

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

COMMITTEE REPORT NO. 920
17 MAY 2011

Submitted by the Committee on Revision of Laws on _____

Re : House Bill No. 4672

Recommending its approval in substitution of House Bill No. 355

Sponsors : Representatives Marlyn L. Primicias-Agabas, Susan A. Yap and
Josephine Veronique R. Lacson-Noel

Mr. Speaker:

The Committee on Revision of Laws to which was referred House Bill No. 355, introduced by Reps. Susan A. Yap, Josephine Veronique R. Lacson-Noel and Eleanor C. Bulut-Begtang, entitled:

"AN ACT DECLARING THE CELEBRATION OF NATIONAL CHILDREN'S DAY IN THE COUNTRY ON THE SECOND SUNDAY OF OCTOBER OF EVERY YEAR"

has considered the same and recommends that the attached House Bill No. 4672 entitled:

"AN ACT DECLARING THE CELEBRATION OF NATIONAL CHILDREN'S MONTH IN THE COUNTRY ON OCTOBER OF EVERY YEAR"

be approved in substitution of House Bill No. 355, with Reps. Susan A. Yap, Josephine Veronique R. Lacson-Noel, Eleanor C. Bulut-Begtang and Marlyn L. Primicias-Agabas as authors thereof.

Respectfully submitted,


MARLYN L. PRIMICIAS-AGABAS
Chairperson

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4672
In substitution of House Bill No. 355

Introduced by Representatives Susan A. Yap, Josephine Veronique R. Lacson-Noel,
Eleanor C. Bulut-Begtang and Marilyn L. Primicias-Agabas

AN ACT
DECLARING THE CELEBRATION OF NATIONAL CHILDREN'S MONTH IN THE
COUNTRY ON OCTOBER OF EVERY YEAR

Be it enacted by the Senate and the House of Representatives in Congress assembled:

1 SECTION 1. This Act shall be known as the "National Children's Month Act."

2 SEC. 2. The month of October of every year shall hereby be known as the
3 "National Children's Month" to promote consciousness over the protection of the rights of
4 Filipino children and the importance of fostering their well-being to secure the growth and
5 development of society.

6 SEC. 3. Pursuant to the observance of the National Children's Month, an annual
7 program of activities shall be prepared and implemented with the Department of Social
8 Welfare and Development (DSWD), the National Youth Commission (NYC) and the
9 Council for the Welfare of Children (CWC) as lead agencies.

10 In support thereof, the Department of Education (DepEd) and the Commission on
11 Higher Education (CHED) shall facilitate and encourage the commemoration of this day in
12 all schools, public and private, nationwide.

13 The Philippine Information Agency (PIA), in coordination with the DSWD, DepEd,
14 CHED, NYC and CWC shall ensure the effective information dissemination of this Act.

15 SEC. 4. This Act shall take effect fifteen (15) days after publication in the Official
16 Gazette or in two (2) newspapers of general circulation.

17 Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

COMMITTEE ON REVISION OF LAWS

MINUTES OF THE MEETING OF THE COMMITTEE ON REVISION OF LAWS HELD ON 16 MARCH 2011, WEDNESDAY, 9:30 A.M. AT THE CONFERENCE ROOM 9 & 10 MITRA BUILDING, HOUSE OF REPRESENTATIVES

I CALL TO ORDER

The Honorable Mercedes K. Alvarez, Senior Vice-Chairperson of the Committee on Revision of Laws called the meeting to order at 9:30 A.M.

II ROLL CALL

On motion duly seconded, the calling of the roll was dispensed with.

III READING/APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

On motion duly seconded, the reading of the minutes of the previous meeting of the Committee was dispensed with and subsequently approved.

IV. APPROVAL OF THE DRAFT BILLS CONSIDERED BY CORRESPONDING TECHNICAL WORKING GROUPS (TWG).

On motion duly seconded, the following bills were approved subject to style;

- Revised Committee Report on HB No. 800, Rationalizing the penalties for the theft of coconuts in the premises of plantation;
- Technical Working Group Report in substitution of House Bill Nos. 487, 1496, 2611, 2894, 1027, and 3423: Amending the Juvenile Justice Act; and
- Technical Working Group Report in substitution of House Bill Nos. 700, 2019, 3344, 2020, 3345, 2433, and 3346: Creating the Code Commission of the Philippines.

