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Saturday, August 16, 1986

OPENING OF SESSION

At 9:39 a.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

THE PRESIDENT: Everybody will please rise to sing the National Anthem.

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Roberto R. Concepcion.

Everybody remained standing for the Prayer.

PRAYER

MR. CONCEPCION: Dear Lord, we thank Thee for Thy sustained assistance in our earnest endeavors to draft a new Constitution for the Republic of the Philippines.

Impart to us, our Father in heaven, the grace to vividly recall the fateful events of last February when the armed and armored forces of the tyrant confronted thousands of our civilian population who, armed with no more than their faith in Thy wisdom and their just cause, held their ground, seemingly doomed to complete annihilation, when both groups were surprised to realize that none of them were enemies, and all of them were and are Filipino brothers; and when exhilarated by this inspiring development they pledged to join hands in the quest for truth and justice, in the pursuit of freedom and equality, in the promotion of peace and progress for all.

Help us, our loving Father, to draw strength from these meaningful tokens of Thy love to avail ourselves of the light of Thy wisdom to find the right path so that the new Constitution may ensure the stability of our beloved Republic, enrich human dignity in our land, and promote the well-being and progress of the Filipino people. Amen.

ROLL CALL

THE PRESIDENT: The Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar Present[*] Natividad Present[*]

Alonto Present Nieva Absent

Aquino Present[*] Nollado Present

Azcuna Present Ople Present

Bacani Present Padilla Present

Bengzon Present[*] Quesada Absent

Bennagen Present Rama Present

Bernas Present[*] Regalado Absent

Rosario Braid Present[*] Reyes de los Present

Brocka Absent Rigos Present

Calderon Present Rodrigo Present

Castro de Present Romulo Present[*]

Colayco Present Rosales Present

Concepcion Present Sarmiento Present

Davide Present Suarez Present[*]

Foz Present Sumulong Present

Garcia Present[*] Tadeo Present

Gascon Present Tan Absent

Guingona Absent Tingson Absent

Jamir Present Treñas Present

Laurel Present Uka Present[*]

Lerum Present[*] Villacorta Present[*]

Maambong Present[*] Villegas Present

Monsod Present

The President is present.

The roll call shows 28 Members responded to the call.

THE PRESIDENT: The Chair declares the presence of a quorum.

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

MR. CALDERON: I move that we dispense with the reading of the Journal of the previous session.

THE PRESIDENT: Is there any objection that we dispense with the reading of the Journal of yesterday's session?
(Silence) The Chair hears none; the motion is approved.

APPROVAL OF JOURNAL

MR. CALDERON: Madam President, I move that we approve the Journal of yesterday's session.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the motion is approved.

MR. CALDERON: Madam President, I move that we proceed to the Reference of Business.

THE PRESIDENT: Is there any objection that we proceed to the Reference of Business? (Silence) The Chair hears none; the motion is approved.

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

The Secretary-General read the following Communications, the President making the corresponding references:

COMMUNICATIONS

Letter from former Justice Jose B.L. Reyes, Acting Chairman, Presidential Committee on Human Rights, Rizal Bldg., Ground Floor, University of Life Complex, Pasig, Metro Manila, calling attention to grave violations of tribal property rights of ethnic minorities in the Mountain Province and elsewhere, saying that such violations are made possible by the Regalian Doctrine which is enshrined in the 1935 and 1973 Constitutions, recommending thereof proper modification to guarantee the protection of the rights of these ethnic minorities.

(Communication No. 564 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Communication signed by Mr. Democrito T. Mendoza of the Trade Union Congress of the Philippines and 89 other signatories, seeking inclusion in the Constitution of the proposed provision on industrialization, economic protectionism and Filipinization of the economy.

(Communication No. 565 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Letter from Ms. Agnes Camacho and eight others of the University of the Philippines, Diliman, Quezon City, suggesting that local elective officials should serve a term of six years and that local elective officials should not be allowed to run for reelection, be it for the same position or another, except after the lapse of six years.

(Communication No. 566 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Communication with 384 signatories with their respective addresses, all seeking to include in the Constitution a provision obliging the State to protect the life of the unborn from the moment of conception.

(Communication No. 567 — Constitutional Commission of 1986)

To the Committee on Preamble, National Territory and Declaration of Principles.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 470

(Article on Local Governments)

Continuation

PERIOD OF AMENDMENTS

MR. RAMA: I move that we take up for consideration this morning Proposed Resolution No. 470, the revised Article on Local Governments.

The parliamentary status is that we are in the period of amendments.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the motion is approved.

We request the honorable Chairman, Commissioner Nollado, and committee members, Commissioners Calderon, Tingson, Rosales, Alonto, de Castro, Bennagen, Rigos, Regalado, Jamir and Ople to please occupy the front table.

MR. NOLLEDO: Madam President.

THE PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: Thank you, Madam President.

The revised report of the Committee on Local Governments is now embodied in Resolution No. 470, copies of which are distributed to the Members of the Commission.

Last Tuesday, the Members of the Commission met in caucus and discussed a prejudicial question on whether we should adopt a provision that will open the avenue towards federalism in the country. The Members of the Commission decided that only two autonomous regions shall be recognized; namely, Muslim Mindanao and the Cordilleras. So, the members of the Committee were asked to make the necessary revisions in our Committee Report Nos. 21 and 25 which are now consolidated in Resolution No. 470. I would like to explain the revised report of the Committee.

We propose to include in the 1986 Constitution an Article on Local Governments consisting of two parts; namely, general provisions, and provisions on autonomous regions. In Section 1 of the revised committee report, we stated that the provinces, cities, municipalities and barrios are the territorial and political subdivisions of the Republic of the Philippines. Then we stated that there shall be autonomous regions as hereinafter provided for. So, we recognized only the provinces, cities, municipalities and barrios as the territorial and political subdivisions of the Republic of the Philippines and we separated the provisions on autonomous regions because while we are mandating Congress to create autonomous regions in Muslim Mindanao and the Cordilleras, the same shall be subject to certain conditions, one of which — and it is very important — is that the creation of the autonomous region must be approved in a plebiscite by a majority of the voters of the constituent units.

In Section 2, we provided that Congress shall enact a Local Government Code and the contents of the Code are stated in this section. This is a substantial reproduction of a similar provision in the 1973 Constitution, Madam President.

In Section 3, we placed a provision on highly urbanized cities which considers them as independent of the province but subject to an exception that the voters of a city within the province shall not be deprived of their right to vote for the elective provincial officials, a provision in accordance with a resolution of Commissioner Napoleon Rama.

In Section 4, we reproduced a provision found in the original Committee Report No. 21 that sectoral

representation shall be recognized in legislative bodies of local governments as may be prescribed by law.

In Section 5, we also reproduced a provision recommended in Committee Report No. 21 that the President of the Philippines shall exercise general supervision over local government units.

Section 6 is also a reproduction of an identical provision in the 1973 Constitution and in our original Committee Report No. 21 that local government units may group themselves, consolidate or coordinate their efforts, services and resources for purposes commonly beneficial to them.

Section 7 is actually a new provision intended to bring down centralized power into local governments. It authorizes the creation of regional development councils composed of local government officials with such adequate powers as may be prescribed by law, designed to accelerate the economic and social growth of local government units. This was actually recommended by Commissioner Christian Monsod.

Section 8 is also a reproduction of Committee Report No. 21 about the taxing powers of local governments, and is also a reproduction of an identical provision in Committee Report No. 21. We separated Section 10 from the foregoing provisions because of what we consider to be an important provision. So, I read:

Local governments shall be entitled to share in the proceeds of the exploitation and development of the national wealth within their respective areas.

This was a resolution filed by Commissioners Ople, Maambong, Natividad and de los Reyes.

Section 11 is also a reproduction with a slight modification of a provision in Committee Report No. 21, and so the second part of the revised report covers the autonomous regions.

Section 1 under the heading "AUTONOMOUS REGIONS" states:

There shall be created autonomous regions in Muslim Mindanao and the Cordillera consisting of provinces, cities and geographical areas with common historical, cultural linguistic, ethnic, communal, economic or other characteristics within the framework of and respecting the national sovereignty and territorial integrity of the Republic of the Philippines.

Madam President, the Members of the Constitutional Commission unanimously decided to limit the creation of autonomous regions to Muslim Mindanao and the Cordilleras. So, such decision closed the door to the creation of other autonomous regions. Pursuant to the observation of Commissioner Rodrigo, if there should be other regions seeking autonomy, then they must seek such autonomy through a constitutional amendment.

In Section 2, we substantially reproduced a similar provision in Committee Report No. 25 which states:

The Congress shall enact an Organic Act in consultation with multisectoral bodies for each autonomous region, defining the basic structure of government for the region consisting of the regional executive department and regional legislative assembly both of which shall be elective and representative of the constituent political units.

The second sentence, Madam President, is aligned with many provisions in our 1986 Constitution designed to preserve the customs and traditions of indigenous communities. The second sentence of Section 2 reads:

The Organic Act may likewise provide for courts with personal law and property law jurisdiction within the autonomous region consistent with the provisions of this Constitution on Judicial Power.

In fact, we have already the Muslim personal law enacted by the deposed President as a decree, and we have also the creation of the Shari'a Courts.

The last sentence is very important:

The creation of the autonomous region shall be approved in a plebiscite by majority of the voters of the constituent units.

I am changing my opinion in my sponsorship speech that the majority shall be determined with respect to the entire voting population of the autonomous regions. In our new report, it will be noticed that majority of the votes cast shall be determined with respect to each constituent unit. For example, if Iligan does not like to join the autonomous region based on that sentiments expressed by the voters therein, then Iligan will not form part of the autonomous region.

Section 3 states:

The President of the Philippines shall exercise general supervision over autonomous regions to ensure that laws are faithfully executed.

This is for purposes of emphasis.

Section 4 reproduces substantially the extent of legislative authority within the territorial jurisdiction of each autonomous region. Actually, these words were copies from the U.P. draft. The Committee, Madam President, decided to delete the provision on authority to establish special forces in view of the persistent resistance against such provision among the Members of the Constitutional Commission. Instead we adopted the amendment of Commissioners de Castro, Natividad and de los Reyes, now Section 5, which reads:

The maintenance of peace and order within the region shall be the responsibility of the local police agencies. The local chief executive of each constituent unit shall exercise general supervision over the local police forces. The defense of the region against insurgency or invasion shall be the responsibility of the National Government.

With respect to Section 4 in relation to Section 6, if the powers of the regional autonomous region are enumerated here and by law, it is understood that all powers, functions and responsibilities not granted by this Constitution or by law to the autonomous region shall be vested in the national government. Section 7 is just implementing, in effect, Section 1 of the provisions on the autonomous regions. To make Section 1 more meaningful, we mandate Congress within one year from the election of its Members to define the territorial jurisdiction of, and pass the organic act for, the autonomous regions in Muslim Mindanao and the Cordilleras. I hope we have followed the guidelines set forth by this honorable Commission in caucus last Tuesday. The Committee, Madam President, is now ready to accept amendments to this revised report of the Committee on Local Governments.

MR. RAMA: Madam President, to enable the Commissioners with proposed amendments to discuss their amendments with the Committee, I move that we suspend the session for a few minutes.

THE PRESIDENT: Yes, we will suspend the session, but the Commissioners are still in caucus. Therefore, we request our guests from the gallery not to intrude into the session hall.

Commissioner Foz is recognized.

MR. FOZ: Are we going into the period of amendments?

THE PRESIDENT: Yes, after this caucus.

MR. FOZ: May we raise some questions to clarify some of the provisions embodied in this new draft?

SUSPENSION OF SESSION

THE PRESIDENT: Will the Gentleman please propound these questions to the Committee in caucus.

The session is suspended.

It was 10:01 a.m.

RESUMPTION OF SESSION

At 10:16 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: The Committee is now ready to accept amendments.

May I ask that Commissioner Jamir be recognized.

THE PRESIDENT: Commissioner Jamir is recognized.

MR. JAMIR: Thank you, Madam President.

My amendment is with respect to the second sentence of Section 1. I move that it be deleted for being superfluous because, at any rate, the autonomous regions are already named and provided for in the portion under the heading "Autonomous Regions."

In the second place, I believe that the wording of the first sentence is quite ambiguous in the sense that it might be interpreted to authorize the creation of additional autonomous regions patterned after the Cordilleras and Muslim Mindanao.

I heard the honorable Chairman state that the words "hereinafter provided" in the sentence I am asking to be deleted refers to these two regions. So, it is obvious that this sentence is already superfluous.

May I know the response of the Committee?

MR. NOLLEDO: With due respect to the observations of the Gentleman, the purpose of stating "There shall be autonomous regions as hereinafter provided" is to complete the image of the local government structure of the entire country. We really are manifesting that it is the sense of the Committee that there are only two autonomous regions to be recognized: namely, Muslim Mindanao and the Cordilleras.

That is why we did not put that in the first sentence because there are certain conditions to be complied with in the creation of autonomous regions.

So, the Committee regrets that it cannot accept the amendment because the entire image of the entire structured system of local governments will no longer be reflected.

MR. JAMIR: If that is so, we can just add the phrase AUTONOMOUS REGIONS after the word "barrios" as they appear in the original version, without putting it in a separate sentence.

MR. NOLLEDO: If the Gentleman does not mind, the reason we did not include that in the first sentence is that autonomous regions are to be created by Congress, subject to certain conditions. Suppose those conditions are not complied with, then we do not consider the autonomous regions as political subdivisions of the Republic of the

Philippines.

The first sentence connotes, more or less, the regularly constituted political units. We can submit the amendment of the Gentleman to the body for voting.

MR. JAMIR: All right.

MR. NOLLEDO: Thank you.

Madam President, the question is whether to delete the second sentence of Section 1.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Before we vote, may I ask one clarificatory question.

THE PRESIDENT: Commissioner Bernas may proceed.

FR. BERNAS: Is it then the sense of the Committee that besides recognizing the Cordilleras and Muslim Mindanao as autonomous regions, Congress is prohibited from creating other autonomous regions?

MR. NOLLEDO: Yes, Madam President. I said that we are adopting the Rodrigo observation during the caucus that if there should be other regions aside from Muslim Mindanao and the Cordilleras which would like to create themselves into autonomous regions, they should seek a constitutional amendment.

FR. BERNAS: They should seek a constitutional amendment?

MR. NOLLEDO: Yes, Madam President.

THE PRESIDENT: The body is now ready to vote on the amendment.

MR. NOLLEDO: The question, Madam President, is whether or not to delete the second sentence of Section 1.

THE PRESIDENT: And this reads: "There shall be autonomous regions as hereinafter provided." That is the second sentence, is that not correct?

MR. NOLLEDO: Yes, Madam President.

VOTING

THE PRESIDENT: As many as are in favor of the proposed amendment of Commissioner Jamir, please raise their hand. (Few Members raised their hand.)

As many as are against, please raise their hand. (Several Members raised their hand.)

The results show 8 votes in favor and 15 against; the amendment is lost.

MR. RAMA: Madam President, I ask that Commissioner Davide be recognized to amend Section 1.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Thank you, Madam President.

My first amendment would be on the title. It is just to add "S" to "GOVERNMENT" and the words AND AUTONOMOUS REGIONS. So, the title of the Article will be "LOCAL GOVERNMENTS AND AUTONOMOUS REGIONS."

MR. NOLLEDO: The Committee accepts the amendment.

THE PRESIDENT: Let us put that amendment to a vote.

MR. DAVIDE: I will not insist on my amendment to Section 1 because Commissioner Maambong would be presenting his; I will follow later.

MR. RAMA: May I ask that Commissioner Padilla be recognized to amend Section 1?

MR. NOLLEDO: Madam President, we should ask the body if they have any objection to the Davide amendment.

THE PRESIDENT: Let us proceed on that, first.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized, if he will speak on this proposed Davide amendment.

MR. PADILLA: Yes, Madam President, by changing the title to "LOCAL GOVERNMENTS AND AUTONOMOUS REGIONS," it may give the impression that autonomous regions are not local governments. So, I have no objection to making "GOVERNMENT" plural but not to add "AUTONOMOUS REGIONS" because this is an Article on Local Governments.

MR. DAVIDE: Madam President, may I be allowed to explain?

THE PRESIDENT: Is Commissioner Padilla through?

MR. PADILLA: Yes, Madam President.

THE PRESIDENT: Commissioner Davide may proceed.

MR. DAVIDE: The reason we should include AND AUTONOMOUS REGIONS in the title is that the title must embody the contents of the succeeding sections. Indeed, we have a new subtitle with the words "AUTONOMOUS REGIONS." It would not necessarily follow that autonomous regions will not be considered political units. Section 1 under the general provisions defines what are really the general classification of local governments. Under the subheading "AUTONOMOUS REGIONS," we especially recognize two autonomous regions. So, the title will not be misleading if it would be "LOCAL GOVERNMENTS AND AUTONOMOUS REGIONS."

MR. RAMA: There are no more registered speakers on the same subject so we can go into a vote.

MR. NOLLEDO: Madam President, the Davide amendment is objected to by Commissioner Padilla, and so it should be put to a vote.

VOTING

THE PRESIDENT: As many as are in favor of the Davide amendment, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (Few Members raised their hand.)

As many as are abstaining, please raise their hand. (Three Members raised their hand.)

The results show 12 votes in favor, 9 against and 3 abstentions; the amendment is approved.

MR. RAMA: May I ask that Commissioner Padilla be recognized to propose an amendment on Section 1.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: The first sentence is a transposition in the form of Section 1, Article XI of the 1973 Constitution, which reads:

The territorial and political subdivisions of the Philippines are the provinces, cities, municipalities and barrios.

The same wording was used in the committee report, but the clauses were merely transposed.

Section 1 of the proposed resolution reads:

The provinces, cities, municipalities and barrios are the territorial and political subdivisions of the Republic of the Philippines.

So, I suggest that we readopt Section 1 of the 1973 Constitution which is a matter of form.

THE PRESIDENT: What does the Committee say?

MR. NOLLEDO: Madam President, we gladly accept the amendment because it has become more emphatic.

MR. PADILLA: It is only a transposition, Madam President.

THE PRESIDENT: The proposed amendment of Commissioner Padilla on Section 1 has been accepted by the Committee.

Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. PADILLA: Madam President, the second sentence reads. "There shall be autonomous regions as herein provided." I suggest that it be reworded as follows: THE CONGRESS SHALL AUTHORIZE TWO AUTONOMOUS REGIONS AS HEREINAFTER PROVIDED," instead of saying, "there are" or "there shall be" autonomous regions.

THE PRESIDENT: Is the amendment accepted by the Committee?

MR. NOLLEDO: We regret, Madam President, that we cannot accept the amendment because Commissioner de Castro will ask us whether Muslim Mindanao will constitute only one autonomous region. We made a statement before that there may be two or more autonomous regions in Muslim Mindanao as the Congress may provide. So, while we mention Muslim Mindanao as only one autonomous region, the meaning is that Congress may decide to create two or more autonomous regions out of Mindanao.

