



Republic of the Philippines

Senate

Pasay City

Updates on the Implementation of Laws

(as of May 17, 2011)

Fourteenth Congress

PREFACE

“Today, the SSS and the GSIS have not issued the appropriate forms. How can we deprive men and women in the Philippines of rights granted by law by the simple expedient of not printing the proper form? How can the citizens of the Philippines, given the rights under existing laws, not enjoy these rights simply because no one has thought fit to issue the rules and regulations? xxx.

The more important principle is not the issue of women but respect for the law. The rule of law requires that when Congress approves a certain legislation into law, the executive branch must execute it. When the departments do not report or do not issue rules and regulations as the law requires them to do, there is a failure of law which contributes to lack of respect for the rule of law, the lack of concern and the lack of unity in the country.” (Privilege Speech of Senator Raul S. Roco Re: R.A. No. 7192 – [Women in Development and Nation Building Act], Monday, March 1, 1993)

This handbook contains an annual report on the implementation of laws passed by Congress. It aims to provide reference materials or guide for our Senators, Senate Officials and other interested parties about the laws being implemented by the different government departments, including their instrumentalities and agencies. The report also contains the reasons why laws are not being fully implemented and the problems being encountered by the different government agencies concerned in the implementation of laws.

The crafting and enactment of law is a tedious process. It entails great expense, effort, time and energy to have a law finally pass the legislative mill. Still, despite the beneficial intent, the law means nothing if this merely remains a signed document on paper. In other words, it is a dead letter law.

There is a need to continuously monitor and review the implementation of laws, to be truly beneficial, once these are signed by the President and the concerned government agencies have complied with the mandates of the laws, by issuing the corresponding Implementing Rules and Regulations according to their legislative intent.

It is hoped that this humble report would serve as a handy guide to all those who may have the occasion to use it.

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FOURTEENTH CONGRESS

(July 23, 2007 – July 25, 2010)

AGRARIAN REFORM

**R. A. No.
9700**

AN ACT STRENGTHENING THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP) EXTENDING THE ACQUISITION AND DISTRIBUTION OF ALL AGRICULTURAL LANDS, INSTITUTING NECESSARY REFORMS, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 6657, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR (S. NO. 2666/H. NO. 4077) (Signed Into Law AUGUST 7, 2009)

Under the law, there will be a five year extension (from July 1, 2009 to June 30, 2014) for the implementation of the program with a ₱150B allocation for land acquisition and distribution, support services, agrarian justice delivery, and other funding requirements during the extension period.

The new law covers all public and private agricultural lands as provided in Proclamation 131 and Executive Order No. 229 including other lands of the public domain suitable for agriculture.

The measure stipulates that prioritization of coverage is not necessary and that after June 30, 2009, the modes of acquisition will be limited to voluntary offer to sell and compulsory acquisition.

The Carper Law further provides for the creation of a Joint Congressional Oversight Committee to be composed of three members each from the Senate and the House of Representatives.

The extended Carper Law mandates that the LandBank of the Philippines and other concerned government financial institutions, accredited savings and credit cooperatives, financial service cooperative and accredited cooperative banks shall provide the delivery system for disbursement of the financial assistance to agrarian reform beneficiaries, holders of collective titles and cooperatives.

Funding sources or appropriations shall include:

- *proceeds of the sale of the privatization and management office;*
- *all receipts from assets recovered and from sale of ill-gotten wealth recovered through the PCGG excluding the amount appropriated for compensation to victims of human rights violations;*
- *yearly appropriations of no less than ₱5B from the national budget; and*
- *gratuitous financial assistance from legitimate sources.*

**JOINT RES.
NO. 1**

JOINT RESOLUTION NO. 1 (A JOINT RESOLUTION EXTENDING THE COVERAGE OF AGRARIAN REFORM PROGRAM FOR A PERIOD OF 6 MONTHS TO PRIVATE AGRICULTURAL LANDS WHOSE OWNERS HAVE OFFERED THEIR LANDS UNDER THE VOLUNTARY OFFER TO SELL (VOS) AND UNDER THE VOLUNTARY LAND TRANSFER (VLT) AND FOR THE DEPARTMENT OF AGRARIAN REFORM (DAR) TO CONTINUE ITS SUPPORT SERVICES TO BENEFICIARIES OF LANDS THAT HAVE ALREADY BEEN ACQUIRED AND DISTRIBUTED AS OF DECEMBER 15, 2008. (S. JT. RESOLUTION NO. 19/H. JT RES. NO. 29) (January 23, 2009)

Transmitted on January 23, 2009 to the Secretary of the Department of Agrarian Reform, from the Office of the President, it became effective on even date pursuant to Sec. 27 (1), Article VI of the Constitution.

AGRICULTURE AND FOOD

**R. A. NO.
9496**

AN ACT TO EXTEND THE UTILIZATION PERIOD OF THE AGRICULTURAL COMPETITIVENESS ENHANCEMENT FUND, AMENDING REPUBLIC ACT NO. 8178, ENTITLED AN ACT REPLACING QUANTITATIVE IMPORT RESTRICTIONS ON AGRICULTURAL PRODUCTS, EXCEPT RICE, WITH TARIFFS, CREATING THE AGRICULTURAL COMPETITIVENESS ENHANCEMENT FUND, AND FOR

OTHER PURPOSES (S. NO. 1648/H. NO. 2976) (Signed Into Law FEBRUARY 28, 2008)

The law amended R.A. 8178 by providing among others, that the Agricultural Competitiveness Enhancement Fund shall consist of all duties collected from the importation of agricultural products under the minimum access volume mechanism. These are to be credited to the fund, including unused balances and collections from repayments from loan beneficiaries including interest, if any. The fund shall be automatically credited to special account 183 in the general fund of the national treasury provided, that fund releases shall not be subject to any ceiling by the DBM.

The law provides that the fund shall continue to be set aside up to 2015, after which the collection of duties from the MAV mechanism shall terminate. However, any remaining balance at the date of expiration of the fund shall not revert to the general fund but shall continue to be used for the purpose for which it was collected and set aside.

The law further provides that the fund shall be set aside and earmarked:

- a) for the protection of farmers against unfair trade practices; and*
- b) for the increased productivity of farmers by providing the necessary support services.*

The fund shall be set aside and earmarked as follows:

- 70% for agri-based production and post-production, and processing activities;*
- 20% for research and development and commercialization of such;*
- 10% to be used for the funding of a comprehensive scholarship program for agriculture, forestry, fisheries, and veterinary medicine education.*

The Department of Agriculture issued the Implementing Rules and Regulations (IRR) of the law on June 19, 2008 (DA Administrative Order No. 19 S. 2008).

**R. A. No.
10000**

AN ACT PROVIDING FOR AN AGRICULTURE AND AGRARIAN REFORM CREDIT AND FINANCING SYSTEM THROUGH BANKING INSTITUTIONS (S. NO. 3431/H. NO. 6095) (Signed Into Law FEBRUARY 23, 2010)

The Agri-Agra Reform Credit Act provides for agriculture, fisheries and agrarian reform credit, insurance and financing system to improve productivity of the agriculture and fisheries sectors. This shall consist of loans to finance activities and purposes pertaining to agriculture as authorized under the Agrarian Reform Code of the Philippines.

The beneficiaries of this credit and financing system shall be those named in this law or to cooperatives and associations of good standing based on feasibility of project, paying capacity, estimated production, and/or securities that they can provide and assets acquired by them from proceeds of the loan.

*All banking institutions, government or private shall set aside at least twenty-five percent (25%) of total loanable funds for credit. At least 10% of the loanable funds shall be made available for agrarian reform beneficiaries. The twenty-five percent (25%) quota is subject to review by the Department of Agriculture, Department of Agrarian Reform, and Bangko Sentral ng Pilipinas after three (3) years of implementation to determine its effectiveness and its findings shall be submitted to Congress.**

** 14th Congress - 3rd Regular Session, Performance of the Senate, p. 12-13 By: Legislation Group*

The Department of Agrarian Reform (DAR) in its letter to the Senate dated May 17, 2011 transmitted the latest draft of the Bangko Sentral ng Pilipinas (BSP) Circular and the IRR of R.A. 10000. The said draft circular is still subject to the BSP Monetary Board's approval. Meanwhile, the BSP will still make the necessary adjustments to consider therein the comments forwarded by the Department of Agriculture (DA) and by the Department of Agrarian Reform (DAR) prior to the finalization of its IRR by the BSP Agri-Agra Task Force.

**R. A. No.
10068**

AN ACT PROVIDING FOR THE DEVELOPMENT AND PROMOTION OF ORGANIC AGRICULTURE IN THE PHILIPPINES AND FOR OTHER PURPOSES (S. NO. 3264/H. NO. 7066) (Signed Into Law APRIL 06, 2010)

The Organic Agriculture Act of 2010 seeks to develop and promote organic agriculture through, among others:

- policy formulation on regulation, registration, accreditation, certification, and labeling on organic agriculture;*
- research development and extension of appropriate, sustainable environment and gender friendly organic*

culture;

- *promotion and establishment of facilities, equipment and processing plants that would accelerate the production and commercialization of organic fertilizers, pesticides, herbicides and other farm inputs; and*
- *implementation of organic agricultural programs, projects and activities.*

It defines organic culture as all agricultural systems that promote the ecologically sound, socially acceptable, economically viable and technically feasible production of food and fishes.

*To carry out these goals, this law creates a National Organic Agricultural Board (NOAB), which will carry out policy making, provide direction for implementation of a comprehensive organic agricultural program through the promotion and commercialization of organic farming practices, cultivation and adoption of production and processing methods. **

** 14th Congress -3rd Regular Session, Performance of the Senate, p. 13-14 By: Legislation Group*

The Department of Agriculture has crafted the Implementing Rules and Regulations (IRR) of the law through a series of public consultations and Technical Working Group (TWG) meetings spearheaded by the Bureau of Agriculture and Fisheries Product Standards. Currently, the IRR was adopted by the Secretary of Agriculture and on January 31, 2011 the IRR was approved by the Congressional Oversight Committee on Agriculture and Fisheries Modernization (COCAFAM) and was published in the Philippine Daily Inquirer on March 21, 2011.

**R. A. No.
10089**

AN ACT CREATING THE PHILIPPINE RUBBER RESEARCH INSTITUTE TO DEVELOP THE PHILIPPINE RUBBER INDUSTRY AND FOR OTHER PURPOSES (S. NO. 1651/H. NO.6882) (Signed Into Law MAY 13, 2010)

This law creates the Philippine Rubber Research Institute (PRRI) whose mandate is to initiate and administer research and development programs to improve quality and increase productivity of rubber especially for the benefit of smallholder rubber producers and processors.

It shall be under the control and supervision of the Department of Agriculture which shall be headed by an Executive Director responsible for the planning, implementation and supervision

of the program and activities of the institute.

*An Advisory Board is created and mandated to develop policies and programs aimed at improving the state of technologies needed for the Philippine Rubber Industry to meet global standards for competitiveness and product quality. **

** 14th Congress - 3rd Regular Session, Performance of the Senate, p.14 By: Legislation Group*

The Department of Agriculture has created a Technical Working Group (TWG) chaired by the Bureau of Agricultural Research (BAR) to formulate the Implementing Rules and Regulations (IRR). At present, the BAR is integrating all the comments and issues gathered from the TWG meetings and finalizing the IRR, after which, a series of public consultations will be done on the draft IRR prior to its adoption.

BANKS, FINANCIAL INSTITUTIONS AND CURRENCIES

**R. A. No.
9505**

AN ACT ESTABLISHING A PROVIDENT PERSONAL SAVINGS PLAN, KNOWN AS THE PERSONAL EQUITY AND RETIREMENT ACCOUNT (PERA) (S. NO. 1882/H. NO. 3754)(Signed Into Law AUGUST 22, 2008)

The law seeks to encourage Overseas Filipino Workers (OFW's) and self-employed individuals and entrepreneurs, who are not required by law to be members of SSS or the GSIS, to save money. Under the law, an individual may make a maximum annual contribution of ₱100,000.00 to his or her PERA account, or ₱200,000.00 for married individuals. If the contributor is an OFW, he shall be allowed to double the maximum amount or ₱400,000.00.

Contributions are required to be invested in a qualified "PERA Investment Product", which may be a unit investment trust fund, mutual fund, annuity contract, insurance or pension product, deposit product, pre-need pension plan, shares of stock, exchange-traded bonds or any other investment product or outlet.

Contributors are entitled to an income tax credit equivalent to 5% of the total PERA contribution.

Incomes from contributions as well as the eventual distribution of the proceeds from PERA to the contributor are tax exempt. The amount contributed can be withdrawn when the contributor reaches the age of 55.

According to the National Statistics Office, the labor force consists of about 35.81M, and that only 78% are members of government initiated pension funds (₱26.49M for SSS and ₱1.4M for GSIS).

In the forum held last April 24, 2009, discussion were focused on accreditation, governance and operational issues, delineation of certain terms related to product issued, and perceived conflict of interest. However, due to some unresolved issues among the industry players on certain matters cited above, it was agreed that the industry players shall submit their written comments to the BSP, and to the BIR relative to the tax aspects of the draft IRR, for consideration. The DOF noted that under section 16 of R.A. 9505, the BIR is mandated to issue the Revenue Regulations (RRS) relating to the administration of the tax incentive provision under the law. This is a separate issuance from the PERA mother IRR being formulated.

Incidentally, in May 2009 the DOF was furnished by BSP with a draft Memorandum of Agreement (MOA) which will provide the comprehensive framework for the uniform administration and enforcement of the provisions of the PERA Act of 2008. The DOF have submitted the said draft MOA to the Office of the Deputy Governor Nestor A. Espenilla, Jr. of BSP for consideration.

According to the Bureau of Internal Revenue, the preparation of the Implementing Rules and Regulations of the law is being spearheaded by the Bangko Sentral ng Pilipinas (BSP). The BSP is presently in the process of resolving a number of issues with private sector organizations.

The Bangko Sentral ng Pilipinas through the Office of the Deputy Governor in its letter to the Senate dated April 05, 2011 said that the Implementing Rules and Regulations of the law was issued by the concerned regulatory authorities on 21 October 2009. While the Implementing Rules and Regulations were already issued, the law is yet to be fully implemented in view of the outstanding issues identified by the Bureau of Internal Revenue pertaining to the feasibility of administration of tax incentives and benefits due to PERA contributors.

The BIR initially drafted revenue regulations covering the implementation of tax provisions of PERA Act but the industry did not find it acceptable due to the restrictions on the tax incentives under the law and the administrative operational

requirements from the contributors and market players. Given the urgency of the implementation of the said law, the Capital Markets Development Council composed of representatives from the concerned regulatory authorities and various industry stakeholders initiated the redrafting of the revenue regulations with the end of addressing the outstanding issues. The draft of the aforementioned revenue regulations was already submitted to the BIR for its review and consideration.

**R. A. No.
9510**

AN ACT ESTABLISHING THE CREDIT INFORMATION SYSTEM, AND FOR OTHER PURPOSES (S. NO.1881/H. NO. 4260) (Signed Into Law OCTOBER 31, 2008)

The Credit Information System will gather consumer credit information from financial institutions such as banks, credit card companies and government lending institutions.

In effect, financial institutions shall consolidate their records and contribute their credit experience on consumers to the system. To ensure the effectiveness and comprehensiveness of the system, banks and their subsidiaries and affiliates will be compelled in effect, legally, to provide full credit information.

A Central Credit Information Corporation will process the information gathered and distribute them through the "accessing entities" who are likewise the primary providers of credit data (i. e. banks)

Credit rating agencies can source information from the system and may use them to create credit reports and credit ratings, and may add value to the report as required by their customers.

Access to the system will be basically limited to the credit institutions which are likewise the contributors of information.

The Credit Information System will cover all borrowers. It will gather both positive and negative information.

There are also safeguards imposed against breach of confidentiality and misuse of borrower information. Protection of the public and confidentiality of information are given utmost importance.

Under this law, the SEC in coordination with relevant government agencies and existing industry stakeholders shall issue the Implementing Rules and Regulations (IRR), which shall be reviewed, revised and approved by the Oversight Committee to ensure consistency and compliance with the provisions of this act.

In April 2009, a draft IRR embodying the inputs of all the relevant agencies, namely, DOF, DTI, BSP, OIC, CDA and SBC was submitted to the respective Chairman of the Senate and the House of Representatives panels.

In its meeting held on May 22, 2009, the Joint Congressional Oversight Committee approved the proposed IRR for the said law.

The succeeding required courses of action are the designation of the members of the board of credit corporation and the release of funds representing the equity contribution of the national government. For these purposes, the Chairperson of the SEC will make the necessary representation with the Office of the President.

**R. A. No.
9576**

AN ACT INCREASING THE MAXIMUM DEPOSIT INSURANCE COVERAGE, AND IN CONNECTION THEREWITH, TO STRENGTHEN THE REGULATORY AND ADMINISTRATIVE AUTHORITY, AND FINANCIAL CAPABILITY OF THE PHILIPPINE DEPOSIT INSURANCE CORPORATION (PDIC) AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED THREE THOUSAND FIVE HUNDRED NINETY-ONE, AS AMENDED, OTHERWISE KNOWN AS THE PDIC CHARTER, AND FOR OTHER PURPOSES (S. NO. 2964/H. NO. 5911) (Signed Into Law APRIL 29, 2009)

The Maximum Deposit Insurance Coverage (MDIC) for bank deposits has been doubled to ₱500,000 effective June 1, 2009. The law is prospective. The higher MDIC will apply only to deposits in banks ordered closed by the Monetary Board on June 1, 2009 and thereafter. The amended charter also granted PDIC powers to enhance its oversight on banks as well as mitigate the moral hazard posed by the increased coverage to the Deposit Insurance Fund (DIF). The DIF is the funding source for deposit insurance claims payment.

The law also strengthened PDIC's regulatory oversight on banks through new authorities such as the conduct of special bank examinations, determination of products eligible for deposit insurance and examination of deposit accounts of ailing banks.

The Philippine Deposit Insurance Corporation (PDIC) informed the Senate that Republic Act 9576 became effective on 01 June 2009 after its publication in May 17, 2009 issue of the Philippine Star and Philippine Daily Inquirer.

The PDIC has already informed the banks and the general public through their bank bulletin and public advisory of the increase of the maximum deposit insurance coverage from

₱250, 000.00 to ₱500,000.00. Other activities are also in the pipeline to further increase public awareness of the implications of the new law.

The PDIC has issued the revised PDIC regulatory issuance on advertisement to align it with the new thrust and mandate of the corporation. In addition, they are consulting with bank associations in relation to the other regulatory issuances they are currently drafting to implement the following provisions of R.A. 9576:

- Section 2 (Rules on deposit accounts and transactions not covered by deposit insurance)
- Section 3 (Rules on beneficial ownership)
- Section 5 (Rules on examination)

The PDIC is also coordinating with the representatives of the Department of Finance, Department of Budget and Management, Bureau of Internal Revenue, Bureau of Treasury, and the Fiscal Incentive Review Board in the preparation of the pertinent Implementing Rules and Regulations for the following provisions of R.A. 9576:

- Section 4 (Sharing of the maximum deposit insurance coverage between the PDIC and national government)
- Section 8 (charging of all tax obligations of the PDIC to the tax expenditure fund)

The law stipulates that PDIC will not pay deposit insurance for the following accounts or transactions:

1. Investment products such as bonds, securities and trust accounts.
2. Deposit accounts which are unfunded, fictitious and fraudulent.
3. Deposit products constituting or emanating from unsafe or unsound banking practices.
4. Deposits that are determined to be proceeds of an unlawful activity as defined under the anti-money laundering law.

In cases where a depositor has several deposits in different insured banks, these deposits are insured separately. However, if a bank has one or more branches, the main office and all branch offices are considered as one bank. Thus, if one has deposits at the main office and at one or more branch offices of the same bank, the deposits are added together when determining the deposit coverage. The total coverage of which shall not exceed ₱500,000.00.

**R. A. No.
9679**

AN ACT FURTHER STRENGTHENING THE HOME DEVELOPMENT MUTUAL FUND, AND FOR OTHER PURPOSES (H. NO. 5220/S. NO. 2971) (Signed into Law JULY 21, 2009)

The law amends Presidential Decree 1752 which created the institution in 1980, and integrates all other laws relating to the agency. This will translate to more funds for PAG-IBIG's shelter financing programs.

The housing loan disbursements have been growing consistently for the last eight years and this law will allow the growing demand for affordable housing finance, while still ensuring the long-term stability of the fund and the consistent delivery of benefits to its members.

From ₱3.82 B in 2001, PAG-IBIG released a total of ₱37.3 B in end user housing loans in 2008. As of May 2009, its housing loan disbursement grew by 34%.

R. A. 9679 grants the HDMF Board of Trustees the authority to set the members contribution rate. From only ₱500,000 in 2001, PAG-IBIG has raised the highest loan amount to ₱3M.

The law also restores PAG-IBIG's tax exempt privileges similar to the GSIS and the SSS. PAG-IBIG's tax exemption will free up additional funds that can be ploughed back to housing. From 2001 to 2008 alone, PAG-IBIG paid a total of ₱13.59 B in taxes.

The Home Development Mutual Fund has issued the Implementing Rules and Regulations (IRR) of the law.

**R. A. No.
9829**

AN ACT ESTABLISHING THE PRE-NEED CODE OF THE PHILIPPINES (S. NO. 2077/H. NO. 6407) (Signed Into Law DECEMBER 3, 2009)

This law aims to regulate the establishment and operation of pre-need companies to derive optimum advantage in savings mobilization, protect the plan holders and the public interest.

Pre-need companies shall be placed under the primary jurisdiction of the Insurance Commission. The Securities and Exchange Commission (SEC) shall not accept or approve the Articles of Incorporation and By-Laws of a pre-need company unless approved by the Insurance Commission. The same is true on matters regarding merger, consolidation and dissolution. For this reason, the law articulates the expanded powers and functions of the Insurance Commission to address the need to mobilize savings, at the same time protect the plan holders and the public at large.

It specifies rules on the following areas for the establishment of a pre-need company:

- A. Articles of Incorporation*
- B. Paid up capital*
- C. Licensing of sales counselors and general agents*
- D. Qualifications of directors and officers and their restrictions*
- E. Registration requirements for re-need companies*
- F. Default and termination by plan holders*
- G. Claims settlement*
- H. Payment of plan proceeds*
- I. Trust fund and allowed investments using said fund*

To protect public interest, this law:

- ❖ Provides investment restrictions of directors, officers and their relatives up to the 4th degree of consanguinity in any corporation or business undertaking in which the company's trust fund has an investment in or has a financial interest with during the incumbency or term of said director or officer;*
- ❖ Requires the Insurance Commission's prior approval of the company's advertising material;*
- ❖ Requires from a pre-need company a paid-up capital of ₱100 million; and*
- ❖ Requires the establishment of a trust fund for each pre-need plan category to ensure that funds are available for the delivery of guaranteed benefits and services in a contract.*

*The Insurance Commission shall have at least a yearly examination of the affairs, financial condition and methods of the pre-need company as the public interest so demands. **

** 14th Congress - 3rd Regular Session, Performance of the Senate, p.16-17 By: Legislation Group*

Following the enactment of the Pre-need Code on December 03, 2009 transferring to the Insurance Commission (IC) the supervision of the pre-need industry, the IC, in order to carry out its mandate under the code, has taken the necessary actions as follows:

A. The Commission has issued:

1. Office Orders

- a. Constituting a transitory group that handles all the records and files on the pre-need industry that have to be transferred by the Securities and Exchange Commission;
- b. Assigning to the relevant divisions of the IC the additional functions relating to the supervision of the pre-need sector; and
- c. Forming a pre-need team whose primary task is to examine the financial condition of the pre-need companies

2. Circular letters setting out

- a. The guidelines on the licensing and operation of pre-need agents;
- b. The template of trust agreement containing the provisions prescribed by the code that shall be used by all pre-need companies and trust entities authorized to act as trustees for pre-need trust funds;
- c. The guidelines and minimum documents required for the filing of audited financial statements and annual statements of trust funds by the pre-need companies;
- d. The requirements under the Anti-Money Laundering Act and its revised Implementing Rules and Regulations which the pre-need companies, sales counselors and general agents have to comply with; and
- e. The prescribed fees and charges in the exercise of its regulation over the pre-need industry.

B. In accordance with Section 58 of the Pre-need Code, the Commission has published for two (2) consecutive weeks (March 10 and 17, 2010) in two (2) newspapers of general circulation (the Manila Times and Business Mirror) the Implementing Rules and Regulations of the Pre-need Code which it adopted after consultation with the pre-need companies and other stakeholders.

C. In accordance with Section 5 of the Pre-need Code authorizing the Commission to reorganize its structure and upgrade its human resource component to be able to effectively and efficiently perform its functions under the code, it has submitted its reorganization plan to the Department of Budget and Management (DBM) for its

consideration and approval.

The Commission is awaiting approval of its request by the DBM. Thus, in the eight (8) months that the pre-need industry has been placed under its watch, the Commission has been performing its mandates under the Pre-need Code and Insurance Code with inadequate manpower. The IC needs additional personnel to enable it to cope with the additional task of supervising the pre-need industry.

- D. As regards the extent of residual authority of the Securities and Exchange Commission (SEC) under Section 57 of the Pre-need Code, the IC has agreed to enter into Memorandum of Agreement with the SEC on the interpretation and implementation of subject section, including coordination in the performance of their respective mandates under the code.

**R. A. No.
9856**

AN ACT PROVIDING THE LEGAL FRAMEWORK FOR REAL ESTATE INVESTMENT TRUST AND FOR OTHER PURPOSES (S. NO. 2639/H. NO. 6379) (Signed Into Law DECEMBER 17, 2009)

The law establishes the framework for an investment scheme that aims to assist in the funding and development of infrastructure projects and, at the same time, promotes investors' interests.

A REIT is a stock corporation organized for the purpose of owning income generating real estate assets, such as offices, apartments, shopping centers, hotels and other similar structures.

The company should have a minimum paid-up capital of ₱300M. Its stocks can be acquired through subscription or purchase in a stock exchange.

To attract investments in REITs, the law requires the annual distribution of at least 90 percent of the distributable income as dividends to stockholders not later than the last day of the fifth month of the following year.

To make sure the investors are not shortchanged, the law declares as void and of no effect "any structure, arrangement or provision which would have the effect of diminishing or circumventing in any form this entitlement of dividends".

According to the Securities and Exchange Commission, the Implementing Rules and Regulations (IRR) of R.A. 9856 has been approved and promulgated by the Commission last May

13, 2010 after consultation and coordination with other government agencies as mandated by said law such as the Bangko Sentral ng Pilipinas, Department of Finance, and the Bureau of Internal Revenue. The IRR took effect on June 10, 2010.

The draft of the IRR, was published in major newspapers and in the Commission's website from April 19, 2010 until its approval for comments from the public.

**R. A. No.
10142**

AN ACT PROVIDING FOR THE REHABILITATION OR LIQUIDATION OF FINANCIALLY DISTRESSED ENTERPRISES AND INDIVIDUALS (S. NO. 61/H. NO. 7090) (Signed into Law JULY 18, 2010)

The law adopted a modern bankruptcy framework aimed for a faster and more orderly rehabilitation or liquidation of financially distressed companies and individuals. It amended the Insolvency Law of 1909.

Under the law, court-supervised rehabilitation is available for debtors who are able to get more than 50 percent but less than 67 percent creditor approval for their rehabilitation. However, they must not have more than 50 percent of each class of creditors (secured and unsecured creditors) agreeing to the plan. But debtors who get at least 67 percent but less than 85 percent creditor approval for their rehabilitation or restructuring plan should consider applying for a pre-packaged or pre-negotiated rehabilitation. Similar to the court-supervised rehabilitation, debtors must not have more than 50 percent of each class of creditors agreeing to the plan.

Out-of-Court or informal rehabilitation will apply for debtors who secure at least 85 percent creditor approval, with at least 67 percent of secured creditors and 75 percent of unsecured creditors agreeing to the plan. Unlike the court-supervised and pre-packaged rehabilitation remedies, there is no need to go to court unless debtors want to seek assistance to enforce the plan or restructure the agreement.

Another remedy type offered under this law is debt forgiveness or the amount by which the debt is reduced, which releases debtors from any tax on the part of either the creditor or the debtor.

In case the debtors cannot be rehabilitated, the law states that they must go into liquidation for an orderly settlement of debts and liabilities.

The Financial Rehabilitation and Insolvency Act (FRIA) gives

financially strapped businesses in the country three ways to get back on their feet:

- a) court-supervised rehabilitation,*
- b) pre-negotiated rehabilitation, and*
- c) out of court or informal restructuring agreements or rehabilitation plans.*

In all these cases, the court gives the insolvent debtor and its creditors every opportunity to agree on the terms and conditions of rehabilitation before it enters the picture.

If the court finds the petition for rehabilitation in order, it has to issue, within five (5) working days, a commencement order to start the proceedings.

The order should include, among others, a directive to suppliers of goods and services to the debtor to continue complying with their contractual obligations as long as they are promptly paid.

The commencement order carries with it a “stay or suspension” order suspending all actions that may have been filed in court and other venues to enforce any claim against the debtor.

The suspension, however, does not cover certain actions like appeals pending before the Supreme Court, claims against sureties and letters of credit and transactions arising from pledge or mortgage agreements nor to any criminal action against an individual debtor or owner, partner, director or officer of the debtor.

To be fair to the creditors, the suspension order also bars the debtor from selling, encumbering, transferring or disposing in any manner any of its properties except in the ordinary course of business.

Neither can the debtor pay its liabilities that fell due on the date the order was issued unless it meets the criteria of the rehabilitation plan.

The “no selling” and “no payment” bans are aimed at preventing the debtor from conniving with third parties on the disposition of its assets or giving preferential treatment to certain creditors to the prejudice of the rest of the creditors.

The linchpin of any petition for rehabilitation is the rehabilitation plan which should meet the minimum requirements of the law.

The plan should state the manner “by which the financial well-being and viability of an insolvent debtor can be restored using various means”, such as, debt rescheduling, reorganization,

debt-equity conversion, “dacion en pago” or other similar arrangements as may be approved by the court or creditors.

The rehabilitation receiver appointed by the court plays a significant role in determining the integrity or viability of the plan.

After a careful evaluation of the plan, he has to report to the court whether its underlying assumptions and financial goals are “realistic, feasible and reasonable”.

In case they are not, the plan may still be approved if there is a substantial likelihood of a successful rehabilitation because the debtor has sufficient assets for rehabilitation, or has enough cash flow to maintain its operations, or its owners, partners, stockholders, directors and officers have been acting in good faith and with due diligence.

In a sharp departure from the old Insolvency Law, the FRIA clearly defines the duties and responsibilities of the rehabilitation receiver.

Since he is appointed by the court, he is deemed an officer of the court and therefore accountable to it for all his actions and their consequences.

His duties are to preserve and maximize the value of the debtor’s assets during the proceedings, determine the viability of rehabilitation, review the rehabilitation plan, and implement it upon approval.

The appointment of a receiver, however, will not result in the removal or displacement of the debtor’s management staff.

Except for the preservation and maximization of the value of the debtor’s assets, management authority remains with the debtor.

However, if any of the following situations arise – actual or imminent danger of dissipation or loss of the debtor’s assets; paralyzation of business operations; and gross mismanagement, fraud or wrongful conduct by the existing management – the court may replace management with the receiver or appoint a management committee.

