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Thursday, October 9, 1986

OPENING OF SESSION

At 10:07 a.m., the Presiding Officer, the If Honorable Alberto M K Jamir, opened the session.

THE PRESIDING OFFICER (Mr. Jamir): The session is called to order.

NATIONAL ANTHEM

THE PRESIDING OFFICER (Mr. Jamir) : Everybody will please rise to sing the National Anthem.

Everybody rose to sing the National Anthem.

THE PRESIDING OFFICER (Mr. Jamir) : Everybody will please remain standing for the Prayer to be led by the Honorable Jose C. Colayco.

Everybody remained standing for the Prayer.

PRAYER

MR. COLAYCO: Dear Lord,

When we began to work on the task You assigned to us four months ago, we were mostly strangers to each other picked by You from different walks of life. We appealed to You every day since then for Your divine inspiration and guidance, united by our common resolve to set the fundamental guidelines that will ensure the economic progress of our people and the political stability of our government in the future. You deigned to hear our prayers.

We are about to close the book. It is time to acknowledge our debt of gratitude. We wish to thank You for keeping us together after the intense and at times acrimonious debates. We thank You for drawing us closer to You and to each other. We thank You for everything.

We owe You one, dear Lord. Amen.

ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir): The Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading.

Abubakar

Present [*] Natividad Present [*]

Alonto Present Nieva Present [*]
Aquino Present Nollado Present [*]
Azcuna Present Ople Present [*]
Bacani Present Padilla Present
Bengzon Present [*] Quesada Present
Bennagen Present Rama Present
Bernas Present Regalado Present
Rosario Braid Present Reyes de los Present
Calderon Present Rigos Present
Castro de Present Rodrigo Present
Colayco Present Romulo Present [*]
Concepcion Present Rosales Absent
Davide Present Sarmiento Present [*]
Foz Present Suarez Present
Garcia Present Sumulong Present
Gascon Present Tadeo Present
Guingona Present Tan Present
Jamir Present Tingson Present
Laurel Absent Treñas Present
Lerum Present [*] Uka Present
Maambong Present [*] Villacorta Present
Monsod
Present [*] Villegas Present

The President is sick.

The roll call shows 32 Members responded to the call.

THE PRESIDING OFFICER (Mr. Jamir): The Chair declares the presence of a quorum.

The Assistant Floor Leader is recognized.

MR. CALDERON: Mr. Presiding Officer, I move that we dispense with the reading of the Journal of yesterday's session.

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

APPROVAL OF JOURNAL

MR. CALDERON: Mr. Presiding Officer, I move that we approve the Journal of the previous session.

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

MR. CALDERON: Mr. Presiding Officer, I move that we proceed to the Reference of Business.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (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 Proposed Resolution on First Reading and Communications, the Presiding Officer making the corresponding references:

PROPOSED RESOLUTION ON FIRST READING

Proposed Resolution No. 547, entitled:

RESOLUTION EXPRESSING THANKS AND APPRECIATION TO THE SECRETARY-GENERAL, THE SECRETARIAT, THE TASK FORCE, THE PRESS CORPS, THE VOLUNTEERS AND THE STAFF OF THE COMMISSIONERS' OFFICES.

Introduced by Hon. Villacorta, Muñoz Palma, Quesada, Maambong, Lerum, Villegas, Uka, Bernas, Monsod, Bengzon, Jr., Davide, Jr., Sarmiento, Rama, Rodrigo, Bennagen, Nollado, Guingona, Rosario Braid, Abubakar, Alonto, Aquino, Rigos, Tadeo, Sumulong, Garcia, Natividad, Nieva, de Castro, Jamir, Tingson, Bacani, Suarez, Treñas, Romulo, Padilla, Regalado and Concepcion.

To the Steering Committee.

COMMUNICATIONS

Communication from Ms. Edna S. Galia, transmitting Resolution No. 82, series of 1986, adopted by the Sangguniang Bayan of Catarman, Samar, requesting the Constitutional Commission to amend the draft Constitution to grant autonomous government to Muslim Filipinos in provinces and/or islands of Mindanao where the greater majority or all of the inhabitants thereof are Muslim Filipinos only.

(Communication No. 1079 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Letter from Mr. Ciriaco Puson of Bakilid, Mandaue City, expressing opposition to any move to change the barangay system.

(Communication No. 1080 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Communication from Mr. Silverio P. Alarcio of Laoac, Pangasinan, seeking inclusion in the Constitution of a provision providing for free elementary, secondary and college education.

(Communication No. 1081 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from Mr. Teodoro C. Garcia of 481 Tiong St., Manaoag, Pangasinan, expressing his views concerning the presence of foreign bases in the country.

(Communication No. 1082 — Constitutional Commission of 1986)

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

Letter from Mr. Florencio B. Abad of 41-B Purdue St., Cubao, Quezon City, transmitting a resolution adopted by the Lakas ng Sambayanan of which he is the chairperson, supporting the proposal for selective objection in the ratification of the proposed Constitution.

(Communication No. 1083 — Constitutional Commission of 1986)

To the Committee on Amendments and Transitory Provisions.

Letter from Mr. Regner P. Ramirez of the National Manpower and Youth Council, expressing his views and suggestions on a number of issues related to constitution-making.

(Communication No. 1084 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Senador L. Zamora, transmitting Resolution No. 37-86 of the Sangguniang Panlalawigan of Davao Oriental, requesting the allocation of two (2) congressional seats for the Province of Davao Oriental.

(Communication No. 1085 — Constitutional Commission of 1986)

To the Committee on the Legislative.

Letter from Mr. Emmanuel V. de Ocampo, President, Veterans Federation of the Philippines, Arroceros Street, Manila, expressing deep and sincere gratitude for the inclusion of Section 4 of the Article on General Provisions of the proposed Constitution.

(Communication No. 1086 — Constitutional Commission of 1986)

To the Archives.

MR. TINGSON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): What is the pleasure of the Commissioner?

MR. TINGSON: I move that Proposed Resolution No. 547, expressing thanks to our Secretary-General, Secretariat and others be made unanimous, signed by all Members of our Commission.

THE PRESIDING OFFICER (Mr. Jamir): Has a copy of that proposed resolution been forwarded to each of the Commissioners?

MR. RAMA: Yes, Mr. Presiding Officer.

MR. TINGSON: If it is not unanimously signed, I suggest that we make it unanimous.

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

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Floor Leader is recognized.

CONSIDERATION OF C.R. NO. 40

(Reopening Sections 5 and 11 of the Article on the Legislative)

Continuation

MR. RAMA: I move that we continue consideration of Committee Report No. 40 on Petition No. 3, as prepared by the Steering Committee

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

MR. RAMA: Mr. Presiding Officer, I ask that Commissioner Davide be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Before Commissioner Davide proceeds, the Chair wishes to announce and acknowledge with gratitude the presence of the students from the Colegio de San Agustin, grade school department, Dasmariñas Village.

Commissioner Davide will now proceed.

MR. DAVIDE: Thank you, Mr. Presiding Officer.

The parliamentary situation is that the Commission will now act on paragraph 3, Section 5, of the Article on the Legislative. The amendment reads as follows: "Each legislative district shall comprise, as far as practicable, contiguous, compact and adjacent territory. Each city with a population of at least two hundred FIFTY thousand, or each province, shall have at least one representative."

The only amendment is the inclusion of the word "FIFTY." The committee had decided to increase the population requirement of cities to be entitled to separate representation from the original 200,000 to "250,000" because if we will fix it at 200,000, many cities will be over-represented and provinces in which the cities are located may be underrepresented because, generally, for the provinces, the ratio will be one for every 400,000.

I move for the approval of paragraph 3.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none, the amendment is approved.

MR. DAVIDE: We will now proceed to paragraph 4. The amendment reads: "FOR THE FIRST ELECTION UNDER THIS CONSTITUTION, THE MEMBERSHIP OF AND THE CONSTITUENCIES FOR THE HOUSE OF REPRESENTATIVES, OTHER THAN THOSE FOR THE PARTY-LIST, SHALL BE THE SAME AS THAT PROVIDED FOR IN THE ORDINANCE GOVERNING THE PARLIAMENTARY ELECTION IN 1984."

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): What is the pleasure of Commissioner de Castro?

MR. DE CASTRO: Thank you, Mr. Presiding Officer.

Yesterday, during my interpellation of the chairman of the Committee on the Legislative, I did not yet have a copy of the report of the COMELEC on the redistricting of the whole Philippines. The report was dated July 28, 1986 and was addressed to the chairman of the Committee on the Legislative.

May I be allowed a few minutes to interpellate the proponent on this because I have just received a copy of this report.

THE PRESIDING OFFICER (Mr. Jamir): The proponent may answer, if he so desires.

MR. DAVIDE: Gladly, Mr. Presiding Officer.

MR. DE CASTRO: Thank you.

A while ago, we approved paragraph 3, stating that legislative districts shall comprise as far as practicable contiguous, compact and adjacent territory, which is the Commissioner's proposal.

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. DE CASTRO: May I know whether the honorable proponent has a copy of the COMELEC report of July 28, 1986.

MR. DAVIDE: I have a copy and I showed this yesterday to the Commission. And it is precisely on the basis of this proposed apportionment of these congressional districts by the COMELEC that the committee almost daily, through the chairman, received protests or complaints against the apportionment of the COMELEC.

MR. DE CASTRO: I would like to read to the Commissioner a portion of the report, more particularly, the sixth paragraph, and I quote:

There are provinces where although no change was necessary in the number of legislative districts but because of population limitation they had to be subjected to a regrouping of municipalities in order to satisfy the standards of compactness, contiguity and adjacency. (sic)

These are the Provinces of Capiz, Iloilo, Bohol and Sorsogon, which the Commissioner said had complaints to the committee. Is that right?

MR. DAVIDE: No, there are more. If the Commissioner will note, we have Appendix "A" of the report which contains the list of provinces without changes, and there are 22. Appendix "B" lists the provinces with changes — not only a change in the number of congressional districts on the 1969 basis and earlier districts affected — with a total of 51 provinces.

MR. DE CASTRO: But will the Commissioner agree with this report that the redistricting here answers the standards of compactness, contiguity and adjacency?

MR. DAVIDE: That may be considered correct, if we also consider the configuration of the province — that is, the map of the province — because the compacting done by the COMELEC was basically based on the configuration of the province.

So there were instances when, for example, Nueva Ecija alone was compacted into three districts — one to the north, one at the center and one to the south. It turns out that there is a Pampanga River in Nueva Ecija, such that one district alone will be divided by the Pampanga River and the representative of that district, who happens to reside on one side of the river, will have to go down south of Nueva Ecija before he could reach the eastern side of his own territory because there is no bridge.

MR. DE CASTRO: Does the Commissioner not agree that the candidate for Congressman of that province will also have the same difficulty crossing that river to go to the other municipality?

MR. DAVIDE: There will be many of them, so they can divide internally; they can divide the responsibility.

MR. DE CASTRO: Who will divide the responsibility, the Congress?

MR. DAVIDE: It is a matter of political strategy. A party or an organization in fielding candidates will see to it that its candidates will represent a particular portion of the province. For instance, Cebu is entitled to six representatives, so as a matter of political strategy, the party or the organization will see to it that the six will represent different areas in Cebu. They should never come from only one area.

MR. DE CASTRO: So that under the Commissioner's strategy — I do not know what kind of strategy is that — the possibility is that a candidate for Congressman may win without even seeing the people whom he will represent. Is that right?

MR. DAVIDE: I do not think so, because a candidate to be popular must see to it that he will reach every nook and cranny of the province. That is the only way to sell himself.

MR. DE CASTRO: Then he will have the same problem even if the province is divided into districts; he will still cross that Pampanga River.

MR. DAVIDE: That is assuming that that is the only criterion, but we should not look at it on the basis of the candidate himself. We should consider more the people's accessibility to the candidate or to the Congressman himself.

MR. DE CASTRO: Another question, Mr. Presiding Officer. The Commissioner stated that he agrees to a certain extent with the COMELEC report on the compactness, contiguity and adjacency. This is the very reason why I voted and did not object to his subparagraph 3 which states: ". . . legislative district shall comprise, as far as practicable, contiguous, compact and adjacent territory . . ."

MR. DAVIDE: Yes, because those are the traditional criteria.

MR. DE CASTRO: I heartily voted for that because that is what is needed in a district. Another question. The COMELEC stated:

We are prepared with statistics to support the above apportionment plan and we would appreciate any opportunity that will be given the technical staff that prepared this plan to explain its position and justify its proposal.

Did the Commissioner call the technical staff of the COMELEC who prepared this plan for them to justify the apportionment by districts?

MR. DAVIDE: Yes, Mr. Presiding Officer, several times in the committee. And it was precisely because of the explanations given by the technical staff, more particularly by Director Vicente de Lima, that all these problems cropped up because some of the leaders, some of the sectors in the different areas involved, found out that while the province was beautifully cut into the different territories, the fact of the matter is that in reality it was extremely difficult for the candidate or for the Congressman to go from one end to the other in certain areas. And we also met certain obstacles in areas where originally the province was entitled to two or three representatives and then we increased its membership or total number of seats to four or five because the municipalities originally belonging to the traditional districts had, in effect, to be realigned or transferred from one district to the other and we know it is very difficult to get out of traditional habits of belongingness to a particular area. Iloilo is the best example and there are many counterproposals in Iloilo. Thus Guimaras, while technically closely associated with, I think, the Third District, was placed close to the First District, and yet it is not easy to reach Guimaras from the First District.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro has three more minutes.

MR. DE CASTRO: Thank you.

My time is being consumed in the long-winded answers.

MR. DAVIDE: We have to make an explanation, Mr. Presiding Officer.

MR. DE CASTRO: The Commissioner mentioned about the difficulty. In his subsection 5, he is directing the First Congress to make apportionment of legislative districts. Is that correct?

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. DE CASTRO: If the COMELEC for years was unable to make the right apportionment according to this report, what does the Commissioner expect of the First Congress to make a better apportionment, considering the difficulties of the many rivers that one will cross to go to another district? Is there a possibility of correcting this error?

MR. DAVIDE: I am really very, very optimistic that it can. First, the First Congress will have the time. Second, the First Congress will be representative of the different provinces and, therefore, it is in a better position to determine the physical situation or condition of the province. Therefore, in the allocation of the seats, they would be in a better position to sort of delineate the different areas to compose the district.

MR. DE CASTRO: But the rivers will still be there; Pampanga River will still be there; the different places will still be there, even in that apportionment. Can the COMELEC not do that now up to the election?

MR. DAVIDE: If the Commissioner's proposal is to leave it to the COMELEC, I would have no problem. Meaning to say, that this Commission will only include in the ordinance the number of seats for every province, and we leave it to the COMELEC. But I think the COMELEC will be troubled so much; it could not attend to its proper business especially because of the plebiscite, the registration, the forthcoming election. It will not have the sufficient time.

MR. DE CASTRO: More so with the First Congress, with so many provisions in our Constitution.

MR. DAVIDE: But the First Congress will have five years.

MR. DE CASTRO: We will have the First Congress, from time to time, to look into this.

MR. DAVIDE: The First Congress will have five years; it will be fully representative and, therefore, even the Congressmen of each particular province will be able to decide among themselves how to apportion the province.

MR. DE CASTRO: I thank the Commissioner for his answers.

Mr. Presiding Officer, election of Congressmen by province will entail so much money for the candidate because instead of traveling only three municipalities for which he will be elected, he will have to travel the 30 municipalities all over the province, which is very difficult for a poor candidate. There will be no chance for a poor candidate to be elected in the province.

Furthermore, Mr. Presiding Officer, it is not democratic for the province to elect their own Congressmen. I am talking from experience because the Congressmen who were elected were never seen in our place and yet they are to represent us.

Mr. Presiding Officer, voting by province creates more warlordism. In our place, there are only two warlords because we have been by province — the Escuderos in the North and the Yulos in the South. Do we want that? Do we not like to give an opportunity to a poor candidate to represent his people?

Thank you, Mr. Presiding Officer.

MR. DAVIDE: Warlordism will thrive, if it would really be by district. A warlord cannot control an entire province. Second, a poor candidate would have a better chance if it would be by province because if there is a warlord in his own area, he can never win.

THE PRESIDING OFFICER (Mr. Jamir): What is the pleasure of Commissioner Rodrigo?

MR. RODRIGO: After they are through, I would like to ask a few questions.

MR. DE CASTRO: A poor candidate can be elected by district even without a car or a jeep. But without a jeep or a car, he cannot campaign throughout the province.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rodrigo will now proceed.

MR. RODRIGO: Mr. Presiding Officer, I would like to propound a few questions to Commissioner Davide.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide may yield, if he so pleases.

MR. DAVIDE: Gladly, Mr. Presiding Officer.

MR. RODRIGO: The general rule on the manner of electing Members of the House of Representatives is contained in Section 5, subparagraphs 1, 2 and 3. Is that right?

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. RODRIGO: And according to these three subparagraphs, Members of the House shall be elected by districts.

MR. DAVIDE: That is correct.

MR. RODRIGO: So that is the general rule, the permanent rule.

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. RODRIGO: And this additional Section 4 is aimed to be an exception to this rule insofar as the first congressional election after the approval of the Constitution is concerned?

MR. DAVIDE: Yes, a very strict exception because it will apply only to the first election.

MR. RODRIGO: Had we not reopened this article, had we not suspended the Rules, then this additional section the Commissioner proposes would not have been in our Constitution. If we did not reopen the article and if this additional section is not added to this article, how would the Members of the House be elected in the first congressional election after the ratification of the Constitution?

MR. DAVIDE: Unless the President of the Republic of the Philippines enacts the apportionment, there will be no seats and no election for the Lower House because there will be no basis for the apportionment of the seats.

MR. RODRIGO: But then, in that case, the President who has legislative powers under the Freedom Constitution and who will continue to have legislative powers even after the ratification of the Constitution but before the convening of Congress, can, in the exercise of that power, decide how the Members of the House of Representatives will be elected in the first election after ratification of the Constitution.

MR. DAVIDE: The President can do that, because while we have fixed the date of the congressional election on the second Monday of May, 1987, there is still a need of a law for that particular election.

MR. RODRIGO: Yes, but can the President enact that law?

MR. DAVIDE: She can. She is the only one, as a matter of fact.

MR. RODRIGO: The President is the only one. And can she seek, of course, the help of the COMELEC before enacting that law?

MR. DAVIDE: She can avail of the services of the COMELEC.

MR. RODRIGO: I am interested in this because is it not true that while we provide in this Constitution that the term of the Members of the House is three years, the first Members who will be elected in the first election will serve for five years?

MR. DAVIDE: That is correct, because those who will be elected in the first election under this Constitution will continue to serve until noon of June 30, 1992.

MR. RODRIGO: That is all I wanted to know. That will help me in deciding.

MR. DAVIDE: So the Congress win really have five years to apportion the districts if we approve this proposal.

MR. RODRIGO: Yes, but those who will be elected under this exception to the rule that the Members will be elected by district, these first elected Members who will be elected by province, will have the advantage over those who will be elected later on because they will serve for five years instead of only three years.

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. RODRIGO: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Mr. Presiding Officer.

May I just follow up the series of questions propounded by the Honorable Rodrigo. One of my fears is that, as proposed, if the elections for the regular Congressmen are going to be held on a province-wide basis, it is theoretically possible that, let us say, in the case of Pampanga where we have four representatives, they could all come from one municipality.

MR. DAVIDE: That is a possibility but that would be a very poor strategy on the part of an organization or a party to field candidates coming from only one area, because they will certainly lose in the other areas. So the best strategy to be adopted, although I am not a politician, is to field candidates from the different areas.

I think that is even adopted by many of the organizations and political parties.

MR. SUAREZ: We are not here making assumptions on strategies, but only on the possibilities. So at the proper time, if this is the sense of the Commission, would the Commissioner entertain any possible amendment to prevent all of the representatives to come from one municipality or one city?

MR. DAVIDE: I would be willing to entertain any proposal for amendment at the proper time, Mr. Presiding Officer.

MR. SUAREZ: The second point that we would like to clear up is this: I understand that as a result of the original proposal, there would be a redistricting of these congressional districts. The Commissioner had been the recipient of many protests and objections from different provinces spread out all over the islands.

MR. DAVIDE: That is correct. As a matter of fact, lately, I received a communication from Deputy Minister Lingad protesting the apportionment made by COMELEC for Pampanga.

MR. SUAREZ: That is because of the charge of alleged gerrymandering.

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. SUAREZ: And that is a common affliction among politicians to interfere in the redistricting of the province.

MR. DAVIDE: Although many of the proposals or counterproposals also came from nonpolitical entities.

MR. SUAREZ: The redistricting was made not by the Constitutional Commission but by the Commission on Elections. Is my understanding correct, Mr. Presiding Officer?

MR. DAVIDE: The redistricting scheme was submitted to us by the COMELEC upon request of the committee, because the Committee on the Legislative itself does not have the necessary facilities to determine, among others, what are the new municipalities because there had been new municipalities established from 1979 up to the dissolution of the regular Batasang Pambansa.

MR. SUAREZ: My last question is: If the Commission would opt to retain the original proposal based on redistricting, would there be physical time for the COMELEC to conduct public hearings before the congressional elections on May 11, 1987 so that this matter can be polished and smoothened out?

MR. DAVIDE: If we will leave to the COMELEC the division of a province into districts, with this Commission only mandating the number of seats for every province, I think there is time, but I doubt whether the COMELEC will have enough time considering that it will have to attend to the relisting, the plebiscite and the preparations for the elections.

MR. SUAREZ: That is why the Commissioner is suggesting that there be practically a period of suspension on the implementation of the intention to have elections on the district level because during the period from the beginning of the term of the First Congress until its termination, the Commission on Elections or Congress, as the case may be, would have reasonable time to iron out all of these problems.

MR. DAVIDE: Yes, sufficient time, as a matter of fact.

MR. SUAREZ: Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Aquino is recognized.

MS. AOUINO: Mr. Presiding Officer, I will have to plead inadequacy in appreciating the political nuances of the strategies and tactics about legislative redistricting or province-wide elections maybe because I am not a politician and will never ever dare to become one.

But honestly, the discussion is so involuted that it is like an intrauterine device for me. But I would like to make an intelligent vote on this matter. So could the Commissioner please tell us, since I would like to address the gut issues in terms of our concern in democratizing access to opportunities for public service, how this proposal would affect, for example, the problems of political warlordism? How would this affect the problem of the spoils system? Another question: In certain areas, such as the barren and desecrated areas of Ilocos and Mindanao, politics has assumed the character of nothing short of a fratricidal war. Would this kind of proposal solve that kind of a problem?

MR. DAVIDE: Definitely, Mr. Presiding Officer, and I will give my reasons. Insofar as warlordism is concerned, it has been the experience of the nation that it was bred precisely because of the district scheme. A warlord thrives better in a district instead of in a larger constituency like the province. The best example is Cebu. Right now, we have only one warlord, but if this warlord runs in a district, he will certainly retain power in that area. But if he were to run on a province-wide basis it would be very difficult for him to win at this time. Even in the city, for

instance, it would be very difficult to win.

Second, on the spoils system. In a province-wide election, the spoils system would be diminished or minimized, in the sense that the people will have to look to the six representatives, say in Cebu which is entitled to six representatives, uniformly and, therefore, the relationship does not become very, very personal unlike in a smaller constituency where the tendency is to pamper the electorate.

Moreover, here is the reason why it would be less expensive for a candidate to run in a province than in a district. When one is running in a district, with the tendency to pamper the electorate he will have to spend more. He will spend most of his time in his district; he will be there 24 hours a day and he will have to butcher a cow everyday to feed those electorate who will come to his house to request assistance. So a less expensive election will, therefore, contribute to the sanctity of the public office, if it would not be so personalized, and the electorate will not be so much pampered.

And finally, I think this will solve fratricidal war because they will now look to the representatives as representing everybody in the whole province, in a bigger constituency. In short, we will now imbue upon the representatives of the province a higher plane of perspective. It would no longer be very parochial in the sense that it is only limited to the confines of a few municipalities.

MS. AQUINO: Mr. Presiding Officer, will this proposal make a better-run society with the political leaders being more sensitive and responsive to the needs and temper of the people?

MR. DAVIDE: It will be.

MS. AQUINO: I thank the Commissioner.

REV. RIGOS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Rigos is recognized.

REV. RIGOS: If electing the Members of Congress by province is really better than electing them by districts, how come our approved provision on the election of Members of Congress is by district and not by province?

MR. DAVIDE: Mr. Presiding Officer, we believe that with this new Constitution, we will have a new electorate in the long run. So we develop a new sense of responsibility on the part of the people. We believe that with the new mandates of the new Constitution we will develop a new sense of attitude. And, therefore, within the time frame of five years which will be the first term of the first elected Members of Congress, they can grow beyond that old sense of traditional political attachment and, therefore, they will be prepared, even on a smaller scale, to respond to the demands of nation-building.

REV. RIGOS: Mr. Presiding Officer, I just wish to advance the information that last Tuesday and yesterday, the provincial governors had a series of meetings here in Manila. I learned just this morning from one of them that the consensus in that meeting was that they would request the President to have the election of Members of Congress by districts and that, in fact, these governors are scheduled to meet with the President sometime today to present that resolution. I just wish to share this information for the guidance of the committee and this Commission.

MR. DAVIDE: May I answer that point, Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer, just one question.

THE PRESIDING OFFICER (Mr. Jamir) : The Chair recognizes Commissioner Quesada.

MS. QUESADA: Thank you, Mr. Presiding Officer.

Like the rest of the Commissioners who do not have any political background, we would like to be clarified on the pros and cons of the issue under discussion, and I would like to state that upon reading the report of the COMELEC yesterday, I discovered, for example, that there indeed would be benefits of this redistricting. I remember very well that my father who was a frustrated politician never made it until his death because of political warlordism in one province. So when this province was divided into three legislative districts, I saw the possibility of some people who do not have the economic power to win in a congressional fight and render service to their people with commitment being given a chance they never had in the past. So this redistricting affords some kind of promise to implement the concept of democratization of opportunities in the electoral process. But then the Commissioner said that after five years, Congress would have the time to ensure that the mechanism for the redistricting would indeed go through a democratic process. However, in his own submission, he recognizes there would always be this lobbying and that kind of arrangement in the redistricting.

Does the Commissioner not think then that Congress would be besieged by these political pressures from different sources and may not be able to arrive at this apportionment that we are envisioning? How can the Commissioner assure us that after five years this will be a decision on reapportionment of these legislative districts?

MR. DAVIDE: First, the fourth paragraph of Section 5 provides for a mandate on the First Congress to apportion the seats into legislative districts. Second, I foresee a Congress which will not be politicking but more attuned to the new mandate of a new order. And finally, I believe that when there will be an apportionment measure to be taken up by Congress, adequate public hearings will be conducted and, therefore, a more equitable distribution or allocation of the seats would be possible, especially taking into account that even in the Article on Social Justice we accord the fullest respect to, and we even provide for the promotion of, independent people's organizations and the mechanics of consultation of organizations, they can, therefore, actively participate not only in the deliberation for apportionment but also in making demands that Congress must comply with a constitutional duty to apportion the seats into legislative districts.

MR. TINGSON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Tingson is recognized.

MR. TINGSON: Mr. Presiding Officer, I would like to ask Commissioner Davide two or three questions.

MR. DAVIDE: Gladly, Mr. Presiding Officer.

MR. TINGSON: The issue here at stake is only really the first election because in the succeeding elections, the committee would naturally favor, as the report says, "election by district."

