

TUESDAY, FEBRUARY 9, 1999

THE JOURNAL

OPENING OF THE SESSION

At 3:23 p.m., the Senate President, Hon. Marcelo B. Fernan, called the session to order.

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

As our prayer leader is still out of the Chamber, we will request everyone to please rise for a one-minute silent prayer.

Everybody rose for the silent prayer.

Thank you everyone.

ROLL CALL

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 21 senators present, there is a quorum.

The Majority Leader is recognized.

*Arrived after the roll call

Senator Drilon. Mr. President, I move that we dispense with the reading of the *Journal* of Session No. 60 and consider it approved.

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

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

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

The Secretary will now read the Reference of Business.

REFERENCE OF BUSINESS

BILLS ON FIRST READING

The Acting Secretary [Mr. Pineda]. Senate Bill No. 1457, entitled

AN ACT FURTHER STRENGTHENING THE HOME DEVELOPMENT MUTUAL FUND OR THE PAG-IBIG FUND, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1752, AS AMENDED, OTHERWISE KNOWN AS THE "HOME DEVELOPMENT MUTUAL FUND LAW OF 1980," INSTITUTING REFORMS THEREIN AND FOR OTHER PURPOSES

Introduced by Senator Honasan

The President. Referred to the Committees on Urban Planning, Housing and Resettlement; and Ways and Means

The Acting Secretary [Mr. Pineda]. Senate Bill No. 1458, entitled

AN ACT DEFINING THE CRIME OF ABUSE OF WOMEN IN INTIMATE RELATIONSHIPS, PRESCRIBING PENALTIES THEREFOR, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, AND FOR OTHER PURPOSES

Introduced by Senator Roco

The President. Referred to the Committees on Youth, Women and Family Relations; and Constitutional Amendments, Revision of Codes and Laws

of the Philippine Charity Sweepstakes Office, the compassion and generosity of the Department of Social Welfare and Development, and the reactionary stance of the National Disaster Coordinating Council.

Like alms to beggars, aid and relief come in trickles and drops after much prodding and humiliating supplications. Do we have to do these things to merit attention and receive assistance from the national government? Do we have to shed the protective armours of our posts and amplify distress calls to be entitled to the deliverance of the government?

This system of acquiring assistance from the different departments of the national government breeds patronage and political spoils that become a leverage later in asking for favors. And this is the least and last thing we need.

Mr. President, reminding those in the bureaucracy might be necessary so that these civil servants will realize that going back to the recognition of our basic senses would suffice for an effective mechanism—ears to hear agony, nostrils to smell rot, touch to feel the effects of our indifference and apathy.

If my colleagues will recall, during the budget deliberations, even without anticipating calamities, this representation has always stood to question why in almost all cases, among all the regions in the country, Caraga always gets the smallest allocation. This move earned the ridicule of intellectuals and people pretending to be one. Because of this act of stubbornness to help the Caraga region, I was criticized as favoring only Caraga region.

Kung minsan nga ay pinagtatawanan pa ako. Bakit daw itong Caraga lamang ang aking ipinaglalaman dito sa Senado? Ginoong Presidente, masama ba kung tulungan ko ang aking mga maralitang kapatid sa Caraga? Masama ba na hingian ko ng tulong ang ating pamahalaan upang maibsan man lamang ang paghihirap ng ating mga kababayan sa Caraga?

The region has been neglected for quite sometime, and this is the right time for us to appeal to the government, appeal to the national agencies that Caraga is in dire need of assistance.

We acknowledge, Mr. President, that Caraga is a new region, but we should also take into cognizance the fact that Caraga is the only region in the country created by an act of Congress, by virtue of Republic Act No. 7901. These moves described by critics as "ridiculous" are not only aimed at increasing funds for Caraga. I raised those points because I wanted to save Congress from greater ridicule of a higher degree—the judgment of history. And like a mother to her son, Congress should take care of its own. Caraga is Congress' own.

Kaya, mga kasama kong Senador, kami po ay humihingi ng

tulong sa inyo. Ang aking tanggapan ay bukas sa loob ng 24 oras. Any kind of assistance that we would like to extend to the people of Caraga is most welcome.

I created my own task force at no expense from the government to receive help coming from the private sectors. What more help coming from the senators.

Again, I would like to reiterate that my office is open 24 hours. *Mahal po kayong lahat, mga senador, ng Caraga region.*

Maraming-maraming salamat po.

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

**MOTION OF SENATOR DRILON
(Referral of Question of Privilege of Senator Barbers
to Local Government; and Finance Committees)**

Senator Drilon. I move that the points raised in the question of personal privilege of Senator Barbers be referred to the Committees on Local Government; and Finance.

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

SUSPENSION OF SESSION

Senator Drilon. May I move for a one-minute suspension of the session, Mr. President.

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

It was 4:01 p.m.

RESUMPTION OF SESSION

At 4:02 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. Mr. President, I ask that Senator Aquino-Oreta, the main sponsor, and Senator Santiago be recognized for the period of interpellations.

The President. Senator Aquino-Oreta and Senator Santiago are recognized.

Senator Santiago. Thank you, Mr. President. May I inquire from the senator if she would yield the floor so that I can conduct interpellations?

Senator Aquino-Oreta. Gladly, Mr. President.

Senator Santiago. Thank you. I would like to proceed section by section in numerical order. I shall begin with Section 2.

Section 2 provides that this Act aims to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development.

Section 3 defines the family as a one-parent family.

I have a series of questions in relation to these two sections which I will ask immediately altogether, and the senator may answer them in any order or furnish just one answer for all of these clusters of questions.

Is it the intention of this bill to change the concept of family? Are these definitions a restructuring of the family as a basic social institution? Are we not creating family units totally different from the conventional family in the sense that we normally think of a family as a pair of parents with children? Will this not run counter to the protection of the family as a basic social institution as defined in the Constitution and the Family Code and thus erode its sanctity as it promotes and encourages single parenthood by giving those included in this category certain privileges and certain assistance?