*In case the proposed rehabilitation plan is not viable, or if approved and implemented does not succeed, the court has to order the liquidation of the debtor’s remaining assets for the benefit of the creditors. **

**(By: Raul J. Palabrica, Corporate Securities Info, Philippine Daily Inquirer, August 06, 2010)*

CIVIL SERVICE AND GOVERNMENT REORGANIZATION

**R. A. No.
9646**

AN ACT REGULATING THE PRACTICE OF REAL ESTATE SERVICE IN THE PHILIPPINES, CREATING FOR THE PURPOSE A PROFESSIONAL REGULATORY BOARD OF REAL ESTATE SERVICE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. B. NO. 2963/H. NO. 3514) (Signed into Law JUNE 29, 2009)

The law will professionalize and regulate the practice of real estate in the country through the development of technically competent, trained and accountable real estate practitioners in the country.

Under this law, real estate consultants, appraisers, local government assessors and brokers will be overseen by the Professional Regulatory Board of Real Estate Service under the Professional Regulation Commission (PRC). They will be subjected to a licensing process that will require them to pass a technical examination, comply with the program of continuing education and training, and observe the code of conduct and responsibilities.

Salespersons, although not considered part of the professional group, will be accredited by the PRC, after undergoing training and working under a licensed real estate broker.

RESA will require real estate practitioners to post a professional indemnity insurance/cash or security bond upon taking their oath to practice the profession before the PRC.

The law is expected to stimulate the property market, encourage investments in construction and development, generate employment and increase revenues for the government.

The Professional Regulatory Board of Real Estate Service issued Resolution No. 02, Series of 2010, the Implementing Rules and Regulations (IRR) of the law on July 21, 2010. The IRR took effect on August 08, 2010 following its publication in a newspaper of general circulation (Philippine Daily Inquirer) on July 24, 2010.

This law took effect on July 30, 2009 following its publication in Philippine Daily Inquirer on July 15, 2009.

**R. A. No.
9853**

AN ACT AMENDING REPUBLIC ACT NO. 9280, OTHERWISE KNOWN AS THE “CUSTOMS BROKERS ACT OF 2004”, AND FOR OTHER PURPOSES (S. NO. 3396/H. NO. 3274) (Signed Into Law DECEMBER 15, 2009)

Under this amendatory law, the practice of customs broker is a professional service, admission to which shall be determined upon the basis of individual and personal qualifications. However, nothing in the law shall prevent a corporation from being registered for the purpose of engaging in the business of custom brokerage as long as the corporation shall engage or hire the services of at least one (1) customs broker.

The phrase “engaging in the business of customs brokerage” shall mean making representations in behalf of importer-clients in the Bureau of Customs (BOC) and other government agencies; provided, that such corporations engaged in the business of customs brokering shall have a minimum paid-up capital of ₱1,000,000.00 before they are accredited by the BOC.

Self-executory.

**R. A. No.
10024**

AN ACT REGULATING THE PRACTICE OF RESPIRATORY THERAPY, CREATING A PROFESSIONAL REGULATORY BOARD OF RESPIRATORY THERAPY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3499/H. NO.6410) (Signed Into Law MARCH 9, 2010)

The “Philippine Respiratory Therapy Act of 2009” recognizes the importance of respiratory therapists in nation building. It creates a Professional Regulatory Board of Respiratory Therapy under the administrative supervision and control of the Professional Regulation Commission. The Board shall, among others:

- (a) supervise and regulate the registration, licensure and practice of respiratory therapy in the Philippines;*
- (b) maintain a roster of respiratory therapists;*
- (c) issue, reinstate or revoke the certificate of registration and professional identification card or cancel special permits for the practice of respiratory therapy; and*
- (d) hear or investigate any violations of this law, its Implementing Rules and Regulations and the Code of Ethics for respiratory therapists.*

All applicants for registration for the practice of respiratory therapy shall undergo a licensure examination to be given by

*the board with the requirements prescribed by the commission.**

** 14th Congress - 3rd Regular Session, Performance of the Senate, p.19-20 By: Legislation Group*

According to the Professional Regulation Commission (PRC), the Implementing Rules and Regulations (IRR) of the law will only be issued after the Professional Regulatory Board of Respiratory Therapy (PRBRT), shall have promulgated it, subject to approval by the Professional Regulation Commission (PRC). The IRR shall become effective following fifteen (15) days from its publication in two (2) major newspapers of general circulation.

The PRC has advised the Association of Respiratory Therapists to apply for recognition as the interim Accredited Professional Organization (APO). This will pave the way for its submission of nominees to the PRC for recommendation to and appointment by the President of the first chairperson and two (2) members of the PRBRT, pursuant to Sec. 4, Art. II of R.A. 10024 and E.O. No. 496, Series of 1991.

The composition of the PRBRT is a prior step to the formulation, promulgation, and issuance of the IRR.

**R. A. No.
10029**

AN ACT TO REGULATE THE PRACTICE OF PSYCHOLOGY CREATING FOR THIS PURPOSE A PROFESSIONAL REGULATORY BOARD OF PSYCHOLOGY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3498/H. NO. 6512) (Signed into Law MARCH 16, 2010)

The “Philippine Psychology Act of 2009” recognizes the significance of the psychological services and the need to protect the public by preventing inexperienced or untrained individuals from offering psychological services.

Under this law, a collegial body known as the Professional Regulatory Board of Psychology is created. It is under the administrative control and supervision of the Professional Regulation Commission.

The Board shall, among others:

(a) supervise and monitor the registration, licensure and practice of psychologists and psychometricians in the Philippines;

(b) issue, suspend or revoke, and/or reinstate, the certificate of registration and professional identification card for psychologists and psychometricians; and

*(c) investigate and hear administrative cases involving violations of this measure, its Implementing Rules and Regulations, applicable Code of Ethics and/or Code of Professional Standards. **

** 14th Congress - 3rd Regular Session, Performance of the Senate, p.20, By: Legislation Group*

According to the Professional Regulation Commission (PRC), the Implementing Rules and Regulations (IRR) of the law will only be issued after the Professional Regulatory Board of Psychology (PRBP), shall have promulgated it, subject to approval by the Professional Regulation Commission (PRC). The IRR shall become effective following fifteen (15) days from its publication in two (2) major newspapers of general circulation.

The PRC has issued PRC Res. No. 565, Series of 2010, recognizing the Psychological Association of the Philippines, Inc. (PAP) as the interim Accredited Professional Organization (APO). This will pave the way for its submission of nominees to the PRC for recommendation to and appointment by the President of the first chairperson and two (2) members of the PRBP, pursuant to Sec. 4, Art. II of R.A. No. 10029 and E.O. No. 496, Series of 1991.

The composition of the PRBP is a prior step to the formulation, promulgation, and issuance of the IRR

**R. A. No.
10084**

AN ACT GRANTING SURVIVORSHIP BENEFITS TO THE SURVIVING LEGITIMATE SPOUSE OF A DECEASED RETIRED MEMBER OF THE COMMISSION ON AUDIT, CIVIL SERVICE COMMISSION AND THE OMBUDSMAN, AND FOR OTHER PURPOSES (S. NO. 3567/H. NO. 5444) (Signed into Law MAY 5, 2010)

The law provides that in case of death of a retired chairman or commissioner of the Commission on Audit, the Commission on Elections, the Civil Service Commission and the Ombudsman, the surviving legitimate spouse of said deceased retiree shall be entitled to receive on a monthly basis all the retirement benefits that the said deceased retiree was receiving at the time of his/her demise under the provisions of applicable retirement laws then in force.

The said surviving legitimate spouse shall continue to receive

such retirement benefits during his/her lifetime or until he/she remarries. Provided, that if the surviving legitimate spouse is receiving benefits under existing retirement laws, he/she shall only be entitled to the difference between the amount provided for in this act and the benefits he/she is receiving.

Funds for the initial implementation of this law shall be taken out of the current appropriations for the retirement of the chairman and commissioners of the Constitutional Commissions as well as the Ombudsman and/or savings of said Constitutional Commissions and the Ombudsman. Thereafter, such sums as may be necessary for the continued implementation of the law shall be included in the annual General Appropriations Act.

The law took effect on June 23, 2010, 30 days following its publication in two (2) newspapers of general circulation on May 24, 2010.

Self-executory.

**JOINT RES.
NO. 4**

**SENATE AND HOUSE OF REPRESENTATIVES JOINT
RESOLUTION NO. 4 (MODIFYING THE EXISTING
COMPENSATION AND POSITION CLASSIFICATION
SYSTEM OF CIVILIAN PERSONNEL AND THE BASE PAY
SCHEDULE OF MILITARY AND UNIFORMED
PERSONNEL IN THE GOVERNMENT)**

To implement the provisions of this joint resolution, the President issued on June 17, 2009 Executive Order No. 811 (adopting the first tranche of the modified salary schedule of civilian personnel and base pay schedule of military and uniformed personnel in the government, as well as the modified position classification system pursuant to senate and House of Representatives Joint Resolution No. 4, S. 2009.

**CONSTITUTIONAL AMENDMENTS,
REVISION OF CODES AND LAWS**

**R. A. No.
9849**

**AN ACT DECLARING THE TENTH DAY OF ZHUI HIJJA,
THE TWELFTH MONTH OF THE ISLAMIC CALENDAR, A
NATIONAL HOLIDAY FOR THE OBSERVANCE OF EIDUL
ADHA, FURTHER AMENDING FOR THE PURPOSE
SECTION 26, CHAPTER 7, BOOK I OF EXECUTIVE ORDER**

NO. 292, OTHERWISE KNOWN AS THE ADMINISTRATIVE CODE OF 1987, AS AMENDED (S. NO. 3283/H. NO. 6400) (Signed into Law DECEMBER 11, 2009)

Eidul Adha is observed on the tenth day of Zhul Hijja, the month of Islamic Pilgrimage to Mecca, Kingdom of Saudi Arabia. It is determined upon declaration by the Saudi government of the Yaumul Arafah, or Arafah day on the ninth of Ahul Hijja, the culmination of pilgrimage. Thus, the Commission will actively coordinate with the Royal Embassy of Saudi Arabia in Manila for the immediate information of the Office of the President.

The National Commission on Muslim Filipinos (NCMF) coordinates with the Ulama or Muslim Religious Groups regarding the declaration of Eidul Fitre and Eidul Adha as national holidays for appropriate recommendation to the Office of the President.

**R. A. No.
10023**

AN ACT AUTHORIZING THE ISSUANCE OF FREE PATENTS TO RESIDENTIAL LANDS (S. NO. 3429/H. NO. 5618) (Signed into Law MARCH 9, 2010)

The DENR has already issued the Implementing Rules and Regulations (IRR) of the said law on May 05, 2010 under DENR Administrative Order No. 2010-12, entitled "Rules and Regulations for the Issuance of Free Patent to Residential Lands Under Republic Act No. 10023".

Pursuant to the said IRR, the DENR through the regional land management sector has already started its implementation nationwide. Corollary to this, a new judicial form prescribed under DENR Administrative Order No. 2010-13 was introduced for uniform application. To date, all regional offices of the DENR are already accepting Free Patent (FP) applications.

The law has the following features:

1. **Wider coverage** – R.A. 10023 allows the issuance of free patents to all zoned residential areas not intended for public service or public use. It supplements the Public Land Act of 1936 which covers the issuance of free patents to agricultural lands.
2. **Security of tenure** – Filipinos will be able to have the land they occupy titled in their own names and all subsequent transactions monitored, reducing the risk of fake titling.

3. **Shorter occupancy eligibility** – The occupancy eligibility has been reduced from thirty to ten years.
4. **Smaller land area requirement** – Area of land applied for titling shall not exceed 200 sq. m. for highly urbanized cities; 500 sq. m. for other cities; 750 sq. m. for first and second class municipalities; and 1,000 sq. m. for other municipalities.
5. **Less documentary requirements** – Documents to be submitted include a DENR approved survey plan, technical description of the land applied for, and affidavit of two (2) disinterested persons from the same area.
6. **Shorter administrative proceedings** – After promulgation of the act's Implementing Rules and Regulations (IRR) by the Land Management Bureau, application shall be filed at the nearest DENR Community Environment and Natural Resources Office and processed within 120 days. The recommendation shall then be approved or disapproved by the Provincial Environment and Natural Resources Office within five (5) days.
7. **No restrictions** – Restrictions after the issuance of the patent under Commonwealth Act 141 are not applicable to patents issued under R.A. 10023. These include the five-year ban on encumbrance and alienation, and the five-year right of repurchase.
8. **More beneficiaries** – R.A. 10023 will benefit approximately 39 million Filipinos especially those occupying 7.8 million parcels of untitled lands classified as residential, provide economic stimulus to land market, and contribute to the country's economy.

**R. A. No.
10072**

AN ACT RECOGNIZING THE PHILIPPINE NATIONAL RED CROSS AS AN INDEPENDENT, AUTONOMOUS, NONGOVERNMENTAL ORGANIZATION AUXILIARY TO THE AUTHORITIES OF THE REPUBLIC OF THE PHILIPPINES IN THE HUMANITARIAN FIELD, TO BE KNOWN AS THE PHILIPPINE RED CROSS (S. NO. 3285/H. NO.6509) (Signed into Law APRIL 20, 2010)

The Philippine Red Cross Act of 2009 is basically a move to further strengthen PRC's ability to respond to Filipinos' humanitarian needs in times of armed conflicts, natural disasters, and other emergencies. It is an affirmation of the country's "conformity with the Geneva Convention of 1949 and

their additional protocols, and the statutes of the International Red Cross and Red Crescent Movement”, as well as a confirmation of PRC’s stand as a “voluntary, independent and autonomous non-governmental society auxiliary to the authorities of the Republic of the Philippines in the humanitarian field”.

Included in the new provisions under R.A. 10072 is PRC’s exemption from real property taxes, direct and indirect taxes, duties and fees that will emerge from its operations and its exclusive importations and purchases. Likewise, PRC is also exempted from donor’s tax. Instead, the said tax will be deducted from the donor’s gross income for income tax purposes.

COOPERATIVES

**R. A. No.
9520**

AN ACT AMENDING THE COOPERATIVE CODE OF THE PHILIPPINES TO BE KNOWN AS THE “ PHILIPPINE COOPERATIVE CODE OF 2008” (S. NO. 2264/H. NO. 4312) (Signed into Law FEBRUARY 17, 2009)

In accordance with the provisions of Article 139 of the law, the Cooperative Development Authority has been undertaking the following activities:

- a. Conference of all legal officers and selected extension office directors of the entire agency to discuss the provisions of said Republic Act. Such conference was aimed at arriving at common understandings and interpretations of the various provisions and its impact on the cooperative sector;
- b. Drafting of such requisite Implementing Rules and Regulations by a select group of CDA officials and employees;

During this time, various fora concerning these IRR were conducted by the cooperative sector and the results were formally transmitted to the CDA for possible inclusion in the IRR;

A second round of draft IRR is presently being conducted taking into consideration the comments and suggestions of the cooperative sector.

The final draft is expected to be finished by the end of July 2009, and copies shall also be transmitted to the Joint Congressional Oversight Committee and Cooperatives for their review. By August 2009, the CDA shall be conducting public

consultations in the three major island groupings, wherein the final comments shall be received. They have also scheduled the middle of September 2009 as the target date for formally transmitting the final version of the IRR to the JCOC for their approval.

CULTURAL COMMUNITIES

**R. A. No.
9997**

AN ACT CREATING THE NATIONAL COMMISSION ON MUSLIM FILIPINOS DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES AND APPROPRIATING 'FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3482/H. NO. 4253) (Signed into Law FEBRUARY 18, 2010)

This law creates the National Commission on Muslim Filipinos. It shall be under the Office of the President taking over the functions of the Office on Muslim Affairs. Its authority covers the local and national affairs involving Muslim Filipinos, including the implementation of economic, educational, cultural, and infrastructure programs for Muslim Filipino communities.

It shall be composed of nine (9) full time members who are Muslims to be headed by a Secretary. A council of advisers may also be created to advise the commission.

A Hajj Attache, appointed by the president from among three (3) recommendees of the commission, shall coordinate with the Ministry of Hajj of the Kingdom of Saudi Arabia on matters of the annual Hajj. The Secretary of the Commission as appointed by the President shall be the Amirul Hajj who represents the President and is Head of the Muslim Filipino pilgrims attending the annual Hajj.

*Appropriations necessary for initial implementation of this act shall be charged against the current year's appropriations of the OMA. An additional ₱100M will be appropriated to carry out functions and powers of the commission. All transactions and affairs shall be duly recorded and accounted for subject to audit by the Commission on Audit. The Civil Service rules and the coverage of its members under the Government Service and Insurance System shall be applied to its employees. **

** 14th Congress - 3rd Regular Session, Performance of the Senate, p. 28-29 By: Legislation Group*

According to Secretary Dianalan-Lucman in her letter to the Senate of May 11, 2011, that immediately after her appointment as the first secretary together with that of the other eight (8) commissioners, they immediately buckled down to work especially in drafting the Implementing Rules and Regulations (IRR) of the commission which they submitted to the Department of Budget and Management (DBM) as early as June 2010 for comment and/or possible approval. Thereafter, the DBM gave its initial comments that prompted them to submit a second draft. Since then, the commission has yet to receive a formal communication from DBM on the status of the draft IRR.

Also, out of the ₱100M supplemental amount stipulated in R.A. No. 9997, the DBM has released only about ₱8M to defray the salaries and allowances of the secretary and the eight (8) commissioners. They have submitted requests coupled with project proposals and itemized expenditures for the said supplemental budget but the DBM has yet to act on them.

In sum, Secretary Dianalan-Lucman said that except for the change in name and the appointments of the secretary and the commissioners, the commission is still operating based on the structures and limited resources of its predecessor, the abolished Office on Muslim Affairs (OMA), virtually defeating the very intent of the authors of R.A. No. 9997 to create a more responsive and effective national government agency for the Muslim Filipinos.

They are requesting for the intercession of the Senate for the early approval of the IRR and the release of the said supplemental budget so that they could effectively pursue their mandated functions, especially the Development of the Philippine Halal Industry that could boost their export capability as well as operationalized new and important bureaus (i.e. Bureau of Legal Affairs and Bureau of Peace and Conflict Resolutions) and many other similar projects that are on hold because of the aforementioned deficiencies.

The Secretary also mentioned that it is regrettable that as indicated in Article I, Sec. 6 of Republic Act 9997, her position as Secretary of the NCMF is with cabinet rank, but she has yet to be invited in any cabinet level meetings. The same is true with Article II, Section 8 (d) where it is so stipulated that “the Secretary or his/her duly designated representative shall sit as a regular member of the Government’s Peace Panel”.

These are but a few of the difficulties the commission is undergoing.

ECONOMIC AFFAIRS

**R. A. No.
9728** **AN ACT CONVERTING THE BATAAN ECONOMIC ZONE LOCATED IN THE MUNICIPALITY OF MARIVELES, PROVINCE OF BATAAN, INTO THE FREEPORT AREA OF BATAAN (FAB), CREATING FOR THIS PURPOSE THE AUTHORITY OF THE FREEPORT AREA OF BATAAN (AFAB), APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 2118/H. NO. 5344) (Signed into Law OCTOBER 23, 2009)**

Under R.A. 9728, the task of formulating the Implementing Rules and Regulations (IRR) is given to the Department of Trade and Industry (DTI), Department of Finance (DOF), Department of Interior and Local Government (DILG) and the Local Government Unit (LGU). However, the IRR was primarily formulated by the Authority of the Freeport Area of Bataan (AFAB) which was submitted for comments of the agencies above-mentioned. The Board of Directors of the Authority of the Freeport Area of Bataan approved the IRR at its board meeting on June 09, 2010. The IRR of R.A. 9728 was caused to be published by the AFAB on June 14, 2010 in the Manila Standard Today and again on June 18, 2010 in The Manila Times.

Under the law, after the formulation of the IRR, the role of the DTI is limited to the DTI Secretary's task of approving the appointment, remuneration and other emoluments of the AFAB officers and employees appointed and fixed by the AFAB Board and recommended by its Chairman-Administrator.

**R. A. No.
10083** **AN ACT AMENDING REPUBLIC ACT NO. 9490, OTHERWISE KNOWN AS THE 'AURORA SPECIAL ECONOMIC ZONE ACT OF 2007' (S. NO. 3470/H. NO.6213) (Signed into Law APRIL 22, 2010)**

This law creates the Aurora Pacific Economic and Freeport Zone (Aurora Ecozone) that will be administered and managed by the Aurora Pacific Economic Zone and Freeport Authority (APECO)

The Aurora Ecozone is envisioned to be a separate customs and taxation territory ensuring the free flow of goods and capital, within, into and out of its territory. It will be a decentralized, self-reliant and self-sustaining industrial, commercial trading, agro-industrial, tourist, banking, financial and investment center with suitable residential areas.

It shall be provided with the telecommunication and transport infrastructure to make the territory attractive to foreign citizens who may wish to set up business in the Freeport Zone. The foreigners may set up enterprises either by themselves or in joint venture with Filipinos in whatever proportion in any sector of industry, international trade and commerce within the Aurora Ecozone.

The Aurora Ecozone may provide incentives such as tax and duty free importations of raw materials, capital and equipment to locators. However, export or removal of goods from the territory of the Aurora Ecozone to other parts of the Philippine territory shall be subject to customs and tariff duties under the Tariff and Customs Code of the Philippines and the NIRC 1997.

*Further, goods manufactured within the Ecozone shall be made available for retail outside or in the domestic market subject to the payment of taxes and other regulations, and in consultation with PEZA, DOF and the DTI. However, to protect domestic industries, a negative list shall be drawn up and regularly updated by the PEZA and the Board of Investments. **

** 14th Congress - 3rd Regular Session, Performance of the Senate, p.31-32 By: Legislation Group*

EDUCATION, ARTS AND CULTURE

R. A. NO. 9500	AN ACT TO STRENGTHEN THE UNIVERSITY OF THE PHILIPPINES AS THE NATIONAL UNIVERSITY (S. NO.1964/H. NO. 2845) (Signed into Law APRIL 29, 2008)
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The University of the Philippines has a new charter that would help it to be on equal footing with its international counterparts by among others, allowing it to significantly raise the salaries of its faculty, improve its facilities and enhance its research capability. The new charter will exempt UP from the coverage of the salary standardization law. The new charter also allows an additional ₱100M over and above its regular appropriation each year for the next five (5) years.

**R. A. No.
9519** **AN ACT CONVERTING THE MINDANAO POLYTECHNIC STATE COLLEGE IN CAGAYAN DE ORO CITY, PROVINCE OF MISAMIS ORIENTAL INTO A STATE UNIVERSITY TO BE KNOWN AS THE MINDANAO UNIVERSITY OF SCIENCE AND TECHNOLOGY (MUST) AND APPROPRIATING FUNDS THEREFOR (H. NO. 4470) (Signed into Law JANUARY 07, 2009)**

No data available.

**R. A. No.
9521** **AN ACT GRANTING THE NATIONAL BOOK DEVELOPMENT TRUST FUND TO SUPPORT FILIPINO AUTHORSHIP (S. NO. 2409/H. NO. 4213) (Signed into Law MAY 5, 2009)**

This law, also known as the “National Book Development Trust Fund Act”, establishes a National Book Development Trust Fund to support and promote Filipino authorship in science and technology as well as in subject areas where locally authored books are few or non-existent. The law allots ₱50 million in the General Appropriations Act for the next five years starting from the law’s enactment.

Another ₱50 million each shall be taken from the Philippine Amusement and Gaming Corporation (PAGCOR) and from the Philippine Charity Sweepstakes Office (PCSO) at ₱ 5 million per month for ten months.

*The National Book Development Board, as administrator of the fund, in coordination with national and local government units will undertake activities that would inform, promote, and develop Filipino authorship. **

** 14th Congress – 2nd Regular Session, Performance of the Senate, p. 26 By: Legislation Group*

The Implementing Rules and Regulations (IRR) of the law was approved by the National Book Development Board on September 30, 2009 under Board Resolution No. 01-176, Series of 2009. It was published in the October – December 2009 issue of Book Watch, pages 8 and 9, and in the February 20, 2010 issue of the Manila Bulletin.

According to the OIC, Deputy Executive Director of NBDB, to date, the agency was able to collect a total of ₱20,000,000.00; ₱5M from PAGCOR and ₱15M from PCSO for the trust fund, equally distributed between the two (2) government banks.

The agency has not received any allotment yet from the annual General Appropriations Act (GAA of 2010).

**R. A. No.
9647**

AN ACT DESIGNATING THE PHILIPPINE NORMAL UNIVERSITY AS THE COUNTRY'S NATIONAL CENTER FOR TEACHER EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3157/H. NO. 6049) (Signed into Law JUNE 30, 2009)

The PNU as the National Center for Teacher Education in addition to the powers and functions provided for in its charter, shall perform the following:

- ❖ *Provide technical support to the DepEd and CHED in their programs and projects that chart policies and recommendations on teacher's training, teacher's education, continuing professional education of teachers and academic supervisors and teacher education curricula;*
- ❖ *Build and develop a database of education policies to serve as a resource to the country's policymakers ;*
- ❖ *Conduct researches, case studies, and other appropriate methodologies to enhance curriculum and training designs for teacher training, teacher education and continuing professional education of teachers and academic supervisors; and*
- ❖ *As may be directed by congress, provide assistance to legislators in the design and analysis of legislative proposals concerning teachers training, teachers education, continuing professional education of teachers and academic supervisors, teacher education curricula, and other issues affecting teacher education.*
- ❖ *As the National Center for Teacher Education, the PNU shall make an annual presentation to the DepEd, CHED, the House and Senate committees on education, and other educational institutions on its proposed standards for teacher training, teacher education, etc.*
- ❖ *The PNU shall establish an education policy research and development office which shall, among others, establish and maintain a database of education policies and significant issues facing the country's education system as well as education systems of other countries especially in the Asia Pacific Region.*
- ❖ *The PNU shall prepare a modernization plan to fulfill its*

mandate as the national center for teacher education, and to upgrade its capability to provide pre-service and in-service formation for our country's teachers.

R. A. No. 9717 **AN ACT CONVERTING THE CAMARINES SUR STATE AGRICULTURAL COLLEGE IN THE MUNICIPALITY OF PILI, PROVINCE OF CAMARINES SUR INTO STATE UNIVERSITY TO BE KNOWN AS THE CENTRAL BICOL STATE UNIVERSITY OF AGRICULTURE AND APPROPRIATING FUNDS THEREFOR (H. NO. 4360) (Signed into Law OCTOBER 12, 2009)**

Compliance of Section 20 of R. A. 9717.

- a) Submit a five (5)-year development plan, including its corresponding program budget to the CHED for corresponding recommendation to the DBM.

A five (5)-year development plan (2011-2015) was submitted to the Board of Regents (BOR) for its approval during its 1st regular quarterly meeting last February 04, 2010 at the CHED central office conference room but deferred by the BOR pending on the result of the study being conducted by the Development Academy of the Philippines (DAP) entitled "Development of Standards for the Organizational Structure & Staffing of State Universities and Colleges (SUCs). The result of the study will be submitted to CHED probably in May or June 2010.

- b) Undergo a management audit in cooperation with the CHED.

As of this date (April 21, 2010), there is no schedule yet from CHED with regards to the conduct of the management audit.

- c) Accordingly set up its organizational, administrative as well as academic structure including the appointment of the university key officials.

The same was also submitted to the BOR for approval last February 04, 2010 but deferred pending the result of the DAP study.

Compliance of Section 25 of R. A. 9717.

Implementing Rules and Regulations. – The Board, in

consultation with the CHED, shall formulate the guidelines to fully implement the provisions of this act.

The Implementing Rules and Regulations (IRR) was submitted to the CHED for review last February 04, 2010. As of this date (April 21, 2010), no information is received from CHED regarding the IRR.

**R. A. No.
9718**

AN ACT CONVERTING THE NAVAL INSTITUTE OF TECHNOLOGY IN THE MUNICIPALITY OF NAVAL, PROVINCE OF BILIRAN INTO A STATE UNIVERSITY TO BE KNOWN AS THE NAVAL STATE UNIVERSITY, INTEGRATING THEREWITH THE BILIRAN NATIONAL AGRICULTURAL COLLEGE IN THE MUNICIPALITY OF BILIRAN AND APPROPRIATING FUNDS THEREFOR (H. NO. 4414) (Signed into Law OCTOBER 14, 2009)

In its letter to the Senate dated April 06, 2010 the university submitted the following updates/reports:

A. On the Implementation of Republic Act No. 9718:

1. The university has published the complete text of Republic Act No. 9718 at Malaya Business Insights and The Manila Times on October 26, 2009.
2. The university held its launching simultaneously with the installation of its first university president on February 11, 2010.
3. The university officials were designated through the issuance of special orders by the university president upon the authority by the NSU-Board of Regents and the Constitution of the Academic Council and Administrative Council was effected pursuant to the provisions of the university code approved per Board Resolution No. 29, S. 2009 in compliance with Sec. 21 of R. A. 9718.
4. The students, faculty and alumni sectors were federated pursuant to the provisions of their respective constitution and by-laws duly ratified by their proper members of their sectors.
5. The NSU-Board of Regents has approved the vision, mission and motto of the university per Board Resolution No. 26, S. 2009.
6. The NSU-Board of Regents has approved the following service manuals and with ISSN duly approved by the

National Library, to wit:

- a. Research Services Manual (Board Reso. No. 03, S. 2010) – ISSN: 2094-4284
- b. Student's Handbook (Board Reso. No. 16, S. 2010) – ISSN: 2094-4330
- c. Auxiliary and Industry Development Manual (Board Reso. No. 17, S. 2010) – ISSN: 2094-4306
- d. Administrative Manual (Board Reso. No. 18, S. 2010) – ISSN: 2094-4292

Intellectual Property Protection and Technology

- e. Commercialization Policy Manual (Board Reso. No. 19, S. 2010) – ISSN: 2094-4314
- f. Students' Manual for Bachelor of Science in Nursing (Board Reso. No. 20, S. 2010) – ISSN: 2094-4837
- g. Grievance Machinery Manual (Board Reso. No. 21, S. 2010) – ISSN: 2094-4322
- h. Faculty Manual (Board Reso. No. 23, S. 2010) – ISSN: 2094-456x
- i. Extension Services Manual (Board Reso. No. 22, S. 2010) – ISSN: 2094-4551

Other service manuals are up for review by the review committee duly constituted by the NSU-Board of Regents.

B. Report on the Progress

The highlights of the progress of the university are stipulated in the 2009 Annual Report of the University which is still on process. Though, the university is mandated under Sec. 23 to file on or before the fifteenth day of the second (2nd) month after the opening of the regular classes of each year or July 15th of every year, the university will submit to the Senate the copy of the said report on or before May 31, 2010.

C. On the Condition and Needs of the University

The university has submitted a five-year development plan and proposed budgetary requirements (five-year investment plan) for calendar year 2010-2014 which was approved and endorsed by the NSU-Board of Regents per Board Resolution No. 27, S. 2009 pursuant to Sec. 21 of R. A. 9718. The said plan was submitted to and received by CHED central office on

January 19, 2010, and DBM central office on February 02, 2010 through their respective regional offices.

The said plan contains the condition and needs of the university for the next five calendar years to fulfill its mandates, vision, mission and objectives.