The body approved the motion for the co-authorship of the following members on measures creating the Philippine Code Commission, to wit, Representatives Mercedes K. Alvarez, Yevgeny Vincente Emano, Carol Jane B. Lopez, Cesar Sarmiento, and Mylene Garcia-Albano.

Thereon, the Presiding Officer instructed the Committee Secretariat to prepare the corresponding Committee Reports.

V INITIAL CONSIDERATION OF HB NOS. 948 (by Reps. Reynaldo V. Umali, Jorge B. Banal and Tomas V. Apacible), 1647 (by Rufus Rodriguez, Maximo B. Rodriguez, Jr. and Antonio C. Alvarez), 2553 (by Rep. Joseph Victor G. Ejercito) and 2773 (by Rep. Emmanuel D. Pacquiao) LIMITING REAPPOINTMENT OF PRESIDENTIAL NOMINEES BY-PASSED BY THE COMMISSION ON APPOINTMENTS.

At the outset, Rep Rufus Rodriguez cited Article 7, Section 16 of the Constitution mandating the Commission on Appointments (CA) either to confirm or reject presidential appointments to certain cabinet, foreign diplomat and military positions. According to him, HB 1647 which he authored proposes to further clarify the processes of the said appointments. He claims that Congress is usually reluctant to reject presidential nominees resulting to bypass or

rejection. This hesitancy to reject outright the nominees of the President had caused problems more than anyone could imagine. However, despite several bypasses, the president merely reappoints the same nominee without limitations. This practice of simply reappointing nominees subverts the principle of confirmation mandated to the Commission on Appointments (CA).

He surmised that this act is affront to the Constitutional principle of check and balance. He elucidated that HB 1647 further addresses the practice of some nominees to delay the process by simply delaying the submission of requirements.

On the concern raised by Reps. Batocabe and Sarmiento, Rep. Rodriguez responded that his bill does not put restrictions to the absolute power of the president to appoint. He surmised that, it merely puts limit to the practice of reappointing nominees several times. He said that if a nominee had been by-passed by CA twice within a certain period, the two strike-rules shall apply. Hence, the act of CA to set aside the nomination twice would already be considered as a rejection. In such a situation, the presidents' action after rejection or by-pass would therefore be classified as re-appointment outside of constitutional realm providing absolute power of the president to appoint.

Rep. Sarmiento reminded the Body that the Constitution never considered a by-pass as rejection. It only mentions of rejection. So if a nominee had been by-passed by the CA, technically or legitimately his term as public official still holds. He added, however, that since the matter is a legitimate concern, he is certain the Supreme Court would find a way to interpret the said provision to the favor of the common good.

As a follow-up, Rep. Batocabe added that the measures at hand could still be harmonized and the power of the President to appoint is absolute and could only be restricted by the CA and not by passage of a special law, because, otherwise, it would be susceptible to constitutional attack.

Rep. Ejercito, author of HB 2553 stated that his proposal reinforces the powers of the CA. Moreover, it curbs the practice of appointing officials in an acting capacity in order to eschew the process of confirmation in the CA.

Mr. Ronald Geron, Assistant Executive Secretary of the Office of the President disclosed that the President while serving as Senator in the last Congress sponsored Senate Bill 1719 with similar import as HB 2553 of Rep. Ejercito. However, he also put forward a thought that CA had a mandate to set its own rules and procedure to ensure the check and balance between the executive and the legislature are in place.

Further, Mr. Geron deems it proper for the Committee to demarcate when by-pass should be considered. He reminded the Body that Congress adjourns three times during one full term of the House of Representatives. He quantified the three regular sessions culminates during sine-die. Hence, must be considered as vital contention in determining when bypasses or rejection would be assumed. The bill according to him should be able to resolve the parameter in which a by-pass is technically in effect. He assured the Body that the executive branch would always respect and abide by the wisdom of the legislative branch.

