



# Congressional Record

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## House of Representatives

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No. 53

### CALL TO ORDER

*At 4:00 p.m., Deputy Speaker Sharon S. Garin called the session to order.*

THE DEPUTY SPEAKER (Rep. Garin, S.). The session is now called to order.

### NATIONAL ANTHEM

THE DEPUTY SPEAKER (Rep. Garin, S.). Everybody is requested to please rise for the singing of the National Anthem.

*Everybody rose to sing the Philippine National Anthem.*

THE DEPUTY SPEAKER (Rep. Garin, S.). Please remain standing for the Invocation to be led by the Hon. Anthony M. Bravo, PhD of COOP-NATCCO Party-List.

*Everybody remained standing for the Invocation.*

### INVOCATION

REP. BRAVO (A.). Let us bow our heads and place ourselves in the presence of our Lord.

Heavenly Father, we come to You in confidence, asking for Your blessings and graces, as we are gathered here today to deliberate on various measures that will affect the Filipino nation.

O Lord, our God, in the midst of noise, chaos, conflict and riot around us, we pray for peace. We pray for peace which comes from You. We pray for peace which flows from You.

Heavenly Father, as Your servant in building up justice and unity in our country, make us all instruments of Your divine peace. May we learn to sacrifice our own comforts and plans if these are not for Your glory and the good of Your people.

Please guide and teach us to seek the common good through legislation that will benefit the most number of people, not just a few sectors.

Father, we pray too that our constituents will have an open mind to and understanding of the sacrifices that we make in effecting measures that are beneficial to most.

Holy Lord, please enlighten our hearts and guide us by Your wisdom so that we will become worthy instruments of Your love.

May peace start from our hearts, from our families, from our communities, and from this institution.

We ask these things in the name of Your Son, Jesus Christ our Lord.

Amen.

THE DEPUTY SPEAKER (Rep. Garin, S.). Amen. The Majority Leader is recognized.

### ROLL CALL

REP. NOGRALES (J.). Mme. Speaker, good afternoon. I move that we call the roll. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Secretary General will please call the roll.

*The Secretary General called the roll, and the result is reflected in Journal No. 53, dated January 23, 2018.\**

THE SECRETARY GENERAL. Mme. Speaker, the roll call shows that 209 Members responded to the call.

THE DEPUTY SPEAKER (Rep. Garin, S.). With 209 Members responding to the call, the Chair declares the presence of a quorum.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move for the deferment of the approval of the Journal of the previous session.

\* See ANNEX (printed separately)

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we proceed to the Reference of Business. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Secretary General will please read the Reference of Business.

REFERENCE OF BUSINESS

*The Secretary General read the following House Resolutions on First Reading, Communication and Committee Report, and the Deputy Speaker made the corresponding references:*

RESOLUTIONS

House Resolution No. 1590, entitled:

“A RESOLUTION DIRECTING THE HOUSE COMMITTEE ON NATIONAL DEFENSE AND SECURITY, AND OTHER APPROPRIATE HOUSE COMMITTEES, TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED ANOMALIES IN THE PHILIPPINE NAVY FRIGATE ACQUISITION PROJECT (FAP) TO DETERMINE IF IT COMPLIES WITH REPUBLIC ACT NO. 9184 OR THE ‘GOVERNMENT PROCUREMENT REFORM ACT’ IN ORDER TO STRENGTHEN AND OR AMEND OUR PROCUREMENT LAWS AND PROCESSES, ENCOURAGE OUR PROCUREMENT OFFICERS TO GET THE BEST IN THE MARKET, AND ENSURE THAT OUR NATIONAL INTEREST PREVAILS OVER PERSONAL AND BUSINESS INTEREST”

By Representative Alejano  
TO THE COMMITTEE ON RULES

House Resolution No. 1591, entitled:

“A RESOLUTION DIRECTING THE JOINT OVERSIGHT COMMITTEE ON THE REVISED AFP MODERNIZATION PROGRAM TO CONDUCT A COMPREHENSIVE REVIEW ON THE IMPLEMENTATION OF REPUBLIC ACT NO. 10349 TO ASSESS ITS IMPACT ON THE COUNTRY’S DEFENSE CAPABILITY AND

TO PROPOSE LEGISLATIVE REMEDIES TO ADDRESS ITS INADEQUACIES”

By Representative Alejano  
TO THE COMMITTEE ON RULES

House Resolution No. 1592, entitled:

“A RESOLUTION CONGRATULATING AND COMMENDING FILIPINO STUDENT HILLARY ANDALES FROM THE PHILIPPINE SCIENCE HIGH SCHOOL-EASTERN VISAYAS CAMPUS FOR WINNING THE 2017 BREAKTHROUGH JUNIOR CHALLENGE”

By Representative Alejano  
TO THE COMMITTEE ON SCIENCE AND TECHNOLOGY

House Resolution No. 1593, entitled:

“A RESOLUTION DIRECTING THE APPROPRIATE HOUSE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON ALL MARINE SCIENTIFIC RESEARCH IN PHILIPPINE WATERS CONDUCTED BY FOREIGN ENTITIES WITH OR WITHOUT THE CONSENT OF THE DEPARTMENT OF FOREIGN AFFAIRS, WITH AN END VIEW OF CHARTING APPROPRIATE MECHANISMS TO MONITOR COMPLIANCE OF FOREIGN ENTITIES ON REQUIREMENTS DEMANDED BY THE PHILIPPINE GOVERNMENT”

By Representative Alejano  
TO THE COMMITTEE ON RULES

House Resolution No. 1594, entitled:

“A RESOLUTION DIRECTING THE COMMITTEE ON HEALTH TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE PERFORMANCE OF THE ARMED FORCES OF THE PHILIPPINES MEDICAL CENTER (AFPMC) AS WELL AS OTHER HOSPITALS UNDER THE AFP THAT PROVIDE MEDICAL CARE TO ACTIVE DUTY SERVICE MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES WITH THE END VIEW OF CHARTING IMMEDIATE POLICY MEASURES AND/OR REPORT SUBSTANTIAL RECOMMENDATIONS THAT WILL SECURE AND PROMOTE THE HEALTHCARE OF ACTIVE DUTY SERVICE MEMBERS IN THE ARMED FORCES OF THE PHILIPPINES”

By Representative Alejano  
TO THE COMMITTEE ON RULES

## COMMUNICATION

Letter dated 17 January 2018 of Roger E. Dino, Deputy Director, Office of the General Counsel and Legal Services, Bangko Sentral ng Pilipinas, furnishing the House of Representatives with a duly certified and authenticated copy of Memorandum No. M-2017-040 dated 21 December 2017.

TO THE COMMITTEE ON BANKS AND FINANCIAL INTERMEDIARIES

## COMMITTEE REPORT

Report by the Committee on Higher and Technical Education and the Committee on Appropriations (Committee Report No. 575), re H.B. No. 6995, entitled:

“AN ACT CONVERTING THE CAMARINES SUR INSTITUTE OF FISHERIES AND MARINE SCIENCES (CASIFMAS) – RAGAY CAMPUS LOCATED IN THE MUNICIPALITY OF RAGAY, CAMARINES SUR INTO A TESDA-SUPERVISED SCHOOL TO BE KNOWN AS RAGAY POLYTECHNIC SKILLS INSTITUTE AND APPROPRIATING FUNDS THEREFOR”

recommending its approval in substitution of House Bill No. 830

Sponsors: Representatives Hofer, Nograles (K.A.), Andaya and Batocabe

TO THE COMMITTEE ON RULES

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we now proceed to the consideration of measures under the Calendar of Unfinished Business.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

## CONSIDERATION OF H.B. NO. 6686

*Continuation*

## PERIOD OF SPONSORSHIP AND DEBATE

REP. NOGRALES (J.). Mme. Speaker, under the Calendar of Unfinished Business, I move that we resume the consideration of House Bill No. 6686, contained in Committee Report No. 482, as submitted by the Committees on Agrarian Reform, and Appropriations. For this purpose, may I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Secretary General is hereby directed to read only the title of the measure.

THE SECRETARY GENERAL. House Bill No. 6686, entitled: AN ACT GRANTING FULL INSURANCE COVERAGE TO ALL QUALIFIED AGRARIAN REFORM BENEFICIARIES OF THE COMPREHENSIVE AGRARIAN REFORM PROGRAM, AMENDING FOR THE PURPOSE SECTION 14 OF REPUBLIC ACT NO. 9700, OTHERWISE KNOWN AS THE “COMPREHENSIVE AGRARIAN REFORM PROGRAM EXTENSION WITH REFORMS.”

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, the parliamentary status of the Bill is that it is in the period of sponsorship and debate. I move, therefore, that we recognize the Hon. Rene L. Relampagos, Chairperson of the Committee on Agrarian Reform.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Relampagos is recognized. Please proceed.

REP. RELAMPAGOS. Thank you, Mme. Speaker. I would like to inform this august Body that the last time that we had the interpellation on this House Bill, there were questions raised on the floor by the Hon. Edcel C. Lagman. I would like to inform and report to this august Body that we had already ironed out and resolved the things that he so wishes to be addressed and be clarified on.

So, with that, Mme. Speaker, I do not know whether there are still other Members of this august Body who would stand and raise questions.

REP. NOGRALES (J.). Mme. Speaker, I move that we recognize the Gentleman from Albay, the Hon. Edcel C. Lagman, for his interpellation. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Lagman is recognized. Please proceed.

REP. LAGMAN. Thank you, Mme. Speaker. Earlier this afternoon, I had a meeting with the distinguished

Chairman of the Committee on Agrarian Reform, the members of the staff of the Committee as well as representatives of concerned agencies. My previous queries and concerns on the funding requirement as well as prioritization of beneficiaries had been sufficiently answered. Consequently, Mme. Speaker, I am terminating my interpellation, and I would like to reiterate my previous manifestation that I fully support this measure.

Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, there being no more interpellator, and no Member wishes to speak against the measure, I move that we terminate the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we recognize the Chairperson of the Committee on Agrarian Reform to enumerate the amendments on this measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Chairman, the Honorable Relampagos, is recognized.

#### COMMITTEE AMENDMENT

REP. RELAMPAGOS. Thank you, Mme. Speaker, Floor Leader. We would like to manifest the following amendment to this proposed measure. Section 3 on Appropriations, it shall now read as follows:

“SECTION 3. Appropriations. – The Secretary of the Department of AGRARIAN REFORM shall immediately include in the Department’s programs the NEEDED OPERATIONAL REQUIREMENT of this Act. The initial funding FOR THE DAR’s IDENTIFIED AGRARIAN REFORM BENEFICIARIES SHALL BE IN THE AMOUNT OF ONE BILLION PESOS (P1,000,000,000.00) FROM THE FUNDS ALLOCATED

to the Philippine Crop Insurance Corporation (PCIC) for the RSBSA, AS PROVIDED BY THE GENERAL APPROPRIATIONS ACT. Thereafter, projections of the ANNUAL premium requirement shall be submitted by the DEPARTMENT OF AGRICULTURE–PCIC, and the DAR to the President, and shall be included in the annual General Appropriations Act. *PROVIDED, THAT DUE TO THE INSUFFICIENCY OF THE INITIAL FUND TO COVER ALL QUALIFIED ARBs AND LEASEHOLDERS, PRIORITY FOR COVERAGE SHALL BE ALLOCATED IN THE FOLLOWING MANNER:*

FIFTY PERCENT (50%) TO THOSE NEWLY INSTALLED AND QUALIFIED ARBs WITH ISSUED CLOAS OR LEASEHOLD INSTRUMENTS, IN DESCENDING CHRONOLOGICAL ORDER; AND THE REMAINING FIFTY PERCENT (50%) TO THOSE EARLIEST INSTALLED AND QUALIFIED ARBs WITH ISSUED EPs/CLOAS OR LEASEHOLD INSTRUMENTS, IN ASCENDING CHRONOLOGICAL ORDER. *PROVIDED FURTHER, THAT ADDITIONAL QUALIFIED ARBs AND LEASEHOLDERS SHALL BE COVERED YEARLY BASED ON ANNUAL PROJECTIONS, AND IN THE SAME MANNER, AS PROVIDED, UNTIL SUCH TIME THAT ALL QUALIFIED ARBs AND LEASEHOLDERS ARE COVERED UNDER THIS ACT.”*

That, Mme. Speaker, is the only amendment that we would like to introduce.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we approve the Committee amendment as enumerated by Chairperson Rene Relampagos. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the amendment is approved.

REP. NOGRALES (J.). Mme. Speaker, there being no further Committee amendments and no individual amendments, I move that we close the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we vote on Second Reading on House Bill No. 6686, as amended. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garin, S.). As many are in favor of House Bill No. 6686, as amended, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are against, please say *nay*.

FEW MEMBERS. *Nay*.

APPROVAL OF H.B. NO. 6686, AS AMENDED,  
ON SECOND READING

THE DEPUTY SPEAKER (Rep. Garin, S.). The *ayes* have it; the motion is approved.

House Bill No. 6686, as amended, is hereby approved on Second Reading.

REP. RELAMPAGOS. Mme. Speaker, this Representation would just like to manifest that the Hon. Edcel Lagman has signified to be a coauthor of this measure.

That is all, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). That is well noted.

The Majority Leader is recognized.

CONSIDERATION OF H.B. NO. 6908

*Continuation*

PERIOD OF SPONSORSHIP AND DEBATE

REP. NOGRALES (J.). Mme. Speaker, under the Calendar of Unfinished Business, I move that we resume the consideration of House Bill No. 6908, as contained in Committee Report No. 551, and direct the Secretary General to read the title of the Bill.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

THE SECRETARY GENERAL. House Bill No. 6908, entitled: AN ACT STRENGTHENING THE SECURITY OF TENURE OF WORKERS, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE "LABOR CODE OF THE PHILIPPINES."

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, the parliamentary status of the Bill is that it is in the period of sponsorship and debate. For that purpose, I move that the Vice Chairperson of the Committee on Labor and Employment, the Hon. Vicente "Ching" S.E. Veloso, be recognized.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Veloso is recognized.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we recognize the Chairperson of the Committee on Labor and Employment, the Hon. Randolph S. Ting. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). The honorable Chairperson Ting is recognized. Please proceed.

REP. TING. Okay. Thank you, Mme. Speaker. Before we proceed, Mme. Speaker, may I request that the Committee staff and technical support team be allowed to have access to the floor and occupy the section for the staff at the back, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

SUSPENSION OF SESSION

REP. NOGRALES, (J.). Mme. Speaker, we join the Honorable Ting on such request and so, we move that we suspend the session for a few minutes.

THE DEPUTY SPEAKER (Rep. Garin, S.). The session is suspended.

*It was 4:28 p.m.*

RESUMPTION OF SESSION

*At 4:29 p.m., the session was resumed.*

THE DEPUTY SPEAKER (Rep. Garin, S.). The session is resumed.

The Majority Leader is recognized.

REP. NOGRALES, (J.). Mme. Speaker, I move that we recognize the Chairperson of the Committee on Labor and Employment, the Hon. Randolph S. Ting.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Honorable Ting is recognized. Please proceed.

REP. TING. Mme. Speaker, may I refer to one of our co-Sponsors, the Hon. Ching Veloso, the Vice Chairman, to deliver his sponsorship speech also, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Honorable Veloso is recognized.

#### SPONSORSHIP SPEECH OF REP. VELOSO

REP. VELOSO. Mme. Speaker, let me take off from the provision here in Article XIII, Section 3 of the Constitution, second paragraph thereof which guarantees the security of tenure of all workers, of all employees. This guaranteed security of tenure is very much protected in Article 279, as unrenumbered, in the sense that when an employee is illegally dismissed, he is entitled to reinstatement, plus full back wages counted from the time these wages were withheld until his actual reinstatement.

Let me proceed, Mme. Speaker, to Article 280. Article 280 now, as unrenumbered, says that a regular employee is one who usually performs tasks that are usually necessary or desirable in connection with the usual business of the employer. We proposed in this Bill that “regular employee” be redefined to mean workers who are, or employees who have been hired for an indefinite period. This way, Mme. Speaker, we now can reconcile Article 280, as unrenumbered, with Article 279 because, for example, one, if a project employee has been dismissed, first year; second year, the contractor did not have a project; third year, he did not have a project; then fourth year, he had a project and the employer receives a final judgment saying that he should reinstate the dismissed employee. With Article 279 as worded now in relation to Article 280, it would mean that the dismissed project employee will be entitled to back wages for the second and third years even if the employer did not have any contract at all. Again, we proposed in Article 280, which is now Article 295, that, when we speak of “regular employee,” it should refer only to those who have been hired for an indefinite period, thereby excluding as regular employees those who have been hired for a fixed period. This answers the problem on endo, and this would answer the problem of 5-5-5 because this is already being prohibited in Article 295 which, as unrenumbered, is Article 280.

The second point, Mme. Speaker, is the so-called contractualization. Article 106 allows an employer to contract out services which now are classified in Article 106 into two: labor-only contracting is prohibited, job contracting is allowed. What is labor-only contracting? Article 106 defines labor-only contracting, not job

contracting. Article 106 defines a labor-only contractor as one who does not have the substantial capital, who does not have substantial investment in the form of tools, and the contractor has hired workers whose work is directly related to the main business of the principal. We proposed that the word “and” be replaced by the word “OR.” What is the effect, Mme. Speaker? As of now, a labor-only contractor is classified as labor-only if he suffers from any of the two handicaps: he does not have substantial capital, he does not have substantial investment; and he must have a worker whose work is directly related to the main business of the principal.

The problem in the field now, Mme. Speaker, is this: a disqualified contractor falling now under the category of a labor-only contractor would qualify as a job contractor simply because the principal, in the matter of no substantial capital, will lend him capital. Now, as a contractor with substantial capital, the labor-only contractor becomes a job contractor even if the work being performed by his worker is directly related. With the word “OR” replacing the word “and,” the fact alone that the worker performs a task that is directly related to the main business of the principal makes that contractor a labor-only contractor even if he already has substantial capital, even if he has already substantial investment in the form of tools.

These, Mme. Speaker, are the main amendments that we are introducing in House Bill No. 6908. That would be all, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you, Honorable Veloso.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we proceed to the interpellation.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we recognize the Lady from the Party-List GABRIELA, the Hon. Arlene D. Brosas, for her interpellation.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Brosas is recognized. Please proceed.

REP. BROSAS. Magandang hapon po. Thank you, Mme. Speaker. Maaari po bang sumagot ng ilang mga katanungan ang ating Sponsor kaugnay dito sa Bill na STRENGTHENING THE SECURITY OF TENURE OF WORKERS, AMENDING FOR THE PURPOSE

PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE "LABOR CODE OF THE PHILIPPINES."

REP. VELOSO. Gladly, Mme. Speaker.

REP. BROSAS. Thank you po. Sa mahabang panahon ng pakikibaka ng ating mga manggagawa, mahigpit nilang tinututulan ang kontraktwalisasyon dahil sa katangian nitong sumasagasa sa kanilang karapatan sa Batas Paggawa. Higit lamang nitong pinalalala ang isyu ng kakulangan sa sahod at benepisyo. Sa esensiya po ng ilan sa mga probisyon na narito, lumalabas na paglililalisa pa rin siya ng kontraktwalisasyon. Hindi pa rin ito magsisilbi ng buong-buo sa ating mga manggagawa, kundi naglalayon lamang ito na maaari pang magamit ng ilang mga korporasyon, lalo na po iyong mga malalaking korporasyon, para sa kanilang interes.

Katulad po ng tanong ko, sa arrangement po na ito—na sinasabi natin, sa esensiya na nagli-legalize, sa tingin namin, ng contractualization sa pamamagitan ng ilang mga provisions—maaari ninyo po bang ipaliwanag iyong arrangement na mayroon pa ring principal, at mayroon pong contractor, at mayroon pa ring worker, so technically, ang ibig sabihin po mayroon pa ring kontraktwalisasyon?