D. On the Implementing Rules and Regulations of Republic Act No. 9718

The preparatory committee has already crafted the draft of the Implementing Rules and Regulations of Republic Act No. 9718 which will be up for review by the review committee constituted by the NSU-Board of Regents during its committee meeting on April 12, 2010. After the review and endorsement by the said committee, the NSU-Board of Regents will deliberate and approve the same on May 2010 board meeting such that it can be forwarded to CHED for further review and appropriate action.

It is hoped that such IRR would be signed on or before June 30, 2010 by the proper authorities.

**R. A. No.
9719**

AN ACT CONVERTING THE TIBURCIO TANCINCO MEMORIAL INSTITUTE OF SCIENCE AND TECHNOLOGY IN CALBAYOG CITY INTO A STATE UNIVERSITY TO BE KNOWN AS NORTHWEST SAMAR STATE UNIVERSITY, INTEGRATING THEREWITH THE SAMAR STATE COLLEGE OF AGRICULTURE AND FORESTRY IN THE MUNICIPALITY OF SAN JORGE, BOTH LOCATED IN THE PROVINCE OF WESTERN SAMAR AND APPROPRIATING FUNDS THEREFOR (Signed into Law OCTOBER 14, 2009)

The university officially kicked-off with the well-attended inauguration ceremony and installation of Dr. Socorro O. Bohol as the first university president held on the 12th day of December 2009 with the officials of the various local government units in the service area of the university in attendance. The affair was more graced with the presence of no less than the Chairman of the Commission on Higher Education (CHED) Dr. Emmanuel Y. Angeles as the guest of honor.

Updates:

1. The Governing Board

Section 5 of Republic Act No. 9719 provides for the composition and term of office of the members of the governing board of the university to be referred to as the

Board of Regents.

Condition: The board has been officially constituted as provided under Section 5, R. A. 9719, except for the appointment of two (2) private sectors representatives. It has already convened twice as a constituent body, the first was on December 12, 2009 and the second was on March 17, 2010 and officially performed its functions, powers, and duties as provided under section 6 and 7 of the law.

Progress: Creation of the search committee that will formulate the criteria in the selection and appointment of the two (2) private sectors representatives is now under consideration by the university president for the board of regents to pass upon.

Needs: Immediate time and consideration by the university president and the board of regents in constituting the search committee for the selection and appointment of two (2) private sectors representatives is necessary as mandated by law.

NORTHWEST SAMAR STATE UNIVERSITY
CALBAYOG CITY, SAMAR

Key Result Areas	Progress	Condition	Needs
Filling the composition of the board of regents under Sec. 5, R. A. 9719	Composition filled except the two (2) private sector representatives	Search committee under consideration	Appoint-ment of two (2) private sector representa-tive Search and appoint-ment of two (2) private representa-tives
Designation of university campus director as mandated under Sec. 10, R. A. 9719	Appointed OIC campus director	Appoint-ment of university campus director	BOR to set guidelines / criteria for campus director Creation of search committee

<p>Formulation of academic policies and rules and regulations on discipline as required under Sec. 12, R. A. 9719</p> <p>a. Faculty and staff development</p> <p>b. Scholarship program</p>	<p>Established linkage with CHED, Nanyang University and NWSSU</p> <p>Provided scholarship program and other affirmative action programs to assist poor but qualified deserving students</p>	<p>Sent first batch of trainees</p> <p>Functional scholarship program</p>	<p>Strengthen linkage to send more trainees</p> <p>Increase slots, funding of beneficiaries</p> <p>Establish more linkage for scholarship sponsors</p>
<p>Resources management under Sec. 19, R. A. 9719</p> <p>a. Human resources</p> <p>b.Real properties</p>	<p>Inventory of personnel</p> <p>Conducted inventory of resources</p>	<p>Accounted</p> <p>On-going</p>	<p>Consolidation of PSI-POP of the university campuses</p> <p>Transfer of ownership of real properties from TTMIST and</p>

c. Facilities development	Secured approval of BOR for the construction and repairs of buildings, equipments and other facilities	Continuing program	SSCAF to NWSSU Additional funding support
Submission of five (5) year development plan, including its corresponding program budget to the CHED, for corresponding recommendation to the DBM as provided under Sec. 21 (a), R. A. 9719	Submitted to CHED	Complied and for recommendation to DBM	Board approval/ Recommendation to DBM DBM funding
Management audit as mandated under Sec. 21 (b), R. A. 9719	Preparing for management audit	For CHED schedule	Follow-up and secure guidelines
Organizational, administrative, and academic structure as provided under Sec. 21 (c), R. A. 9719	For BOR approval	Set-up	Dissemination and implementation
Appointment of key officials of the university as mandated under Sec. 21 (c), R. A. 9719	For BOR approval	Proposed for approval	Immediate BOR action
Implementing	BOR created a	Planning	Convene

Rules and Regulations with CHED for the full implementation of R. A. 9719 as mandated under Sec. 26, R. A. 9719	committee	stage	local committee
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R. A. No.
9720

AN ACT CONVERTING THE IFUGAO STATE COLLEGE OF AGRICULTURE AND FORESTRY IN THE MUNICIPALITY OF LAMUT AND ALL ITS EXISTING EXTENSION CAMPUSES LOCATED IN THE PROVINCE OF IFUGAO INTO A STATE UNIVERSITY TO BE KNOWN AS THE IFUGAO STATE UNIVERSITY AND APPROPRIATING FUNDS THERFOR (H. NO. 4409) (Signed into Law OCTOBER 14, 2009)

The Implementing Rules And Regulations (IRR) of the law was approved by the board of regents of the university.

A status report on the implementation of R. A. 9720 dated April 27, 2010 was submitted to the Senate by Mr. Serafia L. Ngohayon, Ph. D., University President, specifically on the programs / projects / activities, progress / condition and needs of the Ifugao State University.

R. A. No.
9721

AN ACT CONVERTING THE ROMBLON STATE COLLEGE IN THE MUNICIPALITY OF ODIONGAN, PROVINCE OF ROMBLON INTO A STATE UNIVERSITY TO BE KNOWN AS THE ROMBLON STATE UNIVERSITY AND APPROPRIATING FUNDS THEREFOR (H. NO. 5217) (Signed into Law OCTOBER 14, 2009)

No data available.

R. A. No.
9722

AN ACT CONVERTING THE CENTRAL VISAYAS STATE COLLEGE OF AGRICULTURE, FORESTRY AND TECHNOLOGY, ITS UNITS AND SATTELITE CAMPUSES IN THE CITY OF TAGBILARAN AND IN THE MUNICIPALITIES OF BILAR, CANDIJAY, CLARIN , CALAPE AND BALILIHAN, ALL LOCATED IN THE PROVINCE OF BOHOL TO BE KNOWN AS THE BOHOL ISLAND STATE UNIVERSITY (BISU) AND APPROPRIATING FUNDS THEREFOR (H. NO. 5638) (Signed into Law OCTOBER 14, 2009)

No data available.

**R. A. No.
9744** **AN ACT CONVERTING THE CEBU STATE COLLEGE OF SCIENCE AND TECHNOLOGY SYSTEM IN THE CITY OF CEBU AND ALL ITS SATELITE CAMPUSES LOCATED IN THE PROVINCE OF CEBU INTO A STATE UNIVERSITY TO BE KNOWN AS THE CEBU TECHNOLOGICAL UNIVERSITY (CTU) AND APPROPRIATING FUNDS THEREFOR (H. NO. 5641) (Signed into Law NOVEMBER 10, 2009)**

No data available.

**R. A. No.
9746** **AN ACT CONVERTING THE POLYTECHNIC STATE COLLEGE OF ANTIQUE IN THE MUNICIPALITY OF SIBALOM INTO A STATE UNIVERSITY TO BE KNOWN AS THE UNIVERSITY OF ANTIQUE, INCLUDING ITS EXTENSION CAMPUSES IN THE MUNICIPALITIES OF HAMTIC AND TIBIAO, ALL LOCATED IN THE PROVINCE OF ANTIQUE AND APPROPRIATING FUNDS THEREFOR (H. NO. 4415) (Signed into Law NOVEMBER 10, 2009)**

Progress Report on the Implementation of R. A. 9746

Compliance Measures:

In accordance with the provisions of Republic Act 9746, the University of Antique has implemented the following as part of its compliance of the law:

1. Revised its vision, mission and goals, as well as its university seal, in order to conform with its general mandate as provided for in section 2 of the law;
2. Held a university launching to disseminate its new status, mandate and programs, as well as establish good community relations and rally support of the community;
3. Expand its curricular offerings with the approval of the board of regents of three (3) graduate courses and offering of one (1) undergraduate course for the school year 2010-2011 as previously approved by the PSCA Board of Trustees;
4. Complied with the provision of the law on the duties and composition of its governing board. However, the search for prominent citizens is still on-going;
5. In order to institute academic and structural reforms,

the university subjected itself to external management audit conducted by the Commission on Higher Education and the Development Academy of the Philippines on March 4-5, 2010. Likewise, NEDA regional office conducted strategic planning and management consultation with key officials on January 26-28, 2010 while the Civil Service Commission conducted a seminar-workshop on performance management system-office performance evaluation system (OPES-PMS) on February 1-2, 2010;

6. Drafted a new organizational structure for the university. However, its approval by the board of regents is scheduled on the next board meeting;
7. Prepared the five-year development plan (2009-2014) and the academic and campus development plans (2010-2015) based on the strategic plans of the different units and campuses in order to ensure effective, efficient and judicious implementation of its programs and submitted such to the commission on higher education;
8. Established policies, guidelines and procedure for participative decision-making in its university code;
9. Confirmed the appointment of the incumbent president of Polytechnic State College of Antique (PSCA) as university president, as well as the heads of the university campuses;
10. Established policies, guidelines and procedure on matters relating to students and faculty in its student handbook and faculty development handbook, respectively;
11. Enforce such other existing policies and guidelines that are not contradictory to the provisions of the law, particularly those that pertain to academic council, scholarship, admissions, physical facilities development, finance and others.

Conditions and Needs of the University of Antique:

With the new status of the institution, there is an expected increase in its enrolment and expansions in its thrusts and functions, particularly in research, extension and production, thus, making the following improvements and changes necessary:

1. Construction of new buildings to accommodate additional classes of the existing and additional

programs;

2. Creation of plantilla/permanent positions for instructors, professors, staff to serve in the seven colleges, two external campuses, and two extension sites offering a total of 49 curricular programs;
3. Increase appropriation for research and extension programs, and for its human resource development programs;
4. Upgrading/construction of facilities for the different colleges such as swimming pool, laboratories, speech laboratory, clinic, dormitories, staff house, audio-visual room:

Building and Structures Outlay:

Main Campus

₱5,000,000.00 – for the completion of mini-hotel

₱3,000,000.00 – repair/renovation of science building

PSCA – Hamtic Campus

₱5,000,000.00 – repair/renovation of administration building

₱2,000,000.00 – repair/renovation of related subjects Building

PSCA – TLMC-Tibiao Campus

₱5,000,000.00 – completion of HRM laboratory

₱1,000,000.00 – repair/renovation of social science building

₱ 400,000.00 – repair/renovation of science building

₱2,000,000.00 – completion of covered court

₱2,000,000.00 – repair/renovation of old administration building

5. Restructuring of the present campus lay-out;
6. Instituting academic reforms and upgrading of instructional materials towards ICT-based instruction;
7. Expansion of facilities and services for guidance, sports, cultural and student services;
8. Purchase of a new service vehicle for use in carrying out research and extension services in the different campuses.

Implementing Rules and Regulations (IRR) of the Law

At present time, the Implementing Rules and Regulations (IRR) of the law is in the process of finalization by the BOArd of Regents.

**R. A. No.
9832**

AN ACT CONVERTING THE DON HONORIO VENTURA COLLEGE OF ARTS AND TRADES IN THE MUNICIPALITY OF BACOLOR, PROVINCE OF PAMPANGA INTO A STATE UNIVERSITY TO BE KNOWN AS THE DON HONORIO VENTURA TECHNOLOGICAL STATE UNIVERSITY (DHVTSU) AND APPROPRIATING FUNDS THEREFOR (H. NO. 6319) (Signed into Law DECEMBER 9, 2009)

The Implementing Rules and Regulations (IRR) of the law was approved by the university board of regents through BOR Resolution No. 54, Series of 2010 dated July 22, 2010.

A copy of the report on the progress, needs and conditions of the Don Honorio Ventura Technological State University from January, 2010 to May, 2010 relative to the implementation of the law was submitted to the Senate on May 18, 2010.

The report answers deficiencies identified by the Technical Working Groups of both CHED and Congress and it details the translation of university plans into action programs.

**R. A. No.
9850**

AN ACT DECLARING ARNIS AS THE NATIONAL MARTIAL ART AND SPORT OF THE PHILIPPINES (S. NO. 3288/H. NO. 6516) (Signed into Law DECEMBER 11, 2009)

On March 22, 2011, the Committee on Education, Arts and Culture joint with the Committee on Games, Amusement and Sports conducted a public hearing on Senate P.S. Resolution 392 introduced by Sen. Juan Miguel F. Zubiri (Resolution Directing the Department of Education, the National Commission for Culture and the Arts and the Philippine Sports Commission to Immediately Promulgate the Implementing Rules and Regulations of Republic Act No. 9850, otherwise known as "Arnis Law")

The Philippine Sports Commission as the lead agency submitted a proposed timeline and action plan in drafting the law's IRR.

April 2011

The PSC shall call, in the most immediate time possible, a series of collaboration with the CHED, DEPED, NCCA, POC and other Arnis Associations/Organizations for the creation of a TWG-IRR 9850 that shall oversee the crafting of an IRR. The group shall establish a structure that will have the representation (or may be composed) of interest and professional groups in the government and private sectors.

May 2011

1. Logo design of PSC with the Arnis inscription, design and symbol
2. Arnis Incorporation in the national centerpiece competition program of PSC, the Pinoy Games and Batang Pinoy
3. Adoption of LGUs and SKs in its youth and sports structures and program; identifying allocation and/or sources of funds
4. The teaching of arnis as special module/subject in the secondary and tertiary P.E. curriculum
5. LGUs to allocate and develop space for conversion to Arnis Zone (parks)
6. Formulate a short and medium term arnis sports and recreation development plan 2012-2016
7. Hosting of Southeast Asian games level arnis competition in the soonest possible time, or before 2013.

July 2011

Writing phase of the Implementing Rules and Regulations

August 2011

Ready for submission to IRR-approving authority

**R. A. No.
9852**

AN ACT CONVERTING THE JOSE RIZAL MEMORIAL STATE COLLEGE (JRMSC) IN THE CITY OF DAPITAN, PROVINCE OF ZAMBOANGA DEL NORTE INTO A STATE UNIVERSITY TO BE KNOWN AS THE JOSE RIZAL MEMORIAL STATE UNIVERSITY (JRSMU), INTEGRATING THEREWITH THE KATIPUNAN NATIONAL AGRICULTURAL SCHOOL (KNAS) IN THE

MUNICIPALITY OF KATIPUNAN AND THE ZAMBOANGA DEL NORTE AGRICULTURAL COLLEGE (ZNAC) IN THE MUNICIPALITY OF TAMPILISAN, BOTH MUNICIPALITIES LOCATED IN THE PROVINCE OF ZAMBOANGA DEL NORTE AND APPROPRIATING FUNDS THEREFOR (H. NO. 5642) (Signed into Law DECEMBER 15, 2009)

Relative to the conversion, a formal launching of the university hood was held on January 29, 2010. Likewise, the institution is now adopting a new university seal and new university hymn. Further, a dissemination of the conversion was made to the different offices which include the Professional Regulation Commission, the Department of Budget and Management, Commission on Higher Education, Civil Service Commission, International Standardization Organization, National Economic and Development Authority, Department of Science and Technology and the State Universities and Colleges all over the Philippines, among others.

The five-year development plan of the university awaits presentation to and approval of the JRMSU board of regents.

The law took effect on January 26, 2010 after its publication in two (2) newspapers of general circulation.

The university charter was published in Manila Times and Manila Standard on January 11, 2010. Pursuant to Section 23 and 26 of the law, the university likewise published the Implementing Rules and Regulations (IRR) on October 18, 2010.

According to its president, as of this date (October 18, 2010), the university is on its smooth transition and has doubled its efforts to perform its mandated functions as a research-based institution of higher learning and as instrument of the government to offer advanced and quality higher education to less privileged yet deserving students in the Province of Zamboanga del Norte and other neighboring communities in Mindanao.

**R. A. No.
9854**

AN ACT ESTABLISHING THE CARAGA STATE UNIVERSITY IN THE CARAGA REGION BY INTEGRATING THE NORTHERN MINDANAO STATE INSTITUTE OF SCIENCE AND TECHNOLOGY (NORMISIST) IN AMPAYON, BUTUAN CITY AND THE NORTHERN MINDANAO COLLEGE OF ARTS AND SCIENCE AND TECHNOLOGY (NMCAST) IN CABADBARAN, AGUSAN DEL NORTE AND

APPROPRIATING FUNDS THEREFOR (H. NO. 5110)
(Signed into Law DECEMBER 16, 2009)

I. Transition of the School to State University

The newly born university has conducted the following activities to usher in a new era and officially celebrate its transition from NORMISIST to Caraga State University:

January 06, 2010 – although the signing of R. A. 9854 was officially done on December 16, 2009, a re-enactment of the signing took place at the university gymnasium on this date and was graced with the presence of President Gloria Macapagal Arroyo.

February 18-19, 2010 – a series of events and ceremonies throughout the 2-day launching activity marked the transition in both festive and reflective ways, and involved students, staff, faculty, administrators and alumni from both campuses. Highlights of which include motorcade in the two cities where both campuses are located, street dancing around Butuan City, tree-planting, bonfire and fireworks display. The CSU community gathered together at the gym on the second day for the first university convocation where the president delivered her “state-of-the-university” address. The winning entry for the logo competition was also announced during the occasion.

January 21-22, 2010 – the university conducted an assessment and pre-planning workshop with the following objectives: (i) to assess the present programs and proposed new programs based on the new mandate for June 2010, (ii) lay out the timelines of the university strategic planning process, and (iii) to address immediate concerns for the enrolment in June 2010 as the university is anticipating a big increase in enrolment.

April 20-22, 2010 – the first university strategic plan was conducted with the presence of Dr. Rose Fuentes of Saidi as the resource speaker. This is where the direction of the university was set, the vision and mission were crafted and goals were set.

March 29, 2010 – the university has also selected its new hymn through a competition participated by both insiders and outsiders.

II. Present Condition and Needs of the University

The output of the recently concluded CSU strategic planning will be submitted a little later. Will contain the detailed plans, needs and corresponding budget of the university. In what

follows is just a list of major projects and needs of the university.

1. Teaching and Administrative Force

The following table gives information of the present university teaching and administrative force and its needs based on actual and projected enrolment. From the ‘Organizational Structure for Chartered State Colleges and Universities’, the standard teacher-student ratio is 1:25.

	No. of actual personnel working	No. of plantilla positions	Teacher-student ratio (based on 4200 enrolment)	Teacher-student ratio (based on 6000 projected enrolment by June 2010)
Teaching personnel	165	91	1:46	1:66
Admin personnel	128	39		
Total	293	130		

The next table presents the additional personnel needs of the university. Figures below are based on the standard teacher-student ratio of 1:25 and teacher-staff ratio of 1:2.

	Based on actual need	Based on 6000 enrolment projection by June 2010
Additional teaching plantilla positions	74	149
Additional administrative plantilla positions	43	81

2. Physical Facilities

While change is inevitable, such as the university’s name, its commitment to who it is and what it hope to become remains as compelling and passionate as any moment in its long and distinguished history. The aim of the university to deliver quality education can be realized if it is coupled with appropriate and updated facilities to complement its programs and strong faculty line-up. With the change to university status, it is anticipating a big increase in

enrolment and thus, an increase in needs in terms of classrooms, laboratories, library space and housing facilities.

- **Completion of Science and Technology Bldg.: ₱35M**

The science and technology bldg. is about 3000 sq. m. big and is designed to cater to all science and technology laboratories. At present, with 50% completion, it houses almost all laboratories of the university, such as biology lab, chemistry lab, physics lab, robotics lab, computer lab, soils lab, and others. The much needed second half of the building will be utilized for two theater-type lecture halls, additional computer laboratories, chemistry and biology laboratories, lecture rooms and faculty rooms.

- **Acquisition of Additional Laboratory Equipment: ₱50M**

With an expanded mandate and its commitment to respond to the needs of the region, the university is offering two new additional programs by June 2010. These are BS Information System and BS in Mining Engineering, which are both laboratory-intensive programs. It is one of the priorities of the present administration to establish the needed laboratories. Aside from these, the existing science laboratories should also be upgraded and supplemented to address increasing needs.

- **New Library Building: ₱50M**

The existing library building is getting smaller for the university since it is expanding in terms of enrolment and in terms of services. However, it is not also wise to renovate and expand from the existing building since it is already very old and dilapidated. Thus, a new building is necessary.

- **New Ladies Dormitory – Phase I: ₱20M; Phase II: ₱25M**

The establishment of new ladies dormitory has been approved in principle by the BOR and is only awaiting funds to start the project. The existing ladies dormitory is already very old and dilapidated and was recommended already for demolition by proper authorities. In fact, by June 2010, the said dormitory will no longer accommodate residents.

The Implementing Rules and Regulations (IRR) will still be formulated. Committees have been formed to look into this.

**R. A. No.
9966**

AN ACT CONVERTING THE SULTAN KUDARAT POLYTECHNIC STATE COLLEGE (SKPSC) IN THE CITY OF TACURONG AND ITS DESIGNATED CAMPUSES IN THE MUNICIPALITIES OF LUTAYAN, KALAMANSIG, PALIMBANG AND ISULAN, ALL LOCATED IN THE PROVINCE OF SULTAN KUDARAT INTO A STATE UNIVERSITY TO BE KNOWN AS THE SULTAN KUDARAT STATE UNIVERSITY (SKSU) AND APPROPRIATING FUNDS THEREFOR (H. NO. 6311) (Signed into Law JANUARY 18, 2010)

The Sultan Kudarat State University through its president submitted to the Senate the following documents highlighting on the undertaken conducted by the university upon its conversion on January 18, 2010:

Five Year Development Plan Including Its Corresponding Program Budget (SY 2010-2015)

The plan serves as an indispensable tool for the institution in coping with change, promoting effectiveness, implementing the set goals, objectives and targets, and in giving direction to the management in steering the helm of the university as well as providing the basis for the rational assessment of institutional growth and development.

The five year development plan is an emerging picture of how SKSU management will make a real difference to institutional change. It reflects the continuing effort of the university to chart its future course to be in the best strategic position to contribute to the country's educational and development objectives. The plan represents the collaborative efforts of the faculty, staff and officials in envisioning goals and translating them into concrete and comprehensive programs/projects and activities.

Moreover, the plan incorporate the values, beliefs and best thinking of administrators and faculty members from the 10 SKSU satellite campuses who provided inputs and suggestions in a participatory process through series of conferences and workshops. During the group sessions, thrusts and priority projects and their corresponding budgetary requirements were received and discussed.

**R. A. No.
10066**

AN ACT PROVIDING FOR THE PROTECTION AND CONSERVATION OF THE NATIONAL CULTURAL HERITAGE, STRENGTHENING THE NATIONAL COMMISSION FOR CULTURE AND THE ARTS (NCCA)

AND ITS AFFILIATED CULTURAL AGENCIES, AND FOR OTHER PURPOSES (S. NO. 3014/H. NO.6733) (Signed into Law MARCH 26, 2010)

Unless declared already by the pertinent cultural agency (National Commission for Culture and the Arts, National Historical Institute, National Museum and National Archives) the following could be declared "Cultural Property".

- ❖ *Works by a Manlilikha ng Bayan (national folk artist) or by a national artist*
- ❖ *Archaeological and traditional ethnographic materials*
- ❖ *Works by national heroes*
- ❖ *Marked structure*
- ❖ *Structures dating at least 50 years old*
- ❖ *Archival material and/or documents dating at least 50 years old.*

According to the law, all cultural properties declared as national cultural treasures and national historical landmarks, sites or monuments shall be entitled to the following privileges:

- a) Priority government funding for protection, conservation and restoration;*
- b) Incentive for private support of conservation and restoration through commission's conservation incentive program for national cultural treasures;*
- c) An official heritage marker placed by the cultural agency concerned indicating that the immovable cultural property has been identified as national cultural treasures and/or national historical landmarks, sites or monuments; and*
- d) In times of armed conflict, natural disasters and other exceptional events that endanger the cultural heritage of the country, all national cultural treasures or national historical landmarks, sites or monuments shall be given priority protection by the government.*

Cultural properties declared as "important" may also receive government funding for their protection, conservation and restoration.

The law will establish the Sentro Rizal to promote Philippine arts, culture and language throughout the world. Sentro Rizal shall have branches or offices in countries where there are

children of Overseas Filipino Workers who need to be educated about their roots, as well as developed countries where there are large Filipino communities.

The Sentro Rizal shall offer Filipino language courses for children and adults, and hold exhibits, small concerts, poetry reading, and Philippine cuisine lessons.

The National Commission for Culture and the Arts in its letter of September 06, 2010 informed the Senate that they are still finalizing the Implementing Rules and Regulations (IRR) of the law. They are requesting for an ample time to work on it because they have been gathering several inputs and comments still from the concerned agencies and stakeholders both from the private and government sector.

The NCCA are currently working on the fourth draft as an output of their initial comments recently solicited from the culture and arts community during the concluded NCCA general assembly last August 2010. The office is likewise holding public hearings with different culture and arts sectors to solicit more inputs and mechanisms to be included in the IRR. The NCCA together with the six (6) attached cultural agencies and their partners from the private sector such as the heritage conservation society are immediately working for the finalization of the heritage law's IRR.

**R. A. No.
10085**

**AN ACT SEPARATING THE UNIVERSITY OF NORTHERN PHILIPPINES (UNP)—CANDON BRANCH (FORMERLY CANDON COMMUNITY COLLEGE) IN THE CITY OF CANDON, FROM THE UNIVERSITY OF NORTHERN PHILIPPINES IN THE CITY OF VIGAN, BOTH LOCATED IN THE PROVINCE OF ILOCOS SUR CONVERTING IT INTO A STATE COLLEGE TO BE KNOWN AS THE NORTH LUZON PHILIPPINES STATE COLLEGE AND APPROPRIATING FUNDS THEREFOR (H. NO. 6935)
(Signed into Law MAY 5, 2010)**

According to the Officer-In-Charge, Office of the President of University of Northern Philippines in Vigan City, they have organized a transition team for UNP who will meet with the transition team of the North Luzon Philippines State College to implement the smooth transition as soon as possible. He said that they already have the initial meeting on September 14, 2010 where both teams identified the concerns and issues to be resolved and decided to fast track the transition.

**R. A. No.
10086**

AN ACT STRENGTHENING PEOPLES' NATIONALISM THROUGH PHILIPPINE HISTORY BY CHANGING THE NOMENCLATURE OF THE NATIONAL HISTORICAL INSTITUTE INTO THE NATIONAL HISTORICAL COMMISSION OF THE PHILIPPINES, STRENGTHENING ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES (S. NO. 3472/H. NO. 6378) (Signed into Law MAY 12, 2010)

Known as the "Strengthening People's Nationalism Through Philippine History Act", this law changes the nomenclature of the National Historical Institute (NHI) to National Historical Commission Of The Philippines (NHCP).

The NHCP shall be an independent agency attached to the National Commission for Culture and the Arts (NCCA). The NHCP is the primary government agency responsible for history and has the authority to determine all factual matters relating to official Philippine history.

In this regard, the NHCP shall:

- a) Conduct and support all kinds of research relating to Philippine national and local history;*
- b) Develop educational materials in various media, implement historical educational activities for the popularization of Philippine history and disseminate information regarding Philippine historical events, dates, places and personages;*
- c) Undertake and prescribe the manner of restoration, conservation and protection of the country's historical movable and immovable objects;*
- d) Manage, maintain and administer national shrines, monuments, historical sites, edifices and landmarks of significant historico-cultural value; and*
- e) Actively engage in the settlement or resolution of controversies or issues relative to historical personages, places, dates and events.*

The NHCP shall be governed by a nine (9) member board, which shall be created to formulate and implement NHCP policies relating to the agencies mandate.

The National Historical Commission of the Philippines has already issued the Implementing Rules and Regulations (IRR) of the law.

R. A. No. 10087 **AN ACT AMENDING REPUBLIC ACT NO. 3873, ENTITLED AN ACT CHANGING THE NAME OF THE BUREAU OF PUBLIC LIBRARIES TO THE NATIONAL LIBRARY (S. NO. 1152/H. NO. 199) (Signed into Law MAY 13, 2010)**

Self-executory.

R. A. No. 10122 **AN ACT STRENGTHENING THE LITERACY COORDINATING COUNCIL BY AMENDING REPUBLIC ACT NO. 7165, OTHERWISE KNOWN AS “AN ACT CREATING THE LITERACY COORDINATING COUNCIL, DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3573/H. NO. 6439) (Signed into Law MAY 27, 2010)**

The Literacy Coordinating Council submitted the following updates on the implementation of the said amended law:

1. R. A. 10122 was published in two newspapers, namely: The Manila Times and Manila Standard Today on June 21, 2010.
2. The Implementing Rules and Regulations (IRR) of the law was prepared by the LCC secretariat and technical working group composed of the different representatives of the member agencies. The said IRR was approved by the LCC members on June 29, 2010 and was published in The Manila Times on September 01, 2010. A copy of the IRR was also transmitted to the Office of the National Administrative Register, University of the Philippines Law Center on October 06, 2010 for inclusion in the Philippine Law Journal.
3. Under Section 6 of R. A. 10122 the following is stipulated: “the council shall organize a secretariat to be headed by a chief of office. The council shall determine the secretariat’s staffing pattern, qualifications, duties, responsibilities and functions as well as the compensation for the positions to be created...”, thereby, the LCC taskforce prepared the proposed staffing pattern of the secretariat. This was approved by the council members through Resolution No. 01, S. 2010. The staffing pattern was submitted to the Department of Budget and Management (DBM) on August 19, 2010 for review and approval.
4. Based on the 2011 national expenditure program of the DBM, the sum of twelve million one hundred fifteen thousand pesos (₱12,115,000.00) was allocated in the

DepEd budget for LCC without allocation for the personal services, instead of a budget of twenty million pesos (₱20,000,000.00) stipulated in the amended law. Thus, the LCC requested DepEd budget division to re-allocate personal services (PS) for the LCC secretariat in its 2011 budget.

The council will have a strategic planning workshop scheduled by end of the year (2010) in furtherance of the implementations of the amended law.

ENERGY

R. A. No. 9513 AN ACT PROMOTING THE DEVELOPMENT, UTILIZATION AND COMMERCIALIZATION OF RENEWABLE ENERGY RESOURCES AND FOR OTHER PURPOSES (S. NO. 2046/H. NO. 4193) (Signed into Law DECEMBER 16, 2008)

The law lays the groundwork for increasing the utilization and development of renewable energy (RE) to balance the country's economic growth with the protection of health and environment.

The law gives income tax holiday for the first seven years of commercial operations of RE developers. It also specifies the duty, free importation of machinery, equipment and materials used for RE development after securing the endorsement of the DOE. Other tax benefits include the 0% vat on purchases of local supplies needed for the development, construction and installation of plant facilities, tax exemption of carbon emission credits and tax credit on domestic capital equipment and services.