Rep. Fua adverted to Article VI Section 18 of the Constitution stating that the Commission on Appointments shall act on all the appointments within 30 session days of Congress from their submission. If CA failed to act within the stipulated time (30 session days), the appointment is therefore estopped preventing CA to further process the nomination and the President from issuing reappointments. He contended that in such occurrence, the appointment could already be considered automatically rejected.

On that note, Mr. Geron explained that CA is not really compelled to approve or reject appointments within 30 session days upon receipt but merely prescribed to consider such submission on or before the stipulation expires. Otherwise, CA would not be able to consider substantial number of submissions. Considering the number of applicants being processed for confirmation, the process by which CA conducts confirmation involves investigation, research

and collection of testimonies and evidences and other measures to effectively carry out their mandates.

Rep. Umali explained that his bill does not limit the power of the president to appoint but provides the parameter to rationalize the rules and procedure of CA. He agreed with Rep. Batocabe that it is possible that CA could be persuaded to amend its rules of procedure in accordance with the suggestions or provisions inculcated in the measures being considered by the Committee. Such action according to him would save time, effort, and money.

Rep. Samiento suggested that there is a need for the committee to clarify the distinction among the terms by-pass, rejection, disapproval, appointments or even re-appointments. He explained unless clearly defined the terms mentioned could be interchangeably interpreted that could be subjected to several interpretations and court procedures. Likewise, he is also of the opinion that the Commission on Appointments may be persuaded to amend its rules of procedure to properly address concerns of the bills at hand.

The Committee approved the requests of Reps. Mercedes K. Alvarez, Al Francis C. Bichara, Yevgeny Emano, Orlando A. Fua, Ma. Theresa B. Bonoan-David, and Carol Jane Lopez to be co-authors of the measures limiting reappointment of presidential nominees by-passed by the Commission on Appointments

On motion duly seconded, a technical working group to harmonize the above-stated bills was created with Rep. Joseph Victor E. Ejercito as Chairman.

VI. INITIAL CONSIDERATION OF HB NO. 131 (by Reps. Al Francis C. Bichara, Christopher S. Co, Rodel M. Batocabe and Alfredo Garbin Jr.) AND HB NO. 241 (by Reps. Pedro P. Romualdo and Amelita C. Villarosa) ESTABLISHING INFORMATION CARD SYSTEM AND FILIPINO IDENTIFICATION CARDS.

Rep Bichara explained that his proposal HB No. 131 seeks to institutionalize a national identification (ID) card on a voluntary basis. He informed the Body that the national ID system had been proposed in previous Congresses but failed to see the light because of the perceived danger it imposes to human rights. Human rights advocates were adamant because there is a possibility that the state will use the data available to invade privacy and use such for harassment. He admitted that his proposal is a matter of strategy. He is certain that once the law had been promulgated, Filipinos would realize the benefits of having a national ID.

He added that to make it more accurate it would now be called Voluntary Information Personal Card (VIP Card). This is aimed to facilitate governmental transactions, cut red tape, and increase productivity. He expounded that several personal information such as blood type, tax identification number, or even contact numbers could be incorporated to the ID in order to maximize its usefulness.

Rep. Romualdo author of HB No. 241 said that his proposal addresses the valid concerns of common people. He said that all Filipinos 18 years old and above shall be issued a Filipino Identification Card that can be used in transactions that needs identification of the holder. He added that the ID would be issued free of charge, tamper proof and will be updated every five years.

Further, he said that as of now financial institutions, schools even government institutions do not honor ID's issued by local government units, postal services or even within government bureaucracy. This is because many of these issuances could easily be tampered with. This proscription affects the poor severely and had to employ extraordinary means in order to comply with the requirements of identification. Thereon he suggested that the National Statistics Office, being the repository of all our civil documents must be tasked to implement the national ID system.