I ask these questions in the light of the Constitution which, for example, in the Declaration of Principles and State Policies states:

Section 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic social autonomous institution.

When the Constitution speaks of protecting and strengthening the family, we will have to inquire: What is the "family" as contemplated by the Constitution? And we find, I believe, the

answer in a law called the Family Code which was promulgated by means of an executive order.

The Family Code under Article 150, provides that family relations include those: 1) between husband and wife; 2) between parent and children; 3) among other ascendants and descendants; 4) among brothers and sisters, whether of the full or half-blood.

I begin with this basic constitutionally based question because the ramifications of this bill, if passed by Congress, will be far-reaching and will reach the very fabric of Filipino society. So I will repeat the basic question: Are we intending to change the concept of "family" with the statement in Section 3 that defines a "family" as a one-parent family?

Senator Aquino-Oreta. No, Mr. President. Actually, we are not changing the basic concept of "family" as a couple, father and mother, and the children. But in this bill, we are just referring to "family" as one head, a solo parent with children. So the very basic concept of family is not being changed; it just so happens that the head of the family is alone.

Senator Santiago. I am glad to receive this answer. May I make a proposal in reaction to the answer. Would it not serve our purposes within the constitutional context if we added, subject to style, either in Section 2 or in Section 3, words to the effect that the conventional acceptance in our legislation of "family" remains the same except that we wish to make in effect, an exception.

Senator Aquino-Oreta. We can amend this section when we reach the period of amendments.

Senator Santiago. That is certainly a welcome attitude and I shall act on that basis when we reach the amendment stage.

I shall go now to Section 3 proper, namely, the Definition of Terms. In Section 3, the term "solo parent" is defined by categories and I have clusters of questions for every category. So I will go over these categories in numerical order.

Category I - Rape Victim. The "solo parent" is defined as a woman who gives birth as a result of rape. My questions are—and I will read them all together—what will be the status of a rape victim who gives birth but gives up the child for adoption? Or what if the child dies after birth? Would the woman still be classified as a "solo parent?"

Senator Aquino-Oreta. No, Mr. President. When we say here "family" or "solo parent," it is the solo parent and children. So if the rape victim gives up the child for adoption or loses the child, then she is not classified as a "solo parent."

Senator Santiago. I believe it is proper to enter into the *Record* these clarifications for the enlightenment of those who will be tasked with implementing the law in the future.

So I will continue with the series of questions per category. I will now jump to Category 3. Here, the "solo parent" is defined as a parent who is left solo or alone with the responsibility of parenthood because of the incarceration of the spouse for more than one year due to criminal conviction.

My questions are the following: What if the spouse has served his sentence or was given a parole? Does this mean that the solo parent and child would have to give up the benefits enjoyed under this bill? On the one hand, if the spouse is given a parole, he is in effect being given a reward by the State for good behavior. But on the other hand, if that would mean automatic relinquishment on the part of the solo parent of benefits extended by this bill, then in effect the law would also be punishing the family for the fact that the father, let us say, or whichever spouse might be involved, observed good behavior.

Senator Aquino-Oreta. In that case, if one of them will be given a parole and then works to support the family, the benefits for the solo parent will no longer be applicable since there is a couple to take care of the family.

We are zeroing on one parent who will take care of the family. But if there is already a couple who will take care of the family, then he or she will be losing the status of being a solo parent.

Senator Santiago. By those remarks, does the distinguished senator say that the status of being a solo parent is considered objectively by the bill? That is to say, the bill does not wish to inquire on why the parent is alone. The mere fact that the parent is alone or the parent is solo would qualify that parent for the benefits under this bill? Is that the concept or is that the contemplation?

Senator Aquino-Oreta. No. The concept here, Mr. President, is that there is only one person taking care of the family, taking care of the children, unlike a regular, normal family in our normal definition where there is a father and a mother. In this case, there is only one person, both being father and mother to the children.

Senator Santiago. Yes, please. But my point there is: Does the law mean to make a subjective investigation on what were the reasons, motives or causes of solo parenthood? Or does the law take an objective position in the sense that, for as long as the parent is solo, the law no longer concerns itself with the causes or the reasons for the solo status and will automatically qualify the solo parent for the benefits under this bill?

Senator Aquino-Oreta. Mr. President, we enumerated in the

bill those who can be classified as solo parents. I guess the law will be very objective. As long as one is alone in taking care of the children, one will be classified as a solo parent.

Senator Santiago. Thank you. I will now go to Category 4. This defines a solo parent as a "parent left solo or alone with the responsibility of parenthood due to physical and/or mental incapacitation of the spouse."

My series of questions consist of the following:

What extent is the physical incapacity so that the other spouse may be considered as a solo parent? Does this mean permanent or temporary incapacity? Who will determine if the spouse is physically or mentally incapacitated? Will this need a judicial declaration or would a doctor's certification be sufficient?

Senator Aquino-Oreta. Mr. President, in No. 4, as long as one of the spouses cannot help or contribute in any way to the family, then the solo parent left will fall under that category.

Senator Santiago. Would that cover a situation where one parent is physically incapacitated but feels that he is capable of discharging regular employment, therefore makes the rounds of employment agencies or other firms where he hopes to obtain such employment, but is continually denied of such employment? Would he fall under that category?

Senator Aquino-Oreta. No, Mr. President. If one of the spouses can somehow support or help the family, then the couple cannot be categorized as solo parent.

We are talking here of one couple that totally cannot help the family.

Senator Santiago. That will lead us to my other question. Are we referring in this category to permanent or temporary incapacity?

Senator Aquino-Oreta. Permanent, Mr. President.

Senator Santiago. Who would determine if the spouse is physically or mentally incapacitated?

Senator Aquino-Oreta. We have government agencies like the DSWD, that can categorize one as a solo parent.

Senator Santiago. So it would be the administering agency—the DSWD—that would possess the authority to make a declaration of physical or mental incapacitation.

I believe it would be relevant therefore to inquire: Is there a

medical unit in DSWD at present? Otherwise, it might be necessary in this bill to create or establish such a unit in this department.