REP. VELOSO. Puwede ko na po bang sagutin? Mme. Speaker, kung titingnan po natin iyong Labor Code, at ito ay napakatagal na na probisyon, dalawang klase po ang kontraktwalisasyon: labor-only contracting which is prohibited, and job contracting which is allowed. Gusto ko lang po ipaalala sa maganda, matalino, at napakagaling na interpellator na itong Article 106, wala pa tayong employer-employee relationship dito, okay. Wala pa tayong employer-employee relationship dito.

Sa Konstitusyon natin, Article XIII, Section 3, ang gina-guarantee ng jurisprudence natin is the security of tenure ng mga empleyado. Iyan ang nandoon sa Article 279 which is now, iyong sa unrenumbered, Article 294. Kapag sinabi kasing "labor-only contractor," dito nagkakaroon ng employer-employee relationship by fiction of law. Hindi talagang tunay na empleyado ito in terms of what the law provides, of what jurisprudence says dahil itong manggagawa ng labor-only contractor ay wala naman talaga siyang—hindi siya kontrolado, rather, ng contractor. In a nutshell, para bang recruiter lang itong labor-only contractor. Ang nagha-hire nito, by fiction of law, is the principal, iyong kompanya. Ang nagbabayad ng sahod ay iyong kompanya, ang nagtatanggal sa serbisyo ay iyong kompanya, at ang may kontrol ay iyong kompanya. Bakit po? Dahil ahente lang ang labor-only contractor because he suffers from either of the twin handicaps. Wala kasi siyang kapital.

Katulad ng mga kabo sa piyer, may isang shipping company, palagay na lang natin Gothong, pagdating sa piyer ay maghahanap siya ng kabo at sasabihing, "Marami akong gustong i-unload sa barko but kailangan ko ng mga tao. Usap tayo. Magkano per bagahe?" Sasabihin ng kabo, "P100, okay na ako diyan." Iikot siya, maghahanap o sisigaw siya na kailangan niya ng mga tauhan at sila ay babayaran lang niya ng P20 per bagahe. Ito ang problema kasi wala siyang kapital pero tatanggap siya ng pera from Gothong Lines and then, ipa-pocket niya ang P80 per bagahe. Typical ito. In fact, dito nagsimula ang pagbabawal sa labor-only contractor.

On the other hand, kapag mayroon kang mga arrastre operators diyan who have substantial capital, say, ang gastos lang niya buwan-buwan is two million pesos but may pera siyang P10 million, e di job contractor siya. Another example is actually what is happening in the field now, especially doon sa directly related aspect. The BDO is a banking enterprise; tapos, kumuha siya ng security agency—ipalagay na lang nating Tamaraw Security Agency— at sinabi niya sa Tamaraw, "Okay, I will hire you to secure all the branches ng BDO." If Tamaraw has substantial capital, halimbawa ang gagastusin niya is one million pesos per month—example lang ito, hindi naman ito Tamaraw na naririnig natin—if ang gastos niya is one million pesos per month but it has P5 million capital, hindi na siya iikot, hindi na siya manghihiram sa BDO para magbayad siya ng sahod.

Ang pangalawang handicap sa Article 106 is, wala siyang substantial investment in the form of tools. Maraming security agencies diyan na kulang ng baril, o gawang Danao ang mga ito, pagkatapos, isa lang ang nakarehistro pero limang baril ang covered ng isang numero—ito ay isang halimbawa ng labor-only contracting. Wala siyang sufficient investment in the form of tools. So, kawawa ang manggagawa. Kaya pinagbabawal ito, ang tagal na ito, you speak of 30 years, 40 years, ipinagbabawal iyan but as job contractor, kung titingnan mo rin naman sa Article XIII, Section 3, while on the one hand, ang manggagawa ay ginagarantiyahan ng security of tenure, ang employer naman is guaranteed ng return of investment. In short, our Constitution guarantees both the employer and the employee sa tamang sahod, sa tamang kikitain on the part of the employer but the labor-only contractor, as contractor, is never guaranteed by Article XIII, Section 3 of the Constitution. Iyon po.

REP. BROSAS. Yes. Mme. Speaker, G. Isponsor, nais ko lang sabihin na iyong pino-point out ko po—ang tanong ko po ay basic lang. Iyong kaayusan na may principal, may contractor at mayroong worker ay papanatilihin ba ng Bill na ito?

REP. VELOSO. Correct because dito tayo sa directly related. For example, Mercury Drug sells mga gamot na hindi siya ang nagma-manufacture. Iyong mga manufacturers, okay, na directly related ang trabahador nila doon sa pagbebenta ng Mercury Drug ay mahirap mo naman sabihin at mahirap mong ipagbawal ang trabaho ng Mercury Drug, ang negosyo ng Mercury Drug, even if its workers are performing tasks that are directly related doon sa nagsu-supply ng mga gamot. What I am saying, Mme. Speaker, is this: contracting as contracting, when legitimate, cannot be prohibited. What makes it illegitimate is if, as of now, the contractor is indulging in the prohibited labor-only contracting aspect, Your Honor.

REP. BROSAS. So, Mme. Speaker, G. Isponsor, nandiyan pa rin ang contractualization. Ano po ang ginagawa natin dito sa Bill na ito na nagsasabi na maiibsan ang problema ng mga manggagawa? Ano po ang nilalaman ng Bill or positive sa Bill na ito na sinasabi ninyo na makakatulong para sa mga manggagawa kung nandiyan pa rin iyong contractualization?

REP. VELOSO. Mme. Speaker, let me refer the honorable Congresswoman to page 3 of the proposed Bill, line 2. Babasahin ko from page 2, this is an existing law: “There is ‘labor-only’ contracting where the person supplying workers to an employer does not have substantial capital or investment in the form of tools, equipment, machineries, work premises, among others [, and] OR HAS NO CONTROL OVER THE WORKERS’ METHODS AND MEANS OF ACCOMPLISHING THEIR WORK OR the workers recruited and placed by such persons are performing activities which are directly related to the principal business of such employer.”

Iyong salitang “and” ay pinalitan natin ng salitang “OR” sa line 1 and isiningit natin dito iyong “OR the workers recruited and placed by such persons are performing activities which are directly related to the principal business of such employer.” Meaning, Mme. Speaker, if a contractor has substantial capital, even if a contractor has a substantial investment in the form of tools, if the work being performed by the employees or workers of the contractor, is directly related to the principal business of the principal, then labor-only contractor siya. The Labor Arbiter, the NLRC, the Court of Appeals, the Supreme Court will no longer look into the question of whether or not there is substantial capital. They will no longer look into the question of whether or not the contractor has substantial investment in the form of tools. It is enough that the worker is performing a task that is directly related to the principal business of the principal.

Let me cite, for example, in PAL, Philippine Airlines, kapag magtse-check-in ka, nagtanong ako, “Empleyado ka ng PAL?” Ang sagot po, “Hindi po, empleyado ako ng agency.” Check-in counter ito. Hindi puwede makasakay ang pasahero kung hindi siya magtse-check-in. Hindi lang siya talagang directly related pero very essential pa nga ito. With this, hindi na tayo magtatanong: Mayroon bang substantial capital itong contractor? Mayroon bang substantial investment in the form of tools itong contractor? Hindi. The fact alone na itong nagtse-check-in sa iyo is performing a task that is directly related to the business of Philippine Airlines, iyon, labor-only contractor na siya.

REP. BROSAS. Yes, G. Isponsor. Kaya po hindi maintindihan ng Kinatawan na ito kung bakit even doon sa Section 4, page 5, line 19 ng Bill, ang ginawa natin ay iyong “Article 295. Regular”—tinanggal natin iyong casual—“Regular employment. – The provisions of written agreement to the contrary notwithstanding and regardless of the oral agreement of the parties, an employment shall be deemed to be regular.”

Dati, ang nakalagay po sa Labor Code ay “where the employee has been engaged to perform activities which are usually necessary or desirable in the usual business or trade of the employer, except where the employment has been fixed for a specific project or undertaking the completion or termination of which has been determined at the time of the engagement of the employee or where the work or service to be performed is seasonal in nature and the employment is for the duration of the season.” Tinanggal po natin iyong “necessary or desirable” doon. Samantalang iyong example na sinasabi ninyo po doon sa PAL ay sinabi ninyo nga na importante iyong check-in, hindi ba?

Tapos, pinalitan po natin ng “A REGULAR EMPLOYEE IS ONE WHO HAS BEEN HIRED FOR AN INDEFINITE PERIOD. NO EMPLOYMENT WITH A FIXED TERM OR DEFINITE PERIOD SHALL BE ALLOWED EXCEPT IN CASES OF OVERSEAS FILIPINO WORKERS.” Narito na po iyong mga, ano, “WORKERS ON PROBATION, RELIEVERS WHO ARE TEMPORARY REPLACEMENTS OF ABSENT REGULAR EMPLOYEES WHOSE ENGAGEMENTS SHALL NOT EXCEED SIX (6) MONTHS, PROJECT EMPLOYEES, AND SEASONAL WORKERS.”

REP. VELOSO. Mme. Speaker.

REP. BROSAS. So, G. Isponsor, parang pinayagan po natin ...

REP. VELOSO. Mme. Speaker.

REP. BROSAS. ... na mas lalo pang magbukas ng floodgates ito para sa contractualization.



REP. VELOSO. Mme. Speaker, let us not confuse Article 295 with Article 106. Ang Article 295, in the case of Singer sewing machine, sinabi niya, mag-a-apply lang itong provision on regular employment, which used to be Article 280, kung empleyado na itong tao. Meaning, ang employer ay nag-concede siya na ito ay employee niya. Hindi lang plain worker kung hindi empleyado niya na ito. The question is, among klaseng empleyado ito, regular or casual? Sinabi ng Article 280, regular ka if you are performing a task that is usually necessary or desirable in relation to the usual business of the employer. Ganito ang ginagawa ko sa eskuwelahan noon, including sa bar review. Sinabi ko, we all used to have a date. Mga bata pa tayo, may date na tayo. Paano mo idi-distinguish ang regular from casual employee to a thesis in relation naman sa job control ng date?

Noong bata pa ako, pag mayroon akong magandang date, desirable, at maipagyayabang ko, nagiging necessary, okay. Puwede rin iyan sa babae. Ang babae, kung ang ka-date niya kasing-guwapo ng isang aktor—ipalagay mo na lang, sino ba diyan, Piolo Pascual pa ba?—kung mayroon isang ka-date niya na aktor, guwapo, nagiging desirable, nagiging necessary. One is not enough. Nagkakaroon sila ng another date, third date, nagiging regular date niya iyong ka-date niya. Now, if the face, on the other hand, ng ka-date niya na lalaki has a face that only a mother could love, hindi niya puwedeng ipagyabang, so that becomes a casual date. Fortunately or unfortunately, iyan ang naging benchmark of who a regular employee is. Empleyado na po ito kaya pinagdi-distinguish natin sino ang regular, sino ang casual.

Sa second paragraph ng Article 280, nakalagay doon na those who are not covered by the first paragraph are casual. Sino iyong nasa first paragraph? Those who are performing tasks that are usually necessary, desirable, except, of course, iyong project at saka seasonal. Ito, uulitin ko po, ay empleyado na. Sa Article 106, wala pa tayong employer-employee relationship doon unless nag-concede ang worker na siya ay empleyado ng contractor in job contracting. Kapag nag-concede na siya na empleyado siya ng contractor sa job contracting, dito papasok na po ang Article 280 kung anong klaseng empleyado siya—regular o casual.

Ngayon, ang proposed amendment natin, huwag na po nating i-base ang definition ng regular employment sa “usually necessary or desirable.” Kasi ang isang tanong mo po doon ay sino ba ang employer na magha-hire ng empleyado na hindi desirable, na hindi necessary. Kaya in relation to the demand, to the clamor of labor, “enough with 5-5-5, enough with endo or end of contract,” kasi ang nangyayari ngayon, papasok ka ng five months, pagkatapos ng five months tapos na ang contract, trabaho ka, illegal na po iyan, prohibited na po iyan sa proposed amendment natin. Kasi nakalagay dito, “NO EMPLOYMENT WITH A FIXED TERM OR

DEFINITE PERIOD SHALL BE ALLOWED EXCEPT IN CASES OF OVERSEAS FILIPINO WORKERS, WORKERS ON PROBATION, RELIEVERS WHO ARE TEMPORARY REPLACEMENTS OF ABSENT REGULAR EMPLOYEES WHOSE ENGAGEMENTS SHALL NOT EXCEED SIX (6) MONTHS, PROJECT EMPLOYEES, AND SEASONAL WORKERS.”

Kaya ang problema natin sa endo ay nilulutas natin with the proposed amendment sa Article 295. Uulitin ko po—you do not talk about job contracting versus labor-only contracting. You do not talk about contractualization pagdating sa regular employment kasi pagdating sa regular employment, once proceeded na ang employment relationship between the employer and the employee, bilateral po kasi ito e, considered na ang employer-employee relationship, ang kuwestyon na lang is, ano ka ba, regular or casual?

Now, dito sa Article 106, away pa iyan. Ang Article 106, on the other hand, speaks of a tripartite relationship. Mayroon tayong employer, principal, in the case of labor-only contracting who hires the services of an agent, the contractor, who does not have substantial capital, no substantial investment in the form of tools, kaya nga exploited masyado ang manggagawa.

So, uulitin ko—nagkakaroon lang tayo ng employee-employer relationship by fiction of law if there is labor-only contracting.

We cannot, on the other hand, prohibit all kinds of contracting because if you take a look at Section 3, Article XIII, ang employer ay may mga karapatan din na ginagarantiyahan ng Konstitusyon natin. Tayo naman dito sa Kongreso cannot pass laws that are unconstitutional and besides, mayroon tayong Section 1, Article III. Kapag sinabi nating bawal na iyan, saan napunta? Article III, Section 1 of the Constitution states that “No person shall be deprived of life, liberty, or property without due process of law....” Ang employer ay may mga karapatan. Iyong property rights, protected po ang mga ito sa ating Konstitusyon, katulad ng sariling buhay ng tao. I hope this is clarified.

REP. BROSAS. Mme. Speaker. G. Isponsor, unang-una, nais kong magbigay ng komento sa pagbibigay ninyo ng halimbawa kanina. Sa pagtingin po ng Kinatawang ito ay inappropriate ang inyong pagbibigay ng halimbawa kaugnay sa dating. Napaka-sexist po ng remark kaugnay sa paghahalimbawa ng unang date, ikalawang date at kung anu-ano pa. Hindi po nagustuhan ng Kinatawang ito ang inyong halimbawa.

REP. VELOSO. Let me explain, Mme. Speaker. Hindi ko naman sinabi na babae lang. Ang unang example ko pa nga ay lalaki. Ang agrabyado ay lalaki. If I am being sexist there, it was not the intention of the author, Mme. Speaker. Kaya lang, as memory or to aid the memory ng mga estudyante ko, enjoy sila doon. We

used to have dates. Who is the usual casual date, who is the regular date?

REP. BROSAS. Mme. Speaker, ang nais ko lamang sabihin ay hindi po nagustuhan ng Kinatawang ito ang inyong halimbawa.

REP. VELOSO. My apologies, Mme. Speaker.

REP. BROSAS. Tinatanggap ko po, Mme. Speaker. Maraming salamat po sa inyo.

REP. VELOSO. Thank you.

REP. BROSAS. Ngayon po, kaugnay doon sa ating pinag-uusapan sa inihalimbawa ninyo kanina kaugnay doon sa—naiintindihan ko po iyong Article 295, na kailangang regular na empleyado na sinasabi natin, pero hindi po ba ito ay naikutan nga dati ng mga malalaking kompanya? So, maaaring mas lalo pang maikutan muli ito ng mga malalaking kompanya sa pagtatanggal natin ng “necessary or desirable” na termino diyan.

REP. VELOSO. Kaya nga, Mme. Speaker, pino-propose natin ang amendment na ito para hindi na maikutan ang manggagawa sa kanyang karapatan. Prohibited na po ang fixed-term employment. Prohibited na po ang 5-5-5. It says here that “No employment with a fixed term or definite period shall be allowed, except in cases like overseas Filipino workers.” Mahirap naman nating ipagbawal ang overseas Filipino workers kasi ilang bilyones po ang naibibigay nila sa atin.

Ang probation, it is a management prerogative in hiring an employee, to put the employee on a test employment. Ito po ang tinatawag nating probationary employment na nasa Article 281, as unrenumbered. Ang relievers— halimbawa, nag-maternity leave ang isang cashier, alangan naman na isasara natin ang tindahan dahil wala na siyang cashier, kaya nagkakaroon po tayo ng reliever. Also, the seasonal, the project employees, these are already accepted not only by both labor and management as allowable, as fixed-term employees kaya nga ang nandoon sa Article 280, dalawa lang ang exempted doon, seasonal and project employees.

Let me explain, Mme. Speaker. The La Carlota Sugar Central which used to be my client, it would mill sugarcane only and as long as may sugar, may tubo, may sugarcane. But sugarcane is very seasonal in character, hindi puwede iyan pag tag-ulan, at sabi nila ay bumababa ang sugar content. Ngayon, kung wala nang sugarcane dahil ang sugar planters ay hindi naman puwede mag-harvest o magtanim na ang harvest time is during the rainy season, ang mangyayari, dahil walang sugarcane, magsasara ang sugar central, it may undergo repairs, the workers will be laid off though they are regular, seasonal employees. Pagbalik ng milling

season, they will be called back because they are regular employees though seasonal in character.

I do not have to explain anymore what a project employee is and these are accepted standards now of valid fixed-term employment.

REP. BROSAS. Mme. Speaker, G. Isponsor, mag-example po tayo ng pinakamalapit sa atin. Ang ihahalimbawa po ng Kinatawang ito ay kaugnay sa SM. Paano po makakatulong sa seasonal workers na humihingi ng regular employment ang SM workers natin? Ang common violations, findings and observations ng DOLE noong nakaraan, ang summary ng joint assessment sa SM department stores, sa 15 department stores sa NCR: SM, Metro Main Star Incorporated, Major Shopping Management Corporation; SM Megamall Department Store, EDSA, Mandaluyong; Metro Manila Shopping Mecca Corporation, SM City Manila; SM Mart Incorporated, SM Store Quiapo; SM Mart Incorporated, Harrison Plaza; SM Retail Department Store, SM City, Makati; Mandurriao Star Incorporated, SM, San Lazaro; SM Mart Incorporated, SM North EDSA; Market Strategic Firm, SM Fairview; Mandurriao Star Incorporated, SM Marikina Department Store; SM Retail Department Store, SM Sucat; Metro Main Star Asia Incorporation, SM Novaliches; SM Retail Department Store, SM Aura Taguig; and SM Department Store, SM Southmall Las Piñas City—mayroon po silang 4,804 workers. Mayroon pong casual probationary na sinasabi na seasonal na 1,931. May total po silang manggagawa na 6,735.

Ang kalakhan po na common violations or findings or observations una, ang continuous renewal of contract. SM has the control on attendance, performance, uniform, ID, et cetera, of agency, contractors, consignors, workers. SM participates in the hiring and termination process of agency workers. SM supervisors give instructions to trilateral employees. So, iyon po ang security of tenure violations at observations noong nakaraan. Paano po ang Bill na ito makakatulong para sa mga workers natin sa SM?

REP. VELOSO. Okay. First, iyong sinasabi ninyong mga SM, and this is not limited only to SM dahil ang daming mga malalaking tindahan diyan which hire workers on five months-five months-five months basis. With the proposed amendment which now reads, “A regular employee is one who has been hired for an indefinite period,” violative na iyan pag na-approve na ito. No employment with a fixed term or definite period shall be allowed except iyong sinabi ko kanina. Anong mangyayari diyan? For the worker who has been hired for five months, all that he has to do is go to the Department of Labor Regional Office. Pagpunta niya sa Department of Labor, ma-a-activate na kaagad ang

provisions ng Article 128 ng Labor Code or even the complaint inspection under Article 129.

