them the benefits because we do not know their status. Before they avail themselves of benefits, they have to undergo some tests, and expertise from the DSWD will come in to decide their cases, whether they are rape victims and carrying a child, the fruit of that rape.

Senator Tatad. I think that is a very good answer, Mr. President.

No. 5 speaks of solo parents due to legal separation or *de facto* separation from spouse. No. 7, on the other hand, speaks of solo parents due to abandonment by spouse. In both instances, the solo parent left to care for the children is probably the woman as happens in most instances. If so, is the husband, wherever he may be, not obliged by law to provide for his family? Why should the State discharge the responsibility of the husband for his family?

Senator Aquino-Oreta. Mr. President, that is most ideal, that the husband will be responsible for dispensing parental duties. But given the situation, as the gentleman said, this concerns mostly women, and the abandoned one has nowhere to go. The State will now come in to help the abandoned parent, provided—and again we would like to emphasize—that she is poor, she lives below the poverty line, and she has to take care of her children.

Senator Tatad. Again, we refer to the fact that this is an affirmative action for those in that position. Should the bill not include a provision that would compel husbands of this type to discharge their responsibility before the State becomes the surrogate husband?

Senator Aquino-Oreta. Again, Mr. President, that is most ideal. But in most cases, even if we demand support from husbands, there is that lapse of time that the support does not come. We would like to help the solo parent dispensing parental duties at that particular stage in her life where she has no one to turn to.

Senator Tatad. Mr. President, it is very clear that whatever the circumstance—guilty or not guilty, oppressed or not oppressed—if one is solo and the income is below the poverty line, that parent is entitled to the benefits contemplated under this bill.

Now let us talk about the poverty line. What is the poverty line?

Senator Aquino-Oreta. Mr. President, based on the NEDA report—this is the 1997 report—more or less, the poverty line is at the average of P11,388.

Senator Tatad. If this is the figure for 1997, what is the figure for 1998?

Senator Aquino-Oreta. I am sorry, Mr. President. We were only able to get the 1997 report.

Senator Tatad. If we do not know the figures for 1998 and 1999, this means that if the figure cannot be kept constant, we will have to have an adjustable budget in order to respond to the requirements of this bill.

Senator Aquino-Oreta. Mr. President, we were told that putting up the official poverty line comes every three years. So we are expecting to be given on the year 2000 basis.

Senator Tatad. So that if we apply the 1997 statistic and we are living in 1999, and if the cost of living has changed, it is altogether possible that the State's response may not be adequate even if in its belief it is doing an adequate job. That is a concern that we will have to address later. For now, let us look at the basic statistics that we need in order to pass this measure. How many solo parents are living below the poverty line?

Senator Aquino-Oreta. Again, Mr. President, we mentioned earlier that we do not have hard facts or hard numbers to determine how many solo parents there are since solo parents are not clustered as a category. We just based it on a report. We have data here.

In 1995, almost two million Filipinos were widowed by the death of a spouse; nearly half a million were separated or divorced. Of the 14.2 million women who married in the same period, 1.5 percent ended in separation; and then there are about 200,000 Filipinos, mostly women, who go abroad. So, more or less, we were extracting it from those records, Mr. President.

Senator Tatad. Those figures, Mr. President, would tend to give us an idea of the universe of solo parents. But these figures are not sufficient to give us an idea of how many among the solo parents are indeed living below the poverty line.

Now, my difficulty is we are proposing benefits for these people. Those benefits are going to cost money which must be appropriated by the State. If we do not have the statistics to work with, we run the risk of providing benefits for an X number of solo parents without providing the same benefits for the others. We might have a situation where, yes, there is a pie, but it is on a first-come-first-served basis because we do not have enough for all. How do we deal with that problem?

Senator Aquino-Oreta. Mr. President, it is like this. If that solo parent will go to the lead agency, the lead agency will now come in and examine or check the status of the solo parent. If that particular solo parent will end up living below the poverty line, then we will consider her status and she may be entitled to these benefits.