MR. DAVIDE: That is correct.

MR. TINGSON: So Commissioner de Castro and others, however — if I understand it right — would like it to be immediately done by district. Let us take the case of my province, Negros Occidental.

MR. DAVIDE: We have several complaints from the Commissioner's province.

MR. TINGSON: Yes, we have about 25 municipalities and 7 cities. If we elect Congressmen there by province, not one of them would really be able to adequately attend to any particular place because it is so big a province. And what happens there is we try to please everybody.

MR. DAVIDE: Yes. I would not be able to logically see a situation where one Congressman out of the 7, since Negros Occidental will be allocated 7 seats, will not be able to attend to all.

The point is this: A governor is elected at large. Why is he able to attend to the needs of all? The members of the

sangguniang panlalawigan are elected at large. They are able to attend to the needs of all. It is only a question of the dedication, loyalty and devotion of the particular candidate. And if somebody is really interested in public service, he cannot even sleep an hour a day, if he really intends to dedicate his entire talents, energy and wisdom to the service of the people.

MR. TINGSON: Mr. Presiding Officer, one more question. Would the Commissioner personally be in favor that the succeeding elections be done by district?

MR. DAVIDE: Yes, Mr. Presiding Officer. As a matter of fact, I am even in favor of elections by district. And that is the original wording, but it is because of the difficulty of the Commission to really apportion the seats into districts.

MR. TINGSON: I thank the Commissioner very much.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Tan is recognized, then Commissioner de Castro.

SR. TAN: Mr. Presiding Officer, I think one of the drawbacks of our political system, especially in the campaign, is that many of us vote by personality rather than by issue. So I am inclined to believe that in the elections by district, that would be lessened because we get to know the persons running more intimately. So we know their motivation, their excesses, their weaknesses and there would be less chance for the people to vote by personality. I was wondering whether the Commissioner shares the same observation.

MR. DAVIDE: Mr. Presiding Officer, if it would be by province, the vote would no longer be personalities but more on issues, because the relationship is not really very personal. Whereas, if it would be by district, the vote on personality would be most impressive and dominant.

SR. TAN: I cannot quite believe that. It would be like a superstar running around.

MR. DAVIDE: For instance, we have a district consisting of two municipalities. The vote would be more on personalities. It is a question of attachment; you are the godson or the sponsor of a baptism, like that. But if you will be voted by the province, it is your merit that will be counted by all others outside your own area. In short, the more capable you are, the more chance you have of winning province-wide.

SR. TAN: I am just inclined to think that the more money you have, the more are your chances.

MR. DAVIDE: No, I would say that it is even less expensive, if the constituency will be bigger. When we took up the matter of the restoration of the Senate, we heard Commissioner Rodrigo state that it would even be less expensive to run nationwide than to run for a particular district.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : The Chair will now recognize Commissioner de Castro and then he will be followed by Commissioners Alonto and Garcia.

MR. DE CASTRO: Thank you, Mr. Presiding Officer.

I have only one question to the Honorable Davide, but before I do that, I would like to sympathize with Commissioner Quesada, whose father, Atty. Melendez, is my judge advocate in the guerilla division in Bukidnon. He really will have no chance to become a Congressman in Bukidnon because it was lorded by the Fortichs and until now it is still lorded by the Fortichs. The poor candidate has no chance.

May I now ask the Honorable Davide. With all the tremendous advantages that the Commissioner stated — that warlordism is not possible in the province and that it is only for the district that warlordism can exist; that the

spoils system is less by province than by district; and that election is less expensive by province than by district — why is it that in the Commissioner's subsection 6 he is authorizing Congress to have the next election by legislative districts? Why can we not stay on province, if all the advantages that he is saying now are all for the benefit of the province? Why do we go to the districts afterwards?

MR. DAVIDE: Mr. Presiding Officer, we only wanted to provide for a transition because as I said earlier, and I think I have partly answered that question, we expect a new breed of Filipinos, a new breed of politicians. I would rather differ with the Commissioner's statement that Commissioner Quesada's father would have never won. I would like to tell the Commissioner that if Commissioner Quesada will run right now, she can easily win the whole of Bukidnon and, perhaps, even the whole of Mindanao.

MR. DE CASTRO: Not Commissioner Quesada but her father during the time of the Fortichs.

MR. DAVIDE: And that is exactly the reason why it is better to have a bigger constituency because it is the quality of the individual that will be taken into account by the others, it is the capacity of the individual. We know for a fact that one cannot be a prophet in his homeland.

MR. DE CASTRO: Now my next question. The Commissioner stated that this is only temporary for the first election, so it is only in the first election that he does not like warlordism, spoils system and a less expensive campaign, so that in the next election we will have already warlordism, spoils system and an expensive election. Is that the Commissioner's reason for election by province of the First Congress?

MR. DAVIDE: Mr. Presiding Officer, I am very optimistic about the Filipinos. After the EDSA revolution, I know that we will have a new breed of Filipinos, a new breed of Filipino politicians.

MR. DE CASTRO: Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Alonto is recognized.

MR. ALONTO: Mr. Presiding Officer, will the Gentleman yield to some clarifications?

MR. DAVIDE: Gladly, Mr. Presiding Officer.

MR. ALONTO: Mr. Presiding Officer, I am a humble member of the Committee on the Legislative of which the distinguished Gentleman from Cebu is the chairman I have worked with him in some way trying to straighten out this question of elections by district and by province. The question I am going to ask is purely a clarification in idea. I am made to understand that now the first election for Congressman would be in accordance with the 1984 Ordinance appended to the 1973 Constitution. Under the 1984 Ordinance, Baguio City, Iligan City and Olongapo City are disqualified as city legislative districts. Is that correct?

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. ALONTO: Under this same ordinance, it says that in Region IX the following congressional districts or provinces will have equivalent number of Congressmen: Basilan - 1; Sulu - 1; Tawi-Tawi - 1; Zamboanga del Norte with the Cities of Dapitan and Dipolog - 2 Zamboanga del Sur with Pagadian City - 3; and Zamboanga City - 1.

I remember very well that in the report given by the COMELEC when we were having a public hearing about this, the Province of Sulu has two congressional districts. If that were so, why? How many districts will Sulu now have under this scheme that the committee is presenting before the Constitutional Commission?

MR. DAVIDE: I would like to emphasize that for the first election, Sulu, with a projected population of 405,556 as of 1986, will have one because the constant will be 400,000.

MR. ALONTO: For a province.

MR. DAVIDE: In the COMELEC plan, it is supposed to be two with one district having a population of only 175,810 and the other with a population of 227,746. But that will be only for the first election. By the second election in 1992, it will be by districts already and probably, Sulu, by the increase of its population, may even be increased to three.

MR. ALONTO: In other words, in this first election, the Province of Sulu would have only one seat.

MR. DAVIDE: Yes, similar to the 1984 election.

MR. ALONTO: I think there must be some scheme by which this province could have two representatives because the Muslim areas, as what has been accepted, are the most underrepresented in our Congress.

The second question that I would like to propound on is the case of Lanao del Norte. Under the 1984 election, Lanao del Norte had one congressional district. But Iligan City was considered in that election as one congressional district. Under this 1984 Ordinance, Iligan City has been disqualified as a legislative district. As I have pointed out to the Commissioner, Iligan City remains under this apportionment and Lanao del Norte will have only one congressional district. And since Iligan City has been disqualified under this scheme, Lanao del Norte with Iligan City will have only one congressional seat.

MR. DAVIDE: Mr. Presiding Officer, Lanao del Norte, including Iligan City, will not lose a seat. It will still be two even under the COMELEC proposal. Under the COMELEC proposal, Lanao del Norte, including Iligan City, will be entitled to two.

MR. ALONTO: That is right.

MR. DAVIDE: So in the ordinance appended to the 1973 Constitution, Lanao del Norte would have a separate seat and Iligan City will have a separate seat also. So all in all, the province will not lose a single seat. It will still be two.

MR. ALONTO: In other words, Iligan City will have one congressional seat.

MR. DAVIDE: Yes.

MR. ALONTO: In spite of this statement here, the Commissioner is stating that Iligan City, Baguio City and Olongapo City are disqualified as legislative districts vis-a-vis the 1984 Ordinance.

MR. DAVIDE: Technically speaking, if we adopt paragraphs 2 and 3 of Section 5, Iligan City, with a population of less than 250,000, will lose a seat. It will be merged with other municipalities in Lanao del Norte.

MR. ALONTO: That is right.

MR. DAVIDE: But if we follow the 1984 Ordinance, Lanao del Norte, as a province, will have one and Iligan City will have one also.

MR. ALONTO: Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Garcia is recognized.

MR. GARCIA: Thank you, Mr. Presiding Officer

With all due respect to the proponent of subsections 4 and 5, I would like to say that I do not quite understand the drift of the arguments. In other words, I see a contradiction between subsections 4 and 5. In the first place, the Commissioner actually says that he is for legislative districts because of its accountability and responsiveness to

the people; yet in subsection 4, he actually proposes what I believe is a self-defeating transition. In other words, I cannot believe that the First Congress, empowered to actually subdivide the political units into districts later on, would themselves not be tempted to create fiefdoms for themselves or for their political supporters. Although I believe that the new spirit of the Filipino may have been transformed after February 1986, still we must provide independent structures that will create these more responsive and accountable representatives of the people.

That is why I would like to say this: If the problem that we have right now is the practical difficulty and complexity of redistricting, as manifested by the number of proposals we have now received in the Legislative Committee, may I respectfully propose that rather than leaving it to the next Congress to redistrict, why not allow an independent constitutional commission, like the COMELEC, to provide during this period that redistricting so that we can, first of all, insure that we can insulate this process from politicians, from political figures, who definitely will be in the subsequent Congress and at the same time provide them the time and the expertise to be able to redistrict now, to govern the 1987 election.

MR. DAVIDE: That is an alternative which I will welcome at the proper time, if there will be an amendment toward that purpose.

MR. GARCIA: I think that alternative is far more logical.

MR. DAVIDE: There are two possible alternatives — either that COMELEC will do it or the President herself by law will do it.

MR. GARCIA: Exactly. But I think the advantage of the COMELEC is that it is an independent constitutional commission and, therefore, cannot be subject to political pressures and that it would preserve this effort to make sure that this decision is above partisan interests.

MR. DAVIDE: I would welcome a proposal for amendment, Mr. Presiding Officer.

MR. GARCIA: Thank you, Mr. Presiding Officer.

MR. VILLACORTA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir: Commissioner Villacorta is recognized.

MR. VILLACORTA: Mr. Presiding Officer, I have been listening to the discussions and like the Honorable Garcia, Commissioner Davide's reason in asking for representation by province is still not very clear to me.

The Commissioner said that the problem faced by the COMELEC is redistricting, then he claims that political warlordism will be minimized through provincial representation by district because he believes that after the EDSA revolution, we have a new breed of Filipinos who will vote based on issues and not on personalities.

May I, therefore, raise the following questions, Mr. Presiding Officer. Are not the problems of certain districts mentioned by the Commissioner more the exceptions than the rule? If so, cannot the COMELEC, during these seven remaining months, solve these problems and come up with a rectified list of districts?

Second, how valid is the Commissioner's claim that political warlordism will prevail more if we voted representatives by districts? Is Cebu one of the exceptions rather than the rule? We have seasoned politicians here — Senators Rodrigo, Padilla, Alonto and Sumulong — and former parliamentarians Rama, Ople, Bengzon, Natividad and Maambong. So that we can vote intelligently, we would like to hear their opinion on this matter.

Personally, I think we should vote for our Congressmen by district because election from a smaller scope of political jurisdiction is more in line with the principles of democratization and decentralization, which are the thrusts of the present government in our present Constitution.

Thank you, Mr. Presiding Officer.

MR. DAVIDE: Mr. Presiding Officer, I have expressed my view; I said that my personal preference is by district. But for purposes of the first election, because of the very reasons the Commissioner gave, we have to have some sort of a transition by allowing representation to the First Congress on the basis of the Ordinance which governed the elections of the Members of the regular Batasang Pambansa in the 1984 election.

As to whether districts would breed or perpetuate warlordism, I have expressed my view and I think it is a matter of record that probably Cebu is not the only exception.

MR. VILLACORTA: Mr. Presiding Officer, we would like to hear from the other veteran politicians here about their view on the matter.

MR. DAVIDE: Mr. Presiding Officer, I think any discussion on that will go into the merits again. I would like to stress that we are only providing for a sort of transition. The provincial or city representation will only govern the first election. After that, it would be by district and, therefore, I think it is no longer appropriate to discuss the merits or demerits of a district scheme because that is the general rule, as stated earlier on a question by Commissioner Rodrigo.

The general rule that we are adopting here is representation by legislative districts.

MR. VILLACORTA: But, Mr. Presiding Officer, the first term is five years and during this long period, the first set of elected representatives will be able to entrench themselves in power. And I think I disagree with the Honorable Davide that the issue of political warlordism and of whether it would be possible for a poor man or somebody who is not rich to win in such an election are relevant topics.

I think these are fundamental issues for discussion even if we are just talking about a transitory period, Mr. Presiding Officer.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rama is recognized.

MR. RAMA: Will the proponent yield to a few questions?

THE PRESIDING OFFICER (Mr. Jamir) : There are two more speakers listed ahead of the Commissioner, so he will have his turn.

Commissioner Maambong is recognized. Is Commissioner Maambong here?

MR. RAMA: He is not here, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Then the Chair recognizes Commissioner de los Reyes; he is listed here already.

MR. BENGZON: How about this Representation, Mr. Presiding Officer? Am I listed?

THE PRESIDING OFFICER (Mr. Jamir) : Yes, the Commissioner is listed.

Commissioner de los Reyes will please proceed.

MR. DE LOS REYES: Commissioner Davide's premise is that election by district is much better than by province. Is that correct?

MR. DAVIDE: No, my premise is for the first election. It is impossible for us to make the apportionment into districts.

MR. DE LOS REYES: So the Commissioner is for election by district because he feels that is a better way.

MR. DAVIDE: That is exactly why we did not amend any of the proposals regarding legislative districts.

MR. DE LOS REYES: But the Commissioner believes that for the first elections, it should be by province and we leave the redistricting to future representatives.

MR. DAVIDE: To the First Congress.

MR. DE LOS REYES: They will make the apportionment. Is that not correct?

MR. DAVIDE: Not only the representatives but the entire Congress.

MR. DE LOS REYES: Is that not passing the buck when we in the Commission could do it now, considering that we have already received the recommendation of the COMELEC, which is an impartial body and which has already taken into account such factors as "as far as practicable, contiguous, compact, adjacent territory, with a population of at least 200,000"? Or — let us go down to brass tacks — is it because so many politicians are against the manner of redistricting and they are threatening to campaign against the ratification of the Constitution, that we should insist on the redistricting recommended by the COMELEC? Is that not the real reason, Mr. Presiding Officer?

MR. DAVIDE: Mr. Presiding Officer, neither is the reason which justified this recommendation. May I be allowed to explain.

First, not only are the politicians complaining. As I said, there are organizations and private individuals who are sending telegrams and letters and making counterproposals.

Second, it is not really passing the buck because we feel that somehow, in the matter of the apportionment, not only because we do not have enough time, it would be unfair to the other areas to just send to them an apportionment.

The principal reason which I am going to reveal is: If we will insist on the COMELEC proposal despite the counterproposals and protests of many, they might only provide the widening of an area for possible rejection, not only of the ordinance but also because it is closely a tied up with the main Constitution itself.

MR. DE LOS REYES: That is the real reason.

MR. DAVIDE: They will be campaigning against because they do not like the apportionment in their respective area, and this is closer to them.

MR. DE LOS REYES: So that is the reason.

MR. DAVIDE: That is my principal reason.

MR. DE LOS REYES: That is the reason. But the Commissioner cannot deny that the recommendation of the COMELEC which made this recommendation very objectively, taking into account contiguity, compactness and adjacency, is a very good recommendation. We set aside the objections of some interested parties who believe they might be prejudiced politically by this apportionment.

MR. DAVIDE: On the basis of the map of every province, the allocation is very beautiful. It is geographically beautiful.

MR. DE LOS REYES: That is correct.

MR. DAVIDE: But, for instance, Laguna alone. There was even a counterproposal because while on the map of

Laguna the allocation was beautifully done, there are still distinct, separate problems and if we remove two municipalities and change them with other municipalities, we still retain the compactness, adjacency and contiguity. But yet within the compacted areas, there are really problems.

MR. DE LOS REYES: But even granting that the apportionment may not be perfect, it is remedied by a provision that within three years following the return of every census, the Congress shall make a reapportionment of legislative districts based on the standards provided in this section.

MR. DAVIDE: That may be remedied.

MR. DE LOS REYES: So although we cannot make a perfect apportionment today, the fact is that we should start on the right footing. If we know that representation by district is the better one, why should we still resort to representation by province?

MR. DAVIDE: Again, Mr. Presiding Officer, I would say that this is really a transition only for the first election.

MR. DE LOS REYES: That is correct.

MR. DAVIDE: Thereafter, it would be by district already.

MR. DE LOS REYES: No, my idea is that even as a transition, it should be by district because even if the redistricting which we make now is not perfect, within three years following the return of every census, the future Congress can make a reapportionment. Anyway, if I were to think of myself alone, it will not affect me whether it is by province or by district. But we must remember that we adopted a bicameral system on the assumption that we shall have a House of Representatives elected by district.

But the election by province is more suitable for a unicameral system. For a starting politician who has no organization, I know from experience that it is better to have it by district because he will have more time to get in contact with the people.

For example, in our province, we have 30 towns. If by districts — 30 divided by four — that will be about nine towns each. And we will have to cover 600 barrios, if it is by province. But if it is by district, we have to cover only 150 barrios.

Therefore, if we think of bringing the government, the leaders and the issues closer to the people, then I say that by district is better even on a transition basis.

Thank you, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: Will Commissioner Davide yield to just one or two questions?

MR. DAVIDE: Gladly, Mr. Presiding Officer.

MR. MAAMBONG: Mr. Presiding Officer, from what I gathered from the interpellation, the purpose of this amendment is only to comply with an urgent matter, because the Commission and the committee do not have the facilities nor the time to really go into districting.

MR. DAVIDE: That is correct. It is only for the first election.

MR. MAAMBONG: So the main accepted provision which says that ultimately we will go into districting will come after the first term of the elected Members of the House of Representatives.

MR. DAVIDE: During the first term of those first elected, the actual apportionment into legislative districts shall

have to be undertaken.

MR. MAAMBONG: In other words, the Commissioner's defense here regarding the good features of a provincial election was only his own personal opinion, probably based on the fact that, if I recall, in 1978 the Commissioner ran as an Assemblyman against all odds, against the KBL, with a powerhouse ticket and he won on a regional basis. Probably, that affected his thinking about the good features of an election on a bigger constituency.

MR. DAVIDE: It did not influence my decision. As a matter of fact, this proposal we are presenting did not consider the 1978 unusual victory for the opposition, but we have to be pragmatic about it.

The Commission cannot afford to create more package of opposition. We won an overwhelming vote in favor of the Constitution. And an ordinance creating more oppositors might only endanger the entire new Constitution.

MR. MAAMBONG: What I am saying is that as of now, the Commissioner would favor election by province even after the first elected Members of Congress.

MR. DAVIDE: I have to be very frank; I am still in favor of election by district, but I can sacrifice for the first term.

MR. MAAMBONG: One more question or two. In the first term of the first elected Congressmen, under the Transitory Provisions they are supposed to serve for five years. Could they still run for reelection for two more terms? I ask because under the present provision which we have already approved, they can run for reelection for two times.

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. MAAMBONG: In other words, in the assumption that a Congressman will win in the first election, he will have five years and he can still run for two terms more. That means six years, and he can have a total of eleven years.

MR. DAVIDE: That is correct, because the basis is the running for reelection and not the change of constituency.

MR. MAAMBONG: Finally, I have in my record telegrams coming from former Assemblymen Antonio Diaz of Zambales and Llaguno. In these telegrams, they seem to indicate that we are guilty of gerrymandering in the matter of the districting of their respective constituencies. I informed them to refer this matter to the Commissioner. Did this come to the Commissioner's attention?

MR. DAVIDE: The telegrams of former Members of Parliament Antonio Diaz and Llaguno were among the protests the committee received, Mr. Presiding Officer.

MR. MAAMBONG: And that is probably one of the reasons for the urgency of this proposed amendment.

MR. DAVIDE: Were the protests only limited to the two, I would not have proposed for a reopening; but I received many.

MR. MAAMBONG: The one the Commissioner enumerated yesterday.

MR. DAVIDE: I only mentioned about the provinces affected; I did not enumerate the number of oppositors because in one province, we may have about five or six oppositors.

MR. MAAMBONG: I thank the Commissioner; I am convinced with his position.

MR. DAVIDE: I also thank the Commissioner, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rama is recognized.

MR. RAMA: Mr. Presiding Officer, I ask that we suspend the session for five minutes so we can have a new formulation.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? What is the pleasure of Commissioner Padilla?

MR. PADILLA: I would like to propound a few questions to the proponent.

THE PRESIDING OFFICER (Mr. Jamir): Excuse me, if the Commissioner is going to propound a question, Commissioner Bengzon is ahead, so the Chair will first recognize him.

MR. BENGZON: I will yield to Commissioner Padilla, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Thank you.

MR. PADILLA: Thank you.

It is a fact that before martial law, we had a House whose Members were elected by congressional districts.

MR. DAVIDE: Yes.

MR. PADILLA: During martial law, the election of the Members for the interim Batasang Pambansa in 1978 was by region.

MR. DAVIDE: The 1978 elections, yes.

MR. PADILLA: In fact, the only strong opposition during the 1978 elections for the interim Batasan was, I believe, in Metro Manila. The votes cast were in favor of the LABAN candidates, some of whom are Members of this Commission, like Commissioners Rodrigo, Rama and others, but because of martial law, the opposition candidates even in Metro Manila and who actually won the votes of the people, lost in the counting of the results thereof. In 1984, for the regular Batasang Pambansa, which is mentioned in the proposed amendment, the ordinance governing the parliamentary elections in 1984, the voting was by province.

MR. DAVIDE: Yes, and by cities.

MR. PADILLA: And by cities, although I recall that the KBL under the dictator also wanted by regions because it would be easier for the dictatorship to win by regions. But there was a very strong clamor for congressional districts and this election by province and by cities was by way of compromise to appease the opposition a little against the elections by regions in favor of elections by congressional districts. That is correct historically.

MR. DAVIDE: Historically, it was correct, but technically I would like to modify some of the conclusions. I was still in the interim Batasang Pambansa when that was taken up immediately after the death or the assassination of Senator Benigno Aquino. The dictatorship did not believe that it could win by regions. And so, they were not really originally for regions. It was at the initiative of the leadership that the constituency was changed from region to province.

MR. PADILLA: The alternatives were by region, province or district, and the KBL leadership under the dictatorship, chose a compromise by province.

MR. DAVIDE: What came out is by province.

MR. PADILLA: As we had the congressional districts before martial law, would it not be reasonable to expect from the COMELEC that these congressional districts may be updated by the COMELEC?

MR. DAVIDE: As a matter of fact, the COMELEC presented an apportionment plan. And personally I would say that on the basis of the map of every province, the plan was well done.

MR. PADILLA: Of course, the Commissioner mentioned many complaints.

MR. DAVIDE: Yes.

MR. PADILLA: But one can expect complaints, especially when some of the complaints arise from particular redistricting, sometimes some politicians or future candidates believe that the apportionment is not satisfactory, especially if there is a claim of gerrymandering.

Under the Commissioner's proposal, he would follow the 1984 Ordinance?

MR. DAVIDE: Yes.

MR. PADILLA: And then allow the First Congress to adopt a redistricting for congressional districts.

MR. DAVIDE: That is correct.

MR. PADILLA: Does not the Commissioner believe, that Congress, if it adopts a redistricting, may also be subject to complaints or protests, and in fact, there may be more attempts by the Members thereof to reapportion the districts as would better suit their particular preferences, rather than by the Commission on Elections which has been readopted as a constitutional body and not influenced, supposed to be, by personal or party considerations?

MR. DAVIDE: Some of our colleagues are working now on a formulation to vest the COMELEC with the authority to reapportion the seats in accordance with the standards set forth in Section 5.

MR. PADILLA: Yes, because after all, assuming that the COMELEC apportionment, especially if patterned after the congressional districts before martial law, is effective or is subject to improvement, well, that can always be improved or corrected by Congress.

MR. DAVIDE: I have now with me the substitute amendment presented by Commissioners Sarmiento, Garcia, Rama, Monsod, Bernas and others.

MR. PADILLA: Thank you.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended.

It was 11:39 a.m.

RESUMPTION OF SESSION

At 11:51 a.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

The Chair would like to know the parliamentary situation.

MR. RAMA. Mr. Presiding Officer, I ask that Commissioner Davide be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: Mr. Presiding Officer, I would present a privileged motion.

THE PRESIDING OFFICER (Mr. Jamir): What is the privileged motion?

MR. DAVIDE: The privileged motion is for this body to decide whether we will attach an ordinance to the

Constitution allocating the seats of the Lower House to legislative districts or whether we will mandate the COMELEC to do the redistricting itself.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: I would prefer that we do not append anything in this Constitution, because while the COMELEC has already a report on congressional districts, it is not as perfect as Commissioner Davide said in his answer to our question, so, I would prefer that the COMELEC be given a little more time to perfect its report. Of course, there will always be some oppositionists, even our Lord Jesus Christ had only 12 disciples and one of them was a scalawag. So, there will always be oppositions. Hence, I prefer that there will be nothing appended in our Constitution, because the COMELEC should be given an opportunity to still perfect their report of July 28.

Thank you, Mr. Presiding Officer.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): What is the pleasure of Commissioner Bengzon?

MR. BENGZON: Mr. Presiding Officer, this body must be the one that will decide the redistricting, because the redistricting has to be done by a legislative fiat not by the COMELEC. The committee is prepared; it is not adopting the COMELEC proposal in toto, precisely because of its imperfections. What the committee did was to use the COMELEC proposal as a reference and it made its own redistricting which will be the one, if approved by this Commission, to be appended to the Constitution. Therefore, on that basis, Mr. Presiding Officer, I move that this Commission decide itself the redistricting of the various districts in the whole country. We will maintain the original decision of this Commission to elect the Congressmen by district. We will now append to this Constitution the details of the redistricting of the various districts in the whole country under the work that was prepared by the Committee on the Legislative.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, I realized that we had previously voted in favor of representation by districts. However, about two weeks ago, there was a survey circulated which asked for our opinion on whether we should adopt province-wide or district for the First Congress. There has been a lot of debate on this floor regarding the merits or demerits of province-wide representation versus district-wide representation. In fairness to ourselves, can we just get a consensus on whether this body really prefers by district as against by province? After we have gotten that consensus, then we can tackle the problem of redistricting, if that is the choice of this body on who shall redistrict. But, can we just systematically resolve this problem in that manner so there are no more doubts as to what the real intent and sense of this body is.

MR. GASCON: May I be clarified?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rodrigo is recognized.

MR. RODRIGO: I wish to comment on the proposal of Commissioner Bengzon that we ourselves append to the Constitution the proposal on redistricting. I am not ready to agree to such a proposal, because I have no basis upon which to decide this matter and considering that only a few session days are left for this Constitutional Commission. So I would rather that we leave this matter to the Commission on Elections which, after all, is an

independent constitutional body.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Mr. Presiding Officer.

