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Friday, August 1, 1986

OPENING OF SESSION

At 9:52 a.m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

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

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Bernardo M. Villegas.

Everybody remained standing for the Prayer.

PRAYER

MR. VILLEGAS: God Almighty, You created us so that we may perfect ourselves mainly through human work. Through our first parents, You commanded us to exercise dominion over the whole earth. Work, far from being a punishment, has always been part of our human nature. Work — whether manual or intellectual — is the main instrument You have given us for our personal sanctification.

Lord, thank You for giving us during these past few weeks the opportunity to work with unusual vigor. We are edified to see among our colleagues in the Commission outstanding examples of diligence, thoroughness, patience, perseverance, attention to details and an abhorrence for sloppiness and mediocrity in professional work. May the lessons we are learning from them last for the rest of our lives and may we spread these exemplary attitudes to work far and wide among our fellow Filipinos.

Through the work we have been performing in writing a Constitution for our people, we want to participate in Your continuing task of creation by helping in a small way to build a just and humane society. We want this work to give glory to You and to serve our people, especially those who are poor and defenseless. Through a preferential concern for the poor, let us fulfill the new commandment which Your only begotten Son, Jesus Christ, brought to us. Let us love in deeds, and not just in words. Let us learn once and for all that love, more than being an emotional or sentimental feeling, is an act of the will by which we seek the good of others even at our own expense. May we continuously exercise this act of the will in good and bad times, in joy and in pain.

All these we ask You through Your Beloved Son, Jesus Christ. Amen.

ROLL CALL

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

THE SECRETARY-GENERAL: reading:

Abubakar Present [*] Monsod Present

Alonto Present [*] Natividad Present [*]

Aquino Present Nieva Present

Azcuna Present Nollado Present

Bacani Present Ople Present [*]

Bengzon Present [*] Padilla Present [*]

Bennagen Present Quesada Present

Bernas Present Rama Present

Rosario Braid Present Regalado Present

Brocka Present [*] Reyes de los Present

Calderon Present Rigos Present

Castro de Present Rodrigo Present

Colayco Present [*] Romulo Absent

Concepcion Present [*] Rosales Present

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 Present [*] Uka Present

Lerum Present [*] Villacorta Present

Maambong Present [*] Villegas Present

The Secretariat is in receipt of official advice of absence of Commissioner Treñas.

The President is present.

The roll call shows 34 Members responded to the call.

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

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

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

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

APPROVAL OF JOURNAL

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

THE PRESIDENT: Is there any objection that we approve the Journal of the last session? (Silence) The Chair hears none; the motion is approved.

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

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

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

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

COMMUNICATIONS

Letter from Mr. Niceto Z. Limpiedo, Municipal Mayor of Naval, Leyte, transmitting Resolution Nos. 72 to 76, series of 1986, of the Sangguniang Bayan of Naval, requesting inclusion of provisions in the Constitution providing for salaries, insurance, retirement and leave benefits for elective municipal officials.

(Communication No. 404 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Letter from Mr. Magdaleno Espirito, Jr., of School Volunteer Program (Philippines) Unit 823, Building 8, UP Bliss, Diliman, Quezon City, requesting inclusion of provisions in the Constitution providing for free and compulsory elementary and secondary education and recognizing the role of private colleges and universities in tertiary education by granting annual budgetary support.

(Communication No. 405 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Telegram from Mr. Anacleto O. Ranises of Lapasan, Cagayan de Oro City, requesting the Commission to give the Visaya-Cebuano language equal treatment with Tagalog in the Constitution.

(Communication No. 406 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from former MP Princess Potri Ali Pacasum of 26 Marunong, Central District, Diliman, Quezon City, urging the Constitutional Commission to include in the Constitution a provision granting autonomy to the Bangsa Moro Nation of the South and the Cordillera people of the North.

(Communication No. 407 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Communication from the Movement for a Filipino Federal Republic, signed by Mr. Samuel C. Occena, 31 Tionko Avenue, Davao City, submitting draft articles for a federal system of government.

(Communication No. 408 — Constitutional Commission of 1986)

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

Letter from the Southern Philippine Muslim Youth Association, c/o P.O. Box 5452, Iligan City, signed by Sultan Daud P. Salsal, requesting the Constitutional Commission to consider the full implementation of the Bangsa Moro Autonomous Government within the framework of the national sovereignty and territorial integrity of the Philippines.

(Communication No. 409 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Letter from Mr. Ramon G. Santillan, President of the Tabaco Senior Citizens, Inc., 303 Ziga Avenue, Tabaco, Albay, submitting his association's Resolution No. 86-B-3, proposing a provision for a truly socialized program for the neglected and forgotten elders in the form of increased pension and government subsidized health care.

(Communication No. 410 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Ms. Emma Susan I. Ortega of the Humanist Party, P.O. Box 5088, Makati, Metro Manila, applauding the inclusion of the article that gives equal rights to women in all fields and expressing opinions on the issue of legalizing abortion and on the legalization of divorce.

(Communication No. 411 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Sister Leontina Castillo, OSA and Brother Rafael Donato, FSC, Association of Major Religious Superiors in the Philippines, 214 N. Domingo Street, Quezon City, urging the Constitutional Commission to adopt measures on (1) Philippines sans foreign military bases and nuclear plants and arms, (2) genuine land reform, (3) nationalist agricultural development and industrialization, (4) free and nationalist education, (5) national language, (6) just labor laws, and (7) right of tribal Filipinos.

(Communication No. 412 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from the Catholic Women's League, Archdiocese of Manila, signed by its President, Susana P. Africa, and the other officers and members of the board of directors, expressing appreciation and support for the inclusion in the Constitution provisions on human rights of unborn children from the moment of conception and on the teaching of religion in public elementary and secondary schools under certain conditions.

(Communication No. 413 — Constitutional Commission of 1986)

To the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights.

Letter from the Honorable Commissioner Ponciano L. Bennagen, transmitting a letter from the Solidarity of Humane Organization for Equality and Sovereignty (SHOES) of Marikina, submitting various proposals for the consideration of the Constitutional Commission.

(Communication No. 414 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Miguel Ll. Moreno, transmitting Resolution No. 24, series of 1986, of the Sangguniang Bayan of Taal, Batangas, informing the Constitutional Commission of the objection of the Sangguniang Bayan of Taal to the scrapping of the death penalty from the Penal Code.

(Communication No. 415 — Constitutional Commission of 1986)

To the Committee on Citizenship, Bill of Rights, Political Rights and Obligations and Human Rights.

CONSIDERATION OF

PROPOSED RESOLUTION NO. 517

(Article on the Executive) [*]

Continuation

PERIOD OF AMENDMENTS

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: Up for consideration this morning is the pending last amendment to the Article on the Executive, Committee Report No. 26. This is the amendment that was proposed by Commissioner Jamir. So, in order to wind up our job on this Article on the Executive, I ask that Commissioner Jamir be recognized.

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

May we request the honorable Chairman and members of the Committee on the Executive to please occupy the front table.

At this juncture, may we acknowledge the presence this morning of students from Maryknoll College, Ateneo de Manila, St. Scholastica College, Philippine Normal College, St. Bridget's (Quezon City) and St. Bridget's (Batangas). We thank you, specially our young people, for expressing interest in our deliberations.
(Applause)

Commissioner Jamir is recognized.

MR. JAMIR: Thank you, Madam President.

I will now restate my proposed amendment to insert a paragraph between the first and second paragraphs of Section 4 to read as follows: NO PERSON WHO HAS SERVED MORE THAN THREE YEARS AS PRESIDENT SHALL BE QUALIFIED FOR ELECTION TO THE SAME OFFICE AT ANY TIME.

May I know the response of the Committee?

THE PRESIDENT: What does the Committee say?

MR. SUMULONG: Will the proponent explain why he added the phrase "AT ANY TIME"?

MR. JAMIR: Madam President, under our approved provision on the President, we will have no reelection — the President is not entitled to any reelection. That is why in this proposal, I placed the words AT ANY TIME to accord with that provision.

MR. REGALADO: May I inform Commissioner Jamir that Commissioner Monsod announced yesterday that he is toying with the idea of seeking a suspension of the Rules to enable a proposed motion for reconsideration of the provision that the President cannot run for immediate reelection, the word "immediate" having been eliminated. That is why I mentioned to the proponent that if that contingency comes to pass, this portion of his proposed amendment "AT ANY TIME" may be affected.

MR. JAMIR: Should that contingency arise, I will have no objection in deleting the phrase AT ANY TIME in order to coincide with the reconsideration, if ever that comes.

MR. REGALADO: That will be replaced by the phrase IN THE NEXT SUCCEEDING ELECTION.

MR. JAMIR: Yes.

THE PRESIDENT: In other words, is it the position of the Committee that we defer this to some other time until we have taken up the manifestations of Commissioner Monsod?

MR. REGALADO: Madam President, anyway, Commissioner Jamir has accepted the condition that in the event the motion for reconsideration of Commissioner Monsod prospers, the phrase "AT ANY TIME" will merely be replaced with the phrase IN THE NEXT SUCCEEDING ELECTION, which was in his original proposal.

MR. JAMIR: I affirm that, Madam President.

MR. REGALADO: So, I think we can consider this.

THE PRESIDENT: The Chair suggests that a caucus be held by the Commissioners on this important point that has been raised by Commissioner Monsod. We will advise the Commissioners when this caucus will take place, because there may be other matters to be taken that will be affected by any decision the body would take on this issue.

So, can we call on that, Commissioner Jamir, at some later time?

MR. JAMIR: Yes, Madam President.

MR. REGALADO: But, Madam President, the Committee accepts in principle this proposed amendment, subject to these contingencies.

MR. JAMIR: Thank you.

MR. RAMA: Madam President, subject to the reservations of the Committee and Commissioner Jamir, I move that we close the period of amendments on this Article on the Executive, Committee Report No. 26.

THE PRESIDENT: Is there any objection that we close the period of amendments on this Article on the Executive?

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: May I just make a clarification with regard to the phrase, "the vote of the majority of all Members of Congress." It is my understanding that this applies in all of those cases except in the exception we approved yesterday on the declaration of martial law. It would mean Congress or the Members of both Houses voting separately. Is that the understanding, Madam President?

THE PRESIDENT: Can we have the reaction from the Committee?

FR. BERNAS: Except in the cases where we specifically said that they will be voting jointly.

MR. MONSOD: Which is only one case, Madam President.

FR. BERNAS: Two.

MR. MONSOD: No, one case only.

FR. BERNAS: Two.

MR. MONSOD: Which is the other one?

FR. BERNAS: The concurrence in martial law, the revocation of martial law and the extension of martial law.

MR. MONSOD: I agree.

MR. RAMA: Madam President, there is a motion that we close the period of amendments on the Article on the Executive.

THE PRESIDENT: Is there any objection that we close the period of amendments on Proposed Resolution No. 517 on the Article on the Executive? (Silence) The Chair hears none; the motion is approved.

MR. RAMA: Madam President, the voting on Second Reading on the Article on the Executive will have to be deferred until we shall have received our copies of the Article, as amended, so that everybody would know what he is voting for.

THE PRESIDENT: What is our next business?

MR. RAMA: Madam President, the other business was supposed to have been the Third Reading on the Article on Accountability of Public Officers, but the Chairman of the Committee on Accountability of Public Officers has just told me that he is not ready to present the Article for Third Reading.

I move that we take up for consideration the pending matter of party list and sectoral representation in the Article on the Legislative. I understand that the proponents of these two systems have come to an agreement.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 10:13 a.m.

RESUMPTION OF SESSION

At 10:23 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: We have an item under the Unfinished Business which has been pending for a long time now-I am referring to the motion for reconsideration of our vote on the Article on Amendment to the Constitution which was filed by Commissioner Gascon. May I ask that Commissioner Gascon be recognized to present his motion for reconsideration for final action by this body.

THE PRESIDENT: Commissioner Gascon is recognized.

RECONSIDERATION OF APPROVAL OF
PROPOSED RESOLUTION NO. 322

(Article on Amendments or Revisions)[*]

MR. GASCON: Thank you, Madam President.

This is with regard to Proposed Resolution No. 322 which is now pending for Third Reading. Before we go into Third Reading of the said resolution, I would like to ask the body to reconsider our decision on Second Reading with regard to Section 2 of the Article on Amendment or Revision which reads:

Amendments to this Constitution may likewise be directly proposed by the people through initiative upon a petition of at least 12 percent of the total number of registered voters of which every legislative district must be

represented by at least three percent of the registered voters thereof. No amendment under this section shall be authorized within five years following the ratification of this Constitution nor oftener than once every five years thereafter.

My motion for reconsideration is based on my appeal to the body that we delete the last phrase after the word "Constitution" which says: "nor oftener than once every five years thereafter," which would actually mean that the people can exercise initiative only every five years as far as presenting amendments to the Constitution is concerned.

The Philippines is a republican state and sovereignty resides in the people and all government authority emanates from them. It is in recognition of this principle that we have sought to enshrine in the new Constitution a provision for amendment of the Constitution by initiative of the people.

The provision as it stands now, however, limits such power of the people by prescribing a five-year limit to every amendment that may be brought through initiative, despite the difficult task of gathering at least three percent of the voters in every legislative district.

There are various reasons why I am seeking for a reconsideration of the provision we just approved. Firstly, by enshrining the initiative process in the Constitution, we have recognized the supreme will of the people over the legislature composed only of elected representatives. We have provided a vehicle for amending the Constitution by the people themselves who have firsthand knowledge of the problems we face.

Secondly, we did not see it fit to limit the power of the legislature, composed of not more than 250 elected representatives, to propose amendments, but instead chose to limit amendments by initiative of the people which would be supported by at least 12 percent of the qualified voters, or roughly 3.2 million voters. This contradicts the principle that sovereignty resides in the people.

Lastly, as I have said earlier, the three-percent requirement for every legislative district can serve as the necessary stopper for any abuse of the power of amendment by initiative. It is not an easy task to gather signatures of at least three percent of the voters in every district. Therefore, the fear that this will be abused is not a real fear.

I therefore plead that this body reconsider our position if we are really determined to provide the people with this reserve power and we aim to establish a Constitution that will truly embody the ideals and aspirations of the people. If ours is truly a republican government, we should not create structures that would restrict, hamper, or impair the effective exercise of the people of their power to initiate amendments to the Constitution, thereby ensuring the atmosphere for a genuine, popular democracy.

Thank you.

THE PRESIDENT: Are Commissioner Gascon's amendments related to Section 2?

MR. GASCON: Yes, Madam President. They are on the last two lines of Section 2 which read: "nor oftener than once every five years thereafter."

THE PRESIDENT: May we ask the Secretary-General to please read the provisions of Section 2 as already approved.

THE SECRETARY-GENERAL, reading:

SECTION 2. Amendments to this Constitution may likewise be directly proposed by the people through initiative upon a petition of at least twelve percent of the total number of registered voters, of which every legislative district must be represented by at least three percent of the registered voters thereof. No amendment

under this section shall be authorized within five years following the ratification of this Constitution nor oftener than once every five years thereafter.

The National Assembly shall by law provide for the implementation of the exercise of this right.

THE PRESIDENT: May we hear from the Chairman of the Committee on Amendments and Transitory Provisions.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: This matter had already been exhaustively discussed when we decided to approve this particular section. So we would like to leave it to the body to appreciate this development in connection with the filing of the motion for reconsideration seeking the deletion of this sentence as presented by Commissioner Gascon.

MR. RAMA: Madam President, before we take a vote, may I ask that Commissioner Bernas be recognized to ask the proponent of the amendment some questions?

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Thank you, Madam President.

All the reasons cited by the Gentleman for deleting the last phrase "nor oftener than once every five years thereafter" apply to the entire sentence. May I know why he is asking for the deletion only of the last phrase?

MR. GASCON: During our deliberations, we discussed certain parameters whereby this reserve power could be implemented and for which reason we have agreed to allow a 12- and three-percentage parameter for each legislative district. Although originally I had already presented my position that this should have been less strict, I have agreed to the position of the majority. However, the last phrase "nor oftener than once every five years thereafter" would actually imply that the people can only begin the practice of this initiative after five years from now, assuming that this Constitution is ratified, to which I agree because we have to give the Constitution time to be put into practice. But after that it will only be practiced every five years. That means we would only have one initiative every five years at the most. I feel this is too much of a restriction on the people as far as amending the Constitution is concerned.