A National Renewable Energy Board will be created to monitor and review the national renewable energy program. A Renewable Energy Management Bureau will also be established under the DOE to implement the provisions of the law.

According to the Department of Energy, the IRR of the law (Department Circular No. DC2009-05-0008) was signed by the Secretary of DOE on May 25, 2009 and took effect on June 12, 2009 after the prescribed 15 days publication period. Further, as stipulated in the said IRR the Department of Energy has to issue the guidelines for the regulatory

framework on the registration and accreditation of renewable energy (RE) developers and RE equipment manufacturers, suppliers and fabricators, respectively, as well as guidelines on the granting of RE service contracts by June 12, 2009, which is a month after the effectivity of the IRR.

Provided below are the timelines for implementation of various provisions of the law and the respective updates

TIMELINES	MILESTONES/DEVELOPMENT	REMARKS/ CONCERNED PARTIES
29 Feb 2009	Establishment of the National Renewable Energy Board (NREB) (one month from the effectivity of the act)	PGMA designated Mr. Vince S. Perez, as Chairperson of NREB. Designated members are Mr. Jose Venancio P. Batiquin, President of Luzon Hydro Corp. and Mr. Benjamin A. Cariaso, Executive Vice President & CEO of Aboitiz Energy Solutions
	Creation of the DOE-Renewable Energy Management Bureau (REMB)	DOE issued Department Order No. DO2009-07-0010 entitled “Establishment and Operationalization of the Renewable Energy Management Bureau (REMB)”. Signed and became effective on 14 July 2009. REMB Director will be OIC-Asec. Mario C. Marasigan. Submitted table of organization and proposed budget for DBM

30 July 2009	<p>Promulgation of the Implementing Rules And Regulations (IRR) of RE law. (six months from the effectivity of the act)</p> <p>Regulatory framework containing the guidelines on award of renewable energy service/operating contract and guidelines for accreditation of RE manufacturers, fabricators, and suppliers (one month from the effectivity of IRR of the act)</p>	<p>DOE issued Dept. Circular No. DC2009-05-0008 entitled: “Rules and Regulation Implementing R.A. No. 9513”. Published in two newspapers of national circulation on 28 May 2009 and became effective 12 June 2009.</p>
		<p>DOE issued Circular Nos. Dc2009-07-0010 and DC2009-07-0011 entitled: “Guidelines for the Accreditation of Manufacturers, Fabricators and Suppliers of Locally Produced Renewable Energy Equipments and Components” and “Guidelines Governing a Transparent and Competitive System of Awarding Renewable Energy Service/ Operating Contracts and Providing for the Registration Process of Renewable Energy Developers”, respectively. Published in two newspapers of national circulation on July 26, 2009 and became effective on 10 August 2009</p>

Until 30 Jan 2010	Rules for Renewable Portfolio Standards (RPS) (one year from the effectivity of the act)	NREB to formulate and promulgate RPS rules
	Rules for Feed-In Tariff (FIT) System (one year from the effectivity of the act)	Energy Regulatory Commission (ERC) to formulate and promulgate FIT system rules
	Net metering for renewable energy (one year from the effectivity of the act)	ERC to establish net-metering interconnection standards, pricing methodology, and other commercial arrangements.
	Establishment of the Renewable Energy Market (REM) (one year from the effectivity of the act)	Philippine Electricity Market Corporation (PEMC) to implement changes to incorporate the rules specific to the operation of the REM. DOE to establish framework that will govern operation of the REM (six months from the effectivity of IRR)
	Establishment of the Renewable Energy Registrar (one year from the effectivity of the act)	PEMC to establish and operate the renewable energy registrar
	Procedure mechanism and appropriate period for tax rebates for purchase of RE components (one year from the effectivity of the act)	DOF to establish procedure mechanism and appropriate period for granting tax rebates.
	Regulatory framework for Green Energy Option Program	DOE to promulgate IRR of GEOP, ERC to

Until 12 dec 2009	(GEOP) (six months from the effectivity of (IRR)	issue regulatory framework of GEOP
	Guidelines/mechanism for exemption from duties on RE machinery, equipment and materials (six months from the issuance of the IRR)	Dept. of Finance (DOF), Bureau of Customs (BOC) and Bureau of Internal Revenue (BIR) to formulate mechanism/ guidelines for the importation of machinery, equipment and materials.
	Mechanism 0% value added tax rate (six months from the issuance of the IRR)	DOE, BIR, and DOF to formulate the necessary mechanism/guidelines to implement zero percent value added tax rate
	Revenue regulation for tax credit on domestic capital equipment and services related to installation of equipment and machinery (six months from the effectivity of the IRR)	BIR to promulgate a revenue regulation governing the granting of tax credit on domestic capital equipment
	Programs for financial assistance (six months from the effectivity of the IRR)	Government financial institutions (GFI's) to formulate programs to implement the financial assistance program on the grant of preferential financial packages for re projects
	Guidelines/mechanisms for cash incentives of renewable energy developer for missionary electrification (six	ERC to develop mechanisms to implement the provision granting

	months from the issuance of the IRR)	cash incentives to RE developers for missionary electrification
	Guidelines/mechanisms for the availment of incentives (six months from the effectivity of the IRR)	DOE to issue guidelines on the procedures and requirements for the availment of incentives
	Promulgation of revenue regulations governing the grant of fiscal incentives (six months from the effectivity of the IRR)	BIR to promulgate revenue regulations governing the grant of fiscal incentives

The DOE will put up a ₱2B Renewable Energy Trust Fund to help develop renewable energy sources, as well as promote the use of renewable energy in the country.

The trust fund would come from various government owned and controlled corporations and from a portion of the government’s royalties from several service contracts. The fund will serve as a support mechanism for research and development and utilization of renewable energy sources.

**ENVIRONMENT AND
NATURAL RESOURCES**

**R. A. No. 9512 AN ACT TO PROMOTE ENVIRONMENTAL AWARENESS
THROUGH ENVIRONMENTAL EDUCATION AND FOR
OTHER PURPOSES (S. NO. 1699/H. NO. 4381) (Signed
into Law DECEMBER 12, 2008)**

The law seeks to promote environmental awareness through environmental education. It shall ensure that the curricula of primary, secondary and tertiary public and private educational institutions, including non-formal, indigenous learning and out-of-school program, incorporate the study of the environment including the state of the Philippine and global environment, the threats of environmental degradation and its impact on human well-being, and the importance of natural resources conservation and protection in the context of

sustainable development. It shall also incorporate actual activities to conserve natural resources, including tree-planting activities, recycling and composting programs; marine conservation programs; forest management and conservation; and other such programs to aid the implementation of the different environmental protection laws.

The DEPED, CHED, TESDA, DENR and the DOST, are mandated to work together in consultation with experts in the environmental sector and the academe, to lead the implementation of a comprehensive public education and awareness program on environmental protection and conservation.

The month of November of every year shall be known as the “Environmental Awareness Month” throughout the Philippines.

In connection with the passed law, the National Environmental Education Action Plan (NEEAP) for sustainable development was formulated to underpin economic and environmental policies. It also ensures that awareness, knowledge and concern of the environment, including proper utilization in a sustainable manner, are promoted through environmental education.

The Department of Science and Technology (DOST), through this act, is mandated to create programs that will ensure that the students receive science-based quality information on environmental issues to encourage the development of environment-friendly solutions, devices, equipment and facilities.

A. Efforts of DOST in different environmental education programs

The DOST mainly focuses on providing central direction, leadership and coordination of all scientific and technological activities, and of formulating policies, programs and projects to support national development. However, different councils, institutes and agencies attached to it also give concern with regards to environmental issues and awareness.

Below are the efforts of the department along environmental education programs.

1. Material development

The DOST institutes, councils and attached agencies are involved in development of educational materials to

inculcate information among students and to promote better understanding on several environmental issues and concerns. Such materials developed include publication of books, development of modules and pamphlets to be used in teaching complicated concepts on environmental education. These also serve as reference materials for both teachers and students.

2. Curriculum development

The DOST, through the Philippine Science High School System, integrates environmental education in its curricula by having environmental science as an elective subject. This subject deals with major environmental problems and seeks to inculcate to students the need to solve these problems. However, its curriculum evolved to include major science concepts and environmental issues/concerns about the atmosphere, hydrosphere, lithosphere, energy resources and waste management. Environmental lessons and activities are also injected to different subject areas like Filipino, Social Science, Health, Values Education, English, Biology, Integrated Science, Earth Science, Physics, Mathematics, among others. Some of the campuses also implement Summer Science Internship Program (SSIP) for in-coming third year students to focus on environmental studies.

3. Trainings

Different trainings are being conducted by different councils, institutes and attached agencies under DOST to provide orientation and disseminate important information which concerns the environment. These agencies and institutes under the department either provide financial or technical support to partnering organization/agency for the implementation of the trainings.

4. Information and education campaign (IEC) support and advocacy

Any information will not penetrate the people without the use of IEC materials. It comprises several media such as leaflets, brochures, posters, pamphlets, publications, as well as audio and video. These materials are being used by the department to disseminate information and educate people on environmental issues.

5. Scholarships

Based on NEEAP 2005-2014, the lack of scholarship is one of the major factors which limits the buildup of

environmental specialist and acts as the main constraint in the pursuit of advanced training by young faculty members of provincial universities. The DOST upholds its mandate in the advancement of science education and in promoting excellence in research and development by providing scholarship. The department, through the Philippine Council for Agriculture, Forestry and Natural Resources Research and Development (PCARRD), provides scholarship grants for graduate studies on agriculture, forestry and natural resources.

6. Research and development

Research and development is one of the major activities of the department. In the recent globalization, DOST made significant efforts in research and development activities to foster national development. The councils and institutes under the department are involved in research and development activities in relation to their mandates. Though the department mainly concerns the development of new technologies, environment is still part of it.

B. Recent initiatives undertaken by different councils/ institutes of DOST in environmental education

❖ Philippine Council for Agriculture, Forestry and Natural Resources Research and Development (PCARRD)

It serves as the main arm of DOST in planning, evaluating, monitoring, and coordinating the national research and development (R&D) programs in agriculture, forestry, environment, and natural resources sectors.

To promote environmental awareness, the council conducted several trainings such as conservation techniques for ecotourism, assessment of carbon stocks in forest ecosystems, and environmental management and sustainable development. They also disseminate information, thru print media, on environmental and agricultural management, waste processing and management, land and farming conservation, ecotourism, biofuel formulation, watershed management, among others. Also, the council grants scholarship for graduate studies which focus on agriculture, forestry and natural resources.

❖ Philippine Council for Health Research and Development (PCHRD)

PCHRD is the lead council that creates and sustains an enabling environment for health research and is mainly responsible for coordinating and monitoring health research activities in the country. The council grants scholarships for post-graduate students through the accelerated science and technology human resource and development program.

❖ Philippine Council for Industry and Energy Research and Development (PCIERD)

PCIERD is mandated to serve as the central agency in the planning, monitoring and promotion of scientific and technological research for applications in the industry, energy, utilities and infrastructure sectors. The council has several research and development projects which do not directly focus on environment, but has significant effects in our environment.

❖ Forest Products Research and Development Institute (FPRDI)

FPRDI is the research and development arm on forest products utilization of the Philippine's Department of Science and Technology (DOST), the body that coordinates and manages the national science and technology system. Like other offices, it is also involved in research and development programs and projects. The project mainly focuses on FPRDI-developed technologies and its impact in the environment. In addition, the institute has an on-going project on bio-sorbents for oil and other water pollutants.

❖ Industrial Technology Development Institute (ITDI)

It is the flagship agency of the department, generating a large pool of technologies while providing technical services to industry. The institute provides environmental technology information which has been accumulated and collected by the local governments, companies, environmental organizations, other bodies located within the APEC member economies, in order to encourage and promote exchange of this information with the goal of improving the quality of environmental technology within APEC and contributing to preservation and protection of the

environment.

❖ Philippine Textile Research Institute (PTRI)

PTRI supports the local textile and allied industries achieve global competitiveness through utilization of indigenous resources and development of technical competence in textile production and quality assurance. The institute gives effort in research and development activities in which they have the natural dyes and natural fibers research and development program under it. The program on natural dyes was established to provide environment-friendly substitutes to the more widely-used synthetic dyes and auxiliaries for the textile and allied industries.

❖ Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA)

PAGASA is mandated to provide protection against natural calamities and utilize scientific knowledge as an effective instrument to insure the safety, well-being and economic security of all the people, and for promotion of national progress. It is involved in research and development activities, development of IEC materials for advocacy, and in the provision of trainings. Its significant contribution in promoting environmental awareness is thru weather forecasting and studies on our climate. It has developed many environmental education materials such as posters, pamphlets, leaflets, brochures, radio plug, videos and publications mainly on weather, climate and natural calamities.

❖ Philippine Institute of Volcanology and Seismology (PHILVOLCS)

The principal goal of PHILVOLCS is to formulate up-to-date and comprehensive disaster preparedness and loss reduction action plans for volcanic eruption, earthquake occurrences and related geotectonic processes/phenomena (e.g. Faulting, landslide and tsunami) which imprint significant impacts on man and his environment. The institute is mainly involved in the study of volcanoes and earthquakes which could have great impact to our environment like in volcanic eruptions that can alter land and water and even our climate through the liquid droplets of sulfuric acid that goes to the earth's stratosphere. Thus, different IEC materials were developed by the institute to promote

awareness among people.

❖ National Research Council of the Philippines (NRCP)

NRCP is mandated in promotion and support of fundamental or basic research for the continuing improvement of the research capability of individual or group scientists; foster linkages with local and international scientific organizations for enhanced cooperation in the development and sharing of scientific information; provide advice on problems and issues of national interest; and promotion of scientific and technological culture to all sectors of society. Based on its mandate, the council, hand in hand with different agencies including the academe, continues to give support in the development of environmental-related studies. The council is also involved in advocacy activities, through the formulation of several resolutions for the improvement of our environment which has been damaged by the growing population.

❖ Philippine Science High School (PSHS) Campuses

PSHS is mandated to offer on a free scholarship basis a secondary course with emphasis on subjects pertaining to service with the end in view of preparing its students for science career. The PSHS system ensures that environmental awareness is integrated in its school curricula.

❖ Science Education Institute (SEI)

SEI spearheads the direct investments in science training through the implementation of programs and projects that will address the increasing science and technology manpower requirements of the country for economic development. The institute mainly focuses in science and mathematics education, but topics on environmental science are already integrated in the science subjects. To facilitate learning of students, the institute also developed a computer-aided instructional material which features simulations, animated graphics and images of selected lessons in elementary science (grades 3-6) and mathematics (grades 1-6).

In the field of training, the SEI supported training among teachers to expand their awareness and understanding on environmental concerns. *

* (Report submitted to the Senate by the Department of

Science and Technology dated December 16, 2009 relevant to the implementation of the National Environmental Education Action Plan 2005-2014).

**R. A. No.
9729**

AN ACT MAINSTREAMING CLIMATE CHANGE INTO GOVERNMENT POLICY FORMULATIONS, ESTABLISHING THE FRAMEWORK STRATEGY AND PROGRAM ON CLIMATE CHANGE, CREATING FOR THIS PURPOSE THE CLIMATE CHANGE COMMISSION, AND FOR OTHER PURPOSES (S. NO. 2583/H. NO. 5982) (Signed into Law OCTOBER 23, 2009)

The Climate Change Act mandates the commission to:

- ❖ Coordinate and synchronize climate change programs of national government agencies;*
- ❖ Recommend key development investments in climate-sensitive sectors such as water resources, agriculture, forestry, coastal and marine resources, health, and infrastructure to ensure the achievement of national sustainable development goals;*
- ❖ Create an enabling environment that shall promote broader multi-stakeholder participation and integrate climate change mitigation and adaptation;*
- ❖ Coordinate and establish a close partnership with the national disaster coordinating council in order to increase efficiency and effectiveness in reducing the people’s vulnerability to climate-related disasters; and*
- ❖ Formulate the framework strategy and program on climate change, the national climate change action plan and facilitate local action plans.*

I. Implementation of the Climate Change Act of 2009

October 23, 2009	Republic Act No. 9729 (Climate Change Act) is signed into law.
November 10, 2009	R. A. 9729 text is published in The Philippine Star and Manila Times.
November 25, 2009	Law takes effect fifteen (15) days after publication.
December 2009	Start of consultation/drafting of the Implementing Rules and Regulations (IRR).
	Deadline per R. A. 9729: January 23,

	2010 or ninety (90) days after the law was signed.
January 20, 2010 (ahead of schedule)	IRR was approved and signed days ahead of the deadline
January 27, 2010	IRR text is published in the Philippine Star and Manila Times.
February 2010	Start of consultation/drafting of the National Framework Strategy On Climate Change (NFSCC).
	Deadline for R. A. 9729: on or before May 25, 2010 or six (6) months after the law took effect on November 25, 2010.
April 28, 2010 (ahead of schedule)	Commission approves and signs the NFSCC in a commission meeting in Puerto Princesa City or a month ahead of schedule.
May 2010	Start of consultation/drafting of the National Climate Change Action Plan (NCCAP).
	Deadline per R. A. 9729: on or before April 28, 2010 or within one (1) year after the NFSCC was signed.

II. Presidential appointments to the commission

December 1, 2009	Secretary Heherson Alvarez was appointed Vice Chairman of the Commission, and concurrently Executive Director of the Climate Change Office (CCO).
January 8, 2010	Usec. Mary Ann Lucille Sering was appointed Commissioner.
February 15, 2010	Mr. Yeb Sano was appointed Commissioner.
March 1, 2010	Advisory board members were appointed: <ol style="list-style-type: none"> 1. Mr. Rene Golangco – Business Sector 2. Romeo Trono – NGO sector 3. Fr. Jett Villarin – Academe Sector

III. Meetings of the Climate Change Commission

December 4, 2009	-1 st commission meeting (organizational meeting)
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December 29, 2009	-cabinet meeting, plus climate change -agenda: draft IRR
January 8, 2010	-commission meeting -agenda: draft IRR
January 22, 2010	-commission meeting -agenda: signing of the IRR
February 5, 2010	-commission meeting -agenda: framework strategy
April 20, 2010	-commission meeting -agenda: presentation of the draft framework strategy
April 28, 2010	-commission meeting -agenda: signing of the framework strategy

IV. Consultations conducted on the IRR

Dec. 29, 2009 to Jan. 5, 2010	Consultation with government agencies; various venues; thru interviews, letters and emails.
Jan. 4 to 12, 2010	Consultation with non-governmental organizations/civil society organizations (NGOS/CSOS); various venues; thru interviews, letters and emails.
January 7, 2010	Consultation/briefing with Rotary Club of Makati West
January 12, 2010	1 st experts group meeting on Climate Change and DRR
January 18, 2010	Meeting/briefing with UNDP
January 19, 2010	Meeting/briefing with US embassy officials

V. Consultations conducted on the framework strategy on Climate Change

February 10, 2010	Consultation: partnership with civil society on climate change adaptation and mitigation
February 17, 2010	3 rd international conference and scientific meeting
February 23, 2010	CCC/CCO meeting
March 1, 2010	Consultation with green building advocates

March 6, 2010	Consultation/briefing with urban planners
March 10, 2010	Consultation/briefing: ACCBIO project (climate change adaptation and biodiversity)
March 11, 2010	Consultation/briefing with indigenous women
March 12, 2010	Consultation/briefing with legislators
March 12, 2010	Consultation/briefing: knowledge management
March 15, 2010	Consultation/briefing: energy and transport
March 16, 2010	Consultation/briefing: local governance
March 16, 2010	Consultation/briefing: local development planners
March 16-17, 2010	Consultation/briefing: DRR and local governance
March 17-18, 2010	Consultation/briefing: climate investment fund partnership forum
March 18, 2010	Consultation/briefing with law students
March 22, 2010	Consultation/briefing with bishops at the regional summit on forest protection
March 23, 2010	Consultation/briefing with eco-journalists
March 23, 2010	Consultation/briefing at the world water day celebration
March 24, 2010	Multi-sectoral consultation with technical experts
March 26, 2010	Consultation with technical experts on the consultative workshop
March 29, 2010	Consultation with technical experts
March 29-30, 2010 (Visayas Leg)	Multi-sectoral consultation with the CBCP's Climate Change Congress of the Phils. (CCCCP)
March 30, 2010	Consultation with the academe
April 5-6, 2010 (Luzon Leg)	Multi-sectoral consultation with the CBCP's Climate Change Congress of the Phils. (CCCCP)

April 6, 2010	Multi-sectoral consultation with technical experts
April 7-8, 2010 (Mindanao Leg)	Multi-sectoral consultation with the CBCP’s Climate Change Congress of the Phils. (CCCCP)
April 11-12, 2010 (National)	Multi-sectoral consultation with the CBCP’s Climate Change Congress of the Phils. (CCCCP)
April 13-14, 2010	Multi-sectoral consultation

VI. Commission budget

August 2008	<p>Creation of OPACC upon the appointment of Secretary Alvarez as Presidential Adviser on Climate Change.</p> <p>No budget allocation.</p>
December 2008	Secretary Alvarez lobbied for a Congressional Insertion (CI) of ₱45 million for OPACC in the 2009 General Appropriation Act (GAA).
Jan.-Dec. 2009	DBM released to OPACC ₱36,042,057 only, out of the ₱45 million.
October 23, 2009	<p>Climate Change Act of 2009 allocates ₱50 million from the president’s contingent fund, as initial operating fund.</p> <p>This was not released by the DBM, citing lack of funds.</p>
December 2009	<p>Senator Legarda initiated a ₱100 million fund for the commission in the 2010 GAA.</p> <p>This was vetoed by the former president, together with many other congressional initiatives.</p>
Jan. 2010 to date	<p>DBM allotted ₱45 million to OPACC under 2010 GAA.</p> <p>Only ₱5,859,055.48 has been released to OPACC.</p> <p>OPACC funds are on hold since July 1, 2010.</p> <p>The Commission has been subsisting on the Congressional Insertion support of the Senate for OPACC under the 2010 GAA.</p> <p>In accordance with R. A. 9729, unutilized funds of OPACC shall be transferred to the commission.</p>

**CLIMATE CHANGE COMMISSION SUMMARY OF BUDGET
ALLOCATION/RELEASES FY 2009-2010**

	Expen se Class	Budget	Release to OPACC	Release to CCC	Remarks
2009 OPACC Appropriations authorized under R. A. 9524		50 M	36 M	26 M	
	PS MOOE CO		10 M 25 M 1 M	8.4 M 16.6 M 1 M	The 36 Million was released directly to OP and was subsequently released to CCC thru cash advances
2010 OPACC Appropriations authorized under R. A. 9970, 2010 GAA		45 M	36.5 M	9.81 M	
	PS MOOE CO		11 M 25.5 M 0	3.88 M 5.93 M 0	Same as above.
2010 NCCC Appropriations -Congressional Insertion (CI) authorized under Section XXVI (m) p 848-849 R. A. 9970, 2010 (Vetoed by Pres. GMA)		100 M	0	0	Is a Congressional Initiative/ Insertion which is covered by par. V of the President's Veto Message on the 2010 GAA which provides that such is subject to: 1) The cash program of the National Government; 2)Presiden-tial approval; and 3)Identifi-cation by Congress

					of new revenue measures to support the said increase. Until such time that these veto conditions are met. The ₱100M remains unfunded.
2009 initial operating fund authorized under Section 21, R. A. 9729 – Creation of Climate Change Commission		50 M	0	0	Chargeable against the lump-sum Contingent Fund, subject to prior approval of PGMA.
Total FYs 2009-2010		245 M	72.5 M	35.81 M	
Total Unreleased Budget by DBM		172.5 M			P245 M minus P72.5 M = P172.5 M
Total Unreleased Budget by OPACC to CCC				36.69 M	P72.5 M minus P35.81 M = P36.69 M

VII. Programs vis-à-vis personnel and funding requirements

		OPACC	Climate Change
1.	Duties & functions	<ul style="list-style-type: none"> ❖ Serve as secretariat of the presidential task force on climate change ❖ Implement EO 774 ❖ Conduct information campaign ❖ Assist the president in policy formulation for climate change 	<ul style="list-style-type: none"> ❖ Mainstream climate change in all policies of national, provincial and local governments. ❖ Ensure implementation of the mitigation and adaptation pillars of the framework strategy, and its corresponding national action plans.
2.	Personnel requirements	27 Co-terminus positions (until Dec. 2010)	58 plantilla positions
3.	Funding/budget support	Php38 million (DBM proposal for FY 2011)	Php195 million (CCC Proposal for FY 2011)

VIII. On the AFD fund allegedly for Climate Change

1. Finance Secretary Gary Teves signed the loan agreement for the Philippines on February 15, 2010. The fund (₱10.5 billion) went directly to the Department of Finance (DOF). The DOF, DILG, DBM, and NEDA were named responsible for the loan’s management, according to the loan agreement.
2. The agreement never mentioned “climate change”, and listed the purpose of the loan as funding “to improve local financing, through the facilitation of access of LGUs to development credit, service delivery of public financial management and implementation of procurement reforms at the LGU level”.
3. The commission was still organizing at that time and did not have the capacity to administer such a loan. It was busy with the IRR and the framework strategy. It would

still be impossible for the commission to enter into agreements for foreign funding or loans without a framework strategy and a national action plan that will justify the acquisition of such funds.

IX. Mandate of funds

1. On international funding, the commission is mandated to “recommend appropriations for climate change adaptation and mitigation” and to “recommend key development, investments in climate-sensitive sectors such as water resources, agriculture, forestry, coastal and marine resources, health, and infrastructure”, as stipulated in Section 9 (e) (f) of R. A. 9729.
2. Towards this end, the commission has been meeting with foreign donor agencies to inform these donors of our country’s strategy and action plan against climate change, and which program need appropriate funding from these donor agencies.

This will ensure that the country’s priorities on climate change are funded while project duplications in government agencies are checked.

3. Under Section 17 of R. A. 9729, the commission is authorized to accept foreign funding directly in the form of “grants, contributions, endowments, bequests, or gifts in cash, or in kind from local and foreign sources in support of the development and implementation of climate change plans and programs”. *

* (Statement/Report of Secretary Heherson T. Alvarez, Vice Chairman, Climate Change Commission in the committee hearing of the Senate Oversight Committee on Climate Change held at the Senate of the Philippines on August 17, 2010)

On April 28, 2010, President Gloria Macapagal Arroyo signed the 38-page national framework strategy and program on climate change which serves as blueprint for the country’s action plan to fight climate change. The framework provides a basis for the national program on climate change; defining key result areas (KRAS) to be pursued in key climate-sensitive sectors in addressing the adverse effects of climate change both under adaptation and mitigation strategies.

R. A. No. 9772 **AN ACT IMPOSING A LOGGING BAN IN THE PROVINCE OF SOUTHERN LEYTE (H. NO. 3681) (Signed into Law NOVEMBER 13, 2009)**

No data available.

R. A. No. 9847 **AN ACT ESTABLISHING MOUNTS BANAHAW AND SAN CRISTOBAL IN THE PROVINCES OF LAGUNA AND QUEZON AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES (S. NO. 2392/H. NO. 4299) (Signed into Law DECEMBER 11, 2009)**

Hereunder were the activities undertaken by the Department of Environment and Natural Resources, Regional Office No. IV-A, CALABARZON to comply with the provisions of the law:

1) Under Section 3. Scope and Coverage. The demarcation and delineation on the ground of the MBSCPL that started in August 2010 is now on going.

2) Under Section 5. Buffer Zone. The buffer zone surrounding the MBSCPL that will provide an extra layer of protection to the protected landscape were already identified. These areas are within the municipality of Tayabas in Brgy. Gibanga, Malauwa, Kalantas, Palale, Municipality of Dolores, Brgy. Cabatang, Municipality of Sariaya, Brgy. Gibanga and Municipality of Lucban in Barangays Tinamnan and Manasa, Province of Quezon. For the Province of Laguna, the adjacent timberland areas in the Municipalities of Liliw and Nagcarlan were also identified.

3) Under Section 7. Management Plan. Following the General Management Planning Strategy (GMPS) provided for under the Nipas Act and according to the procedure set forth, the management plan of MBSCPL had been prepared by the Protected Area Superintendent (PASU) in coordination with the Protected Area Management Board (PAMB) and other stakeholders. The management plan is now being prepared in a local dialect that is understandable to the people living in the area.

4) Under Section 8. Management of the Mts. Banahaw-San Cristobal Protected Landscape. The Protected Area Management Board (PAMB) of MBSCPL was already created.

5)Under Section 10. Establishment of PASU Office.

The PASU office was already established on site at Brgy. Kinabuhayan, Dolores, Quezon with an area of 36 square meters. The said office is strategically located to cater the management, protection and administration of MBSCPL. Likewise, influx of tourist in the area and other park activities has been regulated by the PAMB in coordination with the PASU. The PASU which serves as the chief operating office in the area together with other DENR personnel enforced all laws, rules and regulations in the PA (Protected Area). All activities in the PA were properly monitored to ensure that it is in conformity with the management plan.

6)Under Section 12. Mts. Banahaw-San Cristobal Protected Landscape Fund.

The fund has already established an Integrated Protected Area Fund (IPAF) with sub-fund code 401-117. The incomes generated from the PA are derived from entrance fees from visitors/tourists and resource users' fee of visitors enjoying swimming at Taytay Falls, Majayjay, Laguna. Seventy-five percent (75%) of the income derived from the operation of MBSCPL are remitted / deposited to the Land Bank of the Philippines (LBP) from Laguna Province and Development Bank of the Philippines (DBP) for Quezon Province wherein the said collection will accrue for the management and operation of MBSCPL. Likewise, twenty-five percent (25%) of the income are remitted to the central IPAF under fund 401.

7)Under Section 13. Tenured Migrants and other MBSCPL Stakeholders.

Two (2) tenurial instruments were issued to the eligible tenured migrants within the Municipalities of Majayjay, Laguna and Sariaya, Quezon under the community based program in protected area through an agreement known as Protected Area Community-Based Resource Management Agreement (PACBRMA), which has a duration of 25 years and renewable for another 25 years.

8)Under Section 19. Reporting Responsibility.

The PASU is regularly submitting its monthly accomplishment report. A year-end report is also expected to be submitted by the PASU this December 2010. All the reports are being forwarded to the DENR Secretary.

9)A total of 193 hectares within the MBSCPL have been rehabilitated under the DENR Upland

Development Program (UDP). Through the initiative of the region, the then Congressman Proceso Alcala has allocated a budget of ₱5 million for the reforestation of 70 hectares in Brgy. Sta. Lucia, Dolores, Quezon, 35 hectares in Brgy. Kinabuhayan, Dolores, Quezon, and still to be determined number of hectares in Sariaya, Quezon.

**R. A. No.
10067** **AN ACT ESTABLISHING THE TUBBATAHA REEFS NATURAL PARK IN THE PROVINCE OF PALAWAN UNDER THE NIPAS ACT (RA 7586) AND SEP LAW (RA 7611), PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES (S. NO. 2394/H. NO.5991) (Signed into Law APRIL 06, 2010)**

According to the Palawan Council for Sustainable Development a draft IRR has already been prepared and presented during the Tubbataha Protected Area Management Board (TPAMB) organizational meeting last August 11, 2010. The draft is currently being circulated to the executive committee members of the TPAMB as well as the legal officers of the provincial government of Palawan for additional review and comments and hoping for its approval in October, 2010.