Right now, it is very difficult for us, as I said, to give a hard number or extrapolate a percentage of solo parents from the universal solo parents' world—those solo parents living below the poverty line—because we have not really worked hard in seeing to it that solo parents be given these benefits. When we were conferring with the DSWD, we said that the criteria would be

that before anyone can be entitled to these benefits, the DSWD will come in and check the status of the solo parent asking for these benefits.

Senator Tatad. I have no difficulty understanding the process. I think this is the process that we must really adopt to find out whether a solo parent is entitled to the benefits. There must be a process. My problem, Mr. President, is that in order to serve the solo parents, we must provide adequate funds. We cannot begin to say what would be adequate or not if we do not have the numbers.

Senator Aquino-Oreta. Mr. President, the DSWD officials have given us, from their studies, that nationwide we have about half a million solo parents. As I said, we do not have hard evidence to back up our figures. But, more or less, from the studies they gave the committee, there are about half-a-million solo parents now.

Senator Tatad. I think it is a safe approach. If the estimate of the total number of solo parents in the country...

Senator Aquino-Oreta. No, these are below the poverty line.

Senator Tatad. First, we have to deal with the number of solo parents regardless of whether they may be above or below the poverty line. For budgeting purposes, the safest way is to presume that every solo parent is a potential beneficiary under this bill, so that if one errs in his computation, he would be erring on the side of prudence. He would still have enough for all the solo parents below the poverty line since he used a figure that is really above the real number of the parents who would be below the poverty line. We can use that approach probably.

Assuming that we can raise the money for all the solo parents who would fall below the poverty line and we use the most creative means of providing for their needs, the real question now comes to us.

A family income, as we have seen, is the real deciding factor as to whether a solo parent should receive assistance from the State or not. Why should a solo parent living below the poverty line receive such assistance, while a regular family who is also living below the poverty line is left to fend for itself? I think this is the fundamental issue.

Senator Aquino-Oreta. The regular family is not left to fend for itself. If we talk of the regular family, the government has also programs for them. We are zeroing in on the solo parent who is poor and that parent is alone in dispensing his parental duty. For us, that solo parent is still lower in category than the regular family living below the poverty line.

Senator Tatad. Mr. President, I think we have demonstrated earlier that, as written, the bill tells us that the solo parent becomes entitled to the benefits proposed under the bill only if it is shown that he or she has an income, together with the income of all those within the same household, below the poverty line. Being solo is an accident that really does not operate as the main criterion for deciding whether one will have benefits from the State.

The real criterion is: Is this family living below the poverty line, and because he or she is a solo parent, he or she will now receive benefits from the State?

Now, the issue is: We have, on the other hand, families with two parents, with several children probably, or probably even without children but who are living below the poverty line. If living below the poverty line is the main operating criterion for a solo parent to be entitled to the benefits under this bill, why should a regular family not be entitled to the same benefits? I am not talking of other benefits; I am talking of the same benefits. Why should the coverage be limited to solo parents?

Senator Aquino-Oreta. No, we zeroed in on the solo parent for these benefits. This is an extra benefit because of the double burden that the solo parent is carrying. First, she is living below the poverty line; and second, she is alone in dispensing parental responsibilities. While the married couple, as the good senator mentioned, although living below the poverty line with an income below the poverty line, can also avail themselves of benefits given by the state. What we are saying here is, there are the two of them to carry on the burden instead of just the solo parent carrying the burden all by himself or herself.

Senator Tatad. Mr. President, being two in one family would not seem to matter very much in this particular instance. As we have seen, although the two parents are there, they are living below the poverty line, which means to say that they are unable to earn enough money for their needs and the needs of their children. So, having two parents is not much of a consolation. If the real consideration is the actual need of the family in order to support the children, I believe we should have the same standard for solo parents and two parents who are both living below the poverty line.