Anyway, pagpunta niya doon, ang DOLE Regional Director ay mag-a-assign ng examiners doon sa SM at titingnan nila, mag-i-interview sila ng mga tao doon sa mga inireklamo nila. There will be interviews to be conducted kung sino ang humahawak ng payroll, and there will be a determination na, “Uy, mayroon tayong violation dito ng 295, which is 280 before.” Anong mangyayari dito? SM will be assessed with wage deficiencies, pababayaran itong mga manggagawa at magpapalabas sila ng writ of execution. Under Article 128, hindi nga puwede ito ma-enjoin ng regular courts. So, enforcement na lang po ang kailangan doon sa sinasabi mong empleyado ng contractor, kasi iyong example mo, naghalo ang labor-only contracting at saka regular employment na ipinasok on a fixed-term basis. Uulitin ko—doon sa violation ng fixed-term employment, regular employee na ang manggagawa. The DOLE inspector will assess and then, the next is, magbabayad sila. Enforcement na po iyan. Doon naman sa sinasabi mo kaninang may labor-only contractor, isa lang ang titingnan ng inspector—kung ang trabaho mo ay directly related doon sa negosyo ng SM. Ito ay kung sinasabi mong negosyo ng SM.

I would like, of course, to disabuse yourselves or ourselves with the thought na bawal itong lahat because, as I earlier cited as an example, ang Mercury Drug, directly related ang trabaho ng drug manufacturer, worker, at ang Mercury Drug but these are independently distinct set of employers who have their own independent rights under the Constitution and therefore, we have to respect that in our proposed amendment. Ang merchandisers, halimbawa, if there is a company that manufactures, palagay na lang natin na noodles, ibinebenta ngayon sa SM, binibigyan naman ng SM ng isang place to be rented, independent business ito which is distinct at wala po tayong labor-only or job contracting isyu dito.

Pakiusap ko lang, let us look at endo versus labor-only contracting from two different sets of laws. We apply Article 280, which is now Article 295 when it comes to who are the regular employees, and we apply Article 106 in determining who is the job contractor, which is allowed, versus a labor-only contractor, which is prohibited. Huwag po nating paghaluin kasi, alam mo, I used to be a labor lawyer also at masakit sa ulo ko tingnan na iyong mga kasama ko, ang mga tauhan ni Cong. Raymond Mendoza, ay magpo-protesta kasi pinaghalo po ang Articles 106 at 280.

REP. BROSAS. G. Isponsor, nais ko lang itanong iyong sinasabi po natin sa SM, puwede niyang magamit ang labor-only contracting, hindi po ba?

REP. VELOSO. Ang sinabi ko, puwede nating sabihin sa DOLE inspector.

REP. BROSAS. So, kapag pumasa po siya dito sa Article 106-A, na nagpapatibay ng licensing of job contractors, at ang SM ay magkakaroon ng maraming job contractors, therefore, ang 5-5-5 o endo na sinasabi ninyo, pupuwede talagang ang isang manggagawa ay malipat lang ulit dahil lisensiyado naman pala ang job contractors, hindi po ba?

REP. VELOSO. Mme. Speaker, uulitin ko po—huwag nating paghaluin ang 5-5-5 which is Article 280 at ang labor-only contracting which is Article 106. Ang sinasabi mong 5-5-5, hindi na nga puwede. Na-discuss ko na, we do not have to dwell on it again. Ang 5-5-5 which you termed or pointed out as “endo,” empleyado na iyan. Hindi mo puwede ilagay on five months-five months-five months dahil regular employee siya at mayroong security of tenure. Doon naman sa labor-only contracting versus job contracting, kapag job contractor ka, employer ka—employer ka, rather, ng mga empleyado mo, if you are job contractor, okay? Hindi SM ang mananagot, hindi ang principal ang mananagot, kung hindi ang contractor dahil allowed po iyon.

REP. BROSAS. Yes. G. Isponsor, iyon po ang nais kong sabihin. Maaaring magkaroon ng maraming job contractors kung saan pupuwede pa rin na mag-hire sila ...

REP. VELOSO. On the contrary, Mme. Speaker, ...

REP. BROSAS. ... at hindi SM ang siyang mananagot. Tama po ba?

REP. VELOSO. On the contrary, hindi po, Mme. Speaker. Sa Article 303-A, mayroon tayong penalties dito, okay?

REP. BROSAS. Okay.

REP. VELOSO. On top of the fact that labor-only contracting—job contracting is allowed—is prohibited. Labor-only contracting is prohibited, job contracting is allowed. Mayroon po tayong provision dito na binibigyan natin ang Department of Labor ng regulatory authority para i-regulate, rendahan ang mga kunwari ay job contractors through licensing and through penalties. Dito sa licensing, Mme. Speaker, mayroon tayong Article 106-A, Section 2 on page 3 of the proposed Bill on the licensing of job contractors. Nakalagay po diyan, “All persons or entities doing business as job contractors shall obtain a license.” Hindi basta-basta makakapag-operate ang job contractor even if he has substantial capital, even if he has substantial investment, kasi kailangan po may lisensya siya. So, pupunta siya sa DOLE at ito ay added teeth to regulate job contracting.

Now, the license shall be issued to qualified job contractors upon compliance with the following requirements: one, mayroon kang independent business separate and distinct from the principal employer; two, mayroon kang paid-up capital, which satisfies the requirement of substantial investment; and three, an undertaking of financial capacity and compliance with other laws and regulations, which means, kasi the principal is an indirect employer of the job contractor. Kaya nga under Article 108, naglalagay ang bond ng job contractor. Now, kapag ang job contractor ay nagkahirapan sa pera, ang mangyayari diyan, sasagutin siya ng principal, but pagdating sa licensing, matse-check na po siya doon. An undertaking of financial capacity, sufficient knowledge, et cetera.

Itong requirements before a license can be issued are to add teeth, Mme. Speaker, para matulungan ang mga manggagawa in relation to their rights to security of tenure under Section 3, Article XIII of the Constitution. Again, kapag empleyado ka, worker ka ng job contractor, considered ka na may employer-employee relationship ka with your employer. Walang pakialam ang principal diyan. Mayroon din tayong Article 279 which guarantees you from abuses like illegal dismissal, et cetera. Mayroon kang right to be reinstated, get full back wages. So, uulitin ko, job contractor ka na po, allowed po iyon and still, if you do not have a license...

REP. BROSAS. And still...

REP. VELOSO. ...puwede kang ipasara.

REP. BROSAS. And still, G. Isponsor, puwedeng ganoon, magkaroon ng maraming job contractors, not necessarily sila ay labor-only contracting, ano?

REP. VELOSO. A job contractor, by definition of law, cannot be a labor - only contractor. On the other hand, you can, as of now, operate validly without intervention of the DOLE if you are a job contractor, satisfying only the requirements of substantial capital, substantial investment under Article 106 without getting a license based on the following requirements. With this, Mme. Speaker, with the licensing requirement, the requirements before you can get a license, medyo mahirap na po i-circumvent ng contractor, even the job contractor, ang mga karapatan ng manggagawa.

REP. BROSAS. So, G. Isponsor, tatal nandoon na rin po tayo sa usapin ng mga penalties na binabanggit ninyo sa mga hindi tutupad kaugnay doon sa mga dapat bilang job contractors, wala po bang option for imprisonment para doon sa mga lalabag?

REP. VELOSO. Well, doon sa imprisonment...

REP. BROSAS. Kung—sandali lang po...

REP. VELOSO. Okay.

REP. BROSAS. ...G. Isponsor. K, kaya ko po tinatanong dahil madali lang po magbayad iyong mga malalaking kompanya sa paglabag sa mga following na sinasabi ninyo. So, kung malaking kompanya po at talaga namang kayang magbayad at wala tayong imprisonment para diyan, di mas lalo pong kawawa ang mga manggagagawa.

REP. VELOSO. Mme. Speaker, we do not have to provide in the proposed amended law or as amendment, the penalty of imprisonment if it is already provided for in the Revised Penal Code. Kung niloko mo ang manggagawa o niloko mo iyong DOLE, anything that has the element of deceit constitutes estafa. Malaki ang imprisonment, depending on the amount involved, pagdating sa estafa. That to me is more reliable than coming up with a penalty of one year or six months, et cetera.

REP. BROSAS. G. Isponsor, anu-ano po ba iyong mga—magkano po ba iyong mga penalties? Puwede ninyo po bang isa-isahin?

REP. VELOSO. I do not have a copy of the Revised Penal Code., Two things ang maalala ko as a student of criminal law: number one, kapag mayroong element of deceit, estafa iyan; and number two, ang determination ng penalty would depend on the amount involved sa estafa. Imagine when I was with the NLRC for 15 years, I would award noon the Kilusang Mayo Uno, which was then represented by Kokoy Flores, millions of pesos on the basis of Article 128 of the Labor Code—millions of pesos, naku, almost life imprisonment na po iyan kasi ilang manggagawa ang involved pagdating sa labor-only contracting. That to me is more effective than coming up with a proposed penalty in relation to violations of the rights of workers under Article 106 of the Labor Code.

REP. BROSAS. Last point na po G. Isponsor. Nais pong malaman ng Kinatawan na ito iyong magiging epekto nito sa mga plantasyon na napakarami din ang mga manggagagawa katulad ng plantasyon ng DOLE Philippines at Del Monte at ilan pang mga empresa sa manupaktura. Magkakaroon na po ba sila ng employee-employer relationship sa ganito?

REP. VELOSO. Ang plantasyong—can you cite a specific company na banana plantation, for example, para ma-address natin on record, mababawasan na iyong mga kaso.

REP. BROSAS. Sumifru banana plantation.

REP. VELOSO. Iyong ...

REP. BROSAS. Sumifru banana plantation po.

REP. VELOSO. Phili-ano?

REP. BROSAS. Sumifru.

REP. VELOSO. Philifro? Anyway, let me just read, uulitin ko. If we are talking—kasi dapat nauuna ang question, empleyado ba ito o hindi? Labor-only versus job contracting. Kapag ang contractor ng plantation has substantial investment in the form of tools, kapag mayroon siyang substantial capital, ano siya, job contractor?

Now, uulitin ko lang po. We cannot prohibit all kinds of contracting dahil nakalagay po, Section 3, the last paragraph states, “The State shall regulate the relations between workers and employers”—Section 3 po ito, Article XIII—“The State shall regulate the relations between workers and employers recognizing the right of labor to its just share in the fruits of production and”—emphasis po dito—“the right of enterprises to reasonable returns of investments, and to expansion and growth.” Section 1, Article III of the Constitution says that these job contractors have proprietary rights which we cannot just deprive them in the matter of enjoyment without due process of law and without just compensation.

So, medyo masalimuot po iyong area na iyan, plantation, and finally, uulitin ko lang po, huwag po nating paghaluin ang Articles 106 at 280. Article 106 raises the question of whether or not empleyado ka by fiction of law, while Article 280 raises the question of empleyado ka nga, regular ka ba o hindi? Ang fiction of law po, Mme. Speaker, mayroon po tayong Article 138. Ang mga empleyado sa mga night clubs—I do not know kung ano ang pinaggagawa nila doon, hindi pa ako nakakapasok sa night club.

REP. BROSAS. Iyan ka na naman, pangalawa na iyan.

REP. VELOSO. I know na hindi ka maniniwala pero—anyway, ang waiter, ang waitress, rather, doon ay empleyado by fiction of law. Isang klase pa rin iyan ng employment by fiction of law. Kahit hindi siya nahire, kahit hindi siya binabayaran ng sahod kasi ang nagbabayad ng sahod ay iyong—kumikita lang sila through tips. Kahit hindi siya dini-dismiss, kahit walang control ang may-ari ng night club, simply because supervised ang trabaho ng waitress, by fiction of law, empleyado rin sila.

Similarly and more descriptively, kapag binasa mo iyong Article 106, labor-only contracting, iyon, by fiction of law, walang kontrol ang principal doon sa trabaho ni contractor. Hindi siya ang nag-hire, hindi siya ang nagsasahod dahil contractor ang nagsasahod, wala rin siyang control, wala rin siyang power of dismissal, but by fiction of law, simply because walang substantial capital ang contractor dahil wala siyang substantial investment in the form of tools, by fiction of law, ang workers ni contractor, labor-only contractor, are considered as employees ni principal, agent lang po ang classification ni contractor.

REP. BROSAS. Okay, Mme. Speaker, G. Isponsor. Nais ko lang ibalik doon sa aking sinasabi kaugnay doon sa mga malalaking plantasyon. Ang ayaw po namin ay maging paraan pa ito ng higit na pagli-ligalisa sa pag-iral ng labor workers cooperatives sa maraming empresa at plantasyon sa bansa at maging instrumento ng mga kapitalista ito para maiwasan ang employee-employer relationship at pigilan ang pagtatayo ng mga unyon.

REP. VELOSO. Let me cite to you—na-mention mo kasi iyong cooperative. Mayroong jurisprudence sa kaso ng Asiapro Multi-purpose Cooperative, at sinabi ng Supreme Court in the first case of Asiapro, ang mga manggagawa ng cooperative ay hindi puwede mag-unionize, hindi puwede makipag-bargain collectively dahil kooperatiba sila. Sila ang may-ari ng kooperatiba, they cannot bargain with themselves, iyon ang sabi.

Now, in another case, sinabi naman ng Supreme Court na puwede silang singilin ng SSS, et cetera. There are two conflicting decisions in the case of Asiapro but these amended provisions ngayon, kung papasa na ang mga ito, will solve the problem. Sino ang empleyado under Article 106, under Article 280? Kung empleyado ka, regular ka kasi hindi na puwede ang fixed-term employment.

REP. BROSAS. Yes. Okay, Mme. Speaker, G. Isponsor, ibalik ko lang po ulit na pinapayagan pa rin natin iyong principal-contractor worker na kaayusan. Therefore, ang Kinatawan po na ito ay hindi sang-ayon sa ganitong pamamaraan. Sa tingin po ng Kinatawan na ito ay mayroon pa ring kontraktwalisasyon na mangyayari at magaganap, at magagamit pa rin ito ng mga kapitalista at mga malalaking kompanya to skirt around para sa lalong pagsasamantala sa ating mga manggagawa.

Kung kaya, nais ko pong sabihin, maraming salamat sa ating G. Isponsor sa pagsagot sa aking ilang mga katanungan. Nais kong ipagdiin na kaya po gumawa rin kami ng batas na gusto namin ay dahil gustong-gusto naming ma-address ito. The workers’ job security should be upheld and regular employment should be promoted by making subcontracting agencies

superfluous and making employers responsible for their employees. We seek to stop contractual employment and uphold workers' right to job security. Contractual employment is most exploitative and most unjust for workers, thereby, most unacceptable to them and to the Filipino people. It must, as such, be eradicated totally and not merely be reduced incrementally. So, iyon po ang aming paliwanag.

Maraming salamat po, Mme. Speaker. Maraming salamat, G. Sponsor.

REP. VELOSO. Last point lang po. Uulitin ko lang, we cannot secure the tenure—we cannot provide tenure and security to workers who are not employees kaya importante po ma-classify muna sila as employees, regular employees at that, before they can be entitled to security of tenure.

Maraming salamat din po, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you, Honorable Brosas.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, the next Member who wishes to interpellate the Sponsor is the Gentleman from Party-List BUHAY, the Hon. Jose "Lito" L. Atienza Jr. I move that we recognize him for his interpellation. I so move.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Atienza is recognized. Please proceed.

REP. ATIENZA. Salamat po, Mme. Speaker. Thank you, Mr. Majority Leader.

I only have two questions for the Gentleman. I know that this is a well-researched, well-prepared draft that he has presented to us. On the other hand, mayroon pa pong mga katanungan na dumarating sa aming tanggapan kaya gusto ko ho ilagay sa ating talaan ngayon ang sagot niya.

Dito po ba sa ating ginawang draft na ito ay naisali ninyo sa inyong pagsusuri ang pinakamalaki at katangi-tanging legitimate service contractors in the country? Mayroon po silang asosasyon, ang tawag po ay Philippine Association of Legitimate Service Contractors.

REP. VELOSO. Iyon ba ang PALSCON? Anyway, ito pong House Bill No. 6908, this is a substitute bill of several bills that went through Committee hearings. Pinag-usapan po namin doon sa mga Committee hearings ang karapatan ng mga legitimate job contractors. Isa lang po ang masasabi ko po, Mme.

Speaker. Hindi ko talaga maatim na payagan sila sa lahat ng mga kagustuhan nila because, tingnan mo po, when I was a management lawyer, ang dami kong mga kliyente sa CALABARZON area. Standard iyon kapag manufacturing outfit ka, halimbawa, gumagawa ka ng damit o garment factory, ang company na iyan, like M. Greenfield, Inc., sila ang nagha-hire ng mga empleyado na gumagawa ng kuwelyo, ng sleeves, at nagbubuo ng damit. Ngayon, ang dami pong mga garment factories na kino-contract out ang paggawa ng kuwelyo, ang sleeves. In short, naabuso na po. Let me just stress, Mme. Speaker, that looking at Section 3, Article XIII of the Constitution in relation to Article 106, guaranteed ang rights ng employer, ang rights ng employees in Section 3, Article XIII of the Constitution. Wala pong ginagarantiya na rights even ang job contractors.

On the other hand, in the Committee meetings that we had, mas marami ang contractors na humihingi na i-retain o kung hindi man, palakasin pa ang mga karapatan nila, so to speak. Kaya lang, kung titingnan mo naman, ano ba ang kasalanan ng mga manggagawa? They will work side-by-side with regular employees who receive minimum wages, who are guaranteed the right to security of tenure pero itong mga manggagawa ng abusive job contractors na ito ha, ay wala because, uulitin ko, ang dami na ng labor-only contractors na nagiging job contractor by satisfying the requirement on capitalization, on substantial investment.

To me, na-address namin—in response to the query of the Honorable Atienza, nasagot namin, and we took care also of the legitimate needs of legitimate contractors, job contractors, but other than that—heto, ipinapakita sa akin ng Chairman ko po, in the Committee hearings we had, well represented po sila: PALSCON, Ms. Caliwara, palaging present; Mr. Guerrero; and the group.

REP. ATIENZA. Mme. Speaker, we are all imbued with the same intention—we want to help our government, our people, especially the poor, and we are the ones preparing the law so that this objective is accomplished. So, I am not questioning the Gentleman's intentions or questioning his grasp of law. I merely asked the question, hinihingan ba natin ng posisyon iyong mga apektadong sektor dahil no amount of good intentions will justify the deprivation of a sector's rights to be heard. Kung sila po ay naimbita, dapat po sagutin na lang na inimbita. Kung sila po naman ay narinig, di sabihin lang natin na kasama na po ng aming input ngayon ang kanilang posisyon.

Kaya uulitin ko po ang tanong at gusto ko po ng sagot—naimbita ba itong asosasyon ng Philippine Association of Legitimate Service Contractors? Were they invited? Were they allowed to give their position before we finalized the draft?

REP. VELOSO. They were invited: As of November 23, 2016, PALSCON was represented by Ms. Caliwara; May 17, 2017, PALSCON was again represented by Ms. Caliwara; October 11, 2017, Mr. Guerrero represented PALSCON; November 20, 2017, again, Ms. Caliwara represented PALSCON; and November 28, 2017, Ms. Caliwara was there in our Committee hearings. On the question of whether or not sinangguni natin sila—they were, many times.

REP. ATIENZA. That clears the issue, as simple as that. They were invited and if they failed to give their position. Sila po ang nagkulang, hindi po tayo.