Senator Aquino-Oreta. No, Mr. President. But we will be having experts in the DSWD who will tell us if a couple will be given a status of solo parent or not.

Senator Santiago. Will this bill provide for the appointment of such experts who would presumably be medical in nature?

Senator Aquino-Oreta. Yes, Mr. President. We are expecting that this kind of service will be given by the DSWD in cooperation with the Department of Health.

Senator Santiago. I shall leave it to the sponsor to introduce the proper amendments, if she so desires. Otherwise, I will feel constrained to bring up this matter during the period of amendments because we do not want Category 4 to remain hanging in the sense that there might be no appropriate agency to undertake the task which is contemplated here.

I will go now to Category 5. This category defines a solo parent as parent left solo or alone with the responsibility of parenthood due to legal separation or *de facto* separation from the spouse. My questions are as follows: How is *de facto* separation determined? Would absence of a short period of time of either spouse from the family home be considered as *de facto* separation? This question also applies to Category 7. What standard should be used to determine if a spouse is abandoned by the other spouse? There are two situations contemplated. So, may I request an answer with respect to the first situation—the situation of *de facto* separation. How should we determine *de facto* separation and what should be the formula or what should be the test or the standard to determine if this exists in legal contemplation?

Senator Aquino-Oreta. First of all, it will be investigated by the DSWD which will be the lead agency. The declaration of the applicant for solo parent will be that the solo parent has been left alone for some time.

Senator Santiago. That is correct. The Legislature is authorized by our Constitution to delegate its legislative power to certain executive officials. If we wish for the DSWD officials to make a determination on the fact of *de facto* separation, that would be allowed by our legal system. However, in the delegation of legislative power, the Constitution requires that we must set the so-called legislative standards. My question will be: What is our legislative standard for *de facto* separation? If we say that there is a separation in fact, then that factual separation should have taken place in space and in time.

In the case of the time factor, we will have to set a specific time

standard. If one spouse separated by leaving the family home for 24 hours, would he qualify? Or should we set, for example, a time horizon of one week or maybe six months, whatever?

Senator Aquino-Oreta. We set a time here of one year.

Senator Santiago. One year.

Senator Aquino-Oreta. Yes, Mr. President.

Senator Santiago. May I inquire please in what section of the bill do we find the time horizon?

Senator Aquino-Oreta. We just wanted to be consistent, Mr. President. We based it again on a one-year period.

Senator Santiago. Then, possibly, it will serve the purposes of clarity if we so indicated in Category 5 at the proper stage. With that, I shall leave the situation of *de facto* separation and go to the other situation—the situation of legal separation.

What standard should be used to determine if a spouse has been abandoned by the other spouse so as to fall under the terms of this bill?

Senator Aquino-Oreta. As we said earlier, Mr. President, upon the declaration of the applicant for solo parent, the DSWD will conduct an investigation. Also, we have the LGU social worker who will conduct an investigation and assess whether the statements of the solo parents are true or not.

Senator Santiago. Again, that is correct. But once more, the Legislature is still mandated to perform the function of setting a legislative standard. Otherwise, this bill, if passed in this state, might be struck down for failure to fix a legislative standard.

So, at least, during the period of amendments, we will have to perform the duty of setting a legislative standard and not leaving full discretion to the administrative agencies to determine how we can find out whether one spouse has been abandoned by the other.

Senator Aquino-Oreta. During the period of amendments, Mr. President, we will be open to some amendments from our colleagues.

Senator Santiago. Thank you. I will now jump to Category 9. This category defines a solo parent as a spouse of a migrant worker left behind with the responsibility of caring for the children.

The cluster of questions consists of the following: What is the rationale for this category? Is it not a fact that migrant workers

opt to work abroad to earn more for their families? Why should the spouse left behind be considered as a solo parent? Will this category not have a negative effect in branding families with one parent working abroad as a solo parent family?

Senator Aquino-Oreta. We included the spouses of migrant workers because spouses of overseas contract workers are also beset with psychological, emotional and physical stresses exacerbated by the economic and child-rearing problems. Also, there are cases of solo parents—spouses of migrant workers—whose income does not arrive on time, so much so that sometimes they find themselves in a tight situation.

We included the spouses of migrant workers here to help these spouses who are in the state of solo parenthood. So under this category, Mr. President, the government helps those spouses left by migrant workers.

Senator Santiago. In this Chamber, when we discharge the function of legislation, it is not sufficient to be motivated by the proper or high-minded motives. It is also an obligation on the part of the legislator to try and anticipate all possible consequences for the future of the bill that he or she is fashioning or designing.

In effect, the long-range product of Category 9 would be to reward a spouse or a parent if he or she decides to work abroad. Would that not be so? Because even if he leaves his family, the state would step in and grant certain benefits to the remaining spouse that would not normally be available to other spouses.

So my question is: Is the lady senator, in effect, advocating that more contract workers should leave for abroad? I ask this question because academicians, principally sociologists, have already raised the ethical question of whether it is right for the state to encourage Filipinos to leave their homeland where the economy might make full use and best use of their services to work abroad for superficial reasons that are connected only with the immediate financial advancement of a particular family.

So I feel that this is time to confront the question: Should it be state policy to encourage or to reward overseas contract workers?

Senator Aquino-Oreta. No. It is not in that light, Mr. President. We are not fomenting that. All we are saying is that children of spouses of migrant workers who have been left also need psychological, emotional, physical help benefits from government. It is a fact that the solo parent or the parent who is left here in the country will have to do these things for their children alone. So these children have to benefit from this. It is not to say that, "Contract workers, go abroad so that government can come in and help you." But precisely, we have a lot of contract workers who

are abroad and the solo parent who is left here still has to give this psychological and emotional help to the children. It is in that light that we placed the phrase "spouses of migrant workers" here.

Senator Santiago. Thank you, Mr. President. Now that that has been entered into the *Record*, I feel confident in proceeding to the next questions.