Senator Aquino-Oreta. Yes, Mr. President, we will not refute that. But the status of the solo parent is different from the status of two parents. The burden lies heavier on the solo parent because other than the financial burden, the solo parent will be dispensing parental duties all by himself or herself vis-a-vis a couple who can dispense together both the financial obligation as well as parental duties.

We are saying that this solo parent, other than the financial

burden that he or she will face, will also be burdened with the parental responsibility that he or she alone will have to carry. So we zeroed in on this solo parent.

Senator Tatad. As a general proposition, I have no disagreement with that statement. But in the real world, in reality, we have families with two parents where the burden—and this has been the complaint of our modern women—is assumed by only one parent and the husband oftentimes becomes an additional child, hindi ba, Mr. President? Many families, *dalawa nga sila—tatay at nanay—pero iyong nanay ang nag-aaruga at nag-aalaga sa mga anak. Iyong lalaki ay puro problema ang ibinibigay—walang hanapbuhay, naglalasing, nagsusugal, nambababae, kaya nagiging problema.*

So no help to the family at all. I think this is the reality, and we cannot take refuge in the statement that, at least, they are two rather than one. The net result is, *isang kahig, isang tuka, kulang pa.* Both have the same problem.

So I submit, Mr. President, that we reexamine this basic principle before we proceed any further with this proposed measure.

Thank you very much, Mr. President. I hereby suspend my interpellation for the time being.

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

Senator Drilon. Mr. President, may I ask that the Minority Leader be recognized for some questions.

The President. The Minority Leader, Sen. Teofisto T. Guingona Jr. is recognized.

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

Senator Aquino-Oreta. Yes, to the Minority Leader.

Senator Guingona. The distinguished senator stated that the criteria for support is P11,388 per month based on the 1997 report. Would that be correct?

Senator Aquino-Oreta. Yes, Mr. President. This is based on a family of five.

Senator Guingona. If the parent has only one child and earning that much, then it will automatically entitle him for support?

Senator Aquino-Oreta. Yes, Mr. President.

Senator Guingona. If he has two children, it will be the same?

Senator Aquino-Oreta. Yes, Mr. President.

Senator Guingona. If he has three children, it will be the same?

Senator Aquino-Oreta. Actually, Mr. President, we just took this number because this is the figure that the NEDA gave us. We were trying to figure out how we can still put a hard number on a one-child, and then two, three, four and five children to reach this criteria. But for purposes of discussion, we did not go into the minute detail of a one-child, or two children, or so on. We just used this figure to present a whole income table.

At the proper time, if the Chamber feels that we have put a definite number or definite amount on the criteria of one, two, three, four children, then we are amenable to do so.

Senator Guingona. Yes, I think so, Mr. President. Otherwise there may be inequality before the law.

Senator Aquino-Oreta. Mr. President, we know that every three years, NEDA puts out the official poverty line. And so we were thinking that by the year 2000 this amount will be changing. That is the reason why we did not go on a very detailed manner on the amount—we just said, “more or less.” We just followed the 1997 NEDA report on the family income and poverty line at P11,388 on a five-member family.

Senator Guingona. I thank the lady senator for that. But at the right time, I really think that there should be more specifications if the solo parent has only one child, two, three or four children.

Senator Aquino-Oreta. We are willing to accept amendments at the proper time, Mr. President.

Senator Guingona. Yes. May I know from the distinguished sponsor if she used a role model for this proposed bill? From what country? Is it from the United States? Is it from developed nations? Or is it from the poorer nations, developing countries like the Philippines?

Senator Aquino-Oreta. No, Mr. President. We did not pattern this from any country. In fact, this came from our DSWD. The DSWD presented to us the reality of solo parents and the double burden that solo parents do have, that aside from dispensing parental responsibility, the fact that they are alone in doing such, it was the DSWD which gave us the scenario. We thought this would be a progressive step to take.

This would be an affirmative action on the part of the State to address the reality that there is such a thing as solo parent in our society.

Senator Guingona. I think everyone agrees that the motive, the purpose, the objective of this bill is meritorious, and to which I add my congratulations to the distinguished sponsor.