FR. BERNAS: Madam President, I am supporting the amendment, but what I am really asking is why the proponent is not supporting more concessions.

MR. GASCON: This was in agreement with the Committee Chairman. I tried to ask for more concessions but he was only willing to allow me to present my position on this matter because the issue of percentages has already been thoroughly discussed.

FR. BERNAS: I am not referring to the percentages Madam President, I am just referring to the entire sentence.

MR. GASCON: It is because I feel that we need to give this Constitution, at least, five years to be put into practice. If we allow amendments immediately after the ratification, then we will not be able to put the Constitution into practice which is why I agree with the basic principle that we should allow this Constitution to be integrated in the whole political life of the people whereby the people will have a greater understanding of the Constitution and, thereby, will be able to present amendments to it.

FR. BERNAS: But the legislature will be able to propose the amendments even during the first five years or the like.

MR. GASCON: Yes, that is right.

FR. BERNAS: So, to that extent the legislature is still superior to the people.

MR. GASCON: That is true.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Yes, I am the original author of this amendment by initiative. To complete the record, when this matter was under debate in the Committee on Amendments and Transitory Provisions, some fears were expressed that although the requirements for proposing constitutional amendments through initiative had been raised through a rigorous standard — 12 percent of the total number of votes nationwide, not less than three percent in every legislative district or for that matter, province or city — there could be too frequent exercise of this power of initiative to a degree that the government could not anticipate the budgetary requirements needed for such exercises.

A referendum or a plebiscite costs at least P97 million at present prices. And also the fear was expressed then, I think by General Crispin de Castro, that we could be exacerbating the political process by holding too many referenda, to a degree that this can affect the stability of the government and district government from its normal course of action. However, on further reflection, I think, I am now prepared to support the proposed amendment of Commissioner Gascon, if only to insure that the power of initiative will, in no way, be inferior to the powers of Congress in constituting themselves into a constituent assembly or in calling a national convention. I think it is prudent to let alone for the first five years, provided that after that there will be no restrictions on the number of times that this power can be invoked by the people.

Thank you. Madam President.

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

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: The argument I advanced when the question was discussed here a few weeks ago, Madam President, was that while Congress was given the opportunities to propose constitutional amendments without time limits, the people were allowed to make the same proposals once every five years. I think the suggestion of Commissioner Gascon is to give substance to the sovereign power of the people by eliminating the phrase "every five years," so that the idea is to give the same privilege to the people, the same privilege given to the Congress in making constitutional amendments. I support the position of Commissioner Gascon on this score.

MR. RAMA: Before we take a vote Madam President, one more question is forthcoming from Commissioner Sarmiento.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Commissioner Gascon we are here trying to achieve a balance between stability and respect for popular will. Would the proponent agree with me that instead of completely leaving it to the people after the initial five years, to make it after every three years? Will that be all right?

MR. GASCON: Actually, I personally feel that we should not place any time limit any longer. However, when an initiative for referendum in the Constitution will be started by the people and submitted to the legislature for action, for practical purposes, most probably the legislature will provide for the mechanism for such a referendum during election. And in this case, it is not synchronized with our proposed election. So for practical reasons,

perhaps everytime there is an election every three years the legislature would assign a referendum on certain initiatives which the people have presented to the legislature.

MR. SARMIENTO: In other words, the proponent wants to leave it to the legislature

MR. GASCON: Because of the last statement which says, "the National Assembly shall by law provide for the implementation of the exercise of this right," I believe this would provide the National Assembly the freedom to allocate the system whereby this referendum will be presented to the people.

MR. SARMIENTO: Thank you, Madam President.

MR. RAMA: Madam President, Commissioner Romulo would like to express his views before we take a vote.

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: Madam President, as this body knows. I am very much for initiative and referendum. In fact, as far as the original proposal for initiative and referendum for the legislature is concerned, I filed the first resolution. However, I am against relaxing this provision for the moment because amendment by the people of a Constitution should be an extraordinary remedy. We are now experimenting with this provision, so instead of going all the way, we ought to give it a chance to see how it will work. In the United States, their experience is that when a direct ability of the people to amend the Constitution was first given in some of the states, for example, in California many frivolous proposals were made.

We have to remember that once we get the required number of signatures, the process begins, and that is an expensive process because we have to have a special referendum. Moreover, if the people really want an unlimited ability or power to amend the Constitution, they can do it the first time. But as I say, Madam President, this is an extraordinary remedy and amending the Constitution is not a joke. Our Constitution is supposed to last for a long time. In the 200-odd years of the American Constitution it has been amended only 22 times. So. Madam President, I believe that what Commissioner Gascon wants accomplished can be accomplished by the people once we have tested this provision.

Thank you, Madam President.

MR. GASCON: Madam President, I agree with Commissioner Romulo that it is not a joke to amend the Constitution, which is why we have set very strict limitations. Twelve percent of the population is 3.2 million people at present, and that is not an easy task for anyone to make. Considering the proposals made by Commissioner Sarmiento, it would actually mean synchronization with the elections, which will mean every three years in real terms. I think it would be best that we consider it. Considering that the term of our election is every three years, we can minimize costs as well.

THE PRESIDENT: In other words, Commissioner Gascon is agreeable to change the period from five to three years, as suggested by Commissioner Sarmiento.

MR. GASCON: I was thinking that if we keep quiet on this and allow the National Assembly to provide for the implementation of the exercise of this right, it will not contradict the Constitution. So, as a principle, we do not put any limitations, but the National Assembly may provide for such real terms.

THE PRESIDENT: Is there any other speaker?

MR. RAMA: Madam President, one question from Commissioner Bacani.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Commissioner Gascon is working on the presupposition that the power to legislate is delegated by the people to the legislators. Am I correct?

MR. GASCON: That is correct.

BISHOP BACANI: Am I also correct in presuming that the one delegating should not have less power than the one delegated?

MR. GASCON: That is right.

BISHOP BACANI: Thank you.

MR. RAMA: Madam President, we have sufficiently debated on the issue, so, may we take a vote?

MR. DE CASTRO: Madam President, point of inquiry, please.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: The Honorable Gascon has sought for a reconsideration. I think the first voting should be whether to approve his motion for reconsideration or not. And the next voting should be on the amendments.

THE PRESIDENT: We shall check the records with the Secretary-General.

MR. GASCON: Madam President, I will clarify. I made a motion for reconsideration and I presented my reasons. But my motion for reconsideration has not yet been acted upon. If the Chair would please allow. I would like to find out what the sentiment of the body is with regard to my proposal.

VOTING

THE PRESIDENT: Those in favor of the motion to reconsider our approval on Second Reading of the amendment of Section 2, Proposed Resolution No. 322, please raise their hand. (Several Members raised their hand.)

Those against, please raise their hand. (Few Members raised their hand.)

The results show 18 votes in favor and 14 against; the motion for reconsideration is approved.

We are still in the period of amendments. May we ask Commissioner Gascon to restate his proposed amendment.

MR. GASCON: Madam President, my proposal is to put a period (.) after the word "Constitution" in the last sentence of Section 2, and to delete the phrase "nor oftener than once every five years thereafter."

MR. RAMA: Madam President, Commissioner Monsod would like to speak against the proposal.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, do we realize that whenever there is a move to amend the Constitution, we have to have three million signatures, that even before the move is brought to the Congress, the Commission on Elections is supposed to look into the sufficiency of the signatures, as well as the proposal? This means that we have to authenticate and look into three million signatures. I think what has been stated here is that it is expensive to conduct a referendum. Even the first step is a very tedious and expensive proposition, Madam President.

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

MR. MONSOD: Thank you.

MR. GASCON: But, as I said, democracy is never easy.

MR. MONSOD: Madam President, may I just respond to that. I believe that this whole body is for democracy. I think what we are trying to do is to balance reserve power with the principle of representation.

Thank you.

THE PRESIDENT: Commissioner Tan is recognized.

SR. TAN: I regret to say that I would have to express my reservation over the amendment on the basis that historically, at present we do not need more trouble. Our situation is so tenuous; we have a new Constitution which is not yet ratified. We need integration, unity, patience. We should not be opening the floodgates again for our people to express their amendment. When we say "people," we do not mean that all our people are nationalists and good. We have also the antinationals and the ones who want to make trouble.

I cannot approve this proposal, especially because there are no limits.

VOTING

THE PRESIDENT: Are we ready to vote now? Those in favor of the proposed amendment of Commissioner Gascon, please raise their hand. (Few Members raised their hand.)

Those against, please raise their hand. (Several Members raised their hand.)

MR. RODRIGO: Madam President, may I record my vote of abstention.

THE PRESIDENT: Yes.

MR. RODRIGO: May I be allowed to explain why I am abstaining?

THE PRESIDENT: Please proceed.

MR. RODRIGO: I am abstaining because while I do not have any objection to the proposed amendment, I am already on record as having opposed the use of "initiative" in amending the Constitution. I have no objection to "initiative" and "referendum" themselves or even "recall," but I cannot see the mechanics and the practicality of it. I would like to state, Madam President, that even the UP Law Center, which advocates referendum and initiative for ordinary legislation, does not advocate initiative for proposing amendments to the Constitution, and this was a well-studied matter by the UP Law Center. The Center does not recommend initiative to propose amendments to the Constitution, although it proposes initiative and referendum for ordinary legislation.

THE PRESIDENT: The results show 13 votes in favor, 33 against and 1 abstention; the amendment is lost.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 10:52 a.m.

RESUMPTION OF SESSION

At 10:59 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

Commissioner Garcia was on the floor before I suspended the session.

MR. GARCIA: Madam President, thank you very much.

I submit to the Rules of the House; I withdraw my inquiry. I simply want to make this comment that the power of the people, as I understand from our discussions during the brief recess, can still be employed in the intervening

years on the Congress for the legislature to make the necessary amendments. In other words, it is not lost. That is the way we perceive it, although utilizing the mechanism of synchronization of the referendum with the elections every three years could have been, perhaps, a much more effective manner of pursuing this. But we submit to the Rules of the House, and we thank you very much.

VOTING

THE PRESIDENT: Thank you.

The body will recall that we had reconsidered the approval of Proposed Resolution No. 322 on Second Reading in order to open and receive this particular amendment. We will have to go back again and vote on Second Reading on Resolution No. 322, the Article providing the procedure for the amendment of the Constitution.

Those in favor of approving Proposed Resolution No. 322 on Second Reading, please raise their hand. (Several Members raised their hand.)

Those against, please raise their hand. (No Member raised his hand.)

MR. GASCON: Madam President, I register my abstention.

APPROVAL ON SECOND READING OF PROPOSED RESOLUTION NO. 322

(Article on Amendments or Revisions)[*]

THE PRESIDENT: The results show 28 votes in favor, none against, and 1 abstention; Proposed Resolution No. 322, as amended, is approved on Second Reading.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

NOMINAL VOTING

ON PROPOSED RESOLUTION NO. 322

ON THIRD READING

(Article on Amendments or Revisions)[*]

MR. BENGZON: I move that we vote on Third Reading on Proposed Resolution No. 322.

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

Printed copies of Proposed Resolution No. 322 were distributed on July 10, 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 proposed resolution.

THE SECRETARY-GENERAL: Proposed Resolution No. 322, entitled:

RESOLUTION TO INCLUDE IN THE NEW CONSTITUTION AN ARTICLE PROVIDING THE
PROCEDURE FOR ITS AMENDMENTS.

FIRST ROLL CALL

THE PRESIDENT: The body will now vote on this bill, and the Secretary-General will call the roll.

THE SECRETARY-GENERAL, reading:

Abubakar Brocka Yes

Alonto Calderon Yes

Aquino Yes Castro de Yes

Azcuna Yes Colayco

Bacani Yes Concepcion Yes

Bengzon Yes Davide Yes

Bennagen Yes Foz Yes

Bernas Yes Garcia Yes

Rosario Braid Yes Gascon Yes

MR. GASCON: Madam President, I would like to explain my vote for one minute.

THE PRESIDENT: Please proceed.

COMMISSIONER GASCON EXPLAINS HIS VOTE

MR. GASCON: Although this Article on Amendments and Revisions has very good merits as it has now introduced a new way to amend, which is initiative by the people, I still feel that there are still too many limitations and restrictions on the people. I have expressed this in my motion for reconsideration. In view of the fact that I recognize and respect the decision of the majority, I would like to abstain.

THE SECRETARY-GENERAL, reading:

Guingona Yes Ople Yes

Jamir Yes Padilla Yes

Laurel Yes Muñoz Palma Yes

Lerum Yes Quesada Yes

Maambong Yes Rama Yes

Monsod Yes Regalado Yes

Natividad Yes Reyes de los Yes

Nieva Yes Rigos Yes

Nolledo Yes Rodrigo Yes

COMMISSIONER RODRIGO EXPLAINS HIS VOTE

MR. RODRIGO: Madam President, may I explain my vote for one minute?

Notwithstanding my misgivings about the practicableness of Section 2, that is, using initiative to propose amendments to the Constitution, for reasons I have already stated and which are on record, I find the other sections of this Charter good and necessary. And so, I vote yes.

THE SECRETARY-GENERAL, reading:

Romulo Yes Tan Yes

Rosales Yes Tingson Yes

Sarmiento Treñas

Suarez Yes Uka Yes

Sumulong Yes Villacorta Yes

Tadeo Yes Villegas Yes

SECOND ROLL CALL

THE PRESIDENT: The Secretary-General will conduct a second call for those who have not registered their votes.

THE SECRETARY-GENERAL, reading:

Abubakar Laurel

Alonto Sarmiento

Colayco Treñas

APPROVAL OF PROPOSED RESOLUTION NO. 322

ON THIRD READING

(Article on Amendments or Revisions)[*]

THE PRESIDENT: The results show 41 votes in favor, none against and 1 abstention.

Proposed Resolution No. 322 is approved on Third Reading.

MR. RAMA: Madam President, I ask that the Chairman of the Steering Committee, Commissioner Bengzon, be recognized for an important announcement.

THE PRESIDENT: Commissioner Bengzon is recognized.

CONSIDERATION OF C.R. NO. 22

(Article on the Legislative/National Assembly)

Continuation

PERIOD OF AMENDMENTS

MR. BENGZON: Madam President, the Secretariat has promised to distribute the clean copy of the Article on the Executive before twelve o'clock. If this happens, I would like to propose that we vote on Second Reading on the Article on the Executive at the first hour this afternoon. I now request, Madam President, that the Article on the Legislative be discussed for a voting on the compromise formula for the party list and multisectoral system. I request that Commissioner Davide be called, together with the members of the Committee on the Legislative.

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

May we call on the Chairman and members of the Committee on the Legislative to please occupy the front table.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Although it was announced earlier that the last matter to be taken up on the Article on the Legislative is the party list and sectoral representation, we would like to inform the Commissioners that the Committee itself will propose amendments to Sections 3 and 6 to align the terms of the Senators and the Members of the House of Representatives with what the Commission has decided on regarding the limitations for

reelections.

MR. VILLACORTA: Madam President.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: I would like to report that the proponents of sectoral representation and of the party list system met to thoroughly discuss the issues and have arrived at a compromise formula.

On this first day of August 1986, we shall, hopefully, usher in a new chapter in our national history by giving genuine power to our people in the legislature. Commissioner Monsod will present to the Committee on the Legislative the amendment to Section 5 which we have agreed upon. May we request that Commissioner Monsod be recognized.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, the proposal that we discussed and arrived at consists of amending page 1, line 29 of the draft Article on the Legislative, beginning with the word "elected," and which reads as follows: THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL AND SECTORAL PARTIES OR ORGANIZATIONS AS PROVIDED BY , LAW. THE PARTY LIST REPRESENTATIVES SHALL CONSTITUTE TWENTY PERCENT OF THE TOTAL MEMBERS OF THE HOUSE OF REPRESENTATIVES PROVIDED THAT FOR THE FIRST TWO TERMS AFTER THE RATIFICATION OF THIS CONSTITUTION TWENTY-FIVE OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED BY SELECTION OR ELECTION, AS PROVIDED BY LAW FROM THE LABOR, PEASANT, URBAN POOR AND YOUTH SECTORS.