I would also like to register my reservation to the proposal of Commissioner Bengzon, to reiterate the fact that we are working under time constraint and it would not be fair for us to attach an ordinance which we would not be able to study and deliberate on sufficiently. It would be a midnight apportionment and that is very dangerous, Mr. Presiding Officer.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Gascon is recognized.

MR. GASCON: I would like to seek clarification from Commissioner Monsod when he made his proposal that we decide first on whether we should apportion by province or by legislative district. Is that for the First Congress?

MR. MONSOD: No. After listening to the debates this morning, it seemed that we were discussing the merits or demerits of the kind of representation not just for the First Congress. In fact, it was a little anomalous because the one defending the province-wide selection really was advocating for apportionment by district, except that there was a proposal to do it by province in the First Congress. What is good for one Congress should be good for all congresses. So let us decide the merits or demerits of each kind of representation and accept the decision of the body as a whole, then we go from there. If the body says province-wide, then we can adopt the 1984 scheme. If the body says by district, then let us look at all the options by district.

MR. BENGZON: Mr. Presiding Officer, point of order.

THE PRESIDING OFFICER (Mr. Jamir): What is the Commissioner's point of order?

MR. BENGZON: If we are going to discuss that, then we would have to reopen Section 1. Yesterday, we reopened Section 1, we voted on it, so it is closed. So if we have to discuss the merits of going by province or going by districts, perpetually, not just for the First Congress, then we would have to suspend the Rules unanimously in order to reopen that.

MR. MONSOD: I think that is something we owe ourselves. Let us not hide behind the technicality.

MR. BENGZON: I do not mind. In fact, I will vote for it but I am just calling the attention of the body. If all of us agree to reopen that, I do not mind. If it is presented to the floor, I will vote for it. So I am just calling the attention of the body that we must go through that procedure.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: I would like to support the call of Commissioner Monsod. I do not think that the act of receiving information and talking about it need inevitably lead to a reopening of Section 1. But I think I feel a hunger for information. Commissioner Villacorta raised this point earlier. I think some others would like to have an approximation, if that is possible, of a balanced judgment on this question.

So, is it possible to talk about this without having to reopen Section 1 as the inevitable consequence under the Rules?

MR. GASCON: Mr. Presiding Officer.

MR. BENGZON: Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): There is a point of order raised. Will Commissioner Bengzon please restate his point of order?

MR. BENGZON: The point of order is that before we can discuss the merits of having elections perpetually by province or by district, we would have to reopen the first paragraph of Section 5 of the Article on the Legislative.

MR. MONSOD: Mr. Presiding Officer.

MR. BENGZON: Even if we do discuss the merits and demerits of the concepts of province-wide or district-wide representation, we have to come to a conclusion.

MR. RODRIGO: Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is Commissioner Monsod going to speak against the point of order?

MR. MONSOD: Yes, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Commissioner may proceed.

MR. MONSOD: I think we are trying to focus on the technicality before we focus on the substance. It may be that the body will say, "We prefer district," then the matter is finished. It does not need to have a suspension of the Rules.

If the body says there is a consensus for province-wide representation, then let us discuss whether we will suspend or whether we have the votes to suspend the Rules. These are two separate matters. I think we owe it to ourselves to find out the consensus in this assembly before we even tackle the question of whether we are going to suspend the Rules or not.

MR. DE CASTRO: Mr. Presiding Officer.

FR. BERNAS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bernas is recognized.

FR. BERNAS: Mr. Presiding Officer, whether or not the question of discussing election by province or by district is a mere matter of technicality, is something very dangerous, I think. It is not a mere matter of technicality. The Rules are very clear. This is a matter which we have settled before. So, if we want to reopen the discussion of election by districts, then let us go thru the regular procedure rather than attempt short cuts.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is the Commissioner going to speak on the point of order?

MR. DE CASTRO: On the point of order, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Commissioner may proceed.

MR. DE CASTRO: The problem on the election of Congressmen or of Representatives of the Lower House by districts or by province has already been decided during the deliberations on Section 5. These Representatives should be elected by legislative districts. We also decided on that yesterday under Section 5 (1), and we agreed

that they should be elected by legislative district. The question that we have been discussing this morning is whether the first election will be by province or by district. There will be no more question for us to ask the Members on whether we like by district or by province. We have already established that under Section 5 (1) of the amendment sought for by the Committee on the Legislative. What we are asking really is on the First Congress. Will it be by province or by district? So, the parliamentary situation now is that we are now in the period of amendments. It would be amending of Section 5 (4) as recommended by the committee.

I move then that we go to the period of amendments.

THE PRESIDING OFFICER (Mr. Jamir): There is still a pending motion on the table; the Commissioner's motion will be out of order. He cannot present another motion.

MR. DE CASTRO: Then I would say that the motion is not in order because we have long established that the election of Congressmen shall be by legislative district.

THE PRESIDING OFFICER (Mr. Jamir): The Chair would like to address a few questions to Commissioner Bengzon for his guidance. In what sense or senses will Section 5 (1) be affected by the matter under discussion?

MR. BENGZON: It will change the whole substance, because it says here in Section 1 that the Members of the House of Representatives shall be elected from legislative districts apportioned among the provinces, cities in Metro Manila. So, it is clear in Section 5 (1) that the Members of the House of Representatives shall be elected by legislative districts. There are people who advocate the proposition that it should be changed in the sense that the Members of the House of Representatives shall be elected province-wide so that is a great departure from the subject matter that is being proposed by Commissioner Davide because the said proposed subject matter only states that the election by province is for the First Congress. But there are advocates of the proposition that the elections by province should not only be for First Congress but perpetually, in which case, if we do discuss this point, then that will run smack against Section 5 (1). If we want to reopen the whole thing then we would have to reopen Section 5 (1).

THE PRESIDING OFFICER (Mr. Jamir): But the point of the Chair is this: Since under Section 4 (1) the election is required to be by legislative district, then an amendment in the nature proposed by Commissioner Davide will not infringe Section 5 (1) because it really seeks to reestablish the idea of electing representatives by districts.

MR. BENGZON: I beg the Commissioner's pardon again.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, I am reading Petition No. 3 which was introduced by the Committee on the Legislative, and maybe our fellow Commissioners can look into this. The third "Whereas" states:

Whereas, there is as well a clamor to reassess the manner of representation and to consider the possible change from representation by legislative district to representation by province;

Whereas, all the foregoing would require to reopen Section 5 of the Article on Legislative Power . . .

There is no mention here that it is only for purposes of the First Congress. The "whereas" raised the issue of whether we should consider going by province as against legislative districts. And this is endorsed by the Steering Committee.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bernas is recognized.

MR. BENGZON: May I reply?

MR. BERNAS: This is just on the point of order. The point of order is not against the amendment being proposed or against the proposal of the committee but it is against the proposal of Commissioner Monsod that today, we consider representation not just in the First Congress but perpetual representation. So the point of order being raised is for us to reopen the question of representation after the First Congress would require a suspension of the Rules.

MR. BENGZON: Not only that, Mr. Presiding Officer. Even if we do follow the logic of Commissioner Monsod which he has just articulated, the fact is that yesterday, we already considered Section 5 (1) and we already voted on it. Therefore, it has been reopened, discussed and decided upon. And so, that is closed. So, we would have to reopen it again if we want to discuss the matter of electing the Members of the House of Representatives, province-wide perpetually.

MR. MONSOD: Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: We are still considering Section 5. If at all, there would be a need for a motion to reconsider, not a motion to suspend.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is ahead of Commissioner Gascon.

Commissioner de Castro is recognized

MR. DE CASTRO: Mr. Presiding Officer, I think there is a miscommunication on this floor. The committee filed Petition No. 3 and in the "whereases," it was quite broad on the opening of Sections 5 and 11. While the "whereases" are broad on Sections 5 and 11, the proposed amendments are, however, definitive that the committee is only asking for the election of the congressmen on the First Congress by province. So, there is no need to reopen the whole gamut of Section 5. It is only this portion: "The first election of Congress shall be by province." That is the only thing in question. We will not need any reopening of Section 5.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Gascon is recognized.

MR. GASCON: My point is that I believe the proposal of Commissioner Monsod is out of order in the sense that it would first need a request for suspension of the Rules by unanimous vote. What we agreed upon yesterday when we suspended the Rules was to consider the proposals of the Committee on the Legislative. Commissioner Monsod's proposals are not part of the proposed measures being proposed by the Committee on the Legislative. Therefore, it would need another suspension of the Rules and then, we may consider the proposal.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir) : The session is suspended.

It was 12:13 p.m.

RESUMPTION OF SESSION

At 12:18 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session resumed.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Floor Leader is recognized.

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

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: Mr. Presiding Officer, there are many who are prepared to submit amendments to the proposed paragraphs 4 and 5. Are we now in the period of amendments?

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

MR. BENGZON: Because of the caucus that we had, I am withdrawing my point of order.

Thank you.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, what we have agreed to is that we will deal first with the issue of the First Congress and if this body approves a principle of legislative district, I will then withdraw my manifestation and motion on the ground that the body will have already preferred by district. If the body votes for a province-wide representation for the First Congress, I will then ask for a reopener on the ground that maybe this should be the permanent feature of the Constitution.

MR. BENGZON: It is all right.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Floor Leader is recognized.

MR. BENGZON: We go into the period of amendments.

MR. RAMA: Let us have a vote and then move for that particular concept that has been proposed.

MR. DAVIDE: As I understand, that was already presented. This would refer only to the First Congress. So I move, Mr. Presiding Officer, that the Commission decide the issue of whether the election for the Lower House of the First Congress of the Philippines shall be by province or by district. So it is a choice between election by province or election by district for the First Lower House.

THE PRESIDING OFFICER (Mr. Jamir): How will the body decide that?

MR. DAVIDE: I will be making inconsistent motions, but just the same I will do it. The first motion will be: I move that the Representatives of the First House of Representatives under the new Constitution be elected by province or by city.

THE PRESIDING OFFICER (Mr. Jamir): By province or by city?

MR DAVIDE: By province or by city, because there are cities entitled to representation.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. RODRIGO: Mr. Presiding Officer.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rodrigo is recognized.

MR. RODRIGO: Before the suspension of the Rules and before the particular section was reopened; had there been no reopening on how will the first election be held for the Members of the House? Will it be by district or by province?

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: It could be by district. The only problem is: Who shall make the apportionment?

MR. RODRIGO: So it would be by district if we do not touch the provision as passed by us.

MR. DAVIDE: Without the amendment.

MR. RODRIGO: This is very important because then, we need two-thirds vote to approve the motion.

MR. DAVIDE: That is correct.

MR. ROMULO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Romulo is recognized.

MR. ROMULO: It is getting very confusing. Shall we vote on the Commissioner's first motion as to whether it will be for province?

MR DAVIDE: For the First Congress.

MR. ROMULO: For the First Congress. That is the first motion. We cannot vote meaningfully unless we know how the Commissioner intends to redistrict.

MR. DAVIDE: There will be no redistricting actually, because the constituencies will be provinces or cities. In short, we will follow the ordinance governing the parliamentary election of 1984.

MR. ROMULO: No, because we may come upon the second motion if the first one does not pass. In the event we get to the second motion, I would like to know how the Commissioner intends to redistrict.

MR. DAVIDE: There are three options: (1) The President will do it by law; (2) We can mandate COMELEC to do it; or (3) We will, by ourselves, do it by way of an ordinance to be appended to the Constitution.

MR. ROMULO: It seems to me that those choices have to be settled first, because it may be a prejudicial question.

MR. DAVIDE: So, the Commissioner is now presenting a privilege motion to take that up first.

MR. ROMULO: No, I am just posing the question to the body, because I may vote for province if the manner by which the redistricting is decided is not to my liking. That is my problem.

FR. BERNAS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bernas is recognized.

FR. BERNAS: As pointed out by Commissioner Rodrigo, what obtains now is representation by district. So, if we move into deciding how these districts are to be divided and who will be dividing this, that would mean that we are closing the possibility of representation by province.

MR. BENGZON: Yes.

FR. BERNAS: So I suggest that we really settle this. In effect, as Commissioner Rodrigo has pointed out, for us to carry the motion of Commissioner Davide, the Commission will have to get a two-thirds vote in order to approve this resolution. If that loses, then we just go into the task of deciding how or who will divide the nation into districts.

MR. BENGZON: Yes.

MR. RAMA: Mr. Presiding Officer, the body is ready to vote on this basic question that will clear the air for Commissioner Davide.

THE PRESIDING OFFICER (Mr. Jamir): Will Commissioner Davide restate his motion.

MR. DAVIDE: There is a basic question that was presented by Commissioner Romulo.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir): There are many things settled over the dinner table, so the Chair declares a suspension of session up to two-thirty this afternoon.

It was 12:26 p.m.

RESUMPTION OF SESSION

At 3:04 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Floor Leader is recognized.

MR. RAMA: May I call on Commissioner Villacorta to state the resolution.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Villacorta is recognized.

CONSIDERATION OF PROPOSED RESOLUTION NO. 547

(Expressing thanks and appreciation to the Secretary-General, Secretariat, Task Force, press corps, volunteers and staff of the Commissioners' offices)

PERIOD OF SPONSORSHIP AND DEBATE

MR. VILLACORTA: I move that we consider Proposed Resolution No. 547.

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

Consideration of Proposed Resolution No. 547 is now in order. With the permission of the body, the Secretary-General will read the title and the whole text of the proposed resolution.

THE SECRETARY-GENERAL: Proposed Resolution No. 547, entitled:

RESOLUTION EXPRESSING THANKS AND APPRECIATION TO THE SECRETARY-GENERAL, THE SECRETARIAT, THE TASK FORCE, THE PRESS CORPS, THE VOLUNTEERS AND THE STAFF OF THE COMMISSIONERS' OFFICES.

RESOLUTION EXPRESSING THANKS AND APPRECIATION TO THE SECRETARY-GENERAL, THE SECRETARIAT, THE TASK FORCE, THE PRESS CORPS, THE VOLUNTEERS AND THE STAFF OF THE COMMISSIONERS' OFFICES

WHEREAS, the Constitutional Commission of 1986 would not have effectively accomplished its important tasks without the efficient, wholehearted and dedicated service of the Secretariat, the Task Force, the Volunteers and the Staff of the Commissioners' Offices;

WHEREAS, the Press Corps was admirably committed in its coverage of the Constitutional Commission and in bringing the updated results of the Commissioner's deliberations to the public;

WHEREAS, the Secretariat, under the leadership of Prof. Flerida Ruth P. Romero and Mr. Roberto Nazareno and the Task Force under its administrator, Mr. Roberto San Andres, have selflessly worked for twelve hours or more everyday, including Saturdays and during the public hearings, including Sundays, in servicing the needs of the Constitutional Commission;

BE IT RESOLVED, THEREFORE, That the Members of the Constitutional Commission manifest its sincerest appreciation and gratitude to the Secretary General Flerida Ruth Romero, Mr. Roberto Nazareno and Task Force Administrator, Mr. Roberto San Andres, and the Secretariat, the Task Force, the Press Corps, the Volunteers and the Staff of the Commissioners' Offices for their invaluable cooperation with the Constitutional Commission and service to the Filipino people.

(Sgd.) Cecilia Muñoz Palma

(Sgd.) Ambrosio B. Padilla

(Sgd.) Wilfrido V. Villacorta (Sgd.) Roberto R. Concepcion

(Sgd.) Minda Luz M. Quesada (Sgd.) Rene V. Sarmiento

(Sgd.) Eulogio R. Lerum (Sgd.) Regalado E. Maambong

(Sgd.) Lugum L. Uka (Sgd.) Bernardo M. Villegas

(Sgd.) Christian S. Monsod (Sgd.) Joaquin G. Bernas

(Sgd.) Hilario G. Davide, Jr. (Sgd.) Jose F. S. Bengzon, Jr.

(Sgd.) Lugum L. Uka (Sgd.) Francisco A. Rodrigo

(Sgd.) Christian S. Monsod (Sgd.) Jose N. Nollado

(Sgd.) Napoleon G. Rama (Sgd.) Florangel Rosario Braid

(Sgd.) Ponciano L. Bennagen (Sgd.) Ahmad Domocao Alonto

(Sgd.) Serafin V.C. Guingona (Sgd.) Cirilo A. Rigos

(Sgd.) Yusuf R. Abubakar (Sgd.) Lorenzo M. Sumulong

(Sgd.) Felicitas S. Aquino (Sgd.) Teodoro C. Natividad

(Sgd.) Jaime S.L. Tadeo (Sgd.) Crispino M. de Castro
(Sgd.) Edmundo G. Garcia (Sgd.) Gregorio J. Tingson
(Sgd.) Ma. Teresa F. Nieva (Sgd.) Jose E. Suarez
(Sgd.) Alberto M. K. Jamir (Sgd.) Ricardo J. Romulo
(Sgd.) Teodoro C. Bacani (Sgd.) Florenz D. Regalado
(Sgd.) Efrain B. Treñas

ADOPTION OF PROPOSED RESOLUTION NO. 547

(Expressing thanks and appreciation to the Secretary-General, Secretariat, Task Force, press corps, volunteers and staff of the Commissioners' offices)

MR. RAMA: Mr. Presiding Officer, I move that we adopt Proposed Resolution No. 547.

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

Proposed Resolution No. 547 is adopted.

MR. RAMA: Mr. Presiding Officer, I ask that Commissioner Bengzon be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

MR. BENGZON: Mr. Presiding Officer, there is also a resolution here signed by practically all the Commissioners. It is sponsored by Commissioners Laurel, Jr., Rama, Rodrigo, Padilla, Romulo, Rigos, Bengzon, Jr., Calderon, Monsod and signed by all the rest of the other Commissioners. May I read, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Commissioner will please proceed.

MR. BENGZON: The proposed resolution reads:

AUTHORIZING COMMISSIONER DECOROSO ROSALES, WHO IS AT PRESENT SERIOUSLY ILL, TO CAST HIS VOTE WHEREVER HE MAY BE, BY HIS SIGNATURE OR THUMBMARK ON THE CONSIDERATION OF THE FINAL DRAFT OF THE NEW CONSTITUTION, AND CREATING A SPECIAL COMMITTEE TO WITNESS HIS VOTING.

WHEREAS, Commissioner Decoroso Rosales, a member of the Constitutional Commission of 1986, has been suffering from a serious ailment for the last two months;

WHEREAS, during the past few weeks, his condition has become serious;

WHEREAS, at present, he is confined at St. Luke's Hospital, Quezon City thereby preventing him from attending the sessions of the Commission;

WHEREAS, the final draft of the new Constitution is about to be completed, and the approval of the same by the Commissioners will follow;

WHEREAS, due to his predicament, he may not be able to attend the session when the consideration of the final draft will be made which is a very momentous event: Now, therefore, be it

RESOLVED BY THE CONSTITUTIONAL COMMISSION, To authorize, as it hereby authorizes, Commissioner Decoroso Rosales, to cast his vote wherever he may be by his signature or thumbmark on

consideration of the final draft of the new Constitution, and creating a special committee to witness his voting.

The signatories, Mr. Presiding Officer, are. Commissioners Rama, Padilla, Uka, Laurel, Rodrigo, Jamir, Rigos, Bengzon, Romulo, Calderon, Monsod, Cecilia Muñoz Palma, Sumulong, Colayco, Treñas, Alonto, Nollado, Natividad, Abubakar, de los Reyes, de Castro, Guingona, Ople, Garcia, Maambong, Azcuna, Rosario Braid, Suarez, Nieva, Tingson, Tan, Regalado, Aquino, Davide, Quesada, Sarmiento, Tadeo, Bernas, Villacorta, Lerum, Bacani, Foz, Concepcion and Gascon.

MR. RAMA: Mr. Presiding Officer, I move that we adopt the said resolution.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the motion is approved. The said resolution is adopted.

The Floor Leader is recognized.

MR. RAMA: Mr. Presiding Officer, I ask that Commissioner Davide be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: Thank you, Mr. Presiding Officer.

We are now on the proposed subsections 4 and 5 of the reopened Section 5 of the Article on the Legislative. I understand that there are proposals to amend the same and late this morning Commissioner Romulo raised as sort of a prejudicial question on how the issues would be presented. I wonder if Commissioner Romulo will insist on that.

MR. ROMULO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Romulo is recognized.

MR. ROMULO: I will not, I withdraw the question.

MR. DAVIDE: Since the question has been withdrawn, we are back to the original motion I presented, Mr. Presiding Officer, to the effect that for purposes of the first election under this Constitution, the membership and the constituencies for the House of Representatives shall be by province or by city which, in effect, would be as provided in the ordinance governing the parliamentary election of 1984.

THE PRESIDING OFFICER (Mr. Jamir): What is the pleasure of the Commission?

MR. RAMA: We are ready to vote, Mr. Presiding Officer.

MR. DE CASTRO: I object to that proposition.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: Parliamentary inquiry, Mr. Presiding Officer. Should this provision be in the body of the Article on the Legislative or should it be in the Article on Transitory Provisions? This is very transitory in nature; so we would like to know from the Chair whether this should properly belong to the substances of the Article on the Legislative or the Article on Transitory Provisions.

MR. DAVIDE: Mr. Presiding Officer, may I be allowed to comment.

THE PRESIDING OFFICER (Mr. Jamir): The Commissioner may proceed.

MR. DAVIDE: Technically and logically, this is a transitory provision and it can appear logically in the Article on Transitory Provisions of the New Constitution.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: Mr. Presiding Officer, I object to the provision read by Commissioner Davide and I request that it be submitted to a vote.

MR. DAVIDE: We are not voting on the text of the proposal; we are still voting on the motion that it should be by province and city for the first congressional election.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: Considering the reply of Commissioner Davide, which seems to be agreed to by the Chair and with the permission of the chairman of the Committee on Amendments and Transitory Provisions, I would like to indicate that we were intending actually to ask for a reconsideration of the vote on Second Reading of the Article on Transitory Provisions because there are two important articles which we should insert in the Article on Transitory Provisions considering the amendment introduced by Commissioner Sumulong on the provisions of the Article on the Executive. And further to this, if indeed it is true that this provision presented by Commissioner Davide should be in the Article on Transitory Provisions, then it should be properly considered by the Committee on Amendments and Transitory Provisions. It would make a lot of difference if this would be presented in the Article on Transitory Provisions.

MR. PADILLA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Padilla is recognized.

MR. PADILLA: Thank you, Mr. Presiding Officer.

In lieu of subparagraphs 4 and 5 of the proposed amendment, may I suggest the following: "FOR THE FIRST ELECTION, UNDER THIS CONSTITUTION, THE LEGISLATIVE DISTRICTS SHALL BE APPORTIONED BY THE COMMISSION ON ELECTIONS."

This may be placed in the Article on Transitory Provisions if it is deemed more proper or advisable.

THE PRESIDING OFFICER (Mr. Jamir): What does Commissioner Davide say?

MR. DAVIDE: There was a prior motion. We are still voting on the concept. In the event that that motion will be rejected, then the proposal of Commissioner Padilla may be introduced as an amendment.

THE PRESIDING OFFICER (Mr. Jamir): So, we vote on the Commissioner's motion first. What is the pleasure of the body? Is the body ready?

MR. DE CASTRO: I move for a nominal voting, Mr. Presiding Officer.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Gascon is recognized.

MR. GASCON: Will Commissioner Davide please restate the motion so that we will all be clarified.

THE PRESIDING OFFICER (Mr. Jamir): Will the Commissioner please read it again.

MR. DAVIDE: The motion is: I move that the body will vote on the following proposition: "THAT FOR THE FIRST ELECTION TO THE HOUSE OF REPRESENTATIVES THE MEMBERS THEREOF SHALL BE

ELECTED BY PROVINCE OR CITY."

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Gascon is recognized.

MR. GASCON: With regard to that proposal, is it clarified that it would need a two-thirds majority of those present for it to be approved?

MR. DAVIDE: As stated earlier, the proper place for this will be in the Article on Transitory Provisions hence, I do not think it will require two-thirds of those who are actually present.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Gascon is recognized.

MR. GASCON: We have suspended the Rules, and in fact, as Commissioner Rodrigo has correctly stated yesterday, since the Rules state that under the suspension of the Rules, any measure which is presented to the body under such should be approved by a two-thirds vote. We have not yet gone to the Transitory Provisions part and we are actually considering a measure proposed by the Committee on the Legislative as part of its proposals which it recommended for suspension of the Rules of the body, so that we may reopen the Article on the Legislative.

MR. DAVIDE: I leave the matter for decision by the Chair.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

MR. BENGZON: Mr. Presiding Officer, it strikes me that the chairman of the Committee on the Legislative is abandoning his position that this preposition is to be included in the body of the Article on the Legislative by his statement that this concept and its proper text, should it be approved, be properly included in the Article on Transitory Provisions. Then he is abandoning his original position in which case the two-thirds vote will no longer come into play.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Davide is recognized.

MR. DAVIDE: We can approve it and it is up for the Commission to decide to transfer it to the Article on Transitory Provisions.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you.

When the Committee on the Legislative petitioned for the reopening of Sections 5 and 11, it was ruled that it will need a suspension of the Rules, and as such, a two-thirds vote to reopen is necessary. This morning it was also inquired into by Commissioner Rodrigo that because it needed a suspension of the Rules, the different provisions being reopened in Section 5 of the Article on the Legislative will also need a two-thirds vote, and this was agreed upon by the Chair. Wherever we transfer this, whether we put it in the Article on the Legislative, in the Article on Transitory Provisions, in the Article on General Provisions or in the Preamble, it is the same reopening of paragraph 5 of the original report of the Legislative Committee. Therefore, wherever we put this, it will still

require a two-thirds vote on his motion because it is part and parcel of the reopening of Section 5 of the Article on the Legislative.

Thank you, Mr. Presiding Officer.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir) : The session is suspended.

It was 3:21 p.m.

RESUMPTION OF SESSION

At 3:23 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

The Floor Leader is recognized.

REV. RIGOS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rigos is recognized.

REV. RIGOS: I would like to recall that the motion of Commissioner Padilla, our Vice-President, was actually tantamount to an amendment to the proposal of Commissioner Davide by substitution and if the Chair agrees, should we not, therefore, act first on the motion of Commissioner Padilla?

THE PRESIDING OFFICER (Mr. Jamir): But Commissioner Davide has rejected the motion of Commissioner Padilla.

MR. DAVIDE: Not yet, my objection is not on the merits but on the procedure since there was a pending motion.

THE PRESIDING OFFICER (Mr. Jamir): We, therefore, hold on the motion and the Chair rules that a vote of two-thirds is required.

MR DE CASTRO: Mr. Presiding Officer, I reiterate my motion for a nominal voting.

NOMINAL VOTING

THE PRESIDING OFFICER (Mr. Jamir): A nominal voting has been called. The Secretary-General will call the roll.

MR. SARMIENTO: Mr. Presiding Officer, may we know the parliamentary situation?

MR RAMA: Commissioner Davide will state the parliamentary situation. He was the movant.

MR. DAVIDE: The parliamentary situation is that we will be voting on the motion that the first election of the Members of the Lower House of the First Congress of the Philippines will be by province or city.

FIRST ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir): The body will now vote on the motion and the Secretary General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar
No Natividad
Alonto Nieva Yes
Aquino No Nollado Yes
Azcuna No Ople No
Bacani Padilla No
Bengzon Yes Quesada No
Bennagen No Rama Yes
Bernas No Regalado No
Rosario Braid No Reyes de los
Calderon Rigos No
Castro de No Rodrigo No
Colayco No Romulo Yes
Concepcion No Rosales
Davide Yes Sarmiento Yes
Foz Yes Suarez Yes
Garcia No Sumulong Yes
Gascon No Tadeo Yes
Guingona Yes Tan No
Jamir No Tingson
Laurel Treñas
Lerum Uka Yes
Maambong Yes Villacorta Yes
Monsod
Yes Villegas Yes

SECOND ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir): The Secretary-General will conduct a second call for those who have not registered their votes.