MR. PADILLA: To make clear that autonomous regions are limited to Muslim Mindanao and the Cordilleras and not any other autonomous regions, I suggest that the provision will read: THE CONGRESS MAY AUTHORIZE AUTONOMOUS REGIONS IN MUSLIM MINDANAO AND CORDILLERA AS HEREINAFTER PROVIDED.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: May I put a question to the Committee concerning the Padilla amendment?

THE PRESIDENT: The Gentleman may proceed.

MR. OPLE: Thank you.

Is it the intent of the Committee that the creation of the two autonomous regions is actually delegated to Congress? Or is it to be done under the heading of "LOCAL GOVERNMENTS AND AUTONOMOUS REGIONS" right in the Constitution, although mandating Congress to pass the enabling laws and the organic acts

to implement this action of the Constitution?

MR. NOLLEDO: It is the understanding of the Committee that the Members of the Commission in caucus intended to mandate Congress to create the autonomous regions in Muslim Mindanao and the Cordilleras. So, the Constitution itself provides that there shall be autonomous regions in Muslim Mindanao and the Cordilleras and that Congress shall pass the necessary organic acts.

MR. OPLE: Yes, but is the act or the creation by the Constitution denied by the Committee?

MR. NOLLEDO: It is, in effect, a constitutional creation because we are authorizing Congress to enact the organic acts for Muslim Mindanao and the Cordilleras.

MR. OPLE: That intent seems to be clear now.

Thank you, Madam President.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

At the start of our session this morning, I requested the Floor Leader that I be given an opportunity to speak, for the information of the body, on the matter of the autonomous region in Muslim Mindanao, and this is basic because it will run through from Section 1 up to the end of this committee report. Our caucus definitely decided that there must be autonomous regions only in Muslim Mindanao and the Cordilleras. However, when we look at Muslim Mindanao, there are two regions which are not the same, having different dialects and sometimes different customs; and one region would not like to be dominated by another region. I am talking of the Tausugs and the Maranaws. The Tausugs are in the Province of Sulu and the Maranaws, in Lanao del Norte, Lanao del Sur, and the surrounding areas. It will be very, very difficult to form only one autonomous region in these areas because the two Muslim areas do not agree with each other. So, I was recommending to the Committee — and I talked with Commissioner Alonto — that it is necessary to create two autonomous regions in Muslim Mindanao; one in Sulu, the Tausugs, and the other, the Maranaws.

On the Cordilleras, during our meeting in the Committee on Local Governments, it was clear to my mind that the Kalinga-Apayaos are not in favor of autonomous region while the others are in favor. In fact, those we invited as our honored guests do not agree with each other. I do not know how the Committee came out with the decision to create an autonomous region in the Cordilleras when there are two big factions that are not of the same opinion. May we clarify this?

MR. NOLLEDO: Commissioner Alonto would like to clarify. Madam President.

THE PRESIDENT: Commissioner Alonto is recognized.

MR. ALONTO: Madam President, the statements of the honorable Commissioner are both partly correct and partly wrong. In the case of Muslim Mindanao, the reason we specifically stated in this Constitution "Muslim Mindanao" is that these different ethnic groups, presently the Muslims in Mindanao, are agreed on one definite discipline, the discipline of Islam. Whatever the tribe any of these ethnic groups in Mindanao belong to is completely in agreement at least on the basic principles of Islam. That is the reason we grouped them together as Muslim Mindanao. As far as grouping them into different territorial autonomous regions is concerned, that is left to Congress. So, the subsequent Congress will determine which of these ethnic groups could be grouped together by reason of geography, by reason of local customs or by any other reason for that matter.

MR. DE CASTRO: Do I understand then that Congress may create two autonomous regions in Muslim Mindanao?

MR. ALONTO: It depends upon Congress in the sense that, if it is not possible, for example, by reason of geography to create one solid autonomous region for the Muslims of Mindanao, Congress has the leeway under this constitutional provision to create two or more.

MR. DE CASTRO: That is with regard to the Muslim dominated area of Mindanao. What about the Cordilleras?

MR. ALONTO: In accordance with the spirit of these constitutional provisions, I think that will also be similar to the Cordilleras although I would prefer that Commissioner Bennagen explain that to the Gentleman.

MR. DE CASTRO: I brought up this matter because of the amendment of Honorable Padilla on the second sentence of Section 1 where he stated that there shall be two autonomous regions. This will limit Congress in making only one autonomous region for Muslim Mindanao and one autonomous region for the Cordilleras when actually there are two different factions in Muslim Mindanao and two different factions in the Cordilleras.

THE PRESIDENT: The Chair would like to invite the attention of Commissioner de Castro to the fact that Commissioner Padilla revised his proposed amendment precisely to meet that particular situation.

MR. DE CASTRO: Then I would like to ask the Committee one more question. In a few months, has the quarrel between the two Cordillera groups which has been existing for many years been settled?

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Both in the case of Muslim Mindanao and the Cordilleras, the fact is that there are a number of ethnic groups within each region but which are unified by common bonds. In the case of the Muslims; there are at least seven ethnic groups, the three biggest of which are the Tausugs, the Maguindanaos and the Maranaws. But in spite of these ethnic differences, they are unified by a long history of common struggle and, more importantly, by Islam as a unifying factor. In the case of the Cordilleras, common ecology, cultural contact, the common response to government neglect and all other external forces have unified them. In the case of the impression that there are two major factions in the Cordilleras, I think that was already resolved when I answered the question of Commissioner Rigos, who said that during the committee hearings, there was one big group which asserted that they are not for autonomy. I think I read a letter of disclaimer from the same organization, and with the Chair's indulgence, I can reread that letter.

MR. DE CASTRO: I think it may not be necessary.

MR. BENNAGEN: No, it is not our job to settle; it is the job of the people to settle that. The letter that I am going to read tells us that that has been settled. Whatever quarrel remains, I think we should take it as a family problem.

MR. DE CASTRO: Without reading that letter, I will agree to what the Gentleman said. To expedite the proceedings, will the Committee accept certain amendments, when the time comes, on Section 1 of the provisions on the autonomous regions?

MR. NOLLEDO: We will be receptive if we feel that it will not destroy the essence of the provision.

MR. DE CASTRO: Thank you.

THE PRESIDENT: Commissioner Ople was seeking to be recognized.

MR. OPLE: Yes, I think the more appropriate place for exchanges of views on the intent of the Commission concerning the autonomous regions would be when we come to the separate article dealing with them. But since

the issue has been raised — I would not say prematurely because we are dealing with the second sentence of Section 1 about autonomous regions — may I volunteer the information that on behalf of the original proponents of the resolution to create two autonomous regions, we did contemplate only one autonomous region for Muslim Mindanao.

Madam President, this has been the butt of controversy for many years now, with the Philippine government in the past regime setting up two autonomous regions which, in the view of many Muslim leaders, was an attempt to circumvent the obligations of the Philippine government under the Tripoli Agreement. I am not saying that the Tripoli Agreement binds this Commission; it is far from that. But if we have chosen to write a constitution of peace, peace in the countryside through land reform, peace through social justice in labor, peace in the Cordilleras and in Muslim Mindanao, then I think we have to recognize that the major demand of most of the groups — Muslim groups in Mindanao whether or not this is the MNLF or alternative Muslim organization — is precisely to form a single autonomous region in what used to be the Moro homeland, consisting of several provinces and cities. I think if we say now that there shall be two autonomous regions in Mindanao instead of only one, we would have to face all over again this serious accusation of the Moro National Liberation Front and other Muslim groups that we are not seriously addressing their problem. We are dividing them instead of unifying them. Of course, Commissioner de Castro is right. There are Maranaws, there are Maguindanaos, there are Tausugs, there are Samals, and there are Yakans. But for purposes of giving Muslim Mindanao their autonomy for which they have waged an armed struggle as well as a peaceful struggle, we should not fall short of the minimum expectation that this shall be a single autonomous region for Muslim Mindanao.

Thank you, Madam President.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: I would like to support that view because in the earlier manifestations that I have already made, I adverted to the fact that there have been systematic ongoing consultations among the various ethnic groups unified by Islam. And it would not be fair if we even drop the hint that there is this overriding division among these various ethnic groups because the fact is that they are unified as a community in spite of ethnic differences.

THE PRESIDENT: May we go back now to the proposed Padilla amendment?

MR. NOLLEDO: Madam President, may we ask Commissioner Padilla if he is willing to adopt the committee recommendation based on his amendment that it should read as follows: "There shall be autonomous regions in MUSLIM MINDANAO AND THE CORDILLERA as hereinafter provided." We will accept the amendment if it so reads.

MR. PADILLA: Yes, that is my amendment.

MR. NOLLEDO: Yes, instead of starting with "THE CONGRESS," the Committee believes that it would be more emphatic if put: "There shall be autonomous regions IN MUSLIM MINDANAO AND THE CORDILLERA as hereinafter provided." We will accept that amendment if it runs like that.

MR. PADILLA: I yield.

MR. NOLLEDO: Thank you.

The Committee accepts the amendment, Madam President.

THE PRESIDENT: Is there any objection to this proposed amendment on the second sentence of Section 1? (Silence) The Chair hears none; the amendment is approved.

MR. RAMA: I ask, Madam President, that Commissioner Ople be recognized to amend Section 1.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Thank you, Madam President.

On my own behalf and that of co-proponents who will be identified later, may I propose an amendment by inserting a paragraph in Section 1 that will run as follows: IN ADDITION TO THE ABOVE ENUMERATION, CONGRESS MAY, BY LAW, RECOGNIZE A SPECIAL POLITICAL SUBDIVISION BASED ON METROPOLITAN AREAS, INCLUDING THE NATIONAL CAPITAL REGION, SUBJECT TO A PLEBISCITE, AND PROVIDED THAT THE COMPONENT CITIES AND MUNICIPALITIES RETAIN THEIR BASIC AUTONOMY AND SHALL BE ENTITLED TO THEIR OWN LEGISLATIVE ASSEMBLIES; AND PROVIDED FURTHER THAT ANY METROPOLITAN AUTHORITY THAT MAY BE CREATED SHALL LIMIT ITS JURISDICTION TO BASIC SERVICES REQUIRING AREA-WIDE COORDINATION. In this respect, I would appreciate it if the Committee will allow me to give a very brief explanation for this proposal.

Madam President, the enumeration of political subdivisions in Section 1 omits any mention of metropolitan regions and by implication obliterates Metro Manila and potential equivalents in the Visayas and Mindanao as distinct political subdivisions.

This draft provision will rescue the existing National Capital Region with its population of eight million from the possibility of disappearing in a constitutional limbo or from the fate of becoming constitutional orphans. There is nothing here to suggest that the Metro Manila Commission in its present form will be preserved. It leaves to Congress the option of providing for a supra-municipal council or authority, while vesting basic autonomy in the cities and municipalities themselves, and limiting the jurisdiction of that council or authority to several basic services requiring area-wide coordination and supervision.

These services, Madam President, shall include drainage and flood control, zoning and land use, traffic and transport management, garbage collection and dump sites, and possibly, as Congress may determine, also health and peace and order.

It may be pointed out in this connection that although differences exist among leaders of Metro Manila with respect to the form of a supramunicipal authority, there is perfect unanimity that the right of Metro Manila to exist as a political subdivision should not be denied, especially by omission from the Constitution. It is also pointed out that there is no major metropolitan area in the world, including so-called conurbations, that is without a system of governance.

The model of a political subdivision envisaged here can apply not only to the National Capital Region but also to potential conurbations in the south, such as Cebu and Davao, as they meet the standards to be established by Congress and subject to the preference of the people themselves in a plebiscite.

MR. NOLLEDO: Madam President, I would like to propound some questions to Commissioner Ople.

MR. OPLE: Gladly, Madam President.

THE PRESIDENT: The Gentleman may proceed.

MR. NOLLEDO: Thank you, Madam President.

In the proposed amendment of the Gentleman, he is returning the mayor-council setup of government to component cities and municipalities within the National Capital Region?

MR. OPLE: Yes, Madam President. That intention is very clear and is made explicit in this draft provision.

MR. NOLLEDO: With respect to the phrase "SHALL LIMIT ITS JURISDICTION TO BASIC SERVICES REQUIRING AREA-WIDE COORDINATION," does the word "JURISDICTION" also refer to rules to be promulgated by the metropolitan authority?

MR. OPLE: Yes, but only with respect to such spheres of competence that will be granted by Congress to the metropolitan authority. What this paragraph does contemplate, although it has been omitted for the sake of brevity, is that under the authority, there will be a council consisting of the mayors themselves who will make the rules for the authority with respect to what they hold in common.

MR. NOLLEDO: Do I understand it right that the rules to be promulgated by the metropolitan authority should not infringe upon the provisions of the ordinances within the component cities and municipalities?

MR. OPLE: They should not and in that sense, the basic autonomy is vested in the municipal councils and the mayors themselves. Since the mayors will, as contemplated here, constitute the rule-making council of the metropolitan authority, they will ensure that there is no inconsistency between the rules for the metropolis and the ordinances of the municipal councils, Madam President.

MR. NOLLEDO: Last question, Madam President.

Do I understand it right from the Gentleman's explanation that the Metro Manila Commission will continue under P.D. No. 824 until the same is repealed by Congress?

MR. OPLE: Yes, P.D. No. 824 has been upheld by the Supreme Court recently as being valid and constitutional. Therefore, until repealed or amended otherwise, the Metro Manila Commission in its present form will continue and the 15,000 employees, some of whom are outside these halls right now, are guaranteed stability of employment. Of course, the Metro Manila Commission is set aside in favor of a new authority that Congress will determine.

MR. NOLLEDO: Madam President, another question from Commissioner Bennagen.

MR. BENNAGEN: In Commissioner Ople's listing of basic services are included drainage and flood control, zoning and land use, traffic and transport management. In the Gentleman's contemplation, would jurisdiction also include the establishment of schools?

I ask this particularly in connection with the congestion of the university belt. I think there were floods before the terms of dispersal of schools which necessarily affect traffic management and other social services in areas where these schools are concentrated.

MR. OPLE: Madam President, this list of basic services is not self-limiting, but we wanted to point out that consistent with the basic autonomy vested in the cities and municipalities, the sphere of jurisdiction of the metropolitan authority that will supplant the Metro Manila Commission ought to be confined just to several areas of basic services. Should it include schools eventually? We will leave that to Congress, Madam President.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas seeks to be recognized.

FR. BERNAS: Just a few clarificatory questions. The amendment uses the word "political subdivision," the same

word used in Section 1. However, the amendment limits its jurisdiction to basic services. My question is: In terms of categorization in municipal corporation law, how would this body be categorized? There is a distinction usually made between municipal corporations and quasi-municipal corporations. And quasi-municipal corporations are of very limited jurisdiction on basic services — drainage system, education, et cetera. Is what is contemplated here something below a municipal corporation?

MR. OPLE: It is probably located somewhat below the level of a municipal corporation, but at the same time, we wanted to leave to Congress some flexibility to determine, this being a *sui generis* situation or one of a kind. Probably, the prudent thing to do would be to leave to Congress a lot of flexibility to determine what kind of supramunicipal authority will be established, although the bias of this constitutional provision, as proposed, is towards limiting the powers of this authority only to the management of some basic services commonly benefitting the component cities and municipalities and not a situation such as what the Metro Manila Commission now has, where all the legislative and executive powers are concentrated in a non-elective body.

FR. BERNAS: As I see it, therefore, would it be correct to say that what the Gentleman contemplates here is something between what Section 1 contemplates and what Section 6 contemplates?

MR. OPLE: Yes, I said *sui generis*, and it will challenge Congress to come out with the most appropriate form of authority.

FR. BERNAS: As a matter of fact, there are models for this in other jurisdictions.

MR. OPLE: Yes, Madam President.

FR. BERNAS: I thank the Commissioner.

MR. VILLEGAS: Madam President.

THE PRESIDENT: Commissioner Villegas is recognized.

MR. VILLEGAS: Madam President, I would like to strongly support the amendment of Commissioner Ople from experiences in other parts of the world when addressing the economic problems of what is not only a metropolis but a megapolis like Mexico, Tokyo and South Korea. It is not only expedient but imperative that there be some way of attaining economies of scale in the basic services enumerated by Commissioner Ople. I think a study has already been made of the problems of Metro Cebu and, sooner or later, it will be imperative to have a way of coordinating basic services for the benefit of the residents of the metropolis.

Thank you, Madam President.

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Will the proponent yield to a few clarificatory questions?

MR. OPLE: Very gladly, to the lady, Madam President.

MS. AQUINO: Am I correct in understanding that the Gentleman's proposal does not contemplate the empowerment to these special political subdivisions with the police power and the power of taxation?

MR. OPLE: The police power is vested in the Metropolitan Police Command which is part of the chain of command of the Armed Forces of the Philippines but there is nothing here to bar a future law from including peace and order, as the explanatory note says, or even certain powers of taxation. But right now, I think the inclination of this provision is to vest as much powers as possible in the local units themselves rather than in a

supramunicipal authority.

MS. AQUINO: But even then, the power of this supramunicipal authority shall be limited to basic services requiring areawide jurisdiction. In that case, would this not more aptly belong to Section 6 of the proposed draft of the committee report on local government units grouping themselves or consolidating their efforts, services and resources for purposes commonly beneficial to them?

MR. OPLE: Yes, Madam President. We have given scrupulous attention to Section 6 as an alternative to this provision but we have taken counsel with a lot of people authoritative in this sphere. They point out that Section 6 was actually transferred bodily from the 1973 Constitution to the present draft Constitution, and experiments conducted in the past, according to Section 6, have not proven highly successful, the reason being that this implies a voluntary association of several local government units. In Metro Manila they tried this before 1975 and the results were inconclusive and disappointing; so the Metro Manila Commission was established. On the other hand, it was an overreaction to the insufficiency of the experiments conducted under Section 6; it became too powerful. We are now correcting both through this draft provision, Madam President.

MS. AQUINO: Madam President, the problem seems to be the anticipation of the powers that might be vested in this political subdivision which is essentially in the nature of a geopolitical subdivision.

MR. OPLE: Yes.

MS. AQUINO: By that, it would necessarily cover the requirements of contiguity, adjacency and accessibility to each other. When they are grouped together as a geopolitical subdivision, necessarily, the subdivision carries the juristic personality of a municipal corporation which carries with it the inherent powers and jurisdiction of police power and taxation. However, if it is delimited as provided in the last proviso of this proposed Article, then I am apprehensive of the possibility of confusion in terms of putting together the concept of a geopolitical subdivision with the limited powers as the Gentleman intends.