On my second question, I know that we are all wanting to help labor, ang mga manggagawa—kung gamitin natin ang salitang iyan ay parang damang-dama natin ang problema ng mga manggagawa. Ang tanong ko po ay, sino po bang makikinabang lamang dito sa paghihigpit? Ito po ay paghihigpit, and I understand the intention, para po naman iyong mga nanggigipit na mga service contractors ay mailagay sa ayos at hindi makalusot ang kanilang maruming hangarin. Sino po ang makikinabang dito in general at ano po ba ang estima ninyo sa bilang ng mga makikinabang na mga manggagawa dito sa ating pinag-uusapang batas?

REP. VELOSO. Isa lang po ang makikinabang dito because the legitimate job contractors do not expect added help; they are legitimate in their operation. Isa lang po ang hangad ng authors dito, ang makinabang ang manggagawa dahil, uulitin ko, inaabuso talaga sila ng napakaraming mga contractors. Kaya nga, sabi ni Honorable Brosas, grabe na ang nangyayari sa panahong ito.

Labor-only contractors circumvent the law as stated in Article 106 kaya ang ginawa po natin, pinahigpitan natin. Iyong “and” ay ginawa natin “OR.” Mayroon na tayong licensing requirement, mayroon na po tayong requirement for the issuance of licenses. It is not enough na job contractor ka; you should be a licensed job contractor.

REP. ATIENZA. Mme. Speaker, ang tanong ko po ay, mayroon po ba tayong estimate ng bilang ng mga direktang makikinabang kapag ipinasa natin itong batas na ito? An estimate, so we do not have to be exact—100,000, 500,000, one million, two million, three million. Ano po ba ang estimate ng kagalang-galang na ...

REP. VELOSO. Sa voluntarily regularized, mayroon na po tayong 121,370, okay. Ngayon, with this amendment, with the passage of this proposed amendment, we expect na mayroon po tayong 1,190,697 non-regular workers and agency-hired workers are 705,252. This sums up to almost two million, Mme. Speaker.

With the passage of the amendments, magkakaroon na tayo ng almost two million beneficiaries, regular employees who are supposed to be paid what is due them as regular employees, who are supposed to enjoy security of tenure. More than pa ito kapag inano kasi they can now have a collective bargaining agreement, et cetera. So 1,190,697 non-regular workers will benefit from our proposed amendments, and agency-hired workers of 705,252 will benefit through our proposed amendment in Article 106. So, almost two million po ang makikinabang, Mme. Speaker.

REP. ATIENZA. Marami-rami rin po iyon. Marami pong makikinabang kaya mahigit 180 ang co-Sponsors ng measure na ito ay dahil napakahalaga at makakatulong.

Between a government contract worker and a private contract worker, ano po ba ang masasabi nating diperensya?

REP. VELOSO. Well, napakalaki. If I—from the position of a professor in Labor Law and a Congressman now, kawawa ang government workers. Number one, I recall that in the budget hearing which I attended, kinuwestyon ni Honorable Tinio ang Civil Service, “Bakit itong job order workers ng gobyerno are considered not as employees?” Nandoon at that time si COA Chairman Mike Aguinaldo, who is my co-faculty member in Ateneo Law School. Siya ang tinanong ni Congressman Tinio and then ni-refer sa akin. Sabi ni COA Chairman Aguinaldo, “Ito ang nagtuturo ng Labor Law sa Ateneo, siya ang tanungin natin.” So, I raised the following points, tinanong ko ang Civil Service: There are only four tests in the determination of employer-employee relationship—hiring, dismissal, payment of wages, control. Sabi ko, sinong nag-hire sa job order workers? The agency of the government. Sino ang may power to dismiss? The agency of the government. Sino ang nagbabayad ng sahod? The agency of the government. Sinong may control sa kanila sa trabaho nila? The agency of the government. In short, I said, “Paano ito sasabihin na empleyado kapag tiningnan natin sa private sector pero sa public sector ay hindi sila empleyado?” There are over a million job order employees who are being deprived of the right to be secure in their employment. Pangalawa po, benefits proceed from three sources: law, which is the labor standards laws like that on the minimum wage, below which hindi na puwedeng bayaran sila; then we have by contract like the collective bargaining agreement; and then, mayroon tayong voluntary grant under Article 100 of the Labor Code.

Now, itong pinag-uusapan pa lang natin dito is gawin silang regular, na maging secure sila sa trabaho nila, na mabayaran sila ng tama under the minimum wage laws, under the labor standards laws provided for

in Book 3 of the Labor Code. Ngayon, added to that sana, puwede sila mag-unionize. The problem is—mayroon tayong malaking problema. Tingnan mo lang po, ang empleyado ng LandBank versus empleyado ng BDO, magkatabi iyan sa Supreme Court, masyadong mababa ang sahod ng LandBbank employee because they cannot exercise the right to self-organization. Whereas itong private sector, they can. So, on the question of, anong masasabi ko, inaabuso talaga ang mga manggagawa ng gobyerno by no less than the government.

Nakakahiya, tayo ang gumagawa ng regulations ng batas, pagkatapos, ang gobyerno din natin ang number one violator.

REP. ATIENZA. Mme. Speaker, the Gentleman has a total grasp of laws covering the operations of our employment, whether government or private. On the other hand, coming from him, he admits that the government casual or contract worker is even more deprived of his right than the private contract employee. So, why are we prioritizing the private sector when we are not even attending to the casuals of government? Kawawa po itong mga casuals. Mas marami po sila kaysa sa private casuals sa tutusin natin. Kung dalawang milyon ang makikinabang dito, kung tayo ay gagawa ng batas para ang mga casuals ng gobyerno ay mabigyan din ng tulong ng batas, ang makikinabang po diyan ay siguro hindi bababa ng limang milyon.

REP. VELOSO. Mme. Speaker.

REP. ATIENZA. Sapagkat kung isasama natin ang local government unit, national agencies, milyon-milyon po iyan. They are the most exploited and the most deprived. They are given casual appointments, which the law requires to automatically graduate to become permanent positions, but that is not being followed. They are laid off for a short period, after six months, then rehired after that and given another six months. Mayroon pong mga casuals, Mme. Speaker, na nanatiling casual hanggang tumanda na sila sa serbisyo—20 years as casual. Why are you not looking into this situation also?

So, I am inviting the Gentleman—he is the most qualified to look into the matter—and I will join him in this particular time, the way I supported this measure, to attend to the government casuals. Otherwise, our well-intentioned Bill that benefits the private sector will come to nothing when it comes to the government casual who languishes in poverty all his life. Hanggang may pagkakataon, kumakapit na lang sa patalim iyan sapagkat wala siyang choice. Kaya bigyan din natin ng bisa ...

REP. VELOSO. Mme. Speaker.

REP. ATIENZA. ... ang ating magandang layunin. Asikasuhin natin ang government contract workers who are the casuals in the system.

REP. VELOSO. Mme. Speaker, there are two sets of problems confronting us: problems of the private sector, ito po ang Labor Code, Article 106 at saka Article 280; and problems confronting the workers in the government sector, which is covered by the Civil Service Law. I understand that the Honorable Atienza is a member of the Committee on Civil Service. We cannot say, pabayaang na lang muna natin ang private sector dahil hindi pa natin naayos ang government sector. We have to treat them separately. Ayusin na po natin ito. I propose that this Bill be passed. On the part of the government sector, I urge the Honorable Atienza to come up with a bill at mag-uusap po kami. Ang dami, especially sa right to self-organization.

Tingnan mo, Article 244 ng Labor Code, sinasabi hindi puwede ang empleyado sa government sector mag-unionize because their salaries are budgeted by Congress when the truth is, hindi naman. Iyong mga government-owned and controlled corporations, hindi kasama sa budget. Kapag may panahon si Honorable Atienza, we can sit down. He can be the author. I can support him; I can be a coauthor. Wala tayong problema diyan.

REP. ATIENZA. Thank you very much for that position, Mme. Speaker. As I said, if we have a competent man to handle the legal issues covering labor, whether government or private, it is the Gentleman now defending the measure. I would welcome his support so that it becomes a reality, so that the government casual employee gets benefited by this present Congress dahil kung hindi po ay sayang itong ating pagmamalasakit na ito.

Hindi ko po sinabing kalimutan ang private ho. Let me correct that statement. I never said na kalimutan natin ang private. Ang sinasabi ko lang po, asikasuhin natin ang gobyerno rin, katulad nang pagmamalasakit natin sa pribado, sapagkat iyong kagustuhan nating iangat sa kahirapan ang mga kababayan natin, iyong ating sinasabing trickle-down effect of a moving economy, hindi nararamdaman ng mga casuals iyan. Ang mga nakararamdam lamang niyan ay iyong may mga negosyo, iyong mayroong kinikitang sapat sa pribado, at mga taong gobyerno na mayroong sideline katulad ng mga traffic enforcers at ang iba pang mga enforcers of the law. Iyong casuals na naglilinis ng paaralan, iyong casuals na naglilinis ng mga palengke, iyong casuals nagta-trabahong tunay ay tila—huwag natin silang kalimutan.

So, I look forward to working with the Gentleman on a special bill. I know very well it could not have been tackled in this same measure, but we can sit down



and prepare one to cover government contract workers called “casuals” so that they too, will benefit from this moving, moving economy as we say, which does not affect them right now.

Thank you, Mme. Speaker.

REP. VELOSO. Thank you also.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you, Honorable Atienza.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, the next Member who wishes to interpellate the Sponsor is the Gentleman from Party-List Anakpawis, the Hon. Ariel “Ka Ayik” B. Casilao. I move that we recognize him for his interpellation.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Casilao is recognized. Please proceed.

REP. CASILAO. Thank you, Mme. Speaker. Will the Gentleman, the distinguished Sponsor, answer some clarificatory questions, Mme. Speaker?

REP. VELOSO. Willingly, Mme. Speaker.

REP. CASILAO. Well, Mme. Speaker, this has been the battle cry of this Representation, and the entire Makabayan Bloc has been fighting it out in these halls of Congress to really address the very long period of the problem of contractualization. In fact, prior to the President’s promise of eradicating these ills, the KMU, as an allied organization of the party-list that I represent, has been criticizing consistently the provisions of the Labor Code which allowed the abuse, the circumvention of the provisions of the Labor Code.

Mme. Speaker, distinguished Sponsor, for clarificatory and comparative purposes, since we have the Committee on Labor and the Department of Labor and Employment has been our partner in deliberating the several bills filed in this Congress, may I know, one, on the current statistics of the Department of Labor and Employment in terms of employed, unemployed, underemployed in 2017?

REP. VELOSO. The total labor force that we have now, Mme. Speaker, is 43.739 million employees or workers: unemployed, 2.188 million; employed, 41.551 million. Meaning, our employment rate is 95 percent and the unemployment rate is only five percent, Mme. Speaker, or a total again of a labor force of 43.739 million.

REP. CASILAO. Thank you, Mme. Speaker, distinguished Sponsor. From the 41.5 million employed, ilan po dito na iyong ang status ng kanilang employment ay regular?

REP. VELOSO. We have about 25.872 million or 62.3 percent for regular employees.

REP. CASILAO. Is it safe to say that the remainder of the 41.5 million less the 25 million who are considered on regular status are contractual employees?

REP. VELOSO. Mme. Speaker, apart from the regular employees that we have of about 25.872 million, we have self-employed, 11.584 million which is 27.9 percent. In fact, we also have family workers who—under the Labor Code while they are a part of the workforce, the agency hired, per our notes, are about—again, I gave these statistics early on—the agency-hired workers, 705,252. The total number of non-regular workers who are supposed to be benefited by our proposed legislation is 1,190,697, Mme. Speaker.

REP. CASILAO. Ang hindi ko lang po ma-reconcile, Mme. Speaker, distinguished Sponsor, we have 25.8 million considered regular employees, but we have non-regular which is one million. Is it safe or is it understandable na ang 23 point plus something million are regular employees?

REP. VELOSO. Ang one million—1,190,000 non-regular workers or a big bulk of them are supposed to be benefited by our proposed legislation. Ang regular workers natin as of now na rank-and-file, we are only talking of the rank and file, the total is 2,613,331 as of June 2016 lang po ito. So, kung ang punto natin is, Mme. Speaker, sino ang makikinabang nito, iyon po.

REP. CASILAO. Yes, sa 25.8 million, ilan po dito iyong unionized or enjoy the constitutional guarantee to the right to organization and collective bargaining?

REP. VELOSO. Mme. Speaker, these Articles 106, 280, they are basically labor standards provisions. Itong right to self-organization in Article 246 of the Labor Code, ito iyong sinasabing second category of benefits that workers or employees are supposed to enjoy if they are—if their right to self-organization is respected. So, hindi naman natin puwedeng pagsamahin ito in one setting kaya tinatalakay na lang po natin itong isinisigaw ng mga manggagawa na, “Stop endo” and we have Article 280 as a proposed amendment. Then, iyong sinasabi nila na,

“Stop contractualization,” we are stopping and in fact, further regulating kahit iyong—we are stopping labor-only contracting and we are further regulating job contracting kahit allowed sila, pero iyong right to collective bargaining, naku, that is another—ang laki po ng i-o-overhaul natin sa Labor Code, under Book V of the Labor Code.

REP. CASILAO. Mme. Speaker, distinguished Sponsor, I asked the statistics on the number of Filipino workers organized or who enjoy the right to organization, the right to form union and the right to collectively bargain because, precisely, they are very connected. Para po itong bituka sa katawan ng isang tao, at iyong large intestine and small intestine operate systematically para gumana iyong magandang digestion.

Tinatanong ko po ang bilang ng kasalukuyang nag-o-organisa sa union dahil my succeeding interpellation, Mme. Speaker, distinguished Sponsor, is to present to this august Body how contractualization, how labor-only contracting drastically devastated these provisions of our Constitution. Not only endo, 5-5-5, but because of 5-5-5, but because of endo, and the circumvention of Articles 106 to 109, the employers—or in our political parlance, the capitalist—exploited and abused that, and eventually reduced significantly the number of organized workers prior to the introduction of Articles 106 to 109.

REP. VELOSO. Mme. Speaker, under Article 243, kasi Article 246 defines the right to self-organization, tumumba tayo sa Article 243 on “Who are covered.” Doon sa “Who are covered,” lahat po ng mga manggagawa—kahit hindi ka regular employee, kahit seasonal ka, kahit project, kahit casual or even empleyado ka ng job contractor or labor-only contractor—you have the right to self-organization under Article 243 of the Labor Code. Excluded lang po doon ay managerial employers, et cetera. It does not stop us, Mme. Speaker, from encouraging even non-regular employees to exercise the right to self-organization under Article 246 of the Labor Code.

Ito lang po ang isang observation ko, Mme. Speaker. When I was the lawyer of the Trade Union Congress of the Philippines, when I was with the labor sector, we had more than a little over 10 percent ng mga manggagawa na unionized. Ngayon, the unionized workers as of June 2014, there are only 340,370 and the percentage here, it is only 7.7. Bumaba po tayo kasi, aminin lang po natin, both sides, ang hindi ko maintindihan, bakit kung alin ang unionized na establishment, iyon pa ang pinag-aawayan sa mga certification of election. Maganda ang mga batas natin sa Book V. Kapag walang unyon doon, pumasok ka, automatic ang certification

election, but labor is not capitalizing on that. We can treat that problem on self-organization, Mme. Speaker, in another bill.

SUSPENSION OF CONSIDERATION  
OF H.B. NO. 6908

REP. NOGRALES (J.). Mme. Speaker, I move that we suspend the consideration of this measure for a few minutes.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, at this juncture, I move that we acknowledge the presence of the guests of the House of Representatives from the First District of Manila, namely: Binibining Tondo 2018, Ms. Shane Nicole Chavez, ...

THE DEPUTY SPEAKER (Rep. Garin, S.). Please stand as your name is heard. (*Applause*)

REP. NOGRALES (J.). Binibining Tondo Turismo, Sheryl Ann Azucena; Binibining Tondo Kalikasan, Kim Patricia Regalado; Binibining Tondo Kapayapaan, Jilen Becker; and Binibining Tondo Kawanggawa, Francesca Ysabelle Simon, the guests of the Hon. Manuel Luis T. Lopez.

THE DEPUTY SPEAKER (Rep. Garin, S.). Welcome to the House of Representatives. (*Applause*)

REP. NOGRALES (J.). Likewise, Mme. Speaker, I move that we also acknowledge the presence of the guests of the Hon. Lawrence H. Fortun of the First District of Agusan del Norte, specifically, Sr. Supt. Romel Tradio, Mr. Jay Van Serrano, Ms. Pretzel Placer-Lim, Ms. Genevieve Aclao Nuqui and Ms. Regue Eusebio.

THE DEPUTY SPEAKER (Rep. Garin, S.). Please rise. (*Applause*) Welcome to the House of Representatives.

REP. NOGRALES (J.). Also, Mme. Speaker, I move that we recognize the guests of the Hon. Aniceto “John” D. Bertiz III of Party-List ACTS-OFW, namely: Mr. Benny Queman, Mr. Romeo Varon, Mr. Benjie Caballero, Ms. Bonnie Arevado and Mr. Bob Villaver. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Please rise. (*Applause*) Welcome to the House of Representatives.

## CONSIDERATION OF H.B. NO. 6908

*Continuation*

## PERIOD OF SPONSORSHIP AND DEBATE

REP. NOGRALES (J.). Mme. Speaker, I move that we resume the consideration of House Bill No. 6908 as contained in Committee Report No. 551, and direct the Secretary General to read the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

THE SECRETARY GENERAL. House Bill No. 6908, entitled: AN ACT STRENGTHENING THE SECURITY OF TENURE OF WORKERS, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE “LABOR CODE OF THE PHILIPPINES.”

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, the parliamentary status of the Bill is that it is in the period of sponsorship and debate.

I move that we recognize the Hon. Vicente Veloso for the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Honorable Veloso is recognized. Please proceed.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I also move that we recognize the Honorable Casilao of Party-List ANAKPAWIS to resume his interpellation.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Honorable Casilao is recognized.

REP. CASILAO. Thank you, Mme. Speaker, distinguished Sponsor. Nais ko lang pong ulitin na lumiit ang bilang ng mga manggagawang nakakapag-avail o nakaka-enjoy sa kanilang karapatan na mag-organisa bilang isang organisasyon at sa ating kasalukuyang batas, ang pag-oorganisa po ng unyon—while the right to self-organization is not only limited to form unions but it is also extended to form associations. Under our present setup, Mme. Speaker, distinguished Sponsor, for you to organize a union, the first and very vital component under the Labor Code is, you must be

a regular employee of the company. Therefore, non-regular employees—casual, contractual employees—cannot organize themselves into a union and be recognized. Am I correct in that understanding, Mme. Speaker?

REP. VELOSO. With due respect, Mme. Speaker, hindi po tama iyon because if you take a look at Article 246, as unrenumbered, the right to self-organization is defined as the right to form, join, or assist in the formation of labor organizations for the purpose of collective bargaining, concerted activities, and mutual aid and support. In short, doon sa Article 243 which says, “Who are covered,” hindi naman sinasabi doon na regular employees lang ang entitled. Kapag ikaw ay mag-o-organize ng unyon, lahat sinasabi mo, all employees of this company. It is only kapag nagkaroon na tayo ng certification election, doon papasok iyong mga abogado saka representative ng management—“Sandali, hindi natin puwedeng paghaluin ang managerial, supervisors at saka rank and file.”

Number one, managerial employees are not covered. Supervisors, Article 245, puwede. Hindi lang puwede isama with the rank-and-file employees, pero hindi po sinasabi doon na only regular employees can exercise their right to self-organization. They can. Pagdating sa certification election, ihihiwalay ang managerial, hindi kayo puwede; supervisors, hindi rin kayo puwede isama doon. Pagdating sa rank and file, who are rank-and-file employees? Regular, casuals, fixed term—kasi parang wala pa ito ngayon. Klase-klase, lahat. Ngayon, kapag nanalo na, even among the rank and file, palagay mo na lang regular, kapag nanalo na sa certification election, magkakaroon tayo ng collective bargaining process. Doon sa bargaining dine-define ang collective bargaining unit. Sino ang collective bargaining unit? Inihiwalay iyong mga confidential, mga casual, et cetera.