FINANCE

**R.A. NO.
9498** **AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY 1 TO DECEMBER 31, 2008, AND FOR OTHER PURPOSES (Signed Into Law MARCH 11, 2008)**

The President signed into law the ₱1.227 Trillion national budget for 2008 on March 11, 2008.

The GAA of 2008 saw an average 50% increase in the budgets of the DPWH and DOTC and in the capital outlays of the education, agriculture and health departments.

The top 10 agencies with the biggest budget allocations were the following:

Department of Education	₱140.24 B
DPWH	94.73 B
DILG	53.24 B
DND	50.93 B
DA	2.71 B
DOTC	20.82 B
DOH	19.77 B
State Universities and Colleges	19.64 B
Judiciary	10.28 B
DFA	10.19 B

The approved budget doubled the allocation for the Office of the Ombudsman from ₱481.52M in 2002 to ₱953.62M for 2008.

The government also allocated money for a computerization program worth ₱245M – ₱130M for the Bureau of Customs and ₱115M for the BIR to help strengthen their operations.

**R. A. No.
9524** **AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY 1 TO DECEMBER 31, 2009, AND FOR OTHER PURPOSES (Signed Into Law MARCH 13, 2009)**

The President signed into law on March 13, 2009 the ₱1.414T national budget for 2009. The budget law is ₱188B higher than that of the 2008 budget.

The Budget Secretary said the 2009 budget would lead to a deficit of ₱177.2B. But was still within the range of 2.2% of the Gross Domestic Product (GDP). The President vetoed the concept of debt service as programmed with the ₱50B cut retained, the government would pay some ₱252B to cover interest.

One of the biggest recipients was the DPWH whose ₱130B budget ranks second to the DECS ₱158.2B.

**R. A. No.
9525** **AN ACT APPROPRIATING THE SUM OF ELEVEN BILLION THREE HUNDRED ONE MILLION SEVEN HUNDRED NINETY THOUSAND PESOS (P11,301,790,000.00) AS SUPPLEMENTAL APPROPRIATIONS FOR AN AUTOMATED ELECTION SYSTEM AND FOR OTHER PURPOSES (H. No. 5715) (Signed Into Law MARCH 23, 2009)**

The Department of Budget and Management (DBM) has

released to the Commission on Elections (Comelec) the funds for the above purpose under Special Allotment Release Order No. C-09-02742 dated April 30, 2009 in the amount of ₱11,301,790,000.00. The corresponding cash allocation was released to Comelec upon submission by the agency of the monthly cash program for the purpose.

**R. A. No.
9970**

AN ACT APPROPRIATING FUNDS FOR THE OPERATION OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FROM JANUARY ONE TO DECEMBER THIRTY-ONE, TWO THOUSAND AND TEN, AND FOR OTHER PURPOSES (H. NO. 6767) (Signed Into Law FEBRUARY 09, 2010)

By agency, the biggest recipient of the 2010 budget is the Department of Education (DepEd) with a budget of ₱174.9B.

Next is the Department of Public Works and Highways (DPWH) with ₱135.6B, followed by the Department of Interior and Local Government (DILG) with ₱66.45B, and the Department of National Defense (DND), ₱57.84B. To sustain food security programs, the Department of Agriculture (DA) is fifth in the list of top recipients, with a budget of ₱41.17B.

Rounding up the top 10 are the Department of Health (DOH), ₱29.28B; State Colleges and Universities, ₱23.84B; Department of Agrarian Reform (DAR), ₱21.06B; Department of Transportation and Communication (DOTC), ₱17.16B; and the Department of Social Welfare and Development (DSWD), ₱15.37B.

The 2010 budget includes many activities, like the ₱50B repair of typhoon-hit provinces, as well as the ₱10.6B allocation for the first automated election in May, 2010.

By object of expenditures, “pay, pension, and premium contributions” of government personnel, or collectively known as Personal Services, would get the biggest share of the pie, with ₱494B allocation.

The largest expense class in the budget, the “Maintenance and Other Operating Expenses” will be allocated ₱864B, or a ₱100B jump from last year’s level. Debt service accounts for the biggest chunk of the MOOE with ₱340.8B. Of this amount, ₱221.3B will settle domestic obligations while ₱119.5B will be remitted to foreign creditors.

FOREIGN RELATIONS

R. A. No. 9522 **AN ACT TO AMEND CERTAIN PROVISIONS OF REPUBLIC ACT NO. 3046, AS AMENDED BY REPUBLIC ACT NO 5446, TO DEFINE THE ARCHIPELAGIC BASELINES OF THE PHILIPPINES AND FOR OTHER PURPOSES (S. NO. 2699/H. NO. 3216) (Signed into Law MARCH 10, 2009)**

The law defines the general configuration of the archipelago including the Extended Continental Shelf (ECS) and Exclusive Economic Zone (ECZ) to make it more compliant with United Nations Convention on the Law of the Sea (UNCLOS).

It excludes the disputed Kalayaan Group of Islands and Scarborough Shoal from the archipelago, but treats these as part of a "regime of islands."

In the law, 101 baseline points from Aparri in Cagayan to Jolo in Sulu were plotted and straight lines were drawn to connect these points to come up with archipelagic baselines.

Pursuant to section 5 of the law, the National Mapping and Resource Information Authority (NAMRIA) has prepared a map showing the new baselines. The map was submitted to the Committee on Maritime and Ocean Affairs for their comments and approval before its publication.

A copy of R.A. 9522 was deposited with the United Nations Secretary General on April 1, 2009, pursuant to Section 4 of the new baselines law. The new baselines were used as reference lines in the delineation of the limits of the RP extended continental shelf in the Benham Rise Area. The partial ECS submission was deposited with the commission on the limits of the continental shelf on April 8, 2009.

GOVERNMENT CORPORATIONS AND PUBLIC ENTERPRISES

R. A. No. 9903 **AN ACT GRANTING THE SOCIAL SECURITY SYSTEM A ONE-TIME AUTHORITY TO CONDONE PENALTIES ON UNREMITTED OR DELINQUENT CONTRIBUTIONS BY**

EMPLOYERS (S. NO. 2454/H. NO. 5922) (Signed into Law JANUARY 7, 2010)

According to the Commission, the implementation of R. A. 9903 has ended on August 2, 2010.

As regards to the employer's availment and compliance of the program, the SSC will furnish the Senate the report of the SSS as soon as the same is submitted to the SSC.

Under this law, employers who have not remitted all contributions due and payable to the SSS may, within six months from the effectivity of the law: 1) remit such contributions; or 2) submit in writing a proposal to pay in installment such delinquent contribution, subject to the rules prescribed by the SSS.

Pursuant to Section 5 of the law, the Social Security Commission, under its Resolution No. 110-Series of 2010, dated February 10, 2010 issued Circular No. 2010-004 dated February 18, 2010 as the Implementing Rules and Regulations of the law.

R. A. No. 10073 AN ACT INSTITUTING THE NEW GIRL SCOUTS OF THE PHILIPPINES CHARTER, PENALIZING VIOLATIONS THEREOF AND FOR OTHER PURPOSES (S. NO. 3298/H. NO.6025) (Signed into Law APRIL 20, 2010)

This law vests in the Girl Scouts of the Philippines (GSP) an independent voluntary, non-government, non-stock, non-sectarian, non-political entity – corporate powers and fiscal incentives.

The GSP's structure is composed of a central board, a national executive committee and a national council. The central board shall be the governing body of the GSP and shall be composed of 37 to 47 members. It shall serve as the policy maker of the organization.

The national executive committee composed of all officers and chairpersons of standing committees shall implement the policies and decisions of the national council and central board.

The emblems, badges, insignias, uniforms and other equipments of the GSP shall be protected by intellectual property rights and these shall be registered free of charge with the Intellectual Property Office (IPO).

Among the fiscal incentives granted to the GSP under this law are:

1) exemption from all direct and indirect taxes including value added tax (vat) fees and other charges of all kinds derived from operation;

2) exemption from all direct and indirect taxes including value added tax (vat), duties, fees and other charges on importation and purchases for the GSP's exclusive use;

3) exemption from donor's taxes of all donations, legacies and gifts made to the GSP in support of its objectives; and

*4) exemption from payment of all real property taxes on real properties owned by the GSP. **

**14th Congress – 3rd Regular Session, Performance of the Senate, p. 98-99, By: Legislation Group*

According to Ms. Salud A. Bagalso, M. D., National President of the Girl Scouts of the Philippines in her letter to the Senate dated, September 21, 2010, immediately upon receipt on May 06, 2010 from the Office of the President of the Philippines of the certified copy of Republic Act No. 10073, the Girl Scouts of the Philippines coordinated with the national printing office for the publication of said republic act in the official gazette.

The law was officially published in the May 17, 2010 issue (Vol. 106, No. 20 Pp 2910-13) of the Official Gazette. The republic act was circularized to their 96 councils for their guidance and information.

The GSP is likewise reviewing its memorandum of agreement with various government agencies to ensure that the conditions in these partnerships reflect the ideals of girl scouting, as stipulated in Sec. 6 of this act.

HEALTH AND DEMOGRAPHY

**R. A. No.
9709**

**AN ACT ESTABLISHING A UNIVERSAL NEWBORN
HEARING SCREENING PROGRAM FOR THE
PREVENTION, EARLY DIAGNOSIS AND
INTERVENTION OF HEARING LOSS (S. NO. 2390/H.**

NO. 2677) (Signed into Law AUGUST 12, 2009)

This act provides for the establishment of a Universal Newborn Hearing Screening Program (UNHSP) to institutionalize measures for the prevention and early diagnosis of congenital hearing loss among newborns, the provision of referral, follow-up, recall and early intervention services to infants with hearing loss, counseling and other support services for families of newborns with hearing loss, to afford them all the opportunities to be productive members of the community.

It also provides that any healthcare practitioner who delivers, or assists in the delivery of a newborn in the Philippines shall, prior to delivery; inform the parents or legal guardian of the newborn of the availability, nature and benefits of hearing loss screening among newborns or infants three (3) months old and below.

All infants born in hospitals in the Philippines shall be made to undergo newborn hearing loss screening before discharge, unless the parents or legal guardians of the newborn object to the screening. Infants who are not born in hospitals should be screened within the first three (3) months after birth and the attending health care practitioner shall refer the newborn to the municipal or city health center of the barangay having jurisdiction over the area for newborn hearing loss screening.

*This law also provides for the establishment of newborn hearing screening centers to undertake newborn hearing loss screening, audio logic diagnostic evaluation and recall, follow-up and referral programs to infants with hearing loss, provided that such centers shall be certified by the Department of Health. **

** 14th Congress - 3rd Regular Session, Performance of the Senate, p. 99-100 By: Legislation Group*

The Implementing Rules and Regulations (IRR) of the law (Administrative Order No. 2010-0020) was issued by the Secretary of the Department of Health on June 28, 2010. It was published in a newspaper of general circulation (Philippine Daily Inquirer) on July 09, 2010 and took effect on July 10, 2010.

**R. A. No.
9711**

AN ACT STRENGTHENING AND RATIONALIZING THE REGULATORY CAPACITY OF THE BUREAU OF FOOD AND DRUGS (BFAD) BY ESTABLISHING ADEQUATE TESTING LABORATORIES AND FIELD OFFICES, UPGRADING ITS EQUIPMENT, AUGMENTING ITS HUMAN RESOURCE COMPLEMENT, GIVING AUTHORITY TO RETAIN ITS INCOME, RENAMING IT THE FOOD AND DRUG ADMINISTRATION (FDA), AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 3720, AS AMENDED, AND APPROPRIATING FUNDS THEREOF (S. NO. 2645/H. NO. 3293) (Signed into Law AUGUST 18, 2009)

The law renames the Bureau of Food and Drugs (BFAD) as Food and Drugs Administration (FDA) with improved administrative and technical capacity in the regulation of food, drugs, cosmetics, and device establishments and products.

R.A. 9711 also provides for the establishment of adequate testing laboratories, upgrading the agency's equipment, augmentation of its human resources complement, and gives it authority to retain its income for its operations. The FDA will also have 4 new centers on the regulations and research of drugs, food, cosmetics and devices to ensure their safety, efficacy and quality. These products will be regulated by the FDA in terms of importation, export, manufacturing, distribution, advertising and marketing.

An agency under the DOH, FDA will have expanded powers, including the ability to ban, recall and withdraw any health product that have caused death, serious illness or injury to a consumer.

The law also allowed the FDA to establish a regulatory enforcement unit to serve executive rulings of the FDA as well as serve search warrants and arrests. The law enforcement unit will run for a period of not exceeding 5 years upon the implementation of R.A. 9711.

This law also allows the FDA to keep its income from testing of products to upgrade their laboratories and other equipment. The testing laboratory for health products will also be established in Luzon, Visayas and Mindanao to reduce processing time from the usual 6 to 9 months to only 3 months or less.

The main testing laboratories at the central office will be maintained and will serve as support unit to the centers for product research and evaluation and standards development. The Food and Drug Administration has been conducting public hearing throughout the country on the draft Implementing Rules and Regulations (IRR) of the law.

**R. A. No.
9803**

**AN ACT TO ENCOURAGE THE DONATION OF FOOD
FOR CHARITABLE PURPOSES (S. NO. 150/H. NO. 420)
(Signed into Law NOVEMBER 25, 2009)**

The Food Donation Act encourages the donation of food for charitable purposes. Under the law, a person, whether natural or juridical, shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food that a person donates in good faith for charitable purposes.

*This law addresses the poverty issue and curtails food wastage by encouraging surplus food to be donated, collected and distributed to the less fortunate.**

** 14th Congress – 3rd Regular Session, Performance of the Senate, p. 100 By: Legislation Group*

Updates on the Implementation of the Law:

- ❖ Implementing Rules and Regulations (IRR) have been signed on May 17, 2010.
- ❖ Uploaded a copy to the DSWD website last June 2010.
- ❖ DSWD's internal guidelines are being finalized.
- ❖ A donor's forum has been scheduled for October or November 2010.
- ❖ Booklet printing of the law and IRR is being processed.

**R. A. No.
10028**

**AN ACT EXPANDING THE PROMOTION OF
BREASTFEEDING, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 7600, OTHERWISE KNOWN AS
"AN ACT PROVIDING INCENTIVES TO ALL
GOVERNMENT AND PRIVATE HEALTH INSTITUTIONS
WITH ROOMING-IN AND BREASTFEEDING
PRACTICES AND FOR OTHER PURPOSES" (S. NO.
1698/H. NO. 879, 4012, & 6076) (Signed into Law
MARCH 16, 2010)**

The law mandates breastfeeding facilities in public areas and offices, and "milk breaks" for nursing female employees. It adopts a national policy on breastfeeding and aims to reverse the decline in breastfeeding rates.

The lactation stations in workplaces and public places should be adequately equipped with necessary facilities for mothers

to feed their infants. Compliant non-health institutions can seek an authorization from the department of health so it could use the designation “mother-friendly” in their promotional materials. The health department will keep a list of “mother-friendly” establishments and make it available for public inspection.

Nursing female employees should also be given reasonable compensable time during work hours to breastfeed or express their milk. It also encourages the health institutions to set up milk banks for safe collection and storage of breast milk.

The law also gives incentives to institutions that set up proper breastfeeding facility for mothers to breastfeed and express milk.

Expenses incurred by private health establishments shall be considered deductible expenses from income tax purposes up to the twice of the amount incurred. Government hospitals, on the other hand, get an additional appropriation equivalent to the savings that they may derive from compliance of the law.

The Department of Health, which will lead an inter-agency committee to oversee the implementation of the law, was directed to continue information and training programs for health workers on lactation management.

The health department will also develop and provide breastfeeding programs for working mothers which would be part of the companies’ human resource development.

The law also authorized the integration of breastfeeding education in the school curriculum, from elementary to college to develop the students’ positive attitude toward breastfeeding.

The month of August in each and every year was also declared a “breastfeeding awareness month” to promote the practice among mothers.

*Any person who refuses to comply with the law shall be imposed a fine ranging from ₱50,000 to ₱500,000. Business licenses of private hospital or non-health could also be cancelled if found guilty of violating the law. **

** By: Genalyn Kabiling, Manila Bulletin.*

The law took effect on May 13, 2010, fifteen (15) days following its publication in two (2) newspapers of general circulation (Philippine Daily Inquirer and Philippine Star) on April 28, 2010.

JUSTICE and HUMAN RIGHTS

**R. A. No.
9745**

AN ACT PENALIZING TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT AND PRESCRIBING PENALTIES THEREFOR (S. NO. 1978/H. NO. 5709) (Signed into Law NOVEMBER 10, 2009)

This law:

- *penalizes torture and other cruel, inhuman and degrading treatment or punishment pursuant to the declared policies of the state to value the dignity of every human person and guarantee full respect for human rights;*
- *ensure that the human rights of all persons, including suspects, detainees and prisoners are respected at all times; and*
- *declares that no person placed under investigation or held in custody of any person in authority shall be subjected to physical, psychological or mental harm, force, violence or any act that impairs his free will.*

It also defines torture as an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him information or a confession; punishing him for an act he has committed or is suspected of having committed; or intimidating or coercing him, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a person in authority or agent of a person in authority.

It defines "other cruel, inhuman and degrading treatment or punishment" as a deliberate and aggravated treatment or punishment not enumerated under Section 4 of the act, inflicted by a person in authority against a person under his custody, which attains a level of severity causing suffering, gross humiliation or debasement to the latter.

The penalty of Reclusion Perpetua shall be imposed upon the perpetrators of the following acts:

- 1) Torture resulting in the death of any person;*
- 2) Torture resulting in mutilation;*
- 3) Torture with rape;*
- 4) Torture with other forms of sexual abuse and, in*

consequence of torture, the victim shall have become insane, imbecile, impotent, blind or maimed for life; and
5) *Torture committed against children. **

** 14th Congress – 3rd Regular Session, Performance of the Senate, p.103-104, By: Legislation Group*

According to the Secretary of Justice, the draft Implementing Rules and Regulations (IRR) adopted by the Department of Justice (DOJ) and the Commission on Human Rights (CHR), with the active participation of certain human rights non-governmental organizations, had to undergo tedious and successive regional validation and consultation meetings with affected and interested parties if only to ensure that every region is actively represented in the formulation thereof. The last of these meetings was scheduled in Cebu City on September 22-24, 2010 for participants from Regions 6 and 7. Thereafter, the final draft of the IRR shall be adopted, with the signing of the adopted IRR set for on December 10, 2010, in time for the celebration of the Human Rights Day.

**R. A. No.
9848**

AN ACT CREATING FIVE ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT AND ELEVEN ADDITIONAL BRANCHES OF THE METROPOLITAN TRIAL COURT IN THE NATIONAL CAPITAL JUDICIAL REGION TO BE STATIONED AT MANDALUYONG CITY, FURTHER AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 129, OTHERWISE KNOWN AS “THE JUDICIARY REORGANIZATION ACT OF 1980”, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR (S. NO. 3441/H. NO. 4265) (Signed into Law DECEMBER 11, 2009)

In its letter of 21 February 2011, Atty. Jose Midas P. Marquez, Court Administrator, Supreme Court informed the Senate that for the additional Regional Trial Courts, the court en banc issued a Resolution in A.M. No. 10-11-334-RTC dated 14 December 2010 for the implementation of R. A. No. 9848. The request for a Notice of Organization, Staffing and Compensation Action (NOSCA) are to be transmitted to the Department of Budget and Management (DBM) for action and approval.

For the additional Metropolitan Trial Courts, the court en banc issued a Resolution in A.M. No. 10-7-85-MeTC dated 27 July 2010 for the implementation of R. A. No. 9848. DBM already approved the NOSCA on 15 November 2010.

**R. A. No.
9851**

**AN ACT DEFINING AND PENALIZING CRIMES AGAINST
INTERNATIONAL HUMANITARIAN LAW, GENOCIDE
AND OTHER CRIMES AGAINST HUMANITY,
ORGANIZING JURISDICTION, DESIGNATING SPECIAL
COURTS, AND FOR RELATED PURPOSES (S. NO.
2669/H. NO. 6633) (Signed into Law DECEMBER 11,
2009)**

This law defines “war crimes” or “crimes against international humanitarian law” as:

- a) In case of an international armed conflict, grave breaches of the Geneva Conventions of August 12, 1949 such as willful killing, torture or inhuman treatment, willfully causing great suffering, or serious injury to body or health;*
- b) In case of a non-international armed conflict, serious violations of Art. 3 to the Four Geneva Conventions of August 12, 1949 such as violence to life and person, in particular, willful killings, mutilation, cruel treatment and torture;*
- c) Other serious violations of the laws and customs applicable in armed conflict within the established framework of International Law such as 1) intentionally directing attacks against civilian population or individual civilians not taking direct part in hostilities; 2) intentionally directing attacks against civilian objects, that is objects which are not military objectives; 3) intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions or additional protocol III in conformity with international law, among others.*

The law also defines genocide as any of the following acts with intent to destroy, in whole or in part, a national, ethnic, racial religious, social or any other similar stable and permanent group:

- 1) Killing members of the group*
- 2) Causing serious bodily or mental harm to members of the group*
- 3) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. **

**14th Congress – 3rd Regular Session, Performance of the Senate, p.105-106, By: Legislation Group*

The law took effect on April 06, 2010 after its publication in two (2) newspapers of general circulation on March 22, 2010.

There are no available data as for the number of cases filed in the Regional Trial Courts for violation of the said law.

**R. A. No.
9906**

AN ACT CREATING FOUR ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURT IN THE ELEVENTH JUDICIAL REGION TO BE STATIONED AT KORONADAL CITY AND AT THE MUNICIPALITY OF SURALLAH, ALL IN THE PROVINCE OF SOUTH COTABATO, AMENDING FOR THE PURPOSE SECTION 14, PARAGRAPH (L) OF BATAS PAMBANSA BLG. 129, OTHERWISE KNOWN AS “THE JUDICIARY REORGANIZATION ACT OF 1980”, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR (S. NO. 1980 & 1981/H. NO. 6112) (Signed into Law JANUARY 07, 2010)

In its letter of 21 February 2011, Atty. Jose Midas P. Marquez, Court Administrator, Supreme Court informed the Senate that the Supreme Court en banc issued Resolutions in A.M. No. 10-3-117-RTC dated 15 June 2010 and 14 December 2010, respectively, for the implementation of R.A. No. 9906. A clarification is being sought on the 14 December 2010 resolution. In the meantime, the request for Notice of Organization Staffing and Compensation Action (NOSCA) has been drafted and shall be transmitted to Department of Budget and Management (DBM) upon the court’s resolution on the request for clarification.

**R. A. No.
9946**

AN ACT GRANTING ADDITIONAL RETIREMENT, SURVIVORSHIP, AND OTHER BENEFITS TO MEMBERS OF THE JUDICIARY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 910, AS AMENDED, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 1620/H. NO. 6820) (Signed into Law JANUARY 13, 2010)

This amendatory law grants additional retirement, survivorship and other benefits to members of the judiciary. The amendment provides that when a member of the judiciary who has rendered at least 15 years service in the judiciary or in any other branch of the government or both and then a) retires for having attained the age of seventy years, or b) resigns by reason of his/her incapacity to discharge the duties of his/her

office as certified by the Supreme Court, he/she shall receive during the residue of his/her natural life, the salary plus the highest monthly aggregate of transportation, representation and other allowances which he/she was receiving at the time of his/her retirement or resignation. He/She shall also receive non-wage benefit in the form of education scholarship to one child of all justices and judges to free tuition fee in a state university or college, provided that such grant will cover only one bachelor's degree.

Further, when a member of the judiciary has attained the age of sixty years and has rendered at least 15 year service in the government, the last three of which shall have been continuously rendered in the judiciary, he/she shall likewise be entitled to retire and receive during the residue of his/her natural life, the salary plus the highest monthly aggregate of transportation, representation and other allowances such as PERA and non-wage benefit in the form of education scholarship to one child of all justices and judges to free tuition fee in a state university or college.

*However, any justice or judge with less than 15 year service in the government or judiciary who retires due to reasons aforementioned is entitled to a pro-rata monthly pension.**

**14th Congress – 3rd Regular Session, Performance of the Senate, p. 106-107 By: Legislation Group*

The Supreme Court through Chief Justice Renato G. Corona issued on November 03, 2010 SC Administrative Circular No. 81-2010, the guidelines on the implementation of R.A. 9946.

**R. A. No.
9995**

AN ACT DEFINING AND PENALIZING THE CRIME OF PHOTO AND VIDEO VOYEURISM, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES (S. NO. 2357/ H. NO. 6517) (Signed into Law FEBRUARY 15, 2010)

The law known as the “Anti-Photo and Video Voyeurism Act of 2009” defines “photo or video voyeurism” as the act of taking photo or video coverage of a person or group of persons performing sexual act or any similar activity or of capturing an image of the private area of a person or persons without the latter’s consent under circumstances in which such person/s has/have a reasonable expectations of privacy, or the act of selling, copying, reproducing, broadcasting, sharing, showing or exhibiting the photo or video coverage or recordings of such

sexual act or similar activity through VCD/DVD, internet, cellular phones and similar means or device without the written consent of the person/s involved, notwithstanding that consent to record or take photo or video coverage of same was given by such persons.

It is prohibited and declared unlawful for any person:

- a) To take photo or video coverage of a person or group of persons performing sexual act or any similar activity or to capture an image of the private area of a person/s such as the naked or undergarment clad genitals, pubic area, buttocks or female breast without the consent of the person/s involved;*
- b) To copy or reproduce such photo or video recording of sexual act or any similar activity with or without consideration;*
- c) To sell or distribute such photo or video recording of sexual act, whether it be the original, copy or reproduction thereof; or*
- d) To publish or broadcast whether in print or broadcast media, or show, or exhibit the photo or video coverage or recordings of such sexual act through VCD/DVD, internet, cellular phones and other similar means or device.*

The penalty of imprisonment of not less than three (3) years but not more than seven (7) years and a fine of not less than ₱100,000.00 but not more than ₱500,000.00, or both, at the discretion of the court shall be imposed upon any person found guilty of violating this act.

If the violator is a juridical person, its license or franchise shall automatically be deemed revoked and the persons liable shall be the officers thereof. If the offender is an alien, he/she shall be subject to deportation proceedings after serving his/her sentence and payment of fines.

Self-executory.

**R. A. No.
9999**

AN ACT PROVIDING A MECHANISM FOR FREE LEGAL ASSISTANCE AND FOR OTHER PURPOSES (S. NO. 2361/H. NO. 4301) (Signed into Law FEBRUARY 23, 2010)

This law provides a mechanism for free legal assistance pursuant to the declared policy of the state to guarantee free

legal assistance to the poor and ensure that every person who cannot afford the services of a counsel is provided with a competent and independent counsel of his own choice.

This law defines legal services as any activity which requires the application of law, legal procedure, knowledge, training and experiences which shall include, among others, legal advice and counsel, and the preparation of instruments and contracts, including appearance before the administrative and quasi-judicial offices, bodies and tribunals handling cases in court, and other similar services as may be defined by the Supreme Court.

A lawyer or professional partnership shall secure a certification from the Public Attorney's Office (PAO), the Department of Justice (DOJ) or accredited association of the Supreme Court indicating that said legal services are within the services defined by the Supreme Court and that the agencies cannot provide the legal services to be provided by the private counsel.

*The certification issued by the PAO, DOJ and other accredited association by the Supreme Court shall be submitted to the BIR for purposes of availing the tax deductions as provided for in this Act and to the DOJ for purposes of monitoring. **

** 14th Congress –3rd Regular Session, Performance of the Senate, p. 108-109 By: Legislation Group*

No data available as to its implementation.

**R. A. No.
10071** **AN ACT STRENGTHENING AND RATIONALIZING THE
NATIONAL PROSECUTION SERVICE (S. NO. 2659/H.
NO. 7112) (Signed into Law APRIL 08, 2010)**

The law created the National Prosecution Service (NPS) which will be responsible for the preliminary investigation and prosecution of all cases involving violations of the country's laws.

The measure provided for additional plantilla positions and increased the benefits of prosecutors, formerly called fiscals, to attract more lawyers to enter government service.

Under R.A. 10071, the NPS will be composed of the prosecution staff in the Department of Justice (DOJ) and offices of the regional, provincial, and city prosecutors.

The prosecution staff, under the supervision of the Secretary of Justice, shall be headed by a prosecutor-general, previously

known as chief state prosecutor, who will be assisted by five (5) senior deputy state prosecutors, 5 deputy state prosecutors, 35 senior assistant state prosecutors, 80 assistant prosecutors and 20 prosecution attorneys.

Among the functions of the prosecution staff are:

- to assist the Justice Secretary in the exercise of the appellate jurisdiction;*
- conduct preliminary probe and prosecution of criminal cases involving national security and those cases whose venues are transferred to avoid miscarriage of justice;*
- act as counsel for the Filipino people in any cases involving or arising from a criminal complaint investigated by any of its prosecutors and pending before any trial court;*
- investigate administrative charges against prosecutors and members of support staff;*
- prepare legal opinion on queries involving violations of the Revised Penal Code; and*
- monitor all criminal cases filed with the Office of the Prosecutor-General.*

An initial ₱50 million was allocated for the organization and operational expenses of the Office of the Prosecutor-General.

The law also mandated the establishment of a regional prosecution office in each administrative region, except the National Capital Region (NCR), to supervise all provincial and city prosecutors and prosecute any cases arising within the region. For purposes of regionalization, the NCR will be placed under the supervision of the prosecutor-general.

Republic Act 10071 likewise raised the number of prosecution officers and prosecutors for each province and city to help the court deal with the increasing number of cases. It provided for the automatic creation of positions of assistant and associate prosecutor in the office of the provincial and city prosecutor wherever new courts or branches are created in said province or city.

Apart from renaming the chief state prosecutor as prosecutor-general, the law also reclassified the position title of prosecution officers, such as Assistant Chief State Prosecutor, who will be called Senior Deputy State Prosecutor, while those holding the rank Prosecutor III and Prosecutor II will now be known as Senior Assistant State Prosecutors and Assistant State Prosecutors, respectively. Prosecutors are also entitled to the grant of allowances, in amounts not exceeding 50 percent

of their basic salaries, to be given by their respective local governments.

All pension benefits of retired prosecutors of the national prosecution service shall be automatically increased whenever there is an increase in the salary and allowance of the same position from which he retired.

A prosecutor who retires after 15 years of service or at age 65 shall get retirement pension, based on the highest salary and highest monthly aggregate of allowances.

*If a prosecutor assumes an elective public office, he can no longer receive the monthly pension or any of the allowances due him. **

** By: Genalyn Kabiling, Manila Bulletin, April 17, 2010.*

The law took effect on May 28, 2010, fifteen (15) days following its publication in two (2) newspapers of general circulation (Philippine Daily Inquirer and Philippine Star) on May 13, 2010.

The Department of Justice issued Department Circular No. 50 dated June 25, 2010 which provides for the guidelines, rules and regulations in the interest of the proper, orderly and rational implementation of the said law.

The IRR will strengthen the government's war on criminality and ease the perennial back-log in criminal cases at the DOJ through the creation of the NPS in charge of the preliminary investigation and prosecution of all criminal cases.

The would-be NPS will comprise the prosecutors currently assigned at the DOJ central offices and its various regional, provincial and city offices nationwide, as well as the new ones that the department will hire to beef up its national prosecution team.

To increase plantilla positions, the IRR carries out the law's provision on the automatic creation of positions of assistant and associate prosecutors in provincial and/or city NPS offices wherever new courts or branches are created in these areas.