MR. OPLE: Yes, I have already described the situation in Metro Manila as *sui generis* or one of a kind and, therefore, we leave as much flexibility as possible to Congress who will, in fact, provide both the structure and the powers of this Commission consistent with the broad outline of this draft provision. I think the Congress will have to find a sort of middle band between a full-pledged municipal corporation with all its inherent powers and the provisions of Section 6. Why do I mention Section 6? Because in this case, the metropolitan rule-making council, according to the contemplation of this provision but it is not made explicit, will consist of the mayors of the component cities and municipalities themselves. Therefore, this is reminiscent of a kind of loose confederacy where the municipalities and the cities — and that is what they agree on now — retain their autonomous powers as much as possible but have to recognize the fact that, as Commissioner Villegas earlier said, there are common basic services to them, all of which are better undertaken on a regionwide basis. In that respect, the supramunicipal authority will have the competence and the jurisdiction.

MS. AQUINO: Madam President, may I suggest to the proponent that he be more explicit in his clarification of the concept of supramunicipal authority because to me, it is some kind of a hybrid or a mongrel that does not belong to Section 1. If we adopt it and it attains to the level of Section 1, specifically defining what are the municipal corporations, with the absence of jurisprudence on this matter, it might be unsettling not only to jurisprudence but also to the laws on municipal corporations.

MR. OPLE: Madam President, may I call attention to the fact that what is central here is that we authorize Congress to recognize a special political subdivision based on metropolitan areas, in addition to those that are enumerated in the first sentence of Section 1. I think that is the most fundamental so that they are not consigned to

a constitutional limbo. And having provided for that, meaning, by an act of Congress a metropolitan area can be recognized as a special political sub-division, I think we empower Congress to provide that kind of a suitable structure which will address problems of economies of scale for the entire region, but which still provide and vest basic local autonomy in the component cities and municipalities.

SUSPENSION OF SESSION

THE PRESIDENT: The Chair suspends the session for a few minutes before hearing Commissioners Colayco and Bernas.

It was 11:07 a.m.

RESUMPTION OF SESSION

At 11:25 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

The Floor Leader is recognized.

MR. RAMA: Madam President, I ask that Commissioner Ople be recognized.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: I have agreed to a rewording of the proposed amendment concerning metropolitan areas, the final draft text now being in the hands of the Committee. But may I acknowledge the other contributors to this draft provision, Madam President; namely, Commissioners Nollado, Azcuna, Bennagen, Alonto, Calderon, Monsod, Davide, Aquino, Bernas and President Cecilia Muñoz Palma.

The text that will now be read by the Chairman of the Committee is proposed to be relocated to what all the conferees here thought was the more appropriate section, which is Section 6, rather than as part of Section 1. And with that, Madam President, may I ask the Chairman of the Committee to read the text of the proposed amendment as finalized.

THE PRESIDENT: Commissioner Nollado may please proceed.

MR. NOLLEDO: Thank you, Madam President.

After considering the refinements suggested by Commissioners Davide and Monsod, the Ople amendment shall read as follows: "THE CONGRESS MAY, BY LAW, CREATE A SPECIAL METROPOLITAN POLITICAL SUBDIVISION INCLUDING THE NATIONAL CAPITAL REGION, SUBJECT TO A PLEBISCITE AS SET FORTH IN SECTION 11 HEREOF. THE COMPONENT CITIES AND MUNICIPALITIES SHALL RETAIN THEIR BASIC AUTONOMY. IT SHALL BE ENTITLED TO THEIR OWN LEGISLATIVE ASSEMBLIES. THE METROPOLITAN AUTHORITY THAT MAY THEREBY BE CREATED SHALL LIMIT ITS JURISDICTION TO BASIC SERVICES REQUIRING COORDINATION."

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I made a reservation with the Chairman for a possible clarification. I think it can also be answered by Commissioner Ople.

What would be the effect of this provision on the allocation of separate seats for the Lower House of Congress as

now defined and prescribed in Section 5 of the proposed Article on the Legislative? Under said section, the congressional districts or the legislative seats are to be apportioned among cities and provinces. Since we recognize now a "supramunicipal," geopolitical subdivision, is it our understanding that the areas composing a metropolitan authority will be entitled to separate representation in the Lower House of Congress?

MR. OPLE: Madam President, may I reply to that on behalf of the Committee.

The answer is "yes." I think we should note that the original contemplation of the Committee on the Legislative allowed for the return, for purposes of redistricting, of ten towns of Rizal to the old mother province and one town of Bulacan to the old mother province. I think it is now clear that the intention is to preserve the territorial integrity under this section of what is known as the National Capital Region or the Metropolitan Manila Region and, therefore, the redistricting, now being undertaken by the Committee on the Legislative with the help of the COMELEC, should take proper account of that.

MR. DAVIDE: Does it mean, therefore, that an approval of this amendment would necessarily result in the amendment to the proposed Section 5 of the Article on the Legislative?

MR. OPLE: Section 5 of the Article on the Legislative pertains to the apportionment of the seats.

MR. DAVIDE: Yes.

MR. OPLE; So that in concrete terms, Madam President, my own reading of the situation is — and I hope the Committee supports this — that the Committee on the Legislative may proceed to redistrict on the basis of the existence of an entity known as the National Capital Region. Valenzuela, for example, in the original redistricting plan of the COMELEC submitted to the Committee on the Legislative, was returned to Bulacan for purposes of redistricting. I think that is now no longer necessary. And in the case of the ten towns of Rizal, I think this will save Senator Sumulong the pain of having to attend to the redistricting of the ten towns that were of Rizal origin.

MR. DAVIDE: Madam President, I have to express this view because upon its approval, the Committee on the Legislative will be compelled to request the re-opening of Section 5 of the proposed Article on the Legislative.

Thank you.

MR. SUMULONG: Madam President.

THE PRESIDENT: Commissioner Sumulong is recognized.

MR. SUMULONG: May I address a few clarificatory questions to Commissioner Ople?

MR. OPLE: Very gladly, Madam President.

MR. SUMULONG: In the apportionment scheme being discussed by the Committee on the Legislative with the assistance of the COMELEC, the Province of Rizal was given ten districts and these include the twelve municipalities of Rizal which were integrated into Metro Manila. What then will be the fate of this understanding?

MR. OPLE: This was precisely the nub of the question put by the Chairman of the Committee on the Legislative and my answer was that it will no longer be necessary.

MR. SUMULONG: How would that effect also the redistricting in the Province of Bulacan?

MR. OPLE: I have made a manifestation to the Committee on behalf of Commissioner Natividad and myself — and I hope that Commissioner "Soc" Rodrigo also shares this — that if we cannot be responsible for Valenzuela in Bulacan, since it will not be part of the political subdivision known as the Province of Bulacan, then why should Valenzuela be incorporated into Bulacan just for purposes of redistricting? And so, in that respect, we do not mind

Valenzuela being redistricted within the context and framework of the existing entity known as the National Capital Region.

MR. SUMULONG: But Valenzuela can no longer be considered as integrated into Metro Manila because Metro Manila has disappeared now by virtue of Section 1 of the Article on Local Governments.

MR. OPLE: The draft provision that is now pending before the Commission, Madam President, precisely seeks to rescue Metro Manila from constitutional limbo by providing for its existence as a special geographical political subdivision. However, it will be relocated according to the consensus on the floor from its place now in Section 1, following the enumeration of political subdivisions, to Section 6 which deals with the power of local government units to group themselves, if they consider this beneficial for their common good. So, in effect, I see the legal situation as one where, as the Chairman of the Committee on Local Governments pointed out, the law creating the Metro Manila Commission, P.D. No. 824, having been sustained by the Supreme Court as being constitutional just very recently, the Metropolitan Manila government will continue to exist under a valid law until this is amended or repealed.

MR. SUMULONG: Metro Manila has ceased to exist, but we still have the National Capital Region. So, would it not be better, and I think it will be more in accordance with the facts, if in Section 5 of the Article on the Legislative Department we say that the apportionment of districts will cover not only the provinces and cities but also the National Capital Region, that will cover Valenzuela and the 12 municipalities of Rizal integrated in Metro Manila?

MR. OPLE: The Commissioner is also prepared to make the supreme sacrifice of allowing towns of Rizal origin to be redistributed within the context of the National Capital Region.

MR. SUMULONG: May I just ask one more question. I understand that the Commissioner is of the opinion that Metro Manila, as created by P.D. No. 824 of President Marcos, no longer exists.

MR. OPLE: It continues to exist until the law is deemed repealed or amended, Madam President. I am not quoting my own views but the interpretation of this legal situation made by the Chairman of the Committee on Local Governments, meaning that Metro Manila continues to exist until the law creating it, which has been upheld as constitutional by the Supreme Court, is deemed superseded, repealed or amended.

MR. SUMULONG: So, until Congress takes action on the Gentleman's amendment by enacting a law recognizing special political subdivision in metropolitan areas, what will be the situation of the 12 municipalities of Rizal and one municipality of Bulacan?

MR. OPLE: Madam President, they will remain, according to this interpretation, in that entity known as the National Capital Region or Metropolitan Manila.

MR. SUMULONG: So, in the interim, is it still the opinion of the Commissioner that we have to follow P.D. No. 824 of President Marcos?

MR. OPLE: I am sustaining, on my own account, the interpretation of the Chairman of the Committee on Local Governments, that is so.

MR. NOLLEDO: Madam President, may I intervene. I think the Committee on Transitory Provisions has adopted a provision that all existing presidential decrees shall be valid until set aside by Congress. In view of that provision, P.D. No. 824 shall continue until repealed or amended by Congress.

MR. SUMULONG: If the opinion of the Committee is that P.D. No. 824 is still in existence and should be followed, we should note that it provides for a commission form of government in Metro Manila. But there has

never been a commission. P.D. No. 824 was never implemented correctly because instead of creating a commission to govern Metro Manila, there was only one person who governed Metro Manila, and that was the former First Lady, Mrs. Imelda Marcos. So if we are going to follow that decree until Congress enacts this law mentioned in the amendment of Commissioner Ople, then Mr. Lina, who was appointed by the new government as Officer-in-Charge or Acting Governor of Metro Manila, has no legal basis for acting as such because under P.D. No. 824 there should be a commission, not a governor. Are we going to allow that in the meantime?

MR. NOLLEDO: Madam President, may I again intervene. There is a provision embodied in the new Civil Code that the disuse or non-application of any law does not repeal the same. So, the fact that it is not implemented does not mean that P.D. No. 824 is already repealed. Now, considering that Mr. Lina is the officer-in-charge, then he is deemed, for legal purposes, the Metro Manila Commission until the incumbent President appoints the members of the commission.

MR. SUMULONG: Upon what basis is Mr. Lina occupying the position of Acting Governor of Metro Manila or OIC when according to P.D. No. 824 the governing body in Metro Manila should be a commission?

THE PRESIDENT: The Chair supposes we are not now involved in discussing the authority of Mr. Lina but at least one problem seems to bother the Commission and the two Gentlemen; that is, the existence of the National Capital Region. We have to admit that it is still there. Can this problem not be solved in the Article on Transitory Provisions and in the proposed ordinance of the legislative department referring to this Article on Local Governments? I think whatever we may think about what we should do with the NCR can be settled there as a temporary measure, as a compromise.

MR. OPLE: Yes, I agree, Madam President, that is a possibility. If we want to do so, there is nothing in this draft provision that will prevent the Commission from tacking, let us say, a provisional remedy to this problem to the Article on Transitory Provisions.

THE PRESIDENT: Thank you.

MR. SUMULONG: Thank you, Madam President.

I also thank Commissioner Ople.

MR. NOLLEDO: Madam President, the Committee gladly accepts the amendment.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: I have some clarificatory questions.

Will this entity have legislative authority?

MR. OPLE: Madam President, it is not made explicit in the draft provision but the contemplation of the proponents is really to have Congress enact a law creating a quasi-legislative assembly consisting of the mayors of the component cities and municipalities themselves who will then be in a position to enact rules that will be consistent with the ordinances that their own municipal councils shall provide.

FR. BERNAS: So, it could be empowered to exercise the usual general police power, the power of eminent domain and the power to tax for purposes of supporting the basic services?

MR. OPLE: Yes, I think that is a very splendid interpretation of the intent of the proponents.

FR. BERNAS: I thank Commissioner Ople.

THE PRESIDENT: So, how will it read now?

MR. NOLLEDO: Madam President, it reads: "THE CONGRESS MAY, BY LAW, CREATE A SPECIAL METROPOLITAN POLITICAL SUBDIVISION INCLUDING THE NATIONAL CAPITAL REGION, SUBJECT TO A PLEBISCITE AS SET FORTH IN SECTION 11 HEREOF. THE COMPONENT CITIES AND MUNICIPALITIES SHALL RETAIN THEIR BASIC AUTONOMY AND SHALL BE ENTITLED TO THEIR OWN LEGISLATIVE ASSEMBLIES. THE METROPOLITAN AUTHORITY THAT MAY THEREBY BE CREATED SHALL LIMIT ITS JURISDICTION TO BASIC SERVICES REQUIRING COORDINATION."

THE PRESIDENT: Is this part now of Section 1 or of Section 6?

MR. NOLLEDO: It will be the first part of Section 6, Madam President.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Before we vote on this reformulated section, may we request a clean copy.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: I second the suggestion that we ask for a clean copy; but meanwhile, I would like to ask the Committee if they will agree to some modifications and amendments. From what I heard, the wording says: "THE CONGRESS MAY, BY LAW, CREATE A SPECIAL METROPOLITAN POLITICAL SUBDIVISION . . ." Why is that singular? Does it mean that this authorizes the creation of only one political subdivision? I heard Commissioner Ople mention that a similar subdivision may be created in Cebu or in Davao.

MR. OPLE: Madam President, is Commissioner Rodrigo suggesting that we convert this singular word into plural?

MR. RODRIGO: Yes.

MR. OPLE: We accept the amendment, Madam President.

MR. RODRIGO: I thank Commissioner Ople.

MR. OPLE: So, instead of "A SPECIAL METROPOLITAN POLITICAL SUBDIVISION," it becomes plural. We add an S to "SUBDIVISION" and eliminate "A."

MR. RODRIGO: Thank you, Madam President.

I have another question. I think the purpose of the proposal is to maintain the powers of the mayors. But the wording, as read, mentions only legislative assemblies. Should we not add LOCAL EXECUTIVES so this part reads: "SHALL BE ENTITLED TO THEIR OWN LOCAL EXECUTIVES AND LEGISLATIVE ASSEMBLIES."

MR. OPLE: That is indeed the purpose, so we want to thank Commissioner Rodrigo for making up for that omission. So "LOCAL EXECUTIVES" will be introduced.

MR. RODRIGO: Thank you, Madam President.

MR. NOLLEDO: The proposal now reads: "THE CONGRESS MAY, BY LAW, CREATE SPECIAL METROPOLITAN POLITICAL SUBDIVISIONS INCLUDING THE NATIONAL CAPITAL REGION,

SUBJECT TO A PLEBISCITE AS SET FORTH IN SECTION 11 HEREOF. THE COMPONENT CITIES AND MUNICIPALITIES SHALL RETAIN THEIR BASIC AUTONOMY AND SHALL BE ENTITLED TO THEIR OWN LOCAL EXECUTIVES AND LEGISLATIVE ASSEMBLIES. THE METROPOLITAN AUTHORITY THAT MAY THEREBY BE CREATED SHALL LIMIT ITS JURISDICTION TO BASIC SERVICES REQUIRING COORDINATION."

MR. SUAREZ: Madam President.

MR. OPLE: Madam President, just a minute. I think the Muñoz Palma amendment is not reflected here, so instead of "INCLUDING" before "THE NATIONAL CAPITAL REGION," we place "SUCH AS."

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I propose to delete "INCLUDING THE NATIONAL CAPITAL REGION" because we recognize the possibility of the creation of more than one metropolitan authority.

MR. OPLE: No, it reads "SUCH AS THE NATIONAL CAPITAL REGION."

MR. DAVIDE: Even then, because that would not be necessary. It would be superfluous.

MR. OPLE: For purposes of enlisting the support of eight million Metro Manilans behind this Constitution. . .

MR. DAVIDE: They would be happy already if we have this provision, even if we do not mention "NATIONAL CAPITAL REGION."

THE PRESIDENT: So long as the National Capital Region is recognized in a transitory provision?

MR. DAVIDE: Yes, Madam President.

MR. OPLE: In that context, I think we have no difficulty, Madam President; we accept the amendment.

THE PRESIDENT: How about the Committee?

MR. NOLLEDO: The Committee also accepts the amendment.

MR. SUAREZ: Madam President, may we be recognized.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: May we just clarify one point from the distinguished Gentleman, Honorable Ople. When he mentioned the creation being subject to a plebiscite, was he thinking in terms of a plebiscite for the whole country?

MR. OPLE: No, Madam President, this contemplates a plebiscite for all the qualified voters of the National Capital Region.

MR. SUAREZ: The Gentleman was not thinking in terms of, say, seeking the decision of the people in the whole province in the case of Rizal but only in those municipalities affected.

MR. OPLE: It is a matter of time perspective, I believe. In 1975, the National Capital Region was created partly out of the towns of Rizal and Bulacan. Since then, how many years have elapsed? Eleven years, and according to some of the mayors I met this morning, that was a shotgun wedding in 1975 to which they had to submit since they had no choice. But they have enjoyed their live-in status among themselves since 1975, and now, having gotten so accustomed to each other's company, they would rather retain, they would rather live under the same

roof at this time. So, I think, considering the time that has elapsed since 1975, the plebiscite can justifiably be confined to what is now known as the National Capital Region.

MR. SUAREZ: In other words, if we confine our questions to the National Capital Region, the Commissioner would not think of submitting the matter to a further plebiscite to the provinces of Bulacan and Rizal who would be vitally affected?

MR. OPLE: If I were a political revanchist, I would insist on a plebiscite including Bulacan and Rizal, but I yield to the realities of history, Madam President.

MR. SUAREZ: So when the Commissioner speaks of plebiscite, he is excluding the possibility that the provinces of Bulacan and Rizal ought not to be consulted further in the continued operation of the National Capital Region?

MR. OPLE: It could be a highly distortive situation where the two provinces are allowed to vote after 11 years of separation, Madam President.

What is the prescription period for missing husbands and wives?

MR. SUAREZ: I think it is seven years.

MR. OPLE: In the Civil Code, I think it is seven years. Here, the separation has been 11 years, Madam President.

THE PRESIDENT: Is Commissioner Suarez through?

MR. SUAREZ: Yes, thank you, Madam President.

MR. FOZ: Madam President.

THE PRESIDENT: Commissioner Foz is recognized.

MR. FOZ: May we also ask some questions for clarification?

THE PRESIDENT: The Gentleman may proceed.

MR. FOZ: I am not sure whether this point has been touched on before by other Commissioners, but I just would like to be clarified on this.