Madam President, there were seven Commissioners who were involved in these discussions which took place a couple of days ago, and I would like to mention their names so that they can indicate if they are still in full accord with this provision and could consider themselves coauthors of this amendment.

In addition to Commissioner Villacorta and this representation, we have Commissioners Bernas, Bennagen, Gascon, Garcia, Davide, Bengzon, Nieva, Azcuna, Bacani, Rigos, Tan, Suarez, Sarmiento, Ople, Tingson, Guingona, Foz, Romulo, Uka, Rosario Braid and Villegas.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Madam President, I am in full accord with the proposal read by Commissioner Monsod, but I would like to have the opportunity to ask a clarificatory question later.

MR. TADEO: Madam President.

THE PRESIDENT: Commissioner Tadeo is recognized.

MR. TADEO: Gusto ko lamang magpahayag ng susog o amendment by deletion. Ngunit bago ko ito sabihin, kinausap ko si Commissioner Monsod bago ito pinag-usapan, bago kami umuwi. Ang sabi ko sa kanya, ako bilang kinatawan ng mga dukha siguro ang nasa posisyon na dapat maging bahagi ng pagtalakay nito, at sumagot naman siya sa akin na hindi ito tatalakayin, na ang kinatawan ng magbubukid ay wala. Nagkataon lamang na mayroon akong nasagutang pagsasalita sa Institute of Social Truth and Action na noon pang Abril ay nasagutan ko na, ngunit nang dumating ako ay naayos na ito. Ang akin lamang susog o amendment by deletion ay ang pag-aalis ng "that for the first two terms after the ratification of this Constitution." Bakit naman natin bibigyan ng limit? Kung gagawa tayo ng isang Saligang Batas dapat na natin itong paghusayin, lalo na kung magbibigay ng

kapangyarihang pampulitika sa mga dukha o marginalized sector. Ang totoo isa ito sa mga magpapabago ng political system ng Pilipinas sapagkat ang Section 5 at Section 31 na tinalakay natin kangina ay totooong napakahalaga, sapagkat ang mga ito ang magbibigay ng kapangyarihang pampulitika o political power sa marginalized sectors. Sinabi namin, hindi na mahalaga kung ang porma ng pamahalaan ay presidential o parliamentary. Ang pinakamahalaga ay ang nilalaman o ang substance.

Ang Cory government ay iniakyat ng people's power. Kaya kami naririto sa Con-Com ay dahil sa people's power — nasa amin ang people, wala sa amin ang power. Ganito ito kahalaga.

Kaya ang gusto kong mangyari, dahil ito'y totooong napakahalaga, gusto kong talakayin ito ng apatnapu't walong bumubuo ng Con-Com, sapagkat ito ang magbibigay sa kanila ng kapangyarihang pampulitika. Kaya ako na ang magsisimula ng pagtalakay sa isang freewheeling discussion. Gusto ko munang banggitin ang nakalagay sa ating "Primer on Emerging Issues" na ginamit natin sa mga public hearings. Ang sabi sa page 3, last paragraph, III — Manner of Apportionment and Representation to the Legislature:

No. 1. What is the relevance of understanding apportionment and representation?

The Legislature is supposed to implement or give flesh to the needs and aspirations of the Filipino people.

Ganoon kahalaga ang National Assembly kayat napakahalaga noong Section 5 and Section 31 ng ating Constitution. Our experience, however, has shown that legislation has tended to benefit more the propertied class who constitutes a small minority in our society than the impoverished majority, 70 percent of whom live below the poverty line. This has come about because the rich have managed to dominate and control the legislature, while the basic sectors have been left out of it. So, the critical question is, how do we ensure ample representation of basic sectors in the legislature so that laws reflect their needs and aspirations?

Ganoon kahalaga ang pag-uusapan natin sa araw na ito. Noong pinag-uusapan natin ang term ng Presidente hanggang sa local official, gumamit tayo halos ng dalawang araw. Kaya sana ang pakiusap ko lamang, bigyan natin ito ng pagkakataon. Naglagay tayo sa Preamble ng "love." Naglagay tayo ng pag-ibig sa ating Preamble na siyang bedrock o magtatakda ng direksiyon ng ating Saligang Batas. At sinabi mismo ni Ambassador Emmanuel Pelaez na ang isa raw magandang nagawa natin sa Preamble, kung natatandaan ng naroroong Commissioners, ay ang salitang "love." Pero bigyan natin ng kahulugan ang salitang "love." Ano ang ibig sabihin ng "love"? Hindi ko na kailangang banggitin pa sa inyo ang Parable of the Good Samaritan sa Gospel of St. Luke, 10:30-37. Ngunit ang ibibigay ko na lamang sa inyo ay ang ibig sabihin ng "love": Ang bagay na mahalaga sa iyo na ibinigay mo sa iba o love is an act of giving.

Sa kalagayan ng ating political system noon, ang may hawak lang ng tinatawag nating political system ay ang five percent na naghaharing uri. Ano ang ibig sabihin ng pag-ibig na inilagay natin sa ating Preamble? Kung ang 70 percent ay walang political power, ang ibig sabihin ng pagkakalagay natin ng "love" ay: 'yong five percent ay bibigyan mo ng political power, 'yong 70 percent ay walang political power Yon ang ibig sabihin

Tamang-tama kangina ang sinabi ni Commissioner Villegas. Tayo raw ay nilikha ng Diyos, ngunit hindi lamang tayo nilikha ng Diyos bilang kalarawan Niya. Nilikha tayo ng Diyos bilang cocreator Niya. Kaya gumagawa tayo ng isang Saligang Batas that will reflect the ideals and aspirations of the Filipino people. At winakasan ni Commissioner Villegas nang napakaliwanag. Sinabi niya: "Love in deeds; not in words."

Gusto kong banggitin dito ang I Corinthians 13:1. Ano ang sinasabi ng I Corinthians na siyang pinakamahalaga dito?

Kung ako man ay makapagsasalitang tulad ng salita ng tao at ng wika ng anghel, kung wala naman akong

pag-ibig . . .

Ito ang kagandahan ng pagkakalagay natin ng "love" sa Preamble. Ang kahalintulad daw ng Preamble kung walang pag-ibig ay isang tanso lamang na tumutunog at batingaw na umaalingawngaw. Ayaw kong ang Saligang Batas nating gagawin ay isang batingaw na umaalingawngaw o isang tanso na tumutunog lamang. Dapat itong magkaroon ng "substance." Sa ganitong kalagayan, napakahalaga ng araw na ito para sa mga dukha, sa marginalized sectors.

Ngayon, gusto ko munang ipaliwanag ang party list sapagkat sinasabing hindi raw ito nauunawaan. Kung natatandaan ng lahat, nagpadala si Commissioner Monsod noong July 22, 1986 ng Memo to the Constitutional Commissioners, Subject: Explanatory Note on the Party List System na may dalawa lamang pahina. Pero nalulungkot ako, bakit naman sa dalawang pahinang ito'y marami pa ring nagsabi na hindi nila naiintindihan ang party list system? Bakit kapag ang kapangyarihan ay ibibigay natin sa mga dukha, ang dalawang pahina ng papel na ito ay "tila hindi naman natin nabasa?" Marahil dapat na ituwid ninyo ako kung ako ay mali.

Ngayon, sa ganitong kalagayan, gusto ko po lamang ipaliwanag ang party list. Ang ibig sabihin nito, doon sa ilalim ng two-party system, kapag kumuha ka ng 51 percent, iyong ibang partido ay wala nang nakuhanang puwesto sa legislature. Ang ibig sabihin ng party list system, makakuha ka lamang ng 2.5 percent ay mayroon ka nang isang puwesto. Ang ibig sabihin, 'yong 49 percent ay magkakaroon ng bahagi sa lehislatura at ito ay napakagandang bagay na napalagay sa ating Saligang Batas. Ngunit gusto ko itong palalimin. Ang 250 seats natin ay ganito po: Ang 200 seats na legislative district ay nakalaan sa bawat 200,000 sa botante; 'yong 50 ay para sa party list. Ngunit ang tanong ditong malinaw ay ganito: 'Yon bang pumasok sa legislative district, ilagay nating halimbawa — UNIDO, PDP-Laban, Liberal, Nacionalista, PNP — ay hindi na kasali sa party list? Hindi po. Kasama rin ang mga partidong ito. Nahawakan na nila ang 200 legislative seats, hahawakan pa rin nila ang party list — itutulak nila ang sectoral. Lalamunin din ng mga partidong ito ang sectoral. 'Yon po ang aming tinututulan. Dodominahan din. Uulitin ko sa inyo sapagkat 'yon ang puntong pinakamahalaga. Sa 250 seats, 'yong 200 ay legislative districts. 'Yon ay kokontrolin ng iba't ibang partido. Ngunit ang mga partidong sasama sa legislative district, papasok pa rin sa party list. Kaya malalamon din ito at mawawala ang sektoral.

Mga kasama, tanggapin naman nating ang pulitika'y logistics. Ang sabi nga ng aking kababayang Commissioner Natividad, "Jimmy, aba'y kapag sumama ka sa kandidato, milyon ang gagastusin mo. At ano'ng gagastusin ng marginalized sector? May pera ba sila para lumahok sa pulitika? Wala silang pera."

Kaya naman dito mga kasama, ang sinasabi lamang namin ay ito: Ang hinihingi lamang ng marginalized sector sa inyo ay 10 percent — sampung porsiyento lamang ng upuan sa 250 ang hinihingi ng marginalized sector. Uulitin ko — 10 percent. Ihambing natin ito sa Constitution ng Egypt — Article LXXXVII ng Constitution ng Egypt, na ipinamigay rin sa inyo:

The law shall determine the constituencies into which the State shall be divided and the number of elected members of the people's assembly must be at least 350 persons, of which one-half at least must be workers and farmers elected by direct, secret, public balloting.

Dito makikita namin. Dapat ang hiningi namin sa inyo ay 50 percent ng 250. Pero alam na naman natin 'yong "science of attainable," kayat ano ba 'yong atin lang puwedeng makamit? Alam namin na hindi namin puwedeng makamit, bagamat gusto namin na 50 percent ng puwesto ay ibigay ninyo sa marginalized sectors. Ito ang gusto namin, na gusto ko lang marehistro, pero alam namin na hindi natin ito makakamit. Kaya ang hinihingi lang namin sa inyo ay 10 percent, at gusto kong malaman ng mga kabataang naririto ngayon na kasama sa puwestong hinihingi ko na kayong kabataan ay magkaroon ng kinatawan sa lehislatura. Kaya ang dapat ninyong malaman ay kung ano ang ipinakikipaglaban ko; kasama ngayon dito, dapat ninyong maintindihan na sa 25 na ito kasama

kayong kabataan na magkaroon ng direktang upuan mismo sa lehislatura.

Kaya, sa ganitong mga kalagayan, mga kasama, napakahalaga nitong tinatalakay natin sa araw na ito dahil kapag hindi natin nailagay dito na ang marginalized sector ay hindi natin binigyan ng kapangyarihang pampulitika, natatakot ako sa hinaharap ng ating Saligang Batas na gagawin. Tungkol naman sa Saligang Batas ni Ginoong Marcos noong 1973, kahit na isang pretensiyon lamang ito ni Ginoong Marcos, nagbigay siya sa youth ng anim na upuan; sa industrial labor, apat na upuan; sa agricultural labor, apat na upuan. Labing-apat na upuan ang ibinigay sa marginalized sector ni Ginoong Marcos. Mayroon siyang pagtatangka, labing-apat, at ang mapupuno lang na hinihingi ngayon sa panahon ng people's power, labing-isa, magiging 25. Sa ilalim ng Proclamation No. 9 ni Ginang Cory Aquino, nakalagay doon ang marginalized sector sa Con-Com kaya ako'y napalagay dito, kinilala ng Proclamation No. 9. Kung initiative ng mga tao'y naririto, iniakyat namin ang people's power. Huwag nating kitlin, huwag nating patayin ang initiative ng mga tao. Ang hinihingi ko lang, uulitin ko ang aking amendment by deletion, alisin lang natin 'yong two terms. Bakit natin lilimitahan 'yon sa marginalized sector? Alisin na natin 'yong "provided that for the first two terms after the ratification of this Constitution." Iyon lang naman ang hinihingi ko. Bigyan na natin ng 25 upuan ang marginalized sector. Uulitin ko, ang hinihingi ko lang, para 'yong pag-ibig ay maging makabuluhan sa ating Saligang Batas, ay 10 porsiyento lang ng upuan ng Lower House. (Applause)

MR. ROMULO: Madam President, may we remind those in the galleries that they are not supposed to express approval or disapproval.

THE PRESIDENT: Many we request our guests to please refrain from any outward manifestation of approval or disapproval on anything that is being said here in this session hall.

Thank you.

MR. ROMULO: Madam President, Commissioner Monsod wishes to be recognized.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, my dear and esteemed friend Commissioner Tadeo mentioned at the beginning of his remarks that we had an agreement and he suggested that I reneged on it. I would like to say, Madam President, that our agreement was that it would not be taken on the floor because at that time I already gave up the idea of a compromise with those who had proposed this party list system and sectoral representation. In fact, I was only invited to that meeting and I did not want to attend the meeting, as I believe Commissioner Villacorta and all the rest would say. Madam President, I regret to say that the assertions of my friend are incorrect, and I would like to put it on record .

MR. ROMULO: Commissioner Lerum wishes to be recognized, Madam President.

THE PRESIDENT: Commissioner Lerum is recognized.

MR. LERUM: Madam President, I support the amendment offered by Commissioner Tadeo. Let me explain how sectoral representation came about. Organized labor has always been asking for representation in all government bodies for the welfare and protection of the workers. Because of the insistence of organized labor for representation in government bodies, the government has been giving in little by little. For example, in the Social Security System, we have two labor representatives; in the National Labor Relations Commission, labor has three commissioners; in the Employees Compensation Commission, labor has one commissioner; in the National Manpower and Youth Council, labor has two members; in the National Wages Council, it has two members; in the Pag-I.B.I.G., it has two members.

At a time when we did not have a lawmaking body after martial law was declared, there were tripartite conferences called by the President for the purpose of acting as a recommendatory body regarding settlement of labor and management disputes. During the said conferences, labor had shown that it can act with maturity. As a result, in 1976, an amendment was introduced in the Constitution providing for sectoral representation. In the Constitution that was approved, the number of sectors was not indicated. However, in the Election Code of 1978, it provided for three sectors; namely, industrial labor, agricultural labor and the youth. The agricultural labor was given four seats; two for Luzon, one for the Visayas and one for Mindanao. The same is true with the industrial labor sector. As far as the youth are concerned, they were also given four seats: two for Luzon, one for Mindanao and one for the Visayas, with the condition that there will be an additional two at large. And so, the youth had six representatives plus four from the agricultural labor sector and four from the industrial labor sector — we had 14 seats.

In 1981, the Constitution was again amended. In the course of the amendment, the labor representatives in the Batasang Pambansa proposed that sectoral representation be included as a permanent addition to the lawmaking body.

Again, in that Constitution which was approved in 1981, the number and the name of the sectors were not indicated. However, in the Election Code that was approved before the 1984 election, there was really a definition of who will constitute the sectors and how they will be appointed. Let me quote from that law that was passed in 1984. Under Section 27 of Batas Pambansa Blg. 881, the scope of the sectors has been defined as follows:

The agricultural labor sector covers all persons who personally and physically till the land as their principal occupation. It includes agricultural tenants and lessees, rural workers and farm employees, owner-cultivators, settlers and small fishermen.

The industrial labor sector includes all nonagricultural workers and employees.

The youth sector embraces persons not more than twenty-five years of age.