If it was the DSWD which gave the distinguished sponsor the idea or the framework for this bill, it should have specified at least with sufficient imperative data on the costings that would be involved as well as the specific persons who will be entitled to the same, because this may entail inequality before the law and drain the National Treasury of substantial sums. We would like to have hard data on the costings of each support for all the programs and benefits here.

As a matter of fact, there are some inclusions in Section 3 that may have been omitted. For example, did the DSWD not suggest that an incapacitated husband who can no longer work, who has to be confined at home, virtually unable to give support to the child or children and the wife, leaving the wife therefore to fend for herself, not included in the enumeration?

Senator Aquino-Oreta. Mr. President, may I read Section 4. “Parent left solo with responsibility of parent due to physical and/or mental incapacitation of the spouse.”

Senator Guingona. That would refer to incapacity on the part of one of the parents?

Senator Aquino-Oreta. Yes, Mr. President.

Senator Guingona. Therefore, we would like to know whether the suggestion is for one child or for more than one child up to four children.

Senator Aquino-Oreta. Mr. President, we left that out because we are saying that it is a reality in society now that we have solo parent dispensing parental duty and the children may be one, two, three or four. As long as that parent is solo and left alone to carry on the burden of parental responsibility, we would like to include him or her in any of these categories.

Senator Guingona. Supposing the man—we come up with a situation where the man who is responsible for siring a child through an unwedded woman—gives financial support to the child although leaving her the responsibility of rearing the child to adulthood, as is the experience of a number of men who sire children. They acknowledge secretly; they give support hiddenly but they do not flaunt this; they do not declare the same in their income tax for obvious reasons, but they give monthly support

and stipend. Would that solo parent be entitled to this support if she earns below the minimum criteria stated in Section 4?

Senator Aquino-Oreta. Mr. President, as long as the support given her is sufficient which means it reaches or it is above P11,388, then that solo parent will not be a beneficiary of these benefits. But as long as the solo parent, in spite of some support, still lives below the poverty line, is poor, then she becomes a beneficiary of these benefits.

Senator Guingona. She is supported beyond P11,388.

Senator Aquino-Oreta. Mr. President, then she is not entitled to benefits.

Senator Guingona. Who will determine this now?

Senator Aquino-Oreta. The DSWD. As we said, before one is declared a solo parent by the DSWD, the state will come in and give criteria, investigate, assess, and then declare her or him as a qualified solo parent for these benefits.

Senator Guingona. May we have the track record of the DSWD in investigating and pronouncing indigents who are entitled to support?

Senator Aquino-Oreta. Actually, I can give the gentleman the number of solo parents provided by the DSWD. We have some records here. Up to 1997, it was able to service about 4,194 solo parents living below the poverty line.

Senator Guingona. Yes. These 4,194 solo parents went through investigations?

Senator Aquino-Oreta. Yes, Mr. President. They went through the investigations and assessments by the DSWD. Other expert personnel of the DSWD came in and discussed with them. So they met that criteria of being solo parents.

Senator Guingona. May we know how many were investigated?

Senator Aquino-Oreta. Here, Mr. President, as of 1997, the total number that were served was about 4,194.

Senator Guingona. Yes. Of this 4,194, how many were investigated?

Senator Aquino-Oreta. Yes. These are just on solo parents, Mr. President.

Senator Guingona. Yes. I mean, on parents who claimed to

be solo parents, how many were investigated?

Senator Aquino-Oreta. All of them, Mr. President. This is the number that the DSWD gave us. All these solo parents went through the process of assessment and investigation, of being talked to and served by the DSWD.

Senator Guingona. In other words, all applicants who applied to become solo parents were granted after investigation.

Senator Aquino-Oreta. No, Mr. President. After the assessment and investigation, if they do not fall into the status of solo parents based on the criteria of the DSWD, then they were rejected. And these 4,194 solo parents were those that were served by the DSWD after thorough assessment and investigation.