THE SECRETARY-GENERAL, reading:

Alonto
Natividad .

Bacani Reyes de los

Calderon Rosales

Laurel Tingson

Lerum Treñas

THE PRESIDING OFFICER (Mr. Jamir): The results show 16 votes in favor and 20 against; the motion is lost for lack of a two-thirds vote.

The Floor Leader is recognized.

MR. SARMIENTO: Mr. Presiding Officer, may I be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. SARMIENTO: We wish to propose an amendment and this amendment is co-authored by Commissioners Bernas, Villacorta, de Castro, Guingona, Azcuna, Suarez, de los Reyes, Garcia, Quesada, Aquino, Nollado, Gascon, Rama, Ople, Maambong, Bengzon, Rigos and Foz.

THE PRESIDING OFFICER (Mr. Jamir): There is a pending motion by Commissioner Padilla.

MR. SARMIENTO: This is an anterior amendment which was mentioned this morning but was not acted upon.

THE PRESIDING OFFICER (Mr. Jamir): The Commissioner may then proceed.

MR. SARMIENTO: The amendment reads: "FOR THE FIRST ELECTION UNDER THIS CONSTITUTION, THE COMELEC, WITHIN ONE MONTH FROM THE RATIFICATION OF THIS CONSTITUTION SHALL APPORTION LEGISLATIVE DISTRICTS BASED ON THE STANDARDS PROVIDED IN THIS CONSTITUTION. THE FIRST CONGRESS SHALL MAKE REAPPORTIONMENT THEREOF BASED ON THE SAME STANDARDS PROVIDED HEREIN."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. PADILLA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Padilla is recognized.

MR. PADILLA: I think I have filed a very simple motion by way of amendment by substitution and this was, I believe, a prior or a proposed amendment. Also, the chairman of the Committee on the Legislative said that he was proposing a vote first by the Chamber on the concept of whether the election is by province and cities on the one hand, or by legislative districts on the other. So I propose this simple formulation which reads: "FOR THE FIRST ELECTION UNDER THIS CONSTITUTION THE LEGISLATIVE DISTRICTS SHALL BE APPORTIONED BY THE COMMISSION ON ELECTIONS." I hope the chairman will accept the proposed amendment.

SUSPENSION OF SESSION

MR. DAVIDE: The effect is, more or less, the same insofar as the apportionment is concerned, but the Bernas-Sarmiento et al. proposal would also provide for a mandate for the apportionment later, meaning after the first election, which will in effect embody what the Commission had approved, reading as follows: "Within three years following the return of every census, the Congress shall make a reapportionment of legislative districts

based on the standards provided in this section."

So, Mr. Presiding Officer, may I request for a suspension of the session, so that all the proponents can work together.

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended.

It was 3:33 p.m.

RESUMPTION OF SESSION

At 3:40 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

Commissioner Davide is recognized.

MR. DAVIDE: Mr. Presiding Officer, as a compromise, I wonder if the Commission will allow this. We will just delete the proposed subparagraph (4) and all the capitalized words in paragraph (5) So that in paragraph (5), what would be left would only be the following: "Within three years following the return of every census, the Congress shall make a reapportionment of legislative districts based on the standards provided in this section."

But we shall have an ordinance appended to the new Constitution indicating specifically the following: "FOR PURPOSES OF THE ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES IN THE FIRST CONGRESSIONAL ELECTION IMMEDIATELY FOLLOWING THE RATIFICATION OF THIS CONSTITUTION PROPOSED BY THE 1986 CONSTITUTIONAL COMMISSION AND SUBSEQUENT ELECTIONS AND UNTIL OTHERWISE PROVIDED BY LAW, THE MEMBERS OF THE HOUSE OF REPRESENTATIVES SHALL BE ELECTED FROM LEGISLATIVE DISTRICTS APPORTIONED AMONG THE PROVINCES, CITIES AND THE METROPOLITAN MANILA AREA AS FOLLOWS."

And what will follow will be the allocation of seats to Metropolitan Manila area, to the provinces and to the cities, without indicating the municipalities comprising each of the districts. Then, under Section 2, we will mandate the COMELEC to make the actual apportionment on the basis of the number of seats provided for and allocated to each province by us.

MS. AQUINO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Aquino is recognized.

MS. AQUINO: I have to object to the provision which will give mandate to COMELEC to do the redistricting. Redistricting is vitally linked to the baneful practices of cutting up areas or spheres of influence; in other words, gerrymandering. This Commission, being a nonpartisan, a nonpolitical deliberative body, is in the best possible situation under the circumstances to undertake that responsibility. We are not wanting in expertise and in time because in the first place, the Committee on the Legislative has prepared the report on the basis of the recommendation of the COMELEC.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: I would like to support the position taken by Commissioner Aquino in this respect. We know that the reapportionment of provinces and cities for the purpose of redistricting is generally inherent in the constituent power or in the legislative power. And I would feel very uncertain about delegating this to a quasi-judicial body

even if it is one of the constitutional offices created under this Constitution. We have the assurance of Commissioner Davide, as chairman of the Committee on the Legislative, that even given the very short time remaining in the life of this Commission, there is no reason why we cannot complete the work of reapportionment on the basis of the COMELEC plan which the committee has already thoroughly studied and which remains available to the Constitutional Commission.

So, I support the position taken by Commissioner Aquino, Mr. Presiding Officer. I think, it is the safest, the most reasonable, and the most workable approach that is available to this Commission.

THE PRESIDING OFFICER (Mr. Jamir): What does Commissioner Davide say?

MR. DAVIDE: The issue now is whether this body will make the apportionment itself or whether we will leave it to the COMELEC. So, there arises, therefore, a prejudicial question for the body to decide. I would propose that the Commission should now decide what body should make the apportionment. Should it be the Commission or should it be the COMELEC? And the Committee on the Legislative will act accordingly on the basis of the decision.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

MR. BENGSON: Apropos of that, I would like to inform the body that I believe the Committee on the Legislative has precisely worked on this matter and they are ready with a list of apportionment. They have, in fact, apportioned the whole country into various districts based on the recommendation of the COMELEC. So they are ready with the list and if this body would wish to apportion the whole country by district itself, then I believe we have the time to do it because the Committee on the Legislative is ready with that particular report which need only to be appended to the Constitution. So if this body is ready to accept the work of the Committee on the Legislative we would have no problem. I just would like to give that information so that the people here would be guided accordingly when they vote.

MR. RODRIGO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rodrigo is recognized.

MR. RODRIGO: I just would like to ask Commissioner Davide some questions.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide may yield if he so desires.

MR. DAVIDE: Gladly.

MR. RODRIGO: Will this apportionment which we are considering apply only to the first election after the enactment of the Constitution?

MR. DAVIDE: On the basis of the Padilla proposal, it will be for the first election; on the basis of the Sarmiento proposal, it will only apply to the first election.

MR. RODRIGO: And after that, Congress will have the power to reapportion.

MR. DAVIDE: Yes.

MR. RODRIGO: So, if we attach this to the Constitution — the reapportionment based on the COMELEC study and between the approval of the Constitution and the first election — the COMELEC no longer has the power to change that even a bit.

MR. DAVIDE: Once approved by the people because it will be presented as a separate issue, the COMELEC will have no authority unless in the ordinance itself this Commission will only determine the number of seats for a particular province and will leave to the COMELEC the task of making the actual allocation of the different municipalities.

MR. RODRIGO: But this allocation which we will attach to the Constitution as an ordinance is based on the COMELEC study.

MR. DAVIDE: No, not necessarily, because we would like to reduce the number of seats from the original 199 as recommended by the COMELEC to, more or less, 183.

But we can determine now how many seats will be allotted to the different provinces. So what will appear in the ordinance would only be the number of seats.

MR. RODRIGO: Only the number of seats.

MR. DAVIDE: Say, for Cebu, it may be given six; Laguna will be given four. And then, Section 2 of the ordinance will now mandate the COMELEC to apportion Cebu and Laguna respectively, on the basis of the number of seats allotted to them.

MR. RODRIGO: So, the ordinance will only say, for example, Bulacan will have four seats. And after that the COMELEC will then determine which municipalities will compose the First District, Second District, Third District and Fourth District.

MR. DAVIDE: Yes.

MR. RODRIGO: Thank you.

MR. REGALADO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Regalado is recognized.

MR. REGALADO: May I address a clarificatory question to Commissioner Davide?

THE PRESIDING OFFICER (Mr. Jamir): The Gentleman will please proceed.

MR. REGALADO: On the basis of the Commissioner's proposed apportionment and considering the fact that there will be a corresponding reduction to 183 seats, would there be instances of under-representation or non-representation?

MR. DAVIDE: None at all, Mr. Presiding Officer. I can assure the Commission that there will be no case of inequitable distribution. It will come out to be one for every 350 to 400,000 inhabitants.

MR. REGALADO: And that would be within the standard that we refer to.

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. REGALADO: Thank you.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Floor Leader is recognized.

MR. RAMA: The parliamentary situation is that there was a motion by Commissioner Sarmiento to mandate COMELEC to do the redistricting. This was also almost the same motion by Commissioner Padilla and I think we have had some kind of meeting of minds. On the other hand, there seems to be a prejudicial question, an

amendment to the amendment as suggested by Commissioner Aquino, that instead of the COMELEC, it should be this Commission that shall make the redistricting. So may I ask Commissioner Aquino, if she insists on that idea, to please formulate it into a motion so we can vote on that first as an amendment to the amendment.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Aquino is recognized.

MS. AQUINO: The motion is for this Commission to undertake the apportionment of the legislative districts instead of the proposal that COMELEC be given the mandate to undertake the responsibility.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: I do not think we can vote intelligently on the motion unless Commissioner Davide explains to us the apportionment as to the number of seats that he is suggesting and the reasons therefor.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: The committee is prepared to submit an apportionment to be appended as an ordinance to the new Constitution because the COMELEC, as I said earlier, had submitted to us its own apportionment scheme. We would probably make certain adjustments to reduce the total number of seats allocated by the COMELEC from 199 to 183 and it will affect only a few areas.

MR. GUINGONA: Yes. But my point is that it is not the committee that should make the decision for the Commission; it should be the Commission itself. And in order that the Commission may be able to make the decision, we should be given the necessary information.

MR. DAVIDE: We want to expedite the matter because this is related precisely to the reopening. And if we in the committee have to go back to the drawing board and come up with another proposal here, it will take us a long time. But once we decide now that this Commission will apportion the seats in an ordinance, the committee can come up immediately with such an apportionment disregarding all the protests that had been presented to us.

MR. GUINGONA: I realize that, Mr. Presiding Officer. But my question is: Are we supposed to accept this conclusion or decision of the committee of which I am a member or should we not give first the Commissioners the opportunity to review this?

MR. DAVIDE: No. Mr. Presiding Officer, we want the Commission now to mandate the committee to prepare the apportionment. That will be faster.

MR. GUINGONA: So, this will be in principle. I am just trying to clarify, Mr. Presiding Officer, that an agreement regarding this is still subject to review by the Commission and, therefore, if the Commission is not satisfied with the proposed apportionment, then we can perhaps still fall back on the proposal of Commissioners Bernas, Sarmiento et al.

MR. DAVIDE: If the Commissioners will not be satisfied with the configurations that we will submit, then, Commissioner Padilla's proposal may be an alternative amendment later.

MR. GUINGONA: That is exactly what I am trying to say. Therefore, we should defer the action on this so that we can have a chance and opportunity to see first the proposal made by our Committee on the Legislative

MR. DAVIDE: May I request Commissioner Guingona to withdraw that particular motion. I pray and plead that this matter be decided now so that if the Commission will decide that we shall make the apportionment, the Committee on the Legislative will prepare the apportionment and submit it to the body.

MR. GUINGONA: When will the committee submit to the body?

MR. DAVIDE: At the earliest, tomorrow afternoon.

MR. GUINGONA: So our decision will have to be reached tomorrow afternoon, not today?

MR. DAVIDE: The decision on the actual configuration can be done tomorrow, but the decision that it should be an ordinance where we ourselves will make the apportionment by districts can be done today so that we can act without waste of time and effort.

MR. GUINGONA: It will only be, therefore, a mandate to the committee to prepare a recommendation which is subject to approval by this Commission, which means that this Commission may or may not accept the proposal of the Committee on the Legislative. With that understanding, I will not insist on my objection, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: I will withdraw my point because my question is whether we are being asked to give these guidelines on the number of representatives and according to Commissioner Davide, we are not being asked to authorize these guidelines because then there would be something wrong if we approve them because these are not the same as the one submitted by the COMELEC.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): What is the pleasure of Commissioner Maambong?

MR. MAAMBONG: Will Commissioner Davide yield to just one or two questions?

MR. DAVIDE: Willingly, Mr. Presiding Officer.

MR. MAAMBONG: Was the Commissioner referring to this proposed apportionment of congressional districts submitted by the Commission on Elections' ad hoc committee which apportioned by district the whole legislative districts all over the Philippines consisting of 199 legislative seats?

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. MAAMBONG: In the assumption that the Commission will so decide that it will be the one to make the apportionment, will this be the guide which will be used by the Commission but not necessarily be bound by it?

MR. DAVIDE: That is correct because some adjustments had already been made in the light of the very meritorious protests made by some constituents of affected areas. For instance, Cavite and Laguna were readjusted.

MR. MAAMBONG: In other words, the committee will only readjust the seats from 199 to 183?

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. MAAMBONG: And in effect, we will be following in one way or another the recommendation of the Commission on Elections?

MR. DAVIDE: Basically, yes.

MR. MAAMBONG: I thank the Commissioner.

MR. SUAREZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Mr. Presiding Officer.

This is only a follow-up clarificatory question to Honorable Davide because what we are saying is that this Commission is going to determine the number of legislative districts all over the country and that would amount to something like 183.

MR. DAVIDE: And not only that, if we follow the proposal of Commissioner Aquino, we will also determine the municipalities comprising every district.

MR. SUAREZ: That is exactly what I wanted to find out. So it will also be incumbent upon this body to now determine the municipalities and cities forming that particular district?

MR. DAVIDE: Yes, if the Aquino proposal will be accepted by the body.

MR. SUAREZ: We are going to take that up also this afternoon or is the Commissioner going to defer that for tomorrow?

MR. DAVIDE: If the Commission now decides that it would be the Commission itself that will make the apportionment, the committee will take it as a mandate to come up immediately with an ordinance indicating what municipalities will comprise a particular legislative district and we will be guided by the COMELEC proposal, taking into account the objections of certain quarters.

MR. SUAREZ: What I am trying to drive at, in fairness to the committee, is that it may be physically impossible to come up with that study to include the municipalities and the cities in one district by tomorrow afternoon.

MR. DAVIDE: We will just follow the COMELEC proposal and it is just a mechanical act of typing, with some adjustments.

MR. SUAREZ: Thank you, Mr. Presiding Officer.

MR. OPLE: Mr. Presiding Officer, will Commissioner Davide yield to just one question?

MR. DAVIDE: Gladly.

MR. OPLE: According to the Gentleman, if we do reduce the number of seats from 199 to 183, only very few areas will be affected.

May I tax the memory of Commissioner Davide with respect to what these areas which will be affected are, especially in terms of the entitlement to a certain number of seats.

MR. DAVIDE: The following will be affected in the sense that although they will maintain their number under the 1984 election and ought to have been increased under the COMELEC proposal, they will nevertheless be restored to their original number. So it is not us who would be reducing but in effect, we are only retaining their original number of seats.

For instance, Palawan with Puerto Princesa as a city was recommended to have two seats. If we have to reduce the number from 199 to 183, its original one seat will be restored. Masbate which had two in 1984, and recommended now to have three, will retain the two. Isabela which is recommended to have an increase of one, which will make it four, will retain its original of three. Zamboanga del Norte with the Cities of Dapitan and Dipolog, recommended to have three, will retain its original two. Zamboanga del Sur with Pagadian City which had an original three and recommended for four will get three again. Agusan del Norte, recommended for an additional one seat, will retain only one; Bukidnon with an original recommendation of three, will be restored to its original number of two. Bulacan will not be affected.

MR. OPLE: I knew from the beginning that we were stable completely. (Laughter) But my last question, Mr. Presiding Officer, has to do with the reduction of seats from the aggregate number of 199 to 183. The 183 seats were based on the parliamentary election, by province in 1984.

MR. DAVIDE: Not only by province but also by the highly urbanized cities.

MR. OPLE: Since the provincial election lost in the voting, does the Commissioner not think that we should go back to 199 which was precisely calculated to fit a district system of congressional elections?

MR. DAVIDE: I am prepared to accept 199 because first, it will reduce our problem in the committee, but there were strong objections against a very large Lower House. There was even a proposal to reduce the original maximum number of 250 to 200. And I realize, of course, the wisdom of a reduced number. Perhaps the 200 or the 199 cannot be accommodated in this hall, and we still have the problem of the Senate. I am afraid the Senate will have to occupy the South Caucus Room.

MR. OPLE: Should our decisions be decisively influenced by the actual size in square meters of this plenary hall, Mr. Presiding Officer? For a nation of 55 million, I think 199 seats do not sound exorbitant.

MR. DAVIDE: We can decide now, Mr. Presiding Officer, that we peg the membership of the Lower House for the regular districts at 199. The Committee on the Legislative will have no problem with the proposal of the COMELEC.

MR. OPLE: Thank you, Mr. Presiding Officer.

FR. BERNAS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bernas is recognized.

FR. BERNAS: Just one question for Commissioner Davide, please.

In arriving at the Commissioner's reduction of the recommendation of the COMELEC, were there hearings conducted to give opportunity to those who might agree with him?

MR. DAVIDE: Mr. Presiding Officer, we based it completely on the 1984 apportionment. By the way, the apportionment of the 1984 seats was based on the projected population at that time over the 1980 actual census or enumeration.

FR. BERNAS: So, when the Commissioner talks about the fact that his recommendation is based on a reconsideration of what was presented by the COMELEC after hearing protests, the protests the Commissioner heard were actually just of a few?

MR. DAVIDE: The protests were not on population. They were not on a question of under-representation or overrepresentation. They were, more or less, on the compactness of the area because some of those who questioned the COMELEC proposal maintained that gerrymandering was done by the COMELEC. Although the configuration really would still indicate a very compact territory, there were difficulties. For instance, the absence of roads or ethnical considerations.

FR. BERNAS: So, these protests came from people who just happened to know that the Gentleman was apportioning. So there was no announcement, for instance, that there would be a reapportionment so there was no invitation to people who may be interested?

MR. DAVIDE: We cannot extend invitations to all the provinces.

FR. BERNAS. And for that reason, perhaps we should give it to somebody else who would be in a position.

MR. DAVIDE: Mr. Presiding Officer, when the COMELEC submitted its proposal, it took into account population, contiguity, adjacency and compactness of territories.

FR. BERNAS: But that is the COMELEC; how about the committee?

MR. DAVIDE: The committee merely heard the COMELEC and some of those who protested.

FR. BERNAS: So, the COMELEC listened in a public hearing; the Gentleman listened to the committee and then disagreed with the COMELEC.

MR. DAVIDE: I must take it that when the COMELEC presented its proposal it must have taken into consideration everything.

FR. BERNAS: And yet the Gentleman departed from the COMELEC.

MR. DAVIDE: Not in the actual sense.

FR. BERNAS: What I am trying to find out is the basis for the Gentleman's departure from the recommendation of the COMELEC.

MR. DAVIDE: If the Commissioner says "departure," probably he means total departure for which reason we recommended for the opening?

FR. BERNAS: I mean partial departure

MR. DAVIDE: We made some partial departures in the light of some of the objections.

FR. BERNAS: But there was no general invitation to the public by saying we are now considering the COMELEC recommendation.

MR. DAVIDE: Frankly, we could not do that; we had no chance to do that. We had no chance to go around the provinces to conduct a public hearing on the apportionment alone.

FR. BERNAS: In other words, this is not, therefore, a product of a view of the total picture because the Commissioner did not have the opportunity to look around.

MR. DAVIDE: In the sense that we did not conduct actual public hearings in the affected areas, the Gentleman is correct. We simply did not have the time to conduct actual public hearings in all the provinces and in all the cities. It was physically impossible.

FR. BERNAS: And between now and the time when the Commissioner will finally propose his reapportionment, will he have time?

MR. DAVIDE: We just rely on the COMELEC proposal.

FR. BERNAS: Thank you.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Ople is recognized.

MR. OPLE: Apropos of the permission of the Gentlemen on the floor, may I say that in all the meetings chaired by Commissioner Davide of the Committee on the Legislative that I was privileged to attend, all the experts of the COMELEC were present and they were consulted on every question that arose whenever political leaders who cared enough to attend the meetings brought up their proposals.

And so, the COMELEC was always behind the Committee on the Legislative whenever all of these issues were considered by the committee.

Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Azcuna is recognized.

MR. AZCUNA: Thank you, Mr. Presiding Officer.

I just would like to point out that the proposal of the COMELEC of 199 representatives is not unreasonable considering that it is just 16 more than the 183 used in 1984. And these additional 16 represent also the growth in the population since the last census. I would like to point out that these 16 are broken down into six more for Luzon; one more for the Visayas; and 10 more for Mindanao. And as someone from Mindanao, I would like to object to departing from this COMELEC proposal which reflects the shifts in population. And, therefore, departure from it would be unrealistic and unrepresentative.

Metro Manila, on the other hand, would lose 1 — from 21 to 20. And as to the total number of representatives, I made a research involving different countries. Canada, for example, with a population of only 24 million, has a Senate of 104 Members and Lower House of 282. France, which has a population like ours of about 54 million, has a Senate of 280 Senators and 491 Deputies in the Lower House. And this number is, more or less, the average in most countries: 300 to 350.

Thank you.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: I would like to address one question to Commissioner Davide in line with his reply to the queries of Commissioners Ople and Azcuna.

If we do not retain the COMELEC's recommendation of 199 and reduce the number of seats to 183, would we not violate the very Constitution that we have framed? Section 5 (1) which was approved yesterday upon the introduction of certain amendments very clearly says that the House of Representatives shall be composed of not more than 250 Members. I understand this to mean that the number should not exceed 250.

MR. DAVIDE: No, it could be less, Mr. Presiding Officer.

MR. MAAMBONG: So, the Commissioner's answer is that we will not violate the very same Constitution we have framed.

MR. DAVIDE: There will be no violation for as long as we will not exceed the 250 maximum requirement

MR. MAAMBONG: That is the only clarification I wanted.

Thank you.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Floor Leader is recognized.

MR. RAMA: The issue has been sufficiently debated on. The parliamentary situation is that there is a joint motion of Commissioners Padilla and Sarmiento to mandate the COMELEC to do their redistricting. And there was an amendment to the amendment which happily has been accepted by Commissioners Padilla and Sarmiento.

THE PRESIDING OFFICER (Mr. Jamir): What is the amendment?

MR. RAMA: The motion will be read now containing the amendment to the amendment of Commissioner Aquino. May I ask Commissioner Sarmiento to read the motion so that we can take a vote on it?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. SARMIENTO: The amendment will read: "FOR THE FIRST ELECTION UNDER THIS CONSTITUTION THIS COMMISSION SHALL APPORTION LEGISLATIVE DISTRICTS BASED ON THE STANDARDS PROVIDED IN THE CONSTITUTION, THE FIRST CONGRESS SHALL MAKE REAPPORTIONMENT THEREOF BASED ON THE SAME STANDARDS PROVIDED HEREIN."

MR. RAMA: We are ready to vote.

MR. DAVIDE: Just for clarification.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: Would it be a substitution of paragraphs 4 and 5 or only of 4?

THE PRESIDING OFFICER (Mr. Jamir): What does Commissioner Sarmiento say?

MR. SARMIENTO: This will be a substitute, Mr. Presiding Officer, for paragraph 4.

MR. DAVIDE: Only paragraph 4.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: May I know if the mandate of reapportionment that this Commission is giving itself through the Committee on the Legislative will be based on 199 or 183 seats?

THE PRESIDING OFFICER (Mr. Jamir): What does Commissioner Davide say?

MR. DAVIDE: My original recommendation was 183, but we have a very serious objection by Commissioner Azcuna. So, can we not take that up later?

MR. OPLE: I am willing to have this taken up later but I wanted to seek that clarification at this point.

Thank you, Mr. Presiding Officer.

MR. DAVIDE: Another clarification. Regarding the mandate given to the Commission, I wonder if it would be proper to place it in Section 5 of the Article on the Legislative. That was precisely the reason I think we can just be silent on that; we can delete paragraph 4 and we approve now a motion that we will have an ordinance instead of incorporating that amendment. So, it should be treated merely as a motion that we should apportion the seats which would result therefore in the deletion of paragraph 4.

MR. OPLE: That is no longer an amendment, Mr. Presiding Officer, but a motion subject to the concurrence of all the parties concerned.

MR. DAVIDE: That would be a motion.

MR. OPLE: With the Gentleman's indulgence, may I suggest that we now incorporate into that motion a finding that the apportionment should be based on the 199 seats.

MR. DAVIDE: Not more than 199?

MR. OPLE: Not more than 199.

MR. DAVIDE: Yes.

MR. OPLE: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, I just wanted to call the attention of the honorable Commissioners to the fact that, as I understand it, we have approved Section 3 which increases the population limit to 250,000 from 200,000. Is this correct?

MR. DAVIDE: Originally, that will affect only the cities of Butuan, Iligan, Baguio, Olongapo and Angeles.

MR. MONSOD: I am looking at the COMELEC apportionment and there are quite a number of districts that are below 250,000 and above 200,000.

MR. DAVIDE: That can be taken care of by the configuration later when we decide on the proposal that it will not exceed 199, and so the adjustments can be done.

MR. MONSOD: No, because when we put at least 250,000 as the guideline, we automatically eliminate many districts.

MR. DAVIDE: No, it would only eliminate four cities.

MR. MONSOD: Ilocos Sur, for example, has a population of only 480,000.

MR. DAVIDE: No, the Gentleman is referring to cities, not provinces.

MR. MONSOD: No, Mr. Presiding Officer.

MR. DAVIDE: The 250,000 will refer to cities, not provinces.

MR. MONSOD: Only cities.

MR. DAVIDE: Yes.

MR. MONSOD: But as I understand this apportionment, there is only one city that is affected now.

MR. DAVIDE: It will affect about four cities but then we will restore one seat to Pangasinan; we will restore one seat to Manila because the COMELEC gave Manila only five instead of the original six.

MR. MONSOD: In other words, without saying it, we are really adopting the COMELEC apportionment.

MR. DAVIDE: In effect, yes, except for the reduction of certain cities which will no longer qualify.

MR. MONSOD: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): What is the pleasure of Commissioner Bengzon?

MR. BENGZON: Under that proposal of 199 seats, would the representation of some provinces not be reduced?

MR. DAVIDE: No. As a matter of fact, both Pangasinan and Manila will have an additional seat.

MR. BENGZON: No, when we say additional seat it is not really additional because in 1984, Pangasinan already had six.

MR. DAVIDE: Mr. Presiding Officer, it is an additional seat because the 199 seats may give Pangasinan and

Manila only five seats each.

MR. BENGZON: So, if we adopt the 199 seats, Manila and Pangasinan will only have five each.

MR. DAVIDE: No, because our own apportionment now will give Pangasinan and Manila six each.