My next questions are: How does this bill consider parents who both exercise joint custody over a child? If the arrangement between the parents is that, for example, for one week the child stays with the mother and for the next week, the child stays with the father, would each of these parents be considered a solo parent and would, therefore, be eligible to avail themselves of the benefits under this bill?

Senator Aquino-Oreta. No, Mr. President. There is both a father and a mother helping the child. But the child can have the emotional counseling if it is needed.

Senator Santiago. Let me go to Section 4. Section 4 provides that only solo parents whose incomes fall below the poverty threshold shall be eligible for assistance. This is a legalistic question.

Would this not constitute class legislation and thus violate the equal protection clause?

Senator Aquino-Oreta. No, Mr. President. I think this is not a class legislation because this bill aims to help solo parents who cannot make both ends meet.

We have inquired about the poverty threshold income level—it is also mentioned in this bill—and it is pegged at P11,388 a month.

Senator Santiago. Is it the lady senator's submission or belief that poverty is a valid basis or valid criterion for classifying among citizens in our society?

Senator Aquino-Oreta. At least, the way we were going, those who have less in life will have more in law. We feel that the state should come in to help those in need of these benefits.

Senator Santiago. I think it is sufficient for me to raise this point at this stage, although I feel impelled to point out that in American jurisprudence, poverty is considered a so-called suspect criterion in interpreting the equal protection clause.

Let me now go to Section 5 which provides a package for solo parents. The benefits enumerated in this section are the same benefits that are already provided by other valid and subsisting laws, such as P.D. No. 603. In particular, under P.D. No. 603, there

are at least three articles which provide the same or similar benefits.

For example, Article 63, on financial aid and social services to needy families; Article 64, on assistance to widowed or abandoned parent and her minor dependents; Article 66, on assistance to unmarried mothers and their children.

One benefit which, I believe, would certainly be appreciated by solo parents is day-care centers in the workplace. To encourage offices to put up day-care centers, maybe we should give them incentives like allowing tax deductibility of start-up costs.

Incidentally, may I inquire from the lady senator, if it does not constitute unfair surprise: Does the Senate have a day-care center for its employees?

Senator Aquino-Oreta. No, Mr. President. We have already asked that a day-care center be put up, but so far, our request has not been acted upon.

Senator Santiago. Thank you, Mr. President. We shall certainly support that initiative. We should set up our own day-care center here in the Senate for the benefit not only of solo parents but also of all working parents so that we can set an example for all other government agencies to follow.

Let me go now to Sections 6 and 8. These two sections provide for flexible work schedule and parental leave. My questions are: Are these benefits applicable to all employees and workers in the government and the private sectors? Are these benefits qualified by the income poverty threshold requirement? Is it mandatory for employers to give these benefits to their employees?

Senator Aquino-Oreta. Mr. President, right now we have four categories of leave. We have vacation leave, sick leave, maternity leave, and paternity leave.

For example, the child needs emergency care and the solo parent's presence is needed by the child. The solo parent will have to be absent from his work. Nowhere in the categories of leave being given out that the solo parent be with her child. Meaning, she cannot be absent under maternity leave because that is a limited leave. Definitely he cannot be absent under paternity leave since it is not a sick leave and it is not a vacation leave.

What we are saying is that the employer should recognize the parenting needs of the solo parent to care for a sick child in an emergency case.

Senator Santiago. Perhaps, if there are any questions, they could all be answered under Section 8 if this section provided a

definition of what is parental leave along the lines that have already been explained by the lady senator. Maybe during the amendment stage, I shall undertake to add such a definition.

But my remaining question on these two sections is: Is it the intent that this benefit shall be made available to both public and private sectors?

Senator Aquino-Oreta. Yes, Mr. President, if we will recognize the solo parent.

Senator Santiago. Will there be an income or a poverty level requirement before these benefits could be made available?

Senator Aquino-Oreta. As long as there is a recognition of a solo parent in the workplace, then I think this will take care of that.

Senator Santiago. Let me go to Section 9, paragraph (b). This section provides that the solo parents and their children who are not eligible for scholarship shall be entitled to a 40-percent discount on all school fees in any institute of learning.

Presumably, paragraph (b) refers to public institutions of learning. Would that be a correct presumption?

Senator Aquino-Oreta. Yes, Mr. President, because the government cannot impose on the private schools.

Senator Santiago. That was going to be the next question. The question would be: Does Section 9 (b) contemplate private educational institutions?

Senator Aquino-Oreta. No, Mr. President.

Senator Santiago. So private schools are excluded from its application?

Senator Aquino-Oreta. Yes, Mr. President, in the sense that government is more involved in public schools.

Senator Santiago. If that is the answer, if the benefits under Section 9 (b) are meant to apply only in public schools but not in private schools, then I will have to go back to Sections 6 and 8 where my question on whether these benefits under Sections 6 and 8 apply to public and private sectors equally was answered in the affirmative.

Senator Aquino-Oreta. Mr. President, it is up to the employers to recognize the solo parent. As regards scholarship benefits—we were looking at this only on the part of public schools—it will be difficult for the government to dictate on the private schools. So during the period of amendments, we will be open to one amendment.

Senator Santiago. Yes. I am content with the answer, but I still feel impelled to make the comment that in connection with Sections 6 and 8, if we expand the coverage of the law so as to cover not only public but also private offices, we should anticipate at this early stage that we might encounter resistance from the private business sector whose main argument will presumably be that this will add to the cost of business which we understand is already too stiff for many at this stage of our national economic recession as a result of the so-called regionwide Asian flu.

But since the distinguished sponsor has already indicated that amendments would be welcome on that point, I will leave it for the time being and go to my last question which concerns Section 10, on Housing Benefits.

Section 10 provides for liberal terms of payment on government low cost housing projects for solo parents.

The question is: If this bill becomes law, would solo parents who would have availed themselves of low cost government housing prior to the passage of this bill still be entitled to this benefit?

Senator Aquino-Oreta. No, Mr. President. If this bill becomes law, only then can solo parents avail of this.