Moreover, Rep. Romualdo explained that there is no need for a penal provision on his bill even it requires compulsory compliance for every Filipinos 18 years old and above. The penalty would be incorporated to the implementation of the Act as the people who failed to

secure a national ID would have a hard time in transacting with government agencies and financial institutions.

Ms. Jessica Gambol-Schuck and Mr. Adonis Sulit Legal Officers of the Commission on Human Rights and the Department of Justice, respectively, endorsed the proposed measures and volunteered to render their services in the harmonization of both bills.

Thereon, the Committee approved the motion of Rep. Rodriguez to create a technical working group to harmonize the provisions of HB Nos. 131 and 241 with Rep. Bichara as its Chairman and all the authors as members. The Chair invited all the resource persons to join the TWG.

VII. INITIAL CONSIDERATION OF HB NOS. 3058 (by Rep. Ma. Theresa B. Bonoan-David), 3391 (By Rep. Carol Jane Lopez, Cesar V. Sarmiento, Salvador H. Escudero III, et al) AMENDING THE SOLO PARENTS WELFARE ACT

Rep. Bonoan-David, author of HB 3391 enlightened the Committee that her proposal seeks to expand the benefits provided by of RA 8972 otherwise known as the Solo Parents Welfare Act of 2000. She said that additional benefits such as tax exemptions for business providing basic goods and services would certainly alleviate the plight of solo parents.

Rep. Lopez, author of HB 3058 said that she finds it necessary to provide penalties for business person and business establishments who refuse to comply with the provisions of RA 8972.

Meanwhile, Rep. Bonoan-David agreed to do away with her proposal for additional deduction of 50,000 pesos as solo parents. The National Internal Revenue Code already categorized solo parents as heads of the family. Such classification according to the Presiding Officer includes personal exemption of 25,000 pesos and additional 8,000 pesos for each child of a solo parent. She conveyed that the exemption is sufficient to help the solo parent.

On motion duly seconded, the Committee approved the consolidation of House Bill Nos. 3058 and 3391 with Congressman Emano as a co-author.

Thereon the Presiding Officer instructed the Committee Secretariat to prepare the necessary committee report.

VIII. INITIAL CONSIDERATION OF HB NO. 4073 (by Rep. Mylene J. Garcia-Albano) DECLARING WALING-WALING AS THE NATIONAL FLOWER OF THE PHILIPPINES

Rep. Garcia-Albano, the author of HB No. 4073 explained that the proposal seeks to replace sampaguita as the national flower for the following reasons:

1. Sampaguita is not endemic to the Philippines and in fact also the national flower of Indonesia;
2. Waling-waling is recognized the world over as the queen of orchids and endemic in the Philippines;
3. Waling-waling truly signifies the traits of Filipinos being world-class in appearance and resilient; and
4. Waling-waling had been a subject of hybrid development that evolved into many different species and a source of national pride.

The presiding officer informed the body that the National Historical Institute (NHI) opposes HB 4073. According to NHI, the declaration of sampaguita as national flower had made its mark culturally and traditionally overtime. NHI suggested that the National Museum be

likewise consulted because the said agency has the jurisdiction on matters of national significance such as declaration of national symbols.

Rep. Garcia-Albano agreed to the suggestion of the Presiding Officer, Rep. Alvarez to explore the possibility of declaring both the sampaguita and waling-waling as national flowers of the Philippines similar to that of Indonesia, which had declared three species of flowers as their national flowers.

In deference to the suggestions made by the NHF and the Presiding Officer, the Body deferred consideration of HB 4073.

IX INITIAL CONSIDERATION OF THE FOLLOWING NATIONAL HOLIDAY BILLS:

HB No. 355 DECLARING THE CELEBRATION OF NATIONAL CHILDREN'S DAY IN THE COUNTRY ON THE SECOND SUNDAY OF OCTOBER OF EVERY YEAR (by Rep. Susan A. Yap, Josephine Veronique R. Lacson-Noel and Eleanor C. Bulut-Bagtang)

The Body agreed to the suggestion of Mr. Tristan Flores, Representative of the Council for Welfare of Children to declare the National Children's Month every October of each year instead of just focusing the celebration only every Second Sunday of October. Mr. Flores contended the whole month celebration is parallel to the United Nation Children's Month festivity.