Senator Guingona. It is correct. May I ask the distinguished sponsor: How many were rejected? How many were investigated? How many were accepted?

Senator Aquino-Oreta. Right now, Mr. President, we did not get that data but in due time, we will ask the DSWD to give us that data. And at the proper time, we will be able to furnish the gentleman the number of those who were rejected or those who applied for it and those who went through the process but did not fall into the criteria of solo parents.

Senator Guingona. I hope that the distinguished sponsor will not consider this facetious because this is just to get clarification and not to be meticulous about the bill. It is just that in our experience, most lofty and good projects have fallen short because of lack of proper implementation, and lack of proper implementation is brought about by lack of funds.

If I heard the distinguished sponsor correctly, in 1997, there was a report of two million solo parents.

Senator Aquino-Oreta. In 1995, there was a report of about two million Filipinos who were widowed by death of a spouse and merely half a million were separated or divorced. But 14.2 million women also married in the same period of which 1.5 percent of this 14.2 million ended in separation. More or less, that is how we deduced. As I said, we do not have the hard number of solo parents in the country now. It is quite difficult, but we are trying to deduce it from these criteria.

We cannot deny the fact that there are none. We are saying that there are. But we cannot just give out the exact number. Based on the DSWD report to us, we would venture to say that there are about half-a-million solo parents now, but we cannot exactly say how many in that half a million belong to the category of those living below the poverty line.

Senator Guingona. Out of 500,000 women therefore, the DSWD should have given the distinguished committee and sponsor at least a calculated verifiable estimate. Is it one-half who are below the poverty line? Is it one-third? But let us assume that there are 100,000 solo parents, would that be a good guess? One hundred thousand solo parents out of half a million who are below the threshold of poverty?

SUSPENSION OF SESSION

Senator Aquino-Oreta. Mr. President, I move that we suspend the session.

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

It was 5:08 p.m.

RESUMPTION OF SESSION

At 5:11 p.m., the session was resumed.

The President. The session is resumed.

Senator Guingona. Mr. President.

The President. Senator Guingona is recognized.

Senator Guingona. Mr. President, while I still have some questions, we would like to request the distinguished sponsor, if she will agree, to get some verifiable data from the DSWD as far as support investigations and the number of applicants who have been approved and rejected are concerned.

As I explained to the distinguished sponsor, this is not to be facetious but rather to see to it that this bill, if enacted into law, will become successful. I hope that the distinguished sponsor will see it in that light.

Senator Aquino-Oreta. We agree with the proponent, Mr. President. We will come up with a more detailed number when the proper time comes. If the gentleman wishes, in the period of amendments, maybe we can put these details into the bill.

The reason why we sort of did not make it very detailed is that we thought this was an affirmative action on our part since this is the first of its kind. In fact, in case this becomes a law, the Philippines will be the first to have a law focusing on the solo parent living below the poverty line. We are hoping that at the proper time, the judgment of this Chamber will also come in. And we are amenable to whatever amendments our colleagues will present so that this law will be a successful law.

Senator Guingona. With that, I would like to thank the distinguished sponsor for answering the questions.

The President. Thank you. The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF S. NO. 1404

Senator Drilon. Mr. President, 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.

CONFERENCE COMMITTEE ON

S. NO. 1049/H. NO. 6460

(Providing for Regular Elections for ARMM Officials)

Senator Drilon. Mr. President, I move that we constitute the Senate contingent to the Bicameral Conference Committee to discuss with the House of Representatives the disagreeing provisions of Senate Bill No. 1049 and House Bill No. 6460, both in reference to the postponement of the election in the Autonomous Region of Muslim Mindanao.

For that purpose, may I nominate the following senators: Sen. Raul S. Roco, as chairman; Sen. Aquilino Q. Pimentel Jr. and Sen. Teofisto T. Guingona Jr., as members.