Senator Santiago. Yes, that is correct. But if a solo parent had previously availed of low cost housing before the date of effectivity of this law, or before this bill becomes a law, assuming it becomes one, and then qualifies as a solo parent under the terms of this bill, would that solo parent be entitled for the second time to low cost government housing?

Senator Aquino-Oreta. No, Mr. President, because if a solo parent is already enjoying a benefit prior to the enactment of this bill, then maybe a solo parent, when this bill becomes a law, can upgrade or reapply.

But if the distinguished lady senator is asking if the solo parent will continue paying under this category, I do not think so, Mr. President.

Senator Santiago. In connection with this point, would there be any objection by the distinguished sponsor if we included a reduction of the income requirement for solo parents in order to help them avail themselves of low cost housing projects?

Senator Aquino-Oreta. We will consider that at the appropriate time, Mr. President. But we already gave an income bracket of P11,388 for solo parents to avail themselves of low cost housing projects.

Senator Santiago. Mr. President, that is all with this bill at

this time and we would like to thank the distinguished sponsor for yielding the floor to this representation.

The President. The Chair would like to thank Sen. Miriam Defensor Santiago.

The Majority Leader is recognized.

Senator Drilon. May I ask the Chair now to recognize Sen. Raul S. Roco for the next interpellation.

The President. Sen. Raul S. Roco is recognized for the next interpellation.

Senator Roco. Thank you, Mr. President. Will the distinguished lady yield for some questions?

Senator Aquino-Oreta. Yes, Mr. President.

Senator Roco. I would associate myself with the purposes and intentions of the proposed bill, Mr. President. But I do have some concerns and my concern flows from the discriminatory aspect of the proposed bill. All my questions will emanate from this discriminatory aspect because it seems to me that here, it will result in discrimination against those who are regularly married. So all my questions are based on that.

My first question, Mr. President, is: In Section 2, "Purpose," when we refer to the "family as the foundation of the nation," do we use "family" in Section 2 in the same meaning as "family" in Section 3(a)?

Senator Aquino-Oreta. No, Mr. President. In Section 2, the "family" refers to the father, the mother and the children.

Senator Roco. The regular family.

Senator Aquino-Oreta. The regular family. In Section 3, the "family" here refers to one-parent family taking care of the children who constitute the family.

Senator Roco. We will go to the details, Mr. President. But now, the regular family, we use the same term "family" in two different ways in the same bill. That is the answer. If the lady senator wants to modify.

Senator Aquino-Oreta. We wanted to emphasize, Mr. President, that being alone and taking care of children already constitutes a family. We are differentiating family here as one parent compared to the family in the regular sense of two people doing the parenting job.

Senator Roco. I understand. In fact, I did begin, Mr. President, by saying that I associate myself with the intentions.

But the intentions may not necessarily get us to a better society.

Right now, just reading Section 2 on the first line, we use "family" to mean regular family—mother, father, children; or mother, father, because it can be a family also without children, and a family that has only one parent.

So the law in two different sections uses the term "family" with two different meanings, and there is no indication that we are using the words with the different meanings.

Senator Aquino-Oreta. Actually, Mr. President, the family that we are referring to in Section 2 can also be applied to the family that we are referring to in Section 3 as long as there is a parenting job they have to do.

Senator Roco. I think we will get deeper into our problems. If we use "family" in the same sense, Mr. President, obviously, we do not use it in the sense that it is used in the Constitution, because the Constitution refers to a regular family.

So, we now have a bill that promotes the improvement of a solo family, but not the family envisioned by the Constitution. Because the lady says here, we use family to mean single-parent family. We are now faced with the possibility of unconstitutionality. How can we promote the benefits and welfare of a single parent and at the same time ignore the family as understood in the Constitution?

Senator Tatad. Mr. President.

The President. Senator Tatad is recognized.

Senator Tatad. With the permission of our distinguished colleagues on the floor, may I be allowed to intervene at this point.

I share the point being made by our distinguished colleague from Camarines Sur. In fact, I was going to rise precisely on this issue myself. But I believe there is a very easy way out. When we examined the text of the entire bill...

Senator Roco. Mr. President, I hate to do this but if that is another branch, could I just finish my questions and then I will yield?

The President. All right. Please proceed.

Senator Roco. Otherwise, Mr. President, the point may be lost.

Senator Aquino-Oreta. Mr. President, I do not see any inconsistency here. When we refer to "family," a family may be

a couple; or a father and a mother and children; but it does not necessarily mean that it has to be that only. It is a group of people together.

Senator Roco. I understand the point that the lady is making. But the syllogism is like this: When the Constitution uses the term "family," it refers to a regular family—husband/ wife, duly married, because the Constitution says it must be the bedrock of.... So, presumably, they must be married in some form or fashion and that husband or wife then constitutes the basic institution of society. That is how we understand family.

But the bill, according to our distinguished friend, uses "family" in Section 2 as defined in Section 3 which is a one-parent family. Those are two different things. If we promote family under the Constitution, that is not certainly included in the bill. In fact, it is excluded.

Senator Aquino-Oreta. But, Mr. President, the family in Section 2—and the gentleman is right when he says that the family is the foundation of the nation—can also mean that it is a solo parent, and the family in Section 3 precisely will deal on this solo parent. So we are not separating ourselves from the term "family."

Senator Roco. We will then take that as given, Mr. President. Let me try to demonstrate the point of discrimination based on the bill.

In lines 19 and 20, rape victim. Presumably, this rape victim here is single.

Senator Aquino-Oreta. Yes, Mr. President.

Senator Roco. Then we discriminate against the rape victim who is married. Why should we assist a rape victim who has a child when she is single and not the rape victim who is married?

Senator Aquino-Oreta. Mr. President, the rape victim here is a solo parent.

Senator Roco. That is correct.

Senator Aquino-Oreta. And when she gives birth, then she constitutes a family.

Senator Roco. That is correct. That is exactly the point of discrimination, Mr. President. What is the reason for assisting a rape victim who is single and has a child and not assisting a rape victim who is married and has a double-compounded problem?