What exactly is the relation between the component cities and municipalities of the region and such metropolitan authority? Is it a relationship of principal and agent?

MR. OPLE: Madam President, I think what is new about this concept is that the municipalities and cities retain basic autonomy. We will recall that in 1975 the legislative power was taken away from all the cities and municipalities by the Metro Manila Commission. They also lost a lot of their powers, not only of passing their own ordinances but also of exercising autonomy over their own budget which must be ratified by the Metro Manila Commission although they are dealing with their own internal resources. And so, I would hesitate to describe them as agents of the Metropolitan Manila Authority. On the other hand, the Metropolitan Manila Authority in this case emanates from the collectivity of the cities and municipalities which are the component units, Madam President.

MR. FOZ: I thank the Commissioner.

Here, he enumerated some of the services which such a Metropolitan Manila Authority may provide or take charge of, and these include drainage, flood control, zoning and land use, traffic and transport management, garbage collection and dump sites and, possibly, as he also said, health and peace and order. As I see it, this Metropolitan Manila Authority would be exercising most, if not all, of the functions regarding the basic services

of component cities and municipalities. So what else would be left to the cities and municipalities to exercise?

MR. OPLE: Madam President, these basic services will be neatly segregated in the law that Congress will pass. We merely provided in the explanatory note examples of such services that may be coordinated under the Metropolitan Manila Authority. Let us take garbage collection and dump sites. Between Rizal and Mandaluyong, if they do not have this coordination under a metropolitan system of governance, the Municipality of San Juan can construct an abattoir right on the border of Mandaluyong or Pasig where there is, let us say, a first class residential subdivision. Or in the case of flood control, drainage systems, we can have one town unloading its water on another town without even being aware of it. Instead of easing up a flood situation, this can actually aggravate the problem. So it is in that sense that we cited examples of basic services where supramunicipal coordination is necessary in order to avoid absurdities, conflicts, wastes and even, let us say, wasteful conflicts in jurisdiction among the component cities and towns.

MR. FOZ: Does the Gentleman envision that the governing body of the Authority itself will be composed of the mayors of component cities and municipalities?

MR. OPLE: Yes, that is the contemplation of this provision, Madam President.

MR. FOZ: And I understand that the Committee has accepted this amendment to be the first portion of Section 6.

MR. NOLLEDO: The Commissioner is right.

MR. FOZ: The difference between this amendment and the former provision of Section 6 is that while this amendment would mandate that such an Authority be created by Congress, in the second portion of Section 6 now, this pooling of resources, coordination and cooperation in the provision for services is to be voluntary on the part of local government units.

MR. OPLE: Yes. So, in Section 6 now, if this is approved by the body, the first part will consist of an aggroupment of municipalities and cities by law and, in the second instance, it will be a voluntary mode of association among like-minded local government units for their common benefit.

MR. FOZ: Would the Commissioner say that Section 7 is also somewhat related, not only to his amendment, but also to Section 6?

MR. OPLE: Section 7, Madam President, if I read this section right, refers to regional development councils composed of local government officials with such adequate powers as may be prescribed by law. And I think this has been introduced in the context of the existing regional development bodies of the National Economic and Development Authority, which are really coordinating bodies for the purpose of allocating infrastructure budgets to provinces and municipalities within a region without giving them any higher status than as regional development councils, the planning and recommendatory bodies in the chain of command of the National Economic and Development Authority.

MR. FOZ: I thank the Commissioner.

MR. OPLE: Thank you, Madam President.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: In the light of the Suarez interpellation and clarificatory questions, and in the light of the Rodrigo amendment, will Commissioner Ople yield to some minor amendments?

MR. OPLE: Very gladly, Madam President.

MR. SARMIENTO: For instance, on line 4, after the phrase "SUBJECT TO A PLEBISCITE," will Commissioner Ople be willing to accept the addition of the words IN THE POLITICAL UNIT OR UNITS DIRECTLY AFFECTED? This is an offshoot of the interpellation made by Commissioner Suarez.

MR. OPLE: May I refer that to the Committee which has now acquired jurisdiction over the amendment, Madam President.

MR. NOLLEDO: That amendment, Madam President, is no longer necessary because we have placed the words "AS SET FORTH IN SECTION 11 HEREOF" and, referring to Section 11, we say "in a plebiscite in the political unit or units directly affected." So by referring to Section 11, I think that will be a superfluity.

MR. SARMIENTO: I withdraw my amendment, Madam President.

Now, in view of the Rodrigo amendment, will Commissioner Ople be willing to include the word DEPARTMENT after "EXECUTIVE," so it will read: "SHALL BE ENTITLED TO THEIR OWN LOCAL EXECUTIVE DEPARTMENT AND LEGISLATIVE ASSEMBLIES"? This was not included when the Committee Chairman read the entire section.

MR. OPLE: May I refer this to the Committee, Madam President.

MR. NOLLEDO: Will Commissioner Sarmiento repeat the question please.

MR. SARMIENTO: Madam President, I am proposing the inclusion of the word DEPARTMENT after "EXECUTIVE," so that it will read: "SHALL BE ENTITLED TO THEIR OWN LOCAL EXECUTIVE DEPARTMENT AND LEGISLATIVE ASSEMBLIES." If we will note, other sections include the word "department" after "executive."

MR. NOLLEDO: But what we have here is the word "EXECUTIVES" — plural — so that the phrase reads: "TO THEIR OWN LOCAL EXECUTIVES AND LEGISLATIVE ASSEMBLIES." This is to separate "EXECUTIVES" from the word "ASSEMBLIES," Madam President.

MR. SARMIENTO: I thank the Commissioner for that clarification.

And one last point: Will Commissioner Ople be willing to delete the word "BASIC" before "AUTONOMY," so that the proposal reads: "SHALL RETAIN THEIR AUTONOMY AND SHALL BE ENTITLED TO THEIR OWN LOCAL EXECUTIVES AND LEGISLATIVE ASSEMBLIES."

MR. OPLE: Madam President, I would have difficulties about omitting BASIC because I think we want to build a bias into this provision against the possible undue encroachment of a metropolitan authority on the autonomous powers of the component cities and municipalities.

MR. SARMIENTO: Thank you, Madam President, for the clarifications.

I will not insist on my proposed amendments.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: There had been amendments regarding the recognition of ". . . EXECUTIVES AND LEGISLATIVE ASSEMBLIES." May I propose a general wording so that it should just read: THE COMPONENT UNITS SHALL RETAIN THEIR POWERS, FUNCTIONS AND PREROGATIVES AS

REGULAR POLITICAL UNITS. So it will encompass everything.

THE PRESIDENT: What does the Committee say?

MR. NOLLEDO: Madam President, as far as I am concerned, I think the present words are more emphatic and specific, considering that all component units of Metro Manila area had lost their legislative assemblies. The purpose here is to reinstate their legislative assemblies.

MR. DAVIDE: Precisely, as regular political units, because there may be some functions which are not included in the executive and the legislative bodies. The point of Commissioner Sarmiento is that there may be some others but if we retain their powers, functions and prerogatives as regular political units, we give everything back to them.

MR. OPLE: Madam President, I would like to insist on retaining LOCAL EXECUTIVES AND LEGISLATIVE ASSEMBLIES, without prejudice to adding a phrase or a clause that will complete the autonomy of the local component units.

THE PRESIDENT: Will Commissioner Davide restate his amendment?

MR. DAVIDE: It says: THE COMPONENT UNITS OF THE METROPOLITAN AUTHORITY SHALL RETAIN ALL THEIR POWERS, FUNCTIONS AND PREROGATIVES AS REGULAR POLITICAL UNITS.

MR. OPLE: I have no objection to having this included unless it unduly clutters the sentence.

MR. NOLLEDO: Madam President, the Committee regrets that it cannot accept the amendment, and we join Commissioner Ople in his observations.

THE PRESIDENT: Does the body now have a clean copy of the Ople amendment?

MR. NOLLEDO: Madam President.

THE PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: I would like to make a statement that the words "BASIC AUTONOMY" can be considered substantially equivalent to the words "as regularly organized or as regularly established."

Thank you.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: While waiting for the text to be distributed, I ask that Commissioner Monsod be recognized.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I rise on a question of privilege.

THE PRESIDENT: Yes, what is the question of privilege of Commissioner Monsod?

MR. MONSOD: Yesterday, there was an accusation here that I made a misrepresentation. I believe I am entitled to a quick resolution of that accusation now.

THE PRESIDENT: The Commissioner may proceed.

QUESTION OF PRIVILEGE OF COMMISSIONER MONSOD

MR. MONSOD: Madam President, the Journal says:

Thereupon, Mr. Villacorta advised that one misinformation given to the Members was that Minister Jose Concepcion is against constitutionalizing protectionism. He stated that he would like to get hold of the advertisement alluded to by a Member who said it, in reply to which, Mr. Monsod stated that he was the one who issued the statement. Mr. Villacorta suggested that the matter be discussed in a caucus on Monday because there were other matters mentioned that were contrary to economic facts.

Mr. Monsod contended that the record of the caucus which was already incorporated in the Record of the Commission would bear out that all he said was that Minister Jose Concepcion was against constitutionalizing protectionism in Section 1 of the Article which statement was based on his personal interview with the Minister. He also urged that a public apology be made by those who said they were misled by him, if it would be proven that he was correct.

Now, quoting myself, the minutes of the caucus states on page 4:

Secondly, I want to tell you that this morning, I think, Minister Jose Concepcion has been quoted or has been mentioned in the ad. I talked to Minister Jose Concepcion this morning, and he said he is against constitutionalizing permanent and absolute protectionism in the Constitution because that is bad for Philippine industry because he is in favor of the program. He just wants to give time for the industry to recover, which is what we are putting here, when we say that they should be protected from unfair competition. It would be unfair at this time if they are not given protection when they are recovering from the economic debacle.

I would like to read a letter dated August 16, 1986, Madam President, for the record. It was typed with difficulty because I believe it was typed personally by the one who sent the letter since he said he wanted me to have it this morning and he had no time to go to his secretary. The letter says:

Dear Chris,

I refer to our conversation yesterday regarding the ad by the Coalition addressed to the ConCom.

This will confirm my statement to you that I did not see the ad before it was published.

I am in favor of a statement incorporating in the Constitution the responsibility of the State in promoting the industrialization of the economy.

I am in favor of also incorporating a provision that promote the viability and growth of domestic industries. I do not subscribe to an indefinite protection of industries to be incorporated in the Constitution. We should leave to the Legislature the responsibility of enacting the necessary legislation given the situation and circumstances. A direct statement in our Constitution regarding protectionism may not provide us with the necessary flexibility as we pursue our programme to gain market access for our exports during this period of reconstruction where we do not have the purchasing power to buy the products to be produced by the domestic market. It may invite unnecessary retaliation. Besides, Philippine industries are in agreement that our final objective is to look at the world as our market; and given an increased purchasing power to our people, our large domestic and ASEAN markets, and the Philippine entrepreneurial drive, we shall be another Japan. This strategy requires reciprocity.

We also agreed that Filipino enterprises are entitled to protection such as against dumping, when they are in their infant stage and when they need temporary relief from recession until they reach normal capacity utilization such as the present time.

I hope this serves as a useful clarification.

Regards,

Jose Concepcion, Jr.

MR. VILLACORTA: Madam President, may I be recognized?

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: When I arrived two hours ago, I talked to Commissioner Villegas, with a request that there be a more civil manner of resolving this question possibly in a caucus involving a small number of Commissioners.

I was caught by surprise. I am not prepared to answer Commissioner Monsod because I was hoping that this matter would be resolved.

And so, may I request a suspension of the session for a few minutes, Madam President.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended for a few minutes.

It was 12:14 p.m.

RESUMPTION OF SESSION

At 12:43 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

The Floor Leader is recognized.

MR. RAMA: Madam President, I ask that Commissioner Villacorta be recognized.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: Madam President, I would like to mention that my statement yesterday was based on the understanding that Minister Concepcion's view was contained in an ad. Now that the matter had been clarified, then for the sake of the unity of our Constitutional Commission, I would like to withdraw my statement.

There was no intention at all to impute deception to Commissioner Monsod, and I am sorry for having attributed to him misinformation. (Applause)

THE PRESIDENT: Thank you.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I thank Commissioner Villacorta for his graciousness; and in the same spirit of unity and goodwill of this Commission, I accept his statement. (Applause)

THE PRESIDENT: Thank you.

MR. ABUBAKAR: Madam President, I ask that the matter be closed.

THE PRESIDENT: The matter is closed.

MR. UKA: Madam President.

THE PRESIDENT: Commissioner Uka is recognized.

MR. UKA: Madam President, just one statement.

I thank Chris Monsod because he is living up to his name — Christian, which is forgiveness.

THE PRESIDENT: Thank you.

MR. RAMA: Madam President, I ask that Commissioner Sarmiento be recognized for an important point.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Madam President, with due respect to our Committee Chairman, the members of the Committee on the National Economy and Patrimony and this august body, may I respectfully reserve my right to file a motion for reconsideration with respect to some items in Section 1.

Thank you, Madam President.

THE PRESIDENT: That is all right.

MR. RAMA: Madam President, I ask that Commissioner Garcia be recognized.

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Madam President, I would also like to ask very respectfully for a reconsideration of certain items particularly regarding competition in Section 1 of the Article on National Economy and Patrimony.

Thank you very much.

MR. RAMA: Madam President, I ask that Commissioner Davide be recognized.

MR. DAVIDE: Madam President, consistent with what had been expressed by Commissioners Villacorta and Monsod, I move that the manifestations yesterday which became the source of the happy settlement this morning be stricken off the record.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the motion is approved.

MR. RAMA: Madam President, I ask that Commissioner Ople be recognized.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Thank you, Madam President.

With respect to the final text of the amendment to Section 1 which the Committee has approved and we will recommend for approval by the Commission in a few minutes, may I move that this amendment be transferred to a separate section immediately preceding Section 6 of the draft Article?

THE PRESIDENT: What does the Committee say?

MR. NOLLEDO: We have no objection, Madam President. We accept the amendment.

MR. OPLE: Thank you very much.

THE PRESIDENT: Shall we proceed now to vote on this?

MR. COLAYCO: Madam President.

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: This is one simple amendment which I have cleared with the Chairman of the Committee. The last sentence of the amended proposal reads as follows: "THE METROPOLITAN AUTHORITY THAT MAY THEREBY BE CREATED SHALL LIMIT ITS JURISDICTION TO BASIC SERVICES REQUIRING COORDINATION."

My proposed amendment will read like this: THE JURISDICTION OF THE METROPOLITAN AUTHORITY THAT WILL THEREBY BE CREATED SHALL BE LIMITED TO BASIC SERVICES REQUIRING COORDINATION.

MR. NOLLEDO: Madam President, the Committee gladly accepts the amendment.

VOTING

THE PRESIDENT: As many as are in favor of this new section as proposed by Commissioner Ople and as amended by Commissioner Colayco, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (No Member raised his hand.)

The results show 31 votes in favor, none against and no abstention; the amendment is approved.

MR. OPLE: Thank you, Madam President.

This is just a brief manifestation for the record. The authors of this amendment besides myself are Commissioners Nolleto, Calderon, Tingson, Rosales, Alonto, de Castro, Monsod, Davide, Bennagen, Rigos, Regalado, Jamir, Muñoz Palma, Aquino, Bernas, Rodrigo and Colayco.

SUSPENSION OF SESSION

MR. RAMA: I move that we suspend the session.

THE PRESIDENT: The session is suspended.

It was 12:50 p.m.

RESUMPTION OF SESSION

At 1:52 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President, there is just one more amendment to Section 1.

May I ask that Commissioner Maambong be recognized?

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Thank you, Madam President.

I am hoping that the honorable Chairman of the Committee on Local Governments will just accept my very simple amendment so that I do not have to explain it. Anyway, the proposed amendment is on line 8, and this will also affect Section 11 on the word "barrios." We propose to change it to BARANGAYS. May we know the reaction of the Committee, Madam President?

MR. NOLLEDO: I deeply regret, Madam President, that I cannot accept the amendment.

MR. MAAMBONG: In that case, Madam President, within my time limit I will have to be a little bit expansive on my explanation why I am proposing the amendment.

THE PRESIDENT: The Gentleman may please proceed.

MR. MAAMBONG: In the first place, the use of the term "barangay" has a historical significance. In the book of Mr. Onofre D. Corpuz, entitled *The Philippines*, published by Prentice Hall in 1976, he said, and I quote:

The community was called "barangay" named after the boat that brought the original migrants from their homes in Malaysia and Indonesia. Each boat carried an extended family group consisting of the head and his immediate family, as well as the families of his children, his brothers and sisters, and the aged kinfolk. From the year 1565 to 1898, the headman in the Philippines was called the *cabesa de barangay*. He was the lowest but a crucial administrative figure.

Yesterday, Madam President, the Manila Bulletin front-paged the picture of an ancient boat above the story. "Balanghays Found in Butuan." The story goes:

This boat, believed to have been used by early Filipino traders between 320 A.D. and 1250 A.D., were discovered in swampy areas in Libertad about five kilometers from the city. The boats are three to fifteen meters long, officials at the National Museum said. Six more of the ancient boats used by early Filipinos have been found in the area. The modern-day term "barangay" is derived from the name of the boat.

Now the Committee does not seem to agree with the word "barangay" because it has some Marcos connotation. I think we are carrying this Marcos bogey a bit too far, Madam President, because we seem to see Marcos in everything we do in this Commission. The reality about the origin of this word is from a purely historical point of view and it would be good advice to settle the appropriateness of this amendment in that context.

Secondly — and this is more important — all our laws, like P.D. No. 1508, establishing a system of settling disputes at the barangay level, approved June 11, 1978; and the Local Government Code, BP Blg. 337, approved in 1983; and other laws, not to mention the tons of textbooks and commentaries on these laws, have always used the word "barangay."

The word "barrio" has become a thing of the past. It is already buried and there is no sense of reincarnating it. The Committee suggested instead a change of the nomenclature in the existing laws. Why do we have to make our life harder than it already is, Madam President? This is unwise because then we will have to call our "punong barangay," "punong baryo," the "Katarungang Pambarangay Law," "Katarungang Pambaryo Law," which are not very nice to hear. All the implementing forms of the barangay justice system will have to be changed, and the Ministry of Local Governments and the Ministry of Education and Culture will have tremendous paperwork because all books and even circulars will have to be rewritten, all because of a single word. I do not think it is worth the change.

Finally, Madam President, if we read the news reports on the political situation in the Philippines from foreign publications like Time, Newsweek, Asiaweek, Far Eastern Economic Review, etc., it will be readily noticed that reference is always made to "barangays," not "barrios."

I think I have said enough, Madam President.

MR. NOLLEDO: Madam President, will the Committee please be allowed to react.

THE PRESIDENT: Yes, the Chairman of the Committee will please go ahead.