As to selection, it provides:

SECTION 28. Selection of sectoral representatives. Not later than twenty days after the election of provincial, city or district representatives, the most representative and generally recognized organizations or aggroupments of members of the agricultural labor, industrial labor and youth sectors as attested to by the Ministers of Agrarian Reform and of Agriculture and Food, the Minister of Labor and Employment, and the Ministers of Local Government and of Education, Culture and Sports, respectively, shall, in accordance with the procedure of said organizations or aggroupments of members of the sector, submit to the President their respective nominees for each slot allotted for each sector. The President shall appoint from among the nominees submitted by the aforementioned organizations or aggroupments the representatives of the sector.

This came to pass because we had a difficulty in finding a solution on how the sectoral representatives should be elected. Some regional assemblymen had suggested that the names of the nominees of the sectors should be included in the ballot, but we objected to it because it would mean that people outside the sectors will be voting for them and, in effect, they will not become representatives of the sectors but rather representatives of all those within the district who voted for them. So, it was rejected because of that difficulty.

Let me add to that. The sectors recommended that there should be a separate list of voters who will vote exclusively for the sectoral representatives. But it was called to our attention that this is very hard to do, because since there are three sectors, then there are three separate lists to be prepared by the COMELEC and that will be an additional expense to the sectoral representatives as well as the government. This recommendation was abandoned, and it was agreed that selection shall be by appointment.

I think there seemed to be some opposition to sectoral representation at that time, because the representatives had been accused of being tools of the President in view of the wrong impression that they had been appointed by the President. As I have explained on this floor at the second meeting of this Commission, the sectoral representatives in 1978 were elected as provided for by the Election Code of 1978, and the Record of the Batasan will show that they were fiscalizers rather than blind followers of the President. There are still some Members here from the interim Batasang Pambansa who can testify to the fact that the sectoral representatives have always acted independently in this Commission. One cannot dictate to the sectoral representatives because they are responsible not to the President but to the sectors who have elected or recommended them. Even if they have been appointed by the President, they are loyal to the sectors because they will be called to account by the sectors, not by the President. And so, as sectoral representatives, we try to show this Commission that we have been acting independently.

Just yesterday, I had to vote alone against six Members when the question of sequestration was raised because we maintain that after the Constitution is approved, there shall be no exemption from the operation of the Bill of Rights. We had voted alone, but we are used to voting alone. As a matter of fact, if I may digress a moment, during our meetings with the President, at one time, the President said: "Let us hear Assemblyman Lerum first before we outvote him." But that is the role of the sectors in the Batasan. Contrary to what the KMU has been saying time and time again that this representation is the author of Batas Pambansa Blg. 130 and 227, I said that is a lie. It is the KMU, during a public hearing on May 28 at the Army and Navy Club, which said that they are already in favor of the draft of the Committee on Labor which this representation has been opposing.

Brother Tadeo submitted his arguments against the proposed amendment. I am joining him in that respect and I am reminding this Commission of a danger if that amendment will be approved because, in effect, we are giving reserve seats to the sectors and also to the party list. But if we approved his amendment, after two elections, all the seats reserved to the sectors will belong to the parties. The labor sectors, the youth sectors and the other sectors which are contemplated in this proposal will no longer be represented because the voting will be by all the voters in the district or cities concerned.

This is the reason we are against this amendment. This amendment does not improve what has been proposed by the Committee which was a committee amendment. This party list system is intended to benefit only political parties that cannot elect their own candidates. It is intended that even the seat allotted to the labor and other sectors will be absorbed by them so that in the end there will be no more sectoral representatives.

And so, I am opposed to that amendment and I am in favor of the amendment to the amendment introduced by Commissioner Tadeo. And before closing, because I am going to use this argument also when it comes to an amendment on sectoral representation in the Senate, let me read what the President promised to the labor sector on May 1, 1986, three months ago to this date. She said:

It is part of my minimum program of government to assure labor's meaningful participation in decision-making at all levels of our society. I shall soon appoint representatives of your unions in all policy making bodies of government. I ask you to submit your recommendation in those positions.

Thank you, Madam President.

MR. ROMULO: Madam President, I ask that Commissioner de los Reyes be recognized.

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: Madam President, I would like to state for the record that I am in favor of giving reserve seats to the labor, peasant, urban poor, and youth sectors. And I would like to state my reasons by quoting the

following words from a book entitled *Ours To Share*, by Jeremias U. Montemayor. He said:

At the beginning, the land problem could have been purely economic insofar as the tenants and the landlords were concerned. But as time passed on, what was originally an economic problem became a social problem as well. Since the landlords had ample income, they were in a position to develop themselves physically, intellectually and culturally. On the other hand, since the peasants' earnings were barely enough to keep them alive, they could not afford the education of their children. They were forced to keep their children as helpers in the farm or to send them to the households of the landlords to work as servants and maids.

So, as the landlords and their children rose to social prominence, the peasants and their issue lost practically all social standing. But the problem did not end there. Since the landlords accumulated great wealth and acquired intellectual capability and social prominence, they logically became the political leaders of the country, while the peasants who remained destitute and ignorant, counted almost nothing in the political life of the nation. Thus, the imbalance finally permeated not only the economic and social fields but also the political sphere.

The structure of society has assumed that of the inverted pyramid whereby the relatively few landlords practically monopolized all economic, social and political power, while the vast majority of citizens, mostly peasants, remained poor, ignorant and politically impotent. The situation tends to degenerate even with the growth of industrialization inasmuch as the landlords, due to their advantages, are also becoming the biggest industrialists. Moreover, the situation has become extremely more complicated because the various aspects of the problem — economic, social and political — continued to react one upon another. So that in time what was formerly a cause became also an effect and what was formerly an effect became also a cause — a vicious cycle.

An intellectual superiority has enabled the landlords to acquire great political power. In turn, great political power has enabled the landlords to acquire more wealth and greater social superiority. The cycle continues to turn in a downward spiral and, at every turn, it depresses the economic, social and political condition of the whole world further and further. And, therefore, like playing golf, we should give "handicap" to the marginal class belonging to the labor, peasant, urban and youth sectors, but to give them only a period of two terms after the ratification of the Constitution, according to Commissioner Tadeo, is not enough. They want reserve seats forever.

In other words, if we are playing golf, they want to have the "handicap" forever. According to Commissioners Tadeo and Lerum, if we give only two terms after the ratification, sooner or later, the sectoral groups will be swallowed by the traditional political parties who are better financed.

However, I think that if we give the sectoral groups their "handicaps" eternally or forever, they could remain weak forever; they will have no incentive to get stronger because they know that they will be enjoying the handicap forever.

I was toying with the idea that perhaps we could reach a happy compromise because legislation is the art of the possible, I always say. Instead of completely adopting the amendment of Commissioner Monsod that the reserve seats are only for the first two terms after the ratification of the Constitution, it may state as follows: **TWENTY-FIVE PERCENT OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED BY SELECTION OR ELECTION FROM THE LABOR, PEASANT, URBAN POOR AND YOUTH SECTORS WHICH SHALL GRADUALLY DECREASE AFTER EVERY ELECTION FOLLOWING THE FIRST TWO TERMS AFTER THE RATIFICATION OF THIS CONSTITUTION, UNTIL THE RESERVE SEATS ARE NO LONGER NECESSARY AS MAY BE PROVIDED BY LAW.**

As I see it, when we play golf, we minimize the handicap until the handicap is totally diminished. The same principle applies. That is my idea, Madam President.

Thank you.

THE PRESIDENT: Who is the next speaker?

MR. ROMULO: I ask that Commissioner Aquino be recognized, Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Madam President, I am in full agreement with the concept of sectoral representation. However, I have some disagreement on the mechanics.

The Monsod proposal with which I have to differ speaks of reservation only for two terms after the ratification of the Constitution. My personal position is: 1) we should provide for perpetual reservation of institutional seats for the basic sectors-and by that, I refer to the peasants, the labor, the youth and the urban poor; and 2) that the process for sectoral representation should be done by election and not by selection. I will propose the necessary and pertinent amendments to this at the proper time. But, Madam President, I would preface my amendment by saying that although the Constitution is a fundamental law, if it is unable to achieve a proper balance of power, its institutional virility is seriously doubted.

The problem with Philippine politics now is that the concentration of socioeconomic and political power is in the hands of the few, while the majority of the people are destitute and powerless. Now is the time and the unedited opportunity for us to transfer the center of gravity of socioeconomic power from the people on top to the people below. This proposal for sectoral representation is hardly iconoclastic; it is not a leftist aberration as some of us are inclined to think. Why do we have to look askance at it as a dynamic and powerful sectoral representation? Now, more than ever, is the time for us to realize the lessons of history. History is liberating, otherwise, we might as well consign it to the dung heap of oblivion. History has told us to be either nationalistic or wary of the forces that invade self-determination or it could also be just a kinetic over-reaction. But history is the best teacher in the sense that a people's history is liberating history. We know that traditional politics has denied the people the right to make their own mistakes. Elite politics has been sure-fire formula for depriving us of the luxury of making our own mistakes. I think that it is now the time to return the power to the people; let us have faith in them. And by faith, I mean real and abiding faith, not just looking at the people as some kind of a mystical entity in whose name the eternal politician in some of us have done themselves proud. In other words, let the Filipinos chart their own histories.

Thank you, Madam President.

MR. ROMULO: I ask that Commissioner Bernas be recognized.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Madam President, I would like to say a few words in support of the amendment proposed by Commissioner Tadeo for the "permanentizing" of reserve seats for the sectors. The basic premise for this is that by these sectors, we mean the underprivileged masses. That is clearly what is in our mind. The sectors mentioned are understood as the underprivileged masses. In the 1935 and 1973 Constitutions, and again in our new Constitution, we have enshrined the concept of social justice; and we have understood the concept of social justice not so much as a philosophical concept but as a practical concept, meaning, that those who have less in life should have more in law. Now we are placing sectoral representation side by side with the party list system, and I think it is important to look at it in that context. The effort to introduce the party list system has for its objective the equalization of political power. In other words, in order that political power will not be concentrated in two parties, we are attempting to introduce a party list system in order to distribute political power among various parties. But the distribution of political power is very much dependent, we might even say essentially dependent, on the distribution of economic power, and the effective distribution of economic power would take quite a while.

After we finish our discussion on the Article on the Legislative, we will be discussing the Article on Social Justice. I am sure that all of those who had the opportunity to read the proposals, if not just scan over them, will see that these are long-range goals which will not be attained immediately. It is only upon the attainment of these long-range goals that the very gross imbalances in economic power will be remedied, and I anticipate that the remedying of this will take place far longer than just two terms of the House of Representatives, which means only six years. It will take a little longer than that. We cannot anticipate that this preferential treatment of the underprivileged will no longer be needed after six years. I anticipate that it will still be needed after six years. After all, the concept of reserve seat is not something unusual to our Constitution. We have reintroduced the Upper House or the Senate with 24 representatives which, in effect, represents reserve seats for those who have more political and economic power. Because these are seats which are quite beyond the capacity of the underprivileged to reach and because these are seats which, in the context of our history, require people who have had vast experience, broad education and, let us face it, economic wealth, therefore, elitism in the Senate, although we might say that it is elitism in terms of political perspective, education, wisdom and experience, one cannot really separate from it class distinction. Class distinction is very much involved in this.

Therefore, by "permanetizing" these twenty-five seats reserved for the underprivileged, I think that we will be permanently injecting into the legislative process direct contact, as it were, with the large masses of people whose economic position in life need to be elevated. I would, therefore, very strongly urge that we remove this limit of two terms. But when we reach such a time when we have succeeded in substantially removing the gross inequities of the economic situation of the nation, then a constitutional amendment can be introduced so we can move into the purely party list system because, hopefully, by that time, the underprivileged will no longer need to have this power delivered to them, as it were, on a silver platter.

Thank you.

MR. ROMULO: I ask that Commissioner Bennagen be recognized.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Thank you, Madam President. I do not know if this is the appropriate time for me to say this, but I just want to find out why the indigenous communities are not represented, although in a separate paper, it says that the representation of the four functional sectors could include indigenous cultural communities. What I am saying is this I would argue for the inclusion of indigenous cultural communities not so much because they are marginalized, but because they are still practicing customary laws which are specifically related to their central concerns, essentially the question of ancestral land. I have in mind the real possibility of cross-fertilization of legal systems, one that will take into account the viable indigenous legal systems in the Philippines and integrate this into other legal systems, so that, eventually, we might evolve a legal system that is truly Filipino, drawing sustenance from our indigenous traditions, as well as other traditions. I would imagine that such an inclusion of representatives from the indigenous cultural communities would provide this rich opportunity.

I should add that the College of Law of the University of the Philippines, along with some anthropologists and political scientists, is already undertaking extensive and comprehensive studies of indigenous legal systems. But the mere presence of representatives of these indigenous cultural systems would provide a living laboratory for this kind of cross-fertilization.

Thank you, Madam President.

MR. ROMULO: I ask that Commissioner Ople be recognized.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Thank you, Madam President.

I would like to support the amendment now under discussion which was introduced by Commissioners Villacorta, Monsod and the others. Let us start with the theory of sectoral representation, whether as reserve seats or as may be achieved through a party list system.

There are two kinds of representation: the territorial representation, which is based on representative government, and which started taking root at the beginning of the 19th century in many of the Western countries which we now call the Western democracies. It became evident later on that territorial representation has its limitations, that functional representation might be necessary in order to round off the excellence of a representative system. And that was how the theory of party list representation or the reservation of some seats in a legislature for sectors came about.

I think the whole idea is based on countervailing methods with the aim of perfecting representation in a legislative body combining the territorial as well as the functional modes of representation. The ideal manner of securing functional representation is through a party list system through popular suffrage so that when sectoral representatives get into a legislative body on this basis, rather than direct regional or district representation, they can rise to the same majesty as that of the elected representatives in the legislative body, rather than owing to some degree their seats in the legislative body either to an outright constitutional gift or to an appointment by the President of the Philippines. I think, therefore, this proposed amendment now meets this test. There is an outright constitutional gift for the first two terms of the sectoral representatives but, after that, they will have to earn the seats through participation in a party list system or, even beyond that, to be direct competitors with established and more orthodox parties in the general political arena. I see no reason why after having occupied seats in the House of Representatives for two terms, the representatives of sectors may not be able to combine their forces in order to form their own political parties or become powerful adjuncts to existing political parties so that they will enjoy not only the benefits of a party list system but also the benefits of being able to compete directly in the wider political arena.

Let me give an example. In many countries in Europe, the labor parties today are direct competitors for power with the long-established conservative parties. And it is a fact that in many countries of Europe, for example, one sees labor or socialist parties actually alternating in power with the so-called conservative parties. In addition to that, in Germany, of course, the more radical parties win their seats routinely through the party list system and not as an outright constitutional gift of reserve seats to which the marginalized sectors are appointed, in effect, through their representatives; in the case of the Philippine experience, by the President of the Philippines on the basis of the nominations of the several sectors.

So, I see in this Monsod-Villacorta amendment a wisdom wherein under a situation where they start with major disadvantages in the competitive arena, these are overcome through an outright constitutional gift of reserve seats for sectoral representatives. But after two terms, the presumption is, they will have to earn these seats through a party list system. And I do not think that during the two terms, which correspond to six years, the sectoral representatives will not make use of ample opportunities in order to strengthen themselves through their performance in the legislature so that they are able to build up their strength. And after two terms or three terms, then they will be in a position to take full advantage of the party list system so that on the basis of two-and-a-half percent or two percent of all the qualified voters in the country, one seat is earned and that probably corresponds to 500,000 votes. Commissioner Tadeo's organization, I think, claims a membership of one million. The Kilusang Mayo Uno claims a membership of half a million. The Trade Union Congress of the Philippines claims a membership of one million. The Federation of Free Farmers claims a membership of one million. Let us assume that the representatives of these organizations, that is to say, those who enjoy a membership of one million or

about one million, occupy the seats for two terms, will not six years be enough for them to amalgamate their forces if there is enough basis of unification so that, from their platform in the legislature, they can, through a party list system, amass as many seats as are available now outside territorial representation? And beyond that, they can even rise to the level of a major political party able to compete for territorial representation both for the Senate and the House of Representatives.