MR. BENGZON: Even based on 199 seats?

MR. DAVIDE: Yes, because there will be cities which will lose assigned seats because of the increase of inhabitant requirement.

MR. BENGZON: Thank you.

MR. RAMA: I move for the previous motion, Mr. Presiding Officer, that we vote on the Sarmiento-Padilla amendment, as amended.

THE PRESIDING OFFICER (Mr. Jamir): Will the Commissioner please read the proposed amendment.

MR. SARMIENTO: May I be clarified, Mr. Presiding Officer. Is it the motion or the proposed amendment?

THE PRESIDING OFFICER (Mr. Jamir): The proposed amendment.

MR. SARMIENTO: May we move for the approval of this proposed amendment which we substitute for paragraphs 4 and 5.

MR. DAVIDE: May I request that it should be treated merely as a motion to be followed by a deletion of paragraph 4 because that should not really appear as a paragraph in Section 5; otherwise it will appear very ugly in the Constitution where we mandate a Commission that will become functus officio to have that authority. As a matter of fact, we cannot exercise that authority until after the ratification of the new Constitution.

THE PRESIDING OFFICER (Mr. Jamir): What does Commissioner Sarmiento say?

MR. SARMIENTO: It is accepted, Mr. Presiding Officer. So, may I move for the approval of this proposed amendment.

MS. AQUINO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Aquino is recognized.

MS. AQUINO: Would that require a two-thirds vote or a simple plurality to adopt that motion?

THE PRESIDING OFFICER (Mr. Jamir): That will require a two-thirds vote.

MS. AQUINO: Thank you, Mr. Presiding Officer.

MR. SARMIENTO: May I restate the motion, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Gentleman may proceed.

MR. SARMIENTO: May I move that this Commission do the reapportionment of the legislative districts.

MS. AQUINO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): What is the pleasure of Commissioner Aquino?

MS. AQUINO: May I be clarified again on the motion. Is Commissioner Sarmiento, therefore, adopting my motion? Would it not be right for him to move that the COMELEC be mandated?

MR. SARMIENTO: No, we accepted the amendment. It is already the Commission that will be mandated.

MS. AQUINO: So, the Gentleman has accepted the amendment.

Thank you.

MR. SARMIENTO: I am moving that this Commission do the reapportionment.

VOTING

THE PRESIDING OFFICER (Mr. Jamir): Let us proceed to vote.

As many as are in favor, 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 30 votes in favor and none against; the motion is approved.

MR. OPLE: Mr. Presiding Officer, may I move that the mandate for reapportionment be based on 199 seats as proposed by the COMELEC.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: Before voting on that, may I propose as a consequence of the approval of the Sarmiento et al. motion to delete paragraph 4 of the proposed Section 5 of the Article on the Legislative.

THE PRESIDING OFFICER (Mr. Jamir): Before taking up the motion of Commissioner Ople, is there any objection to the latest motion of Commissioner Davide? (Silence) The Chair hears none; the motion is approved.

MR. DAVIDE: And finally, I move that the new paragraph 4 of Section 5 will read as follows: "WITHIN THREE YEARS FOLLOWING THE RETURN OF EVERY CENSUS, THE CONGRESS SHALL MAKE A REAPPORTIONMENT OF LEGISLATIVE DISTRICTS BASED ON THE STANDARDS PROVIDED IN THIS SECTION." This was originally approved by the body.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

Commissioner Gascon is recognized.

MR. GASCON: May I propose an amendment to this paragraph.

THE PRESIDING OFFICER (Mr. Jamir): The Commissioner will please proceed.

MR. DAVIDE: This is an original provision.

MR. GASCON: Have we approved it already?

THE PRESIDING OFFICER (Mr. Jamir): Is the Commissioner withdrawing his proposal?

MR. GASCON: Since I have been clarified that we cannot make an amendment to this since it is an original provision, I shall withdraw my proposal.

MR. RAMA: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection to the proposal of Commissioner Davide? Will the Commissioner please reread it.

MR. DAVIDE: This will really be paragraph 4: "WITHIN THREE YEARS FOLLOWING THE RETURN OF

EVERY CENSUS, THE CONGRESS SHALL MAKE A REAPPORTIONMENT OF LEGISLATIVE DISTRICTS BASED ON THE STANDARDS PROVIDED IN THIS SECTION."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. OPLE: Just for the record, Mr. Presiding Officer. What do we mean by the phrase "WITHIN THREE YEARS FOLLOWING THE RETURN OF EVERY CENSUS" when it is common knowledge that what we conduct by law are decennial censuses. Does the word 'CENSUS' here refer to the official projections of the National Census and Statistics Office?

MR. DAVIDE: It is the general official census-taking, taking.

MR. OPLE: Which takes place only once every 10 years?

MR. DAVIDE: I really do not know. I think it is once every five years.

MR. OPLE: Unless this has changed. If it is five years — and I hope the Commissioner is correct — then why do we say once every three years?

MR. DAVIDE: No, it is within three years following the return of every census.

MR. OPLE: Within three years, in this case following the return of the census of 1990 from 1980 because the censuses are decennial. And so, I still think the concrete meaning of this is that Congress may not disturb the apportionment to be ordained by this Commission until 1990.

MR. DAVIDE: Yes, Mr. Presiding Officer.

MR. OPLE: For three years from 1990, that means in 1993. Will that be the meaning concretely?

MR. DAVIDE: Actually, the First Congress can make the apportionment because it is within three years following the enumeration of 1990. So within three years, maybe any time between 1990 and 1992, at the end of the term of the First Congress.

MR. OPLE: I thank the Presiding Officer for that clarification.

THE PRESIDING OFFICER (Mr. Jamir): Are we ready to vote?

MR. BENGZON: Mr. Presiding Officer, this is an old provision in the article which has been approved. So there is no need to deserve it.

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

MR. OPLE: May I call for a vote on my motion, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Will the Commissioner please restate his motion.

MR. OPLE: My motion is that the Commission in the exercise of its apportionment function adhere to the original recommendation of the COMELEC of 199 seats.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, I believe that motion is too rigid because we have changed, as I said, the minimum for cities from 200 to 250. As a matter of fact, I have counted about five cities that will lose their own

seats — Butuan, General Santos, Angeles, Iligan, Baguio — and if we add one each to Pangasinan and Manila, we will not necessarily end up with 199. I wonder if we can make it a little more flexible.

MR. OPLE: Yes. Will the Commissioner help me introduce the necessary flexibility to this motion?

MR. MONSOD: Why do we not just follow the "not-more-than-200" provision since that is already in Section 1?

MR. OPLE: All right. The motion is so amended, Mr. Presiding Officer, and I ask for a vote.

MR. MONSOD: Mr. Presiding Officer, it may not be necessary because Section 1 already states that.

MR. OPLE: Then I move that the Commission reaffirm our adherence to not more than 200 seats, Mr. Presiding Officer.

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

MR. OPLE: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: Just one parliamentary inquiry in view of that reaffirmation. I just would want to find out from Commissioner Davide if it is the sense of his committee that as much as possible, we should stick by the 199 seats if it is at all possible under the present guidelines.

MR. DAVIDE: Mr. Presiding Officer, with four or five cities losing a seat in view of the increase in the population requirement, it could actually even be less than 199.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Davide be recognized to present Section 11 which is the last item.

MR. GASCON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Gascon is recognized.

MR. GASCON: One point of clarification. Since we have approved the motion of Commissioner Sarmiento that would, therefore, mean that the Commission's reapportionment will be appended as an ordinance and not as part of the Constitution itself, Mr. Presiding Officer.

MR. DAVIDE: That is correct. It would be a separate document which should be voted on separately.

MR. GASCON: Thank you. I just wanted to clarify that.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: One last item is the proposed amendment to Section 11 of the draft Article on the Legislative. It is just to add a second paragraph to Section 11 (4), and the paragraph reads: EACH HOUSE SHALL ALSO KEEP A RECORD OF ITS PROCEEDINGS."

I move for its approval.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the motion is

approved.

APPROVAL OF THE REOPENED ARTICLE ON THE LEGISLATIVE ON SECOND READING
(Reopening Sections 5 and 11 of the Article on the Legislative)

MR. RAMA: Mr. Presiding Officer, in view of the fact that there are no more amendments, I move that we approve on Second Reading the reopened Article on the Legislative.

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

The reopened Article on the Legislative is approved on Second Reading.

NOMINAL VOTING ON PETITION NO. 3 ON THE REOPENED ARTICLE ON THE LEGISLATIVE
(Reopening Sections 5 and; 11 of the Article on the Legislative)

MR. RAMA: Under the suspended Rules, I move that we approve on Third Reading the reopened Article on the Legislative.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: We will still have to approve what the chairman of the Committee on the Legislative will do on the apportionment which is an ordinance to the Constitution.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: That will be a separate resolution, an ordinance.

MR. DE CASTRO: I know.

MR. DAVIDE: So, we can have a voting on Third Reading on the main body of the Article on the Legislative, and then later, perhaps Saturday, we can vote on the ordinance because that is an entirely different matter.

MR. DE CASTRO: I agree, Mr. Presiding Officer.

FIRST ROLL CALL

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

THE PRESIDING OFFICER (Mr. Jamir): The body will now vote on this petition, and the Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar
Rosario Braid Yes

Alonto Yes Calderon

Aquino Yes Castro de Yes

Azcuna Yes Colayco

Bacani Concepcion Yes

Bengzon Yes Davide Yes

Bennagen Yes Foz Yes

Bernas Yes Garcia

COMMISSIONER GARCIA EXPLAINS HIS VOTE

MR. GARCIA: I abstain and I would like to explain my vote.

I abstain for the following reasons: First, I believe that the bicameral system does not actually provide a more democratic structure for participation. Secondly, I also would like to register my reservation regarding the lack of a permanent sectoral representation.

THE SECRETARY-GENERAL, reading:

Gascon

MR. GASCON: Mr. Presiding Officer, I would like to explain my vote.

THE PRESIDING OFFICER (Mr. Jamir) : The Gentleman may proceed.

COMMISSIONER GASCON EXPLAINS HIS VOTE

MR. GASCON: I abstain because, first, I believe that the unicameral system would be a better form of legislature for our people because it is more democratic. Second, although we have provided for sectoral representation, it is not permanent. I recognize however, that this Article on the Legislative is an improvement over the 1935 Constitution in the sense that we have provided for a party list system and sectoral representation. I therefore abstain, Mr. Presiding Officer.

THE SECRETARY-GENERAL, reading:

Guingona

Yes Muñoz Palma

Jamir Yes Natividad Yes

Laurel Nieva Yes

Lerum Nollado Yes

Maambong Yes Ople Yes

Monsod Yes Padilla

COMMISSIONER PADILLA EXPLAINS HIS VOTE

MR. PADILLA: I vote yes principally on the restoration of the bicameral system which was the system under the 1935 Constitution prior to the adoption of the 1973 Constitution under the influence then of the past regime.

THE SECRETARY-GENERAL, reading:

Quesada

COMMISSIONER QUESADA EXPLAINS HER VOTE

MS. QUESADA: I abstain for two reasons: First, because we have voted for bicameral legislature when we feel — and this is what many people feel — a unicameral legislative body would have been more responsive to the people's aspirations and needs; and secondly, because we have not enshrined in the Constitution the pertinent reserve seats for the sectoral representatives.

THE SECRETARY-GENERAL, reading:

Rama

Yes Rodrigo

Regalado Yes Romulo

Reyes de los Rosales

Rigos Sarmiento

COMMISSIONER SARMIENTO EXPLAINS HIS VOTE

MR. SARMIENTO: I abstain; may I briefly explain, Mr. Presiding Officer.

If we recall, the bicameral legislature won by a slim majority of only one vote. I was for unicameral legislature as I believe this is more responsive to the needs and wishes of our people. So I abstain, Mr. Presiding Officer.

THE SECRETARY-GENERAL, reading:

Suarez

COMMISSIONER SUAREZ EXPLAINS HIS VOTE

MR. SUAREZ: I also abstain for the reasons already stated by my distinguished colleagues.

THE SECRETARY-GENERAL, reading:

Sumulong Yes Treñas

Yes

Tadeo Abstain Uka Yes

Tan Yes Villacorta

Tingson

COMMISSIONER VILLACORTA EXPLAINS HIS VOTE

MR. VILLACORTA: Mr. Presiding Officer, I abstain because of the provision for a Senate that will once more bring about a political aristocracy.

THE SECRETARY-GENERAL, reading:

Villegas Yes

SECOND ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir): The Secretary-General will conduct a second call for those who have not registered their votes.

SECRETARY-GENERAL, reading:

Abubakar
Muñoz Palma

Bacani . Reyes de los

Calderon Yes Rigos

Colayco Romulo

Laurel Rosales

Lerum Tingson

APPROVAL OF PETITION NO. 3 ON THE REOPENED ARTICLE ON THE LEGISLATIVE (Reopening Sections 5 and 11 of the Article on the Legislative)

THE PRESIDING OFFICER (Mr. Jamir): The results show 29 votes in favor, none against and 7 abstentions; Petition No. 3 on the reopened Article on the Legislative is approved.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): The Floor Leader is recognized.

NOMINAL VOTING ON PROPOSED RESOLUTION NO. 470 ON THIRD READING (Article on Local Governments)

MR. RAMA: I move that we vote on Third Reading on Proposed Resolution No. 470.

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

Printed copies of Proposed Resolution No 470 were distributed on August 22, 1986 pursuant to Section 28, Rule VI of the Rules of the Constitutional Commission.

Voting on the proposed resolution on Third Reading is, therefore, in order.

The Secretary-General will read the title of the bill.

THE SECRETARY-GENERAL: Proposed Resolution No. 470, entitled:

RESOLUTION PROPOSING TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON
LOCAL GOVERNMENTS.

FIRST ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir): The body will now vote on this proposed resolution and the Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar
Foz Yes

Alonto Yes Garcia Yes

Aquino Yes Gascon Yes

Azcuna
Yes Guingona Yes

Bacani Jamir Yes

Bengzon Yes Laurel

Bennagen
Yes Lerum

Bernas Yes Maambong Yes

Rosario Braid Yes Monsod Yes

Calderon Yes Muñoz Palma

Castro de Yes Natividad Yes

Colayco Nieva Yes

Concepcion Yes Nollado Yes

Davide Yes Ople

COMMISSIONER OPLE EXPLAINS HIS VOTE

MR. OPLE: May I explain my vote very briefly, Mr. Presiding Officer.

It is an opportunity for me to congratulate the Committee on Local Governments for the prodigious efforts that were exerted. First, to give real substance to the principle of local autonomy under this article, local governments may now share in the proceeds of the utilization of natural resources and national wealth within their jurisdiction. This will help lift the income level of many of our municipalities whose average income is only P200,000 a year. Second, the Commission, as a whole, created the autonomous regions for Muslim Mindanao and the Cordilleras and laid the basis, I think, for enduring peace and fraternity in these troubled parts of our country.

Thank you.

THE SECRETARY-GENERAL, reading:

Padilla

COMMISSIONER PADILLA EXPLAINS HIS VOTE

MR. PADILLA: I have expressed my opposition to the creation and maintenance of special courts in the autonomous regions. I also filed my opposition to Section 18 which grants extensive legislative powers to these regions. However, I am in favor of the provisions on local governments so I vote yes.

THE SECRETARY-GENERAL, reading:

Quesada
Yes Suarez Yes

Rama Yes Sumulong Yes

Regalado Yes Tadeo Yes

Reyes de los Tan Yes

Rigos Tingson

Rodrigo Yes Treñas Yes

Romulo Uka Yes

Rosales Villacorta Yes

Sarmiento Yes Villegas Yes

SECOND ROLL CALL

THE PRESIDING OFFICER (Mr. Jamir): The Secretary-General will conduct a second call for those who have not registered their votes.

THE SECRETARY-GENERAL, reading:

Abubakar
Muñoz Palma

Bacani Reyes de los

Colayco Rigos

Laurel Romulo

Lerum Rosales

APPROVAL OF PROPOSED RESOLUTION NO. 470 ON THIRD READING (Article on Local Governments)

THE PRESIDING OFFICER (Mr. Jamir): The results show 36 votes in favor, none against and no abstention; Proposed Resolution No. 470 is approved on Third Reading.

MR. RAMA: Mr. Presiding Officer, I ask that we take up the report of the Committee on Style.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: Before the chairman of the Committee on Style is recognized, may I propose a privilege motion.

THE PRESIDING OFFICER (Mr. Jamir): What is the privilege motion of Commissioner Davide?

QUESTION OF PRIVILEGE OF COMMISSIONER DAVIDE

MR. DAVIDE: The privilege motion is that the title of the Constitution we are drafting should be: "THE NEW CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES." Is there any objection?

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: The 1973 Constitution has also been referred to as the New Constitution.

MR. DAVIDE: No.

MR. GUINGONA: I was thinking perhaps it would be better to refer to our Constitution as "The 1986 Constitution."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: I concur with the comments of Commissioner Guingona.

MR. DAVIDE: Mr. Presiding Officer, if it is intended as an amendment, I regret I cannot accept it.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: May I ask one question of the proponent.

With regard to the title, "THE NEW CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES," how new will it look, let us say, 20 years from now? Or does the Commissioner want to be more optimistic about the durability of this document 100 years from now?

MR. DAVIDE: This Constitution will never lose its newness. It is a dynamic, growing Constitution. If we make it "1986," it might be taken vis-a-vis the 1973 Constitution which would have no permanence. But if it would be just "THE NEW CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES," then we imprint upon it some kind of stability and permanence.

MR. OPLE: What is wrong about immortalizing the historic year when this Constitution was framed and that is to say, "The Constitution of 1986?"

MR. UKA: Mr. Presiding Officer.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: May I raise a point of order.

THE PRESIDING OFFICER (Mr. Jamir): The Commissioner may proceed.

MR. MAAMBONG: According to parliamentary practice, the title of any law is always the last part to be taken up. And I would rather that we should take this up once we have gone over every provision of the Constitution.

MR. DAVIDE: We have done that, Mr. Presiding Officer. That is the reason this motion was presented because the Committee on Style might restyle it also; we are now to receive the report of the committee.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: May I request a ruling of the Chair on the point of order.

MR. OPLE: Will Commissioner Maambong consider withdrawing his point of order against his colleague from Cebu and will Commissioner Davide agree.

MR. MAAMBONG: It is a minor matter, Mr. Presiding Officer. If that is the request of Commissioner Ople, I am withdrawing the point of order.

MR. DAVIDE: Thank you.

MR. OPLE: Will Commissioners Davide and Maambong agree then that, in accordance with the time-honored practice, we shall put the naming of the Constitution at the very end of our agenda?

MR. UKA: Mr. Presiding Officer, will Honorable Davide agree with this formulation.

MR. DAVIDE: May I request that we defer in view of the request also of Commissioner Ople that we will take that up as the last in the agenda.

MR. UKA: But just for the record, may I suggest that the title will be: "THE CONSTITUTION OF THE NEW REPUBLIC OF THE PHILIPPINES."

THE PRESIDING OFFICER (Mr. Jamir): We have to defer the naming of the Constitution by arrangement until later.

MR. GUINGONA: Mr. Presiding Officer, although I accept and submit to the deferment, may I reserve my right to introduce my proposed amendment at the appropriate time.

MR. RAMA: The Commissioner can always do that.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona's reservation is noted.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : The Floor Leader is recognized.

SUSPENSION OF SESSION

MR. RAMA: I ask that we suspend the session for two minutes.

THE PRESIDING OFFICER (Mr. Jamir) : The session is suspended for a few minutes.

It was 4:51 p.m.

RESUMPTION OF SESSION

At 5:26 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

The Floor Leader is recognized.

MR. RAMA: Mr. Presiding Officer, I had a motion that was approved that we take up the report of the Committee on Style. May I ask the chairman to make the sponsorship speech.

THE PRESIDING OFFICER (Mr. Jamir): The honorable chairman and members of the Committee on Style are

requested to occupy the front seats.

MR. RODRIGO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rodrigo is recognized.

MR. RODRIGO: May I seek permission to allow the secretary of the Committee on Style, Atty. Rafael de Guzman, to sit with us.

THE PRESIDING OFFICER (Mr. Jamir): The request is granted.

SPONSORSHIP SPEECH OF COMMISSIONER RODRIGO

MR. RODRIGO: Mr. Presiding Officer, the function of the Committee on Style is contained in Rule II (16) of our Rules:

Committee on Style, 15 Members — all matters relating to the correction of the phraseology and form and the consistency, and accuracy of proposals, but the committee shall have no authority to change the sense, substance or purpose of any proposal referred to it.

Mr. Presiding Officer, the committee had been meeting regularly for the last two months; we were abreast with the work of the body. In the beginning we met regularly, at first, twice a week, and later, three times a week — Mondays, Wednesdays and Fridays. We had 19 meetings in all. We created a subcommittee which was an ad hoc committee to work on certain complicated provisions, and we gave it the acronym ADAN based on the names of the three members of that committee — Commissioners Azcuna, Davide and Nollado — the ADAN Committee. This was a big help to the whole committee.

When we were working on the provisions we found out that the Sponsorship Committee was also reviewing the corrections that we have made and we welcome this. There were just a few observations made by the Sponsorship Committee and so, we created conference committees of both. The conference committee of the Committee on Style was composed of the chairman, the vice-chairman, Commissioner Treñas and the members of the ADAN Committee — Commissioners Azcuna, Davide and Nollado. The conference committee for the Sponsorship Committee was composed of Chairman Guingona, Commissioners Sumulong Garcia, Maambong, de los Reyes and Aquino. I also want to acknowledge the invaluable help given by Atty. Honorata Orquiola of our Secretariat, who with her experience — she served many, many years in the defunct Congress and also in the Batasan — was a big help.

There were two documents distributed to the Members of the Commission, one of which is entitled "1986 Constitution Based on the Engrossed Copy" which contains the provisions as originally approved by this body. The other document is entitled "1986 Draft Constitution As Appreciated by the Committee on Style" which contains the suggestions and the corrections made by the Committee on Style.

Before I explain these two documents, I would like to state that the committee agreed on some general rules. For example, on the rule on the use of commas, we discussed this and it was stated by the members that there are two systems — the American system and the British system. The use concerns an enumeration of more than two words, for example, legislative, executive and judicial. Where should we place the comma? In the American system, it is "legislative, executive and judicial" — no comma after "executive"; but in the British system, there is a comma. If there is an enumeration of more than two words, a comma is placed also before "and" or "or." So under the British system, that would be "legislative, executive, and judicial." We decided to follow the British system because that was followed in the 1935 and the 1973 Constitutions.

Another rule is on the word "Congress." Whenever reference is made to "Congress," we decided to add the article "the" to read "the Congress" because we refer to the President, the executive, the Supreme Court. And this is also the phraseology in the 1935 and the 1973 Constitutions.

With regard to the word "per cent," we decided to be uniform and make it per centum which is italicized. Regarding numbers, we decided to use words only and not word and figure; for example, if the word "twenty" is followed by the figure (20), we delete the figure. We just use the word.

As regards the word "Members" as in "Members of Congress," "Members of the Constitutional Commission," etc., we decided to capitalize in all cases the first letter of the word.

The words "by law" are found several times in the text of the proposed Constitution, sometimes with a comma before and after and sometimes without. So, we decided to be uniform and place a comma before and after the words "by law."

We also decided to capitalize the word "State."

We used Roman numerals to designate the articles and Arabic numerals to designate the sections and sub-sections.

We also decided to remove as much as possible the words "provided that." We were told that the said words are not usually used in a Constitution.

With regard to the words "and/or," we decided to use either "and" or "or" but not "and/or."

Let us now take a look at the two documents. One is the 1986 edition-based on the engrossed copy. This is as approved by the body. The other is the draft as appreciated or corrected, improved, we hope, by the Committee on Style. We will notice that in the appreciated copy, there are underlined words. What do these underlined words mean? The underlined words mean that those were the words changed by the committee.

Let us first start with the Preamble. We will notice that the words "God Almighty" and "in order" are underlined. As approved by the body, the words were "Almighty God," but then, the committee decided that it would be better to say "God Almighty." Why are the words "in order" underlined? Those words are in the 1935 and 1973 Constitutions; they were deleted by the body, and the committee decided to restore them to make it clearer:

We, the sovereign Filipino people, imploring the aid of Almighty God in order to build a just humane society. .
..

instead of just "to build a just and humane society."

On line 6, the word "independence" is underlined. Why? The word "independence" was added. So, it reads: "blessings of independence and democracy."

On lines 7 and 8, the words "freedom, truth, justice, equality, peace, fraternity and love" are underlined, first, because they were rearranged. And second, in the beginning, the committee voted to delete the word "love" and substitute it with the word "fraternity." Later, there was a reconsideration. "Love" was restored and "fraternity" was retained. So now it reads: "under a regime of freedom, truth, justice, equality, peace, fraternity, and love."

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: May I please ask a question of the committee.

I notice that the committee underlined those words which it changed or added, but the committee does not indicate those words which it has omitted. For example, on the last sentence, line 8, the original words were "do hereby ordain"; there is nothing to indicate which words the committee omitted without referring to and closely reading every word of the original and the proposed provision on style.

MR. RODRIGO: Yes, I have that listed here: "hereby" was deleted by the committee. I am sorry for that and I thank the Commissioner for calling my attention to it.

MR. DE CASTRO: Does this also happen in the other sections here?

MR. RODRIGO: No, whenever a word is deleted I will indicate it. As a matter of fact, I have it listed here that the word "hereby" was deleted.

MR. DE CASTRO: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): What is the pleasure of Commissioner Quesada?

MS. QUESADA: Mr. Presiding Officer may I just raise some clarificatory questions on the term "fraternity"? We have tried as best as we could to avoid sexist terms and I was wondering why we have put the word "fraternity" here when we did not have it in the original. We could very well have the word "sorority." This is discrimination.

MR. RODRIGO: Since the word "fraternity" is Commissioner Sumulong's suggestion, I move that Commissioner Sumulong be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sumulong is recognized.

MR. SUMULONG: As the Commissioner explained the first action taken by the Committee on Style was to delete the word "love and substitute in lieu thereof the word "fraternity." When that happened a memorandum was filed asking for the restoration of the word "love" and that was voted upon; as I remember, it was carried by a vote of five to three.

MS. QUESADA: Yes, because I think we voted for "love" but we did not deliberate on the word "fraternity" and if the Commissioner recalls, we had a lot of struggle in the introduction of new words. So here I am questioning the right of the committee to introduce something just because "love" was supposed to have been replaced.

MR. RODRIGO: If the Commissioner wants, we will leave it to the body.

MR. VILLEGAS: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Villegas is recognized.

MR. VILLEGAS: Just a matter of information on Latin. The word "fraternity" does not have a sexist connotation. It comes from the Latin word fraternitas which means friendship, frater meaning brother. So, fraternitas does not have any sexist connotation. The fact that there are the words "sorority" and "fraternity" in English has nothing to do with fraternitas which means friendship. The sexist term would be frater. So, if that is the Commissioner's fear, I do not think "fraternity" has any sexist connotation.

MS. QUESADA: But it comes from the word "brother."

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

MR. BENGZON: I think the point raised by Commissioner Quesada aside from what she just said is more specifically the fact that the word "fraternity" was inserted without authority from the Commission. I think the

elimination of the word "love" was questionable because it was inserted by the Commission but it was taken out by the Committee on Style by a vote which, to the mind of many, should not have been done. Happily, however, there was a reconsideration and that was returned. But if I can read Commissioner Quesada's mind, I believe her point is, if the Committee on Style has the right to insert the word "fraternity" when as a matter of fact that was never really taken up in the Commission. Am I correct?