MR. NOLLEDO: Before I give the reasons why the Committee objects to the use of the word "barangay," it is not true that "punong barangay" will become "punong baryo"; it will be "punong nayon"; "Katarungang

Pambarangay" will be "Batas ng Katarungang Pangnayon." So "nayon" seems to be more beautiful. If the Commissioner will ask Sister Christine Tan, she will tell him that she dislikes the word "barangay" because according to her, the heads of the barangay — I do not know how she equates it that way — are the mercenaries and those who were highly subservient to Ferdinand Marcos without thinking of the interests of the populace of their respective barangays.

But my reasons, Madam President, are the following, based on consultations with persons in different parts of the country:

- (1) The word "barrio" appears in old titles, in surveys, government files and documents from the Spanish regime up to the present, even in titles known as "Composicion Con El Estado" — so voluminous that they can easily overwhelm the various decrees of President Marcos;
- (2) I notice that the names of various schools in many parts of the country, Madam President, still carry the word "barrio";
- (3) I agree with the unanimous decision of the League of Governors and City Mayors that the word "barrio" should be reinstated. I met those governors and city mayors through the courtesy of Commissioner Jose Calderon and his wife, Governor Calderon, in Quezon City; and
- (4) This is, I think, a very important argument, Madam President. In the 1973 Constitution, the word "barrio" was used in the Declaration of Principles and in the Article on Local Governments. Without amending the 1973 Constitution, Mr. Marcos issued decrees using the word "barangay" instead of "barrio." Even the Freedom Constitution of the present regime reproduced some portions of the 1973 Constitution which still carried the word "barrio."

To my mind, the word "barangay," Madam President, is a constitutional bandit. It is a violation of the 1973 Constitution, and for us now to put "barangay" in the 1986 Constitution is to constitutionalize a constitutional violation.

Thank you, Madam President.

MR. MAAMBONG: Madam President, that is precisely why we are trying to correct this mistake where we use the word "barangay" in all our laws while we use "barrio" in our own Constitution.

But if it is not asking too much, Madam President, may I ask Commissioner Bennagen to comment at least on the historical context of my discussion on the word "barangay," because I am looking at this from the historical point of view.

THE PRESIDENT: Commissioner Bennagen is recognized, if he desires to answer.

MR. BENNAGEN: Let me say that I shall speak as an anthropologist and not as a Commissioner, and the citations given by Commissioner Maambong are correct in relation to the origin of the word and the substantive meaning of "balangay." These are really the same cognate words, like "balay" and "bahay." "Barangay" is the same word except that there are some shifts in linguistic terms.

But I think that is a different consideration altogether from the issue that was raised by the Chairman of the Committee on Local Governments.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I think the amendment has been sufficiently debated on, so may I ask for a vote.

MR. DE LOS REYES: Before we vote, may I ask the Chairman of the Committee to answer a few questions.

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: Is the Chairman aware of the fact that the poblacion itself is divided into several barangays? In other words, "barangay" does not necessarily mean "nayon" or "barrio," but within the heart of the poblacion, there are several barangays. The purpose is to have a headman there which helps in keeping peace and order, in collecting taxes, in seeing to it that the youth do not become victims of drugs, and all those things. So there is really nothing wrong with the word "barangay," if we will only just remove our prejudice against the Marcos era.

MR. NOLLEDO: As the Gentleman knows, perhaps we have different political persuasions, so the answer is obvious.

I submit to the body.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: From what I know, our political subdivisions are provinces, municipalities, barrios and sitios. Barrios are subdivided into sitios.

MR. RAMA: May I ask that we take a vote, Madam President.

THE PRESIDENT: The proposed amendment is clear; it is just to change the word "barrios" on line 8 of Section 1 to BARANGAYS, is that correct?

MR. MAAMBONG: Yes, Madam President, and it will also affect the same line of Section 11.

VOTING

THE PRESIDENT: As many as are in favor of the proposed amendment of Commissioner Maambong, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (Few Members raised their hand.)

The results show 14 votes in favor and 12 against; so the amendment is approved. (Applause)

MR. RAMA: Madam President, I ask that Commissioner Rodrigo be recognized to amend Section 2.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: On Section 2, line 13, I propose to place a period (.) after the word "structure," then delete the words "with an effective system of recall." So the first sentence of Section 2 will read: "The Congress shall enact a local government code which shall provide for a more responsive and accountable local government structure, allocate among the different," et cetera.

MR. NOLLEDO: May we hear the Commissioner's reasons for this amendment?

MR. RODRIGO: Madam President, we have reduced the term of office of local officials to only three years. Now, if we will have a system of recall, I think a three-year term is too short to still interrupt it in mid-term, by using the reserve power of recall, and have a snap election to elect an official for the remainder of the very short term.

If we remember, the system of recall calls for an election which is expensive and divisive. Furthermore, the elected government official will be under continuous harassment. In municipalities, there are ward leaders, not to say "warlords," who can easily muster 20 percent of the votes, which is all that is needed to initiate a recall. It is even possible that within three years, there might be two "recalls."

Even if the people made a mistake, and they find out after one or two years that they had made a mistake in electing a certain municipal mayor or even a certain councilor, they would have only one more year to wait until the next election to right the mistake that they had committed.

MR. NOLLEDO: Madam President, the Committee has decided to leave the question to the body.

MR. SUAREZ: Madam President, may I be recognized.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

May I address a few questions to the distinguished proponent?

THE PRESIDENT: The Commissioner may proceed. Commissioner Rodrigo will answer Commissioner Suarez.

MR. RODRIGO: Gladly.

MR. SUAREZ: Thank you, Madam President.

I suppose the Commissioner is aware of the fact that under Section 2, Article XI of the 1973 Constitution, the same phrase "with an effective system of recall" appears. Is the Commissioner aware of that situation?

MR. RODRIGO: Not at the moment.

MR. SUAREZ: Under Section 2, Article XI of the 1973 Constitution, exactly the same phrase is contained which reads: "and accountable local government structure with an effective system of recall."

Is the Commissioner also aware of the fact that a Local Government Code has been enacted by the Batasang Pambansa which is known as Batas Pambansa Blg. 337?

MR. RODRIGO: I am not, at the moment.

MR. SUAREZ: To my knowledge, under Batas Pambansa Blg. 337, there is no provision on an effective system of recall. Does not the Commissioner think that it is best that we should continue to retain this particular phrase only as a safeguard for possible situations where local public officials would become highly abusive immediately after taking office?

MR. RODRIGO: That would be most rare. I think the evil that "recall" may produce will be greater than the benefit that can accrue from it. But let me differentiate the 1973 Constitution from the proposed Constitution. Under the 1973 Constitution, the term of office of local officials was four years. Now we are reducing it to only three years.

May I add also that I do not remember the particular provision of the 1973 Constitution about "recall," nor do I remember that it was ever used. It is a dead letter. So, either it is used or it is not used. If it is not used, like it was not used under the 1973 Constitution, then it is a dead letter. Why place it here? But if it is used, I will say that it can be abused.

MR. SUAREZ: So, if the Committee on the Legislative would finally decide to give a four-year term to the local officials, would the Commissioner still insist on his proposal to eliminate the said phrase?

MR. RODRIGO: That is a hypothetical question . . . but my objection would be less.

MR. SUAREZ: I thank the Commissioner.

MR. RODRIGO: Thank you, Madam President.

MR. DE LOS REYES: Madam President, may I speak against the proposed amendment?

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: The thrust of the argument of Commissioner Rodrigo is that inasmuch as the term of office of local officials will only be three years, there will be no need for recall. From my experience it takes only one month for a bad mayor to make a mess out of his town. I know of a town where there used to be peace and order. There used to be no gambling and no beerhouses. However, in a two-month period, since this mayor was supported by people who maintain this kind of business, suddenly there were beerhouses, dancing halls and cabarets, and gambling flourished in the town. With this kind of local officials, I think three years is long enough to do harm to his constituency and, therefore, I maintain that we should retain this provision on recall.

MR. RAMA: Madam President, I move that we vote on this issue.

VOTING

THE PRESIDENT: We will put the proposed amendment of Commissioner Rodrigo, which is to delete the phrase "with an effective system of recall" on line 13, to a vote.

As many as are in favor of this proposed amendment, please raise their hand. (Few Members raised their hand.)

As many as are against the proposed amendment, please raise their hand. (Several Members raised their hand.)

The results show 7 votes in favor and 13 against; so the amendment is lost.

MR. RAMA: Madam President, I ask that Commissioner Foz be recognized to amend Section 2.

THE PRESIDENT: Commissioner Foz is recognized.

MR. FOZ: Madam President, this amendment is actually not mine, but I was commissioned by a Commissioner to submit this on his behalf. At any rate, this has been cleared with the Committee. The amendment is on page 1, line 17 of Section 2. After the word "officials," add the phrase INCLUDING A PROVISION AGAINST POLITICAL DYNASTIES to be followed by a comma (.). This is an amendment submitted by Commissioner Cirilo Rigos which I would like to cosponsor on his behalf.

MR. NOLLEDO: The Committee gladly accepts the amendment.

MR. NATIVIDAD: Madam President.

THE PRESIDENT: Commissioner Natividad is recognized.

MR. NATIVIDAD: Will the Gentleman yield to a few questions.

MR. FOZ: Gladly.

MR. NATIVIDAD: I cannot recall this phrase "POLITICAL DYNASTIES" being defined in this draft Constitution. I am in favor of banning this practice in our political life, but for record purposes, what does the Commissioner mean by "POLITICAL DYNASTIES"?

MR. NOLLEDO: May I answer that question?

MR. NATIVIDAD: It is a delicate question because the people are the ones electing. This is a diminution of the power of the people to elect, so we must be circumspect with regard to this matter. I say so because, for instance, a son does not even go home to the residence of his father, an incumbent, but he wins on his own. The mere fact that he has blood relationship with his father is a liability instead of an asset. There are instances of this nature. Would this mean relationship with the incumbent? If he is no longer an incumbent, would the members of his family still be disqualified to run for public office? How far laterally should we rule that they are disqualified to offer themselves for public office?

MR. FOZ: Madam President, may I now respond to the Commissioner's questions?

The basic proposition is that in a democracy such as ours, nobody is indispensable as far as public service is concerned. It is true that certain persons may possess the necessary capabilities and special qualities to perform good deeds in the public office, but that does not rule out the possibility that others may have similar capabilities to serve the public good. So we cannot say that a relative, let us say, of an incumbent is deserving of succeeding his relative because of his special qualities and his capabilities or his qualifications. The idea of a prohibition against the rise of political dynasties is essentially to prevent one family from controlling political power as against the democratic idea that political power should be dispersed as much as possible among our people. And the evils brought about by political dynasties are so well-known to us, because they happened in the recent political past.

MR. NATIVIDAD: But what are the parameters? This is a constitution and this will be the mandate to our Congress to promulgate the laws. Would a parameter be the name of an incumbent? Are we referring to an incumbent whose sons or daughters or wife will not be able to run? Or once a person is no longer an incumbent, may he still run?

MR. FOZ: Madam President, precisely the provision says that Congress shall enact a Local Government Code. We are giving Congress the authority to spell out how such a prohibition should be written into the Local Government Code. It is up to Congress then to provide what the extent of the prohibition would be. We cannot write into this provision just how the prohibition will go or how far it is going to extend.

MR. NATIVIDAD: Nevertheless, before we vote on this amendment, we would like to be informed of its concept because if the proponent of the amendment is going to be unjust, then we have the right to vote against it. If the concept being offered to us is just and fair, I think we have also the basis for asking a clarification on this matter.

MR. NOLLEDO: May I comment on that, Madam President?

THE PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: There is a similar resolution that I filed before the Committee on Preamble, National Territory, and Declaration of Principles which recommended that the prohibition shall not extend beyond the third degree of consanguinity or affinity. It does not prohibit the son or the daughter of the relative within that degree to run later on. It is only a matter of immediate succession. An example is, if a governor has already run for reelection and he could no longer run because there is already a prohibition his son wants to run. Then the son can run. We will only prohibit the son while the governor is incumbent. That is the concept. It is not an absolute prohibition. We want to widen the political base to give a chance to poor but deserving candidates. We want to avoid the possibility of taking advantage of the position of the father. So that is the recommendation to the Congress.

MR. NATIVIDAD: Madam President, I would like to draw that as an explanation because if a person is no longer incumbent and the heirs will be forever banned from running for public office, I do not think that will be fair, constitutionally or statutorily.

MR. NOLLEDO: No, there is no everlasting ban. So I agree with the Commissioner.

MR. NATIVIDAD: Thank you, Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I just want to express an observation that this proposed amendment really goes to the basic question of who has the right of choice in a democracy. If indeed the electoral laws can be enforced with a good COMELEC and so on, a provision in the Constitution that is based on a policy of exclusion so that the ultimate choice is not left to the people but that there is a prescreening process so that we tell the people: "You can only vote for certain people we want you to vote for" seems to me to be going against the very principle of democratic elections. If we are seeking to be restrictive and have an exclusionary provision in the Constitution, we have to be very clear on what we mean and not just have a provision that can be interpreted in a very wide latitude. I say so because this is a restrictive provision. It excludes and it disqualifies. We should think very hard about this before we put things in the Constitution that will deprive the people of the right to a full choice as to who should be their local leaders.

MR. NOLLEDO: Madam President, may I react to that. On the contrary, I think it widens the political base. If we adopt a provision against political dynasties as defined by Congress, we widen the political base or the political opportunities on the part of poor but deserving candidates to run for public office with a better chance of winning. In our country, we cannot deny that there are many political dynasties and their existence has restricted the political opportunity of young but deserving candidates.

MR. MONSOD: I just want to note that the ultimate objective in cleaning the election process is to make sure that an elective office is accessible to all, whether rich or poor. If we are going to say that in order to democratize we will have to disqualify somebody, this does not sound right. Suppose there is a qualified and deserving person, we are already instituting in the Constitution a restriction on consecutive terms. We have these kinds of restriction. We do not have to go into this because I feel that this is too much of a restriction and disqualification for deserving people. In the name of democratization, we are really doing an undemocratic act.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

Like Commissioner Natividad, we are a little disturbed about the parameters of this prohibition against the so-called "political dynasties." So may we seek some clarification because, in answer to Commissioner Natividad's queries, I think the matter was limited to succession to an incumbent. May I give some examples which may fall within the prohibition? Let us take the case of Tarlac. We have a President who is from that place and she has very many relatives who might be interested in running for political positions in the Province of Tarlac, say as congressman, as governor, or as mayor. Under this proposed prohibitory resolution, would her brothers, sisters, in-laws, or relatives by affinity or by consanguinity be precluded and prohibited from aspiring for those positions?

MR. NOLLEDO: As far as I am concerned, we are talking of succession.

MR. SUAREZ: Yes.

MR. NOLLEDO: Let us take, for example, a governor who has grown old and has run for two reelections as

permitted by the Constitution, but now wants his son to continue to run for that same position. That is what we call "political dynasty."

MR. SUAREZ: So the Commissioner would not think of what happened during the last regime where we had a President, a Metro Manila Governor, a Governor of Ilocos Norte, a Governor of Leyte and an Assembly-woman in Batasan. The Commissioner is not thinking in terms like those.

MR. NOLLEDO: No. The situation the Commissioner is talking about seems to involve nepotism. There is a prohibition on the appointment of relatives to the Cabinet, to the bureaus, et cetera, which is adopted by the Committee on the Legislative.

MR. SUAREZ: With due respect, I do not think that would partake of the character of nepotism because those are elective positions. So the Commissioner is not thinking in those terms when he defines "political dynasties"?

MR. NOLLEDO: No.

MR. SUAREZ: Thank you.

MR. RAMA: Madam President, I move that we put this amendment to a vote.

THE PRESIDENT: If there are no further comments, we will put it to a vote. Will Commissioner Foz repeat his amendment please?

MR. FOZ: On line 17, after the word "officials," add the following words: INCLUDING A PROVISION AGAINST POLITICAL DYNASTIES.

VOTING

THE PRESIDENT: As many as are in favor of this particular amendment, please raise their hand. (Few Members raised their hand.)

As many as are against, please raise their hand. (Several Members raised their hand.)

As many as are abstaining, please raise their hand. (Two Members raised their hand.)

The results show 5 votes in favor, 19 against, and two abstentions; the amendment is lost.

MR. RAMA: Madam President, I ask that Commissioner Davide be recognized to amend Section 2.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Thank you, Madam President.

The first amendment is submitted jointly with Commissioner Monsod which is to insert after the word "structure" on line 13, the following: INSTITUTED THROUGH A SYSTEM OF DECENTRALIZATION.

THE PRESIDENT: What does the Committee say?

MR. NOLLEDO: Is there a comma after the word "DECENTRALIZATION"?

MR. DAVIDE: Yes, there is.

MR. NOLLEDO: The Committee accepts the amendment.

THE PRESIDENT: The Committee has accepted the amendment.

Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. DAVIDE: On the same line 13, I move to delete the word "an" and to change the words "system of" to MECHANISM FOR. Then on line 14, after the word "recall," insert the following: INITIATIVE AND REFERENDUM and a comma (,), so the two lines will now read as follows: "able (as a continuation of 'accountable') local government structure INSTITUTED THROUGH A SYSTEM OF DECENTRALIZATION, with effective MECHANISM FOR recall, INITIATIVE AND REFERENDUM, allocate among the different local government units."

MR. NOLLEDO: Will the proponent please explain why he believes that "INITIATIVE AND REFERENDUM" should apply to the local government units?

MR. DAVIDE: Yes, it should apply because in the last section of the Article on the Legislative, the Committee on the Legislative incorporated therein the system of initiative and referendum, not only to be made applicable to the National Assembly or the Lower House and the Senate, but also to local legislative bodies. This was also later on approved by the Commission. It is necessary that to give meaning to it and to mandate now its incorporation insofar as its application to local governments is concerned, the same be now mandated to be incorporated in the Local Government Code.

MR. NOLLEDO: With the word "mandated" it is mandatory on the part of Congress to insert provisions on initiative and referendum in the Local Government Code. Am I right?

MR. DAVIDE: Yes, that is in line with the acceptance of the system of initiative and referendum, not only for Congress but also for all other legislative bodies.

MR. NOLLEDO: Do I understand it right that it shall be in the concept of initiative and referendum as understood with respect to the Congress?

MR. DAVIDE: That would be practically the same in the matter of the people enacting legislations or rejecting or approving laws enacted by the different local legislative bodies.

MR. NOLLEDO: The Committee accepts the amendment, Madam President.

THE PRESIDENT: The Committee has accepted the proposed amendment of Commissioner Davide.

Is Commissioner Sarmiento going to say something?

MR. SARMIENTO: Madam President, may I address a few questions to the proponent?

THE PRESIDENT: The Commissioner may proceed.