The IRR of the law also provides for the mechanism for the grant by local governments of allowances to prosecutors assigned to their localities – but not to exceed 50 percent (50%) of their basic salaries – as an incentive for the new NPS lawyers.

**R. A. No.
10123**

AN ACT CREATING FIVE (5) ADDITIONAL BRANCHES OF THE REGIONAL TRIAL COURTS IN THE ELEVENTH JUDICIAL REGION TO BE STATIONED AT THE MUNICIPALITY OF ALABEL, PROVINCE OF SARANGANI, AMENDING FOR THE PURPOSE PARAGRAPH (L), SECTION 14 OF BATAS PAMBANSA BLG. 129, AS AMENDED, OTHERWISE KNOWN AS THE JUDICIARY REORGANIZATION ACT OF 1980 (S. NO. 3443 H. NO. 16) (Signed into Law JUNE 03, 2010)

In its letter of 21 February 2011, Atty. Jose Midas P. Marquez, Court Administrator, Supreme Court informed the Senate that the Supreme Court en banc issued Resolution in A.M. No. 10-11-329-RTC dated 30 November 2010 for the implementation of R.A. No. 10123. DBM already approved the NOSCA on 31 January 2011.

LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT

**R. A. No.
9547**

AN ACT STRENGTHENING AND EXPANDING THE COVERAGE OF THE SPECIAL PROGRAM FOR EMPLOYMENT OF STUDENTS, AMENDING FOR THE PURPOSE PROVISIONS OF R. A. NO. 7323, OTHERWISE KNOWN AS THE SPECIAL PROGRAM FOR EMPLOYMENT OF STUDENTS (S. NO. 2116/H. NO. 5388) (Signed into Law APRIL 01, 2009)

The law strengthens and expands the coverage of Republic Act 7323 or the special program for employment of students.

*The amendatory law proposes that private businesses employing at least ten (10) persons may, during summer and/or Christmas vacations, employ poor but deserving students 15 years of age but not more than 25 years old, paying them a salary not lower than the minimum wage for private employers and the applicable hiring rate for the national and local government agencies. Students enrolled in the secondary level shall only be employed during summer and/or Christmas vacations while those enrolled in the tertiary, vocational or technological education may be employed at any time of the year. Students employed in activities related to their course shall earn equivalent academic credits.**

** 14th Congress – 2nd Regular Session, Performance of the Senate, p. 79 By: Legislation Group*

The Implementing Rules and Regulations (IRR) of the law (Joint Memorandum Circular DOLE – DEPED – CHED – DSWD – DBM – DOF No. 2010-001) was issued by the Secretary of Labor and Employment, Secretary of Education, Chairman of the Commission on Higher Education, Secretary of Budget and Management, Secretary of Social Welfare and Development and Secretary of Finance on February 11, 2010.

**R. A. No.
10022**

AN ACT AMENDING REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED, FURTHER IMPROVING THE STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS FILIPINOS IN DISTRESS AND FOR OTHER PURPOSES (S. NO. 3286/H. NO. 5649) (Signed into Law MARCH 8, 2010)

This amendatory law provides measures to resolve problems in the recruitment and deployment of Filipino workers abroad, improve rescue and assistance mechanisms, and impose heavier penalties for violators. The law expanded the scope of illegal recruitment, which now includes reprocessing workers through a job order that pertains to non-existent work.

In the deployment of migrant workers under this law, the state shall allow the deployment of overseas workers only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as a guarantee on the part of the receiving country that the rights of Overseas Filipino Workers are protected: 1) it has existing labor and social laws protecting the rights of workers, including migrant workers; 2) it is a ratifier of multilateral conventions; 3) it has concluded a bilateral agreement with the government on the protection of the rights of OFW and provided that the receiving country is taking positive, concrete measures to protect the rights of migrant workers in furtherance of any of the guarantees aforementioned.

*In the absence of a clear showing that any of the aforementioned guarantees exists in the country of destination of the migrant workers, no permit for deployment shall be issued by the POEA.**

According to the Philippine Overseas Employment Administration (POEA), the Implementing Rules and Regulations (IRR) of Republic Act No. 10022 was officially signed last July 08, 2010.

Said IRR was published last July 29, 2010 in two (2) newspapers of general circulation to comply with publication requirements.
The POEA is conducting orientation seminars for stakeholders the first of which was undertaken last August 24, 2010 for non-government and civil society organizations.

The Implementing Rules and Regulations (IRR) of the law took effect 13 August 2010 after the requisite 15-day publication. OWWA was part of the Technical Working Group (TWG) that formulated the IRR, to take care of the provisions that pertain to its mandate. Last August 06, 2010, Labor Secretary Rosalinda Dimapilis-Baldoz presided over a meeting regarding the respective responsibilities and tasks of each agency involved in the implementation of the law.

According to the OWWA, consistent with their mandate, they have crafted their commitments for the first 100 days of the Aquino Administration to enhance and strengthen their welfare programs and social services for OFWs and their families.

1st 100 DAYS – OWWA COMMITMENTS

Commitments	Strategies
1. Act on welfare cases within 24 hours and inform clients accordingly	Speedy disposition of welfare cases. Provide feedback to clients/stakeholders within 24 hours. Provide regular update on welfare cases to clients/requesting parties.
2. Augment legal assistance to OFWs on-site who would like to file welfare cases in appropriate courts or administrative bodies of host countries.	Make available the ₱100M Legal Assistance Fund (LAF) for engaging the services of a legal counsel and other litigation expenses on-site.
3. Establish OFW help desks in 50 provincial capitals and key cities in the country.	Forge tie-ups through MOAS with LGUs.

	Mobilize officers/volunteers of OFW Family Circles (OFCs) and other social partners to man the help desks.
4. Strengthen reintegration preparedness program for OFWs while on-site and upon return.	<p>Conduct financial literacy training at least once a month.</p> <p>Register OFWs on-site and assist them in preparation of their reintegration plan.</p> <p>Conduct psycho-social and career counseling for OFW-returnees.</p> <p>Provide medical/legal/ transportation assistance when necessary.</p> <p>Provide capability enhancement through start-up capital (₱5K to ₱10K) and free retraining/retooling for employment.</p> <p>Enhance psycho-social services and case management for OFWs that are temporarily housed at the OWWA halfway home.</p>
5. Extend the reach of the expanded healthcare program to forty (40) provinces.	Forge tie-ups through MOAS with 40 medical institutions.
6. Expand scholarship benefits to 1,250 qualified OFW dependents	Allocate 200 slots for the 10 poorest provinces and 1,050 slots for other provinces, cities and municipalities.
7. Extend educational and livelihood assistance to 2,792 children and surviving spouse/NOK of deceased OFWs.	<p>Allocate 1,396 scholarship slots for children.</p> <p>Allocate 1,396 livelihood training and start-up grants to surviving spouse/NOK.</p>
8. Strengthen on-site assistance through the deployment of more overseas welfare officers to site destinations where there are huge concentrations of OFWs.	<p>Commence the training of welfare personnel for deployment.</p> <p>Identify sites destinations which would need more welfare officers.</p>

The Department of Labor and Employment (DOLE), through

the Philippine Overseas Employment Administration (POEA), released on August 13, 2010 the Implementing Rules and Regulations (IRR) of the law.

The amended law would protect the welfare of Overseas Filipino Workers (OFW) and intensify the criminal liability of erring recruitment agencies.

The modified law took effect 15 days after its implementing guidelines had been published from two newspapers with a general circulation last July 23, 2010 and would be executed by the DOLE, Department of Foreign Affairs (DFA), Department of Health (DOH), National Labor Relations Commission (NLRC), and the Insurance Commission.

However, POEA said some of its provisions, particularly about the deployment of OFWs to countries that have been certified by the DFA and the mandatory insurance coverage of migrant workers would still not take effect.

Under R.A. 10022, the DFA would have to subject the host countries where OFWs would be deployed, to a criteria provided by the law.

It stipulated a 90-day review period after the amended law has taken effect for countries, where the Philippines has an embassy and 120 days for countries without one.

Until the DFA has finished its assessment, the status quo would be implemented on the country's migrant deployment procedures.

Countries which have no bilateral trade agreement with the Philippines or have no law protecting its migrant workers would be flagged by the DFA and removed from the list of possible destination for OFWs.

Among the countries which would be examined are high-risk areas like Iraq, where hundreds of OFWs were repatriated by some U.S. recruitment agencies.

There are at least 197 countries where OFWs are deployed.

The law would require recruitment agencies to pay the premium of the following insurance coverage for OFWs: \$15,000 in case of accidental death; \$10,000 in case of natural death; \$7,500 in case of permanent disablement.

Some of the other provisions of R. A. 10022 which have taken effect include the following: a) repatriation of OFWs if necessary at the expense of their recruitment agencies; b) prohibition of act of reprocessing or alteration on an OFW's contract; and c) inspection of medical clinics screening

Filipinos before they are deployed.

It also emphasizes on the provision which bars foreigners from owning majority of the shares of a recruitment agency.

The section was included in response to the reports from some members of the recruitment sector that a number of land-based recruitment agencies, are mostly owned or managed by foreigners, which is against the foreign ownership law.

DOLE, with the assistance of the Department of Justice (DOJ), would file criminal cases against the erring companies even without the testimony of the victims through the accounts of government operatives who conducted the inspection of the said establishments.

The administrators or owners of the companies would be penalized with 12 to 20 years of imprisonment and a fine of ₱1 to 2 million.

LEGISLATIVE FRANCHISES

**R. A. No.
9511**

AN ACT GRANTING THE NATIONAL GRID CORPORATION OF THE PHILIPPINES A FRANCHISE TO ENGAGE IN THE BUSINESS OF CONVEYING OR TRANSMITTING ELECTRICITY THROUGH HIGH VOLTAGE BACK BONE SYSTEM OF INTERCONNECTED TRANSMISSION LINES, SUBSTATIONS AND RELATED FACILITIES AND FOR OTHER PURPOSES (H. NO. 4358) (Signed into Law DECEMBER 1, 2008)

The franchise granted to the National Grid Corporation of the Philippines is for a term of 50 years from the date of effectivity of this Act, and is hereby granted under the condition that it shall be subject to amendment, alteration or repeal by Congress when the common good so requires. During the period of operation of franchise herein granted, at least 60% of the capital of the grantee shall be owned by citizens of the Philippines. The grantee shall comply with the constitution and applicable laws pertaining to foreign ownership and management of public utilities. The grantee shall continue to operate and maintain the sub-transmission systems which have not been disposed by Transco. Likewise, the grantee is authorized to engage in ancillary business and any related

business which maximizes the utilization of its assets such as, but not limited to telecommunications system, pursuant to section 20 of R. A. 9136. The scope of the franchise shall be nationwide in accordance with the transmission development plan, subject to amendments or modifications of the said plan, as maybe approved by the department of energy.

Status/Progress	Remarks
<p>By virtue of Republic Act No. 9511, NGCP has obtained the concession to operate the nationwide transmission grid.</p> <p>The turnover of the transmission business to NGCP from Transco became effective on 15 January 2009.</p>	<p>Legal titles and ownership of transmission assets still reside with Transco</p> <p>NGCP also successfully sought the Certificate of Public Convenience and Necessity (CPCN) from the ERC. This officially recognizes NGCP as a financially and technically capable organization to operate as a transmission utility.</p>
<p>The National Grid Corporation of the Philippines (NGCP) has assumed the functions as system operator of the nationwide electrical transmission and substation system of Transco effective 15, January 2009.</p>	<p>As system operator, NGCP is represented in the grid re-management committee, WESM rules change committee and different WESM sub committees.</p>
<p>NGCP has assumed the responsibility of Transco in providing access to the grid. NGCP continues to negotiate transmission service agreements with the existing and prospective customers.</p> <p>To date, there are 262 load customers and 27 generator customers with Transmission Service Agreement (TSA).</p>	<p>The ERC is in the process of amending the OATS rules, together with some other pertinent regulatory references (transmission wheeling rate guidelines and the ancillary service procurement plan).</p>
<p>The NGCP will continue to address the requirements of the Philippine Grid Code. It will continue to address the preparation of required compliance reports and documents by the regulator.</p>	<p>NGCP is currently undertaking 2009-2018 Transmission Development Plan (TDP) which will line up programs and projects that will address the reliability and adequacy, security, stability and integrity of the grid for the planning horizon.</p>

	<p>NGCP continues to comply with the requirements of the Philippine Grid Code (PGC) through periodic submissions to the ERC and the Grid Management Committee (GMC). On behalf of Transco, NGCP submitted the documentation on the significant grid incidents and safety reports for the fourth quarter of CY 2008. CY 2009 first quarter reports on these compliances were also submitted to the ERC and GMC.</p>
<p>All responsibilities related to the central dispatch of all generation facilities connected, directly or indirectly to the transmission system taking into account the outstanding bilateral contracts will be under the control of NGCP.</p> <p>Dispatch procedures as laid out in the WESM dispatch protocol and practices being done by SO during Transco time are being observed by SO under NGCP.</p>	<p>NGCP continues to follow the WESM manual on dispatch protocol/criteria – approved by the Philippine Electricity Market Board on 16 May 2006.</p>
<p>Since NGCP has taken over the operation of Transco’s transmission business, NGCP will attend to its funding requirements.</p> <p>NGCP has also taken over the implementation of projects under construction (PUCs) as mentioned in the concession agreement.</p>	<p>NGCP has already bid out four (4) transmission line and substation projects. Fifteen (15) more projects are expected to be bid out before the year ends.</p>
<p>NGCP shall file with the ERC on 17 October 2009 its annual rate verification application for the determination of the CY 2010 Maximum Allowable Revenue (MAR) and the</p>	<p>NGCP is also currently undertaking the preparations for the reset application for the 3rd regulatory period (2011-2015) – the filing of which is due on 01 December</p>

corresponding transmission wheeling rates for regulated transmission services.	2009. The reset process will determine the revenue and expense requirements of NGCP for the regulatory period. This will also set the Performance Incentive Scheme (PIS) that will be implemented.
NGCP's franchise authorizes it to engage in related businesses. NGCP has taken over the related businesses of Transco except for the management of the four (4) power distribution systems in the PEZA Economic Zones. These are being managed by Transco through an O&M contract between Transco and PEZA.	NGCP is currently reviewing the corporate policies on the related business (e. g. co-location).
NGCP collects universal charges from end-users and self-generating entities not connected to distribution utilities and remits the same to psalm in accordance with the EPIRA.	NGCP collects universal charge from customers directly connected to the transmission and sub-transmission facilities. These include, among others, large industrial customers.
For the 3 rd regulatory period reset process, NGCP suggested in its April 2, 2009 submission to the ERC, that an independent appraisal company conducts the revaluation of its regulatory asset base possibly using the indexation approach.	The final revaluation methodology to be used during the reset process shall be determined by the ERC through a transparent public consultation with power industry players and consumer groups.

(Letter of Mr. Walter W. Brown, President and CEO, NGCP to the Senate dated June 22, 2009.)

R. A. No.

9517

AN ACT GRANTING SOUTHEAST ASIAN AIRLINES (SEAir), INC. A FRANCHISE TO ESTABLISH, OPERATE AND MAINTAIN DOMESTIC AND INTERNATIONAL AIR TRANSPORT SERVICES WITH CLARKFIELD, PAMPANGA AS ITS BASE (H. NO. 3788) (Signed into Law DECEMBER 22, 2008)

The report of SEAir to the Senate dated July 6, 2009 is as follows:
Southeast Asian Airlines (SEAir) Inc. had been operating air

transportation services since March 1995 with Clark as its hub, initially, as a domestic charter airline serving inter-Palawan routes and destinations. In 2004, SEAir commenced its domestic scheduled operations with the approval of its Certificate of Public Convenience and Necessity (CPCN) by the Civil Aeronautics Board. Since then, SEAir has been continuously opening and operating several domestic routes, mostly involving tourist destinations.

On June 5, 2008, SEAir was granted its CPCN to operate international scheduled air transportation services and launched its Puerto Princesa – Kota Kinabalu (Malaysia) scheduled flights on November of the same year.

From the grant of its franchise under R.A. 9517 which lapsed into law on 27 December 2008 and which became effective on January 27, 2009 upon the completion of the publication requirements under the law, SEAir continues to operate scheduled and non-scheduled domestic and international air transportation to various routes.

At present, SEAir operates the following domestic routes on scheduled basis: Manila-Basco-Manila, Clark-Caticlan (Boracay) Clark, Manila-Caticlan (Boracay)-Manila, Manila-El Nido-Manila, Manila-Tablas-Manila, Caticlan (Boracay)-Puerto Princesa-Caticlan (Boracay), Zamboanga-Jolo-Zamboanga, and Zamboanga-Tawi-Tawi-Zamboanga.

For the lean season, however, SEAir's suspended its operation to the PUERTO PRINCESA-KOTA KINABALU (MALAYSIA) route.

In the next few months, SEAir intends to the launch operations to Manila-Baguio-Manila, Manila-San Fernando-Manila and Manila-Masbate-Manila.

The company now has a fleet of three (3) let-410 and (3) Dornier 328 aircraft.

**R. A. No.
9743**

AN ACT AMENDING REPUBLIC ACT NO. 9119, ENTITLED "AN ACT GRANTING THE BENGUET BROADCASTING CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES" (H. NO. 3063) (Signed into Law NOVEMBER 6, 2009)

No data available.

**R. A. No.
9773** **AN ACT GRANTING THE PHILIPPINE COLLECTIVE MEDIA CORPORATION A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE, AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN REGION VIII (EASTERN VISAYAS) (H. NO. 5866) (Signed into Law NOVEMBER 14, 2009)**

No data available.

**R. A. No.
9857** **AN ACT GRANTING THE SCHUTZENGELE TELECOM, INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN TELECOMMUNICATIONS SYSTEM THROUGHOUT THE PHILIPPINES (H. NO. 6815) (Signed into Law DECEMBER 20, 2009)**

No data available.

**R. A. No.
10027** **AN ACT GRANTING THE AURORA TECHNOLOGICAL INSTITUTE (ATI) INC. A FRANCHISE TO CONSTRUCT, INSTALL, ESTABLISH, OPERATE AND MAINTAIN FOR EDUCATIONAL, SCIENTIFIC, CULTURAL AND COMMERCIAL PURPOSES, RADIO, TELEVISION AND SATELLITE BROADCASTING STATIONS ANY WHERE IN THE PHILIPPINES, AND FOR OTHER PURPOSES (H. NO. 6816) (Signed into Law MARCH 13, 2010)**

No data available.

LOCAL GOVERNMENT

**R. A. No.
9591** **AN ACT AMENDING SECTION 57 OF REPUBLIC ACT NO. 8754, OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF MALOLOS (H. NO. 3693) (Signed into Law MAY 1, 2009)**

The court met in full session in January 2010 to consider an appeal to reverse the ruling. The high tribunal denied the appeal, upholding its earlier ruling that the law did not fulfill a provision of the constitution which requires a minimum population of 250,000 for a city to have its own representative in Congress.

Voting 7-6, the Supreme Court has ruled with finality to nullify a law creating a new Congressional District for Malolos City in Bulacan.

R. A. No. 9640 **AN ACT AMENDING SECTION 140 (A) OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS "THE LOCAL GOVERNMENT CODE OF 1991" (H. NO. 5624/S. NO. 2325) (Signed into Law MAY 21, 2009)**

The law authorizes the province to levy an amusement tax to be collected from the proprietors, lessors, or operators of theaters, cinemas, concert halls, circuses, boxing stadia, and other places of amusement at a rate of not more than 10% of the gross receipts from admission fees.

In the case of theaters or cinemas, the tax shall first be deducted and withheld by their proprietors, lessees or operators and paid to the provincial treasurers before the gross receipts are divided between said proprietors, lessees or operators and the distributors of the cinematographic films.

The holding of operas, concerts, dramas, recitals, painting and art exhibitions, flower shows, musical programs, literary and oratorical presentation, except pop, rock or similar concerts shall be exempt from the payment of the tax herein imposed.

R. A. No. 9716 **AN ACT REAPPORTIONING THE COMPOSITION OF THE FIRST (1ST) AND SECOND (2ND) LEGISLATIVE DISTRICTS IN THE PROVINCE OF CAMARINES SUR AND THEREBY CREATING A NEW LEGISLATIVE DISTRICT FROM SUCH REAPPORTIONMENT(H. NO. 4264) (Signed into Law OCTOBER 12, 2009)**

No data available.

R. A. No. 9723 **AN ACT CONVERTING THE MUNICIPALITY OF DASMARINAS IN THE PROVINCE OF CAVITE INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF DASMARINAS (H. NO. 5258) (Signed into Law OCTOBER 15, 2009)**

Date of plebiscite: November 25, 2009

Total number of precincts canvassed: 1469

Total number of registered voters: 282,830

Total number of voters who actually voted: 44,704

Affirmative votes: 36,559
Negative votes: 8,141

Ratified and approved.

**R. A. No.
9724** **AN ACT SEPARATING THE CITY OF ILIGAN FROM THE FIRST LEGISLATIVE DISTRICT OF THE PROVINCE OF LANA O DEL NORTE TO CONSTITUTE THE LONE LEGISLATIVE DISTRICT OF THE CITY OF ILIGAN (H. NO. 4054) (Signed into Law OCTOBER 20, 2009)**

No data available.

**R. A. No.
9725** **AN ACT PROVIDING FOR THE REAPPORTIONMENT OF THE LONE LEGISLATIVE DISTRICT OF THE PROVINCE OF CAMARINES NORTE (H. NO. 4163) (Signed into Law OCTOBER 22, 2009)**

No data available.

**R. A. No.
9726** **AN ACT SEPARATING THE CITY OF LAPU-LAPU FROM THE SIXTH LEGISLATIVE DISTRICT OF THE PROVINCE OF CEBU TO CONSTITUTE THE LONE LEGISLATIVE DISTRICT OF THE CITY OF LAPU-LAPU (H. NO. 5007) (Signed into Law OCTOBER 22, 2009)**

No data available.

**R. A. No.
9727** **AN ACT REAPPORTIONING THE PROVINCE OF CAVITE INTO SEVEN (7) LEGISLATIVE DISTRICTS (H. NO. 4254) (Signed into Law OCTOBER 22, 2009)**

No data available.

**R. A. No.
9740** **AN ACT CONVERTING THE MUNICIPALITY OF BINAN IN THE PROVINCE OF LAGUNA INTO A COMPONENT CITY TO BE KNOWN AS THE CITY OF BIÑAN (H. NO. 5226) (Signed into Law OCTOBER 30, 2009)**

Date of plebiscite: February 02, 2010
Total number of precincts canvassed: 664

Total number of registered voters: 132,255
Total number of voters who actually voted:14,380
Affirmative votes: 11,461
Negative votes: 2,859

Ratified and approved.

**R. A. No.
9774** **AN ACT PROVIDING FOR THE REAPPORTIONMENT OF
LEGISLATIVE DISTRICTS IN THE PROVINCE OF LANA
DEL NORTE (H. NO. 4053) (Signed into Law
NOVEMBER 17, 2009)**

No data available.

**R. A. No.
9996** **AN ACT CREATING THE MINDANAO DEVELOPMENT
AUTHORITY (MinDA), DEFINING ITS POWERS AND
FUNCTIONS, PROVIDING FUNDS THEREFOR AND FOR
OTHER PURPOSES (S. NO. 3496/ H. NO. 6958)
(Signed into Law February 17, 2010)**

MinDA was created to consolidate all the development efforts for Mindanao. It will replace the Mindanao Economic Development Council (MEDCO). MinDA would consolidate peace efforts and the development of the agribusiness sector in Mindanao. The main office will be put up in Maramag, Bukidnon, but management offices will also be established in various parts of Mindanao.

NATIONAL DEFENSE AND SECURITY

**R. A. NO.
9499** **AN ACT ALLOWING FILIPINO WORLD WAR II
VETERANS TO CONTINUE RECEIVING PHILIPPINE
GOVERNMENT PENSIONS AND BENEFITS
NOTWITHSTANDING SIMILAR PENSIONS AND
BENEFITS PROVIDED BY THE UNITED STATES
GOVERNMENT, THEREBY AMENDING REPUBLIC ACT
NO. 6948, AS AMENDED (S. NO. 1659/H. NO. 3323)
(Signed into Law APRIL 9, 2008)**

The law allows Filipino Veterans to continue receiving their pensions and benefits from the Philippine government in addition to similar pensions and benefits to be provided by the

US government.

A Filipino veteran, currently receive a monthly old age pension of ₱5,000.00 from the government. Out of the 240,000 pensioners in the PVAO's list only some 60,000 are WWII veterans. Most on the list are widows of veterans according to PVAO. The agency received a total of ₱15B for 2008 to pay pensions for old age, death and disability. Disability pay stands at ₱1,700.00 monthly, the death pension for spouses and children, ₱1,000.00 monthly, hospitalization, ₱400.00 daily and education ₱24,000.00 a year.

According to the PVAO they are already implementing the amendments as provided for in the law. At present, veterans/surviving spouses are now qualified to receive old age pension from the Philippine government regardless of whether or not they are receiving similar pensions from the United States government. Those who are previously denied old age pensions because they are currently receiving similar pensions from the US are now qualified under the new amendments. The present procedure of processing old age pension is not affected by the amendments. Hence, there is no need to come up with new rules on the matter.

**R. A. No.
9828**

**AN ACT CREATING THE MILITARY SERVICE BOARD
AND PROVIDING FUNDS THEREFOR (S. NO. 3240/H.
NO. 4214) (Signed into Law DECEMBER 3, 2009)**

In its letter to the Senate of September 06, 2010, the PVAO said that the Military Service Board (MSB) has begun their task to reprocess and reevaluate all 106,128 pending claim applications previously filed with the former Military Service Boards. The MSB is also tasked to determine the validity of the claims for the purpose of confirming the military service rendered and qualifying the applicants for military veteran's status as mandated by law.

Department Order No. 41, entitled "Rules and Regulations to Implement Republic Act No. 9828 - An Act Creating the Military Service Board and Providing Funds Therefor" and Department Order No. 42, entitled "Appointment of Members of the Third Military Service Board Under R.A. 9828" was approved by the Secretary of National Defense on February 18, 2010.

Department Order No. 42 dated February 18, 2010 created the Third Military Service Board composed of the following officials to review and reevaluate pending claim applications

previously filed in the former military service boards by any persons who claims to have performed military service in the Philippines during the period beginning December 08, 1941 and ending July 03, 1946, and to determine the validity of the claims for the purpose of confirming the military service rendered and qualifying applicants for military service states.

Chairman: MGen. Fortunato U. Abat, AFP, Ret.

Members: World War II Veterans
BGen. Arnulfo D. Bañez, Ret.
Comdr. Ignacio F. Palad, Ret.

PVAO Representative
Nostradamus A. Villanueva
Atty. Rolando D. Villaflor

As of August 27, 2010, the third MSB has disposed of 2,554 MSB claim-applications out of the reported 106,128 applications from the previous military service boards.

Summary of processed MSB claim-applications

Approved	6
Disapproved	840
Recommended for further investigation(FFV)	652
Applications with PVB stock	8
Certificates or attached tag records	0
Endorsed to PVAO for appropriate action	1,048
<hr/>	
Total	2,554

R. A. No.
9993

AN ACT ESTABLISHING THE PHILIPPINE COAST GUARD AS AN ARMED AND UNIFORMED SERVICE ATTACHED TO THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS, THEREBY REPEALING REPUBLIC ACT NO. 5173, AS AMENDED, AND FOR OTHER PURPOSES (S. NO. 3389/H. NO. 5151) (Signed into Law FEBRUARY 12, 2010)

Known as the “Philippine Coast Guard Act of 2009”, the law aims to further enhance maritime safety and prevent sea tragedies. It strengthens the arm of the coast guard to issue and enforce rules and regulations covering the “promotion of

safety of life and property at sea on all maritime-related activities”, as well as promote marine environmental protection. The coast guard functions would no longer be limited to the mere inspection of merchant ships. The law vests the agency with the authority to strictly enforce regulations on maritime safety standards within Philippine territorial waters. This includes the power to detain and stop from sailing all substandard vessels.

The law formalized the coast guard’s status as an agency attached to the Department of Transportation and Communication (DOTC), but with the provision that it will be placed under the Department of National Defense “in times of war” with the approval of Congress.

The Philippine Coast Guard shall be headed by a Commandant who shall carry the rank of coast guard admiral, provided, that he shall be appointed by the president from among the flag officers in the coast guard service. He shall hold a command-at-sea badge and must have served as a district commander of the PCG.

According to the Department of Transportation and Communications, as of date (August 31, 2010), the law’s draft Implementing Rules and Regulations (IRR) is still undergoing review and refinement by the department and the Philippine Coast Guard. Consultations have been held with concerned government agencies and private stakeholders, and their respective comments have already been considered and incorporated in the draft IRR.

As per Admiral Wilfredo D. Tamayo of the Philippine Coast Guard, on May 19 & 25 and June 03, 2010, consultative meetings with concerned government agencies and maritime stakeholders were conducted by the DOTC led by then Undersecretary for Maritime Transport, Hon. Thompson C. Lantion. During the last meeting among government agencies on June 03, 2010, concerned agencies present accepted the revised provisions of the Implementing Rules and Regulations (IRR) and expressed their gratitude for having been consulted on the matter. On the other hand, some agencies which were duly represented in the meeting raised no objection.

On June 10, 2010, the PCG endorsed to Hon. Anneli R. Lontoc, then Acting Secretary of the DOTC, the approval of the proposed IRR of R.A. 9993 in order to operationalize the said statute for the improvement of maritime safety, security and environmental protection consistent with the objectives and intent of the law.

On June 30, 2010 however, President Benigno Simeon C.

Aquino assumed office and cabinet appointments were made thereafter. Since there have been changes in the administration, the proposed IRR of R.A. 9993 was not able to progress as intended.

On September 20, 2010, a meeting presided by Asec. Raquel T. Desiderio, DOTC and attended by the representatives of both Marina and PCG was conducted. In said meeting, it was agreed upon that a Technical Working Group (TWG) shall be created to specifically clearly delineate the functions of Marina and PCG in relation to the safety inspection of vessels. Another meeting was set on September 27, 2010 to further discuss the aforementioned matter.

Further, according to Admiral Tamayo, the PCG is extremely positive that with the approval of the IRR, efficient measures can be initiated and effective implementation of maritime enforcement functions concerning maritime safety, security and environmental protection would be better achieved in furtherance of public service and the country's development.

**R. A. No.
10121**

AN ACT STRENGTHENING PHILIPPINE DISASTER RISK MANAGEMENT CAPABILITY BY INSTITUTIONALIZING THE NATIONAL DISASTER RISK MANAGEMENT FRAMEWORK, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES (S. NO. 3086/H. NO. 6985) (Signed into Law MAY 27, 2010)

This law provides for the development of policies and plans and the implementation of actions and measures pertaining to all aspects of disaster risk reduction and management, including good governance, risk assessment and early warning, knowledge building and awareness raising, reducing underlying risk factors, and preparedness for effective response and early recovery.

Under this law, there shall be an office known as the National Disaster Risk Reduction and Management Council or National Council, which shall be headed by the Secretary of the Department of National Defense as Chairperson.

The Chairperson shall be assisted by the Secretary of the Department of Interior and Local Government as Vice Chairperson for Disaster Preparedness, the Secretary of the Department of Social Welfare and Development as Vice Chairperson for Disaster Response, the Secretary of the Department of Science and Technology as Vice Chairperson for Disaster Prevention and Mitigation and the Director-General of the National Economic Development Authority as Vice Chairperson for Disaster Rehabilitation and Recovery.