MS. QUESADA: Yes.

MR. BENGZON: So that is the point at issue, Mr. Presiding Officer. I do not know whether Commissioner Quesada would want to pursue that point and formalize into a motion to delete the word "fraternity."

MS. QUESADA: Yes, I would like to formalize my motion to delete the word "fraternity."

MR. RODRIGO: Mr. Presiding Officer, we leave it to the body.

THE PRESIDING OFFICER (Mr. Jamir): What does the committee say?

MR. RODRIGO: We leave it to the vote of the body.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. RODRIGO: I move that we vote on the motion to delete the word "fraternity."

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

As many as are in favor of the motion to delete, please raise their hand.

MR. MAAMBONG: Mr. Presiding Officer, may I raise a point of order. We are reopening the whole thing.

THE PRESIDING OFFICER (Mr. Jamir): We are voting.

MR. MAAMBONG: Yes, I know, Mr. Presiding Officer, but this is a reopening of the section. I do not think we can do that. My point is that adding a word is reopening.

MR. BENGZON: I do not believe we are reopening. Precisely, Commissioner Quesada is questioning the authority of the Committee on Style to insert a word. If they inserted that word, that means they reopened it and that is being questioned.

MR. MAAMBONG: The point is that we are putting in a word which was not taken up during the deliberations on the floor.

MR. BENGZON: We are not putting in a word. We are precisely taking it out because the motion is to take it out as the Commission feels that the Committee on Style did not have the authority to put that. I think that is the sense of Commissioner Quesada's motion.

MR. MAAMBONG: The point is: Suppose the body votes that it should remain, what would happen?

MR. BENGZON: What is the suggestion of the Commissioner?

MR. MAAMBONG: I am not very much concerned about the word. As far as I am concerned, it can remain there. We are only on the Preamble, what happens when we go forward to other articles and sections? That is why this has to be resolved.

SR. TAN: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Tan is recognized.

SR. TAN: My question is more basic. What is the power of the committee to add or remove a word or two? We are just beginning and yet there are so many words we are fighting over which just appear and disappear. Does the committee have the power to delete or to add a word or words?

MR. RODRIGO: If it is just phraseology and style without changing the substance or the essence, it is within the power of the committee.

SR. TAN: But what if it is content or substance?

MR. RODRIGO: Yes.

SR. TAN: Anyway, the word "fraternity" is nonessential.

Thank you.

MR. RODRIGO: Mr. Presiding Officer, there is a motion to delete.

THE PRESIDING OFFICER (Mr. Jamir): What is the parliamentary situation, Mr. Floor Leader?

MR. RAMA: The motion to delete is quite in order and I ask that we take a vote on whether or not we should delete the word "fraternity" on the grounds already expressed by Commissioner Quesada.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

MR. BENGZON: I believe Commissioner Maambong is right, Mr. Presiding Officer, because the import of Commissioner Quesada's motion precisely is to question the authority of the Committee on Style to put that word. Therefore, Commissioner Maambong is right. We should not put this matter to a motion. So I believe that Commissioner Quesada should withdraw her motion and should instead just question the authority of the committee to insert that word with the request that the committee remove that word. If the committee insists on inserting that word, then we would have to reopen the whole section.

THE PRESIDING OFFICER (Mr. Jamir): What is the pleasure of Commissioner Quesada?

MS. QUESADA: Mr. Presiding Officer, I am not familiar with the parliamentary procedure. Maybe we could just refer this to the Floor Leader.

THE PRESIDING OFFICER (Mr. Jamir): The Floor Leader is recognized.

MR. RAMA: Mr. Presiding Officer, when the Commissioner questioned the insertion of the word "FRATERNITY," automatically she questioned precisely the authority of the committee. In order not to go into a more circuitous proceeding, we can vote now on whether or not the word "FRATERNITY" should be inserted.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: If we vote now on a word inserted by the Style Committee, we are practically opening the whole thing. I concur with the opinion of Commissioner Maambong.

Are we reopening now the whole Preamble?

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended so that the matter can be ironed out.

It was 5:50 p.m.

RESUMPTION OF SESSION

At 6:00 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

The Floor Leader is recognized.

MR. RAMA: There is a motion by Commissioner Quesada to delete the word "FRATERNITY" for reasons stated by her. What is the reaction of the committee?

MR. RODRIGO: We leave it to the body.

MR. RAMA: There are no more registered speakers. May I ask that we take a vote on the motion to delete the word "FRATERNITY."

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: It is not a question of our voting or our not voting. It is actually a question of whether the committee has the authority to do that. Under the Rules, especially when we talk of the Preamble, every word there is the subject of a whole discussion on the floor. For example, when we were discussing, I put "truth" and I fought hard that it be the first word but the committee's recommendation had it coming after "freedom."

MR. RODRIGO: Well, that would be the subject of the next motion, to rearrange it back.

MR. DE CASTRO: It is not a question of whether I will agree to putting it back. The question is the authority of the Style Committee to do that.

MR. RODRIGO: Yes. That is a matter of style phraseology and form. Precisely, we are reporting now to the body; if the body votes against it or if somebody files a motion to rearrange it back to the sequence as approved by the body, then maybe the committee will accept.

MR. DE CASTRO: I have grave doubts.

MR. RODRIGO: And if not, then let the body vote.

MR. DE CASTRO: I have grave doubts on the correction of phraseology, because that is not a phraseology — "truth" to be ahead of "freedom."

MR. RODRIGO: But this is just a matter of phraseology, form and accuracy of wording.

MR. DE CASTRO: Actually, Mr. Presiding Officer, I am not very, very unhappy or happy on the . . . (deleted by order of the Chair) . . . of the words there. But my question is if I can be assured only that this is really within the authority of the Style Committee, then perhaps, we can agree on this.

THE PRESIDING OFFICER (Mr. Jamir): Pardon me. The Chair considers the word "manipulation" as unparliamentary and therefore, strikes it out of the Record *motu proprio*.

MR. RODRIGO: Thank you.

MR. DE CASTRO: It is not exactly . . . (deleted by order of the Chair) . . . but the transfer of one word to another which originally the body voted on its sequence.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Aquino is recognized.

MS. AQUINO: I was only hoping to explain that I do not think there is any reopening of the articles. The Commission has to act one way or the other — either we confirm or reject the committee recommendation — and it will not amount to a reopening of the article. So, it is as if we are reacting to the committee recommendation. If we confirm the insertion or deletion of a word, then we vote one way or the other without having to reopen the deliberations on the articles.

MR. RAMA: We now ask to take a vote on the motion of Commissioner Quesada to delete the word "FRATERNITY."

VOTING

THE PRESIDING OFFICER (Mr. Jamir): As many as are in favor of the motion to delete the word "FRATERNITY," 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. (One Member raised his hand.)

The results show 20 votes in favor, 4 against and 1 abstention; the motion to delete "FRATERNITY" is approved.

MR. CONCEPCION: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Concepcion is recognized.

MR. CONCEPCION: I move that the sequence be restored to its original in the sense that "truth" will be number one, "justice" next, "freedom or liberty" third, "equality" fourth, "peace" and then, of course, "love."

MR. RODRIGO: In the original, "love" is not at the end.

MR. CONCEPCION: No.

MR. RODRIGO: The original reads: ". . . truth, justice, freedom, love, equality and peace" Is that how the Commissioner wants it?

MR. CONCEPCION: Mr. Presiding Officer, I know it. We can just keep that as it is.

MR. RODRIGO: As it is?

MR. CONCEPCION: Yes.

MR. RODRIGO: The committee has no objection.

THE PRESIDING OFFICER (Mr. Jamir): So, what is the pleasure of the committee?

MR. RODRIGO: We have no objection. We accept.

MR. RAMA: Are there any more comments?

MR. PADILLA: Mr. Presiding Officer, the committee inserted the words "independence" and "fraternity," which are now voted to be deleted. I hope I am out of order or precluded to insert after the last word "peace" or to recommend the addition of "and progress." In accordance with the record, that suggestion was first accepted by the committee, but in enumerating all the words of the Preamble the phrase was omitted.

MR. RODRIGO: It was omitted by the Committee on Preamble.

MR. PADILLA: Yes, I believe so.

MR. RODRIGO: Which is not our committee.

MR. PADILLA: Yes, Mr. Presiding Officer. I have noticed that in the subsequent discussions of various articles, particularly on social justice and more on the national economy, and even in education and others, many Commissioners have not only been using the word "peace" but "progress" or "prosperity." In fact, even in some of our prayers, they mentioned "peace" and "progress."

This is a preamble that expresses our aims, aspirations and ideals. If a citizen has only truth, even if he has the other important necessary words, including "freedom," "justice" and "peace," if he has no improvement, no betterment in life, no progress, no prosperity, then we do not improve the quality of life of our people.

THE PRESIDING OFFICER (Mr. Jamir): Pardon me, Commissioner Padilla. Is the Commissioner trying to reopen the Preamble?

MR. PADILLA: No, Mr. Presiding Officer, that is why I am not saying I do not want to reopen.

THE PRESIDING OFFICER (Mr. Jamir): The Chair feels that it is too late in the day to reopen the whole thing.

MR. PADILLA: Mr. Presiding Officer, it is not a reopening. But if, for example, the committee can insert the words "independence" and "fraternity," although they were rejected, can a member of the Committee on Style and an ordinary Commissioner not suggest a word that does not do any violence or is inconsistent with, but on the contrary is consonant with and is even contributive to the aims, ideals and aspirations that we have expressed in the Preamble?

THE PRESIDING OFFICER (Mr. Jamir): The Chair believes that the statement of the Commissioner is in the nature of a reconsideration for reopening, and it is rather improper at this late stage of the proceeding.

MR. PADILLA: It is not really a reconsideration, merely the addition of the word "progress."

THE PRESIDING OFFICER (Mr. Jamir): The Chair pleads with Commissioner Padilla to allow the body to proceed to some other matters.

MR. PADILLA: I should raise a suggestion on whether the committee and this Commission cannot, in the last session after we have had a broad and complete outlook of the Constitution — wherein we have been working for not only agricultural improvement, industrial expansion, et cetera, all leading to progress — insert the word "progress" or "prosperity" after "peace."

THE PRESIDING OFFICER (Mr. Jamir): It will be dangerous to allow that kind of a proceeding to crop up at this moment. So, the Chair now recognizes Commissioner Aquino.

MS. AQUINO: Mr. Presiding Officer, I would like only to inquire.

MR. PADILLA: Mr. Presiding Officer, can we not have the sentiments of the Commission?

THE PRESIDING OFFICER (Mr. Jamir): The Chair has recognized Commissioner Aquino.

MS. AQUINO: Mr. Presiding Officer, the situation is, the committee accepted the motion of Commissioner Concepcion to retain the original sequencing of the concepts of truth, justice, freedom, love and equality. Have we voted on that? Because if we have not, I would move for the confirmation of the original committee recommendation which would sequence it as "freedom, truth, justice, equality, peace, and love."

THE PRESIDING OFFICER (Mr. Jamir): The Chair is of the impression that Chairman Rodrigo has agreed to do so.

MS. AQUINO: He accepted, but I was wondering if the Commission as a whole has acted on that.

THE PRESIDING OFFICER (Mr. Jamir): Not yet.

MS. AQUINO: In that case, I would move for the confirmation of the committee recommendation of the sequencing as it would now read: "freedom, truth, justice, equality, peace, and love."

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: Before we go to the motion of Commissioner Aquino, why can we not first resolve the motion of Honorable Concepcion, which is accepted by the committee?

I then move that we first resolve the motion of Honorable Concepcion.

MR. RAMA: I think it is in order, Mr. Presiding Officer. I move that we take a vote on the original motion of Commissioner Concepcion first.

THE PRESIDING OFFICER (Mr. Jamir): Is the body ready to vote?

MR. RAMA: May the committee restate the sequencing.

MR. RODRIGO: The sequencing is: ". . . regime of truth, justice, freedom, love, equality, and peace . . ."

VOTING

THE PRESIDING OFFICER (Mr. Jamir): As many as are in favor of the motion, 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. (One Member raised his hand.)

The results show 14 votes in favor, 9 against and 1 abstention, the motion is approved.

MR. SUAREZ: Mr. Presiding Officer, may I be recognized?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Suarez is recognized.

MR. SUAREZ: Thank you. May we move for the restoration of the phrasing "ALMIGHTY GOD" instead of "God Almighty." In other words, it is not "God" that is qualifying "Almighty" but it is "Almighty" that is qualifying "God."

So may we formally present that motion that we restore it to its original wording. It should be ". . . the aid of ALMIGHTY GOD."

THE PRESIDING OFFICER (Mr. Jamir): What does the committee say?

MR. RODRIGO: We leave it to the body.

MR. RAMA: The body is ready to vote.

MR. SUAREZ: May we request for a vote on the matter.

VOTING

THE PRESIDING OFFICER (Mr. Jamir): As many as are in favor of the Suarez motion, 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 17 votes in favor, 7 against and 3 abstentions; the motion is approved.

The Floor Leader is recognized.

MR. RAMA: There are no more amendments. May I ask the committee to read the whole section to be voted on as amended.

MR. RODRIGO: The Preamble, as amended, reads: "WE, THE SOVEREIGN FILIPINO PEOPLE, IMPLORING THE AID OF ALMIGHTY GOD, IN ORDER TO BUILD A JUST AND HUMANE SOCIETY AND ESTABLISH A GOVERNMENT THAT SHALL EMBODY OUR IDEALS AND ASPIRATIONS, PROMOTE THE COMMON GOOD, CONSERVE AND DEVELOP OUR PATRIMONY, AND SECURE TO OURSELVES AND OUR POSTERITY THE BLESSINGS OF INDEPENDENCE AND DEMOCRACY UNDER THE RULE OF LAW AND A REGIME OF TRUTH, JUSTICE, FREEDOM, LOVE, EQUALITY AND PEACE, DO ORDAIN AND PROMULGATE THIS CONSTITUTION."

VOTING

THE PRESIDING OFFICER (Mr. Jamir): As many as are in favor of the Preamble as read, please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (One Member raised his hand.)

As many as are abstaining, please raise their hand. (One Member raised his hand.)

The results show 26 votes in favor, 1 against and 1 abstention; the Preamble, as amended, is approved.

MR. RAMA: Mr. Presiding Officer, our procedure is that we must vote only per article, not per section, in order that we would move faster.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: In order not to confuse the printer on the Preamble, there should be no open quotation before 'we' and no close quotation after "Constitution."

MR. OPLE. That is correct, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): What does the committee say?

MR. RODRIGO: Yes, that is a good observation. So, cancel the quotations — open quote and close quote.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the deletion of quotation marks enclosing the text of the Preamble is approved.

MR. RODRIGO: Article I on the National Territory, has a few amendments.

On line 5 of the copy appreciated by the Committee on Style, delete the word "the" after the word "including" and change it to "ITS" — i-t-s, and on line 7, delete the word "thereof" after the word "areas." So that instead of "including the territorial sea, the seabed, the subsoil, the insular shelves and other marine areas thereof," it will read: "including ITS territorial sea, the seabed, the subsoil, the insular shelves and other submarine areas."

Then on line 8, change the word "irrespective" to "REGARDLESS." So, it will read ". . . connecting the islands of the archipelago, REGARDLESS of their breadth and dimensions, . . ."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Natividad is recognized.

MR. NATIVIDAD: Just one question, Mr. Presiding Officer. I gave a quick look at the entire proposals and sometimes there are solid underlined words. Then there are instances when there are broken lines. What do they mean, Mr. Presiding Officer?

MR. RODRIGO: That is just a computer fault. All underlinings are the same.

MR. NATIVIDAD: Are solid.

MR. RODRIGO: Yes.

MR. NATIVIDAD: Because I notice in the broken lines, there are no changes whatsoever.

MR. RODRIGO: No, sometimes the change is just a comma.

MR. NATIVIDAD: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: What is the antecedent of the word "its"?

MR. RODRIGO: Let me read:

The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial, and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, et cetera.

VOICE: Philippines.

MR. RODRIGO: Yes, the antecedent is Philippines.

MR. OPLE: What about the British spelling?

MR. RAMA: There are no other amendments or comments. May I ask that we take a vote if there is no objection?

VOTING

THE PRESIDING OFFICER (Mr. Jamir): As many as are in favor of the provision on the National Territory 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 26 votes in favor and none against; the provision on the National Territory, as read, is approved.

MR. RODRIGO: Now we go to Article II — Citizenship. In Section 1, the only modification is on lines 8 and 9. Just transpose "elect Philippine citizenship" which is at the end. Instead of "who, upon reaching the age of majority, ELECT PHILIPPINE CITIZENSHIP," transpose "elect Philippine citizenship" to read "WHO ELECT PHILIPPINE CITIZENSHIP upon reaching the age of majority."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the provision, as read, is approved.

MR. RODRIGO: Section 2. "Citizens of the Philippines who marry aliens shall retain . . ." Remove "their citizenship," and substitute that with "IT" to read: ". . . unless by their act or omission they are deemed, under the law, to have renounced IT." So, that is Section 2.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: On Section 4, line 19, delete the words "provided that." And on line 20, change the word "hereof" to "ABOVE," and delete the word "also" after the word "shall." So, this will read: "Those who elect Philippine citizenship in accordance with Section 1(3) ABOVE shall be deemed natural-born citizens."

THE PRESIDING OFFICER (Mr. Jamir). Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. OPLE: I suggest we use "hereof."

MR. RODRIGO: "Hereof, yes, instead of "ABOVE " Now, that is the whole article.

MR. RAMA: We will adopt a procedure of not going into repetitious voting and that we should continue with the next article. So, at the end, we can vote for all the articles.

MR. RODRIGO: So, the next article is on "Suffrage". On line 5, we added after "six months" the word "IMMEDIATELY." So, it will read: ". . . and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months IMMEDIATELY preceding the election."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: On line 8, there is a mistake there. There should be no change.

On line 9, may we delete the words ". . . for the purpose of." So that instead of "The Congress shall provide a system for the purpose of securing the secrecy . . .," it will just read, "The Congress shall provide a system for securing the secrecy and sanctity of the ballot . . ."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: The next reformulation is done by Commissioner Azcuna. The original reads:

In the case of the disabled and illiterates, the Legislative should design a procedure which will not require the assistance of another person. Until the Legislature provides for the appropriate procedure, the illiterates and the disabled shall be allowed to vote under the existing law and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot.

This is the reformulation by Commissioner Azcuna which was approved by the committee.

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. RODRIGO: May I first read the reformulation: "IT SHALL ALSO DESIGN A PROCEDURE FOR THE DISABLED AND THE ILLITERATES TO VOTE WITHOUT THE ASSISTANCE OF ANOTHER PERSON. UNTIL THEN THEY SHALL BE ALLOWED TO VOTE UNDER EXISTING LAWS AND SUCH RULES AS THE COMMISSION ON ELECTIONS MAY PROMULGATE TO PROTECT THE SECRECY OF THE BALLOT."

MR. FOZ: Mr. Presiding Officer.

MR. RODRIGO: Yes.

MR. FOZ: I was just thinking that on line 13, the words "another person" should more properly be "OTHER personS."

MR. RODRIGO: How is that? ". . . without the assistance of . . ."

MR. FOZ: "OTHER personS." Put it in the plural.

MR. RODRIGO: "OTHER PERSONS."

MR. FOZ: Speaking of the disabled and the illiterates who are many, perhaps "the assistance of OTHER personS" will be more appropriate.

MR. RODRIGO: "OTHER PERSONS"? If we say "other" should we not follow it with "personS"? "OTHER PERSONS."

MR. FOZ: It is all right, Mr. Presiding Officer.

MR. DE CASTRO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you.

Does "it" on line 12 refer to Congress?

MR. RODRIGO: Yes.

MR. DE CASTRO: And line 14, until Congress shall have prescribed the appropriate remedy for illiterates and disabled to vote, "they shall be allowed to vote under existing laws and such rules as the Commission on Elections may promulgate." Under existing rules there is an assistor, and it is this assistor that we were objecting to vigorously when we were discussing about the authority of the illiterates to vote. In the ratification of the Constitution or in the first election, will the assistants be allowed to vote for the illiterates?

MR. RODRIGO: Commissioner de Castro, we are only the Committee on Style.

MR. RAMA: Point of information.

MR. RODRIGO: That is in the draft as approved by the body.

MR. RAMA: Point of information, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): What is the point of information?

MR. RAMA: If I remember very clearly, under the new provision, an illiterate cannot go and vote with the assistance of another person because of the phrase "under existing laws and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot." What was emphasized then during our discussion was, the secrecy of the ballot should be guarded and protected. Therefore, the rules that the Commission may provide as such will not allow any other person to vote for the illiterate. Such rules, for instance, where they may have some pictures which could be recognized by the illiterate would help the illiterate to vote without the assistance of any person. That was the understanding on the interpretation of this provision during the deliberation.

MR. SUAREZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Suarez is recognized.

MR. SUAREZ: Thank you.

May we suggest two minor amendments? On line 12, the word "it" should be changed to "THE CONGRESS."

MR. RODRIGO: What does Commissioner Azcuna think?

MR. SUAREZ: May we know the reaction of the committee?

MR. RODRIGO: The amendment is accepted.

MR. SUAREZ: Thank you.

On line 10, we are talking here of secrecy and sanctity of the vote. And on line 16, we are talking of protecting the secrecy of the ballot. Is there any difference between the two or should we make them consistent by using either vote or ballot, Mr. Presiding Officer?

MR. RODRIGO: May I refer this to Commissioner Azcuna?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Azcuna is recognized.

MR. AZCUNA: We are just following the original words and we did not change the concept. I suppose the Commission intended a difference. We did not change that one.

MR. SUAREZ: We are suggesting that the word "vote" be changed to "BALLOT." I think what is important here is the sanctity of the ballot.

MR. RODRIGO: Therefore line 10 should be ". . . to protect the secrecy and sanctity of the BALLOT."

MR. AZCUNA: We have no objection.

MR. SUAREZ: ". . . secrecy and sanctity of the BALLOT."

MR. RODRIGO: Accepted.

MR. SUAREZ: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, I just wanted to clarify the record. I do not agree with the interpretation of Commissioner Rama. If we take a look at the records, that is not the interpretation, and I wish that we would not read into the records an interpretation that was not the original intent of this body. We said that they will be allowed to vote under existing law and the phrase "to protect the secrecy of the ballot" applies to such other rules as the Commission on Elections may promulgate.

So, this provision does not mean that the illiterate and disabled will not vote if they are assisted by another person, until the COMELEC promulgates the new rules on disabled and illiterate in accordance with the first sentence of the provision. I believe this was discussed thoroughly and exhaustively on its merits, and I wish to make it of record that I do not think the interpretation of Commissioner Rama will be supported by the record.

MR. RAMA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rama is recognized.

MR. RAMA: I would like to ask Commissioner Monsod a question.

What is meant by "to promulgate rules to protect the secrecy of the ballot"? How will we give effect to that if we allow other persons to vote for the illiterate? There is no secrecy of the ballot if we allow other persons to assist the illiterate and disabled.

MR. MONSOD: The reason we put that last sentence is that there will be exceptions until Congress enacts the new laws. The Commission on Elections may promulgate new rules in order to protect the secrecy of the ballot. However, there are existing laws that would allow them to vote, and in those existing laws there are provisions for assistance. That is precisely why there is a transitional rule, Mr. Presiding Officer. That is why we added that second sentence.

MS. AQUINO: Mr. Presiding Officer.

MR. PRESIDING OFFICER (Mr. Jamir) : Commissioner Aquino is recognized.

MS. AQUINO: I would like to submit that the controlling interpretation is that of Commissioner Monsod. In fact, the reason why Commissioner Bernas and myself introduced the last sentence is that the effect of the amendment now in the Article on Suffrage is we will be momentarily disenfranchising the illiterates because of the mandate that would require the rules and regulations for their voting. Such that to remedy this loophole — since there was no intention to disenfranchise — we moved for the insertion of this last sentence. And accordingly, the interpretation of Commissioner Monsod is the controlling version.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: May I ask whether it is in order for the Members of the Commission to delve into the intent behind the provisions under consideration which are apparently in excess of the subject of style. Because if this is allowed, and as we proceed to the more controversial sections, we may not be able to finish according to the timetable that we have adopted.

Thank you, Mr. Presiding Officer.

MR. RAMA: er de Castro. That is why I raised a point of information.

THE PRESIDING OFFICER (Mr. Jamir): The Chair was really about to admonish the body that our work today in connection with the Committee on Style is really to see to it that the style was proper and that there has been no substantial change in the provision without making any interpretation.

Thank you.

MR. RODRIGO: Now, we go to the Bill of Rights.

MR. RAMA: We take a vote first on this.

MR. RODRIGO: We want to vote on this provision.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: May I seek a clarification on the Foz amendment? Is it "other persons" or "other person"?

MR. RODRIGO: "Persons," plural.

MR. DAVIDE: "Persons." Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Are we ready to vote now?

MR. RAMA: Yes, Mr. Presiding Officer.

VOTING

THE PRESIDING OFFICER (Mr. Jamir): As many as are in favor, 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 24 votes in favor and none against; the provision of the Article on Suffrage, as read, is approved.

MR. RODRIGO: Did we vote on the whole article?

MR. RAMA: We vote per article.

MR. RODRIGO: We voted on the whole Article on Suffrage. So, why do we not vote on the whole Article on Citizenship?

MR. RAMA: I move that we vote on Article II, the whole article.

VOTING

THE PRESIDING OFFICER (Mr. Jamir): As many as are in favor of the entire Article II, 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 25 votes in favor and none against; Article II is approved.

MR. RODRIGO: We now go to the Bill of Rights. There are very few modifications here. There are no modifications on Sections 1, 2 and 3. Section 4 has no change, except that instead of the original 1, 2, we made No. 2 a separate paragraph.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? Commissioner Tan is recognized.

SR. TAN: This may just be an oversight. On line 4, it says "process of law" but then line 5 states "equal protection of the law." Is it not "laws"?

MR. RODRIGO: "Due process of law."

SR. TAN. Then, line 5 should be "equal protection of the law" or laws?

MR. RODRIGO: "Of the laws."

SR. TAN: "Laws"?

MR. RODRIGO: Yes.

SR. TAN: Is it plural?

MR. RODRIGO: "Equal protection of the laws."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: In the Bill of Rights, in accordance with the instruction of the committee, Commissioner Azcuna and I have some minor corrections.

MR. RODRIGO: In what section?

MR. MAAMBONG: I thought we are going through the Rules now.

MR. RODRIGO: We are going section by section. So, is there any objection in Section 4 — that No. 2, instead of being continuous will be a separate paragraph?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: In Section 1, line 4, may I propose to insert a comma (,) after "liberty."

THE PRESIDING OFFICER (Mr. Jamir): Is there any other comment? Is there any objection to the provision as read? (Silence) The Chair hears none; the proposal is approved.

MR. RODRIGO: On section 5, there is no change. We added a comma (,) after "health," but that is a general rule.

On section 6, line 11, we added the word "to" between the words "as well as" and "government research data." Let me read it: "Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as TO government research."

THE PRESIDING OFFICER (Mr. Jamir): Is Commissioner Lerum seeking recognition?

MR. LERUM: Section 7.

MR. RODRIGO: On Section 7, we just added a comma (,) after the word "people" on line 14 and added a comma (,) after "sectors on line 15. So, it reads: "The right of the people, including those employed in the public and private sectors, to form associations, et cetera."