MR. SARMIENTO: Does not Commissioner Davide think he is weakening the local governments or the local bodies by instituting the system of recall, initiative and referendum?

We must remember that the local executive has to serve for three years. With this system of recall, initiative and referendum, does not the Commissioner think we are virtually paralyzing our local executive and legislative bodies?

MR. DAVIDE: Madam President, on the contrary, it will even strengthen the democratization of the government. Besides, with a provision on referendum and initiative, we can be assured of responsive, accountable and responsible local elective officials. There is always a sword of Damocles hanging over their heads, so they will always do the best they can because of the fear that the public may preempt any particular act, if the local officials will not perform such an act. If we have allowed it to the Congress of the Philippines, there is no reason why we should not allow it to the local governments which are really directly in touch with the people.

MR. SARMIENTO: Commissioner Davide must remember that in the Article on Social Justice, we approved a section on popular organizations, that is, virtually giving strength to people's power.

MR. DAVIDE: That is correct. That is precisely why we have to give some political vehicle or instrument for it. How can these sectoral groups be heard unless they will also be allowed initiation or rejection of laws through the system of initiative and referendum? In short, that particular provision in the Article on Social Justice would only be complemented by this specific political vehicle for a more effective expression of their goals, desires or objectives.

MR. SARMIENTO: Are we not multiplying the effects of people's power? I ask so because here we have to balance the strength of the local government and people's power. Does not the Commissioner think we are giving more power, more punch to people's power, thereby weakening the local government?

MR. DAVIDE: We should always remember that in a republican government, sovereignty resides in the people and all government authority emanates from the people. Hence, with that provision in the Article on Social Justice, we are really strengthening people's power. With this provision I am proposing, we would provide the political weapon or the political vehicle, not just a pressure group. This is a genuine exercise of people's power.

MR. SARMIENTO: Thank you, Madam President.

MR. RAMA: Madam President, the proponents are beginning to repeat themselves, so I ask that we take a vote.

MR. RODRIGO: May I just ask a question for clarification?

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: When I presented an amendment opposing "recall," it was on the basis that Congress was empowered to legislate a system for it. From the answer of Commissioner Nollado, it seems that the purpose is not only to empower Congress but to mandate it. Do I get it right?

MR. DAVIDE: It was used in the sense that the Local Government Code may provide for an effective mechanism. It is no longer an effective system, but an effective mechanism for initiative, referendum or recall.

MR. RODRIGO: But is this mandatory?

MR. DAVIDE: It may be included in the Local Government Code.

MR. RODRIGO: "It may be"; meaning, it is not mandatory.

MR. DAVIDE: We leave it to Congress, but we must remember that under the Article on the Legislative especially on initiative and referendum, pursuant to the Gascon amendment, the Congress shall, as soon as possible, provide for the mechanics of initiative and referendum.

MR. RODRIGO: I would like to have a categorical answer. Is this provision directory or mandatory?

MR. DAVIDE: I would say it is an authority granted to the Congress of the Philippines.

MR. RODRIGO: So, it is not mandatory?

MR. DAVIDE: It is an authority and a power.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: I have one more point for clarification from the proponent. We have just approved Section 1

wherein we defined the political subdivisions of provinces, cities, municipalities and barangays. When we say "effective MECHANISM FOR recall, INITIATIVE AND REFERENDUM," are we referring to all these political subdivisions in their respective sphere? For example, in a barangay, will Congress also provide for an effective mechanism for recall, initiative and referendum, and so on with the provinces, cities and municipalities? Is that it?

MR. DAVIDE: This particular provision would relate to all the local government units to be incorporated in the Local Government Code. It is up to Congress to decide later whether this would be made applicable to the barangays. But insofar as I am concerned, there is really no harm making it applicable even to the barangay officials.

MR. MAAMBONG: That is not the point. I am just trying to follow up the trend of questioning of Commissioner Rodrigo, because when we say "Congress shall enact a Local Government Code," and then we talk of the different local government units, it would seem to me that Congress under this provision should enact a law with a provision for effective mechanism for recall, initiative and referendum in all the local government units. But now, the Commissioner is saying that Congress may or may not enact.

MR. DAVIDE: The answer was not with reference to that. My answer was with respect to the effective mechanism for recall, initiative or referendum, but I would consider the power and the authority of Congress to enact a Local Government Code precisely to give the details on our perception of the local governments. Without that particular law, I wonder how the local governments can perform their functions. In short, Congress must take it upon itself to institute or promulgate the necessary laws to govern precisely the powers, responsibilities, functions and duties of the different local government units.

MR. MAAMBONG: Maybe my question is not very clear. What I am trying to ask is: When Congress enacts a Local Government Code, should Congress, in that Local Government Code, provide an effective mechanism for recall, initiative and referendum for a barangay?

MR. DAVIDE: I would not be able to state now whether it will, but I would suppose that it must, in order to make effective the decentralization and also what is provided for in the last section of the Article on the Legislative regarding initiative, recall and referendum.

MR. MAAMBONG: That is precisely the point of Commissioner Rodrigo. It is either that Congress is mandated to enact that mechanism of recall, initiative and referendum or it is not. So when Congress enacts a Local Government Code should it enact an effective mechanism for recall, initiative and referendum for a province, city or municipality? Probably the barangay will not be included. What I mean is, it should be uniform and we should be very categorical about it, that the exact mandate of the Constitution is to provide an effective mechanism for recall, et cetera, for all local government units without exception.

MR. DAVIDE: I would suppose so, because the Local Government Code will be a general law applicable to all.

MR. MAAMBONG: Then I am satisfied with that answer.

MR. RAMA: Madam President, the body is now ready to vote.

VOTING

THE PRESIDENT: The proposed amendment of Commissioner Davide on line 14 is to add the words INITIATIVE AND REFERENDUM after the word "recall."

As many as are in favor of this proposed amendment, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (Few Members raised their hand.)

As many as are abstaining, please raise their hand. (Two Members raised their hand.)

The results show 17 votes in favor, 4 against, and 2 abstentions; the amendment is approved.

MR. RAMA: Madam President, I ask that Commissioner de Castro be recognized.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you.

Madam President, my amendment is very simple. On line 16 of Section 2, I move that we delete the word "term" because we have already approved that the term of office of the local officials shall be for three years.

MR. NOLLEDO: Madam President, the Committee regrets that it cannot accept the amendment because the word "term" in relation to appointment may cover not only elective positions but also appointive positions. Likewise, when we talk of local government of officials, we do not necessarily circumscribe the term to elective officials.

MR. DE CASTRO: The formulation here is that the Local Government Code which Congress will pass shall provide for a term. What other appointive officials will these be?

MR. NOLLEDO: Appointive officials will include the provincial assessor, provincial treasurer, provincial auditor, municipal auditor, municipal assessor, city assessor, and other administrative officials. Besides, even if there is already a term in the Article on the Legislative, the Local Government Code will just repeat the term stated therein to attain symmetry. So, the term is with respect to appointive and elective officials.

MR. DE CASTRO: Will the provincial treasurers, municipal treasurers and municipal assessors be appointed by local officials?

MR. NOLLEDO: Not necessarily, it will be the Local Government Code that will indicate the appointing power.

MR. DE CASTRO: I am already clarified; I withdraw my amendment.

MR. NOLLEDO: Thank you very much.

MR. RAMA: Madam President, the last registered speaker is Commissioner Rodrigo. This amendment is on Section 2.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Madam President, for the record, I just want to ask a question on the last sentence which states:

No change in the existing form of local government shall take effect until ratified by a majority of the votes cast in a plebiscite called for the purpose.

This refers to changes in the form of local government made by Congress, does it not?

MR. NOLLEDO: Yes.

MR. RODRIGO: Is the plebiscite here nationwide?

MR. NOLLEDO: I think so because the structure of the government should be uniform in all local political units.

MR. RODRIGO: So, any change in the form of local government in a law enacted by Congress will not take effect until it is submitted and approved in a nationwide plebiscite. Is that it?

MR. NOLLEDO: Yes, but that is without prejudice to the pertinent provisions on autonomous regions. Those autonomous regions have different provisions.

MR. RODRIGO: Thank you.

MR. NOLLEDO: Thank you.

MR. RAMA: Madam President, there are no more proponents of amendments to Section 2. I move that we approve the entire Section 2 after it is read by the Chairman of the Committee.

MR. MAAMBONG: Madam President, I hate to interrupt but in view of the question of Commissioner Rodrigo, I have to stand up and ask further questions on the last sentence of Section 2, regarding the change in the existing form of local government.

I think the Commissioner is aware that in the present formulation of the Local Government Code, when we create a barangay, merge it or consolidate it with others, or abolish the same, it is not done by Congress but, according to the provisions of the Local Government Code, by an ordinance either of the sangguniang panlungsod in a city or the sangguniang panlalawigan of the province. Will that provision be affected by this particular provision of Section 2?

MR. NOLLEDO: No. The Commissioner is talking of boundaries; we are talking here of the form of local governments like city mayor, council, et cetera.

MR. MAAMBONG: My point is this: I will repeat the premise. In the case of barangays, when we create, abolish, merge or do whatever with them, under the present formulation of the Local Government Code, it is not done by Congress but through an ordinance of the sangguniang panlungsod of a city or the sangguniang panlalawigan of a province.

My question is: When we approve this last sentence, will it affect that provision of the Local Government Code? I am afraid of what might happen once the Local Government Code is done away with. We can no longer change, merge, abolish a barangay unless through a law passed by Congress.

MR. NOLLEDO: I suggest the Commissioner refer to Section 11. He must be referring to Section 11 which states:

No province, city, municipality or barangay may be created, divided, merged, abolished, or its boundary substantially altered, except in accordance with the criteria established in the local government code and subject to approval by a majority of the votes cast in a plebiscite in the political unit or units directly affected.

MR. MAAMBONG: Precisely.

MR. NOLLEDO: I think that provision covers the situation the Commissioner mentioned.

MR. MAAMBONG: Yes, I am aware of that.

MR. NOLLEDO: Yes, but I insist that we are talking here of the existing form of local government as indicated in the last sentence of Section 2. When we abolish, we do not talk of any form anymore. We talk of the existence of the government with respect to boundaries.

MR. MAAMBONG: I am fully aware of Section 11. But when we operationalize the last sentence of Section 2, the sangguniang panlungsod or the sangguniang panlalawigan of the province can no longer effectively change, create or abolish a barangay within the city or the province because this provision does not distinguish the form of local government unit; and under the present law this can only take effect upon ratification by a majority of the

votes cast in a plebiscite called for that purpose. This is my only concern.

MR. NOLLEDO: I insist that in the Commissioner's case, Section 11 applies. The provision that he adverted to in the Local Government Code still exists in accordance with the criteria established therein, but always subject to approval by a majority of the votes cast in a plebiscite.

I really believe that there seems to be a misunderstanding or misapprehension of the situation. So I believe that Section 11 specifically covers the situation the Commissioner mentioned.

MR. MAAMBONG: In other words, as far as the existing forms of local government are concerned — and I will particularize the barangay — they can still be created, abolished, or merged through an ordinance of the sangguniang panlalawigan or the sangguniang panlungsod under these provisions?

MR. NOLLEDO: Subject to the provisions of Section 11.

MR. MAAMBONG: Yes. Thank you very much.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Madam President, I would like the proceedings abbreviated especially since I see urgent signals from the Floor Leader, but it is impossible for some of us to vote intelligently on this question without some urgent clarification of meanings of key words in the last sentence.

I am aware that this was borrowed from the 1973 Constitution, and since 1973 to date, there have been presumably some concrete experiences of the nation on how this last sentence has, in fact, operated.

Is the Committee aware of any instance when the existing form of local government has been changed since 1973, so that it has required a national plebiscite?

MR. NOLLEDO: We will notice that Mr. Marcos interpreted this provision in a different way. For example, when he decreed P.D. No. 824, he abolished the legislative councils in the constituent units of Metro Manila, and he submitted the same — allegedly — to a referendum only within the metropolitan area. So, in this case, we are not talking actually of the structure of government affecting the entire country.

So the interpretation then of Mr. Marcos is that only the people of Metro Manila area should participate in the plebiscite. I remember very well a news item to that effect, because somebody was questioning that that should be submitted to the entire Filipino nation. But Mr. Marcos, in consultation with his Minister of Justice, said that the existing structure referred only to the City of Manila and did not refer to all other political units.

I think, although the referendum was rigged, there was assumed existence of good faith.

So the Commissioner's question is adequately answered.

MR. OPLE: We are not called upon to judge that plebiscite at this time, but is the Chairman saying that this plebiscite actually took place in compliance with this provision of the Constitution of 1973? Did it take place in Metro Manila?

MR. NOLLEDO: Yes.

MR. OPLE: Now, outside of that limited and localized experience of the Metro Manila form of government, there was no other change of government that required a national plebiscite?

MR. NOLLEDO: I cannot remember, but if the Commissioner knows, will he kindly enlighten the body.

MR. OPLE: Actually, I am seeking some illumination on this point because I am not aware that there has been any change in the form of local government applicable to all local governments since 1973.

MR. NOLLEDO: I would say something, if the Commissioner will permit me.

MR. OPLE: Yes.

MR. NOLLEDO: Should Congress, for example, abolish the municipal council, that means abolishing municipal councils in all political units known as municipalities, then that should be ratified by the entire electorate in the country because it affects the municipalities of the entire country.

MR. OPLE: That is a good concrete illustration of the sort I was looking for, Madam President.

Just one last question. My concern is: Is there a quantum of change in the form of local government that rises to a standard that will require a national plebiscite in the absence of more concrete experience? This leads to the question: Will the lawmaking power of Congress be subject to unusual restraint in the light of what I would call "imminent threat" from a constitutional provision that if they do amend the Local Government Code to a degree that can be deemed substantial, then that law will have to be submitted to a nationwide plebiscite?

MR. NOLLEDO: Perhaps the Committee will entertain a move to delete this provision.

MR. OPLE: I move for its deletion right now because since 1973 it has not proved useful enough to be availed of by the Congress of the Philippines or by other law-making bodies, Madam President.

MR. NOLLEDO: If the Commissioner does not mind, it was President Marcos who placed it there. As a former member of the 1971 Constitutional Convention, I cannot remember whether that provision really formed part of the report of the Committee on Local Governments.

The purpose of Mr. Marcos in placing that provision is that if the form of government is in his favor, he wanted that it should not be changed anymore. His intention was to discourage the Batasang Pambansa, which may prove to be not too subservient to him, from changing the structure of local government so soon.

MR. OPLE: If the Chairman believes that this vitiates the lawmaking power of Congress, then I move for its deletion.

MR. NOLLEDO: Is that in the form of an amendment?

MR. OPLE: Yes, Madam President.

MR. NOLLEDO: Not in the form of a motion because a motion must be duly seconded and shall still be submitted to the floor.

If the Commissioner puts that as an amendment, the Chairman gladly accepts the amendment.

MR. OPLE: It is an amendment, and I thank the Commissioner for accepting it.

Thank you very much, Madam President.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: If the last sentence is deleted, is it possible for Congress to provide a parliamentary form of government for the local government units? I believe that the consensus of the Commission is to adopt the presidential system. The existing local government units are patterned after the presidential system. If we delete

the last sentence now, can the provision grant Congress the authority to adopt the parliamentary system for the local government units?

We go further. Can it also allow a sort of a federal system for the local government units like the provinces and the cities?

MR. OPLE: Madam President, this is extending the horizons of possibilities to their farthest limit. I think we should be able to trust the sense of proportion of the Congress that will be elected under the aegis of this new Constitution.

MR. DAVIDE: In which case, I would strongly object to the amendment, because there might be the possibility that Congress will adopt another type of government for the local government units which would be against the presidential form. I am in favor of the parliamentary system, but I have to respect the decision of the Commission to adopt, in effect, the presidential system.

MR. NOLLEDO: Madam President, may I react to the statement of Commissioner Davide?

THE PRESIDENT: The Commissioner may proceed.

MR. NOLLEDO: We will find in the first portion of Section 2 that Congress is mandated to enact a Local Government Code which shall provide for a more responsive and accountable local government structure.

So even under that authority, Madam President, the legislature can also adopt a parliamentary system if we follow the argument of Commissioner Davide.

MR. DAVIDE: In which case that would be a prejudicial question. The prejudicial question which the Commission will have to decide is whether or not to adopt a parliamentary system of government for the local government units.

MR. NOLLEDO: Madam President, I do not think that that is a prejudicial question. We are tying the hands of Congress in determining the form of government that should be provided for in the Local Government Code. We do not have the facilities here to conduct public hearings in order to determine what form of government the Congress should provide for.

MR. DAVIDE: Precisely.

MR. NOLLEDO: I think Congress will be guided by a high sense of patriotism, including knowledgeability, in determining the structure of government that should be provided for in the Local Government Code.

Besides, pending the enactment of a new Local Government Code under the report of the Committee on Amendments and Transitory Provisions, the former Local Government Code, which is Batas Pambansa Blg. 337, shall continue to be effective until repealed by the Congress of the Philippines.

MR. DAVIDE: That is exactly the reason there is the necessity of the last sentence. If the new Local Government Code will adopt a system other than what is now mandated in the Local Government Code, a plebiscite will be necessary.

I would state that it is wiser to retain the last sentence. Let us not engage again in another "constitutional adventurism," to quote Commissioner Aquino.

MR. OPLE: This is not adventurism but superfluity, Madam President.

THE PRESIDENT: The Chair believes that all that is to be decided is whether or not to submit to a plebiscite any change in the existing form of government.

MR. NOLLEDO: Madam President, the Local Government Code will not be submitted to a plebiscite. What should be decided is whether the Congress shall enact a Local Government Code with the provisions stated and authorized by Section 2 without the need to submit the same to a plebiscite.

MR. FOZ: Madam President.

THE PRESIDENT: That is the problem that is confronting us. The committee report, as is, requires a plebiscite for a change.

MR. NOLLEDO: No, that is only after the Congress has fixed a form of government for local government units, and then there is a need to change the same. In which case, the second act of Congress must be ratified under this last sentence of Section 2, which Commissioner Ople amended by way of deletion which I accepted on behalf of the Committee.

THE PRESIDENT: I want to be clarified on the matter that requires a plebiscite.

MR. NOLLEDO: The change of the local government structure would require a plebiscite.

THE PRESIDENT: Will the Committee Chairman please clarify this?

MR. FOZ: Madam President, I have a question.

MR. OPLE: Madam President, in response to the question of the Chair, may I reiterate the proposed amendment. This pertains to line 19 of Section 2, page 1 of the Article. I propose to delete the sentence which says: "No change in the existing form of local government shall take effect until ratified by a majority of the votes cast in a plebiscite called for the purpose."