In my opinion, this will also create the stimulus for political parties and mass organizations to seek common ground. For example, we have the PDP-Laban and the UNIDO. I see no reason why they should not be able to make common goals with mass organizations so that the very leadership of these parties can be transformed through the participation of mass organizations. And if this is true of the administration parties, this will be true of others like the Partido ng Bayan which is now being formed. There is no question that they will be attractive to many mass organizations. In the opposition parties to which we belong, there will be a stimulus for us to contact mass organizations so that with their participation, the policies of such parties can be radically transformed because this amendment will create conditions that will challenge both the mass organizations and the political parties to come together. And the party list system is certainly available, although it is open to all the parties. It is understood that the parties will enter in the roll of the COMELEC the names of representatives of mass organizations affiliated with them. So that we may, in time, develop this excellent system that they have in Europe where labor organizations and cooperatives, for example, distribute themselves either in the Social Democratic Party and the Christian Democratic Party in Germany, and their very presence there has a transforming effect upon the philosophies and the leadership of those parties.

It is also a fact well known to all that in the United States, the AFL-CIO always vote with the Democratic Party. But the businessmen, most of them, always vote with the Republican Party, meaning that there is no reason at all why political parties and mass organizations should not combine, reenforce, influence and interact with each other so that the very objectives that we set in this Constitution for sectoral representation are achieved in a wider, more lasting and more politically institutionalized way. Therefore, I support this amendment. It installs sectoral representation as a constitutional gift, but at the same time, it challenges the sector to rise to the majesty of being elected representatives later on through a party list system, and even beyond that, to become actual political parties capable of contesting political power in the wider constitutional arena for major political parties.

Thank you, Madam President

MR. LERUM: Madam President, will the honorable Commissioner Ople yield to some questions?

MR. OPLE: Very gladly, Madam President.

THE PRESIDENT: Please proceed.

MR. LERUM: As a former Minister of Labor, Commissioner Ople is aware of the fact that labor is at present divided, and the reason for the inclusion of sectoral representation in the Batasang Pambansa was because of that situation. Is that not correct?

MR. OPLE: I was instrumental in introducing that amendment in the Constitution of 1973 for sectoral representation in the Batasang Pambansa, as Commissioner Lerum must be aware. But I do not understand the question. Will he kindly repeat it?

MR. LERUM: I am sorry. My question is: As a former Minister of Labor, is he aware of the present situation of organized labor? They are divided.

MR. OPLE: Yes.

MR. LERUM: And the reason for this division is ideology and other reasons which I will not mention now. That is a fact.

MR. OPLE: Yes.

MR. LERUM: And the reason why the Commissioner recommended, as he is admitting now, sectoral representation is that labor is divided.

MR. OPLE: All sectors presumably are not immune from differences and division.

MR. LERUM: I know that. But the question is, the Commissioner is aware of the fact that labor is divided that is why he recommended the inclusion of sectoral representation in the Batasang Pambansa.

MR. OPLE: Whether labor is divided or not, they are entitled to sectoral representation under this proposal.

MR. LERUM: I will ask another question. The Commissioner agrees that labor is entitled to sectoral representation, but is he against making this a permanent provision in the Constitution?

MR. OPLE: Yes, because I would like them, after two or three terms, to rise to the majesty of elected representatives through a party list system; and I have no doubt in my mind that given this constitutional gift, after two or three terms, they will have the strength to earn it by winning through a party list system.

MR. LERUM: I agree with the Commissioner on that point if they are united because if they are united they can even stop this government. If they can stop essential services, they can paralyze this government.

MR. OPLE: Yes.

MR. LERUM: I agree with him on that point if they are united. But the fact is, they are not united, and that is why this kind of provision in the Constitution is needed so that this big group of workers would be entitled to a representation. In other words, the government or the State is trying to help them because of their disunity so that they can do something by having representation in the Assembly. That is the purpose of this.

MR. OPLE: Madam President, the freedom of association does not bestow on the government the right to interfere with labor organizations or other sectoral organizations. I do not think the government should impose unity on them. We will depend on them to work out their own unification across their well-known differences.

MR. LERUM: Madam President, I am not saying about the government compelling them to unite. What I am saying is that, during the time that they are not united, why begrudge them of sectoral representation?

MR. OPLE: No. We want them to have sectoral representation.

MR. LERUM: Yes. But, as far as the Commissioner is concerned, he wants this on a limited period only.

MR. OPLE: Yes, in accordance with the Villacorta-Monsod amendment.

MR. LERUM: On the other hand, he wants the party list system to be a permanent provision of the Constitution. Is it not the fact that by providing for the party list system, he is also providing a reserve seat to those parties that cannot elect their representatives in the ordinary election? Is that not correct?

MR. OPLE: Yes, as a countervailing mode to the well-established political parties, I consider the party list system a very important method of what Commissioner Bernas earlier had called the equalization of political power.

MR. LERUM: My point is that the Commissioner is against a permanent grant of seats to sectoral representatives but he is in favor of granting permanent seats to certain organizations that cannot elect their own representatives in an ordinary election.

MR. OPLE: Yes.

MR. LERUM: I cannot understand the logic of that.

MR. OPLE: The logic lies in the use of popular suffrage which is exactly what a party list system is, except that certain advantages are stacked up legally in favor of those who are weaker than those who are stronger.

MR. TADEO: Commissioner Ople, maaari po bang magtanong?

MR. OPLE: Yes, Madam President.

THE PRESIDENT: Just a minute, please. Is Commissioner Lerum through?

MR. LERUM: I will give way to Commissioner Tadeo. I have some more questions, but I can ask these in private so we will not clutter the Record with some more questions.

THE PRESIDENT: Commissioner Tadeo is recognized.

MR. TADEO: Hindi po ba ang Partido Nacionalista ng Pilipinas ay ang dating Kilusang Bagong Lipunan?

MR. OPLE: Kung ang tinutukoy ng kaibigang Tadeo ay ang lapian na aking pinangunguluhan, ito marahil ay nagmula sa sinapupunan ng Kilusang Bagong Lipunan, datapwat hindi na kumikilala ngayon sa Kilusang Bagong Lipunan.

MR. TADEO: Hindi po ba ito ay mayroong makinarya na buhat din sa isang malaking makinarya na hindi pa nabubuwag at ito ay tinatawag nating political machine?

MR. OPLE: Itong makinaryang tinutukoy ng kaibigang Tadeo marahil ay marami nang kalawang sa kanyang mga bahagi.

MR. TADEO: Isa pang tanong. Makikilahok ba ang PNP sa legislative district?

MR. OPLE: Ang PNP ay maghaharap ng buong tiket para sa lahat ng mga puwesto na paglalabanan sa darating na halalan.

MR. TADEO: Hindi ba totoo rin na ang PNP ay makikilahok din sa party list system?

MR. OPLE: Kung mayroon kaming mga kapisanang manggagawa at magbubukid na nakahandang makipag-ugnay sa amin, magpapasok kami ng talaan ng sampung nominees diyan sa COMELEC para sa party list system.

MR. TADEO: Doon sa 25 ay puwedeng pumasok ang PNP kahit na wala siyang magsasaka o manggagawang organisasyon. Doon sa 25 sa party list, papasok din ba ang PNP?

MR. OPLE: Maaari, ganoon din naman ang PDP-Laban, UNIDO, Partido ng Bayan at iba pang mga lapian.

MR. TADEO: Naniniwala ba kayo na ang party list ay puwedeng paghati-hatian ng UNIDO, PDP-Laban, PNP, Liberal at Nacionalista?

MR. OPLE: Maaari iyan sapagkat bukas ang party list system sa lahat ng mga partido.

MR. TADEO: Naniniwala ba kayo na ang sectoral maaaring lamunin ng political party sa party list?

MR. OPLE: Sa ngayon, kung kaya binibigyan natin perfect constitutional gift ang mga sektor na maupo riyan. Datapuwat sa loob ng anim na taon, aasahan natin na sila ay magbubuo ng kanilang sariling lakas upang magkaroon ng pagkakataong manalo sa isang party system.

MR. TADEO: Isang tanong pa. Naniniwala ba kayo ang pagpasok sa politika ay magastos? Bibigyan ko kayo ng isang konkretong karanasan. Taga-Bulakan tayo pareho. Noong kayo ay kumakandidato, walang titingin sa buong Bulakan na hindi po makikita ang inyong larawan; tumingin ka sa itaas, makikita mo ay streamer; tumingin ka sa lahat ng lugar, ang makikita mo ay pangalan ni Commissioner Ople.

MR. OPLE: Mas maraming larawan si Minister Natividad at si Minister Hipolito kaysa sa inyong lingkod.

MR. TADEO: Ang sabi ni Commissioner Natividad siya iyong pinakamahirap; pero kahit na siya ang pinakamahirap, kahit saan ka tumingin ay makikita mo rin ang kanyang larawan. Ngayon, sa isang marginalized sector sa ganitong kalagayan, ano ang kanyang pag-asa? Hindi ba maaari lamang kaming itulak at lamunin ng isang makinarya?

MR. OPLE: Sa party list system maliwanag na malaki ang pagkakataon ng mga sektor. Hindi ko naman pinangungunahan ng bait si kasamang Jaime Tadeo, datapwat kung mayroong isang milyon na magbubukid ang kasama sa kanyang organisasyon at makikipagugnay halimbawa, sa Partido Nacionalista ng Pilipinas o Partido ng Bayan, at ipapasok sa listahan doon COMELEC na ang nangunguna sa 15 tao na nakalista para sa Partido ng Bayan ay si Jaime Tadeo, aba'y katulad din ng pagsikat ng araw ang panalo ng kasamang Jaime Tadeo sa pamamagitan ng party list system. Datapwat iyan naman ay payo ko lamang, hindi ko naman siya sisingilin diyan sa magandang payong iyan. Datapwat maliwanag ang nakikita ko na napakaganda ng pagkakataon ng mga sektor lalo na pagkatapos ng anim na taon dahil halos sa kanila na mauuwi talaga, sa pamamagitan ng mga partidong umiiral, ang mga 50 likmuan na nakareserba sa party list system at sa mga sector diyan sa ating House of Representatives.

MR. TADEO: Ang nais lang ng mga dukha ay isang mapagkalingang saligang batas at nakikita namin sa panahong itong hindi pa namin kayang tumindig. Gusto namin itong makita at ito'y nakatitig mismo sa atin. Kung gagawin lang natin itong two terms, mayroon lamang akong hindi maunawaan. Bakit kinakailangang bigyan pa ng limit? Bakit hindi pa natin ito pagandahin? Ang tanong ni Commissioner Natividad: "Eh, tinatanong ako, Jimmy, sa amin, bakit ba iyong mga political parties ay sasama pa sa party list, hindi na lang pabayaon iyan sa mga marginalized sector"?

MR. OPLE: Napakadaling makiusap sa isang partido na isama sa party list diyan sa COMELEC iyong mga samahan ng manggagawa at magsasaka na nakikipag-ugnayan sa kanila. Datapwat ang mahalaga, palagay ko, ay bigyan ng pagkakataon ngayon din, as a constitutional gift, ang mga labor, peasant, youth and urban poor sa pamamagitan nitong Villacorta-Monsod amendment. Kung gusto naman ninyong makipagtawaran kay kasamang Monsod at kasamang Villacorta sa halip na two terms ay gawin na nating tatlo, palagay ko naman ay hindi kayo pagdadamutan. Iyon palagay ko ay subject to negotiation.

Marami pong salamat, Ginang Pangulo.

SUSPENSION OF SESSION

THE PRESIDENT: We will continue this very interesting and enlightening discussion after lunch.

The session is suspended until two-thirty in the afternoon.

MR. CALDERON: Madam President, before we suspend our session, I move that the Commission congratulate and extend its best wishes to two birthday celebrants, Commissioner Ahmad D. Alonto and the Secretary-General.

It was 12:29 p.m.

RESUMPTION OF SESSION

At 2:55 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

We will ask our guests and everybody else to please maintain silence during our deliberations. And before we proceed with the business for the afternoon, the Chair would like to recognize Commissioner Villacorta to introduce to the Commission the different groups that are with us here this afternoon.

MR. VILLACORTA: Ginang Pangulo, kinikilala po natin at binibigyang pansin ang mga kinatawan ng mga manggagawa, magbubukid, mga minorya mula sa Cordillera, mga mag-aaral at mga kababaihan. Ang mga kinatawan po ng mga sektor na ito ay naririto sa Constitutional Commission upang pukawin ang ating kaloobang makabayan, maka-Kristiyano at maka-Muslim, at bigyan sila ng sapat at makahulugang representasyon sa ating Kongreso.

Marami pong salamat. (Applause)

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: Madam President, we will now continue our discussion on the Article on the Legislative. This concerns the issue between the proponents of the party list system and the sectoral representation.

May I now ask that Commissioner Rodrigo be recognized.

THE PRESIDENT: So, we are continuing the discussion on the party list system which is to be incorporated in the Constitution.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: I would like to propound a few questions to the proponents, but before I do so, I would like to state that the purpose of the interpellations is that when the Constitution has been enacted and the people would like to know the exact meaning of a certain provision of the Constitution, they can refer to the transcript of proceedings and, based on the questions and answers by the proponent, they can derive a basis for the correct interpretation of the provision. Usually, during interpellations, the one who answers the question is the proponent . . . either the Committee Chairman or the individual proponent of the amendment. Thus, the answer of the proponent is sort of authoritative because he is the proponent of the amendment. However, in this proposed provision regarding the party list and sectoral representation, there are 27 proponents. So, I would like to know if there is a spokesman for the 27 proponents.

THE PRESIDENT: This morning it was Commissioner Villacorta who made introductory remarks, followed by Commissioner Monsod. So, I will leave it to the two Gentlemen to decide who will be the one to answer any interpellation on this subject matter.

MR. RODRIGO: The name of Commissioner Monsod is number one in the list of 27 Commissioners. So, I suppose he is the principal proponent.

MR. MONSOD: I am willing to be questioned, but I would like to ask the help of the other Commissioners also, perhaps with other questions in which they are more knowledgeable than I am.

MR. LERUM: Madam President.

THE PRESIDENT: Commissioner Lerum is recognized.

MR. LERUM: Will the author of the amendment please read the cosponsors of the amendment so that we will know who they are.

MR. MONSOD: The ones who were in the list this morning, other than Commissioner Villacorta and myself, were: Commissioners Bernas, Gascon, Garcia, Davide, Bengzon, Nieva, Azcuna, Bacani, Rigos, Tan, Suarez, Sarmiento, Ople, Tingson, Guingona, Foz, Romulo, Uka, Rosario Braid, Villegas and Bennagen.

MR. RODRIGO: Then, I will propound my question to Commissioner Monsod whose name appears as number one in the list.

My questions have reference to the party list system and the sectoral representation in the House of Representatives. I would like to preface my questions by stating that I am in favor of the basic idea of having sectoral representation and representation by means of the party list in the House of Representatives. However, from the very beginning, I already expressed my misgivings about the mechanics, the practicableness of this idea. I think this is in line with the thinking of the Constitutional Commission on this matter. We like this party list and sectoral representation, if they can be implemented properly. And we should leave to the legislature the enactment of the implementing laws or the enabling acts. The legislature will have more time to study the problem on how this can be implemented. The legislature can go into details on the mechanics. This we cannot do in the Constitutional Commission because a Constitution must be brief, concise and broad.

So, I am very glad when I read this proposed amendment which stated twice the phrase "AS PROVIDED BY LAW." Let me go through it: "THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL AND SECTORAL PARTIES OR ORGANIZATIONS AS PROVIDED BY LAW. THE PARTY LIST REPRESENTATIVES SHALL CONSTITUTE TWENTY PER CENT OF THE TOTAL MEMBERS OF THE HOUSE OF REPRESENTATIVES PROVIDED THAT FOR THE FIRST TWO TERMS AFTER THE RATIFICATION OF THIS CONSTITUTION TWENTY FIVE OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED BY SELECTION OR ELECTION, AS PROVIDED BY LAW FROM THE LABOR, PEASANT, URBAN POOR AND YOUTH SECTORS."

And so, my first question is: In the light of the phrase "AS PROVIDED BY LAW," do I take it that this party list system and the sectoral representation provision will not take effect until an enabling act or an implementing legislation shall have been enacted by Congress?