In short, on the question of whether or not only regular employees can exercise their right to self-organization, Article 246 defines self-organization; Article 243 defines those who are covered, kasama po lahat ng rank and file, lahat ng supervisors.

REP. CASILAO. Thank you for that clear explanation of the laws, Mme. Speaker, distinguished Sponsor. However, it has been very rampant, taking from a personal experience, Mme. Speaker, halos po iyong mga empresang aking napuntahan at na-organisa na, kung saan iyong ratio ng regular employees vis-à-vis the contractual employees is very overwhelming, that the organizing effort to recruit new members of the union—I do not know if it is a policy, a company policy, or I am not that very familiar with the specific provision of the law. But I am very certain, Mme. Speaker, that in the event a company with a regular employee that

requires or that passes the requirement of how many percentage of the work force of the company can be organized into a union, iyon pong sinasabi na limitado sa regular at hindi po pupuwede sa mga kontraktwal ay perennial problem po iyan. Kaya nga po nagkakaroon ng mga kaso kami, na mayroon kaming regular union employees—mga unyon sa regular employees at mayroon tayong organisasyon sa mga kontraktwal dahil there is—legally, there are certain limitations that you cannot mix regular employees of a company or to extend the membership to non-regular status employees.

I do not know and that is why, Mme. Speaker, distinguished Sponsor, my point—my very point is, when Article 106 was introduced, since iyong PD 442, as amended by Republic Act No. 6715, Article 106 clearly stated allowing contracting and subcontracting, therefore, it developed or it evolved from a direct employer-employee relationship which is a bilateral relation, to a trilateral relation because Article 106 allowed job contracting and subcontracting, therefore, employer and employee, or employer, job contractor or even subcontractor, and employee. Now, the circumvention and the abuse of that provision, Mme. Speaker, distinguished Sponsor, resulted not only in trilateral relationship but even quadrilateral, quintilateral employer—which is the principal employer, job contractor, subcontractor, and employee.

Now, Article 106, Mme. Speaker, in my little understanding of the law, seemingly intends to balance the interests of capital and labor. In fact, Article 106 stated and invoked that contractualization or creating job contracts, allowing job contracts outside of that directly related to the core of business or operation of the employer is a management prerogative and an evolution of a new business model.

Now, my point is, Mme. Speaker, will the distinguished Sponsor agree that this setup resulted in an eventual abuse and circumvention that even the existing Article 106 and I presume, the remedy to cure the defect of Article 106, it is what we are now currently deliberating on and the status is, it is under interpellation. Sumasang-ayon ba ang ating kagalang-galang na Sponsor na malaki ang naging kontribusyon ng pag-abuso sa Article 106 provision na ito dito sa paglobo ng mga milyon-milyong manggagawa na nasa kalagayang kontraktwal?

Ang terminong political, ang development ng terminong tinawag na “endo” dahil nasi-circumvent na ang six months requirement to become a regular employee, the job contractors and the subcontractors are circumventing that provision, and therefore, even if continuous employment was made but the contract was renewed repeatedly every five months, nagkakaroon at lumobo ang bilang ng mga manggagawang ang

kanyang status, kahit na eight years o 10 years na siya na trabahante, ay kontraktwal pa din.

REP. VELOSO. Again, with due respect, Mme. Speaker, hindi po ganoon. Ang right to self-organization as defined in Article 246 of the Labor Code refers to the right to form, join, assist, for the purpose of collective bargaining, concerted activities and mutual aid. Ang naging balakid talaga at ang rason bakit bumaba to 7.7 percent ang unionized workers ay naging tamad na po ang labor organizers natin ng union. Kung nasaan ang organized, iyon na lamang ang pinapasukan kaya nagkakaroon ng union raiding, tumataas ang bilang ng kaso sa Bureau of Labor Relations dahil may away kung sino ang dapat maging unyon. I concede, on the part of the employer, pero kailangan ipaliwanag lang po ito: two reasons are being floated on why they should resort to, tawag nga ninyo, contractualization or even to job contracting. Number one, takot sila pagdating sa unyon, takot sila na ang mga empleyado ay mag-union, then magkakaroon ng welga, pero mali po iyon.

I had a paper when I was still a faculty member in the Ateneo, at sinabi ko doon ang katotohanan, na talagang walang right to strike dito sa Pilipinas kagaya ng right to strike as envisioned sa Europe. Bakit? Dito, you can only exercise the right to strike on two grounds: deadlock bargaining and unfair labor practice. Now, on the assumption na mayroong deadlock bargaining, unfair labor practice, mayroon tayong provisions ng Article 263 (g) of the Labor Code, hahawakan lang ng DOLE Secretary and then ipapasa sa NLRC for compulsory arbitration or siya mismo ang magde-decision. That assumption of jurisdiction or that certification of the labor dispute to NLRC will have the result of injunction. So, stop na, ano pa ang right to strike mo? When you defy the assumption order or the certification order, puwede kang tanggalin, valid ang termination for your defying the injunctive aspect ng assumption or certification order. Iyan po ang problema natin sa Article 263(g).

On the other side, kahit doon sa strike, kahit biktima ka pa ng unfair labor practice, klaro diyan ang ULP natin, Article 248 ng Labor Code. Kahit mayroong unfair labor practice ay hindi ka makakapag-file ng notice of strike unless you have been registered as legitimate labor organization dahil Article 263(b) also says that only labor organizations that are registered and classified as legitimate labor organizations ang puwedeng mag-strike. Kaya sabi ko, kailangan talagang ayusin itong right to self-organization, right to unionize, ng Kamarang ito.

The Seventeenth Congress has been coming up with good legislation, isa nga dito ang P50 billion para malibre ang edukasyon ng mga bata, a matter which was never given to them by the framers of the 1987 Constitution. In Article XIV, Section 2, binigyan ng

libreng edukasyon ang elementarya, libreng edukasyon ang high school pero hindi ang college. Ang Seventeenth Congress na po ang nagbigay ng biyayang iyan, kaya lang Republic Act lang ito at hindi isang constitutional provision.

Again, ang problema natin is not because of Article 106, it is not because of Article 280, kaya mababa ang unionized establishments natin. Ang prinsipal na rason diyan ay naging tamad na ang organizers natin in the field.

REP. CASILAO. Mme. Speaker, I beg to strongly disagree with the opinion of the distinguished Sponsor that our labor organizers now are being tamad and in fact, it is a total insult to the sector and to the union where I come from. The point is, Mme. Speaker, papaano mo aakusahan ang isang labor organization or labor federation na tamad kung ang labor policy ngayon ay mismo siya ang nagpo-protekta in terms of efforts of union busting.

Mme. Speaker, I can give the distinguished Sponsor the very concrete example, the PALEA or the Philippine Airlines Employees Association. Noong kapanahunan na hindi pa na-subcon ang halos buong operasyon ng PAL, libu-libo po ang mga regular at mga union workers diyan or ang union members pero dahil pina-renew sila ng kontrata noon, na-transfer sila sa agency. Ang laki ng winasak sa unyon ng Philippine Airlines. Hindi lang po ang PAL, pati ang PLDT o Philippine Long Distance Telephone Company. Malaki, libu-libo din po ang mga regular na manggagawa na nasa unyon pero noong naipatupad at tila nagkaroon ng hokus-pokus na nilipat sila sa mga service provider at agency, nawalan ng membership ang kanilang unyon, at iyong tumanggap sa offer na malipat sa agency at hindi na directly hired ng kompanya ay hindi na magkakaroon ng kanyang status o malipat ang status niya ng pagiging union member. Union busting and there are other forms of union busting, and even militarization in the workplace, Mme. Speaker, that resulted not because of katamaran ng mga labor organizer pero ang sasabihin ko, dahil sa katakawan ng mga kapitalista pa.

My next point, Mme. Speaker, distinguished Sponsor.

REP. VELOSO. Sagutin ko lang po, Mme. Speaker, ang sinabi ni Kagalang-galang Casilao. Itong data ko po diyan, nagtuturo pa ako sa Ateneo noon, ibinigay ko iyan as assignment sa mga estudyante ko. Iyon ang lumabas— bumaba ang organized labor dahil nagkakaroon ng union raiding.

Hindi lang ito *KMU vs. TUC* pero within *KMU*, within *TUCP*, ay nag-aaway-away sila. The legal answer to that, Mme. Speaker, is that, uulitin ko po, Article 243 of the Labor Code says na lahat ay puwede except managerial employees, at ang supervisors ay

hindi lang puwede isali doon sa collective bargaining unit ng mga rank-and-file employees. Now, other than that, itong Article 106, wala talagang pakialam ito. Ang regularization, walang pakialam kasi pumapasok na lang iyan as an issue pagdating sa certification election and pagdating sa actual bargaining process kasi dini-define kung sino ang bargaining unit. Kapag sinabi mong, “and all regular rank and file employees,” of course, excluded ang hindi regular rank and file but until that point, you can file a petition for certification election. Ilang beses kong ginamit iyan in winning certification election when I was a lawyer for labor at that time.

Also, one of the reasons nga bakit naging unpopular ako sa amin is, ako pa ang nagpasara daw ng Divine Word University which had about 12,000 students because I won, before the Supreme Court, a case in favor of my union, P180 million. Iyong mga problema namin pagdating sa right to self-organization, it was not because of Article 106, it was rather because of—well, it could not, it may be true na sa hanay ninyo hindi, pero ilang beses kong sinasabi sa mga taga-TUCP, “Naging tamad na kayo e.” You know what I did, Mme. Speaker, kasi noon, ang kalaban ko was *KMU* and I was with *TUCP*. Sa Bank of the Philippine Islands, ang ginawa ko lang, kung mag-strike ang *KMU*, isang beses, dalawang beses akong mag-strike. Tinatapatan ko palagi ang strike nila noon to the point na si Director Benny Laguesma ang nagsabi, “Partner, topnotcher na ang Region VIII sa strikes ha.” Sabi ko, “That’s the only way we can win certification elections.” Pero balikan ko, never was it because of Article 106 kasi wala talagang pakialam ito.

REP. CASILAO. Yes, Mme. Speaker, distinguished Sponsor, I can really assure that, from the ranks of Anakpawis and Kilusang Mayo Uno, we are strongly united and in fact, ang isa ngang kinakaharap natin, mahigit 80 na po ang aming labor organizers ang pinatay dahil sa kanilang pagsisikap na mag-organisa sa kanilang hanay. Going back to Article 106, Mme. Speaker, distinguished Sponsor, papaano po sa panukalang batas na ito? Ako po ay saksi sa ginawang pagsisikap ng Komite mula noong naisalang ito sa Unang Pagbasa hanggang naglunsad tayo ng mga Committee hearings, public consultations mula Luzon, Visayas, Mindanao, at several Committee hearings after we consolidated the bills. Ang tanong ko po, dahil nga nanatili ang job contracting, bagamat tinanggal ang subcontracting and outsourcing, ang itatanong ko po sa ating kagalang-galang na Chairman ng Komite, is it too much to ask, in these deliberations on the Bill under consideration, that we revert to the original setup wherein sa employment in the Philippines, dalawa lang ang relasyon— you have an employer and you have an employee?

Again, ang pabalik-balik o paulit-ulit na sagot, and this is not just coming from our distinguished

Chairman, but also from the Department of Labor and Employment and from other stakeholders like the Employers Confederation, na “Ang panahon po natin ay nag-evolve na. Hindi na puwedeng manatili tayo sa lumang kaayusan na kung saan ang manggagawa ay kikilalanin lamang na dalawa lang ang relasyon ngayon, ang employer at ang employee, dahil iyong business model evolves as time changes.” Iyon po iyong mga katagang sinabi.

Ako nga po, iyong job contracting ngayon na tinatalakay natin, mayroon dito sa probisyon ng Article 106-A, ang pagbibigay ng lisensiya. Sinasabi natin na requirement for an issuance of a license for a legitimate job contractor is, one, it should be “xxx an independent business, separate and distinct from the principal employer xxx.” Ang tanong ko po, Mme. Speaker, distinguished Sponsor, sa katayuan, kapag ito po ay naisabatas, sabihin natin mayroon ding version ang Senate with a similar intention of the codification of the Labor Code, kapag ito ay naisabatas, ano po ang mangyayari sa, sabihin nating, Philippine Airlines, sa SM, na binanggit ng aking kasama sa Makabayan Bloc kanina, na SM being the principal employer currently has, under the current setup—for the information of our colleagues, sa isang SM department store po, sa aming pagsisikap at sa aming pag-aaral, they have more than a thousand service providers providing employees for SM. Ang regular nga lang na empleyado ng SM diyang ay supervisor, I am not very sure if supervisor or managerial lang ang directly hired by SM. The salesladies in the department store and the supermarket, they were all provided by service providers, mga manpower agencies. Mahigit 1,000 po iyong kakontrata ng SM na mga manpower agencies.

Now, with this provision or our amendment to the Labor Code, to Article 106, will it cure the defect that SM, being a retail business, and the core of business of the supermall or Shoemart is retailing, will it cure it so that this saleslady of Shoemart will be directly hired by SM or will be provided again by a legitimate contractor?

REP. VELOSO. Mme. Speaker, as things stand now, even if you are a job contractor na hindi masyadong independent, without the regulatory licensing requirement, puwede siya mag-function. SM ang magpo-provide ng mga empleyado. Ang pagkakaintindi—this is what I understand about Shoemart, ang pagkakaintindi ko lang po when I was with the NLRC, and I remember, and mind you, Mme. Speaker, I worked there for 15 years as NLRC commissioner, SM as a retailer, nagre-retail sila, para bang trader sila ng items na gawa ng ibang companies and so, on that matter, independent business nila iyon, hindi na ikino-contract out iyan kasi sila na mismo ang may mga regular employees na nagbebenta ng mga binibili nila elsewhere.

On the other hand, if kinokontrata nila out iyong trabaho ng regular employees nila, especially that SM is a unionized establishment, it is an organized establishment, nasa Article 248 po ng Labor Code. One of the unfair labor practices (ULP) is when you contract out services being rendered by a union member, ULP po iyan.

So, iyong Article 106 na kinatatakutan natin, number one, makikita mo dito, labor-only contracting, out ka na, hindi ka na bibigyan ng lisensiya. Number two, kahit job contractor ka pa, if you are not operating as an independent business separate and distinct from SM, hindi ka rin bibigyan ng lisensiya. So, malaki ito, malaking gamit nito, when in fact, mas malaki nga ang problema namin from the job contractors.

Kagabi, kasama si Honorable Casilao, alam niya kung ano ang problema namin because worldwide, ang trend ngayon is contractualization. Sinabi ko, “I can never afford to do that. I can never allow na mangyari iyan dito kasi kawawa naman ang manggagawa.” Porke patay, nagkaroon ng right to security of tenure guaranteed by Section 3, Article XIII of the Constitution, kung hahayaan natin iyan. In short, mas malaki ang problema coming from the job contractors compared to the labor sector. Nalaman po ni Honorable Casilao iyan kagabi.

REP. CASILAO. Thank you for that answer, Mme. Speaker, distinguished Sponsor. Hopefully, iyong example ko na PAL, dahil ngayon nga iyong buong operation ng PAL ay hinati-hati iyan despite the fact that in an airline industry, iyong mga departments niya ay divided na ngayon sa mga service providers, and hopefully, with this law, magkakaroon ng hindi lang takot kundi, siguro, agam-agam mula sa mga employer na baguhin or gumawa ng bagong plano—kung papaano na naman ma-circumvent ang bagong batas na ito.

Again, Mme. Speaker, distinguished Sponsor, dito po sa second to the last point ko, ang regular status, I cannot remember or I totally miss the point as to why we deleted the portion after Article 295 of the current proposed Bill, tinanggal natin iyong casual, tama po iyon. Mayroong specific definition sa mga relievers, project, and seasonal.

REP. VELOSO. Tama po iyon, Mme. Speaker.

REP. CASILAO. The very point where I forgot to strongly register my opposition is when we deleted, “where the employee has been engaged to perform activities which are usually necessary or desirable in the usual business or trade” to define a “regular employee,” lumabas na po tayo doon sa Article 106, iyong labor, iyong job contracting at ...

REP. VELOSO. Article 295 na po tayo.

REP. CASILAO. ... labor-only contracting. Dito po tayo sa ano iyong treatment ng bagong batas, requirement to become a regular employee.

Now, ang agam-agam po ng Kinatawang ito, Mme. Speaker, distinguished Sponsor, mahalaga po na pupuwede naman sana ang i-delete natin after “the employer,” delete tayo starting “except” dahil napakalaking pag-atras po itong pagtanggap natin na kikilalanin ang isang manggagawa, not only on time element, but also the exercise of his or her labor where, in fact, he or she is directly working under a direct or necessary or desirable to the principal business. Mahalaga po ang importansiya niyan, Mme. Speaker, distinguished Sponsor, tulad ng kahalagahan na kung papaano natin i-identify ang legitimate contractor at labor-only contracting. Mahalaga din po sa four elements ng labor-only contracting iyong usapin ng directly related and therefore, these words or wordings of Article 295 should not be deleted and should be maintained. While I agree that it can start the deletion after the words “the employer recognizing the historical gains of the labor movement in terms of identifying themselves on how to become a regular employee,” iyong ibang mga usapin dito, iyong ginawa nating formulation that “a regular employee is one who has been hired for an indefinite period” is very—maaari po itong ikutan or ma-circumvent kung ang time element lamang ang pag-uusapan ng pagkilala ng regular status. Mahalaga po na kilalanin din, and in fact, this Representation would insist na mas mabigat at mas mahalagang kikilalanin, kung ang isang manggagawa na direktang ginagawa ang trabaho niya ay mayroong direktang katangian sa negosyo ng kanyang pinagta-trabahuhan. If we continue or if the Committee or the Body will agree to delete that, it will be a major setback on the historical gains and struggle of the trade union movement in the Philippines in terms of reflecting regular status or regular employment as originally written in Article 295 of the Labor Code, Mme. Speaker, distinguished Sponsor.

REP. VELOSO. Mme. Speaker, securing the tenure of an employee is not a monopoly of the trade unions; it is the concern especially of this Body kasi kawawa naman talaga iyong mga manggagawa, nagta-trabaho side by side with regular employees kaya lang nasi-circumvent through 5-5-5. Kaya nga ang naaalala ko, both the militant and the moderate trade unions were shouting, “Enough with endo, tapusin na po natin ang endo, 5-5-5,” ito po ang sagot. Wala na po tayong regular employment that is anchored on “usually necessary o usually desirable” kasi sa una lang, mayroon bang employment? Kapag binasa mo iyong first paragraph ng Article 280, “A regular employee is one who performs a task that is usually necessary

or desirable in relation to the usual business of the employer,” sino ba ang employer na magha-hire ng empleyado na hindi usually necessary, na hindi usually desirable? Kasi pagdating sa second paragraph, sinabi doon na, “Those not provided in the first paragraph are casual.” Sino ang casual ngayon? Tinatanong ko sa klase ko iyan pero wala silang maibigay because they cannot give an example of an employee who was hired even if he is not necessary, even if his work is not desirable in relation to the usual business of the employer. Ulitin ko, and this is the only answer this Body can give to the clamor of labor, “Enough with 5-5-5.”