On motion, duly seconded HB No. 355 was approved subject to style.

The Committee Secretariat was instructed by the Presiding Officer to prepare the necessary Committee Report

X INITIAL CONSIDERATION AND APPROVAL OF THE FOLLOWING HOLIDAY BILLS:

Rep. Emano accepted the suggestion of Rep. Romualdo to change the word "Araw" into "Adlaw" in all his local bills declaring nonworking holidays in various municipalities of the Province of Misamis Oriental

On motion duly seconded the following bills declaring holidays in various localities were approved subject to style:

- a) **HB No. 1144 DECLARING NOVEMBER 22 OF EVERY YEAR AS A SPECIAL NONWORKING HOLIDAY IN THE PROVINCE OF SULTAN KUDARAT (by Rep. Raden C. Sakaturan)**
- b) **HB No. 1908 DECLARING JULY 29 OF EACH YEAR AS "ARAW NG VILLANUEVA" AND SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY IN ORDER TO COMMEMORATE THE FOUNDING ANNIVERSARY OF THE SAID MUNICIPALITY (by Rep. Yevgeny Vincente B. Emano)**
- c) **HB No. 1909 DECLARING SEPTEMBER 1 OF EACH YEAR A "ARAW NG JASAAN" AND SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY IN ORDER TO COMMEMORATE THE FOUNDING ANNIVERSARY OF THE SAID MUNICIPALITY (by Rep. Yevgeny Vincente B. Emano)**
- d) **HB No. 1910 DECLARING JULY 22 OF EACH YEAR AS "ARAW NG CLAVERIA" AND SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY IN ORDER TO COMMEMORATE THE FOUNDING ANNIVERSARY OF THE SAID MUNICIPALITY (by Rep. Yevgeny Vincente B. Emano)**
- e) **HB No. 1912 DECLARING JULY 12 OF EACH YEAR "ARAW NG LIBERTAD" AND SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY IN ORDER TO**

COMMEMORATE THE FOUNDING ANNIVERSARY OF THE SAID MUNICIPALITY (by Rep. Yevgeny Vincente B. Emano)

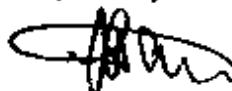
- f) **HB No. 1916** DECLARING AUGUST 18 OF EACH YEAR "ARAW NG ALUBIJID" AND SPECIAL NONWORKING HOLIDAY IN THE MUNICIPALITY IN ORDER TO COMMEMORATE THE FOUNDING ANNIVERSARY OF THE SAID MUNICIPALITY (by Rep. Yevgeny Vincente B. Emano)
- g) **HB No. 2436** DECLARING AUGUST 15 AS "ARAW NG BULACAN" AND A SPECIAL NON-WORKING HOLIDAY IN THE PROVINCE OF BULACAN IN COMMEMORATION OF ITS FOUNDATION ANNIVERSARY (by Rep. Joselito Andrew R. Mendoza)
- h) **HB No. 2336** DECLARING EVERY FOURTH DAY OF NOVEMBER AS A SPECIAL NON-WORKING HOLIDAY IN THE PROVINCE OF QUEZON (by Rep. Wilfrido M. Enverga)
- i) **HB No. 2617** DECLARING SEPTEMBER 7 OF EVERY YEAR AS A SPECIAL NON-WORKING HOLIDAY IN THE CITY OF CAVITE, PROVINCE OF CAVITE TO COMMEMORATE THE FOUNDATION ANNIVERSARY OF THE CITY OF CAVITE (Rep. Joseph Emilio A. Abaya)
- j) **HB No. 2912** DECLARING OCTOBER 16 OF EVERY YEAR AS CALBAYOG CITY CHARTER DAY AND A SPECIAL NONWORKING HOLIDAY IN THE CITY (by Rep. Mel Senen S. Sarmiento)

XI. ADJOURNMENT

There being no other matters to be discussed the meeting was adjourned at 1:30 P.M.