MR. MONSOD: Madam President, the first Assembly will be in March or April. But when we say "AS PROVIDED BY LAW," it could really mean that it may be by ordinance appended to this Constitution or an executive order by the incumbent President or, as the Gentleman has said, by law provided by the incoming Congress. So, it could be any of these ways.

MR. RODRIGO: Madam President, we are all witnesses to the difficulty in arriving at a consensus of these very novel ideas on the disputes that we have had. And up to now, there is no real consensus yet. Does the Commissioner believe that we should really try to go into the details by enacting an ordinance to the Constitution? In other words, should we force the issue? Should we insist that before this Constitution is submitted to the people in a plebiscite, we shall have already deemed the details on how this party list system and sectoral representation can be implemented in the first election after the ratification of the Constitution?

MR. MONSOD: We just want to establish the principle of the party list system with sectoral representation in the present Constitution. We can discuss whether the body in its collective wisdom feels that it is qualified or should go into the ordinance after we have established the principle, and we will be guided by the vote or judgment of this Commission.

MR. RODRIGO: Considering our time constraint and the many other provisions that we have not yet discussed, does the Commissioner believe that we are in a position to draft, study and enact a virtual piece of legislation,

with all details, regarding the implementation of this party list system and sectoral representation, so that it will be finished in time for the approval of this Constitution? Should we not abandon that idea and leave this matter to the legislature?

MR. MONSOD: I believe that it is really not a very complicated system, and it is possible. But I will yield to the time problem, if there is really a time problem. Certainly, I do not think that this Commission would want to put an ordinance that is half-baked.

Secondly, such an ordinance could also apply only to the first term under this Constitution, after which the regular Congress may provide as it sees fit on how the future system will work.

MR. RODRIGO: So, the Commissioner then admits that in all probability it will be the first Congress to be elected after the promulgation of this Constitution that will enact the implementing law.

MR. MONSOD: As I said, that would depend on the work and judgment of this Commission.

MR. RODRIGO: Which is the more probable because this is important?

MR. MONSOD: This is just a personal opinion. I believe that we can work out an ordinance that would be applicable to the first Congress after this Constitution.

MR. RODRIGO: Suppose we will not have time to enact such ordinance and I personally believe that we will not have time? I want to be honest and candid. So, this will be left either to President Cory Aquino and she will enact an enabling legislation all by herself or to the first Congress. Considering that President Aquino is saddled with so many duties and worries — she is even going to the United States sometime in September — does not the Commissioner think that it is practical to expect that the President can enact the implementing legislation on this matter?

MR. MONSOD: We approximately have a month and a half, and the President will have about six months to enact something that would apply to the first Congress. And the President does not work alone, Madam President.

MR. RODRIGO: Did the Commissioner consult the Chief Executive or anybody connected with President Aquino on whether this can be accomplished?

MR. MONSOD: We believe that this Commission is a plenary body and we should make our own judgment on the matter.

MR. RODRIGO: All right, let me proceed then. I want to be very practical about this. First of all, I do not think that we will have time to enact an ordinance to be appended to the Constitution. Secondly, I do not think we should expect the President to be able to enact a legislation to implement this. And so, the most probable thing to do is to have Congress enact an enabling act. Let us start from that practical premise. At least I will start from that practical premise.

MR. MONSOD: Madam President, may I just mention something? The Commissioner said that he is starting from a practical premise. I think we agree with him that we may have a time problem, but we think that there is enough time to implement it because we also must give voice to the sectors that we want represented even in the first Congress under this Constitution.

MR. RODRIGO: Yes, Madam President. But then, we are appointed officials. This is a very important provision for our people. The first Congress will be composed of representatives elected by the people. Does not the Commissioner think that they are in a better position to enact the enabling act or the implementing legislation since they are elected by the people? They are in closer touch with the people. So, does he not think that we have

to be realistic and just say this will be implemented, hopefully, by the first Congress to be elected by the people after the ratification of this Constitution?

THE PRESIDENT: Does Commissioner Rodrigo have any proposed amendment to the amendment proposed by Commissioner Monsod and others?

MR. RODRIGO: No, Madam President. We are not yet in the period of amendments.

THE PRESIDENT: He has a proposed amendment, so my question is: Is Commissioner Rodrigo suggesting a proposed amendment to this draft that they have submitted?

MR. RODRIGO: No, I am just asking questions for clarification. I made that very clear from the very beginning, Madam President.

Let us say that we fail to enact the needed ordinance to be appended to the Constitution, so the method left will be for the President or Congress to enact the implementing law. This proposed amendment reads: ". . . SHALL BE FILLED BY SELECTION OR ELECTION AS MAY BE PROVIDED BY LAW FROM THE LABOR, PEASANT, URBAN POOR AND YOUTH SECTORS." So, there is an enumeration of four sectors. If this amendment is approved by us and ratified by the people, it becomes part of the Constitution. May Congress or the President add any sector to the four sectors enumerated here?

MR. MONSOD: These are generic terms for the sectors. And, of course, Congress may, if it wishes, break down these general classifications into more sectors. In other words, they can say that within the labor sector, it would mean these sectors or subsectors and they can have that enumeration. The enumeration of the four sectors, we believe, covers the marginalized sectors and the subsectors can be added or explained in more detail by law.

MR. RODRIGO: So, the only thing that can be added by either the President or by Congress are the subsectors — subsectors of labor, subsectors of the peasants, subsectors of the urban poor or subsectors of the youth. Is that correct?

MR. MONSOD: Yes, Madam President. As a matter of fact, we have discussed this with the people who were proposing this. Perhaps, to give an idea of the other categories that could be considered as included in these sectors, I would like to ask Commissioner Villacorta to please explain to us the coverage of the sectors.

MR. RODRIGO: May I ask Commissioner Villacorta a definite question regarding this? For example, is the sector of indigenous communities included among the four sectors? May the legislature add indigenous communities as sector?

MR. VILLACORTA: That was suggested by Commissioner Bennagen and, personally, I am open to that idea. We started with four functional sectors on the understanding that members of all nonfunctionally classified sectors can fall under these four sectors. Therefore, women, teachers, indigenous communities, as originally conceived, could fall under any of these four sectors; but then, as I said, the proponents of the sectoral representation are open to the idea of incorporating one more sector. I think if we have too many, it might open the floodgates to suggestions to incorporate many other sectors and it will be an endless list.

MR. RODRIGO: Precisely, my question is: Should we enumerate the sectors, thereby limiting them by means of this constitutional provision, or should we give the discretion to Congress to add to or subtract from later on?

MR. MONSOD: Madam President, may I just add that as a matter of fact, one of the proposed amendments that we understand will be made is to put the phrase AS PROVIDED BY LAW in the second to the last sentence in order to give a little more flexibility to Congress or to the ordinance of the President.

MR. RODRIGO: If that is the wording, Congress is still limited to the four sectors. Would the Commissioner agree to an amendment to this effect which will read: "LABOR, PEASANT, URBAN AND YOUTH SECTORS, AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW"?

MR. MONSOD: We are willing to consider such an amendment.

MR. RODRIGO: Because under this, I do not know where we can add the indigenous communities or the women. We have the youth sector. How about us, the elderly, senior citizens?

MR. MONSOD: Under the proposed amendment, we will gladly include that as part of the total enumeration. We can even consider that as part of the youth.

MR. RODRIGO: Second childhood? Just one last point. In case we fail to incorporate that ordinance and in case the President cannot act, then Congress meets and when Congress meets, that is the only time that an implementing legislation can be enacted. In that case, this provision, that the first two terms shall start after the ratification of this Constitution, would not be fair. Is that correct?

MR. MONSOD: Yes, Madam President.

MR. RODRIGO: It must be made to start from the first election where the party list and sectoral representatives are elected. Would that be correct?

MR. MONSOD: Yes, Madam President.

MR. RODRIGO: Thank you very much.

MR. ROMULO: Madam President, I ask that Commissioner Tadeo be recognized with regard to his amendment.

THE PRESIDENT: Commissioner Tadeo is recognized.

MR. TADEO: Madam President, I withdraw my amendment to give way to Commissioner Aquino's amendment which I also adopt.

THE PRESIDENT: Let it be made of record that Commissioner Tadeo had withdrawn his proposed amendment.

Commissioner Aquino is recognized.

MS. AQUINO: Madam President, this proposed amendment is being cosponsored by Commissioners Bernas and Tadeo with this Member.

THE PRESIDENT: Louder, please.

MS. AQUINO: This proposed amendment is being cosponsored by Commissioners Bernas and Tadeo and this Member. For purposes of clarity, our amendment would seek to: 1) provide basic perpetual institutionalization of reserve seats for the basic sectors, meaning, the labor, peasant, urban poor, youth and others as may be provided by law; and 2) that the process of selection of the sectoral representatives will be done by election. If the Commissioners will be guided by the xerox copies of the compromise amendment furnished them this morning, the amendment would read: "THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL AND SECTORAL PARTIES OR ORGANIZATIONS AS PROVIDED BY LAW. THE PARTY LIST REPRESENTATIVES SHALL CONSTITUTE TWENTY PERCENT OF THE TOTAL MEMBERS OF THE HOUSE OF REPRESENTATIVES. TWENTY-FIVE OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED BY ELECTION, AS PROVIDED BY LAW, FROM THE LABOR, PEASANT, URBAN POOR AND YOUTH SECTORS."

MR. GUINGONA: Madam President, I would like to propose an amendment.

THE PRESIDENT: Commissioner Nieva is recognized first.

MS. NIEVA: May I propose an amendment to the amendment of my fellow lady Commissioner, Commissioner Aquino. This long-awaited breakthrough which would open up the system to the marginalized and basic sectors, as well as various parties and organizations, I think, deserves the full support of this Constitutional Commission which is really comprised of members appointed as representatives of various sectors.

My amendment would add a fifth sector to the list of four sectors, and this is the women sector. I think women, who compose more than 50 percent of our population, would certainly deserve special mention here in the sense that we have been marginalized for too long as far as the political life of the country is concerned. So, since it is a provision for 25 seats to be filled by the sectors, this would make it a very even representation — five seats per sector. So, that is my amendment.

THE PRESIDENT: Is this accepted by the proponent?

MS. AQUINO: Gladly, Madam President.

MR. GUINGONA: Madam President, may I just add that I was going to propose the same amendment.

THE PRESIDENT: So, Commissioner Guingona is a cosponsor.

MR. GUINGONA: No, Madam President. What I would like to add is 25. This will facilitate our work insofar as the preparation or the drafting of the ordinance is concerned, because 25 would be easier to divide by five than by four, at least for the first Congress.

THE PRESIDENT: Thank you.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Earlier this morning, I mentioned that when we are in the period of amendments, I would like to include the group of indigenous cultural communities not only because they are marginalized but they will contribute immensely to the evolution of an indigenous legal system. I did mention earlier that this will be an important contribution by representatives from the indigenous cultural communities who still live by viable customary laws.

THE PRESIDENT: Is that accepted?

MS. AQUINO: Madam President, I would gladly accept that, except that I would suggest that we address first the basic concepts that we are proposing before we approach the matter of representation of sectors, because it might clutter the issues.

MR. BENNAGEN: Yes.

MS. AQUINO: I have no objection. It is just that I am proposing that we tentatively defer discussion of the identification of the sectors so that the issues will be focused on the major amendments that we are proposing.

MR. BENNAGEN: I just want to mention that because I notice that the sector was again forgotten in the subsequent deliberations from this morning's discussion.

Thank you, Madam President.

MS. AQUINO: There was no intention to omit that, Madam President.

May I be allowed also to mention, for the guidance of the Commissioners, that this proposal that I have read earlier will have to be intimately coupled with another paragraph which has to be referred to the Article on Transitory Provisions, and the proposal would read: FOR THE FIRST TERM OF CONGRESS FOLLOWING THE ADOPTION OF THIS CONSTITUTION, THE SECTORAL REPRESENTATIVES PROVIDED FOR IN SECTION 5 SHALL BE APPOINTED BY THE PRESIDENT FROM THE LIST OF NOMINEES SUBMITTED BY THE SECTORS.

This proposal is addressed to the difficulty of coming out with the mechanics and the logistics of the sectoral elections immediately after the adoption of this Constitution.

THE PRESIDENT: For the guidance again of the Commissioners, will Commissioner Aquino please stress those points that she seeks to submit to the body in her proposed amendment?

MS. AQUINO: In summary, the points that we are proposing to introduce in this article are: First, the perpetual reservation of institutional seats for the sectors thus defined; and second, the process should be done by election.

THE PRESIDENT: Will that perpetual reservation consist of the 20 percent? The Commissioner is not changing the 20 percent?

MS. AQUINO: No. The third is that for the first election following the adoption of the Constitution, the sectoral representatives will be appointed by the President. We have to yield to the difficulty of an immediate sectoral election.

THE PRESIDENT: Commissioner Lerum is recognized.

MR. LERUM: Madam President, I am not objecting to the proposed amendment granting sectoral representation to the women, but that would mean we are going to take some seats from the other sectors. So if that is to be done, then we have to increase the number of sectoral seats. What will happen now is this: It is a fact that representatives from the peasant, labor and youth sectors have their seats already. We are adding some more, but we are not increasing the number of seats. So if the amendment for the inclusion of women in the sectors will be approved, then we have to increase the number of seats allotted to the sectors. Maybe only one seat will be left to the labor sector.

MS AQUINO: Madam President, may I reiterate my request that we focus first on the principles that are being proposed. Let us defer any discussion on this matter. This is likewise significant; I am not saying that we are quibbling over petty matters, but I would only like us to focus on the basic principles of the amendments which are major.

MR. LERUM: Madam President, if that is the case, then what are we going to vote on?

I agree with Commissioner Aquino that for the first election for Congress, it is impossible to have an election of the sectoral representatives because we still have to enact a law, and the only one that can enact it will be Congress. The moment we put in this Constitution the provision that the sectoral representatives will be elected, then a law therefor must be enacted.

So I agree with the amendment that for the first Congress, the sectoral representatives should be chosen by appointment from recommendees of these sectors.

REV. RIGOS: Madam President.

THE PRESIDENT: The Chair would like to suggest to Commissioner Lerum that the body can vote in principle

on this proposed amendment and then have it approved — because we do not know yet if this will be approved — then he can propose a subsequent amendment to change the number of the seats. The Chair thinks that will be perfectly in order. Can we do that?

MR. LERUM: May we have a suspension of the session for a few minutes so we can discuss this matter rather than have interpellations of each other on the floor?

THE PRESIDENT: Who is the next proponent?

MR. ROMULO: Madam President, I suggest that we finish the amendments first. Commissioner Rodrigo has another proposed amendment to the amendment. Perhaps we should call on him first, after which the discussion can take place in accordance with the list of speakers I have.

I ask that Commissioner Rodrigo be recognized.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Madam President. this amendment is on the last line of the text. The sectors as enumerated are: labor, peasant, urban poor and youth. I think somebody filed an amendment to that amendment by adding the word "WOMEN." Moreover, somebody announced that he will file an amendment to the amendment by adding "INDIGENOUS CULTURAL COMMUNITIES."

I do not know if anybody else will add any specific sector. but my amendment is to place a comma (,) after the word "enumeration" and add AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: I would like to reiterate the motion made by Commissioner Aquino that we attend first to the essentials of the matter, whether or not we will have permanent reserve seats for the sectors. After we have decided that, then we can talk about what sectors will be included, because if we decide that there will be no permanent seats for the sectors, then we will have nothing to talk about.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: I understand that the Floor Leader is suggesting that we consider now all the proposed amendments, including that of Commissioner Aquino. Then, we can sit down together and find out how we can draft the whole thing. That is why Commissioner Rodrigo was allowed to present his amendments.

MR. SUAREZ: Madam President.

THE PRESIDENT: May we hear first the proposed amendment of Commissioner Rigos so that we can see if it can be adjusted?

REV. RIGOS: Madam President, I do not know where to put my proposed amendment but the idea is, I would like to exempt the religious group. In other words, it should be clearly understood that in this particular section, we will not include any religious group.