Now, doon sa deletion ng second paragraph, itong definition kasi ng casual, “An employment shall be deemed to be casual if it is not covered by the preceding paragraph,” iyon na nga, sino iyong hindi covered, iyong hindi usually necessary o iyong hindi usually desirable. The solution is, wala na iyong fixed-term employment. After all, in the case of Brent, inamin na po iyan ng Supreme Court matagal na, many, many years back, fixed-term employment has already been repealed by the several amendments to the Labor Code. Kaya lang in the case of Brent, sabi ng Supreme Court, kung hindi na puwede ang fixed-term employment sa Labor Code, allowed naman iyan sa Civil Code, a situation where nakalimutan ng Korte Suprema that in case of conflict between a general law like the Civil Code and a special law like the Labor Code, magpi-prevail po iyong Labor Code. Hinayaan nila iyong Civil Code kaya nagkaroon tayo ng problema sa 5-5-5, ina-allow ito because of the Brent ruling.

REP. CASILAO. Mme. Speaker, maybe at the proper time, this Representation would propose a wording, for example, “The provisions of the written agreement to the contrary, notwithstanding and regardless of the oral agreement of the parties, an employment shall be deemed to be regular.” Now, with the current Bill, tinanggal po iyong “where the employee has been engaged to perform activities” dahil nga mayroong kalituhan sa usaping “how do we define necessary or desirable? How does the employee interpret unnecessary work, undesirable work?”

Now, this Representation would like to present that the phrase “where the employees has been engaged to perform activities which are directly related to the principal business or trade”—is directly related to be consistent with the provisions of Articles 106 and 106-A provision. So, at the proper time, Mme. Speaker, I will be presenting that, hopefully, to the Committee on Labor, and the distinguished Chairperson and all its Sponsors would take note and recognize that possible amendment.

Now, dito po sa six months, nagtaka po ako dahil from 3-5 ay na-maintain po iyong current na six months, magiging regular. Kung mayroon tayong 5-5-5, dahil nga itong six months dati na requirement to circumvent

by the employer, by the capitalist, ginawa nilang lima-lima-lima, 5-5-5. Hindi po ba baka dudulot naman ito ng 6-6-6?

REP. VELOSO. Mme. Speaker, una, relievers lang po ito kasi, halimbawa, nagkasakit ang regular employee mo, papalitan mo iyan ng reliever mo pero limited ka lang, hanggang six months. Walang nakalagay dito na another six months and another six months. Otherwise, it becomes a case already of a circumvention. So, iyong six months dito—kasi hindi naman ito kasama doon sa Article 106, this, to me, is a proper amendment.

REP. CASILAO. My last point, Mme. Speaker, distinguished, again, you know very well my original position in terms of the penal provision that ang naging tuntungan po at naging hugot ng Kinatawang ito kung bakit nagpanukala ng slight imprisonment, mayroon pagkakulong doon sa paglabag sa ating panukalang batas, iyong imprisonment provision of this Representation's proposal was originally presented to the Committee and I was apprised and of course, ang sagot nga, baka matakot. It will scare away the environment of investment, and the employers will definitely stop their operations because of that provision that will result in the imprisonment if sa panahon paglabag o kung lalabag sila. Again, matindi na po iyong naging pagsasamantala, and to quote: "Matagal na pong panahon na pinagsamantalahan ang lakas sa paggawa ng ating mga manggagawa," and the Vice Chairperson and the distinguished Sponsor and the Chairman would fully agree with me na noong mga sinikap nating mga hearings sa iba't ibang lugar ng Pilipinas, marami po tayong narinig, "Sampung taon po akong kontraktwal pero sa isang kompanya, pero 10 taon po akong naging kontraktwal."

Although we are a deliberative body and in a democratic way sabihin natin na baka hindi acceptable iyong imprisonment, but take note very well, Mme. Speaker, distinguished Sponsor, that if employers, if their intention is really to do business in all good faith and in compliance with existing laws, hindi ito dapat katakutan, bagkus, magiging encouragement ito. Stricter penal provision will encourage them to abide by the law and prevent possible circumvention of the law. Iyon po ang nagiging paninindigan ng Kinatawang ito and hopefully, Mme. Speaker, distinguished Sponsor, whatever law will be passed to address the problem of contractualization regarding endo, ang tingin po ng Kinatawang ito, iyong tunggalian ng capital and labor will definitely be not addressed. Hindi po ma-a-address ng panukalang batas na ito.

Bagkus, kinikilala ko po ang pagsisikap ng Komiteng ito na makagawa ng isang katanggap-tanggap na panukala pero sasabihin ko po ngayon, with the criticism that I recently registered and with some

provisions that probably will need certain amendments, magkakaroon ng signipikante sanang maidudulot ito na pabor sa mga manggagawa na kung saan ma-a-address ang matagal ng panahong inaabuso at nagkaroon ng pang-aabuso sa kasalukuyang katayuan ng batas.

Maraming salamat po, Mme. Speaker, distinguished Sponsor.

REP. VELOSO. Thank you.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you, the honorable Representative Casilao.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, the next Member who wishes to interpellate the Sponsor is the Lady from Party-List GABRIELA, the Hon. Emmi A. De Jesus, and I move that we recognize her for her interpellation.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? (*Silence*) The Chair hears none; the motion is approved.

The Hon. Emmi de Jesus is recognized. Please proceed.

REP. DE JESUS. Thank you, Mme. Speaker, at kinikilala ko po ang patuloy na pagsagot ng ating Vice-Chair at G. Isponsor pero ngayon po, ako ay nakatayo rito para po magpalalim pa rin at inaasahan ko po na nakahanda pa rin kayo bagama't kanina pa kayo nakatayo at nagsasalita. Mas mahaba....

REP. VELOSO. Okay lang, para sa manggagawa, Mme. Speaker.

REP. DE JESUS. Okay. Unang-una po, ang Representasyong ito ay kumikilala doon sa framework. Ibig sabihin, ito po iyong paninindigan na nagbubuo ng balangkas o ng gabay sa amin paano kami tumitindig kapag usapin na ng isyu ng manggagawa. Gusto ko pong ibahagi na ang amin pong paninindigan ay iyong pagkilala sa manggagawa bilang siya ang lumilikha ng yaman ng bansa, nagpapagulong ng ekonomiya, kaya mahalaga na hindi maliitin o i-reduce lamang o i-trivialize iyong pag-uusap kapagka ang kalagayan at kapakanan ng manggagawa ang ating pinag-uusapan. Kaisa po ba kayo dito, G. Isponsor?

REP. VELOSO. Mme. Speaker, nandito sa Section 3, Article XIII of the Constitution, nakalagay, "The State shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations and peaceful concerted activities including the right to strike in accordance with law. They shall be entitled to security of tenure," et cetera. Ang point ko dito is, we



have a provision in Article 280, as unrenumbered, that only regular employees are entitled to security of tenure. Kasi paano mo naman ma-a-assure ang security of tenure ang, halimbawa, relievers kung ang availability ng trabaho is only for four months, for the duration, halimbawa, ng maternity leave ng isang empleyado na pinapalitan niya? Paano mo ma-a-assure iyan?

REP. DE JESUS. Ginoong...

REP. VELOSO. Ang point ko, Mme. Speaker, is the Constitution is quite clear on who are to be secured, and they are employees and Article 280 defines who are regular employees. Gusto ko lang palitan iyon, I mean, ng Committee, gustong palitan ng Committee iyong “usually necessary or desirable” to “fixed-term employment is prohibited.” Dapat regular ka if you have been hired for an indefinite period. Halimbawa, you were hired as a cashier without a contract na nagsasabi na “O, hanggang dito ka lang, ano ka na, regular employee.” So, papasok ang Article 279 ng Labor Code. Kung tinanggal ka, entitled ka to reinstatement plus full back wages, lahat ng benefits you should have enjoyed kung hindi ka tinanggal dahil ikaw ay empleyado. Dito sa Article 106 naman kasi, pinagaawayan pa kung empleyado ka. Empleyado ka lang by fiction of law at ito lang ay kung ang employer mo ay labor-only contractor. So, you become an employee of the principal, not of the labor-only contractor who will be treated as an agent of the principal.

REP. DE JESUS. Marami pong salamat doon sa pag-ulit, ano, noong ating kagalang-galang na Sponsor doon sa mga nabanggit na niya kanina pero nagsisimula pa lang po ako doon sa pagbabahagi ng framework na pagkilala, na ibig sabihin, ang unang concern natin ay ang manggagawa dahil kahit anong capital, kahit anong puhunan ang ilaan natin para sa isang negosyante, hindi gagalaw iyon kung walang manggagawa. Kaya kami sa Gabriela Women’s Party nga, lagi naming sinasabi, as sectoral representatives ng kababaihan, gusto namin ang kababaihan ay maging bahagi ng productive forces ng lipunan. Kaya lang, sa kasalukuyan, kapag tiningnan natin iyong tinatawag nating mga manggagawang kababaihan, kasama ang mangagawang kalalakihan, isa talaga sa hinaharap na suliranin nga ay itong presensiya pa rin at dito sa panukalang batas na ito, ito pa iyong nauna natin na nilinaw kaugnay ng pagpapanatili ng iskema na may kontraktor.

Kung ako ay isang pangkaraniwang manggagawa at gusto kong maging bahagi ng produktibong activity ng ating lipunan at gusto kong pumasok sa isang empresa at gusto kong ibahagi ang aking kakayahan, bakit kailangan ko pang dumaan sa kontraktor at ang kontraktor pa ang magtatakda kung ako ay casual, kung ako ay regular? Kung ang empresa ay mangangailangan

ng aking skill, bakit hindi iyong principal ang dumiretso na? Ano pa ang maiaambag ng isang panggitnang iskema kung sinasabi nga natin na minamahalaga natin iyong maiaambag ng isang manggagawa doon sa kanyang negosyo?

Kung may problema doon sa sinasabing maternity realities—actually, ito, isa pa rin ito na, sa totoo lang, ito nga ay pagpapahalaga at pag-aangat doon sa pagkilala ng papel ng kababaihan. Ibig sabihin, hindi mo—bibigyan mo pa rin ng, problema ng ano iyon—problema dapat ng empresa at employer iyon, na tiyakin iyong kalagayan ng mga manggagawang humihingi ng maternity leave, dahil iyan ay realidad bilang mga kababaihan, ang mga kababaihan na gustong maging manggagawa ay patuloy na gagampan ang kanyang papel din sa lipunan. Ibig sabihin, hindi kailangan na pupunta ka pa sa isang antas na hihingi ka pa ng panibagong ahensiya na magbibigay sa iyo ng trabaho. Kailangan, kung ikaw ay magnenegosyo, nakabalangkas at kikilalanin mo ang papel ng lahat ng magbibigay sa iyo at magpapayaman at magluluwal ng tubo. Kasi kapag pinag-usapan naman natin po ang katotohanan naman ay, ano, sa balangkas ng kasalukuyang kaayusan, kapag pinag-usapan naman talaga natin ang usapin ng galaw ngayon ng lipunan ay talaga namang wala namang negosyo o wala namang kapitalista na papasok na hindi tubo ang hinahangad. Ang gusto po nating ipakita, more than pagkilala sa ganitong oryentasyon, ipakita rin natin na anumang kapital at paghahangad ng tubo ay hindi ninyo iyan magagawa kung walang papel ng manggagawa kaya pangunahin dapat ang kalagayan at ang pangangailangan ng manggagawa na magiging tagumpay din ang kanyang papasukin.

Kaya, G. Isponsor, ito pong panukalang batas na nakabungad kaagad iyong pag-aamyenda sa—gusto ko lang pong banggitin na iyon pong aking dalawang kasamahan, lalong-lalo na iyong aking kasama sa Party-List GABRIELA, at iyon pong kasama ko sa Makabayan, sa ANAKPAWIS, mga nagtanong na rin po ng mga detalye kaugnay ng mga probisyon pero lumalabas po, nagiging paulit-ulit iyong ating mga linawan. Kaya gusto ko po talagang magdiin doon sa pagtatala na ang isa pong ginagawa nating panukala na ang nakabungad ay ang pag-aamyenda ng kasalukuyang Labor Code, na ang nakabungad talaga iyong pagkikinis natin talaga ng pagpapatuloy at pagsi-sysmatize ng contractualization. Ito po iyong malaking pagkabahala ng Representasyong ito kasi ang sinasabi ko nga, nare-reduce lamang doon sa pag-aayos noong sistema when in fact, ang bottom line talaga, kung ikaw ay kapitalista, kailangan mo ng manggagawa, nakabalangkas ang iyong plano doon sa pangunahin, dapat doon sa interes noong magbibigay sa iyo ng productive result o profit. Ito po ang gusto kong idiin dito sa ating tinatalakay ngayon, G. Isponsor.

REP. VELOSO. Mme. Speaker, three constitutional provisions lang po. Article XIII, Section 14 says:

The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

Ito pong constitutional mandate ay nasa Book III na po ito ng Labor Code. In fact, may mga labor standards na po tayo, at doon sa sinabi mong maternity leave, nasa SSS na po natin ito. On the other hand, doon sa sinasabi mong kailangang kasi nakabungad, wala tayong magagawa—ang Labor Code, mas nauna ang Article 106 kaysa Article 280 but uulitin ko po ang last paragraph ng Article XIII, Section 3, “The State shall regulate the relations between workers and employers”—kapag sinabing employers, ang workers dito empleyado—“Recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns on investments, and to expansion and growth.” It is because of this, Mme. Speaker, that mayroon tayong tinatawag na management prerogative. Nandoon po, sa Article 212, paragraph (m), ang definition po ng management prerogative. Hindi natin puwedeng alisan ang employer ng kanyang karapatan, especially since nandoon, again, uulitin ko, iyong Article III Section 1, “No person shall be deprived of his life, liberty, or property without due process of law, nor shall any person be denied equal protection of the laws.” So, ang proteksyon na ibinibigay mo sa manggagawa is the same measure of protection na kailangan ibigay mo sa employer.

REP. DE JESUS. Maraming salamat po, Mme. Speaker, Mr. Sponsor, kaya nga po nagsimula rin ako sa framework at katulad nga po noong nabanggit kanina ng ating kasamahan sa Makabayan, si Congressman Ayik, na lumalabas talaga iyong may existing doon sa kaayusan sa kasalukuyang lipunan, talagang iyong kontradiksiyon sa pagitan nga ng capital at ng labor. Kaya ang tanong ko po dito rin, sa kaugnay nito, dahil ito pong pag-unawa namin dito sa panukalang ito ay kinikilala ko po iyong pagsisikap at ako po ay nakaupo rin doon sa mga naunang Committee hearings bilang author ng isa sa mga version ng security of tenure, pero gusto ko pong i-clarify, ang binabanggit ninyo po ba rito na panukala na magiging remedyo at ang binabanggit ninyo na magdudulot ito ng kaalwanan, ito pong mga contractor na iha-hire ng principal para doon sa kanyang pangangailangan para ipagpatuloy iyong kanyang negosyo, ano po ang garantiya na ang kanyang sahod at benepisyo ay mapoproteksiyunan when, in fact, nabanggit na rin kanina na ito nga iyong napakadaling ikutan, lalung-lalo na kung mga malalaking kapitalista ito, G. Isponsor, Mme. Speaker?

REP. VELOSO. With the permission, Mme. Speaker, of the honorable interpellator, medyo ayaw ko namang isolo iyong pagsasagot. Papayag po ba, Your Honor, kung ang Sponsor na si Congressman Villarín ang sasagot na kasi medyo nangangawit na iyong mga paa ko.

REP. DE JESUS. Siyempre—mukhang pagod na rin yata kayo, G. Isponsor at kinikilala ko rin naman po na ito ay kino-author ng marami nating kasamahan dito. Siguro, ang nakakalungkot lang sa kasalukuyang yugto ng interpellation and debate ng ating Kongreso ngayon ay halos wala pa yata sa dalawampung Kinatawan na nandito ngayon at nakikinig. Nakakalungkot, kung ang framework natin—sabi tayo ng sabi na tutulong tayo doon sa mga higit na nangangailangan pero parang kakaunti po ang interesado sa isyung ito.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we recognize the Hon. Tomasito “Tom” S. Villarín.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Honorable Villarín is recognized. Please proceed.

REP. VILLARIN. Well, thank you, Mme. Speaker. Doon po sa katanungan ng ating kasama kung ano ang garantiya with regard sa mga job contractors na hindi sila mag-a-abuso at magiging labor-only contractor, dito ho sa panukalang batas, nagdagdag ho tayo ng isang bagong section, Article 106-A. Dito ay mahigpit na ipinanukala na mayroong at least A, B, C, D, E—may seven elements o seven requirements po iyong isang qualified job contractor. So, ibig sabihin, in the absence ho ng isa dito sa pito na mga requirements, that would render that job contractor as a labor-only contractor.

Now, doon naman po sa usapin noong lisensiya, so, dito sa licensing, kasi po mayroong posibilidad na iyong isang job contractor, kahit may lisensiya na siya, biglang gumawa ng isang bagay that would render him a labor-only contractor. So, may mga penalties din po doon sa sinasabi nating kahit licensed job contractor na siya, tapos, biglang kumuha siya ng isang project—halimbawa iyong job contractor na iyan, may sampung project, service contracts, na kinuha, marami naman siyang regular employees pero kapag nag-violate siya ng isa lamang doon sa sampung kontrata ay marender din siya na isang labor-only contractor. So, dito sa panukala, again, we have Article 303-A, iyong mga penalties. Ang mga penalties dito ay indibidwal. Ibig sabihin, kung mayroon siyang 100 empleyado at nakita siyang nag-engage sa labor-only contracting, ang fines o ang penalty ay per tao.

Ngayon, pinag-usapan din sa komite kung bakit hindi puwede iyong pagkakulong. In fact po, sa ating Labor Code, doon po sa unfair labor practice, mayroon hong penalty na pagkulong pero ang kalagayan sa kasalukuyang batas, napakahirap po or hindi talaga nakukulong iyong employer dahil po iyong pag-file ng isang criminal case, hindi ho kasabay sa pag-file ng labor case. So, it will only come, iyong criminal prosecution, if there is already a final decision on the labor case. Now, mayroon ding posibilidad na kapag naglagay ng criminal sanctions o ibig sabihin, penal sanctions, pagkulong, puwede din ho itong ipataw sa manggagawa, hindi lang employer, dahil magdemand ng coequal treatment, of course, iyong mga employer.

So, parang doon ho sa Komite, umabot tayo doon sa desisyon na i-leave out iyong criminal penalty kasi magbubukas pa ho ito ng sinasabi nating puwede ding maipit iyong isang manggagawa at katakut-takot na kaso din ang puwedeng mai-file sa employee at napakahirap din ho kumuha ng abogado para depensahan ang sarili sa mga possible criminal cases na puwedeng i-file. So, it would work both ways, may criminal or penal sanctions sa employer at may penal sanctions din sa employee. Minarapat na hindi na lang magpataw ng criminal sanctions but instead, dito sa fines, talagang hinigpitan natin iyong fines and solidarily liable iyong principal. Kung ang labor-only contractor ay nag-violate, si principal ay mananagot din doon sa violation na iyan. Ibig sabihin, nakatali iyong violation ni subcontractor with the principal. Ganoon ho iyong naging layunin natin dito sa panukala, Mme. Speaker.

REP. DE JESUS. Mme. Speaker, G. Isponsor, maraming salamat po sa pagpapaliwanag ni Congressman Villarín.

Sa bahagi po ng Representasyong ito, iyon pong mga kaso na kasalukuyang nilapatan ng mga imbestigasyon kaugnay ng—at ginamit iyong isa ring executive order na tinututulan namin, iyong nagtse-check lamang pero sa tingin natin ay nakatulong, puwede namang magamit para doon din makilala iyong kalagayan ng mga manggagawa. Kasi, halimbawa nga dito, gusto ko lang magkaroon ng buhay na halimbawa, iyong isang assessment nila sa paggamit ng EO No. 49 dito sa Shoemart, ang deficiency na na-note, talagang iyong contractor, grabe iyong underpayment of wage, nonpayment noong mga beneficiary, walang holiday pay, illegal deduction ng salary. Ito iyong pinakamalupit, non-compliance with OSH Admin na bigla tuloy gusto kong ipasok din bilang dagdag na manipstasyon iyong isang kalungkot-lungkot na pangyayari doon na naman sa kalagayan ng manggagawa kapag pinag-uusapan itong OSH na nagkaroon na naman ng sunog, pangalawang sunog dito sa malaking pagawaan ng HTI, na hanggang ngayon, hindi maimbestigahan at hinahamon din tayo

ng mga manggagawa na pagkadating dito sa mga isyu na ito ay nagkakaroon kahit ng media blackout, ano na ba ang nangyari at nangangailangan ng imbestigasyon.