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

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. We are still in the period of interpellations. For that purpose, may I ask the Chair to recognize Sen. Teresa Aquino-Oreta, the sponsor, and Sen. Robert S. Jaworski who wishes to ask questions of the sponsor.

The President. The sponsor, Sen. Teresa Aquino-Oreta and Sen. Robert S. Jaworski are recognized.

Senator Jaworski. Mr. President, will the lady senator yield for a number of clarificatory questions?

Senator Aquino-Oreta. With pleasure, Mr. President.

Senator Jaworski. Mr. President, we empathize with the plight of solo parents. The distinguished lady senator gave a figure of 4,194 solo parents. How many would be unwed parents?

Senator Aquino-Oreta. Mr. President, the 4,194 were the solo parents served by the DSWD per its records as of 1997. Meaning, that they went through the assessment, they went through the investigation and they were declared solo parents by the DSWD. Of this number, we cannot give the distinguished gentleman the exact number of who among them are unwed parents. We just categorized them as solo parents dispensing parental duties alone.

Senator Jaworski. The reason I ask this question, Mr. President, is, while it seems that we are here to extend some help to solo parents, we have a law that provides a certain disadvantage to the offspring of these solo parents especially if they are unwed. I ask this question so that we could come up with a comprehensive approach not only to the welfare of the parent but also of the offspring who is obviously without knowledge of what his or her position may be as an offspring of the unwed parent.

If this specific subject is not ready, then we would appreciate if certain figures could be given so that we could be enlightened on some views.

Senator Aquino-Oreta. Mr. President, at the outset, we can answer the distinguished gentleman that the State also gives benefits or recognizes illegitimate children. Under the Family Code, there is a recognition of illegitimate children and maybe we can strengthen that. But we are zeroing in on the parents themselves who are dispensing parental duties to children. And we are saying that the solo parent is doubly burdened in the sense that he or she is alone in dispensing parental duty. Aside from the financial duty or the financial capability that he or she will have to meet, the solo parent has the duty in rearing the child or the children to become sensible, dignified citizens. So the solo parent suffers a double burden.

Senator Jaworski. Mr. President, I understand that, but in the same light, while it is true that the State recognizes certain disadvantage for illegitimate children, they only get one-half share of what the legitimate children enjoy. Up to this point, we do not give them the right to use the surname of the unwed parent. In this light then, while indeed the financial aid is important, there is also going to be a great difficulty in pursuing a dignified existence without even having that opportunity to use the surname. It is

actually going to another subject, but I feel that is relative to the...

At any rate, as I said, I would be honored with a reply as to the specific number of unwed parents since the sanctity of family could also be multiplied, for the simple reason that if we reward unwed individuals with a certain degree of aid, we might be loosening up the State's direction of strengthening family ties.

Senator Aquino-Oreta. Mr. President, we are not rewarding unwed mothers here. What we are saying is that solo parents is a reality that is being left out from the benefits of government. So the rationale for this bill is, we are putting into focus this reality, that this sector will benefit from government.

That is the rationale of the bill, in the sense that we are not promoting any promiscuity, but we are just zeroing in on the reality now that a sector in our society is indeed in need of help from government, and this sector is the solo parent who is alone in dispensing parental duties and care for the children. So this is the whole rationale of this bill.

Senator Jaworski. Anyway, that is well-taken. Mr. President, because of social degeneration, moral decay and other social ills, we continue to see couples that exist and live together in poverty, with only a spouse shouldering the full responsibility of earning a living and the total responsibility of parenthood. However, we say in our criteria the words "living alone." We have a lot of immature husbands and spouses for that matter that makes it even harder for the other spouse to earn a living, feed the family, parent and go with the immaturity and irresponsibility of the mate. Would she not qualify more for the benefit?

Senator Aquino-Oreta. Mr. President, we have criteria here that even if they are there, as long as a parent is left solo in discharging or dispensing parental duty and at the same time living below the poverty line—they are marginalized—we will consider them in the criteria of a solo parent.

Senator Jaworski. It does not mean then the physical absence?