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

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: May we just ask Commissioner Rodrigo a question before we vote on the proposal of Commissioner Aquino? Commissioner Rodrigo is suggesting the inclusion of the phrase "AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW" in the last portion of the proposed resolution. Is the Commissioner suggesting also that after the word "election" we delete the words "as provided by law"?

MR. RODRIGO: I have not studied that very well so I have not come to any conclusion; and I do not know the consequences of that proposal.

MR. SUAREZ: I asked that because the process of election and the matter of choosing the sectors have to be provided by law. I think the two should be retained.

MR. RODRIGO: I agree with the Commissioner

MR. SUAREZ: Thank you.

THE PRESIDENT: Are we ready now to vote on the proposed amendment of Commissioner Aquino?

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

SUSPENSION OF SESSION

MR. ROMULO: I move for a suspension of the session.

THE PRESIDENT: The session is suspended.

It was 3:34 p.m.

RESUMPTION OF SESSION

At 3:44 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. ROMULO: I ask the Commissioners Monsod and Aquino be recognized.

THE PRESIDENT: Commissioner Aquino is recognized.

MR. ROMULO: Will Commissioner Aquino inquire if her amendment to the amendment is accepted or not.

MS. AQUINO: I am being instructed to inquire from Commissioner Monsod if my amendment is accepted by his group.

MR. MONSOD: We regret that we cannot accept the proposed amendment.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. ROMULO: As agreed upon in the caucus, the body will now discuss the question of whether or not we will have permanent sectoral representation. The speakers are as follows: Commissioners Rosario Braid, Quesada, Brocka, Sarmiento, Garcia and Villegas.

I ask that Commissioner Rosario Braid be recognized.

THE PRESIDENT: Just to clarify, is this for the permanent sectoral representation?

MR. ROMULO: Yes, Madam President. That is the only issue to be debated at this time.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Madam President, members of the Committee: While I do sympathize with the arguments of Commissioner Tadeo and the others about the need for sectoral representation, I would, however, argue against the institutionalization of sectoral representation. I think we could arrive later at a compromise agreement where we could increase the term to maybe three or four terms, at which time the sectors could be given the opportunity to become more self-reliant, to be able to forge horizontal links and coalitions with other sectors who are in search of new political values and a new political culture. I think this is a great opportunity for us to be able to develop party issues and a platform that will provide countervailing force against elite party politics.

Madam President, may I give some examples of similar experiences in other countries. The Green Party in Europe has emerged as a political movement that has cut across sectoral groups. It has been able to organize an imaginative program which started with the problems of the marginalized group, such as the exploitation of the poor, and has extended its efforts to problems like the search for authentic personal values, concerned with the environment and concerned with the values of frugality and simplicity. This program has attracted various groups from different economic and social classes — the youth and the post-materialist groups.

This is true, too, with the Solidarity Movement in Poland which has attracted other groups beyond the original group — the exploited labor group. This is also true with the Gandhian politics that emerged in India. These movements are attempts in coming up with what we call examples of participatory or communitarian democracy. These are movements that are able to come up with countervailing values against elite values which center around technology, materialism, depersonalization and bureaucracy.

Madam President, I, therefore, hope that the sectors would be given reserve seats for 9 or 12 years and would have the opportunity to influence others and to move away from their sectoral concerns and from what could become a class struggle within that period of time. When they shall have organized into a party, they may move towards new approaches in problem-solving rather than merely focus on their particular sectoral problems.

In view of this opportunity to move towards a new kind of party or political culture, I would support the need for a party list system with this compromise that would lengthen the term to maybe three or four terms in order to give them opportunity to grow and evolve.

In the final analysis, I think we do not want to give them patronage and neither would they want patronage. They may like to have opportunity to compete in the political arena.

Thank you, Madam President.

MR. ROMULO: Madam President, I ask that Commissioner Quesada be recognized.

THE PRESIDENT: Commissioner Quesada is recognized.

MR. ROMULO: May I remind the speakers that we agreed on two-minute interpellations. The Commissioners will please look at the wallclock for the time.

THE PRESIDENT: I will give them three minutes.

MS. QUESADA: Madam President, members of the Committee: I would like to request that I speak in Pilipino, in behalf of the farmers, the workers and the minority groups here. (Applause)

THE PRESIDENT: May we remind again our audience to please refrain from any outward manifestation of approval or disapproval during our deliberations.

MS. QUESADA: Ako ay bumoboto sa perpetual or permanent reserve seats for the sectors. Ngunit ang ibig sabihin nito ay hindi "forever." Ang gusto lang natin ay hindi maitatak sa ating Konstitusyon kung hanggang kailan lang sila may reserve seats — iyong sasabihing "two terms," "three terms" o "four terms," dahil hindi natin masasabi kung kailan talaga uunlad ang mga sectors upang sila ay lumaban bilang isang political party. Ngayon, ang mahalaga ay kinakailangang pumili ang mga sectors ng kanilang tunay na kinatawan. Ang nangyayari kapag pumasok na ang sectoral representatives sa larangan ng pulitika ay mayroong transformation na nangyayari sa kanila. Marami na ang istorya tungkol sa mga manggagawa at magbubukid na kapag sila'y nakapasok na sa larangan ng pulitika, iba na ang sinasabi at dinadala nila. Sa pagpasok sa power dynamics ng pulitika, natututo na ngayon silang pumasok sa mga alliances, negotiations, mga trade-offs at kadalasan ay nakakalimutan na nila ang interes ng kanilang sector. Kaya sa palagay ko ay napakahalaga na ang marginalized sectors ay may reserve seats sa lehislatura dahil hindi pa magbabago sa isang dekada ang kanilang kalagayang pang-ekonomiya at pang-sosyal. Kaya ako ay naniniwalang hindi dapat lagyan ng taning kung kailan sila mawawalan ng reserve seats at tumakbo o makilahok at lumaban sa larangan ng pulitika. Alam nating ang marginalized sectors ay wala pang kakayahan dahil sa hindi pa nagbabago ang kanilang kalagayang pang ekonomiya at pangsosyal. Iyon ang aking posisyon at sinusuportahan ko ang posisyon ni Commissioner Bernas, Aquino at Tadeo. (Applause)

MR. ROMULO: Madam President, no one claps for the Floor Leader when he does all the work.

I ask that Commissioner Brocka be recognized.

THE PRESIDENT: Commissioner Brocka is recognized.

However, may I remind again our guests to refrain from any outward manifestation of approval or disapproval because if this goes on, then we will be constrained to ask the audience to leave because we want our deliberations to be as impartial as possible.

Thank you.

MR. BROCKA: Thank you, Madam President.

I would like to react to some of the opinions expressed this morning. We are agreed that there should be not only territorial representation but also sectoral or functional representation. However, we are still divided on the question of whether sectoral or functional representatives should be provided with reserve seats on a permanent basis or on a temporary basis and whether they should be appointed or elected.

Those who say that sectoral representatives should be given reserve seats for only two terms say that this provision is a constitutional gift we are giving them, and that if they want to keep those seats, they should earn them. I find this very patronizing.

When we started the Constitutional Commission, one of the first things that we addressed ourselves to was this question of public hearing. We were very much aware of the fact that we were appointed by the President. So, there was this necessity. It was almost imperative that we go to the provinces. We go to the people to listen to them. This is what we call public hearing. We keep talking about consulting and listening to the people. We keep talking about people power. However, it seems to me that we are reluctant to give this people power a definite or concrete political form. Let us remind ourselves for the nth time that it was people power that toppled the Marcos dictatorship and installed the Aquino government. We forget that in the darkest days of the dictatorship, when political parties were abolished or marginalized, it was the people's sectoral organizations that really fought for justice, freedom and democracy.

My point is that the people, through their sectoral organizations, have earned the right to be represented in the

councils of state and in the legislature. They have earned the right through their blood, sweat and tears.

We are not giving them a constitutional gift on a silver platter. What is demanded of us is that we, the Constitutional Commission, recognize and protect the people's right to have reserve seats in the legislature. We must give due recognition and respect for this new force in the Philippine political scene — a force operating outside the traditional political parties, but a force powerful enough to have ousted a dictator and have given us the democratic space in which we are now moving.

In fact, the very composition of this Constitutional Commission is a recognition of this new political force. I would not be here today if it were not recognized that artists and cultural workers, along with the laborers, the peasants, the youth, the teachers, the religious sectors, et cetera, deserve a chance to participate not only in the dreaming of dreams, but also in the making of laws.

I agree with Commissioner Aquino that these sectoral seats should also be elective rather than appointive. At the same time, I agree with Commissioners Tadeo and Bernas that these seats should be permanently installed in the legislature. I might even go so far as to say that, if we really want a bicameral legislature, one entire House can be given over to sectoral representatives and the other House can be for territorial representatives.

But perhaps, this idea is too unorthodox to be accepted at this time. And so, I am willing to compromise and settle for 25 seats in the Lower House. What is important is, I repeat, for us to recognize that the people's sectoral organizations have fully and overwhelmingly earned the right to be given permanent reserve seats in the legislature.

And so, together with Commissioner Tadeo, and in behalf of the sectors sitting in the gallery — the laborers, the peasants, indigenous communities, the youth, the women, et cetera — I am begging my fellow Constitutional Commissioners to protect their earned right to represent themselves in the legislature.

Thank you.

MR. ROMULO: Madam President, I ask that Commissioner Sarmiento be recognized.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Madam President, I will be brief. I will not consume two minutes.

I see the wisdom of sectoral representation. I agree with my colleagues advocating for sectoral representation. As a matter of fact, I believe that the sectors should be expanded to cover professionals and teachers and government employees because I believe they belong to the oppressed sectors in our society.

However, I personally believe that five terms will be sufficient for them. I do not believe in perpetual sectoral representation. I believe in their capacity to develop themselves and in their innate talents to organize themselves or to participate in the drama of genuine political struggle.

Madam President, I think this is one way of developing the concepts of self-reliance, self-independence, self-determination and genuine political maturity. After five terms, these sectors should now participate in the genuine struggle for independence, democracy and nationalism.

This is no longer the Marcos era. We are entering a new stage of political development. This is a new season. So I believe that after five terms, these sectors would have matured and developed their capacities to govern themselves to participate in the drama of power play. It is like a baby, Madam President. For a while, we have to protect and nurture him. but, thereafter, he has to have complete independence to mature and to fend for himself.

So, Madam President, I am against perpetual sectoral representation. I am in favor of three or five terms only. In

this way we develop our people; we give full play to people power in our country.

Thank you, Madam President.

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

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Thank you, Madam President

I would like to speak in support of permanent sectoral representation. My main thought or statement is briefly this: Politics and political representation must not be limited to party politics, but must explore means to make meaningful and effective the participation of the majority. In other words, I would like to advocate different forms of participation. First of all, I would like to remind ourselves of the context that, in fact, we are not speaking of a truly proportional, representational Congress. We are speaking of a limited character. We are speaking not of the 200 seats to be given to political parties, who basically will try to seek power through territorial representation, both national, local and district. We are speaking of only 25 seats where people's organizations, the four basic sectors, through the party list system, could be represented in the legislature. Let me argue my case very briefly through the following reasons and by giving the context.

We understand that what we went through in February was a political revolution. It is basically unfinished. It will take some time before social justice will prevail in the land; there is much work ahead. We also all agree that the basic problems we face in the country are the problems of poverty, hunger and land and these are essentially a problem of power. Therefore, the representation of the majority is essential, if we are to resolve these basic problems.

The limited sectoral representation we seek is not a gift to the basic sectors. It is an effort to correct the traditional politics of exclusion, a politics which largely excludes the majority. The exercise of democracy demands the organization of citizens. I believe that the horizons will precisely open to all those who are not organized as they will see the value of organization in order to be truly and effectively involved in democratic political exercise.

Finally, I believe that permanent sectoral representation will, in fact, result in the transformation of politics. The nature of our political parties at present is largely one based on personalities and it is nonideological. I think we will see the evolution of parties that defend the interest of large sectors. In this body, we have chosen the bicameral and presidential systems which, I believe, militate against sectoral representation, and tend to place power in the hands of parties and leaders that have the resources and the wherewithal to aspire for political power.

I, therefore, submit that a permanent sectoral representation, although limited in character, will be a step in the right direction.

Thank you.

MR. ROMULO: Madam President, I ask that Commissioner Bacani be recognized to interpellate Commissioner Aquino.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: I promised Commissioner Romulo that I will ask only one question, but I have to ask one preliminary question.

Does Commissioner Aquino want the words "perpetual reservation" to be provided in the Constitution, which means that from the time of the ratification of this Constitution, there will always be reserve seats for the sectors? Or is the meaning rather the one that is given by Commissioner Quesada that we will not determine the term for

this reservation?

MS. AQUINO: Before I answer that, may I enlist the services of my other coauthors because anyway, we sink or swim together here, so the Commissioners might as well help me. Anyway, we are not incorporating the phrase "perpetual reservation of institutional seats." But according to our amendment, this Article would now provide that there will be reservation of institutional seats for the sectors without necessarily limiting it to the first two terms. In effect, yes, although we will not provide expressly that it would be perpetually reserved. Commissioner Bernas may shed light on the matter.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: By "permanent," we do not mean until the end of the world but until the Constitution is amended.

BISHOP BACANI: Thank you very much for that clarification.

My main question is this: Even though I am favor of sectoral representation and of strengthening this, precisely, the perpetuity in the sense that has been described above would seem to militate against that strengthening of sectoral representation. It might mean that the representatives of the sectors will become lax in trying to win the approval of the people and may resort to other means by which they can easily gain the patronage of their own constituents. And hence, that is the reason why I am in favor of a proposal like Commissioner Sarmiento's and that of Commissioner de los Reyes. Will the Commissioner try to convince me to vote otherwise?

MS. AQUINO: The question is gladly welcome now. Apparently, the bone of contention is on the matter of permanent reservation of the institutional seats; while others would advocate a relative term: three terms or four terms. This would likewise address the interpellation of Commissioner Sarmiento.

May I proceed to answer the question of Commissioner Bacani? The principle of self-reliance or self-development in the dynamics of political growth as a democratic idea is beautifully simple, but it is wildly unrealistic. We are saying that there is a possibility- in fact, it is predictable that sectoral groups may graduate into political parties. But it is only possible if certain conditions are met. Unhappily, these conditions are not present. The conditions I could think of now are: (1) There should be a high level of development of political movements. By that I mean specifically the capability of political groups to crystallize their ideas, and to project and popularize them. (2) The logistical and organizational capability of these groups for a fair chance of success in an electoral struggle. The second condition is that the level of political development of these groups must be characterized by no other condition but unity. In other words, unity should be the overriding factor in the level of development. We know that the political groups now are very fractious in terms of their ideological differences and variances in political perspectives. (3) The third condition is the milieu. There is a requirement for a democratic milieu for the political groups to be able to develop and consolidate. If there is any peculiar characteristic of Philippine politics, it is the fact that we do not have a long tradition of popular and democratic politics. My fear, therefore, is that if we leave it to the dynamics of political groupings as is the position of Commissioner Sarmiento, effectively the sectoral politics will be diluted and diffused. Then they will have to be forced to go into plain power concepts of coalition. This will diffuse the specificity of the sectoral concerns because the call now is survival.

We have a lot of colleagues here who are far older than this humble Member, far more experienced in Philippine politics and I dare them to dispute my position that for any well-meaning peasant, for example, the road to an elective position is a tortuous obstacle course. We need money, an effective political machinery, and we have to draw deep into the arsenal of propaganda techniques. These are sorely wanting in sectoral organizations, such that a free play of political dynamics will render nugatory the possibilities of the full fruition of sectoral politics. If left

to their own devices, it is my fear that sectoral groups will only fall victims to the antagonist and to their own inadequacies.

It is my position that the sectors should be provided with permanent reservation of their representation in Congress.

MR. ROMULO: Madam President, I think Commissioner Bacani has completed his interpellations. May I ask that Commissioner Villegas be recognized as the last speaker on this subject.

THE PRESIDENT: Commissioner Villegas is recognized.