I hereby certify to the correctness of the foregoing.

Prepared by:



ROMUALDO STA. CLARA
SLSO II

Noted by:



DAVID CLARENCE M. COSALAN
Committee Secretary

HOUSE OF REPRESENTATIVES

House Bill No. 355

Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

Article XV, Section 3(2) of the Constitution asserts that the State must defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development. The Philippines, as party to the Convention on the Rights of the Child, must guarantee the protection and preservation of children's rights and welfare through various programs that are concrete and accessible.

Unfortunately, there is still a prevalence of cases where children fall prey to exploitation and abuse in different aspects. More than 200,000 Filipino children, according to a 2001-2006 report from the Children's Rehabilitation Center (CRC), have been victimized as laborers, prostitutes, and soldiers. Aside from this, children all over the country have been exposed to poverty, extreme hunger, and the lack of education, thereby endangering their well-being as future productive citizens of the country.

In order to respond to this dilemma, one step that needs to be undertaken is to raise the awareness and concern of Filipinos of all ages regarding the rights and welfare of children. Thus, this bill seeks to mark every second Sunday of October as National Children's Day. It is through heightening the level of consciousness that further successful efforts on uplifting the conditions of the Filipino child can be achieved. This, in turn, would aid in securing generations of Filipinos who would then ensure the growth and development of the nation.

In view of the foregoing, the immediate passage of this measure is earnestly sought.


SUSANA A. YAP

Representative, Second District of Tarlac

FIFTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

House Bill No. 355

Introduced by Representative Susan A. Yap

AN ACT
DECLARING THE CELEBRATION OF NATIONAL CHILDREN'S DAY IN THE
COUNTRY ON THE SECOND SUNDAY OF OCTOBER OF EVERY YEAR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

- 1 SECTION 1. This Act shall be known as the "National Children's Day Act".
2
- 3 SEC. 2. The second Sunday of October of every year shall hereby be known as the "National
4 Children's Day" to promote consciousness over the protection of the rights of Filipino children and
5 the importance of fostering their well-being to secure the growth and development of society.
6
- 7 SEC. 3. Pursuant to the observance of the National Children's Day, an annual program of activities
8 shall be prepared and implemented with the Department of Social Welfare and Development
9 (DSWD), the National Youth Commission (NYC) and the Council for the Welfare of Children
10 (CWC) as lead agencies.
11
- 12 In support thereof, the Department of Education (DepEd) and the Commission on Higher
13 Education (CHED) shall facilitate and encourage the commemoration of this day in all schools,
14 public and private, nationwide.
15
- 16 The Philippine Information Agency (PIA), in coordination with the DSWD, DepEd, CHED, NYC
17 and CWC shall ensure the effective information dissemination of this Act.
18
- 19 SEC. 4. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette*
20
21 Approved,

House of Representatives Committee Affairs Department

FACT SHEET

House Bill No. **4672**
In substitution of House Bill No. 355

AN ACT DECLARING THE CELEBRATION OF NATIONAL CHILDREN'S MONTH IN THE COUNTRY ON OCTOBER OF EVERY YEAR

*Introduced by REPRESENTATIVES SUSAN A. YAP, JOSEPHINE VERONIQUE R. LACSON-
NOEL AND ELEANOR C. BULUT-BEGTANG*

Committee Referral: COMMITTEE ON REVISION OF LAWS

Committee Chairperson: REP. MARLYN L. PREMCIAS-AGABAS

OBJECTIVES:

- To raise awareness of Filipinos of all ages regarding the fundamental rights and welfare of children in accordance with national and international laws.
- To highlight the protection of the youth from all forms of neglect, abuse cruelty, exploitation and other conditions prejudicial to their development.

KEY PROVISIONS:

- Declares the whole month of October as the "National Children's Month," in which annual programs and activities shall be prepared and implemented by the Department of Social Welfare and Development (DSWD), National Youth Commission (NYC), and the Council for the Welfare of Children (CWC)