Senator Aquino-Oreta. No, Mr. President. It can be the mental incapacity of the spouse, the physical incapacity of the spouse. So if that solo parent, after undergoing assessment and investigation, will still fall under the category of a solo parent, then we will consider that person in this bill.

Senator Jaworski. As I said, mental and physical incapacity is fine. But I am sure, not distant from where we exist, we can hear complaints such as: "My daughter is married to a very irresponsible individual. He does not work. My daughter is the one who feeds him. He is a drunkard and is never home.

He is only home once in a while." Does this woman then qualify?

Senator Aquino-Oreta. Mr. President, in the categories, we said that the parent—even if the contribution of the family will not reach the poverty level—left dispensing that duty will still be categorized as a solo parent. We will not consider the physical presence of the mate. Although we are saying here that if that solo parent has a mate and that particular mate has no contribution whatsoever to the growth of the family life, still that particular parent will have a partner. It is very difficult for us to categorize them as such, but we will still consider them even if they do not come up with the total contribution to the income. We will still consider them in the category of solo parent.

Senator Jaworski. Mr. President, I brought this up because in almost all these criteria, there is that phrase "parent left solo or alone with responsibility..." et cetera. I was just wondering if maybe we could come up with a specific provision that will then define it more clearly.

If we go especially to the urban poor, a great number of them are living together in poverty with a great degree of irresponsibility where one parent or one spouse shoulders all the burden of, as I said earlier, earning a living, parenting, and other relative duties and still living within poverty level.

Senator Aquino-Oreta. Mr. President, if the mate cannot contribute to the financial responsibility, I would like to think that that mate may contribute to the emotional or the moral support that he or she can give to the family. That being the case, that will prejudice the other mate to the benefits to be categorized as a solo parent.

We are emphasizing here, Mr. President, that the solo parent here is strictly alone. If there is a mate and that mate cannot give financial help to the children but can take care of the children, or can give them emotional support, then we are saying that the solo parent is not alone in this case.

Senator Jaworski. She does not qualify then.

Senator Aquino-Oreta. In that case, the strict sense of the word "solo parent" may not be applied to this particular couple. But if one will be deprived both of financial, moral, and physical support from a mate, and is really left solo in dispensing parental duty and in building up the family, then that particular person can be categorized as a solo parent.

Senator Jaworski. Mr. President, the reason I say this is it might be misconstrued by couples or by spouses for that matter that since he or she is in a very dire situation, in a merciful situation and she does not qualify because they live together, they might

as well separate. This now initiates the thought of separation without the right patience, hopefully perseverance, dedication, and commitment to the sanctity of marriage.

Senator Aquino-Oreta. Yes, Mr. President. Still, they will have to undergo assessment, investigation, counseling, and questioning by the DSWD before they can be categorized as a solo parent. We will not be promoting separation, but in case the experts will come in and say that there is a possibility for these two people to work together, then they lose their chance of being categorized as solo parent under this bill.

Senator Jaworski. This is all for now, Mr. President. I would like to thank the good senator for these clarificatory remarks.

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

The President. Thank you, Senator Jaworski.

The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF S. NO. 1404

Senator Drilon. Mr. President, 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 no objection, the motion is approved.

MOTION OF SENATOR DRILON (To Constitute the Congressional Committee to Review the Labor Code)

Senator Drilon. Mr. President, the records will show in the Tenth Congress that there was a joint resolution passed which would constitute the Congressional Committee to review the Labor Code authored by no less than the Senate President.

Recently, there were news accounts about the call of certain quarters for the need to amend the provisions of the Labor Code. We believe and submit, Mr. President, that it is appropriate at this time, given the budgetary support under the General Appropriations Act, that we now constitute the Congressional Commission to Review the Labor Code as approved by the Tenth Congress in a resolution authored by the Senate President.

With the permission of the Chamber, may I move that we elect the following members of the Senate to the Congressional Commission to Review the Labor Code.

As chairman of the Committee on Labor, Employment and