MR. NOLLEDO: Madam President, I would like to make a very important argument in favor of the Ople amendment because if we do not delete this, then Congress cannot even change the present form of government as now embodied in the Local Government Code. There are many petitions that we have received asking the Congress to return to the old form of government with a mayor and council, particularly to political units within Metro Manila. Mr. Marcos has changed drastically the form of government of the local government units.

MR. FOZ: Madam President.

THE PRESIDENT: Commissioner Foz is recognized.

MR. FOZ: I think it is settled in some jurisprudence that the presidential form of government and the parliamentary system are not applicable to local government systems. As a matter of fact, in the existing local government setup, there is a mixture as it is. The provincial governor sits in the provincial board which is the legislative department of the provincial government, and this example is extended to some other forms of local government where the mayor sits as chairman or presiding officer of the city or municipal council. So, the question of whether this is parliamentary or presidential does not apply, does not come into play at all. So, the form of government as used in the provision involves the question of whether it is a mayor-council type of government or a manager type of government as far as local government is concerned. So the parliamentary and presidential systems are not at all involved.

MR. NOLLEDO: Madam President, the Committee has accepted the amendment of Commissioner Ople. I think there is an objection from Commissioner Davide, and so we submit this to a vote.

THE PRESIDENT: We shall now submit this to a vote.

VOTING

MR. RAMA: Madam President, I move that we vote on Section 1 and Section 2 as entire texts, as amended.

THE PRESIDENT: Will the Committee Chairman read Section 1 with the amendments so that we can vote separately.

MR. NOLLEDO: "Section 1. The TERRITORIAL AND POLITICAL SUBDIVISIONS OF THE REPUBLIC OF THE PHILIPPINES ARE THE PROVINCES, CITIES, MUNICIPALITIES AND BARANGAYS. THERE SHALL BE AUTONOMOUS REGIONS IN MUSLIM MINDANAO AND THE CORDILLERA AS HEREINAFTER PROVIDED."

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Before we vote on Section 1, may I just ask the Chairman to reiterate his answer to my query as regards the "subprovinces" which are local government units existing under our present laws but are not mentioned here. I would like the Chairman to articulate before the Commission what is his thinking about the subprovinces which seem to be in limbo up to this present time.

MR. NOLLEDO: I said before, Madam President, and reiterate now, that subprovinces, because of their temporary status, are extensions of the mother provinces and, therefore, they can be considered in the redistricting system for purposes of representation in the Congress.

MR. MAAMBONG: In other words, as far as Section 1 is concerned, the Constitution does not acknowledge the existence of the subprovinces.

MR. NOLLEDO: As separate political units, because they are, to my mind, extensions of the mother provinces.

MR. MAAMBONG: Would the Commissioner perhaps suggest that I formulate another provision, probably to be given to the Committee on Amendments and Transitory Provisions or to the Committee on the Legislative?

MR. NOLLEDO: To what effect?

MR. MAAMBONG: The proposed provision shall cover the subprovinces.

MR. NOLLEDO: I have no objection.

MR. OPLE: May I support this proposal, Madam President.

VOTING

THE PRESIDENT: As many as are in favor of Section 1 as read, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (No Member raised his hand.)

The results show 29 votes in favor and none against; Section 1, as amended, is approved.

May we ask the Chairman to read Section 2, as amended.

MR. NOLLEDO: Section 2, as amended, now reads: "THE CONGRESS SHALL ENACT A LOCAL GOVERNMENT CODE WHICH SHALL PROVIDE FOR A MORE RESPONSIVE AND ACCOUNTABLE LOCAL GOVERNMENT STRUCTURE, INSTITUTED THROUGH A SYSTEM OF DECENTRALIZATION,

WITH EFFECTIVE MECHANISM FOR RECALL, INITIATIVE AND REFERENDUM, ALLOCATE AMONG THE DIFFERENT LOCAL GOVERNMENT UNITS THEIR POWERS, RESPONSIBILITIES AND RESOURCES, AND PROVIDE FOR THE QUALIFICATIONS, ELECTION, APPOINTMENT AND REMOVAL, TERM, SALARIES, POWERS AND FUNCTIONS AND DUTIES OF LOCAL OFFICIALS, AND ALL OTHER MATTERS RELATING TO THE ORGANIZATION AND OPERATION OF THE LOCAL UNITS."

VOTING

THE PRESIDENT: As many as are in favor of Section 2 as read by the Committee Chairman, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (No Member raised his hand.)

The results show 29 votes in favor and none against; Section 2, as amended, is approved.

Commissioner Maambong is recognized.

MR. MAAMBONG: Madam President, I am prepared to present my amendment to Section 3. As a matter of fact, I have submitted or caused the distribution of my comments on my proposed amendment. However, I would like to call the attention of the Chair that my proposed amendment will affect two things. It will settle probably, once and for all, the status of highly urbanized cities, and will also affect the right of suffrage of the voters in highly urbanized cities.

So, may I ask the indulgence of the Chair if I would rather reserve my right to present this at some later date, because these issues are very vital and we do not have a full complement of Commissioners right now. I would rather that this be decided when there are more Members present, Madam President. So, I reserve my right to present my amendment to Section 3 later.

THE PRESIDENT: Is there any other amendment to Section 3?

MR. RAMA: I ask that Commissioner Colayco be recognized to amend Section 3.

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: Thank you very much.

Without going over the reservation of Commissioner Maambong, I am going to ask two clarificatory questions. Line 2 of Section 3 says "the highly urbanized cities, as determined by reasonable standards." I would like to know if the Committee has in mind what these reasonable standards would be, for the guidance of the Congress.

MR. NOLLEDO: They are provided in the Local Government Code. I think it is Congress that shall determine the reasonable standards.

MR. COLAYCO: My second question is, is the word "city" on line 4 used as it is understood on line 2 — "highly urbanized cities"?

MR. NOLLEDO: The word "city" on line 4 refers to a city, whether highly urbanized or not, as long as it is a component part of the province.

MR. COLAYCO: I would like to call the attention of the Gentleman to existing practice. For instance, Pasay City is inside Rizal.

MR. NOLLEDO: I think Metro Manila is excluded, as I understand from Commissioner Rama, who is the

proponent of this provision.

MR. RAMA: Yes, Metro Manila is excluded from this provision.

MR. COLAYCO: But there is no distinction here in this definition.

MR. RAMA: Then I would suggest that Commissioner Colayco propose an amendment to the effect that cities in Metro Manila are not included in this provision.

MR. COLAYCO: I will make that amendment when Commissioner Maambong is ready with his own in connection with Section 3.

MR. RAMA: May I explain the rationale for this second sentence in this section. This is an antiwarlordism provision. In the past regime, the warlords who normally would live in some benighted places in the province were able to disenfranchise the cities' voters who had been voting for the provincial officials ever since. And with that kind of scheme, they were able to control the provinces and get themselves entrenched. As a matter of fact, this had been a very big issue in many cities down South because of the disenfranchisement of the voters who are normally more informed for they live in the cities and are normally less vulnerable to the maneuvers and manipulations and intimidations of the warlords. I think it is a more democratic system to allow the city voters, most of whom come from the towns or provinces, to vote as they have always been voting in the past. That is the reason for this second sentence in Section 3.

MR. MAAMBONG: Madam President, since there was a question by Commissioner Colayco which was not completely answered, I would like to put on record that as of this moment under our Local Government Code, we have a provision in Section 165 which classifies cities into two kinds. It says:

A city may either be component or highly urbanized. Highly urbanized cities, as herein provided, shall be independent of the province.

The question of Commissioner Colayco is: What is a highly urbanized city? Section 166 of the Local Government Code states highly urbanized cities are the cities with a minimum population of 150,000 as certified by the National Census and Statistics Office, and with the latest annual income of at least P30 million as certified by the Minister of Finance; and that cities which do not meet the above requirements shall be considered component cities of the province in which they are geographically located.

Section 167 of the Local Government Code will answer the question of Commissioner Colayco as to how we elevate a component city into a highly urbanized city. Section 167 says: "A component city may become a highly urbanized city if it meets the criteria specified in the preceding section." That is precisely the point which will be the subject matter later on of our amendment, because as of this moment we have highly urbanized cities whose inhabitants are not allowed to vote logically for the provincial elective officials in the same way that the inhabitants and the voters in the province are not allowed to vote for the election of city officials in the highly urbanized cities. That will be the subject matter later on of my proposed amendment to Section 3.

Thank you.

MR. RAMA: So as a consequence, Commissioner Monsod wishes to be recognized.

MR. MONSOD: I just want to ask a question, Madam President.

THE PRESIDENT: Please proceed.

MR. MONSOD: If I understand correctly, the reason for the sentence is to prevent warlords in the province from dominating the countryside. Is it not possible that there will be a warlord in the city also, so that the city will then

dominate the countryside?

MR. RAMA: Our experience, Madam President, is that the warlords normally do not have their political bailiwicks in the cities because the cities are enlightened voters. It is in the towns in the provinces where the warlords thrive because they can terrorize and buy voters there. It is not so easy to buy voters in the cities. That has been our experience, so that this provision also tries to correct an evil because there has been gerrymandering. This is trying to do justice to those people who have suffered injustices under the aegis of some warlords.

MR. MONSOD: My solution in that case where there is gerrymandering is to prevent the gerrymandering, not to solve it by offsetting a wrong in the first place.

I have another question, Madam President. In the case of the city residents voting for the province, let us say that their votes make the difference. Would the provincial governor have any power or any authority within the city?

MR. RAMA: Madam President, many of the inhabitants or dwellers in the city come from the towns. Their families live there. As a matter of fact, they just go to the city to find work. But for purposes of their livelihood they have to transfer their domicile in the city, and it is more convenient for them to stay in the city and vote in the same place. But the majority of those people in the city come from the towns, and their families come from the towns. The gerrymandering that I was referring to has already been committed and I want to correct this. The warlords have already gerrymandered by disenfranchising the city voters.

MR. MONSOD: I find it very hard to conceptualize the principle that a group of voters may determine the government of the province when there is really no jurisdiction over the province. To me, the parallel to this is in the 1984 Election Code, where transient workers were allowed to vote in cities of their place of work. We saw many instances where the laborers of a construction company, for example, had a very big vote in Pasay City. I was wondering whether there is really a principle involved here on who are the people who are going to be governed by the officials who are being elected. I am only trying to reconcile whether that principle is superior to the principle of trying to constitutionalize the prevention of warlordism. We are trying to put a negative constitutional provision to solve the warlord system, but we may be opening up another avenue of injustice where people are governed by those who really were not voted by them into office.

THE PRESIDENT: Amendments to this Section 3 have been reserved for Monday or any other day when the Article on Local Governments is scheduled. I suppose additional manifestations on this can be postponed to that time when the amendment of Commissioners Maambong and Colayco will be considered. Can we proceed now to Section 4?

MR. RAMA: May I ask that Commissioner Davide be recognized.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Thank you, Madam President.

My proposal is to delete the word "sectoral" on line 8, and to insert after "representation" the phrase FROM THE PARTY LIST. And on line 9, after the word "law," add the following: IN ACCORDANCE WITH THE STANDARDS SET FORTH IN SECTION __ OF ARTICLE __ OF THE CONSTITUTION. The "Article" here refers to the Article on the Legislative/National Assembly. I understand that the idea of the Committee is only to carry over to the local legislative bodies sectoral representation under the party list system as mandated in Section 5 of the proposed Article on the Legislative/National Assembly.

THE PRESIDENT: Is the Committee ready to react to this?

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Just a point of information, Madam President. How large are the legislative bodies at the provincial and municipal level?

MR. NOLLEDO: The legislative body is composed of eight members.

MR. MONSOD: The reason for my asking is I would like to raise the point of whether proportional representation which is really the party list system lends itself to application in small bodies like those because I remember the discussion on the Senate where we were talking about 24 Members of which 12 would be elected at any one time, assuming 6 years and 3 years. But when we put a slate of eight people to run for the municipal council, under a party list system, we are sure that not all of those eight will be elected, unlike in a system that we have installed in the Article on the Legislative/National Assembly where there is a limit of about 50 seats and anybody who gets more than 20 percent of the votes can have all the lineup elected. With this we are sure that not all of them will be elected because it is strictly proportional, and I am not sure that the party list system lends itself well to a small body of eight like this.

MR. NOLLEDO: Madam President, that is the reason why we are rejecting the amendment.

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO. I also object to the deletion of sectoral representation because the pressing imperative of democratizing the political processes in the local governments by way of sectoral representation is more than it would be in the national government. We have gone through a lot of public hearings and there is an overwhelming clamor for sectoral representation in the local government where the people believe that their felt needs are more adequately responded to by the local governments. Besides, I have serious doubts about the feasibility of the application of the party system in the local governments, Madam President.

MR. MONSOD: Madam President, may I just raise one point?

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I believe that we had a very lengthy discussion on the floor regarding the concept of permanent seats. Here we are talking about an eight-man council and I do not know what is in the mind of the Committee but, certainly, the members are probably thinking about two or three reserved seats; about the municipality where universal and equal suffrage is only applicable to five seats out of the eight; and about a situation where there are permanent sectoral seats and where some people who belong to favored sectors would again have two votes, and the rest have only one.

So, I do not know whether we should provide here an exception to the deliberations where the Commission has voted in principle on the question of whether reserved seats are really a democratic type of legislature, and we only have here a council of eight people.

MR. NOLLEDO: Incidentally, Madam President, we used the words "as may be prescribed by law."

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I address a few questions to the Chairman of the Committee? May I know the sectors referred to in Section 4 which will have representation in the local governments? In the Article on the

Legislative/National Assembly we mentioned sectors like youth, women, indigenous cultural communities urban poor, peasants and others, even women and other sectors, as may be provided by law. Are we carrying over those sectors in this Article on Local Governments?

MR. NOLLEDO: Madam President, we did not discuss those sectors in the Committee. Commissioner Bennagen would like to answer the question of the Gentleman.

MR. BENNAGEN: Earlier, during the deliberations, I answered that because of the wide variations of sectors in the regions, we cannot specify precisely what sectors will be represented in all of the local districts. I would imagine there will be areas with at least two sectors — peasants, maybe youth, and even women — and in other areas, there will be a lot more.

MR. SARMIENTO: I fully endorse Section 4 on sectoral representation. This will bolster the claims or the statements of Commissioner Davide about people's power. As a matter of fact, this will supplement the mechanisms of recall, initiative and referendum.

MR. NOLLEDO: Madam President, I understand from Commissioner Davide that he is withdrawing his amendment.

MR. DAVIDE: Yes, because of the problem on sectoral representation and because of the enlightenment of Commissioner Aquino.

MR. MONSOD: Madam President, in that case, I would like to make an amendment. I believe that this section is difficult to operationalize and that it is against the system of universal and equal suffrage. I would like to propose that Section 4 be deleted.

MR. NOLLEDO: Madam President, the Committee does not accept the amendment and would prefer that the question be submitted to the floor.

MR. COLAYCO: Madam President.

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: May I give my reaction. I support the stand of Commissioner Monsod, because the legislative bodies in the local level will deal only with local problems. I do not see how the sectoral area or sectoral representatives can be of any special help in protecting the rights of the parties represented by them. For that reason, therefore, I do not see any reason nor justification for Section 4.

Thank you, Madam President.

MS. AQUINO. Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Madam President, I object to the motion of Commissioner Monsod and proceed precisely from the argument of Commissioner Colayco. Regional and other local governments have specific idiosyncrasies that are addressed more decisively by their particular legislative assemblies. These would require specific attention to the particular configuration of their problem. When we respect the idiosyncrasies of the region, there is likewise a necessity to consider that in certain regions, there are some critical problems that can be best addressed by a definitive configuration in their legislative assembly.

For example, if we speak of the legislative assembly in Central Luzon where the critical mass belongs to the peasant sectors, there is need therefor for the peasant sector to be represented in the legislative assembly, as a

definitive and significant sector. In other words, I would use the same argument to support the retention of this section.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Madam President, I object as well to the proposed amendment that would delete sectoral representation in local legislative bodies for the simple reason that this is already an earned right. May I volunteer the information that right now in the municipal councils or sangguniang bayan all over the country, the farmers and the workers and also the youth are already represented. There are usually eight (8) seats in the municipal council or sangguniang bayan, and in the sangguniang panlungsod. In addition to that, these are elected within their political subdivision and each council usually has a member representing the youth sector. Yes, all the barangay associations in the town are represented through the Chairman of the Association of Barangay Captains, and the youth are represented. Optionally, the workers of the trade unions may also be represented in the case of the more economically advanced municipalities where there are industries and, therefore, trade unions. Therefore, if we now delete sectoral representation in local bodies, then this is a step backwards from what these mass organizations already enjoyed under the old Constitution.

I would have no objection to a review of the nature of the sectoral representation that will be considered by Congress. I would have no objection to guiding Congress on what this Commission would like to denominate as its own preferences for sectoral seats, but I appeal to the Committee to preserve the principle of sectoral representation in local bodies because it is already a working principle which has been proven by experience to be useful and to be desirable for a community.

Thank you.

MR. COLAYCO: One last reaction, Madam President.

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: We are speaking here of reserved seats, in other words, to guarantee that these sectoral areas shall be insured of their representation. But in the local bodies, these sectoral areas or persons can fight it out on an equal basis. Everybody knows everybody in a municipality. The idea of sectoral representation was important in the higher provincial and national levels because they are at a big disadvantage. Here, they do not need this protection. Secondly, what are the issues covered by the legislation in local matters? Licenses, probably, minor violations, that is all. The personal rights as a social member of a unit are not involved in local legislation. Madam President, I do not think there is need, really, for providing special sectoral representation in the municipal level at least.

MR. OPLE: I just wanted to point out that the range of lawmaking duties at the municipal level is much wider than what Commissioner Colayco had suggested. There are social and economic development programs covered by appropriate legislation at the municipal level, and it is in this respect that sectoral representation becomes very important. There are problems of fishermen and of farmers in a locality. There are the problems of market vendors and of peace and order. If the level of peace in a remote barangay is substandard, then they cannot go out to plant; they cannot harvest when the rice ripens. So, there is a whole range of legislative services now being provided by the sangguniang bayan, Madam President.

THE PRESIDENT: May we listen to Commissioner Bengzon.

MR. BENGZON: Madam President, I have a question to ask the Committee, but before that, with the little experience I have gone through and have had in dealing with local governments, I fully agree with the comments

of Commissioner Ople in his explanation and I share those views. In Section 4, when we say "legislative bodies of local governments," I assume that the term refers to the governor, the vice-governor, the members of the provincial board, the mayor, the vice-mayor and the members of the municipal council. Is that correct?

MR. NOLLEDO: Yes.

MR. BENGZON: Thank you.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I briefly say something on sectoral representation. I have been to a number of places and I observed that many of those in the bodies, legislative bodies, belong to the middle and upper classes of our society. In the province where I come from, the council is occupied by those who belong to the middle class or upper class. I, therefore, support that the marginal sectors be represented in the bodies so that their needs and grievances will have a chance to be heard.