She is married. The child is not by the husband. Because she is married and they have not separated—the husband is a loving

husband—now we give her assistance like housing support and 40-percent scholarship.

Senator Aquino-Oreta. Mr. President, the second rape victim has a partner who can take care of parenting. The first rape victim that we are mentioning here is a solo parent.

Senator Roco. That is correct. That is why there is discrimination because the rape victim who is married is not given a housing assistance. Why?

Senator Aquino-Oreta. They will be given housing assistance and they will fall under the provision of "couple."

Mr. President, in the housing assistance, this particular rape victim may have an income and her partner may also have an income so they can both apply for housing benefits. A solo parent cannot apply in the sense that her income cannot meet the income requirement for housing.

Senator Roco. I think the point has been made, Mr. President. This representation is not clear on why there should be preference to giving housing assistance to a rape victim who has a child simply because she is single as against a rape victim who is married—simply because she is married—and the husband is loving. But that husband will always look at this child as not his. So in terms of need and emotional difficulties, it seems to me that if public policy and law must enter, we must favor the rape victim who is married instead of favoring the single family.

I am just trying to demonstrate my difficulty in seeing the bill as giving equal treatment to the regular family and the single family. In fact, we can come to the next point, Mr. President.

No. 3, on incarceration. The parent left because the other spouse is in jail. If in jail, he or she must have been convicted—

Senator Aquino-Oreta. Yes, Mr. President.

Senator Roco. —because he will not otherwise be in jail.

Senator Aquino-Oreta. Sometimes not.

Senator Roco. Sometimes not. All right, even if not convicted but just arrested because they cannot afford to put up bail. Maybe we should begin with the point of Senator Coseteng.

Does this apply therefore to somebody who is arrested and who could not put up the bail?

Senator Aquino-Oreta. No, Mr. President. This applies to a solo parent whose partner has been in jail. Again, as we said earlier,

there is a period of time—in jail for a year.

Senator Roco. For a year. All right.

Senator Aquino-Oreta. Then that solo parent falls under the category of solo parent.

Senator Roco. If arrested and unable to put up bail, after one year and one day, he will also qualify?

Senator Aquino-Oreta. After conviction.

Senator Roco. He is arrested, not convicted. One can be arrested but because he cannot afford to put up bail, some people stay in jail for 10 years.

So do I take it that when we apply this law, after one year and one day, the law now applies and this poor guy arrested without bail because he is unable to put up bail can now qualify? Is this the visualization of the law because he qualifies?

Senator Aquino-Oreta. No, Mr. President. It says here, "for more than a year due to criminal conviction." So, after conviction, after one year, then one falls under the category of "solo parent."

Senator Roco. Then, there is a double discrimination. Because for the one convicted who is already guilty, there is help. But for the one arrested who has no bail and is presumed innocent, there is no help. So, on top of discrimination against a regular family, we now have a discrimination in favor of those who are convicted. What reason will we give for doing that?

Senator Aquino-Oreta. Mr. President, the parental responsibility falls greater on this solo parent who falls under this category and she still has to continue dispensing that parental responsibility.

Senator Roco. I accept, Mr. President. But the points of my questions are: If a regular family is not being given all these benefits—housing benefits, medical assistance, counseling or whatever—it seems discriminatory to give it to those who are solo parents by the expedient of defining solo parents as family. That is what I am trying to demonstrate here.

Now, we find even another discriminatory provision on page 2. What is the reason for helping the solo parent because the husband or wife has been convicted and, therefore, is already guilty, but not helping the person arrested who cannot afford bail after one-and-a-half year, or one year and one day? What is the reason for the distinction?

Senator Aquino-Oreta. Because after a conviction, the

responsibility, the heavy burden will lie on the solo parent. Mr. President, in the period of amendments, if our distinguished colleague would want to present his amendment, we are open to it.

Senator Roco. I appreciate that, Mr. President. But again, it is the point of policy because I certainly would want to support all solo parents. But I am grappling with the requirement in the Constitution that laws cannot discriminate. In this one, there is a discriminatory effect.

In fact, here, in the incarceration of the parent who could not afford to put up bail, the solo parent has the same problem. Whether the husband or wife is jailed, convicted, deprived of liberty, or whatever because he or she cannot afford to put up bail, the same burden exists. So it seems that if we will modify this, we will apply it even without the conviction. But those who have no work and who are just regularly married and are not convicted or incarcerated will not be helped. Why?

Senator Aquino-Oreta. Because they can look for work, Mr. President.

Senator Roco. But they cannot find work precisely. I think there is a 12-percent unemployment and many of them are married.

What is the reason for helping those who are solo parents because of incarceration and not helping the regularly married people who are not incarcerated?

Senator Aquino-Oreta. Under that category, Mr. President, there are other benefits given by the State. We are just zeroing in here on the burdens of the solo parents, like a solo parent whose spouse is convicted and is left alone with parental responsibility.

We are just looking into that. The other solo parent that the distinguished senator is referring to can avail himself of other benefits, like housing benefits.

Senator Roco. Livelihood development services are available.

Senator Aquino-Oreta. There are other benefits, as I said, which are available to all. We are just zeroing in on the solo parent under these categories because the burdens of parenting are still with them and they have been thrown into that kind of situation.

Senator Roco. I agree, Mr. President, that livelihood development services can be available to the regular family. But is there anything that prevents livelihood development services today under the present law from being extended to solo parents? There is no law, there is no discrimination against them.

Senator Aquino-Oreta. No, Mr. President. We would like to emphasize that benefits will be given to the solo parents. The livelihood services are open to everyone. But, precisely, in this bill, we would like to zero in on these people by giving them benefits in this category.

Senator Roco. We will then proceed with the other points, Mr. President. I can appreciate the concern for solo parents, although I do not appreciate why we are not equally, if not more, concerned with those who are not solo, especially if they are unemployed or especially if they are all helpless. Supposing they are both sick?

Senator Aquino-Oreta. Those who are not solo can also avail themselves of benefits.