Anyway, balik po dito sa usapin ng kongkretong halimbawa na napag-alaman ng DOLE doon sa Shoemart, ano sa tingin ninyo ang puwedeng gawin ng panukalang batas na ito dito, halimbawa, sa nakitang deficiencies—itung underpayment of wages, non-payment of SIL, non-compliance with OSH, non-compliance to giving the holiday pay, illegal deductions from salary, et cetera, na kitang-kita na napakaraming manggagawa ang affected. Muli, gusto kong irehistro na naman ang concern namin bilang Kinatawan ng sektor ng kababaihan na nagnanais na maging bahagi ng productive forces, ito biktimang-biktima talaga, lalo na sa industriya ng retail at industriya ng service, Mme. Speaker, G. Isponsor.

REP. VILLARIN. Doon po sa definition natin ng labor-only contractor, ang pinakamahalaga ho rito ay itong katagang “OR.” So, mayroon tayong naging apat na elemento na kung saan any one of these elements like, una, walang substantial capital. Kapag wala siyang substantial capital, labor-only contractor siya. Kapag walang equipment, labor-only contractor siya. Kapag wala siyang control over the workers methods and means of accomplishing the job, again, LOC.

Ngayon dito sa SM, tatamaan siya dito sa iyong directly—“workers recruited and placed by such persons are performing activities which are directly related to the principal business of such employer.” Kanina po nabanggit natin doon sa katagang “regular employment” na nakalagay “where the employee has been engaged to perform activities which are usually necessary or desirable”—tinanggal ho natin iyan dahil sa dami hong kaso na nadesisyunan. Kapag sinabi mong “usually desirable,” it becomes a management prerogative kaya ang nangyari iyong PAL, nangyari iyong sa mga hotel na ni-chop-chop, nagkaroon ho tayo ng mga chop-chop na employment.

So, sinikap ho natin kapag pinag-usapan iyong sinasabi nating magiging labor-only contracting iyan kung iyong manggagawa na kinuha mo ay ginagawa iyong kanyang trabaho na “directly related to the principal business of the employer.” Hindi na ho natin ipinasok iyong “desirable,” “integral” at kung ano pang qualifiers na ibinibigay sa management iyong ganoong qualifiers. So, iyan ho iyong binago natin doon sa usapin noong—so, in effect, itong sa SM, papasok ho tayo dito sa regular employment, tinanggal na rin natin iyong casual because, okay, nakalagay rito, “an employment shall be deemed to be regular.” Kahit mayroon pa silang pinag-usapan, kahit may written agreement, notwithstanding even oral agreement, the employment tenure is basically regular. So, ibig sabihin, ang department store ni SM, papaano iyong mga saleslady?

Well, if it is directly related to the business, then they become regular. Ngayon, iyong labor-only contractor po, okay, na kumuha ng salesladies, halimbawa, nagha-hire pa rin sila ng labor-only contractor, kapag nakita na LOC sila, automatic ho na iyong empleyado ni subcontractor will become a regular employee ni principal. Ganoon ho iyong nakalagay dito sa panukala because all employment shall be deemed regular. Ang sinabi lang, okay, may exceptions—OFW, probation, relievers at saka iyong seasonal, okay.

Now, iyong seasonal, ang tinutukoy lang hong seasonal dito sa panukala natin ay iyong sa agrikultura pero dahil nga nakapaloob sila dito sa probisyon ng regular employment, mayroon kang regular seasonal, mayroon kang relievers na regular din, kapag lumampas sila ng anim na buwan—at mayroon din tayong regular na project employees, basta lumampas ng anim na buwan. Kasi ang sinasabi natin dito, iyong discontinuous form of employment—5-5-5, 6-6-6, 3-3-3 pero kung lumampas sila, cumulatively, doon sa anim na buwan, they are deemed regular. So, ganoon po iyong ating panukala.

REP. DE JESUS. Mme. Speaker, G. Isponsor, kinikilala ko po iyong probisyon na puwede naman din talagang magluwal o maging remedyo ng pagpapabago ng kalagayan ng ating mga manggagawa pero sa paninindigan po ng Representasyong ito, bagamat may mga probisyon na maaari—sabi nga natin, hanggat hindi natin ilalapat iyan doon sa katotohanan, baka hindi pa natin mahuhusgahan. Ang amin pong bitbit ay iyong mga karanasan ng mga manggagawa na kung anu-ano nang mga existing laws ang nandiyan ay naiikutan, at dahil nga kung anu-ano rin iyong husga naman, mga maling husga o katulad noong nabanggit kanina na baka ang ugat naman bakit hindi masigla ang labor ay dahil tamad ang organizer. Ito po iyong mga nakakabahala na hindi natin puwedeng balewalain. Kaya ang paninindigan po ng Representasyong ito, sa kabila po ng nakikita namin na mga probisyon na maaaring magamit, maging remedyo, hanggat ang bottom line ay walang pag-categorical na pagtatanggal doon sa isa pang antas ng pangongontrata, at ang industriya ng pangongontrata ay kikilalanin pa nga, magiging isang antas siya at magkakaroon ng mga—ito pa ang pagkakaabalahan, ano ang mga magiging gabay para sa mga kontratista, imbes na ang ayusin, iyong gabay doon sa mga negosyante para higit na mabigyan ng benepisyo at kalagayan na mas mainam ang ating mga manggagawa.

Kaya sa puntong ito, Mme. Speaker, G. Isponsor, salamat po sa mga kasagutan at iyon pong mga katanungan na ibinato ng ating mga kasamahan sa Makabayan ay sinagot. Sa bahaging ito po ay, at the proper time, kung kinakailangan na po ang pagrehistro ng aming boto at pagpapaliwanag bakit kami bumoboto

ng ganooon ay nakahanda po ang Representasyong ito na ipahayag ang aming paninindigan.

Iyon lang po. Maraming salamat, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you, Honorable De Jesus.

REP. VILLARIN. Maraming salamat din. Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you, Honorable Villarín.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, there being no Member who wishes to interpellate the Sponsor or speak against the measure, I move that we terminate the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, there will be some Committee amendments and for that purpose, I move that we recognize the Hon. Randolph S. Ting to introduce the amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

The Honorable Ting is recognized. Please proceed.

REP. TING. Mme. Speaker, may I introduce perfecting amendments to our Bill.

THE DEPUTY SPEAKER (Rep. Garin, S.). Please proceed.

#### COMMITTEE AMENDMENTS

REP. TING. Thank you, Mme. Speaker. On page 3, line 4, between the words “related” and “to,” insert the phrase AND NECESSARY.

REP. NOGRALES (J.). Mme. Speaker, I move that we approve the amendment.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the amendment is approved.

The Honorable Ting is recognized.

REP. TING. Mme. Speaker, may I introduce another perfecting amendment to our Bill. On page 6, line 15, delete the phrase "AND SHALL BE PRIORITIZED FOR" and lieu thereof, insert a period (.) and a new phrase to read as follows: THEY SHALL ALSO ENJOY THE RIGHT OF FIRST REFUSAL IN THE HIRING FOR OPEN REGULAR POSITIONS

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we approve said amendment.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the amendment is approved.

The Honorable Ting is recognized.

REP. TING. Yes, Mme. Speaker, that is all.

REP. NOGRALES (J.). Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). There being no further Committee amendments and no individual amendments, I move that we close the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we vote on Second Reading on House Bill No. 6908, as amended.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

The Majority Leader is recognized.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are in favor of House Bill No. 6908, as amended, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are against, please say *nay*.

FEW MEMBERS. *Nay*.

#### APPROVAL OF H.B. NO. 6908, AS AMENDED, ON SECOND READING

THE DEPUTY SPEAKER (Rep. Garin, S.). The *ayes* have it; the motion is approved.

House Bill No. 6908, as amended, is approved on Second Reading. *(Applause)*

REP. TING. Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Congratulations.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we suspend the consideration of items in the Calendar of Unfinished Business.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

#### CONSIDERATION OF H.B. NO. 6779 ON SECOND READING

#### PERIOD OF SPONSORSHIP AND DEBATE

REP. NOGRALES (J.). Mme. Speaker, under the Calendar of the Business for the Day, I move that we consider House Bill No. 6779, contained in Committee Report No. 533, as reported out by the Committee on Population and Family Relations.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

\* See MEASURES CONSIDERED (printed separately)

THE SECRETARY GENERAL. House Bill No. 6779, entitled: AN ACT RECOGNIZING THE CIVIL EFFECTS OF CHURCH ANNULMENT DECREE.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that the Chairperson of the Committee on Population and Family Relations, the Hon. Sol Aragonés, be recognized.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.

The Honorable Aragonés is recognized. Please proceed.

REP. ARAGONÉS. Mme. Speaker, may I refer to Deputy Speaker Gwendolyn Garcia for her sponsorship speech.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Hon. Gwendolyn F. Garcia is recognized.

#### SPONSORSHIP SPEECH OF REP. GARCIA (G.)

REP. GARCIA (G.). Thank you, Mme. Speaker.

Mme. Speaker, my distinguished colleagues, guests:

For a great majority of Filipinos, Christians of whatever denomination, Muslims, practitioners of indigenous faiths, marriage is not only a civil but also a religious act. It is solemnized according to the rites of their church or sect and because of this, despite the separation of Church and State enshrined in the Constitution, the State recognizes marriages solemnized by priests, imams and authorized solemnizing officers of various religions and sects. More importantly, Mme. Speaker, fundamentally and profoundly, marriage is lived in accordance with the precepts, values and traditions of one's church or sect. Relations between husband and wife, the rearing of children, the fundamental building blocks of the basic unit of society, the family—all these are governed not just by civil strictures but also by religious convention. At a minimum, for instance, Mme. Speaker, the State does not impose upon a marriage where the required act would impinge upon a couple's religious beliefs like contraception, for instance, or the Constitution recognizes that parents have the primary right and duty of rearing their children.

Mme. Speaker, beyond this stance of benevolent tolerance, the State in certain instances recognizes outright the marriage traditions of certain religions, Islam, for instance, through the institutionalization of the Sharia Law, even if they do not conform to the precepts of ordinary civil marriage laws. This is so not only in

the solemnization of marriage, the property relations, but even in the dissolution of marriages through State recognition of divorce under Sharia Law.

*At this juncture, Deputy Speaker Garin (S.) relinquished the Chair to Rep. Jericho Jonas B. Nograles.*

Here, we see progress. The State recognizes religious traditions in marriage and even dissolution of marriage, mindful of and sensitive to the fact that almost always, religion and culture not only intersect, but are sometimes indistinguishable, especially in the traditions of marriage.

This substitute House Bill No. 6779, entitled: AN ACT RECOGNIZING THE CIVIL EFFECTS OF CHURCH ANNULMENT DECREE, seeks to continue this progress, expand its coverage not only to Islam but to all religions, churches and sects, and its benefits to all Filipinos. It seeks to make, with respect to marriage and its dissolution, all Filipinos, whether Muslim, Christian or a faithful of whatever religion, church or sect, equal before the law.

Mr. Speaker, it is time that the dissolution of marriages in other religions, churches and sects, for instance the Catholic majority in the Philippines, from whose Canon Law, ironically, we borrowed the concept of psychological incapacity as a basis for declaration of nullity of marriage under the Family Code, it is time that such dissolution of marriages be given equal civil effect. The breakdown of any marriage, whether Christian, Muslim or of whatever religion, has very real effects in the lives of the parties thereto, the children who resulted therefrom, and the society of which the family is a basic unit. There is no reason to distinguish among religions, churches and sects because, as far as the marriage and the dissolution thereof are concerned, no such substantial distinction exists. Every single one is entitled to equal protection of the law.

Mr. Speaker, with the passage of this Bill, the State would be granting to a great majority of Filipinos a recourse now available only to a few, and provide for the security and future of the children of church-annulled marriages. Most importantly, it would uphold the truth that all marriages, and all parties thereto, are equal before the law.

*At this juncture, the Presiding Officer relinquished the Chair to Deputy Speaker Sharon S. Garin.*

I urge my distinguished colleagues, therefore, to support substitute House Bill No. 6779.

Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you, Deputy Speaker Garcia (G.).

The Majority Leader is recognized.

REP. MATUGAS. Mme. Speaker, the next to be recognized for her sponsorship speech is the Hon. Yedda Marie Romualdez from the First District of Leyte.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Honorable Romualdez is recognized. Please proceed.

#### SPONSORSHIP SPEECH OF REP. ROMUALDEZ

REP. ROMUALDEZ. Thank you, Mme. Speaker. Mme. Speaker, esteemed colleagues:

I humbly rise to present House Bill No. 6779, entitled: AN ACT RECOGNIZING THE CIVIL EFFECTS OF CHURCH ANNULMENT DECREE, under Committee Report No. 533. From the very beginning of history, men and women have lived in families and despite shifting cultural and societal realities, the family remains one of the oldest, most important social institutions on earth. Saint Pope John Paul II once said, “The future of humanity passes by way of the family.” All over the world, the family is considered the bedrock of a nation, and the Philippines is no exception. Indeed, the Philippines is one country where family ties are the strongest. The cohesion, the strength and the efficiency of the family as a unit of society constitute the key to and the measure of greatness of a nation.

For this reason, not only does the Constitution recognize the Filipino family as the foundation of the nation, it also affirms that marriage is an “inviolable social institution” being “the foundation of the family.” Being so, the existence, conditions, development and preservation of marriage is of particular importance to the general welfare of our nation. The importance of the Filipino family provides, not only as a source of emotional support and the context for the development of profound personal relations, but also for many other aspects of social life, from financial support to finding a job. There is no doubt that this high regard for marriage among Filipinos is deeply rooted in the strong Catholic faith, to which an overwhelming 83 percent of Filipinos adhere.

Mme. Speaker, esteemed colleagues, the Catholic Church upholds marriage as a covenant binding spouses for life. However, some marriages are entered into without the necessary maturity or full knowledge and ability to keep such a permanent commitment, or without full free will because of external pressures. This is a sad reality for many families who live in the face of social, cultural, moral and even economic difficulties brought about by the complexities, demands and challenges of modern life. The Church is not totally oblivious to this reality, and rightly so. Recourse is given to married couples to examine if a marriage was less than what the Church views as a valid marriage, a freely chosen commitment between two mature,

knowledgeable and capable adults to enter a covenant of love for life with priority to spouse and children. This process in the Church is called the declaration of nullity of marriage or more commonly referred to as a Church annulment. A declaration of nullity does not deny that a relationship existed. It simply states that the relationship was missing something that the Church requires for a valid marriage.

In reaching out to couples who “show signs of a wounded and troubled love” and out of a desire to make the annulment process more efficient, Pope Francis, whose visit to the Philippines three years ago we remember last week, has introduced radical reforms in the annulment process, substantively altering the Church’s annulment laws, for the first time since 1741. While he reaffirmed traditional teaching on the “indissolubility of marriage,” he streamlined annulment procedures which many considered cumbersome, lengthy, outdated and expensive to make it affordable and accessible to Catholics. He introduced a briefer annulment process that involves the local bishop, and requires only a single judgment, dropping the need for an automatic appeal to a higher tribunal. Likewise, he has asked bishops that the annulment process will now be free of charge or at least be subsidized for those who cannot afford it. However, despite the recent reforms introduced by Pope Francis, without the recognition of the civil effects of Church annulments, a Catholic who obtained an annulment would still be married in the eyes of the State. He would therefore be unable to remarry, in the Church or outside of it, because in the eyes of the State such a second marriage would constitute bigamy, which of course is a crime in the Philippines.

Mme. Speaker, distinguished colleagues, House Bill No. 6779 proposes the recognition of the civil effects of Church annulment. The Family Code of the Philippines recognizes as valid a marriage solemnized under the laws of the Church. If marriages so solemnized are recognized by the State, then it follows that the very Church that solemnized the marriage should also have the power to rule that attendant infirmity that rendered a marriage null, and its effects recognized by the State. Recognizing the civil effects of Church annulment provides a procedural alternative to those who are living in less than ideal marital situations, in a manner that conforms to the religious faith of the majority of the Filipino people. Once this Bill becomes a law, a declaration of nullity decreed by the Church will hold as much weight and have the same effect as a civil annulment. This removes the burden of undergoing the civil annulment process. As a result, Catholics who have sought annulment in the Church should not anymore be “long oppressed by darkness of doubt” over whether their marriages already declared null and void should also be recognized as such by the State.

Annulment, however, is not to be taken lightly, and the recent reforms in the annulment process do not indicate a change in the Church's position on the indissolubility of marriage, a viewpoint that is shared by civil law. We continue to affirm that marriage and the family both have an important role in building up our society. Conjugal life is a common good that entails both private and public rights and responsibility. The good of our children and the good of society hang in the balance with every decision to declare a marriage null and void. In this context, recognizing the civil effects of church annulment decrees will address the need to ensure that those who find themselves in such a difficult marital situation will have the benefit of a more efficient and affordable procedure that can help ease their conscience and may permit them to "move on" in freedom from a truly irreparable relationship.

Mme. Speaker, distinguished colleagues, it is for these reasons that I urge that we pass House Bill No. 6779.

Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you, Honorable Romualdez.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we recognize the Lady from Party-List GABRIELA, the Hon. Emmi A. De Jesus, for a brief manifestation.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Honorable De Jesus is recognized. Please proceed.

REP. DE JESUS. Maraming salamat, Mme. Speaker. At this point, this Representation fully supports the Bill presented by our esteemed Sponsors, our colleagues, our lady legislators-colleagues. Anyway, siguro ang gusto nating bigyang diin dito, anumang bagay na mag-advance o magbibigay ng abante doon sa pagkilala ng karapatan ng kababaihan at ng kalalakhian din, na may problema at nagiging irreparable na ang marriage, na dumaaan sa proseso ng simbahan at ang banggit nga, ng kahit anong sekta and in fact, pagdating doon sa Shari'a, existing na iyan pero alam natin na ito ay hakbang na pasulong kaugnay noong pagkilala na mabibigyan na rin ang mga stakeholder na magkaroon din ng peace of mind kaugnay ng stigma na sila, bagamat sila ay nabigyan na ng annulment ng simbahan pero hindi pa rin kinikilala ng estado, ito ay isa pa ring bagabag. This is still bothersome for those who were able to get the Church annulment and yet, have not been given the civil consideration or acceptance.

With that, Mme. Speaker, this Representation supports this Bill and asks to be considered one of the coauthors of the same.

Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you, Honorable De Jesus.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, there being no Member who wishes to interpellate the Sponsor or speak against the measure, I move that we terminate the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, there being no Committee or individual amendments, I move that we terminate the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we vote on House Bill No. 6779 on Second Reading.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are in favor of House Bill No. 6779, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are against, please say *nay*.

FEW MEMBERS. *Nay*.

#### APPROVAL OF H.B. NO. 6779 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Garin, S.). The *ayes* have it; the motion is approved.

House Bill No. 6779 is hereby approved on Second Reading.

The Majority Leader is recognized.



CONSIDERATION OF H.B. NO. 6743  
ON SECOND READING

PERIOD OF SPONSORSHIP AND DEBATE

REP. NOGRALES (J.). Mme. Speaker, I move that we consider House Bill No. 6743, contained in Committee Report No. 499, as reported out by the Committee on People's Participation.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved. \*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 6743, entitled: AN ACT ENCOURAGING VOLUNTEERISM DURING EMERGENCIES BY PROTECTING VOLUNTEERS FROM LIABILITY.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that the Chairperson of the Committee on People's Participation, the Hon. Maria Valentina G. Plaza, be recognized to begin her sponsorship of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

The Honorable Plaza is recognized. Please proceed.