THE PRESIDENT: Are we ready to vote?

MR. RAMA: Madam President, the Monsod amendment to delete the entire Section 4 is ready for a vote.

VOTING

THE PRESIDENT: The proposed amendment before the body is that of Commissioner Monsod's, to delete the entire Section 4.

As many as are in favor, please raise their hand. (Few Members raised their hand.)

As many as are against, please raise their hand. (Several Members raised their hand.)

The results show 5 votes in favor, 19 against; the amendment is lost.

MR. RAMA: Madam President, I ask that Commissioner Davide be recognized.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Thank you, Madam President.

After Section 4, I propose to insert a new section to be denominated later as Section 5. It provides as follows: THE TERM OF OFFICE OF ELECTIVE LOCAL OFFICIALS, EXCEPT BARANGAY OFFICIALS, WHICH SHALL BE DETERMINED BY LAW, SHALL BE THREE YEARS AND NO SUCH OFFICIAL SHALL SERVE FOR MORE THAN THREE CONSECUTIVE TERMS. VOLUNTARY RENUNCIATION OF THE OFFICE FOR ANY LENGTH OF TIME SHALL NOT BE CONSIDERED AS AN INTERRUPTION IN THE CONTINUITY OF HIS SERVICE FOR THE FULL TERM FOR WHICH HE WAS ELECTED. This is in accordance with the mandate of the Commission when we voted on the terms of officials up to local officials, excluding the term of barangay officials which was a very specific exception.

MR. NOLLEDO: One clarificatory question, Madam President. What will be the term of the office of barangay officials as provided for?

MR. DAVIDE: As may be determined by law.

MR. NOLLEDO: As provided for in the Local Government Code.

MR. DAVIDE: Yes.

MR. NOLLEDO: We accept the amendment. The Committee accepts the amendment.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Will the proponent accept an amendment to the extent that the second sentence, which he just read, should be the first sentence, and the present first sentence should be the second sentence because it would be an improper sequence for the executive to be on the first sentence and the legislative on the second sentence.

MR. DAVIDE: May we have the wording under the proposal?

MR. MAAMBONG: It has the same wording as Commissioner Davide has proposed. We only transpose the amendment, which he just read, as the first sentence of Section 4 and the present formulation of Section 4 as the second sentence.

MR. DAVIDE: I think that will be the sequence. I do not know if the Committee also has the same perception.

MR. NOLLEDO: We have no objection, Madam President.

THE PRESIDENT: Do we have copies of this new section?

MR. DAVIDE: Yes, Madam President, it is included in the omnibus amendments introduced by this Representation. That is (Roman numeral) VI, page 2, of the omnibus amendments.

THE PRESIDENT: May we have the reaction of the Committee?

MR. NOLLEDO: The Committee accepts the amendment, as amended, Madam President.

THE PRESIDENT: Is there any other comment?

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: May we ask the Committee to read the proposed amendment now.

MR. NOLLEDO: May we ask Commissioner Davide to read the new section.

MR. DAVIDE: THE TERM OF OFFICE OF ELECTIVE LOCAL OFFICIALS, EXCEPT BARANGAY OFFICIALS, WHICH SHALL BE DETERMINED BY LAW, SHALL BE THREE YEARS AND NO SUCH OFFICIAL SHALL SERVE FOR MORE THAN THREE CONSECUTIVE TERMS. VOLUNTARY RENUNCIATION OF THE OFFICE FOR ANY LENGTH OF TIME SHALL NOT BE CONSIDERED AS AN INTERRUPTION IN THE CONTINUITY OF HIS SERVICE FOR THE FULL TERM FOR WHICH HE WAS ELECTED.

THE PRESIDENT: Is there any other comment? Is there any objection to this proposed new section as submitted by Commissioner Davide and accepted by the Committee?

MR. RODRIGO: Madam President, does this prohibition to serve for more than three consecutive terms apply to barangay officials?

MR. DAVIDE: Madam President, the voting that we had on the terms of office did not include the barangay

officials because it was then the stand of the Chairman of the Committee on Local Governments that the term of barangay officials must be determined by law. So it is now for the law to determine whether the restriction on the number of reelections will be included in the Local Government Code.

MR. RODRIGO: So that is up to Congress to decide.

MR. DAVIDE: Yes.

MR. RODRIGO: I just wanted that clear in the record.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Considering that it was decided by the proponent and by the Committee that this should be a new section, I will vary my proposed amendment a little bit to the effect that this present formulation should now become Section 4 and the present Section 4 should be Section 5 so that we can have the proper sequence of the executive and the legislative, if that is acceptable to the Committee.

THE PRESIDENT: What does the Chairman of the Committee say?

MR. NOLLEDO: I suggest, Madam President, that adjustments be made later on when Commissioner Maambong shall have presented his amendment. That is with respect only to the numbering.

MR. MAAMBONG: Yes.

MR. NOLLEDO: Madam President, I think the best way is for us to renumber as soon as the body approves the Maambong amendment, because there may be forthcoming amendments later on.

MR. MAAMBONG: Yes, as long as the sequence that I presented will be followed.

Thank you.

MR. OPLE: Madam President, I just wanted to call the attention of the Committee, if this is welcome, to a prior decision taken by the Commission to relocate, to allocate a new section to the amendment concerning metropolitan areas that was approved this morning. May I leave it to the Committee to find the correct and most appropriate place in these series of sections for that.

Thank you.

MR. NOLLEDO: We will do that.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Laurel be recognized.

THE PRESIDENT: Commissioner Laurel is recognized. Is this on the Davide amendment so we can vote on it? Is this a new matter?

MR. RAMA: This is a new matter, Madam President.

THE PRESIDENT: Then let us vote first on the Davide amendment.

Is there any objection to this new section proposed by Commissioner Davide which has been read to the body? (Silence) The Chair hears none; the proposed section is approved.

CONSIDERATION OF PROPOSED RESOLUTION NO. 541
(Protecting the Dignity and Integrity of the Commission)

PERIOD OF SPONSORSHIP AND DEBATE

MR. RAMA: Madam President, I move that we consider Proposed Resolution No. 541.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the motion is approved.

Commissioner Laurel is recognized.

THE PRESIDENT: Commissioner Laurel is recognized.

SPONSORSHIP SPEECH OF COMMISSIONER LAUREL

MR. LAUREL: Madam President, I would like to read before this body a resolution which some of our colleagues have signed. It is a resolution expressing the imperative of protecting the dignity and the integrity of the Commission against undue interference by lobbyists within the session hall.

As Madam President will recall, yesterday, there was an incident which occurred even in the presence of not only the ordinary Members of this Chamber, like your humble servant, but also in the presence of the officers, including the Presiding Officer of this Chamber. That was a very unfortunate incident because everyone will recall that at that time, the session was simply suspended, the body had not adjourned. In other words, what took place was part of the proceedings of this Chamber and, therefore, if anyone wants to commit a disorderly behavior in this Chamber only the Members can violate the Rules and face the risk of investigation by his peers in the Committee on Privileges. And, therefore, it was not proper for any outsider or any lobbyists, for that matter, to come over and insult a Member of this Chamber, and we know who he is. It was a distinguished Member who was called names, and that was improper.

As a matter of fact, there is no one who is not a Member of this Chamber who can pretend to have not only the ability but the right to commit disorderly behavior.

If any outsider should do that, he should have been silenced then and there, and he should have been ordered out of the floor. Kahit pa igapos para palayasin, hindi dapat ipinahintulot na lumalabas tayong hinihiyang lahat dito. Ang bagay na ito ay hindi dapat mangyari, at kung nangyari man noong araw ay ipagpatawad na natin na may nangyaring ganoon; ang nais ko lamang sana ay huwag nang maulit pa ito.

There are lots of controversial matters that will be discussed, not only now or tomorrow, but until the day we adjourn; therefore, let us not allow this to happen again. Madam President and my dear colleagues, may I read Proposed Resolution No. 541:

RESOLUTION EXPRESSING THE IMPERATIVE OF PROTECTING THE DIGNITY AND INTEGRITY
OF THE COMMISSION AGAINST UNDUE INTERFERENCE BY LOBBYISTS WITHIN THE SESSION
HALL

WHEREAS, during the suspension of the plenary session of the Commission in the morning of Friday, 15 August 1986, and while the Commissioners discussed their proposed amendments to the proposed Article on National Economy and Patrimony with the members of the Committee on National Economy and Patrimony, lobbyists rushed into the session hall and approached Commissioners and committee members with the intention of presenting their own amendments; one of the lobbyists, who was insistent on having his own or his group's proposals incorporated into Section 1 of the proposed Article publicly and openly insulted, and his brother challenged, Commissioner Christian Monsod; unfortunately, however, one newspaper erroneously

made it appear that it was Commissioner Monsod who provoked the altercation;

WHEREAS, the Commission had taken all steps to hear the views of all sectors; nationwide public hearings were conducted; the different committees conducted their own hearings; and the Commission and its members have received, and continue to receive, proposals and recommendations from individuals, groups and associations; with utmost patience the Commissioners listened to all views;

WHEREAS, the Commission, as a constituent assembly, and its members are entitled to respect; the session hall of the Commission is not any ordinary place for any person or group of persons to freely use to disrupt or interfere with the delicate work of the Commission;

WHEREAS, the incident above-described constituted an assault on the dignity of the Commission; Now, therefore, be it

Resolved, as it is hereby resolved by the Commission, to direct the Sergeant-at-Arms to always maintain order and security within the session hall, or in any manner disrupting the Commissioners thereat.

Resolved, further, to condemn as undue and unwarranted interference of the proceedings of the Commission the action of the lobbyists involved in the incident in question.

Kahit na sinabi ng peryodikong ang pinanggalingan ay si Mr. Monsod, hindi naman iyon totoo. Kung totoo man iyon, papaano naging Member of this body iyong pumasok na taga-labas upang mag-participate during the suspension of the session. Kahit ang session ay suspended lamang, ang ginagawa natin dito ay part of the proceedings. Suspendido ang session upang alamin kung ano ba ang diperensiya — entre nosotros — na puwede namang ayusin.

Ngunit hindi maaaring pumasok dito sa session hall upang magyabang ang sinumang lalaki. Kung kaibigan ko man — at kaibigan ko namang talaga iyong mga dumating dito — at hinahangad na tayo'y sundaluhin, hindi iyon ang pinag-uusapan. Dapat namang bigyan ng halaga ang ating trabaho rito sapagkat ito naman ay ginagawa natin para sa kanila na mga kababayan natin.

Katulad noong araw na ako ay Speaker pa sa Camara de Representantes, mayroong mga teenagers na gustong magtalumpati roon sa session hall. Ang sabi ko sa kanila, "Hindi naman kayo qualified even to run for public office. Maghintay kayo." "Darating ang panahon ninyo that you would be qualified to run. At kung kayo ay manalo, saka lamang kayo makakadiskurso rito. Ni hindi kayo maaaring magkandidato, pagkatapos ay gusto ninyong makapanayam kami rito. Ano ang saysay ng pagpupulong namin dito kung ganyan ang mangyayari?"

Mabuti pa ay pumunta na lamang sila sa Pangulo natin, kay Ginang Aquino, at doon sila magpanombra at kung makursunadahan sila, makakapagbusisi na sila rito. Ngunit hindi sila maaaring magyabang dito dahil hindi naman sila kaanib dito. At huwag naman nilang hiyain ang mga Commissioners sapagkat ang hinihiya nila ay hindi naman tayo lamang kundi pati ang bayan at pati na ang Pangulo na nagpadala sa atin dito. Kayat hindi na dapat maulit iyan. Nangyari na at ayaw ko ng ganoong marami pa sana tayong pag-uusapan dito ay basta pupuntahan tayo at ang gusto nilang mangyari ay ang kanila. At pag hindi tayo sumang-ayon ay mabubusisi tayo rito at sasabihin pa ang kanilang palagay sa atin.

Tayo ay nakikinig at kung gusto nilang makinig, humarap sila sa mga committee meetings. Mayroon naman tayong mga pinagpupulungan; pati sa probinsiya ay nasuot tayo upang madinig kung ano ang kagustuhan ng mga kababayan natin. Ngunit hindi tamang sila ay magdidiskurso o manggugulo rito. Alam naman natin kung ano ang gusto ng mga tao. Tayo naman ay nakikinig; bagamat alam na natin ay pinakikinggan pa natin ang mga tao because we have to disagree from time to time. Ano ba naman kung mapakinggan natin ang gusto ng tao?

Ngunit kasalukuyang mayroong session dito sa Con-Com, kaya bakit naman pakikialaman ang ating ginagawa

gayong hindi naman sila kaanib?

Ang mahalaga ay hindi lamang pagbibigay-galang sa atin kundi pagbibigay-galang sa nagpadala sa atin dito. At ang nagpadala sa atin dito ay ang ating Pangulong kinikilala ng maraming kababayan natin. Mayroon pa riyang ang gusto ay maging Pangulo. Mayroon pang naging Pangulong malapit din sa akin at tatlumpu't pitong oras na naging Pangulo; mayroon ding nagsasabing tatlumpu't anim na araw daw.

Tayo'y ipinadala rito upang magtrabaho, pagkatapos ay hahadlangan pa tayo ng ating mga kababayan na mga nagdudunung-dunungan. Hindi tayo ang kawawa; ang kawawa ay ang bayan na naghihintay sa atin na tayo ay makatapos dito sa ating katungkulan.

Kung may nagkamali ay ipakiusap lang nating huwag nang uulitin iyon. Ito naman ay hindi patama lamang sa kung sinuman, at kilala ninyong lahat kung sino iyong nasasangkot sa paggawa noong hindi natin nagugustuhan. Ninanais lang nating ipaalam sa kapwa rin nating Pilipino na tayo ay magpupulong-pulong tungkol sa mga iba't ibang bagay at marami pa tayong pagpupulongang mga bagay na hindi tayo maaaring magkasundo-sundo o magkasama-sama.

Kung tuwing tayo ay may pag-uusapan at hindi magkakasama-sama ang lahat ng delegado rito at kung paparito lang ang mga taga-labas para manggulo ay huwag na silang pumarito. Aming pinakikiusapan at tinatawagang-pansin ang mga nanunungkulan dito, lalo na ang ating Sergeant-at-Arms. I repeat, the session was only suspended. What we were doing was part of the proceedings of this Chamber at that time.

Ipinakikiusap ko po, sa ngalan ng mga kasamahan ko, na wala naman tayong kasali dito na pinararatangan natin. Sapagkat dito sa session hall, only the Members of this body can commit disorderly conduct. At kapag naman nangyari iyan, hindi na baleng tayo ay ikulong o palayasin dito. Kung sinuman dito ang kaanib ay siya lamang ang may karapatang mag-alsa rito at gumawa ng mali, tulad noong ginawa ng iba. Ngunit iyong mga hindi taga-rito'y . . . ipagpatawad naman nila.

We pretend to be in a position to prepare the draft of a Constitution which will later on be submitted to the people.

Nakapirma naman dito sa resolusyon ang mga pangalan ng mga authors ngunit hindi ko na babasahin sapagkat sa aking palagay wala namang kaanib dito sa Con-Com na hindi sasang-ayon dito sa resolusyong ito. Kaya sa halip na basahin ko ang mga pangalan nila ay ipalalagay ko na lamang na lahat ng naririto ngayon, pati wala ritong mga Members ng Con-Com, ay sang-ayon dito sa resolusyong ito. Kayat, Madam President, aking hinihingi ang unanimous approval of this resolution.

Salamat po.

THE PRESIDENT: Is there any objection?

Commissioner Foz is recognized.

MR. FOZ: I have no objection, Madam President, but I just would like to make certain statements in connection with the resolution. I think that at all times, we should not give any impression that we are not open to any suggestions or views from the public or from the people. We should, as a matter of fact, welcome all views, all shades of views. As a matter of fact, we have just gone through a series of public consultations precisely to hear the views of the people from as many representatives, from as many sectors as possible, in as many places as possible. And having heard them, we are not, of course, bound by their views, but we have to consider them in making decisions as to the specific provisions of our new Constitution.

THE PRESIDENT: Commissioner Foz, I think everybody is aware that we have welcomed organizations, individuals whom we have entertained at the South Wing lobby, even listened to their programs. We never

intended or we have never had up to now any occasion to deny any one from expressing his views, but as the resolution calls for, this must be made outside of the session hall, and not while the Members of the Commission are deliberating over the resolutions that are before the body.

MR. FOZ: That is right, Madam President, but I just want to make the statement that we should not give any impression, that we do not want to listen to anybody, be he a public official or a private citizen. I am referring particularly to the impression created by another incident in the South Conference Room where a public official was embarrassed because one of us practically stopped him from delivering his statement in connection with another issue.

So, I am appealing to our Members not to make any step or to adopt any measure that would give the impression that we do not welcome any view from the public at all. That is all my concern, but I support the proposed resolution of Commissioner Laurel.

MR. LAUREL: Madam President, I read that paragraph of the resolution which refers to the steps taken by this body to receive the comments and the opinions expressed by other people. I am not saying that my dear colleague is going to vote against this resolution. If there is any one of those who came over and said things on the floor at a time when we were in session, and who wants to participate here, I am even willing to resign, and give way to him provided the President is willing to appoint him. At kung kailangan pa, I know there will be Members of this Chamber who are willing to give up their positions.

But what I want is to preserve the dignity and the integrity of this Chamber. I am not doing this for myself.

THE PRESIDENT: Commissioner Foz has expressed his full support for the resolution.

MR. LAUREL: Maganda ho naman. Magbotohan na lang tayo. At ako'y hindi naman umaasang mayroon kaanib dito na hindi sasang-ayon sa resolusyong ito. Hindi naman para sa akin sapagkat ito ay para sa ating bayan.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

May we just ask one clarification of the distinguished Commissioner Laurel. I did not get very well the last condemnatory portion of the resolution. I fully support the Commissioner in his undertaking and I think it is a noble undertaking to uphold the integrity of this Commission. I am only a little wary about the condemnatory portion. May I have the pleasure of the Commissioner's reading it again for the benefit of the other Members?

MR. LAUREL: The last paragraph of the resolution says:

Resolved, further, to condemn as undue and unwarranted interference of the proceedings of the Commission the action of the lobbyists involved in the incident in question.

MR. SUAREZ: Thank you.

APPROVAL OF PROPOSED RESOLUTION NO. 541
(Protecting the Dignity and Integrity of the Commission)

MR. RAMA: Madam President, I move that we approve Proposed Resolution No. 541.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the motion is approved.

Proposed Resolution No. 541 is approved.

ADJOURNMENT OF SESSION

MR. RAMA: Madam President, I move for adjournment until Monday at nine-thirty in the morning.

THE PRESIDENT: The session is adjourned until Monday at nine-thirty in the morning.

It was 4:11 p.m.

[*] Appeared after the roll call

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