*The National Council, empowered with policy making, coordination, integration, supervision, monitoring and evaluation functions, shall have the following responsibilities, among others; a) to develop a national disaster risk reduction and management plan which shall provide for a comprehensive, all hazards, multi-sectoral, inter-agency and community-based approach to disaster risk reduction and management; and b) establish a national early warning and emergency alert system to provide accurate and timely advice to national or local emergency response organizations and to the general public through diverse mass media to include digital and analog broadcast, cable, satellite television and radio, wireless communications, and landline communications. **

** 14th Congress – 3rd Regular Session, Performance of the Senate, p. 121-122 By: Legislation Group*

According to the Administrator of the Office of Civil Defense and Executive Officer, National Disaster Coordinating Council, the Implementing Rules and Regulations (IRR) of the said law had already been crafted pursuant to Section 25 of the Act, after regional and national consultations with various stakeholders. The same has been submitted to Undersecretary Pio Lorenzo Batino, Undersecretary for Legal and Legislative Affairs and Strategic Concerns on September 15, 2010 for further study

PUBLIC INFORMATION AND MASS MEDIA

**R. A. No.
10088**

AN ACT TO PROHIBIT AND PENALIZE THE UNAUTHORIZED USE, POSSESSION AND/OR CONTROL OF AUDIOVISUAL RECORDING DEVICES FOR THE UNAUTHORIZED RECORDING OF CINEMATOGRAPHIC FILMS AND OTHER AUDIOVISUAL WORKS AND/OR THEIR SOUNDTRACKS IN AN EXHIBITION FACILITY, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES (S. NO. 3529/H. NO. 5699) (Signed into Law MAY 13, 2010)

This law enumerates the acts constituting unauthorized possession, use or control of audiovisual recording devices and provides penalties. It shall be unlawful for any person, at

a time when copyright subsists in a cinematographic film or other audiovisual work and without the authorization of the copyright owner or exclusive licensee thereof, to:

- ❖ Use or attempt to use an audiovisual recording device to transmit or make a copy of any performance in an exhibition facility of such cinematographic film;*
- ❖ Have in his possession, an audiovisual recording device in exhibition facility with the intent of using or attempts to use the audiovisual recording device to transmit or make a copy of any performance in the exhibition facility of such cinematographic film; and*
- ❖ Aid, abet or connive in the commission of the prohibited acts.*

Thus, any person found guilty of the aforementioned acts shall be subject to a fine of ₱50,000 but not exceeding ₱750,000 and imprisonment of six months and one day to six years and one day.

If the purpose of the commission is the sale, rental or other commercial distribution of a copy of the cinematographic or audiovisual work or any part thereof, the penalty shall be imposed in the maximum.

*Also, if the offender is an alien, said person shall immediately be deported after payment of the fine and after service of sentence.**

** 14th Congress – 3rd Regular Session, Performance of the Senate, p.124 By: Legislation Group*

Self-executory.

PUBLIC ORDER AND ILLEGAL DRUGS

**R. A. No.
9514**

AN ACT ESTABLISHING A COMPREHENSIVE FIRE CODE OF THE PHILIPPINES, REPEALING PRESIDENTIAL DECREE NO. 1185 AND FOR OTHER PURPOSES (S. NO. 2553/H. NO. 4115) (Signed into Law DECEMBER 19, 2008)

The law gives the Bureau of Fire Protection (BFP) stronger authority to enforce the Fire Code. The BFP can deliberately order the removal of hazardous materials and/or halt hazardous operations.

The law also imposes accountability on public officials or employees through reprimand, suspension, or removal, as well as criminal penalties for negligence, malfeasance or misfeasance in performing their sworn duties to the country. Likewise, this law provides for stringent measures and responsibilities for the owner, administrator, occupant or persons responsible for the condition of the building structure and their premises or facilities to comply with the code, its implementing rules and regulations to ensure the safety and security of the public.

According to the Bureau of Fire Protection (BFP) the proposed Implementing Rules and Regulations (IRR) of the law was submitted to the Secretary of the Interior and Local Government for his approval/signature on May 4, 2009.

**R. A. No.
9516**

AN ACT FURTHER AMENDING THE PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS AMENDED, ENTITLED "CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL POSSESSION, MANUFACTURE, DEALING IN, ACQUISITION OR DISPOSITION OF FIREARMS, AMMUNITION OR EXPLOSIVES OR INSTRUMENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES AND IMPOSING STIFFER PENALTIES FOR CERTAIN VIOLATIONS THEREOF, AND FOR RELEVANT PURPOSES"(S. NO. 2230/H. NO. 3242) (Signed into Law DECEMBER 22, 2008)

The law amends some sections of Presidential Decree No. 1866 by, among others, imposing the penalty of reclusion perpetua to any person who will willfully or unlawfully manufacture, sell, acquire, dispose, import or possess any explosive or incendiary device with knowledge of its existence and its explosive or incendiary character, including but not limited to, hand grenades, rifle grenades, pillbox bombs, fire bombs and any other similar explosive and incendiary devices.

The law also punishes with reclusion temporal and a fine of not less than ₱500,000 any member of law enforcement agencies or any other government official and employee who fails or refuses, intentionally or negligently, to appear as a witness for the prosecution or defense in any proceedings

involving the violation of this law, in addition to the administrative liability he or she may be meted out by his or her immediate superior and/or appropriate body.

The law imposes the penalty of reclusion perpetua upon any person who is found guilty of planting any explosive or incendiary device. "Planting of Evidence" under this law means the willful act by any person of maliciously and surreptitiously inserting, placing, and adding, or attaching directly or indirectly, through any overt or covert act, whatever quantity of any explosive or incendiary device or any part, machinery, tool or instrument of any explosive or incendiary device whether chemical, mechanical, electronic, electrical or otherwise in the person, house, effects or in the immediate vicinity of an innocent individual for the purpose of implicating, incriminating or imputing the commission of any violation of the law.

*Further, in cases involving violations of this law, the judge is mandated to set the case for continuous trial on a daily basis from Monday to Friday so as to ensure speedy trial. The case should be terminated within 90 days from arraignment of the accused.**

** 14th Congress – 2nd Regular Session, Performance of the Senate, p. 87-88 By: Legislation Group*

The Executive-Legislative Liaison Service (ELLS) of the Senate requested the Philippine National Police (PNP) and the Department of the Interior and Local Government (DILG) for an update on the implementation of the law, but no feedback or reply was received.

**R. A. No.
9592**

AN ACT EXTENDING FOR FIVE (5) YEARS THE REGLEMENTARY PERIOD FOR COMPLYING WITH THE MINIMUM EDUCATIONAL QUALIFICATION AND APPROPRIATE ELIGIBILITY IN THE APPOINTMENT TO THE BUREAU OF FIRE PROTECTION (BFP) AND THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY (BJMP), AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 9263, OTHERWISE KNOWN AS THE 'BUREAU OF FIRE PROTECTION AND BUREAU OF JAIL MANAGEMENT AND PENOLOGY PROFESSIONALIZATION ACT OF 2004" AND FOR OTHER PURPOSES (S. NO. 3085/H. NO. 6000) (Signed Into Law May 8, 2009)

No person shall be appointed as uniformed personnel of BFP

and the BJMP unless he/she possesses the following minimum qualifications:

- ❖ A citizen of the Republic of the Philippines;*
- ❖ A person of good moral character;*
- ❖ Must have passed the psychiatric/psychological, drug and physical tests for the purpose of determining his/her physical and mental health;*
- ❖ Must possess a baccalaureate degree from a recognized institution of learning ;*
- ❖ Must possess the appropriate civil service eligibility;*
- ❖ Must not have been dishonorably discharged or dismissed for cause from previous employment;*
- ❖ Must not have been convicted by final judgment of an offense or crime involving moral turpitude;*
- ❖ Must be at least one meter and sixty-two centimeters (1.62 m.) In height for male, and one meter and fifty-seven centimeters (1.57 m) for female: provided that a waiver for height and age requirement shall be automatically granted to applicants belonging to the cultural communities; and*
- ❖ Must weigh not more or less than five kilograms (5kgs.) from the standard weight corresponding to his/her height, age and sex.*
- ❖ A new applicant must not be less than 21 nor more than 30 years of age; except for this particular provision, the above-enumerated qualifications shall be continuing in character and an absence of any one of them at any given time shall be a ground for separation or retirement from the service.*

The uniformed personnel who are already in the service prior to the effectivity of R.A. 9263 shall be given another five years to obtain the minimum educational qualification and appropriate civil service eligibility to be reckoned from the date of the effectivity of this law.

The concerned BFP and BJMP members who have rendered more than 15 years of service at the time of the effectivity of this act shall no longer be required to comply with the aforementioned educational and eligibility requirements. Likewise, those personnel who have acquired national police commission eligibility prior to the effectivity of R.A. 9263 shall no longer be required to obtain the appropriate civil

service eligibility.

After the lapse of the time period for the satisfaction of a specific requirement, current uniformed personnel of the BFP and the BJMP who will fail to satisfy any of the requirements above enumerated shall be separated from service if they are below 50 years of age and have served in the government for less than 20 years. They are also considered retired if they are age 50 and above and have served in the government for at least 20 years, without prejudice in either case to the payment of benefits they may be entitled to under existing laws.

On May 27, 2009 the law was published in the Manila Standard Today and Manila Times. Prior to the publication of the law, the BJMP has already constituted a Technical Working Group, per letter Order No. 2009-312 dated May 14, 2009, which will prepare the draft of the Implementing Rules and Regulations (IRR) of the said law. The initial draft is being discussed for further refinement prior to a conference with the BFP, DILG, CSC and DBM.

According to the BJMP, they have already identified and updated the data on personnel beneficiaries/recipients on the implementation of the law. Further, personnel action will be implemented after the synchronized barangay and SK elections of October 25, 2010.

**R. A. No.
9708**

AN ACT EXTENDING FOR FIVE (5) YEARS THE REGLEMENTARY PERIOD FOR COMPLYING WITH THE MINIMUM EDUCATIONAL QUALIFICATION FOR APPOINTMENT TO THE PHILIPPINE NATIONAL POLICE (PNP) AND ADJUSTING THE PROMOTION SYSTEM THEREOF, AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF REPUBLIC ACT NO. 6975 AND REPUBLIC ACT NO. 8851 FOR OTHER PURPOSES (S. NO. 3015/H. NO. 3618) (Signed into Law AUGUST 12, 2009)

No person shall be appointed as officer or member of the PNP unless he or she possesses the following minimum qualifications:

For a new applicant, must not be less than 21 or more than 30 years of age. Except for the last qualification, the above enumerated qualifications shall be continuing in character and an absence of any one of them at any given time shall be a ground for separation or retirement from the service. PNP members who are already in the service upon the effectivity of R.A. 8551 shall be given 5 years to obtain the minimum educational qualification preferably in law enforcement

related courses to be reckoned from the effectivity of this amendatory Act. Concerned PNP members rendering more than 15 years of service and who have exhibited exemplary performance as determined by the commission shall no longer be required to comply with the aforementioned minimum educational requirement.

A uniformed member of the PNP shall not be eligible for promotion to a higher position or rank unless he or she has successfully passed the corresponding promotional examination given by the commission, or the bar, or the corresponding board examinations for technical services and other professions, has satisfactorily completed the appropriate and accredited course in the PNP or equivalent training institutions and has satisfactorily passed the required psychiatric/psychological and drug tests.

The Implementing Rules and Regulations (IRR) of the law was issued by the NAPOLCOM on September 20, 2010.

PUBLIC SERVICES

**R. A. NO.
9497**

AN ACT CREATING THE CIVIL AVIATION AUTHORITY OF THE PHILIPPINES, AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR, AND FOR OTHER PURPOSES (S. NO. 1932/H. NO. 3156) (Signed into Law MARCH 4, 2008)

As a state policy to provide safe and efficient air transport and regulatory services in the Philippines, the law provides for the creation of a Civil Aviation Authority with jurisdiction over the restructuring of the civil aviation system, the promotion, development and regulation of the technical, operational, safety, and aviation security functions under the Civil Aviation Authority.

The law creates an independent regulatory body with quasi-judicial and quasi-legislative powers and possessing corporate attributes known as the Civil Aviation Authority of the Philippines (CAAP), attached to the DOTC for policy coordination. For this purpose, the Air Transportation Office (ATO) is hereby abolished.

The CAAP shall be headed by a Director General of Civil Aviation who shall be appointed by the President of the Philippines and shall be responsible for all civil aviation in the country and the administration of this act. The corporate powers of the

authority shall be vested in a board composed of 7 members.

The authority shall have an authorized capital stock of ₱50B which shall be fully subscribed by the Republic of the Philippines. It shall enjoy fiscal autonomy. All moneys earned by the authority from the collection/levy of any and all such fees, charges, dues, assessments and fines shall be used solely to fund the operation of the authority, subject, however, to the examination of the congressional oversight committee.

However, nothing in this act shall diminish the powers and functions of the Manila International Airport Authority created by virtue of E.O. No. 903, S. of 1983; Subic Bay Metropolitan Authority as regards to Subic Bay International Airport created by virtue of R.A. 7227; Clark International Airport Corporation as regards the Diosdado Macapagal International Airport Authority created by virtue of E.O. No. 193, Series of 2003; and the Mactan-Cebu International Airport Authority created by virtue of R.A. 6958.

The Implementing Rules and Regulations (IRR) of the law was already issued and promulgated.

**R. A. No.
9515**

AN ACT DEFINING THE LIABILITY OF SHIP AGENTS IN THE TRAMP SERVICES AND FOR OTHER PURPOSES (S. NO. 2078/H. NO. 4120) (Signed into Law DECEMBER 19, 2008)

The law updates the archaic provisions of the Code of Commerce and qualify the definition of a ship agent to exclude or exempt tramp agents from being liable for cargo loss or damage since the law already provides that the ship owner shall be responsible for this. It delineates the responsibilities of the tramp agents and ship agents, and further defines the liabilities of the latter, in order to help establish efficiency, competence and professionalism in the navigation business.

The Maritime Industry Authority (MARINA) in consultation/coordination with the concerned stakeholders, namely: Philippine Ship Agents Association (PSAA), Association of International Shipping Lines, Inc., Export Development Council, Federation of Forwarders Association of the Philippines, Inc., Port Users Confederation, Inc., Philippine International Seafreight Forwarders Association, Inc., and The Philippine Shippers Bureau are in the final stage in the drafting of the Implementing Rules and Regulations (IRR – 5th draft June 25, 2009) of the law.

**R. A. No.
10054**

AN ACT MANDATING ALL MOTORCYCLE RIDERS TO WEAR STANDARD PROTECTIVE MOTORCYCLE HELMETS WHILE DRIVING AND PROVIDING PENALTIES THEREFOR (S. NO. 1863/H. NO. 6924) (Signed into Law MARCH 23, 2010)

*The law mandates all motorcycle riders, the driver and the back rider, to wear standard protective helmets while driving motorcycles. However, tricycle drivers are exempt from the said provision. This act recognizes that the use of helmets is a critical factor in the prevention and reduction of head injury in motorcycle accidents. For not wearing helmets, it imposes a penalty of ₱1,500 for the first offense; ₱3,000 for the second offense; ₱5,000 for the third offense and a fine of ₱10,000 and confiscation of the driver's license for the fourth and succeeding offenses. The motorcycle seller and/or distributor who fail to provide the buyer with the required helmet under this measure shall be punished with a fine of not less than ₱10,000 but not more than ₱20,000. **

**14th Congress – 3rd Regular Session, Performance of the Senate, p. 124 By: Legislation Group*

According to the Assistant Secretary of the Land Transportation Office, the draft Implementing Rules and Regulations (IRR) of the law was resubmitted for approval to the Secretary of DOTC on August 10, 2010 after incorporating the directives of the DOTC, OIC of the Office of the Undersecretary for Road Transport per memorandum dated July 26, 2010.

The Department of Transportation and Communications, said that, as of date (September 01, 2010), the law's draft Implementing Rules and Regulations (IRR) is still undergoing review and refinement by the department. Consultations have been held with concerned government agencies and private stakeholders, and their respective comments have already been considered and incorporated in the draft IRR.

**SOCIAL JUSTICE, WELFARE
AND RURAL DEVELOPMENT**

**R. A. No.
9509**

AN ACT ESTABLISHING LIVELIHOOD AND SKILLS TRAINING CENTERS IN FOURTH, FIFTH AND SIXTH CLASS MUNICIPALITIES AND FOR OTHER PURPOSES

(S. NO. 2092/H. NO. 4349) (Signed into Law OCTOBER 21, 2008)

The law establishes a Livelihood and Skills Training Center in 4th, 5th and 6th class towns across the country. The National Anti-Poverty Commission (NAPC), based on its poverty and unemployment data, can recommend more beneficiaries aside from these municipalities.

The center shall provide educational and instructional activities designed to enhance the knowledge, skills and attitudes of intended beneficiaries and to better prepare them to engage in gainful employment and/or entrepreneurship.

The center shall have a municipal advisory board to be convened by the town mayor. Members include representatives from business organizations, chamber of commerce, cooperatives, micro, small and medium scale enterprises, rural bankers, NGO's and people organizations. The board shall provide guidelines by which the center should develop its plans and programs. It shall also develop information, education, and communication plan to promote the center.

The center shall establish a satellite or mobile livelihood and skills training center in a barangay or a cluster of barangays where deemed necessary by the municipal mayor to ensure that the skills training to be provided reach the intended beneficiaries. The center and its satellites must be located in an area which is safe and accessible to the residents.

The national government shall promote and guarantee the establishment of the centers and assist local governments in instituting and maintaining such centers and in ensuring the effectiveness of the services being provided.

The Local Government Academy, DILG has assisted the LGUs in the preparation of their capacity development (CapDev) agenda, which is actually a listing of the CapDev requirements of LGUs on three major areas: training, research and other forms of interventions that include the creation of offices and positions, skills training, and similar activities to enhance the organizational competencies of LGUs. Likewise, the Local Government Academy has come up also with a listing of training institutions including those involved in skills training for the benefit of LGUs.

OTHERWISE KNOWN AS "AN ACT TO MAXIMIZE THE CONTRIBUTION OF SENIOR CITIZENS TO NATION BUILDING, GRANT BENEFITS AND SPECIAL PRIVILEGES AND FOR OTHER PURPOSES (S. NO. 3561/H. NO. 6390) (Signed into Law FEBRUARY 15, 2010)

This law gives the elderly benefits and privileges not included in R.A. 7432 (Senior Citizens Act of 1992), as follows:

- ❖ *A 20-percent discount and exemption from the value-added tax on the sale of goods and services (medicines, medical and dental fees, transport fares, services in hotels and restaurants, admission fees in theaters and other places of leisure)*

In case of discount promos, the senior citizens shall avail themselves of either the promotional discount or the 20-percent discount, whichever is higher.

- ❖ *Mandatory Philhealth coverage*
- ❖ *Free medical and dental service, diagnostic and laboratory fees in all government facilities*
- ❖ *A monthly stipend of ₱500*
- ❖ *For indigents, a ₱1,500-monthly stipend and free vaccination against the influenza virus and pneumococcal disease*
- ❖ *A five-percent discount on water bills (if consumption is less than 30 cubic meters a month) and electric bills (if consumption is less than 100 kilowatt-hours)*
- ❖ *Educational assistance for those who shall meet school admission requirements*

To avail themselves of benefits, senior citizens should present their passport or other documents establishing their citizenship and age.

In case of death, the nearest surviving relative of the deceased senior citizen shall get ₱2,000.

The law also orders the Department of Health, local government units and other concerned organizations to institute a national health program for the elderly.

It also establishes an office for senior citizens affairs in all cities and municipalities, and a senior citizens ward in every government hospital.

First time violators of the law face imprisonment of six months to two years and a fine ranging from ₱50,000 to ₱100,000.

For subsequent violations, the fine can go up to ₱200,000, and the prison term can reach six years.

*Anyone who abuses the privileges granted in the law shall pay a fine of ₱5,000 to ₱50,000 and shall be jailed for at least six months. **

** source: www.senate.gov.ph*

The Bureau of Internal Revenue (BIR) issued Revenue Regulations No. 8-2010, amending the first paragraph of Section 10 of Revenue Regulations (RR) No. 7-2010 excluding the electric and water consumption of senior citizens from the exemption from value added tax (VAT).

- ❖ Implementing Rules and Regulations (IRR) have been signed June 18, 2010.
- ❖ Queries and complaints received through hotlines have been endorsed to proper agencies for their clarification and DSWD field offices for their monitoring; as of September 2010, DSWD has received a total of 490 communications, 83% of these communications inquired on their benefits or complained about business establishments not abiding by the law.
- ❖ Conduct of national orientation of DSWD focal persons for senior citizens last July 20, 2010 along with orientations and technical assistance to field offices, LGUs, NGOs, POs and establishments.
- ❖ Copies of the law, IRR, faqs and other issuances / guidelines have been posted at the website and published in newspapers nationwide.
- ❖ Supplemental guidelines were issued by BIR (July 2010 and August 2010), DOLE (Department Circular No. 3, Series of 2010), DOT (Memorandum Circular No. 2010-07, Series of 2010) and DTI-PTTC.
- ❖ DSWD's internal guidelines on the following are still being finalized:
 - Availment of 50% utility discount of senior-citizen centers and government-run and privately-run elderly facilities
 - Availment of 20% discount on funeral and burial services

- Availment of the monthly social pension

The IRR was signed on June 20, 2010. It was published on June 22, 2010 and took effect on July 07, 2010.

**R. A. No.
10070**

AN ACT ESTABLISHING AN INSTITUTIONAL MECHANISM TO ENSURE THE IMPLEMENTATION OF PROGRAMS AND SERVICES FOR PERSONS WITH DISABILITIES IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE MAGNA CARTA FOR DISABLED PERSONS (S. NO. 3560/H. NO. 1387) (Signed into Law APRIL 06, 2010)

This amendatory measure provides, among others, for the creation of Persons with Disability Affairs Office (PDAO) in any province, city and municipality. It mandates every local chief executive to appoint a Person with Disabilities (PWD) Affairs Officer who shall manage and oversee the operations of the office. A PWD Affairs Officer shall perform, among others, the following functions:

- Formulate and implement policies, plans and programs for the promotion of the welfare of PWDs in coordination with concerned national and local government agencies;*
- Submit reports to the office of the local chief executive on the implementation of programs and services; and*
- Seek donations in cash or in kind from local or foreign donors to implement an approved work plan for PWDs, in accordance with existing laws and regulations.*

*For fourth, fifth and sixth class municipalities, local chief executives may in lieu of the creation of a PDAO, designate instead a focal person who shall perform the functions of the PDAO. The establishments of a PDAO or the appointment of a focal person, under this measure, shall be in consultation and coordination with the National Council on Disability Affairs (NCDA), Non-Government Organizations (NGOs) and People's Organizations (POs).**

** 14th Congress – 3rd Regular Session, Performance of the Senate, p. 139-140 By: Legislation Group*

TOURISM

**R. A. No.
9593**

AN ACT DECLARING A NATIONAL POLICY FOR TOURISM AS AN ENGINE OF INVESTMENT, EMPLOYMENT, GROWTH AND NATIONAL DEVELOPMENT, AND STRENGTHENING THE DEPARTMENT OF TOURISM AND ITS ATTACHED AGENCIES TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT THAT POLICY, AND APPROPRIATING FUNDS THEREFOR (S. NO. 2213/H. NO. 5229) (Signed into Law May 12, 2009)

The law declares a national policy for tourism as an engine of investment, employment, growth and national development. It also strengthens the Department of Tourism (DOT) and its attached agencies to competently carry out the reinvigorated tourism policy and expands budgetary support. The law also seeks to upgrade the industry's international competitiveness through an efficient system of accreditation, standards – setting and classification.

Under the law, tourism was described as an indispensable element of the national economy and an industry of national interest and importance which must be harnessed as an engine of socio-economic growth and cultural affirmation to generate investment, foreign exchange and employment and to continue to mold an enhanced sense of national pride for all Filipinos.

The law also mandates the reorganization of the Philippine Convention and Visitors Corporation (PCVC) into the Tourism Promotions Board (TPB) that will deal with the marketing and promotion of the Philippines as a global tourism destination.

The Philippine Tourism Authority (PTA) will be restructured into the Tourism Infrastructure and Enterprise Zone Authority (TIEZA) which will designate, regulate and supervise tourism enterprise zones as well as develop, manage and supervise tourism projects in the country.

The two newly organized bodies TPB and TIEZA, will be given ₱250M capital each or a total of ₱500M for the promotion of the country's tourism industry.

Out of the new tourism law comes the Duty Free Philippines Corporation (DFPC) from the old Duty Free Philippines that will operate the duty and tax free merchandising system in the country. The DFPC was allotted ₱500M for its operation. The

Philippine Retirement Authority was also placed under the supervision of the Department of Tourism.

The Tourism Secretary expects the full implementation of the law by the end of the year (2009).

The Implementing Rules and Regulations (IRR) of the law was approved by Joseph H. Durano, Secretary of Tourism on November 10, 2009.

TRADE AND COMMERCE

**R. A. No.
9501**

AN ACT TO PROMOTE ENTREPRENEURSHIP BY STRENGTHENING DEVELOPMENT AND ASSISTANCE PROGRAMS TO MICRO, SMALL AND MEDIUM SCALE ENTERPRISES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO 6977, AS AMENDED, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR SMALL ENTERPRISES" AND FOR OTHER PURPOSES (S. NO. 1646/H. NO. 1754) (Signed into Law MAY 23, 2008)

The law mandates micro enterprises as among those qualified for government assistance. It also mandates credit institutions to allocate at least 8% of their respective total loan portfolio for micro and small enterprises, and at least 2% for medium enterprises.

The Bureau of Micro Small and Medium Enterprise Development (BMSMED) in its letter to the Senate dated June 4, 2009 provided the following updates:

Implementing Rules and Regulations (IRR) of the act has been issued as DTI Department Administrative Order No. 09, Series of 2008 on August 20, 2008 and published in the August 22 issue of the Manila Bulletin (Section 1, pages 12-15).

The Micro Small and Medium Enterprise Development (MSMED) council has been constituted with the following members:

- ❖ Secretary of Trade and Industry – Chair
- ❖ Secretary of Agriculture
- ❖ Secretary of Interior and Local Government
- ❖ Secretary of Science and Technology
- ❖ Secretary of Tourism
- ❖ Chairman of Small Business Corporation

- ❖ MSME Representative for Luzon, Mr. Jose Ma. A. Concepcion III, President & CEO, RFM Corporation (also designated as MSMED Vice Chair)
- ❖ MSME Representative for Visayas, Mr. Jose T. Ng, Vice President for Visayas, PCCI
- ❖ MSME Representative for Mindanao, Antonio R. Santos, Sr., immediate past chair, Mindanao Business Council
- ❖ Banking Sector Representative, Amb. Alfredo M. Yao, President, Chamber of Thrift Banks
- ❖ Labor Sector Representative, Mr. Julius H. Cainglet, Federation of Free Workers

The presidential awards/citations for outstanding MSME's/development partners will be given out in the second week of July during the MSMED week. The council is now in the process of screening nominees for the awards and recipients of the citations.

The Bangko Sentral ng Pilipinas (BSP) has also issued BSP Circular No. 625, Series of 2008 or the IRR relative to Section 15 of R.A. 9501. This pertains to the mandatory allocation of credit resources for MSME's.

Subsection X 342.7 of the said circular imposes a tiered penalty at a maximum of ₱500,000.00 on bank's non-compliance with the required MSME portfolio. This appears to be inconsistent with the provision of Section 19 (penal clause) of the law, which provides that: the BSP shall impose a fine of not less than five hundred thousand pesos (₱500,000.00).

The BSP also informed the BSMED of its intention to amend Subsection X 342.8 of said circular to limit the penalties that will be remitted to the MSMED to those that were incurred only due to non-compliance and under compliance of banks. The BSP, therefore, shall receive the penalties for other violations (i.e. willful-making of misleading statements at ₱500,000.00 per offense, non-reporting).

**R. A. NO.
9502**

AN ACT PROVIDING FOR CHEAPER AND QUALITY MEDICINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8293 OR THE INTELLECTUAL PROPERTY CODE, REPUBLIC ACT NO. 6675 OR THE GENERICS ACT OF 1988, AND REPUBLIC ACT NO. 5921 OR THE PHARMACY LAW, AND FOR OTHER PURPOSES (S. NO. 1658/H. NO 2844) (Signed into Law JUNE 6, 2008)

The law aims to bring down the prohibitive cost of medicine by promoting greater market competition. It aims to do this by amending the Intellectual Property Code to:

- *Allow the parallel importation of patented but lower priced drugs;*
- *Prohibit the grant of new patents based solely on newly discovered uses of known substances;*
- *Allow local generic drug manufacturers to test early on produce and register their versions of patented drugs so these could be sold immediately upon expiration of the patents (early working principle);*
- *Allow government use of patented drugs when the public interest is at stake;*

The law would also require pharmacies to carry different brands of a drug, including through parallel importation to ensure the availability of affordable medicine.

The law would authorize the president upon recommendation of the Secretary of Health to impose price ceilings on certain drugs such as those for chronic illness and those listed in the Philippine national formulary essential drug list.

It also seeks to strengthen the regulatory powers of the BFAD by allowing it to retain and use its revenues to upgrade its facilities and increase manpower.

The Congressional Oversight Committee chaired by former Senator Manuel A. Roxas has conducted series of hearings relative to its implementation. One of the key issues raised during the hearings was the imposition of the Maximum Retail Price (MRP) on drugs and medicines of one of the tools given to the executive branch to regulate prices of the same in the event that competition is not working.

The Department of Health and the Department of Trade and Industry consistently subscribed to the ideology that competition gives the best price and best quality of drugs and medicines. However, in instances where the lack of competition has affected prices of the same to be inordinately high, thus, limiting access to affordable drugs and medicines that would address public health concerns, then under R.A. 9502, the executive shall exert its power of price regulation. Hence, during its 4th hearing held on 8 June 2009, DOH Secretary Francisco T. Duque presented before the committee an initial list of drugs and medicines as well as the criteria for the imposition of the MRP.

The said list and criteria have been presented to the advisory council for price regulation which was created under the same law composed of representatives from various government agencies (DOH, DTI, IPO, BFAD, PHIC),

private sector representatives (PHAP, PCPI, DSAP, etc.) as well as civic societies (3CPNET, OXFAM, CWK, etc.)

Further, the Implementing Rules and Regulations (IRR) on Sections 28 and 36 of the said law are already contained in the joint DOH-DTI-IPO-BFAD (letter to the Senate of Asst. Secretary Maria Lourdes T. Baua dated June 4, 2008) Administrative Order No. 2008-01 which is the IRR of R.A. 9502 which was signed on November 4, 2008 and took effect on November 21, 2008.