MR. LERUM: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Lerum is recognized.

MR. LERUM: May I move that the word "unions" on line 16 be placed before "associations."

THE PRESIDING OFFICER (Mr. Jamir) : What does the committee say?

MR. RODRIGO: We have no objection.

THE PRESIDING OFFICER (Mr. Jamir): Is there any other comment? (Silence) The Chair hears none; the proposal is approved.

MR. RODRIGO: It will read: ". . . to form unions, associations, or societies."

Section 8, no change.

On Section 9, the word "of" was inserted before "expression" on line 26. So that it would read: "No law shall be passed abridging the freedom of speech, OF expression, or of the press." Just add the word "of" for uniformity.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the proposal is approved.

Section 10, no change.

Section 11, no change.

Section 12, no change.

Section 13, no change.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: Section 13 reads:

No involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted.

Commissioner Azcuna and I have been talking about Section 13 in relation to Section 17 (1) which states that:

"No person shall be held to answer for a criminal offense without due process of law nor shall any person be detained merely by reason of his political beliefs and aspirations.

We feel that the phrase "nor shall any person be detained merely by reason of his political beliefs and aspirations" do not belong to Section 17 (1) and, therefore, Commissioner Azcuna and I decided to formulate Section 13 by transposing this phrase in Section 17 (1) Section 13 (1) will now read:

NO person shall be detained merely by reason of his political beliefs and aspirations.

Then the second paragraph shall read:

"No involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted."

We feel that we should be putting this as a substantive right whereas Section 17 (1) is actually a procedural right.

MR. RODRIGO: What does Commissioner Azcuna say?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Azcuna is recognized.

MR. AZCUNA: I agree entirely, Mr. Presiding Officer so we worked together on this per instructions of our respective Committees on Style and on Sponsorship.

MR. RODRIGO: In that case, we accept. Will the Commissioner please reword it?

MR. MAAMBONG: Section 13 (1) will now read: "NO PERSON SHALL BE DETAINED MERELY BY REASON OF HIS POLITICAL BELIEFS AND ASPIRATIONS."

The second paragraph will read: "NO INVOLUNTARY SERVITUDE IN ANY FORM SHALL EXIST EXCEPT AS A PUNISHMENT FOR A CRIME WHEREOF THE PARTY SHALL HAVE BEEN DULY CONVICTED."

Accordingly, Section 17 (1) will now read: "NO PERSON SHALL BE HELD TO ANSWER FOR A CRIMINAL OFFENSE WITHOUT DUE PROCESS OF LAW." Delete the words "nor shall, et cetera" in that sentence.

MR. RODRIGO: All right.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: Is it proper to change "merely" to "solely"?

MR. RODRIGO: What line is that?

MR. DAVIDE: It shall read: "No person shall be detained SOLELY by reason of his political beliefs and aspirations" instead of "merely."

MR. RODRIGO: So, you want to retain "merely"?

MR. DAVIDE: Change "merely" to "SOLELY."

MR. RODRIGO: "SOLELY."

MR. AZCUNA: That is better.

MR. RODRIGO: No objection.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none. the proposal is approved.

MR. RODRIGO: Section 14. There is a misprint here; only "habeas corpus, " not including "writ of" should be underlined.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. RODRIGO: That is only a misprint, I do not think we have to vote on that.

MR. AZCUNA: That is really underlined, Mr. Presiding Officer.

MR. RODRIGO: Including "writ"?

MR. AZCUNA: No, I mean "habeas corpus." There are instances here where we really have underlinings which do not indicate corrections but they are Latin terms and they should really be underlined. I do not know if the printer might be confused later on when they remove all the underlines This ex post facto for instance, is really underlined, and that is not a correction; habeas corpus should also be underlined.

MR. RODRIGO: But what I mean is, if we underline habeas corpus, should we underline the whole "writ of habeas corpus"?

MR. AZCUNA: No, only "habeas corpus."

MR. RODRIGO: Only "habeas corpus."

Section 15 has no correction. On Section 16, line 19, we deleted the word "may" between "or" and "the" and added D to the word "release" so that it reads: ". . . be bailable by sufficient sureties, or be releaseD on recognizance," instead of ". . . or may be releaseD on recognizance."

THE PRESIDING OFFICER (Mr. Jamir): Is Commissioner Suarez seeking recognition?

MR. SUAREZ: Section 17, Mr. Presiding Officer.

MR. RODRIGO: Section 16 is all right.

On Section 17, we added the number "1" enclosed in parenthesis before "no person" so that it becomes subparagraph 1. That is all. And also subparagraph 2, on the next page, line 3.

MR. SUAREZ: May I be recognized now, Mr. Presiding Officer.

MR. DE CASTRO: On Section 16, allow me to have an anterior proposal. Underline the words "writ of."

MR. AZCUNA: No more.

MR. RODRIGO: No, that is a misprint.

MR. DE CASTRO: So, we will take away the underlining on "writ of."

MR. RODRIGO: Remove the underlining from "writ of," but retain this in habeas corpus.

MR. DE CASTRO: Thank you.

MR. SUAREZ: May I be recognized now, Mr. Presiding Officer?

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Suarez is recognized.

MR. SUAREZ: On line 4, the word "proved" with "d," is it not "proven," Mr. Presiding Officer?

MR. RODRIGO: "Until the contrary is proved."

MR. SUAREZ: The modern form is "proven."

MR. OPLE: "Proved" is modern.

MR. SUAREZ: "Proved" not "proven"?

MR. OPLE: "Proven" is the older, the earlier form.

MR. SUAREZ: All right, so I will not insist.

Thank you.

MR. RODRIGO: Section 18, no change. On Section 19, again we insert one (1), paragraph(1) and paragraph (2), we insert the "No. 2" in parenthesis, on line 24. And on line 24, place a comma (,) after "intimidation," so it will read: "NO TORTURE, FORCE, VIOLENCE, THREAT, INTIMIDATION, OR ANY OTHER MEANS, et cetera." Is "incommunicado" underlined?

MR. AZCUNA: It is the comma (,) after "intimidation." That is why "intimidation" is underlined.

MR. RODRIGO: There is a comma (,) also after "incommunicado."

MR. AZCUNA: Instead of an underlining, just place the comma.

MR. RODRIGO: Yes. "Intimidation" is underlined just to indicate that there is a comma placed after "intimidation," and also a comma (,) after "incommunicado."

Paragraph 3 was again rewritten by Commissioner Azcuna. The ADAN was not yet established at that time. Will Commissioner Azcuna please read the original and then his reformulation.

MR. AZCUNA: Which one is this, Mr. Presiding Officer?

MR. RODRIGO: On page 9, the first four lines.

MR. AZCUNA: First four lines? Is it "The law shall provide"? The original?

MR. RODRIGO: The original is Section 19.

MR. AZCUNA: Paragraph 2 reads:

Penal and civil sanctions for violations of this Section as well as compensation for and rehabilitation of victims of tortures or similar practices and of their families shall be provided by law.

Then as we revised it, it will read: "THE LAW SHALL PROVIDE FOR PENAL AND CIVIL SANCTIONS FOR VIOLATIONS OF THE SECTION AS WELL AS COMPENSATION AND REHABILITATION OF VICTIMS OF TORTURES OR SIMILAR PRACTICES, AND OF THEIR FAMILIES."

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: May I just ask Commissioner Azcuna whether "rehabilitation" on line 3 also applies to the "families" on line 4, because if it is "compensation," then that is understandable. But since the families are not victims of tortures or similar practices, should they also be entitled to rehabilitation?

MR. AZCUNA: I think it refers only to compensation, Mr. Presiding Officer. I think this can still stand improvement. It is what we call a "squinting modifier." We do not know which one is being modified.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Why do we not say ". . . as well as rehabilitation of victims of tortures or similar practices and compensation to them and their families."

MR. OPLE: Yes.

MR. RODRIGO: So, will Commissioner Monsod please read that again?

MR. SARMIENTO: Mr. Presiding Officer.

MR. RODRIGO: Just a minute. Could the Commissioner please read that again so that our Secretary can take it down.

MR. MONSOD: My proposal is, after the words "as well as" we say "as well as REHABILITATION OF VICTIMS OF TORTURES OR SIMILAR PRACTICES AND COMPENSATION TO THEM AND THEIR FAMILIES."

MR. OPLE: Yes.

MR. RODRIGO: We accept that.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. RODRIGO: Let us vote on that first, Mr. Presiding Officer. Could we vote on subparagraph 3?

VOTING

THE PRESIDING OFFICER (Mr. Jamir): As many as are in favor of the provision as amended, 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 22 votes in favor and none against; the provision is approved.

MR. RODRIGO: On Section 20 (1), the first sentence was reformulated again by Commissioner Azcuna.

MR. AZCUNA: In this section, we changed the following: "Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment for the death penalty inflicted unless for compelling reasons involving heinous crimes the Congress provides for the death penalty. Death penalty already imposed shall be reduced to reclusion perpetua". "EXCESSIVE FINES SHALL NOT BE IMPOSED, NOR CRUEL, DEGRADING OR INHUMAN PUNISHMENT, INFLICTED. NEITHER SHALL THE DEATH PENALTY BE IMPOSED, UNLESS FOR COMPELLING REASONS INVOLVING HEINOUS CRIMES CONGRESS HEREAFTER PROVIDES FOR IT. DEATH PENALTY ALREADY IMPOSED SHALL BE REDUCED TO RECLUSION PERPETUA."

THE PRESIDING OFFICER (Mr. Jamir): Is there any comment?

Commissioner Davide is recognized.

MR. DAVIDE: On line 9, we delete the comma (,) after "punishment." And on line 11, insert the word "THE" before "Congress."

THE PRESIDING OFFICER (Mr. Jamir): What does the committee say?

MR. AZCUNA: Yes, we accept. I think it is all right.

MR. RODRIGO: We accept.

MR. AZCUNA: Delete comma (,) after punishment on line 9 and insert the word "THE" before "Congress" on line 11.

MR. RODRIGO: Yes.

On subparagraph 2, "psychological" is underlined merely because of the comma (,) after it: "Physical, psychological, or degrading punishment."

And on line 17, the word "should" is changed to SHALL such that it would read: ". . . under subhuman conditions SHALL be dealt with by law," instead of "should be dealt with by law."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the modification is approved.

MR. SARMIENTO: Mr. Presiding Officer, before we proceed.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Padilla is recognized.

MR. PADILLA: Maybe this is a little late, but under this Section 19, can we not make paragraph 4, No. 3 and paragraph 3, No. 4, more logical?

MR. RODRIGO: Yes.

On page 9, (3) is:

The law shall provide for penal and civil sanctions or violations of this section as well as compensation, et cetera.

No. 4 is:

Any confession or admission obtained in violation of this or the preceding section shall be inadmissible in

evidence against him.

MR. PADILLA: The suggestion is only to make paragraph 4, No. 3 and paragraph 3, No. 4.

MR. RODRIGO: We accept. So, paragraph 4 becomes paragraph 3.

MR. SARMIENTO: Mr. Presiding Officer, may I be recognized.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. SARMIENTO: Thank you, Mr. Presiding Officer.

With due respect to the committee, may I make my reservations with respect to paragraph 3 with reference to compensation and rehabilitation.

Mr. Presiding Officer, it was this Representation who sponsored this provision. And to the best of my recollection during the deliberations, we pointed out that rehabilitation should cover families, because families are affected by the tortures committed against their loved ones, specially the children and the wives, who are the affected ones.

So, may I be allowed to check the records, so that the intent will be correctly reflected. May I be given until tonight just to check the records.

THE PRESIDING OFFICER (Mr. Jamir): Good.

MR. RODRIGO: So, there is a reservation on paragraph 4.

MR. SARMIENTO: Yes.

MR. RODRIGO: It became paragraph 4.

MR. SARMIENTO: Thank you, Mr. Presiding Officer.

So, may I just make that reservation.

MR. RODRIGO: Reservation noted.

MR. SUAREZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Suarez is recognized.

MR. SUAREZ: Minor correction on line 11 of Section 20. Because of the Davide amendment inserting the word "THE" before "Congress," I think there is a need to put a comma (,) after "crimes" to read: "... involving heinous crimes, THE Congress hereafter provides for it."

THE PRESIDING OFFICER (Mr. Jamir): What does the committee say?

MR. RODRIGO: The amendment is accepted.

MR. SUAREZ: Thank you.

MR. RODRIGO: "... unless for compelling reasons involving heinous crimes, THE Congress hereafter provides for it." This is accepted.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. OPLE: On line 12, should we not insert a "THE" before "death penalty"? Section 20(1) — "Death penalty

already imposed shall be reduced to reclusion perpetua. " Unless this is legal language, that is more suitable. But from a layman's point of view, "death penalty" should be preceded by a "THE."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Aquino is recognized.

MS. AQUINO: Mr. Presiding Officer, on line 14 . . .

MR. RODRIGO: Does the Commissioner want to comment on "THE" — "THE death penalty"?

MS. AQUINO: No, Mr. Presiding Officer.

MR. AZCUNA: I think Commissioner Ople is right. There is something missing, but maybe not "THE." Maybe "ANY death penalty" or "ALL death penalties" other than "THE death penalty" will be better. It seems to be "THE death penalty" itself. But this is a specific imposition.

MR. OPLE: Yes.

MR. AZCUNA: Maybe "ANY death penalty" or "ANY form . . ."

MR. OPLE: Maybe "ANY" will be better.

MR. AZCUNA: Yes, "ANY death penalty."

MR. OPLE: "ANY death penalty."

MR. RODRIGO: All right, so "ANY death penalty."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Aquino is recognized.

MS. AQUINO: Mr. Presiding Officer, on line 14, I would propose the insertion of the clause "THE EMPLOYMENT OF" before "physical" to begin the sentence, because as it is now worded it sounds inelegant. In the first place, we do not say "physical punishment" against any prisoner. What we seek to prohibit is "THE EMPLOYMENT OF physical punishment against . . ."

MR. AZCUNA: That is the original. So, we will just put it back.

MS. AQUINO: It is the original.

MR. RODRIGO: How is that again?

MS. AQUINO: On line 14, we insert the original phrase before the word "physical" so it will read "THE EMPLOYMENT OF physical, psychological or degrading punishment against . . ."

MR. RODRIGO: Did the Commissioner get it?

THE PRESIDING OFFICER (Mr. Jamir): Will Commissioner Rodrigo please read the text?

MR. RODRIGO: "THE EMPLOYMENT OF physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

Commissioner Davide is recognized.

MR. DAVIDE: Can we place a comma (,) after "detainee"?

MR OPLE: Yes.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 21, no change. Section 22, no change.

MR. MAAMBONG: Mr. Presiding officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: I just would like to indicate that if I remember correctly, we agreed in the joint meeting of the Committees on Style and on Sponsorship that if there is any word which indicates "life imprisonment" in any of the provisions, it should be changed to "RECLUSION PERPETUA."

MR. RODRIGO: Yes.

MR. MAAMBONG: I just want this indicated so that in other provisions where "life imprisonment" is indicated we can change it accordingly.

MR. RODRIGO: To "RECLUSION PERPETUA," yes.

MR. MAAMBONG. Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Is there any other comment?

MR. RODRIGO: We are through with the article.

APPROVAL OF THE ARTICLE ON THE BILL OF RIGHTS

ON SECOND READING

MR. RAMA: I move that we approve the whole Article on the Bill of Rights.

THE PRESIDING OFFICER (Mr. Jamir) : As many as are in favor of the entire Article on the Bill of Rights, please raise their hand.

MR. RODRIGO: With reservation, yes.

MR. SARMIENTO: We have the reservation with respect to paragraph 4.

MR. RODRIGO: Yes, besides the reservation.

MR. SARMIENTO: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): As many as are in favor of the entire Article on the Bill of Rights, 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 25 votes in favor and none against; the Article on the Bill of Rights is approved.

MR. RODRIGO: May we proceed to the Article on the Judiciary.

MR. PADILLA: Mr. Presiding Officer, will this be Article IV — I-V — because it is in blank?

MR. RODRIGO: This will be Article IV Section 1, first paragraph, no change.

MR. PADILLA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Padilla is recognized.

MR. PADILLA: After Article IV, the Bill of Rights, does that mean that the next article will be Article V?

MR. RODRIGO: This is the function of the Sponsorship Committee. So they will number this and arrange the sequencing.

MR. PADILLA: Because maybe we should follow it up with Family Rights — the Bill of Rights, Family Rights, et cetera.

MR. RODRIGO: Then sponsor it in the Sponsorship Committee.

MR. PADILLA: And then, maybe the executive, the legislative and then the judiciary will follow.

MR. RODRIGO: Yes.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: Regarding that point, I would like to call the attention of the body that as early as two or three weeks ago, the Subcommittee on Rubrics of the Committee on Sponsorship distributed to all the Members the report of the subcommittee indicating our sequence of the articles for comment. Up to now, their subcommittee and the Committee on Sponsorship have not received any comment. So, I would assume that the sequence we have indicated would be followed. But we are still willing to accept any comment on that score so that we can talk about it before we go into printing. It is very hard to change the article numbers later on.

MR. RODRIGO: But the Sponsorship Committee will report to the body after the report of the Committee on Style. I think that could be taken up.

MR. MAAMBONG: Yes, Mr. Presiding Officer. But I was just trying to reply to what Commissioner Padilla has said.

MR. RODRIGO: We are now on Section I of the Article on the Judiciary.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: I believe we are now looking at the section before it was amended yesterday, because we still have here one chief justice and ten associate justices under Section 3.

MR. RODRIGO: Yes.

MR. MONSOD: Perhaps, we should defer.

MR. RODRIGO: All right. So, we defer that.

MR. MONSOD: May I suggest that we defer the entire article so we will look at it in its entirety.

MR. RODRIGO: Yes. Our Secretary-General will please give us an undated copy. So, we go to the Executive Department.

Section 1. "The executive power shall be vested in a President." We change that to "THE PRESIDENT OF THE PHILIPPINES."

In Section 2, line 6, we added "A" between "and" and "resident." So, this is the qualification of a President: ". . .

able to read and write, at least forty years of age on the day of the election and A resident of the Philippines" instead of "and resident of the Philippines."

Section 3, no change.

On Section 4, there is a reformulation of the sentence on lines 19 to 21.

MR. AZCUNA: Before that, there was an amendment on line 11 which now would read: "The President and the Vice-President shall be elected . . ."

MR. OPLE: On line 13, Mr. Presiding Officer, the word "cabinet" should not that be capitalized so it does not look like carpenter's cabinet.

MR. RODRIGO: I think so.

MR. AZCUNA: Yes. Likewise, I think the word "member" should also be capitalized.

MR. RODRIGO: "Member," yes, we have that rule. Capital M for "Member" and capital C for "Cabinet."

MR. OPLE: Yes, thank you.

MR. RODRIGO: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: Mr. Presiding Officer, I recall yesterday, although I do not have the record with me, that there was an amendment by insertion to what appears now to be the second paragraph of Section 4. I do not know if this is the correct formulation which I got. It says: "Unless otherwise provided by law, the regular election for President and Vice-President shall be held on the second Monday of May."

I do not know if we can check it from the records.

MR. REGALADO: What section is that?

MR. MAAMBONG: It would be on Section 4, in the draft that we are now using. That would be right after the first paragraph on page 19.

MR. RODRIGO: Should we defer?

MR. BENGZON: That is correct.

MR. AZCUNA: That is right.

MR. OPLE: Page 19, what line, please?

MR. MAAMBONG: Please correct me if I did not read it right.

MR. AZCUNA: After line 5.

MR. MAAMBONG: Yes, between lines 5 and 6, page 19. It would read as another paragraph — "UNLESS OTHERWISE PROVIDED BY LAW, THE REGULAR ELECTIONS FOR PRESIDENT AND VICE-PRESIDENT SHALL BE HELD ON THE SECOND MONDAY OF MAY." In this connection, Mr. Presiding Officer, the chairman of the Committee on Amendments and Transitory Provisions is not here but I understand that we may have to add a new section in the Transitory Provisions because this provision only mentions regular election on the second Monday of May. We have no provision right now in the Constitution as to when the first presidential election under the new Constitution will be held — the date and the year. So, I am just

making that an advance notice.

Thank you.

MR. RODRIGO: Thank you.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: May we go back to page 18, Section 4. I remember yesterday that there was also an amendment by Commissioner Sumulong to insert the words "AND THE VICE-PRESIDENT after "President."

MR. RODRIGO: Yes, we have noted that already.

MR. DAVIDE: I am sorry.

MR. AZCUNA: The honorable Presiding Officer will notice that the underlined portions on lines 19 to 21 are not contained in his engrossed copy. This was missed but this was approved by the body. This is the Rodrigo amendment — "NO PERSON WHO HAS SUCCEEDED AS PRESIDENT AND HAS SERVED AS SUCH FOR MORE THAN FOUR YEARS SHALL BE QUALIFIED FOR ELECTION TO THE SAME OFFICE AT ANY TIME." So, we inserted this.

MR. RODRIGO: Yes.

MR. AZCUNA: This was omitted in the engrossed copy.

MR. RODRIGO: All right. So on page 19, line 11, we deleted the numeral 30 after the phrase "thirty days"; on line 13, we added the word "THE" at the end of that line, to read: "and THE Congress, upon determination." On line 25 we placed the comma (,) after "returns," so it will read: ". . . to the election, returns, and qualifications of the President or Vice-President, and may promulgate its rules for the purpose."

Section 5, the oath of office, no change.

Section 6, on line 20 we deleted the word "any" before the word "other."

MR. FOZ: Mr. Presiding Officer.

MR. RODRIGO: Section 6, line 20 will now read: "They shall not receive during their tenure any other emolument from the government or other source."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: Mr. Presiding Officer, may we go back to Section 2 of the Executive Department?

MR. BENGZON: Of?

MR. FOZ: The same article, Mr. Presiding Officer — the paragraph which says: "The Vice-President may be appointed as a member of the cabinet." And then the second sentence: "Such appointment requires no confirmation." Is it understood that this confirmation is by the Commission on Appointments?

MR. RODRIGO: What section is that?

MR. FOZ: We did not clarify. Thank you, Mr. Presiding Officer.

MR. RODRIGO: Is that Section 3?

MR. OPLE: Section 3, page 18, line 30, the last sentence.

MR. RODRIGO: "The Vice-President may be appointed as a member of the cabinet. Such appointment requires no confirmation." We did not change that at all, except this evening when we capitalized "M" in "member" and "C" in "cabinet."

Page 20. Notice that on line 20, we deleted the words "The Congress shall provide by law for the annual salaries of the President and the Vice-President." This was deleted because this was transferred to the Article on Transitory Provisions. Why was this deleted?

MR. AZCUNA: What line, Mr. Presiding Officer.

MR. RODRIGO: Section 6, line 20: "The Congress shall provide by law for the annual salaries of the President and Vice-President." Why did we delete this?

MR. AZCUNA: On line 20 we deleted "any" from "any other source."

MR. RODRIGO: Yes, we deleted; so, "other source."

MR. AZCUNA: And then we deleted the sentence, "The Congress shall provide by law for the annual salaries of the President and the Vice-President."

MR. RODRIGO: Why did we delete that?

MR. AZCUNA: Because at that moment when we were doing this, it was understood that the salaries will be provided in the Article on Transitory Provisions.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Mr. Presiding Officer, it is also in the first sentence.

MR. RODRIGO: Yes, it is already in the first sentence. That is the reason.

MR. AZCUNA: Would the Commissioner like the word "any" restored in "any other source"?

MR. OPLE: Yes.

MR. RODRIGO: How about restoring the phrase: "... or ANY other source."?

MR. OPLE: "... ANY other source."

MR. RODRIGO: "... ANY other source." That was in the original.

MR. MAAMBONG: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: I hate to inject an extraneous matter to these proceedings, but I just received a note from our printer through our Computer Section saying that for purposes of lay-outing we have to decide in advance the presentation of the articles — Article I, Article II, and so on. Otherwise, according to them, if we will present it a day or so later, it will be too late. I would like the body to understand this.

They said all they want to know is the sequence of the articles, not necessarily what is inside the articles, because they are going to lay it out.

MR. RODRIGO: Sequencing.

MR. MAAMBONG: That is a technical job, I cannot answer for that, but that is the note that I got. I am just presenting it to the body because the printer might be so delayed.

MR. RODRIGO: When is the deadline he gave?

MR. MAAMBONG: He said here that it is mandatory to decide on the rubrics of the articles now; Saturday or Sunday is too late.

MR. BENGZON: Tomorrow is Friday, can we not do it tomorrow?

MR. NOLLEDO: Mr. Presiding Officer, may I support the motion of Commissioner Maambong. Because what the printer does the moment we determine the sequence of the articles is already to typeset, and later on, they insert the corrections, whether corrected by the Committee on Style or by the Commission, in the galleys so that we will save time. I have had some experience in printing and I think the motion is well-taken.

MR. RODRIGO: I do not mind interrupting this report of the Committee on Style.

MR. NOLLEDO: Yes, Mr. Presiding Officer, I think that is urgent.

MR. RODRIGO: I think we have the sequencing ready, so why do we not present it as a motion?

MR. NOLLEDO: By tomorrow morning, Mr. Presiding Officer, they should already know the sequence so that they can begin typesetting.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

MR. BENGZON: What the note states, Mr. Presiding Officer, is that Saturday and Sunday is too late, so we can decide this tomorrow. It is very difficult to interrupt the flow of work and the smoothness of what is going on now. After all, perhaps, tomorrow we can begin with that, if we can just continue with this now.

MR. NOLLEDO: Mr. Presiding Officer, with due respect to Commissioner Bengzon. I think it is really urgent because every minute counts. Tomorrow morning they should begin typesetting the Constitution and I know how hard it is to typeset. If we come here at nine o'clock tomorrow and we begin the session at ten or even eleven o'clock, then we will be wasting a lot of time, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Does the Gentleman want to put that into a motion?

MR. NOLLEDO: Commissioner Maambong has already put that into a motion; I am seconding the motion, Mr. Presiding Officer.

MR. AZCUNA: We have no objection.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: As chairman of the Sponsorship Committee, we were supposed to present the sequencing right after the presentation of the Committee on Style. However, what we have done, as announced by the vice-chairman of the Sub-committee on Rubrics, Commissioner Maambong, was to distribute ahead and unless there are objections from the body, perhaps we can consider the presentation of the subcommittee and the committee as already approved by tomorrow.

MR. RODRIGO: Mr. Presiding Officer, I have no objection to suspending the report of the Committee on Style to give way to the report on the sequencing of the Sponsorship Committee through Commissioner Maambong.

MR. MAAMBONG: Yes, it is only a matter of sequencing the articles and to have these approved now. I do not think it will take us five minutes, Mr. Presiding Officer.

MR. RODRIGO: All right, yes.

THE PRESIDING OFFICER (Mr. Jamir): Will the Gentleman please restate his motion?

MR. MAAMBONG: No, I am going to read it so they can comment on it.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong may proceed.

MR. MAAMBONG: The following is the sequence of the draft articles. Anybody from the Commission may interrupt me as I go along because this is up to Article XVIII.

The first one, of course, is the Preamble.

- Article I — Declaration of Principles and State Policies
- Article II — National Territory
- Article III — Citizenship
- Article IV — Bill of Rights
- Article V — Family Rights
- Article VI — Social Justice
- Article VII — Education, Science, Technology, Sports, Arts and Culture
- Article VIII — Suffrage
- Article IX — Executive Department
- Article X — Legislative Department
- Article XI — The Judiciary
- Article XII — Local Government
- Article XIII — The Constitutional Commissions
- Article XIV — Accountability of Public Officers
- Article XV — National Economy and Patrimony
- Article XVI — General Provisions
- Article XVII — Amendments or Revisions
- Article XVIII — Transitory Provisions

Actually, I put "Amendment or Revision" as singular but I understand the Committee on Style made it plural to read "Amendments or Revisions."