REP. PLAZA. Mme. Speaker, I move that we adopt the Explanatory Note of the Bill as the sponsorship speech thereon.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, there being

no Member who wishes to interpellate the Sponsor or speak against the measure, I move that we close the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, there being no Committee or individual amendments, I move that we close the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we vote on House Bill No. 6743 on Second Reading.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are in favor of House Bill No. 6743, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are against, please say *nay*.

FEW MEMBERS. *Nay*.

APPROVAL OF H.B. NO. 6743  
ON SECOND READING

THE DEPUTY SPEAKER (Rep. Garin, S.). The *ayes* have it; the motion is approved.

House Bill No. 6743 is hereby approved on Second Reading.

The Majority Leader is recognized.

\* See MEASURES CONSIDERED (printed separately)

CONSIDERATION OF H.B. NO. 6834  
ON SECOND READING

PERIOD OF SPONSORSHIP AND DEBATE

REP. NOGRALES (J.). Mme. Speaker, I move that we consider House Bill No. 6834, contained in Committee Report No. 545, as reported out by the Committee on People's Participation.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved. \*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 6834, entitled: AN ACT STRENGTHENING THE RIGHT OF THE PEOPLE TO FREE EXPRESSION, TO PEACEABLY ASSEMBLE AND TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES, REPEALING FOR THE PURPOSE BATAS PAMBANSA BLG. 880 OR THE "PUBLIC ASSEMBLY ACT OF 1985."

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we recognize the Sponsor, the Chairperson of the Committee on People's Participation, the Hon. Maria Valentina G. Plaza, for her sponsorship speech.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

The Honorable Plaza is recognized. Please proceed.

REP. NOGRALES (J.). Mme. Speaker, I move that the Explanatory Note of the measure be considered as the sponsorship speech thereon.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move to close the period of sponsorship and debate. I withdraw that motion.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). I move that we recognize the Hon. Carlos Isagani T. Zarate for his manifestation.

REP. ZARATE. Mme. Speaker, just a short manifestation. I read the committee report and this Representation is still reflected as a principal author of the consolidated Bill.

May I manifest, Mme. Speaker, that I already formally withdrew my coauthorship or cosponsorship of that Bill dahil po sa tingin namin, ang orihinal na tunguin ng ating Bill para amyendahan ang Public Assembly Act ay hindi na reflected sa Bill na iyan. Gusto ko pong mag-manifest na ang aking pag-withdraw ay ilagay po sa record bago ipasa o pagdebatehan ang Bill na ito, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you, Honorable Zarate. The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we amend the committee report to reflect the wishes of the Honorable Zarate.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, there being no Member who wishes to interpellate or speak against the measure, I move to close the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, there being no Committee and individual amendments, I move that we close the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we vote on House Bill No. 6834 on Second Reading.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are in favor of House Bill No. 6834, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are against, please say *nay*.

FEW MEMBERS. *Nay*.

#### APPROVAL OF H.B. NO. 6834 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Garin, S.). The *ayes* have it; the motion is approved.

House Bill No. 6834 is hereby approved on Second Reading.

Congratulations. *(Applause)*

The Majority Leader is recognized.

#### CONSIDERATION OF H.B. NO. 6893 ON SECOND READING

##### PERIOD OF SPONSORSHIP AND DEBATE

REP. NOGRALES (J.). Mme. Speaker, I move that we consider House Bill No. 6893, contained in Committee Report No. 549, as reported out by the Committee on Ecology and Committee on Ways and Means.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the*

*Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 6893, entitled: AN ACT REGULATING THE USE OF TREATMENT TECHNOLOGY FOR MUNICIPAL AND HAZARDOUS WASTES, REPEALING FOR THE PURPOSE SECTION 20 OF REPUBLIC ACT NO. 8749, ENTITLED "THE PHILIPPINE CLEAN AIR ACT OF 1999."

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, may I move to recognize the Sponsor of the measure, the Hon. Estrellita B. Suansing, Chairperson of the Committee on Ecology.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

The Honorable Suansing is recognized. Please proceed.

REP. SUANSING (E.). Thank you, Mme. Speaker.

REP. NOGRALES (J.). Mme. Speaker, the Sponsor has a prepared speech which she wants to enter in the *Congressional Record* as the sponsorship speech on the measure. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.\*\*

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, there being no Member who wishes to interpellate the Sponsor or speak against the measure, I move that we close the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

\* See MEASURES CONSIDERED (printed separately)

\*\* See ANNEX (printed separately)

REP. NOGRALES (J.). Mme. Speaker, there being no Committee and individual amendments, I move that we terminate the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we approve House Bill No. 6893 on Second Reading.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

As many as are in favor, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are against, please say *nay*.*(Silence)*

#### APPROVAL OF H.B. NO. 6893 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Garin, S.). The *ayes* have it; the motion is approved.

House Bill No. 6893 is hereby approved on Second Reading.

REP. SUANSING (E.). Thank you, Mme. Speaker. *(Applause)*

THE DEPUTY SPEAKER (Rep. Garin, S.). Congratulations.  
The Majority Leader is recognized.

#### CONSIDERATION OF H.B. NO. 6907 ON SECOND READING

##### PERIOD OF SPONSORSHIP AND DEBATE

REP. NOGRALES (J.). Mme. Speaker, I move that we consider House Bill No. 6907, contained in Committee Report No. 550, as reported out by the Committee on Banks and Financial Intermediaries.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.\*

The Majority Leader is recognized.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

REP. NOGRALES (J.). Mme. Speaker, for this purpose, I would like to recognize the Vice Chairperson of the Committee on Banks and Financial Intermediaries, the Hon. Arthur C. Yap.

THE DEPUTY SPEAKER (Rep. Garin, S.). Majority Leader, before we proceed, please direct the Secretary General.

REP. NOGRALES (J.). Mme. Speaker, I withdraw that motion, and I move that we direct the Secretary General to read the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Secretary General is recognized.

THE SECRETARY GENERAL. House Bill No. 6907, entitled: AN ACT STRENGTHENING THE LEGAL FRAMEWORK FOR THE CREATION, PERFECTION, DETERMINATION OF PRIORITY RIGHTS AND ENFORCEMENT OF SECURITY INTERESTS IN PERSONAL PROPERTY AND THE ESTABLISHMENT OF A NOTICE REGISTRY.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I would like to recognize the Vice Chairperson of the Committee on Banks and Financial Intermediaries, the Hon. Arthur C. Yap, for the sponsorship of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

The Honorable Yap is recognized. Please proceed.

REP. NOGRALES (J.). Mme. Speaker, I move that the Explanatory Note of the measure be adopted as the sponsorship speech thereon.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, there being

\* See MEASURES CONSIDERED (printed separately)

no Member who wishes to interpellate or speak against the measure, I move that we terminate the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, there being no Committee and individual amendments, I move to terminate the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we approve House Bill No. 6907 on Second Reading.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

As many as are in favor of House Bill No. 6907, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are against, please say *nay*.*(Silence)*

#### APPROVAL OF H.B. NO. 6907 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Garin, S.). The *ayes* have it; the motion is approved.

House Bill No. 6907 is hereby approved on Second Reading.

REP. YAP (A.). Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Thank you. Congratulations.

The Majority Leader is recognized.

#### CONSIDERATION OF H.B. NO. 6922 ON SECOND READING

##### PERIOD OF SPONSORSHIP AND DEBATE

REP. NOGRALES (J.). Mme. Speaker, I move that we consider House Bill No. 6922, contained in Committee Report No. 563, as reported out by the Committee on Public Information.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved. \*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Bill No. 6922, entitled: AN ACT DECLARING AUGUST 30 OF EVERY YEAR AS "NATIONAL PRESS FREEDOM DAY".

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we recognize the Chairperson from the Committee on Public Information, the Hon. Bernadette "BH" Herrera-Dy.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

The Honorable Herrera-Dy is recognized.

REP. NOGRALES (J.). Mme. Speaker, the Honorable Herrera-Dy has a prepared speech for this measure. I move that we adopt her prepared speech as the sponsorship speech on this measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.\*\*

REP. NOGRALES (J.). Mme. Speaker, there being no Member who wishes to interpellate or speak against the measure, I move that we terminate the period of sponsorship and debate.

\* See MEASURES CONSIDERED (printed separately)

\*\* See ANNEX (printed separately)

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we open the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, there being no Committee and individual amendments, I move that we terminate the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we approve House Bill No. 6922 on Second Reading.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

As many as are in favor of House Bill No. 6922, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are against, please say *nay*.

FEW MEMBERS. *Nay*.

#### APPROVAL OF H.B. NO. 6922 ON SECOND READING

THE DEPUTY SPEAKER (Rep. Garin, S.). The *ayes* have it; the motion is approved.

House Bill No. 6922 is approved on Second Reading.

REP. HERRERA-DY. Thank you, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Congratulations.

The Majority Leader is recognized.

#### OMNIBUS CONSIDERATION OF LOCAL BILLS ON SECOND READING

REP. NOGRALES (J.). Mme. Speaker, I move for the omnibus consideration of the following local Bills on Second Reading:

House Bill No. 6619, contained in Committee Report No. 464;

2. House Bill No. 6971, contained in Committee Report No. 571; and

3. House Bill No. 6974, contained in Committee Report No. 573.

I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that the respective Explanatory Notes of the three local bills be considered as the sponsorship speeches on the measures, respectively.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, there being no Members who wish to interpellate or speak against the measures, I move that we close the period of sponsorship and debate.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we open the period of amendments and approve the Committee amendments, if any, as contained in the respective committee reports of the aforementioned Bills.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, there being no individual amendments on the measures, I move that we terminate the period of amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move for the omnibus approval of the three measures on Second Reading. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

## VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are in favor of the omnibus approval of the aforementioned Bills, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are against, please say *nay*.

FEW MEMBERS. *Nay*.

OMNIBUS APPROVAL OF LOCAL BILLS  
ON SECOND READING

THE DEPUTY SPEAKER (Rep. Garin, S.). The *ayes* have it; the motion is approved.

House Bills No. 6619, 6971 and 6974 are hereby approved on Second Reading.\*

## CONSIDERATION OF H. RES. NO. 1559

REP. NOGRALES (J.). Mme. Speaker, I move that we consider House Resolution No. 1559, contained in Committee Report No. 546, as reported out by the Committee on Cooperatives Development.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved. \*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Resolution No. 1559, entitled: RESOLUTION RECOGNIZING, COMMENDING AND CONGRATULATING BUENAVISTA DEVELOPMENT COOPERATIVE, AN AGRICULTURE BASED COOPERATIVE, OF BUENAVISTA, PROVINCE OF GUIMARAS AND THE SACRED HEART SAVINGS COOPERATIVE, A NON-AGRICULTURE BASED COOPERATIVE, OF GALIMUYOD, PROVINCE OF ILOCOS SUR, WINNERS OF THE 2017 HALL OF FAME AWARD OF THE LAND BANK OF THE PHILIPPINES GAWAD SA PINAKATANGING KOOPERATIBA

(GAWAD PITAK) HELD LAST AUGUST 14, 2017 AT THE PHILIPPINE INTERNATIONAL CONVENTION CENTER, PASAY CITY.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we adopt House Resolution No. 1559.

## ADOPTION OF H. RES. NO. 1559

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved.

House Resolution No. 1559 is adopted.

## CONSIDERATION OF H. RES. NO. 1560

REP. NOGRALES (J.). Mme. Speaker, I move that we consider House Resolution No. 1560, contained in Committee Report No. 547, as reported out by the Committee on Cooperatives Development.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Resolution No. 1560, entitled: RESOLUTION RECOGNIZING AND COMMENDING THE TAGUM COOPERATIVE FOR ITS OUTSTANDING ACHIEVEMENTS, LEADERSHIP AND ITS SIGNIFICANT ROLE AND CONTRIBUTION TO THE DEVELOPMENT OF COOPERATIVES.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we adopt House Resolution No. 1560. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved.

\* See MEASURES CONSIDERED (printed separately)

## VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are in favor of the adoption of House Resolution No. 1560, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are against, please say *nay*.*(Silence)*

## ADOPTION OF H. RES. NO. 1560

THE DEPUTY SPEAKER (Rep. Garin, S.). The *ayes* have it; the motion is approved.

House Resolution No. 1560 is adopted.

## CONSIDERATION OF H. RES. NO. 1561

REP. NOGRALES (J.). Mme. Speaker, I move that we consider House Resolution No. 1561, contained in Committee Report No. 548, as reported out by the Committee on Cooperatives Development.

May I ask that the Secretary General be directed to read only the title of the measure.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.\*

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Resolution No. 1561, entitled: RESOLUTION RECOGNIZING, COMMENDING AND CONGRATULATING THE NAGKAKAISANG MAGSASAKA AGRICULTURAL PRIMARY MULTI-PURPOSE COOPERATIVE (NMAPMC) OF TABACAO, TALAVERA, NUEVA ECIJA FOR HAVING BEEN CONFERRED THE 2017 GININTUANG GAWAD PITAK AWARD OF THE LAND BANK OF THE PHILIPPINES, GAWAD SA PINAKATANGING KOOPERATIBA (GAWAD PITAK) HELD LAST AUGUST 14, 2017 AT THE PHILIPPINE INTERNATIONAL CONVENTION CENTER, PASAY CITY.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we adopt House Resolution No. 1561.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

## VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are in favor of the adoption of House Resolution No. 1561, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are against, please say *nay*.*(Silence)*

## ADOPTION OF H. RES. NO. 1561

THE DEPUTY SPEAKER (Rep. Garin, S.). The *ayes* have it; the motion is approved.

House Resolution No. 1561 is adopted.

THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

## CONSIDERATION OF H. RES. NO. 1574

REP. NOGRALES (J.). Mme. Speaker, I move that we consider House Resolution No. 1574, contained in Committee Report No. 556, as reported out by the Committee on Higher and Technical Education.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

The Secretary General is directed to read only the title of the measure.

*With the permission of the Body, and since copies of the measure have been previously distributed, the Secretary General read only the title thereof without prejudice to inserting its text in the Congressional Record.*

THE SECRETARY GENERAL. House Resolution No. 1574, entitled: A RESOLUTION CONGRATULATING AND COMMENDING ATTY. RHIO FUENTES-NUYLAN FOR THE TOP HONORS AWARD FOR THE MASTER OF SCIENCE IN LAW AND FINANCE CONFERRED DURING THE DECEMBER 2016 COMMENCEMENT EXERCISES AT THE PRESTIGIOUS QUEEN MARY UNIVERSITY OF LONDON.



THE DEPUTY SPEAKER (Rep. Garin, S.). The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, I move that we adopt House Resolution No. 1574.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved.

#### VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are in favor of House Resolution No. 1574, please say *aye*.

SEVERAL MEMBERS. *Aye*.

THE DEPUTY SPEAKER (Rep. Garin, S.). As many as are against, please say *nay*.(*Silence*)

#### ADOPTION OF H. RES. NO. 1574

THE DEPUTY SPEAKER (Rep. Garin, S.). The *ayes* have it; the motion is approved.

House Resolution No. 1574 is adopted.  
The Majority Leader is recognized.

#### APPROVAL OF JOURNAL NO. 52

REP. NOGRALES (J.). Mme. Speaker, considering that copies of the Journal have been distributed to the Members, I move that we approve Journal No. 52 of January 22, 2018.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved.

The Majority Leader is recognized.

REP. NOGRALES (J.). Mme. Speaker, we are in receipt of a message from the Senate informing the House that the Senate passed with amendments House Bill No. 5051, entitled: AN ACT ESTABLISHING A NATIONAL SCIENCE AND MATHEMATICS HIGH SCHOOL IN BARANGAY HULONG-DAGAT, CITY OF MALABON TO BE KNOWN AS MALABON CITY NATIONAL SCIENCE AND MATHEMATICS HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR.

We have been informed that the Committee on Basic Education and Culture, sponsor of House Bill No. 5051, as well as the authors thereof, has no objections to the amendments introduced thereto by the Senate. Mme. Speaker, in accordance with our Rules, I move that we concur with the Senate amendments to House Bill No. 5051. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we include additional coauthors to House Bills No. 6779, 6907, 6914 and 6938, as contained in the lists to be submitted by the Committee on Rules. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved.

#### REFERRAL OF HOUSE RESOLUTIONS ON INQUIRIES IN AID OF LEGISLATION

REP. NOGRALES (J.). Mme. Speaker, in accordance with our Rules Governing Inquiries in Aid of Legislation, I move that we refer the following House Resolutions to the appropriate Committees:

House Resolution No. 1575 - inquiry on the violent dispersal of residents during a demolition in Brgy. Mabini, San Jose, Occidental Mindoro, to the Committee on Public Order and Safety;

House Resolution No. 1578 - inquiry on the operations and transactions of Avion Business Process Outsourcing Corporation, a local company based in Laoag City, Ilocos Norte, and other business process outsourcing companies which may be involved in or linked to child pornography, prostitution and human trafficking, to the Committee on Information and Communications Technology;

House Resolution No. 1579 - inquiry on the irregularities in the Philippine Charity Sweepstakes Office (PCSO) regarding the operation of Small Town Lottery (STL), awarding of Authorized Agency Corporation (AAC), and shortfall in the collection of STL revenues accruing to the Government, to the Committee on Games and Amusements; and

House Resolution No. 1580 - inquiry on the operations of the Development Bank of the Philippines (DBP) and the Landbank of the Philippines (LBP) to determine whether they are faithfully pursuing their original mandate to promote countryside development, to the Committee on Banks and Financial Intermediaries.

I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?(*Silence*) The Chair hears none; the motion is approved.

REP. NOGRALES (J.). Mme. Speaker, yesterday, we approved Journal No. 51, dated January 17, 2018. I move that we reconsider the approval of the said Journal for some amendments.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; motion is approved.

REP. NOGRALES (J.). Mme. Speaker, I move that we amend Journal No. 51, dated January 17, 2018, to correct the entry therein reflecting the attendance of Rep. Vicente “Ching” S.E. Veloso as being present since he was attending the meeting of the Committee on Justice as authorized by the Committee on Rules. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

#### APPROVAL OF JOURNAL NO. 51, AS AMENDED

REP. NOGRALES (J.). Mme. Speaker, I move that we approve Journal No. 51, dated January 17, 2018, as amended.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

#### ELECTION OF REP. ESPINO AS VICE CHAIRPERSON OF THE COMMITTEE ON AGRICULTURE AND FOOD

REP. FARIÑAS. Mme. Speaker, I move for the election of Rep. Amado T. Espino Jr. as Vice Chairperson of the Committee on Agriculture and Food.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

#### ELECTION OF MEMBERS OF THE COMMITTEE ON OVERSEAS WORKERS AFFAIRS

REP. FARIÑAS. Mme. Speaker, I move for the election of the following as members of the Committee on Overseas Workers Affairs:

Rep. Peter John D. Calderon  
Rep. Wilfredo S. Caminero  
Rep. Fernando V. Gonzalez  
Rep. Ronald M. Cosalan  
Rep. Jose “Pingping” I. Tejada  
Rep. Leo Rafael M. Cueva, and  
Rep. Gavini “Apol” C. Pancho.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

#### ADJOURNMENT OF SESSION

REP. NOGRALES (J.). Mme. Speaker, I move that we adjourn the session until 4:00 p.m. on Wednesday, January 24, 2018. I so move, Mme. Speaker.

THE DEPUTY SPEAKER (Rep. Garin, S.). Is there any objection?*(Silence)* The Chair hears none; the motion is approved.

The session is adjourned.

*It was 8:18 p.m.*