Senator Roco. In which case, we are now getting to the point, Mr. President, where we may not need the bill. If everybody can enjoy the benefits, with or without this bill, then why do we need the bill?

Senator Aquino-Oreta. It is to emphasize also that there are a large sector in our society—although we do not have the statistics, Mr. President, because that is not being asked; it is not a category—who cannot seem to avail themselves of the benefits of government. We want to flesh this out and help these people, and we zeroed in on the solo parent.

Senator Roco. Then we will get into that frame of mind. But getting into that frame of mind, Mr. President, we now reach provisions which are really onerous to those who are not solo parents.

Consider line 9, subsection (5) of page 2: "Parent left solo or alone with responsibility of parenthood due to legal separation or *de facto* separation from the spouse."

When they were living together, they did not have this concern of the State, but when they have legal separation or separate *de facto*, now we are concerned about them. Why? When the Constitution says, "It is the sanctity of the family," why are we more concerned about them because of legal separation?

Senator Aquino-Oreta. We are concerned with that parental responsibility that should be given to them, Mr. President. When they became a solo parent, then this concern has been more marked and we looked into that.

Senator Roco. I can see that point. But it seems to me that one is therefore benefited when she is separated. Yet, the Constitution says, "Let us keep the sanctity of marriage." Now, it becomes worse.

In subsection (6), when there is an annulment of marriage, he or she is entrusted with the custody of the children. Here, Mr. President, if there are four children, it is conceivable that the mother and the father will now separate and have two children each. In this particular case, from an original one regular family, where the Constitution wanted it to be preserved as united, we now have two solo-parent families. Does the bill envision that the State will now support both the mother and the father because they are now two solo parents?

Senator Aquino-Oreta. Only the one with custody, Mr. President.

Senator Roco. Yes. In my example, if there are four children, and the custody is two with the mother and two with the father, do we now support both?

Senator Aquino-Oreta. No, we will support the one who needs the benefit. We will support the one whose income is below P11,388.

Senator Roco. If both of them do not have that income?

Senator Aquino-Oreta. Then, they can avail themselves of the benefits under this proposed law, they can do it.

Senator Roco. So both of them. We must support both solo parents. Now it becomes really terribly discriminatory. The regularly married, trying to help each other on Valentine's Day, living on a P10-*pansit* for Valentine's Day will not be helped by this bill. But two persons who have annulled their marriage with two children each will now be helped by the bill.

Senator Aquino-Oreta. Mr. President, the government will not give them *pansit* on Valentine's Day.

Senator Roco. I hope not, because it gives long life. That is what the death convicts are ordering—for long life.

Again, my point is very simple. It becomes worse as we improve. On No. 7, it is the same reason. When abandoned by the spouse, he or she will be helped. When they were living together, they were not helped; but when abandoned, now they will be helped. So, we proceed from legal separation to annulment, to abandonment, and we improve their status in life when we do this. I want a good reason for supporting that, Mr. President.

Senator Aquino-Oreta. Mr. President, we do not think that we are improving a status. All we are saying is that the government can come in and give some benefits to people clustered under this category—those who are left alone to carry on the burdens of parenting, who are left alone to take all the responsibilities of

rearing the children without help from anyone. We are not escalating benefits here. All we are saying is that persons who are left alone to carry on the burdens of the family, the responsibility of giving psychological, moral, and economic support to their children, may avail themselves of some benefits from the government.

Senator Roco. I agree, Mr. President. But the provisions of the bill may, in fact, not achieve that. Let us proceed to No. 9. No. 9 certainly deserves support. Maybe our distinguished friend can thresh out some details. These are spouses of migrant workers. This is the regular family. This one truly implements from what I read in the constitutional provision, "Spouses of migrant workers left behind with the responsibility of caring for the children."

May we ask when the privileges here apply—the moment the migrant worker leaves or the moment he or she is accepted as migrant worker? When exactly is the period when all these benefits shall accrue to the single parent?

Senator Aquino-Oreta. Mr. President, the benefits that we envision here is the psychological aspect. Maybe the children will be needing some counseling due to the absence of one parent or at times, the income does not come on time. So, the poor solo parent left here will have the burden of looking for an income to support the family. We were envisioning those gaps wherein they can avail themselves of benefits from government.

Senator Roco. If government can give all these help to the single parent when the migrant worker is still here, maybe they will not even leave and create a solo-parent situation. Maybe we should help them stay here with all these benefits so that we do not have to worry about them when they are abroad.

Senator Aquino-Oreta. Mr. President, there are benefits that couples can avail themselves of, so it does not discriminate anyone. If the couples are here and they would want to avail of housing benefits, they can do that as long as they have the capacity to pay.

Senator Roco. When do these benefits stop, when he comes in for a two-month leave or it continues even at times when they visit?

Senator Aquino-Oreta. Mr. President, as I said, this bill envisions that the solo parent cope with being solo due to the work of the spouse abroad. As I said, this is more for counseling to help the solo parent cope with the responsibilities of parenting due to the spouse's absence.

Senator Roco. May we now go to page 4, on flexible work

schedule. Yes, great, for all. It is not only great for the solo parent; it is great for everybody. May we know why the particular stress of flexible work schedule for the solo parent? I understand because they have additional burdens, but these burdens are shared even if a person is regularly married. Simply because one is regularly married does not mean that he does not have the strain because the wife or the husband can get sick. But why particularly give them special work schedules by law and how much will it cost?

Senator Aquino-Oreta. Mr. President, the rationale here is that if one will take the regular leave that an employee can avail of, we do not see a solo parent's problem in it. For example, if a problem concerns the family, concerns a child and if a solo parent will try to take a leave of absence, then what kind of leave will he or she avail of? It cannot be a paternity leave; it cannot be a maternity leave. So, a solo parent will resort to a sick or a vacation leave which is not really the kind of leave that he or she is availing of.

Senator Roco. May we then go to page 5, Mr. President. It says: "Solo parents and their children who are not eligible for scholarship shall be entitled to a forty percent (40%) discount."