I do not know if we can comment on this right now.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: I believe, Mr. Presiding Officer, that the Articles on National Economy and on Social Justice should be next to each other because one is creation of wealth and the other essentially distribution.

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir) : Commissioner Ople is recognized.

MR. OPLE: Should not the structure of government follow immediately after Preamble, National Territory, Declaration of Principles and General Provisions? I think, in most constitutions, the form of government comes ahead.

The Constitution itself consists of two parts; first the form of the State, and second, the rights of the people against that State. That is the general division of a constitution which consists of two parts — the form of government and the rights of the people.

Does the Sponsorship Committee not feel that we should follow the general rule in constitutions, so that we have in the first part, that is, allowing for the constitutional amenities and declarations of the form of government or the form of the State and on the second part, the rights of the people.

MR. GUINGONA: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Guingona is recognized.

MR. GUINGONA: In order not to interrupt the work of the Committee on Style tonight, our committee would like to suggest that we take this up as the first part of our agenda tomorrow — the sequencing of articles only. We will not go into the sequencing of the provisions but the sequencing of the articles. So that those of us who do not have their copies may be able to review and make their suggestions tomorrow. Otherwise, if we will take this up tonight, we might come up again with new suggestions tomorrow.

Therefore, our suggestion, Mr. Presiding Officer, is that we discuss tomorrow morning the first item in the agenda which is the sequencing of articles.

THE PRESIDING OFFICER (Mr. Jamir): All right.

MR. GUINGONA: Anyway, the printing was really scheduled to be done on Sunday and tomorrow is only Friday. We can finish tomorrow, as far as the sequencing of the articles is concerned. I do not think it will affect the printing.

MR. RODRIGO: All right.

MR. GUINGONA: I would, therefore, put that into a motion that we take this up as the first item in our agenda tomorrow.

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

MR. GUINGONA: Thank you.

MR. NOLLEDO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Nolleddo is recognized.

MR. NOLLEDO: May I suggest that the Sponsorship Committee prepare a new sequence tomorrow for our consideration.

MR. MAAMBONG: Mr. Presiding Officer, I was about to suggest that the Commissioners go over the distributed copies tonight and, probably, by tomorrow we can go a little bit faster. But anyway, I will just have this recopied tomorrow for distribution.

Thank you.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

SUSPENSION OF SESSION

MR. BENGZON: I move that we suspend the session to have dinner and come back at eight-thirty.

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended.

It was 7:30 p.m.

RESUMPTION OF SESSION

At 8:17 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

The Chair sees there is no quorum so it is inevitable to adjourn.

MR. BENGZON: The agreement is for the Members to come back at eight-thirty so we have to wait for them.

SUSPENSION OF SESSION

THE PRESIDING OFFICER (Mr. Jamir): The session is suspended.

It was 8:20 p.m.

RESUMPTION OF SESSION

At 8:23 p.m., the session was resumed.

THE PRESIDING OFFICER (Mr. Jamir): The session is resumed.

What is the parliamentary situation now, Mr. Floor Leader?

MR. RAMA: We are now in Section 7. I ask that the committee chairman be recognized

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rodrigo is recognized.

MR. RODRIGO: Mr. Presiding Officer, Section 7: First paragraph, no change; Second paragraph, no change; third paragraph, no change; fourth paragraph on page 21, no change; fifth paragraph, no change.

The next paragraph, lines 11 to 15, there is a reformulation by Commissioner Azcuna.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Azcuna is recognized.

MR. MONSOD: In what section are we, Mr. Presiding Officer?

MR. RODRIGO: We are now on Section 7, page 21. "The Congress shall by law provide for the manner . . ."

MR. AZCUNA: The proposal of the committee reads: "THE CONGRESS SHALL BY LAW PROVIDE FOR THE MANNER IN WHICH ONE WHO IS TO ACT AS PRESIDENT SHALL BE SELECTED UNTIL A PRESIDENT OR A VICE-PRESIDENT SHALL HAVE QUALIFIED, IN CASE OF DEATH, PERMANENT DISABILITY, OR INABILITY OF THE OFFICIALS MENTIONED IN THE NEXT PRECEDING PARAGRAPH."

This is in lieu of the Third Reading Copy which reads as follows:

The Congress shall provide by law for the case of death, permanent disability or inability of the officials mentioned in the next preceding paragraph and the manner in which one who is to act as President shall be

selected until a President or a Vice-President shall have qualified.

It is just really a recasting to make it clearer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 8, no change; paragraph 1; paragraph 2, there is a reformulation by the ADAN.

MR. AZCUNA: Paragraph 2, as reformulated, reads: "THE CONGRESS SHALL BY LAW PROVIDE WHO SHALL SERVE AS PRESIDENT IN CASE OF DEATH, PERMANENT DISABILITY OR RESIGNATION OF THE ACTING PRESIDENT. HE SHALL SERVE UNTIL THE PRESIDENT OR THE VICE-PRESIDENT SHALL HAVE BEEN ELECTED AND QUALIFIED AND BE SUBJECT TO THE SAME RESTRICTIONS OF POWERS AND DISQUALIFICATIONS AS THE ACTING PRESIDENT."

THE PRESIDING OFFICER (Mr. Jamir). Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 9, no change.

MR. AZCUNA: No change.

MR. RODRIGO: Section 10, no change, except for the addition of commas (,). Then on lines 22 and 23 which reads: "The bill calling for such special election shall be deemed certified under paragraph ____." Under the original, it is blank, but since we already know the paragraph, we place here "2." And we placed "27" after "Section" because we already know the section of Article VIII. Then on lines 27 and 28, we put "26" after "Section" which used to be a blank.

That is all, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

Section 11 was reformulated by the ADAN.

MR. AZCUNA: Section 11 has been reformulated to read as follows: "WHENEVER THE PRESIDENT TRANSMITS TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES HIS WRITTEN DECLARATION THAT HE IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, AND UNTIL HE TRANSMITS TO THEM A WRITTEN DECLARATION TO THE CONTRARY, SUCH POWERS AND DUTIES SHALL BE DISCHARGED BY THE VICE-PRESIDENT AS ACTING PRESIDENT.

WHENEVER A MAJORITY OF ALL THE MEMBERS OF THE CABINET TRANSMIT TO THE PRESIDENT OF THE SENATE AND TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES THEIR WRITTEN DECLARATION THAT THE PRESIDENT IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, THE VICE-PRESIDENT SHALL IMMEDIATELY ASSUME THE POWERS AND DUTIES OF THE OFFICE AS ACTING PRESIDENT.

THEREAFTER, WHEN THE PRESIDENT TRANSMITS TO THE PRESIDENT OF THE SENATE AND TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES HIS WRITTEN DECLARATION THAT NO INABILITY EXISTS, HE SHALL REASSUME THE POWERS AND DUTIES OF HIS OFFICE. MEANWHILE, SHOULD A MAJORITY OF ALL THE MEMBERS OF THE CABINET TRANSMIT WITHIN FIVE DAYS TO THE PRESIDENT OF THE SENATE AND TO THE SPEAKER OF THE HOUSE OF

REPRESENTATIVES THEIR WRITTEN DECLARATION THAT THE PRESIDENT IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, THE CONGRESS SHALL DECIDE THE ISSUE. FOR THAT PURPOSE, THE CONGRESS SHALL CONVENE IF IT IS NOT IN SESSION, WITHIN FORTY-EIGHT HOURS, IN ACCORDANCE WITH ITS RULES AND WITHOUT NEED OF ALL."

The rest is not changed.

MR. RODRIGO: No, there is a change.

MR. AZCUNA: Is there a change?

MR. RODRIGO: Yes, on the next page, Mr. Presiding Officer.

MR. AZCUNA: "IF THE CONGRESS, WITHIN TEN DAYS AFTER RECEIPT OF THE LAST WRITTEN DECLARATION, OR, IF NOT IN SESSION, WITHIN TWELVE DAYS AFTER IT IS REQUIRED TO ASSEMBLE, DETERMINES BY A TWO-THIRDS VOTE OF BOTH HOUSES, VOTING SEPARATELY, THAT THE PRESIDENT IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, THE VICE-PRESIDENT SHALL ACT AS PRESIDENT; OTHERWISE, THE PRESIDENT SHALL CONTINUE EXERCISING THE POWERS AND DUTIES OF HIS OFFICE."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

Commissioner Maambong is recognized.

MR. AZCUNA: These are very important provisions.

MR. MAAMBONG: On page 23, line 28. Do we really have to capitalize the letter "r" in "rules"?

MR. AZCUNA: No, we do not have to. We can have it in small letter.

MR. MAAMBONG: All right. May we ask that it be placed in small letter?

Thank you.

MR. RODRIGO: Yes, small letter "r."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 12. On line 11, we added "MEMBERS OF THE CABINET" and we transposed "shall not be denied access to the President."

MR. AZCUNA: On line 11, instead of "Cabinet Members," we say "MEMBERS OF THE CABINET." And we transposed "during such times" after "Armed Forces of the Philippines" to the end; and instead of "during such times," we say "DURING SUCH ILLNESS." So that it will read: "THE MEMBERS OF THE CABINET in charge of national security and foreign relations and the Chief of Staff of the Armed Forces of the Philippines, shall not be denied access to the President DURING SUCH ILLNESS."

MR. RODRIGO: All right.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection?

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: We also deleted "as commander-in- chief."

MR. AZCUNA: Where?

MR. RODRIGO: Yes, "as commander-in-chief" was deleted.

MR. MONSOD: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 13 was also substituted by the ADAN.

MR. AZCUNA: Yes. In Section 13, we have the following formulation of the first paragraph: "The President, Vice-President, THE MEMBERS of the CABINET, and their deputies or assistants shall not, UNLESS OTHERWISE PROVIDED IN THIS CONSTITUTION, hold any other office or employment during their tenure."

MR. RODRIGO: No, the "not" there is a misprint. There should be a word "NOT" after "shall."

MR. AZCUNA: Yes, "shall not, UNLESS OTHERWISE PROVIDED." There is the word "not" in my copy.

MR. RODRIGO: Line 18.

MR. AZCUNA: On line 18, "THEY SHALL NOT, DURING THEIR TENURE, DIRECTLY OR INDIRECTLY PRACTICE ANY OTHER PROFESSION, PARTICIPATE IN ANY BUSINESS, OR BE FINANCIALLY INTERESTED IN ANY CONTRACT WITH, OR IN ANY FRANCHISE, OR SPECIAL PRIVILEGE GRANTED BY THE GOVERNMENT OR ANY SUBDIVISION, AGENCY, OR INSTRUMENTALITY THEREOF, INCLUDING ANY GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS OR THEIR SUBSIDIARIES. THEY SHALL STRICTLY AVOID CONFLICT OF INTEREST IN THE CONDUCT OF THEIR OFFICE."

MR RODRIGO: All right.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: The second paragraph, no change.

MR. AZCUNA: We just changed "ministers" to "SECRETARIES."

MR. OPLE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Ople is recognized.

MR. RODRIGO: "SECRETARIES," instead of "ministers" and "UNDERSECRETARY," instead of "deputy minister," on page 25, line 2.

MR. OPLE: May I know the committee's rule, Mr. Presiding Officer, with respect to the word "government." Is it capitalized or not?

MR. RODRIGO: It is capitalized.

MR. OPLE: I suggest adjustments should be made.

MR; RODRIGO: But not, for example, when we say "government-owned or controlled corporations."

MR. OPLE: No, not in that sense.

MR. AZCUNA: On line 23, we used the word "government, it should be capitalized.

MR. OPLE: Yes.

MR; AZCUNA: "Privilege granted by the Government."

MR. OPLE: What about the words like "secretaries" and "undersecretaries," are these not capitalized?

MR. RODRIGO: We capitalized "ministers," therefore, we should capitalize "secretaries."

MR. OPLE: Yes, to distinguish them from other kinds of secretaries.

MR. AZCUNA: Yes.

MR. OPLE: Thank you.

MR. AZCUNA: Therefore, we capitalize the "S" of "Secretaries" and the "U" of "Undersecretaries."

MR. RODRIGO: Yes. Is there a hyphen (-) between "Under" and "secretaries"?

MR. AZCUNA: None, Mr. Presiding Officer.

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: We will first have the approval of Section 13 then I will make a manifestation, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: I was just wondering if there should be a hyphen (-) between "Under" and "secretaries."

MR. AZCUNA: I do not believe there is.

MR. FOZ: Are we capitalizing the second word "secretaries"?

MR. AZCUNA: We are capitalizing the second word, as well.

MR. RODRIGO: Should there be a hyphen (-) in "undersecretaries"?

MR. RODRIGO. No hyphen (-).

MR. FOZ: But the word "Secretaries" is capitalized.

MR. AZCUNA: Yes.

MR. RODRIGO: Both "U" and "S."

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. FOZ. I was asking the question whether there should be.

MR. RODRIGO: I am not sure.

MR. AZCUNA: I do not think so. We capitalize "s" but there is no hyphen (-).

MR. ROMULO: Under the American practice, there is no hyphen (-).

MR. AZCUNA: No, there is no hyphen (-).

MR. SARMIENTO: Thank you, Mr. Presiding Officer.

May I know if we are capitalizing "members of the Constitutional Commissions"? These are the constitutional commissions.

MR. AZCUNA: What line, Mr. Presiding Officer?

MR. RODRIGO: Line 13.

MR. SARMIENTO: We capitalized "Office of the Ombudsman." What about "appointed as members"?

MR. AZCUNA: Yes, I think we should also capitalize "M."

MR. SARMIENTO: Yes.

MR. AZCUNA: The letter "C" in "Constitutional" and "Commissions" is also capitalized.

MR. SARMIENTO: Yes, thank you.

MR. OPLE: Just one question, Mr. Presiding Officer. Before we leave this paragraph, I would like to know if this is also a mandate to the government to use "Secretaries" and "Under Secretaries." So that after the ratification of this Constitution the ministers shall be known as "Secretaries" and "Under Secretaries"?

MR. RODRIGO: Yes.

MR. OPLE: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Is it necessary to change "Minister" to "Secretary"? Are there no presidential forms that use the word "Minister"?

MR. RODRIGO: I do not know but that was how we denominated them before the 1973 Constitution.

MR. AZCUNA: Yes, under the 1935 Constitution.

MR. MONSOD: Yes, I was just wondering, Mr. Presiding Officer, if there is really a need to change the name. It is just a matter of reference. I do not think there is really a mandatory change and I just wanted to put on record if we can keep that matter open.

MR. RODRIGO: All right.

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

MR. BENGZON: To my knowledge, and on the basis of researches that I made and as far as I know, those countries that have parliamentary forms of government call their Cabinet Ministers "Ministers, and those countries that have presidential forms call them "Secretaries" and "Under Secretaries."

MR. RODRIGO: It is just a reservation.

MR. BENGZON: Yes. My question now is, do we also capitalize "C" in "chairman" and "H" in "head"?

MR. AZCUNA: No.

MR. BENGZON: No.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: I am sorry, have we capitalized "Members of the Constitutional Commissions"?

MR. AZCUNA: Yes.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 14, no change.

MR. MAAMBONG: Mr. Presiding Officer. I just wanted to put on record that I would have wanted that after Section 13, Section 14, in the Third Reading copy of the Article on Accountability of Public Officers, should have been inserted because Section 13 speaks of prohibitions against the President. And this Section 14 of the Article on Accountability of Public Officers reads:

No loan, guaranty, or other form of financial accommodation for any business purpose may be granted, directly or indirectly, by any government-owned or controlled bank or financial institution to the President, Vice-President, the Members of the Cabinet, the Congress, Supreme Court, and the Constitutional Commissions or the Ombudsman, or to any firm or entity in which he has controlling interest, during their tenure.

However, after a long conference with Commissioner Azcuna, he was able to convince me that this Section 14, instead of being transferred to the Article on the Executive, should instead be transferred to the Article on Constitutional Commissions — Civil Service Commission. I am making this manifestation because Commissioner Monsod is here. If he will have any objection to the transfer of this provision to Civil Service, probably by tomorrow I would know it, so that it will also affect the sequencing of the articles which I am preparing.

Thank you.

MR. RODRIGO: It is so recorded.

Section 14 no change. Section 15, again by the ADAN.

MR. AZCUNA: Section 15 has been also restyled to read as follows: "TWO MONTHS IMMEDIATELY BEFORE THE NEXT PRESIDENTIAL ELECTIONS, AND UP TO THE END OF HIS TERM, A PRESIDENT OR ACTING PRESIDENT SHALL NOT MAKE APPOINTMENTS, EXCEPT TEMPORARY APPOINTMENTS TO EXECUTIVE POSITIONS WHEN CONTINUED VACANCIES THEREIN WOULD PREJUDICE PUBLIC SERVICE OR ENDANGER PUBLIC SAFETY."

MR. FOZ: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Foz is recognized.

MR. FOZ: Does not the Gentleman think this subjunctive "would" should be "will"?

I would suggest that "would" be changed to "will" or "shall."

MR. AZCUNA: Except when "would" would prejudice.

MR. FOZ: Because "would" is something doubtful.

MR. RODRIGO: Does the Gentleman want to change it to "shall"?

MR. FOZ: If there is prejudice, then there is prejudice. There is no doubt about it.

MR. ROMULO: It should be "will" not "shall."

MR. AZCUNA: All right. It is in the subjunctive because the idea there is that it would have prejudiced public service if the appointments were not made. That is all right, if the Gentleman wishes to use "will prejudice" on line 13.

MR. RODRIGO: On line 16, there is no change except that on line 23, we inserted the word "FOR between "provided" and ' by law " So that it will read: "He shall also appoint all other officers of the Government whose appointments are not otherwise provide FOR by law."

THE PRESIDING OFFICER (Mr. Jamir): Is there an objection?

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: There is a very minor amendment on line 17, instead of "a" before "Commission," it should be "THE."

MR. RAMA: Anterior amendment, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Rama is recognized.

MR. RAMA: I would like to go back to this second paragraph of Section 13:

The spouse and relatives by consanguinity or affinity within the fourth civil degree of the President shall not during his tenure be appointed as Members of the Constitutional Commissions, or the Office of the Ombudsman, or as Secretaries, Undersecretaries, chairmen or heads . . .

I thought we forgot that the Supreme Court is a very important office from which all his relatives and spouse should be disqualified. It is very substantial because we will have a President where few of the Supreme Court justices would be his relatives.

So, may I present an amendment that on line 30 of page 24, we insert the words "DURING HIS TENURE BE APPOINTED AS MEMBERS OF THE SUPREME COURT."

MR. OPLE: Mr. Presiding Officer, this is beyond the style.

MR. AZCUNA: It is beyond our style. Anyway, it will be difficult because the appointment has to pass through the Judicial and Bar Council. The President cannot just appoint a relative unless the Judicial and Bar Council nominates the said relative, but I do not think the Council will.

MR. RAMA: But that may happen.

MR. AZCUNA: That may happen but it will be hard.

MR. RAMA. Anyway, the Judicial and Bar Council might pick some of the relative's spouse.

MR. MONSOD: So, are we not inserting that, Mr. Presiding Officer?

MR. RODRIGO: No.

MR. MONSOD: Thank you.

THE PRESIDING OFFICER (Mr. Jamir): We shall first approve Section 15.

Is there any objection? (Silence) The Chair hears none; Section 15, as amended, is approved.

MR. RODRIGO: We have already indicated a change for the first paragraph of Section 16. We just add the word "FOR," so that it will read: "provided FOR by law" instead of "provided by law."

MR. AZCUNA: On line 17, we also deleted "shall."

MR. SARMIENTO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. SARMIENTO: It is a minor amendment, Mr. Presiding Officer, following the English system. After the word "Commissions," place a comma (,) followed by "or boards." That is on line 27.

MR. DAVIDE: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Davide is recognized.

MR. DAVIDE: I had an earlier proposal. I do not know if the committee had accepted it. It is to change the article "a" before "Commission" on line 17 to "THE."

MR. RODRIGO: "President shall nominate and with the consent of THE."

MR. DAVIDE: Yes, "of THE."

MR. AZCUNA: "consent of THE Commission on Appointments."

On line 16, we change the comma (,) there, so that it would read: "nominate and, . . ."

MR. RODRIGO: Yes, "nominate and." All right.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: On Section 16, the second paragraph has no change except a comma (,) after "compulsory." "During the recess of Congress, whether voluntary or compulsory, . . ."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 17. "The President shall have control of all the executive departments, bureaus and offices and shall take care . . ." now we deleted "general supervision over all local governments as may be provided by law." The reason is that it is exactly the same provision in the Article on Local Government, and then we added "THAT THE LAWS BE FAITHFULLY EXECUTED."

MR. SARMIENTO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. SARMIENTO: Can we possibly replace the words "take care" with "ENSURE" because taking care is like taking care of a baby, so that it will read: "He shall ENSURE that the laws be faithfully executed "

MR. RODRIGO: All right.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: On Section 18, there are minor amendments namely: line 17, "within forty-eight hours of the

proclamation of martial law," instead of "of," it should be "FROM" so that it will read: "within forty-eight hours FROM the proclamation of martial law." Then, "The President shall submit a report in person, in writing to Congress," we inserted "THE" before "Congress" on pages 24 and 26.

MR. AZCUNA: There should be a comma (,) after "invasion" on line 12. So that it should be "violence, invasion, or rebellion."

MR. RODRIGO: Then, "habeas corpus" is underlined.

MR. AZCUNA: That is in Latin, it should really be underlined because it is in Latin.

MR. RODRIGO: We underline "habeas corpus" but we remove the underline of "writ of."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none, the amendment is approved.

MR. RODRIGO: On the second sentence of page 27, there is no change except a comma (,) after "shall," so that it will read: "the Congress, if not in session, shall, within twenty-four hours, . . ."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. MONSOD: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Monsod is recognized.

MR. MONSOD: Do we really need a comma (,) on page 27, line 2 after "hours"? "The Congress, if not in session, shall, within twenty-four hours, . . ."

MR. RODRIGO: Yes, "within twenty-four hours, . . ."

MR. MONSOD: I do not think we need it there. I think it should be "shall, within twenty-four hours following such proclamation or suspension" the predicate of the second half of that is "shall convene."

MR. RODRIGO: "Shall, within twenty-four hours following . . ."

MR. AZCUNA: Yes, it is possible.

MR. RODRIGO: Yes, so we remove the comma.

MR. AZCUNA: We shall remove the comma after "shall" and after "hours," because that is an unessential qualifier. So, there should be no comma.

MR. RODRIGO: How about the comma after "shall"?

MR. AZCUNA: There is no need.

MR. MONSOD: I think we need the comma after "shall" because we have a comma after "suspension."

MR. RODRIGO: Correct, thank you.

MR. AZCUNA: That is right.

MR. RODRIGO: On the next paragraph, we just deleted the numeral 30 in brackets after the words "thirty days."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: On page 27, lines 19 to 21 we changed the words "who has been" to "THUS ARRESTED" in the sentence "During the suspension of the privilege of the writ, any person who has been arrested. . ."

MR. AZCUNA: Yes.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. SARMIENTO: Thank you, Mr. Presiding Officer.

May I just invite the attention of the committee to lines 6 to 9 of the same page, Mr. Presiding Officer. Do we have to use a comma after "martial law" and after "writ", using the English system?

MR. RODRIGO: "The sufficiency of the factual basis of the proclamation of martial law"?

MR. SARMIENTO: Yes, Mr. Presiding Officer. ". . . of the suspension of the privilege of the writ, or the extension thereof and must promulgate . . ."

MR. RODRIGO: "The Supreme Court may review, in an appropriate proceeding filed by any citizen, the sufficiency of the factual basis of the proclamation of martial law."

MR. AZCUNA: No. Because we will repeat the "or." So we either use commas or we repeat the "or." That is just the rule.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: On Section 20, no change except the brackets of the figure 30 were deleted. Then, the "Government" on line 10 was capitalized.

On line 12, we placed a comma after the word "foreign debt" so that it would read: "government-owned and controlled corporations which would have the effect of increasing the foreign debt, and containing other matters as may be provided by law."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendments are approved.

MR. RODRIGO: On Section 21, there is no change.

MR. AZCUNA: On Section 22, we changed it to read as follows: "The President shall submit to THE Congress within thirty days:" There is no comma after "days." "Within thirty days from the opening of every regular session, as the basis of the general appropriations bill, a budget of expenditures." There is no comma after "expenditures." "And sources of financing, including receipts from existing and proposed revenue measures."

MR. SARMIENTO: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Sarmiento is recognized.

MR. SARMIENTO: Before we vote on Section 22, may I just invite the attention of the committee to line 16 of Section 21. Members of the Senate, Members of the Cabinet and Members of the Constitutional Commissions are capitalized.

MR. RODRIGO: So they are capitalized.

MR. SARMIENTO: Yes, Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Maambong is recognized.

MR. MAAMBONG: I just want to make an inquiry in view of this Section 22. Have we deleted a similar provision on Section 26, paragraph 1 of the Article on the Legislative Department?

MR. AZCUNA: Yes, we have, Mr. Presiding Officer.

MR. MAAMBONG: So there will be no repetition of the same section on Section 26 (1) of the Article on the Legislative Department.

MR. AZCUNA: No repetition, that is right.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RODRIGO: Section 23, no change. And that is the end of the Article on the Executive.

Shall we go to the Article on the Legislative Department?

MR. BENGZON: Mr. Presiding Officer.

THE PRESIDING OFFICER (Mr. Jamir): Commissioner Bengzon is recognized.

I would like to move now for adjournment until tomorrow.

MR. RAMA: Let us approve first the whole article.

THE PRESIDING OFFICER (Mr. Jamir): All right, let us vote on the article.

MR. FOZ: Mr. Presiding Officer, before we vote on the article, may we just make a slight correction. This is on page 27, second paragraph about the Supreme Court. On line 8, we read that: "thereof and must promulgate its decision on the same." May we change "on the same" with "THEREON"?

MR. AZCUNA: "Promulgate its decision THEREON"?

MR. FOZ: Does it not sound better?

MR. AZCUNA: I have no objection to that.

MR. RODRIGO: Yes, "THEREON."

MR. AZCUNA: So that it will read: "The Supreme Court may review in an appropriate proceeding filed by any citizen, the sufficiency of the factual basis of the proclamation of martial law or the suspension of the privilege of the writ or the extension thereof, and must promulgate its decision THEREON within thirty days from its filing."

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the amendment is approved.

MR. RAMA: I move that we vote on the entire Article on the Executive Department.

THE PRESIDING OFFICER (Mr. Jamir): Is there any objection? (Silence) The Chair hears none; the Article on the Executive Department is approved.

MR. AZCUNA: That is with the reservation on Secretaries and Under Secretaries because Commissioner Monsod wants to check that.

THE PRESIDING OFFICER (Mr. Jamir). The Floor Leader is recognized.

ADJOURNMENT OF SESSION

MR. RAMA: I move that we adjourn until tomorrow at nine o'clock in the morning.

MR. BENGZON: The chairman of the Steering Committee would like to thank the Members of the Commission for extending their patience and for continuing to work after dinner.

THE PRESIDING OFFICER (Mr. Jamir): The session is adjourned until tomorrow at nine o'clock in the morning.

It was 8:59 p.m.

[*] Appeared after the roll call.

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