The Intellectual Property Philippines in its letter to the Senate dated June 3, 2009 said that they are involved in the following endeavors relating to the implementation of the specific provisions of R.A. 9502:

- Coordination work with the Bureau of Food and Drugs (BFAD) on the formulation of guidelines to facilitate the parallel importation of drugs and medicines into the country;
- Information and skills exchanged with the BFAD to clarify issues on patentability and identify approaches to the examination of patent applications for drugs and medicines;
- Amendment of the Manual of Substantive Patent Examination Procedures (MSPEP) by the Bureau of Patents to provide patent examiners with a definite guide on the granting of patent to drugs and medicines under the law, and facilitate the processing of patent applications for the same;
- Review of compulsory licensing and government use provisions by their Bureau of Legal Affairs to prepare for the application of the law when the need arises;
- Coordination work with the Interpol, through the Philippine Center on Transnational Crime (PRTC) and the Technical Working Group (TWG) against counterfeit medicines, for the enforcement of the law against counterfeit drugs and medicines. The TWG is composed of government agencies (PCTC, PNP, DOH, BFAD, DTI, IPO, BOC AND NBI), non-government organizations (Philippine Nurses Association (PNA), Philippine Medical Association (PMA), Philippine College of Surgeons (PCS), Private Hospital Association of the Philippines (PHAP), and the Private Sector (Pharmaceutical Healthcare Association of the Philippines (PHAP), Unilab. Based on the five areas of the international medical products Anti-counterfeiting Task Force (IMPACT), lead agencies were identified as follows:

Legislation	DOH-BFAD (lead), IPO, DTI
Regulatory	IPO (lead), DOH-BFAD,DTI
Technology	Private sector/stakeholders (Pfizer, PHAP, PHAP (private hospital), Unilab, PMA
Communication	PHAP (lead), PNA, PMA, PHAP (private hospital) PCS
Enforcement	DOH-BFAD (lead) BOC, PNP, NBI

Executive Order No. 821 which took effect on August 15, 2009 set the maximum retail price for 5 essential medicines. Drug companies also voluntarily agreed to a 50% price cut on about 70 other medicines. Small and medium sized drug stores with manual operations will be allowed until September 15, 2009 to reconcile and validate inventories already in the shelves.

R. A. No. 10055 **AN ACT PROVIDING THE FRAMEWORK AND SUPPORT SYSTEM FOR THE OWNERSHIP, MANAGEMENT, USE, AND COMMERCIALIZATION OF INTELLECTUAL PROPERTY GENERATED FROM RESEARCH AND DEVELOPMENT FUNDED BY GOVERNMENT AND FOR OTHER PURPOSES (S. NO. 3416/H. NO. 5208) (Signed into Law MARCH 23, 2010)**

The Implementing Rules and Regulations (IRR) of the “Philippine Technology Transfer Act of 2009” (Joint DOST-IPO Administrative Order No. 02-2010) was issued by the Department of Science and Technology and the Intellectual Property Office of the Philippines on August 18, 2010. The said IRR was published in The Manila Times and Business Mirror on August 21 and 22, 2010, respectively, and filed at the Office of the National Register of the UP Law Center on August 24, 2010. Moreover, certified copies have been transmitted to the Senate and the House of Representatives.

According to the Intellectual Property Office (IPO), the IRR governing the ownership of copyright and the IRR to implement the disclosure requirements stated in Section 8 of the law has been included in the aforementioned IRR.

The newly enacted law on technological transfer is expected to boost the marketability and commercialization of government-funded researches.

The Technology Transfer Act grants intellectual property ownership to research and development institutions that performed the research and development (R&D) using public funds. This paves the way for scientists to benefit

from the results of public-funded researches. It allows scientists, state universities and colleges and research institutions to profit from research funded by taxpayers.

Commercialization, in this case, refers to the process of deriving income or profit from a technology, such as the creation of a spin-off company, or through licensing, or the sale of the technology and/or intellectual property rights.

The aim is for research institutions to effectively translate results of government-funded R&D into useful products and services that benefit the public. The successful transfer of government-funded R&D depends on the proper management of intellectual property.

“Intellectual Property” refers to intangible assets resulting from the creative work of an individual or organization.

With the assistance of the DOST and the IPO, all research institutions are encouraged to establish Technology Licensing Offices (TLOS) and Technology Business Development Offices. The TLOS will assist scientists in applying for intellectual property.

The ownership of Intellectual Property Rights (IPRS) from government-funded research will, in general, remain in the research institution that carried out the research.

The government may, however, assume ownership of IPRS in cases of national emergency or other circumstances of extreme urgency, or where the public interest requires, and in particular concerns for national security, nutrition, health or the development of other vital sectors of the national economy.

The IRR emphasizes the need to transfer and commercialize technologies generated by research institutions using public funds.

The IRR covers the management of intellectual property rights from research performed by government institutions as well as the commercialization of research results and the creation of spin-off companies.

Research institutions and government funding agencies are authorized to withhold from public disclosure, for a reasonable time, any information relating to the intellectual property to allow the institution to secure intellectual property protection.

Revenue and royalty which can be generated through technology transfer and commercialization of IP will be shared between the institution and researcher. Monetary revenues include royalty payments, proceeds from sale of

technology, upfront technology transfer fees and dividends or sale from shares of stocks.

Research are allowed to commercialize government-funded research results by creating, owning, controlling, or managing a company or spin-off firm; to be governed by a technology transfer protocol which every research and development institution must have.

Income earned by a research and development institution from commercialization of publicly-funded R&D shall be constituted as a revolving fund for the use of the research institution to defray intellectual property management costs and expenses.

It can also be used to fund research and development, science and technology capability building, and technology transfer activities, including operation of technology licensing offices. No amount of said income will be used for payment of salaries and other allowances.

However, in case the income exceeds ten (10) percent of the research institution's annual budget, a minimum of 70 percent of the excess income shall be remitted to the Bureau of Treasury.

URBAN PLANNING, HOUSING AND RESETTLEMENT

**R. A. No.
9507**

AN ACT TO ESTABLISH A SOCIALIZED AND LOW COST HOUSING LOAN RESTRUCTURING AND CONDONATION PROGRAM, PROVIDING THE MECHANISMS THEREFOR, AND FOR OTHER PURPOSES(S. NO. 1987/H. NO. 4220) (Signed into Law OCTOBER 13, 2008)

The program covers borrowers and installment buyers of agencies involved in the national shelter program whose original loan accounts do not exceed ₱5M and are in arrears for at least 3 months.

The program lightens the burden of troubled borrowers in several ways:

First, it saves them from the heavy burden of having to pay the accumulated penalties and surcharges that have been imposed from unpaid amortizations.

***Second**, the new program allows the lending GFI or housing agency to condone a portion of the unpaid interest, the amount or percentage of which shall be determined by the board of the concerned GFI or housing agency.*

***Third**, the remaining accrued interest shall be paid in equal installments during the term of restructured loan without any interest.*

***Fourth**, the restructured loan shall be imposed an interest rate not higher than that of the original loan, or 12% whichever is lower*

***Fifth**, the payment period of the restructured loan may be lengthened up to a maximum of 30 years from the approval of the application to lower the monthly amortization. However, the loan term may only be extended up to the borrower's age of 70.*

***Sixth**, borrowers who promptly pay their loan amortizations may also be given incentives such as reasonable discount on interest to be determined by the GFI or housing agency.*

Borrowers may also avail of the loan restructuring program within 18 months from the effectivity of the law.

The Housing and Urban Development Coordinating Council (HUDCC) in its letter to the Senate informed of the following actions and milestones relative to the implementation of R.A. 9507:

Implementing Rules and Regulations (IRR) of R.A. 9507. The IRR of R.A. 9507 was approved by the bicameral committee on 17 February 2009. It was published on 28 February 2009 in the Philippine Daily Inquirer and Pilipino Star Ngayon and took effect on 16 March 2009.

Agency specific guidelines. The respective boards of the Government Service Insurance System (GSIS), the Social Security System (SSS), the Home Development Mutual Fund (HDMF) or PAG-IBIG Fund, the Home Guaranty Corporation (HGC), the National Home Mortgage Finance Corporation (NHMFC), the National Housing Authority (NHA) and the Social Housing Finance Corporation (SHFC) involved in the implementation of R.A. 9507 were also given another thirty (30) days after the effectivity of the IRR to issue their agency specific guidelines except for SSS, all agencies have their internal guidelines which are posted in their respective websites and in the HUDCC website (<http://www.hudcc.gov.ph/>). While SSS has not come up with its agency guidelines, it has approved certain applications based on the general IRR and continues to receive and process applications for loan restructuring and

condonation of their respective members.

GSIS Board Resolution No. 55 dated 18 March 2009 (Implementing Guidelines on the GSIS Housing Loan Restructuring and Condonation Program in Compliance with R.A. No. 9507);

HDMF Circular No. 248 dated 10 June 2009;
HGC IRR for The Housing Loan Restructuring and Condonation of Penalties under R.A. 9507;

NHMFC Supplemental Guidelines for the Implementation of R.A. No. 9507;

NHA Memorandum Circular No. 2218 dated 2 April 2009;
and;

SHFC CMP Implementing Rules (CIR) on R.A. 9507 and its IRR.

Information dissemination. To create public awareness on the new law, HUDCC in cooperation with the concerned GFIs and housing agencies, published questions and answers (Q&As) and flyers and posted the same in the agency websites; issued media/press releases, column feeds and commentaries; promoted the program through radio advertisements; conducted seminars/special briefings for qualified delinquent borrowers; and maintained public assistance desks in concerned agencies to attend to walk-in clients who may require assistance or information and provide quick response to queries.

Further, HUDCC conducted dialogues with stakeholders such as the Sagip Tahanan at Kabuhayan ng Pilipinas (Sagip) to clarify issues on the implementation of R.A. No. 9507. The implementing agencies also issued notifications to the delinquent home borrowers covered by the new law.

The NHA conducted its information caravan nationwide after launching it on 4 May 2009 at Bagong Silang resettlement project in Caloocan City, to enlighten beneficiaries concerned and encourage them to avail of the program.

Status of accomplishment. As a result of the information dissemination, for the period 16 March to 31 May 2009, a total of 5,328 applications have been received from delinquent home borrowers of which 3,692 have been approved with equivalent condoned penalties/surcharges and interest amounting to about ₱258.24 million.

**R. A. No.
9653**

**AN ACT ESTABLISHING REFORMS IN THE
REGULATION OF RENT OF CERTAIN RESIDENTIAL
UNITS, PROVIDING THE MECHANISMS THEREFORE
AND FOR OTHER PURPOSES (S. NO. 3163/H. NO.
6098) (Signed into Law JULY 14, 2009)**

The law will not allow increases in housing rental for a year and after that, it puts a cap on any increase to only 7% until 2013. It will benefit some 1.6M families renting homes across the country, majority of whom are paying a monthly rent of ₱10,000.00 or less.

The law covers all residential units in Metro Manila with a monthly rent of ₱1 to ₱10, 000.00 and all units in urban cities with a monthly rent of ₱1 to ₱5,000.00.

When a unit becomes vacant the owner may set the initial rent to the next renter. In the case of boarding houses, dormitories, rooms and bed spaces, no increase will be imposed more than once a year. The law forbids the owner from demanding more than one month advance rent and more than two months deposit.

The law has a penal provision. Violators face a fine of ₱25,000.00 to ₱50,000.00 or imprisonment of one month and a day up to six months, or both.

**R. A. No.
9904**

**AN ACT PROVIDING FOR A MAGNA CARTA FOR
HOMEOWNERS AND HOMEOWNERS' ASSOCIATIONS,
AND FOR OTHER PURPOSES (S. NO. 3106/H. NO. 50)
(Signed into Law JANUARY 7, 2010)**

This law enumerates the rights, privileges, duties and responsibilities of the homeowners, the homeowners association, the board of trustees of the Homeowners Association and the Housing and Land Use Regulatory Board (HLURB), as well as the association's relationship with the Local Government Unit (LGU) and the national government.

As defined in the law, a homeowner is 1) a purchaser of a lot in any subdivision/village, or any neighborhood association formed by its residents in consideration of PD 957 and related laws; 2) an awardee, usufructuary or legal occupant of a unit, house and/or lot in a government socialized or economic housing or relocation project and other urban estates; 3) an informal settler in the process of being accredited as beneficiary or awardee of ownership rights under the Community Mortgage Program (CMP), land tenure assistance (LTA) and other similar programs. The law also provides for the qualifications, rights and

responsibilities of the homeowner.

*The homeowners association is mandated to register with the HLURB, for the former to acquire a juridical personality on behalf of its members, it can intervene in litigation and administrative proceedings affecting the welfare of the association and the community as a whole; take charge of the community's common area and charge fees for its use; allow and regulate access by outsiders to the subdivision's/village's roads; it can regulate the establishment of schools, hospitals, market, grocery or opening of a certain area of the subdivision to outsiders that may result in loss of privacy, security, safety and tranquility of its residents.**

**14th Congress – 3rd Regular Session, Performance of the Senate, p. 141-142 By: Legislation Group*

According to the Housing and Land Use Regulatory Board in its letter to the Senate dated September 01, 2010, as soon as the said law took effect on April 01, 2010, they immediately convened a committee to draft the Implementing Rules and Regulations (IRR) of the said law. In the first week of July 2010, the HLURB was able to finalize the draft IRR. It then posted the same to its website and invited stakeholders to submit their comments to the various provisions of the draft IRR. The office is currently receiving some feedbacks and comments from interested parties, which will be considered in the succeeding meetings of the committee.

HLURB is awaiting for the approval by the Department of Budget and Management of its request for special funding allocation to cover the expenses necessary to conduct public consultations with homeowners' associations nationwide as mandated by Section 28 of R.A. No. 9904, as well as fund the personnel complement required to be filled up pursuant to said law.

The Implementing Rules and Regulations (IRR) of the Magna Carta for Homeowners and Homeowners Associations was promulgated.

WAYS AND MEANS

**R. A. NO.
9503**

AN ACT ENLARGING THE ORGANIZATIONAL STRUCTURE OF THE COURT OF TAX APPEALS, AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF THE LAW CREATING THE COURT OF TAX APPEALS, AND FOR OTHER PURPOSES (S. NO. 2009/ H. NO. 1890) (Signed into Law JUNE 12, 2008)

In his letter to the Senate, the Presiding Justice of the Court of Tax Appeals said that it was necessary for the Judicial Bar Council to nominate at least three (3) additional justices for each position of associate justice for appointment by the President. The announcement for the opening of the application for the new associate justices was made on August 26, 2008 wherein there were about thirty five (35) applicants. The announcement for their public interview was made on September 18 and 30, 2008. However, when the law was passed last June 12, 2008, the Court of Tax Appeals had only the exact numbers of offices for the six (6) incumbent justices at that time. Consequently, the nomination for the three additional justices was put on hold pending the addition of more office spaces within the court.

The CTA immediately drew up plans to convert their 5th floor open area into additional office spaces to accommodate the new justices and their staff temporarily. The court requested for sufficient funding for the renovation and the necessary bidding process took time but were subsequently approved and implemented. The construction started and is now finished and is expected to be completed and fully furnished.

Before the end of June, 2009, the CTA relayed this information to the Chief Justice and Chairperson of the Judicial Bar Council Hon. Reynato S. Puno together with a request to continue the filling-up of the three (3) new positions of associate justice of the third division of the CTA. To fully implement the law, they likewise revised their staffing pattern and necessarily had to create new positions to support the newly expanded jurisdictions of the CTA and the three (3) new associate justice positions. The new staffing pattern is for consideration and approval by the Supreme Court.

**R. A. NO.
9504**

**AN ACT AMENDING SECTIONS 22, 24, 34, 35, 51, AND
79 OF REPUBLIC ACT NO. 8424, AS AMENDED,
OTHERWISE KNOWN AS THE NATIONAL INTERNAL
REVENUE CODE OF 1997 (S. NO. 2293/H. NO. 3971)
(Signed into Law JUNE 17, 2008)**

The law exempts minimum wage earners in the private sector and their counterparts in the public sector (casual employees) from paying income tax.

Minimum wage earners (or those paid the statutory minimum wage fixed by the regional wage boards) receive ₱382.00 daily in Metro Manila, and from ₱180.00 to ₱320.00 in other regions. The law also increased the personal exemptions of other earners.

Other benefits-holiday, over-time, night shift differential and hazard pay – are exempted from income tax upon the effectivity of the law 15 days after its publication.

Under the law, the tax exemption will provide additional take home pay of ₱34.00 a day or ₱750.00 a month for minimum wage earners.

The law increased the amount of personal exemption from ₱25,000.00 to ₱50,000.00 for all taxpayers regardless of status (single, married, or head of the family), and the additional deduction for qualified dependents from ₱8,000.00 to ₱25,000.00.

Thus, a family of 6, with 2 working spouses and 4 dependent children, will have a total of ₱200,000.00 in personal exemption (from the current ₱96,000.00). In case only one of the spouses is earning, he or she shall be allowed the standard personal exemption of ₱50,000.00.

The law amended Sec. 22, 24, 34, 35, 51 and 79 of R.A. 8424. These provisions eliminated the old tax bracketing system under the 1997 National Revenue Code, as amended, which had specified tax exemption of ₱20,000.00, ₱25,000.00 and ₱32,000.00 for single, head of the family and married, respectively.

The Finance Secretary placed at ₱3.16B the foregone revenue from the tax exemption of minimum wage earners and at ₱11.1B the personal exemptions of medium income earners – a total of ₱14.2 B annually.

The law also provides other taxpayers optional standard deductions in filing business or income tax returns. For the self-employed and professionals, the law gives them an optional standard deduction of 40% of gross sales or gross

receipts, and 40% of gross income for corporations.

The Finance Secretary said the imposition of optional standard deductions simplified the filing of income tax returns for professional and medium, small and micro enterprises, thus increasing tax compliance. The Finance Department expects to gain ₱15.03B from the optional standard deductions.

To implement the law, the bureau of internal revenue issued the following:

Revenue Regulations No. 10-2008 dated July 8, 2008 (Implementing Pertinent Provisions of Republic Act No. 9504). It was published in newspaper of general circulation on September 25, 2008.

Revenue Regulations No. 16-2008, dated November 26, 2008 (Implementing the Provisions of Section 34 (l) of the Tax Code of 1997, as amended by Section 3 of Republic Act No. 9504, dealing on the Optional Standard Deduction (OSD) allowed to individuals and corporations in computing their taxable income.

**R. A. No.
9648**

AN ACT EXEMPTING FROM DOCUMENTARY STAMP TAX ANY SALE, BARTER OR EXCHANGE OF SHARES OF STOCK LISTED AND TRADED THROUGH THE STOCK EXCHANGE, FURTHER AMENDING FOR THE PURPOSE SECTION 199 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED BY REPUBLIC ACT NO. 9243, AND FOR OTHER PURPOSES (S. NO. 3203/H. NO. 4900) (Signed into Law JUNE 30, 2009)

The law repealed R.A. No. 9243 which suspended the imposition of the DST on stock transactions for five years. The exemption was supposed to have expired on March 20, 2009.

The law would help make the stock market more robust as investors would be enticed to place their money in high-yielding instruments minus the friction costs.

The government stands to lose ₱1.4B in revenues every year because of the enactment of this law.

The law took effect on March 20, 2009.

**R. A. No.
10001**

AN ACT REDUCING THE TAXES ON LIFE INSURANCE POLICIES, AMENDING FOR THE PURPOSE SECTIONS 123 AND 183 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED (S. NO. 3502/H. NO. 6017) (Signed into Law FEBRUARY 23, 2010)

This law provides for a tax of two percent to be imposed on the total premium collection of every person, company or corporation doing life insurance business of any sort in the Philippines, except purely cooperative companies or associations. The tax imposition does not discriminate on the form of the premium collected, and disregards whether it is in the form of money, notes, credits or any substitute for money.

However, the following shall no longer be imposed the two percent tax: (1) premiums refunded within 6 months after payment on account of rejection of risk or returned for other reason to a person insured; (2) reinsurance by a company that has already paid the tax; (3) premiums collected or received by any branch of a domestic corporation, firm or association doing business outside the Philippines on account of any life insurance of the insured who is a non-resident, if any tax is imposed on such premium by the foreign country.

The new rate of two (2) percent shall apply only to insurance policies that will be issued after the effectivity of this act. Insurance policies taken out before the effectivity of this act but whose premiums are not yet fully paid, shall be imposed the new rate of two (2) percent on the remaining balance and for the remaining years.

*A one-time documentary stamp tax will be imposed on all insurance policies or instruments at varying rates enumerated in the law.**

** 14th Congress – 3rd Regular Session, Performance of the Senate, p. 142-143 By: Legislation Group*

**R. A. No.
10021**

AN ACT TO ALLOW THE EXCHANGE OF INFORMATION BY THE BUREAU OF INTERNAL REVENUE ON TAX MATTERS PURSUANT TO INTERNATIONALLY-AGREED TAX STANDARDS, AMENDING SECTIONS 6(F), 71 AND 270 OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED, AND FOR OTHER PURPOSES (S. NO. 3220/H. NO. 6899) (Signed into Law MARCH 5, 2010)

The law authorizes the BIR to exchange information on tax matters with foreign counterparts to help fight international

tax evasion. It authorizes the BIR Commissioner to inquire into bank deposits and other related information held by financial institutions to supply information to a requesting foreign tax authority.

The law allows the country to comply with the Internationally Agreed Tax Standards (IATS) for exchange of tax information with the country's tax treaty partners. It also amended some provisions of the National Internal Revenue Code of 1997 and sought to strengthen the government's capacity to implement the country's commitments under existing tax conventions or agreements.

R.A. 10021 will also allow requesting foreign tax authority to study the income tax returns of taxpayers upon order of the President subject to the rules and regulations on the necessity and relevance that may be promulgated upon enactment of the law.

The law also penalizes BIR personnel for unlawful divulgence of information obtained from banks to persons other than the requesting foreign tax authority.

It also provides sanctions for bank officers who refuse to supply requested tax information. The requesting foreign tax authority is likewise mandated to maintain confidentiality of the information received.

*The new law is expected to promote a tax environment that contributes to a favorable climate of international trade and investments. **

** By: Genalyn Kabling, Manila Bulletin, March 29, 2010*

The Bureau of Internal Revenue (BIR) has already issued the Implementing Rules and Regulations (IRR) of the law.

**R. A. No.
10026**

AN ACT GRANTING INCOME TAX EXEMPTION TO LOCAL WATER DISTRICTS BY AMENDING SECTION 27(C) OF THE NATIONAL INTERNAL REVENUE CODE (NIRC) OF 1997, AS AMENDED, AND ADDING SECTION 289-A TO THE CODE, FOR THE PURPOSE (S. NO. 3392/H. NO. 5210) (Signed into Law MARCH 11, 2010)

This law grants income tax exemption to local water districts.

The amount saved from the exemption shall be channeled to capital equipment expenditure to expand water services coverage and improve water quality in the provinces, cities and

municipalities. For this purpose, water districts are required the following: (1) to adapt internal control reforms that would bring about their economic and financial viability; and (2) not to increase by more than 20 percent appropriations for personal services, travel, transportation, representation expenses and purchase of new vehicles.

It provides that all unpaid taxes or any portion thereof due from a local water district starting 13 August 1996 until the effectivity of this act shall be condoned by the government.

*But this is subject to the following conditions: (1) the Bureau of Internal Revenue (BIR) shall have established the water district's financial incapacity, after providing for its maintenance and operating expenses, debt servicing and reserve fund; and (2) the water district shall submit to the Congress of the Philippines a program of internal reforms that would bring about its economic and financial viability. This program shall be certified by the local water utilities administration.**

**14th Congress – 3rd Regular Session, Performance of the Senate, p. 145 By: Legislation Group*

**R. A. No.
10143** **AN ACT ESTABLISHING THE PHILIPPINE TAX
ACADEMY, DEFINING ITS POWERS AND FUNCTIONS (S.
NO. 3206/H. NO. 7134) (Signed into Law JUNE 30,
2010)**

The act created the Philippine Tax Academy which shall serve as a learning institution of primarily tax collectors and administrators of government. It will handle all the trainings, continuing education program, and other courses for all officials and personnel of the Bureau of Internal Revenue (BIR), the Bureau of Customs (BOC), and the Bureau of Local Government Finance (BLGF). The academy will develop and implement a curriculum not only on the technical aspects of tax collection, administration and compliance, but also on the career orientation and development for civil servants. It shall seek to mold, develop and enhance the skills and knowledge, moral fitness, efficiency and capability of tax collectors and administrators.

All existing officials and personnel of the BIR, BOC and BLGF are required to undergo the re-tooling and enhancement seminars and training programs of the academy. Moreover, all applicants are required to pass the basic courses before they can be hired by these government agencies whether on a contractual or permanent status.

The academy will have a 7-member board of trustees, with the representative from the Department of Finance as Ex Officio Chairperson, the representatives from the BIR and BOC as Ex Officio Vice-Chairpersons, the representative from the BLGF and 3 representatives from the Academe (with 5-year teaching experience from reputable schools) as members. The representatives from the BIR, BOC and the BLGF will be chosen from nominees of the Secretary of Finance, while the representatives from the academe will be chosen from nominees of state universities and/or accredited private educational institutions. The members of the board of trustees will serve for a term of 3 years.

The academy will have separate learning institutes for the BIR, BOC and the BLGF, each of which will be administered by a chancellor and vice-chancellor. The academy will also have a president who, together with the chancellors and vice-chancellors, will constitute the executive officials of the academy, who will be appointed by the Secretary of Finance for a term of 3 years, without prejudice to subsequent reappointment.

The law was published in two (2) newspapers of general circulation on October 9, 2010 and consequently became effective on October 24, 2010.

YOUTH, WOMEN AND FAMILY RELATIONS

**R. A. No.
9523**

AN ACT REQUIRING THE CERTIFICATION OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) TO DECLARE A “CHILD LEGALLY AVAILABLE FOR ADOPTION” AS A PREREQUISITE FOR ADOPTION PROCEEDINGS, AMENDING FOR THIS PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8552, OTHERWISE KNOWN AS THE DOMESTIC ADOPTION ACT OF 1998, REPUBLIC ACT NO. 8043, OTHERWISE KNOWN AS THE INTER-COUNTRY ADOPTION ACT OF 1995, PRESIDENTIAL DECREE NO. 603, OTHERWISE KNOWN AS THE CHILD AND YOUTH WELFARE CODE, AND FOR OTHER PURPOSES (S. NO. 2391/H. NO. 10) (Signed into Law MARCH 12, 2009)

The law transfers cases involving the declaration of a child

legally available for adoption from the family courts to the DSWD, thereby changing the nature of this proceeding from judicial to administrative. It also reduces the period before the child may be considered abandoned to a maximum of 3 months from the original minimum of 6 months.

This law facilitates early placement of abandoned, neglected and surrendered children for adoption by giving the DSWD the authority to issue a certification declaring a child legally available for adoption as a pre-requisite to all adoption proceedings, both domestic and inter-country.

Under R.A. 9523, a child-caring agency can file a petition with a Regional DSWD Office declaring an abandoned child legally available for adoption. The petition would then be forwarded to the Social Welfare Secretary. The Secretary will review the petition, and based on its merits, shall issue a certification declaring the child legally available for adoption.

Since its enactment, being the main agency concerned, the Department of Social Welfare and Development (DSWD) organized an inter-agency committee composed of agencies mentioned in the law and other experts like the Department of Justice, Office of the Solicitor General, National Statistics Office and the Local Civil Registrar General which provided inputs in the formulation of the Implementing Rules and Regulations (IRR). Likewise, 16 regional consultations were undertaken nationwide to solicit comments and recommendations to the IRR which was signed on June 1, 2009 at DSWD Central Office.

The Inter-Country Adoption Board assists in raising the awareness of the local stakeholders and partners on the peculiarities of the law and its IRR through the inclusion of R.A. 9523 and its IRR in their trainings and dialogues.

**R. A. No.
9710**

AN ACT PROVIDING FOR THE MAGNA CARTA OF WOMEN (S. NO. 2396/H. NO. 4273) (Signed into Law AUGUST 14, 2009)

With the goal of ensuring the equitable representation of women in all spheres of society, the law provides for the incremental increase of women personnel in third-level government positions in the next five years to achieve a 50-50 gender balance.

The law mandates that 40% of members of development councils in all government levels should be women, and that incentives be provided to political parties with women's agenda.

Section 12 of the law states that the state should amend or repeal within 3 years any law discriminatory to women.

It grants women the right to security in armed conflict, as well as protection from all forms of gender-based violence such as rape, and prohibits the state from forcing women, especially indigenous women, to abandon their land or relocating them in special centers for military purposes under any “discriminatory condition”.

The law mandates government personnel involved in the protection and defense of women to train in human rights and gender sensitivity.

It designates the CHR as the gender and development Ombudsman to ensure the promotion and protection of women’s rights.

The law also ensures women’s equal access to education and sports, and mandates the government to eliminate discrimination against women in the military and police, and bars the discriminatory portrayal of women in media and film.

It likewise ensures women’s rights to health, food, security, housing, decent work, livelihood, social protection and preservation of cultural identity, among others, and spells out equal rights in marriage and family, including a joint decision on the number and spacing of children.

More important, R.A. 9710 guarantees the civil, political, social and economic rights of women in marginalized sectors.

The Implementing Rules and Regulations (IRR) of the law took effect on April 15, 2010

**R. A. No.
9775**

AN ACT DEFINING AND PENALIZING THE CRIME OF CHILD PORNOGRAPHY, PRESCRIBING PENALTIES THEREFOR AND FOR OTHER PURPOSES (S. NO. 2317/H. NO. 6440) (Signed into Law NOVEMBER 17, 2009)

This law penalizes the crime of child pornography. It defines “child pornography” as any representation, whether visual, audio or written combination thereof, be electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated explicit sexual activities.

It enumerates what constitutes child pornography and who

*can file cases of any form of child pornography. **

** 14th Congress - 3rd Regular Session, Performance of the Senate, p. 146 By: Legislation Group*

- ❖ Implementing Rules and Regulations of the law has been signed June 22, 2010.
- ❖ Four child-focused NGOs were nominated to fill up the three slots for NGO representatives in the Inter-Agency Council Against Child Pornography (IACACP). Once these NGOs have secured updated registration and licenses, as required by the council, names of their representatives shall be submitted by the council for the President's appointment.
- ❖ A strategic planning workshop was set on September 28-30, 2010 to set the roadmap for the IACACP's directions for the next three years. This aimed to: a) define the council's vision, b) formulate both short-term and long-term targets and performance indicators, and c) identify and set doable and realistic systems and structures.

**R. A. No.
9858**

AN ACT PROVIDING FOR THE LEGITIMATION OF CHILDREN BORN TO PARENTS BELOW MARRYING AGE, AMENDING FOR THE PURPOSE THE FAMILY CODE OF THE PHILIPPINES, AS AMENDED (S. NO. 3111/H. NO. 5279) (Signed into Law DECEMBER 20, 2009)

This law provides for the legitimation of children born to parents below marrying age by amending Articles 177 and 178 of the Family Code of the Philippines. The amended Articles read as follows:

- ❖ *Art. 177. Children conceived and born outside of wedlock of parents who, at the time of the conception of the former, were not disqualified by any impediment to marry each other, or were so disqualified only because either or both of them were below eighteen (18) years of age, may be legitimated.*
- ❖ *Art. 178. Legitimation shall take place by a subsequent valid marriage between parents. The annulment of a voidable marriage shall not affect the legitimation.**

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The office of the Civil Registrar General (National Statistics Office) issued on October 26, 2010 Administrative Order No. 1, Series of 2010, as the rules and regulations governing the implementation of R.A. No. 9858. The rules took effect on November 27, 2010 after publication in the Philippine Daily Inquirer on November 12, 2010.

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Senate President

Hon. Jinggoy Ejercito Estrada
Senate President Pro-Tempore

Hon. Juan Miguel F. Zubiri
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