May we extend this to all even those who are not solo parents?

Senator Aquino-Oreta. Again, Mr. President, we envisioned this help to solo parents to lessen their burden, who would want their children to get educated. But at the proper time, if the gentleman would wish to amend this, we will be open to it.

Senator Roco. Thank you, Mr. President. We appreciate the hospitality but, again, the whole point of our questions is that it tends to discriminate against the regularly married or the regular family.

In Section 10, it talks of liberal terms on government low cost housing project. That means that if one is a solo parent and qualifies under any of these, liberal terms will be granted. Why can we not extend this benefit to all other families?

Senator Aquino-Oreta. It is extended, Mr. President. Any other family can avail itself of this as long as it has the capacity to pay. What we are saying is that we are looking at it from a two-income family where the couple will have a joint income. They can avail themselves of the housing benefits that are there.

A solo parent who may want to avail of this benefit but whose income cannot cope with the regular payment, then, maybe, if there is a category of a solo parent or a recognition of a solo parent, benefits can be given to her or him.

Senator Roco. Do I take it that solo parents who are well-paid will not be covered by this law?

Senator Aquino-Oreta. As we have said, this law will be available to solo parents whose income is in the bracket of P11,388, the poverty level.

Senator Roco. So, solo parents who have more money presumably will not need critical incidence stress debriefing.

Senator Aquino-Oreta. That is being provided by government, and if they would want to avail themselves of that, they can do so. But precisely this whole bill is zeroing in on those solo parents who cannot avail themselves of these benefits due to their poverty. The poverty level that we cited here is P11,388.

Senator Roco. So, the moment they earn P11,400, a solo parent will not need counseling services?

Senator Aquino-Oreta. No, anybody can avail himself of counseling. One need not be a solo parent to avail of counseling. We are saying that the DSWD, which we refer to here as the lead agency, provides that extra service for the solo parents.

Senator Roco. I see. That is why we have additional powers and functions of the Bureau of Family and Community Welfare of the Department of Social Welfare and Development added in Section 12.

Senator Aquino-Oreta. Yes, Mr. President.

Senator Roco. Is there a similar bureau in the DSWD that may have the same powers for the regular family?

Senator Aquino-Oreta. Yes, Mr. President, there is. What we are saying here is, they should have more training in emotional and psychological stresses, especially the children and the solo parent.

Senator Roco. May we elicit the answer. Is there a similar bureau which just concentrates on those that are regular families? Because this is for the solo parent. For the double parent, I mean, is there a bureau?

Senator Aquino-Oreta. Well, we have the Social Protection Bureau of the DSWD, and it is open to all.

Senator Roco. I see, even the solo parent?

Senator Aquino-Oreta. Actually, in this bill, we are saying that in the counseling service, that the solo parent and the children need special training. Under Section 12, we are asking that this counseling service be given by the DSWD to help the solo parent.

Senator Roco. Well, if the solo parent can avail of the services

of that bureau, then maybe we do not need this provision.

Senator Aquino-Oreta. Well, maybe this is to emphasize and to stress the need of the solo parent *vis-a-vis* the regular parent.

Senator Roco. The Majority Leader is making *kalabit*, Mr. President. So I will restrict myself to the last question. I know, *nadadala ako sa isang tingin lamang*. So, one final question, Mr. President.

Senator Aquino-Oreta. Mr. President, on page 6...

Senator Roco. No, no, I am not yet on page 6. I will not get to page 6 *kinakalabit na ako ng* Majority Leader.

Senator Aquino-Oreta. No, I was going to refer to that.

Senator Roco. Yes, please.

Senator Aquino-Oreta. That in the drafting of the implementing rules and regulations, we can give the power to the DSWD to really categorize the parents who can avail of these benefits.

Senator Roco. Yes. But it is not the DSWD that the lady senator is giving the powers to. It is just the Bureau of Family and Community Welfare.

Senator Aquino-Oreta. Yes.

Senator Roco. Now, my final question would be: Would that not be really a rider? We are amending the Administrative Law. We are creating a bureau not even under, not even authorizing the department. We are isolating the bureau and giving it extra powers, and yet the bill is entitled "A Solo Parent Welfare Act." We are creating a new bureaucracy. Would that not be therefore a rider and unconstitutional in character?

Senator Aquino-Oreta. No, Mr. President, because it will still be under the DSWD. The DSWD will just put up a special program for the solo parent.

Senator Roco. We would like to congratulate the sponsor for the resolve, the fortitude and the patience, Mr. President. We will exert every effort to see why it is not discriminatory. But I will ask the lady senator and her staff to please prepare more persuasive demonstrations so that the bill will not end in discriminatory treatment.

Thank you very much, Mr. President.

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

Senator Drilon. Mr. President, there are a number of our colleagues who have also expressed their desire to ask some questions in the period of interpellations. May I therefore move that we suspend in the meantime deliberations on Senate Bill No. 1404 to give way to other bills which are also on the floor.

Senator Tatad. Mr. President.

The President. Senator Tatad is recognized.

Senator Tatad. Mr. President, before the motion. Are we terminating or suspending the interpellation?

Senator Drilon. We are suspending the interpellation.

Senator Tatad. I will defer my interpellation.

SUSPENSION OF CONSIDERATION OF S. NO. 1404

Senator Drilon. I therefore move that we suspend deliberation on Senate Bill No. 1404 as reported out 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. Mr. President, 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, the resumption of consideration of Senate Bill No. 1255 is now in order.

Senator Drilon. We are still in the period of individual amendments. May I ask the Chair to recognize Sen. Gregorio Honasan, the principal sponsor, and Sen. Ramon Revilla who will propose amendments.

The President. Sen. Gregorio Honasan will continue his sponsorship and Sen. Ramon Revilla will propose amendments.

Senator Honasan. Mr. President, with the permission of the Chair, before we attend to the individual amendments of Senator Revilla, may we manifest on the floor that the reference would be the amended copy as of February 2, 1999, pending resolution of the omnibus amendments proposed by Senator Roco yesterday.