MR. VILLEGAS: Madam President, I would like to speak against permanent sectoral representation. First of all, in the analogous sector of local industries, there is a very unfortunate experience in giving a handicap protection to a certain sector. We are now faced with the most inefficient industries in the Asia-Pacific because we have coddled, pampered, babied local industries over the last 30 years under the pretext of infant industry protection. I am afraid that exactly the same thing will happen to these sectors that are to be pampered, coddled, babied, almost with a condescending attitude that we are taking, that they cannot, as Commissioner Ople was saying this morning, rise up to political maturity, rise up to the majesty of electoral representation. And so, this is my first reason why I am against permanent sectoral representation.

I question the statement made by Commissioner Aquino that people from the so-called marginalized groups cannot be politically mature, cannot organize themselves and cannot raise funds. In fact, in my experience over the last three years, in dealing with the so-called marginalized groups, I have been so impressed at their tremendous shrewdness and ability to attain political objectives. In contrast, representatives from the middle-income class or from the rich are so naive and so politically immature compared to them. So I think giving them nine years to 12 years will be sufficient for them to be able to rise up to electoral representation.

Secondly — and this is also a question asked by Commissioner Lerum — the Commissioner was puzzled why Commissioner Ople said that after these marginalized sectors have risen to political maturity, he would still be in favor of the party list system. That is precisely another reason why we cannot institutionalize sectors. These marginalized sectors can change in the dynamics of history. Remember, the "poor" are not just the poor, economically speaking. The poor, as we have already implied, include the youth; whether or not they are destitute economically, they are still marginalized. Women are also marginalized. And not to mention the unborn, the millions of innocent ones being killed in their mothers' wombs. This kind of poor has nothing to do with economic destitution. Then, as society develops, those who have been speaking about ecological balance in many industrialized countries are voices in the wilderness. So there has to be individuals who can work for these causes. That is why the Green Party as mentioned by Commissioner Rosario Braid became a very important force in Germany.

As history develops, more and more sectors will become marginalized, so we have to allow them to enter the political process through the party list system when they are sufficiently economically equipped to actually run for election.

Finally, I would like to restate what I said very early in this constitutional body that I appreciate very much the warning made by Commissioner Aquino, that we should be very careful in distinguishing between a leftist and someone who is pushing for sectoral representation. I definitely appreciate that warning. Let us also be very careful, however, that unwittingly we do not fall into the Marxist paradigm that those who belong to the high-income groups or those who become elected into the Senate cannot work as energetically and as unselfishly for the poor as any representative of the poor. I think it is very clear if we cite names like Senators Diokno and

Tañada. They are people who come from the so-called elite group but who have worked for the poor much more unselfishly than some labor leaders who have been scoundrels. I am not referring to the labor leaders present here — but there is no question that working for the common good does not know class distinction.

Thank you very much.

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: I will have to take strong exception to the misleading attributions of Commissioner Villegas, and I will try to be very polite and sober. In the first place I did not say that the marginalized groups are not capable of political sophistication or political maturity. What I said was that a well-meaning sectoral group can be effectively frustrated by the stranglehold and the deep entrenchment of traditional political parties. What I said was that I have full faith in the political maturity of the sectoral groups, but I would look askance at the insidious mechanisms of traditional political parties. That is all I said.

On the matter of the Marxist aberration, the concept of sectoral representation is not just a Marxist aberration. It is the pressing imperative of social justice.

THE PRESIDENT: Are we ready to vote?

MR. ROMULO: Commissioner Padilla would like to say a few words.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Madam President, I am in favor of giving the sectors some representation in the House but not in a permanent way or, as stated by Commissioner Bernas, "until the Constitution is amended." We are trying to draft a Constitution that will not only be for a few years. So if the Constitution is not amended, then this provision may become permanent.

Madam President, I have been listening throughout the morning and this afternoon and I would like to say that we should not be fomenting class distinctions, especially between the rich and the poor, the privileged and the underprivileged, the over-and-or-under marginal level. I agree with the Magsaysay dictum or maxim that "Those who have less in life should have more in law." But the situation of the sectoral groups, say, for lack of organization or unification, should be the object of evolution towards more organization and more unity among themselves. I am reminded of the decalogue of President Lincoln which states: "You cannot help the poor by destroying the rich." And the rich are not always identical with the powerful, especially the powerful in politics. What we need is more productivity to develop our economy, not so much the exercise of power through representation. What will help the poor, the underprivileged or the so-called marginal sector is more productivity rather than political power by one class even as against the other. That is the reason why I suggested even in the Preamble of the Constitution to insert the word PROGRESS or PROSPERITY, because increased or additional productivity will create more wealth, will mean more income not only for the rich but also for the poor, and a better life for all of us, under the guidance of Divine Providence.

Thank you, Madam President.

MR. ROMULO: Commissioner Suarez would like to be recognized.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

As one of the voices of the voiceless, the eyes of the blind, the ears of the deaf and the crutches of the crippled, I feel rather strongly that our marginalized sectors deserve permanent representation in the legislature. From the time this matter came up for discussion, I have always espoused the setting aside, in a permanent character, of a number of seats for the marginalized sectors of our society. We can call it "gifting" if we wish. If it be so, should we not present this gift to our people with an open heart and without restrictions?

Are we now turning out to be constitutional Indian givers?

Thank you, Madam President.

MR. ROMULO: Commissioner Bernas would like to be recognized.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: Madam President, just one minute.

I would like to correct any impression which may have been made — that this is an effort to foment class conflict. This is not. This is merely a recognition of the fact that there are vast numbers of underprivileged. We are not fomenting anything. We are just recognizing it and we are hoping to give them better protection of the law — greater protection than what is given to those who have more.

Thank you, Madam President.

MR. ROMULO: Madam President, I believe we are ready to vote by ballot.

THE PRESIDENT: Yes, we will vote by ballot.

MR. GASCON: Madam President, I would like to request that we vote by raising of hands, not by ballot.

THE PRESIDENT: There is a request from the Floor Leader that it be by ballot.

MR. GASCON: I feel that in this issue, we should not be hiding anything from the people.

MR. ROMULO: Madam President, that is what I was made to understand, that the majority would like to vote by ballot.

THE PRESIDENT: So, it will be by ballot.

I wish to clarify that we will vote on the first portion of Commissioner Aquino's amendment.

MS. AQUINO: Yes, but the first portion can only be best appreciated by also voting on the slashed paragraph which we propose should be transposed to the Article on Transitory Provisions, such that they are intimately coupled.

THE PRESIDENT: Do the Commissioners have copies of the proposed amendment?

MR. OPLE: Madam President, may I raise a parliamentary inquiry?

THE PRESIDENT: The Commissioner may proceed.

MR. OPLE: Under the Rules of this House, is there any legal support to a secret ballot on any issue?

MR. ROMULO: There is none in the Rules, Madam President; but, as we all know, we have been doing this with regard to many issues.

If the body wishes to put it to a vote, the Acting Floor Leader has no objection.

MR. OPLE: I would like to join Commissioner Gascon in his request for an open voting.

MS. QUESADA: Yes, Madam President, I would like to put this to a motion — that we divide the House on whether we should have secret balloting or open voting.

MR. GASCON: Madam President, we have done this secret balloting in the past, but I feel we should not continue with such voting, especially in crucial issues because I think we owe it to the people, since we were not elected, to tell them where we really stand and not hide anything from them.

VOTING

THE PRESIDENT: Shall we put it to a vote whether we shall vote by secret ballot or by the raising of hand?

Those in favor of voting by the raising of hand, please raise their hand. (Several Members raised their hand.)

Those in favor of secret balloting, please raise their hand. (Few Members raised their hand.)

MR. COLAYCO: Madam President, may I explain my vote in just two minutes?

THE PRESIDENT: Actually, this is out of the Rules, but anyway, Commissioner Colayco may do so.

COMMISSIONER COLAYCO EXPLAINS HIS VOTE

MR. COLAYCO: The statement has been made that "since we were not elected" we should show our true colors. What color have we who voted against — red, white or blue? I believe this is an indirect form of coercion. We have followed that way of voting for at least five or six times. Why is it that some sectors in this room insist that we do not vote in private? That is my question.

THE PRESIDENT: Thank you.

The results show 26 in favor of voting by the raising of hand, and 5 in favor of voting by secret ballot; so we will vote by the raising of hand.

The Chair asks Commissioner Aquino to please restate her amendment.

MR. PADILLA: Madam President, I just want to make of record that I abstained from voting because from my personal point of view, it is immaterial either way.

THE PRESIDENT: Commissioner Aquino may now restate her amendment.

MS. AQUINO: On page 1, Section 5, delete on line 29 the phrase "from the sectors and party list" and substitute it with the following: ELECTED THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL AND SECTORAL PARTIES OR, ORGANIZATIONS, AS PROVIDED BY LAW. THE PARTY LIST REPRESENTATIVES SHALL CONSTITUTE TWENTY PERCENT OF THE TOTAL MEMBERS OF THE HOUSE OF REPRESENTATIVES. TWENTY-FIVE OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED BY ELECTION, AS PROVIDED BY LAW, FROM THE LABOR, PEASANT, URBAN POOR, WOMEN AND YOUTH SECTORS.

The paragraph that would be transposed to the Article on Transitory Provisions will read: FOR THE FIRST TERM OF CONGRESS FOLLOWING THE ADOPTION OF THIS CONSTITUTION THE SECTORAL REPRESENTATIVES PROVIDED FOR IN SECTION 5 SHALL BE APPOINTED BY THE PRESIDENT FROM THE LIST OF NOMINEES SUBMITTED BY THE SECTORS.

MR. BENNAGEN: Madam President.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: I think we should just vote on the issue of whether the sectoral representation will be permanent in the sense that unless the Constitution is amended to remove this then there will always be sectoral representation, or whether a time limit should be incorporated in this provision.

THE PRESIDENT: We will leave that to the proponent. We will ask Commissioner Aquino to make the decision as to how she would want her proposed amendment to be voted upon.

MR. RODRIGO: But that was the subject of the debate, Madam President.

THE PRESIDENT: Yes, that is why the Chair is asking Commissioner Aquino to state her preference on this matter.

MS. AQUINO: I am yielding to the better judgment of Commissioner Rodrigo. It is just that I was constrained to present it because I thought the amendment can better be appreciated in the context of this paragraph.

MR. ROMULO: Madam President, that was the agreement during the caucus, and that is the issue which I stated. So, with all due respect, I feel that the issue we should vote on is whether or not we will have permanent sectoral seats.

THE PRESIDENT: Those in favor of permanent sectoral seats in the House of Representatives, please raise their hand. (Few Members raised their hand.)

Those against, please raise their hand. (Several Members raised their hand.)

The results show 19 votes in favor of the amendment and 22 against; the proposed amendment of Commissioner Aquino on that particular point is lost.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 4:30 p.m.

RESUMPTION OF SESSION

At 5:25 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. ROMULO: I ask that Commissioner Sarmiento be recognized.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Madam President, may I humbly propose a happy compromise between permanent reserve seats and the principles of self-reliance and independence. I suggest that between the phrases "AND PROVIDED FURTHER THAT FOR THE" and "AFTER THE RATIFICATION OF THIS CONSTITUTION," insert THREE CONSECUTIVE TERMS instead of "TWO CONSECUTIVE TERMS."

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: I have an amendment to the amendment. Instead of the phrase “RATIFICATION OF THIS CONSTITUTION” it should be AFTER THE ENACTMENT OF THE IMPLEMENTING LEGISLATION.

MR. SARMIENTO: I have no objection to the proposed amendment to my amendment.

THE PRESIDENT: The Chair did not get it. The Commissioner has no objection?

MR. SARMIENTO: I have no objection, Madam President.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: May we seek clarification from Commissioner Rodrigo on one point only? When the Commissioner made that suggestion, I take it that if the sectoral representatives to the first Congress would be appointed, that term will not be counted.

MR. RODRIGO: No.

MR. SUAREZ: So after that, there will be three terms as proposed by Commissioner Sarmiento. Is that the meaning of the proposal? I just want to make it clear.

MR. RODRIGO: I do not have in mind any appointive Member of Congress. As a matter of fact, I would be against appointing sectoral representatives. I think they should be elected in accordance with the law to be enacted by Congress.

MR. OPLE: Madam President.

MR. RODRIGO: I presented the amendment because it is possible that at the first election after the ratification of the Constitution, there being no Congress yet, there can be no party list or sectoral candidates. Also, there can be no enabling legislation yet.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Will the Gentleman yield to a question?

MR. RODRIGO: Certainly.

MR. OPLE: If we follow this proposal, will this foreclose the possibility of an ordinance to be appended to the Constitution so that sectoral representation will become executory instead of waiting for Congress to convene?

MR. RODRIGO: I do not have that in mind because it is very remote that we can append an ordinance to the Constitution going into the details of the mechanics of such election. But if there should be, then I am willing to make provisions for that because this is premised on no ordinance, no appointment.

MR. OPLE: I would rather that if we want them represented right there in the first Congress which will sit sometime on June 30 or July 1 following the first local and national elections — which according to the Committee on Amendments and Transitory Provisions have been determined to take place not earlier than 60 days and not later than 90 days from the ratification of the Constitution — then we should seriously consider an ordinance that will make sectoral representation executory.

THE PRESIDENT: Commissioner Aquino had earlier stated that she was proposing an amendment to be provided in the Transitory Provisions. I do not know if she has given that up.

May we hear from Commissioner Aquino.

MS. AQUINO: No, Madam President, in fact I approached Commissioner Rodrigo about it and thought of the possibility of a merger between his proposal and our group's position on the matter, that this be provided in the Article on Transitory Provisions — that the first Congress would accommodate sectoral representatives who are appointed by the President from the list of nominees of the sectors.

MR. OPLE: That will be a satisfactory alternative for me in lieu of an ordinance, Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Actually, the proposed amendment of Commissioner Sarmiento was discussed with the proponents. That is the reason why it states “THREE CONSECUTIVE TERMS” rather than “FIRST THREE TERMS.” If for any reason at all, the first Congress convenes and there has been no executive order or ordinance appended to the Constitution, then we count the three consecutive terms from the first time the sectoral representatives actually sit.

The rest of the proposal provides: SHALL BE FILLED BY SELECTION OR ELECTION, so that would cover the instance that Commissioner Aquino seeks to provide for in the Transitory Provisions.

MR. RODRIGO: I think we are all agreed on the objective. It is a matter of wording the amendment. When I filed my amendment, I was under the impression that if the three terms will start from the ratification of this Constitution, it is then possible that in the first term after the ratification, the sectoral candidates are not yet qualified, in which case only two terms will be left for them.

MR. MONSOD: Madam President, in that case then, the provision shall not run yet, because it says “FIRST THREE CONSECUTIVE.” That is why we took out the word “FIRST.” We changed that to THREE CONSECUTIVE TERMS.

MR. RODRIGO: So, that means the three consecutive terms will start from the election or selection of sectoral candidates who are already qualified to be candidates. Is that it?

MR. MONSOD: From the selection or election as may be provided by law. If they had not been selected or elected, then the three terms will not yet run.

MR. RODRIGO: If that is clear on the record, I withdraw my amendment to the amendment.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: As it is, the issue is the proposed amendment of Commissioner Sarmiento to my amendment.

THE PRESIDENT: Is that acceptable?

MR. MONSOD: Yes, Madam President; it is accepted.

MR. ROMULO: Madam President, there are no other speakers anymore.

THE PRESIDENT: Are we ready to vote on this now?

MR. ROMULO: Yes, Madam President.

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: May I just be clarified, because there were those who suggested for the inclusion of "WOMEN AND INDIGENOUS CULTURAL COMMUNITIES." May I just know if this will be included in our voting?

THE PRESIDENT: Yes. The Chair is just thinking, because we have here a proposed amendment of Commissioner Monsod.

MR. SARMIENTO: Madam President, I move that we break into two parts this clause starting with "AND PROVIDED FURTHER." We start with the first item to be voted upon by the body; that is, AND PROVIDED FURTHER THAT FOR THREE CONSECUTIVE TERMS AFTER THE RATIFICATION OF THIS CONSTITUTION. I move that we vote on this item, Madam President.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: May I make another proposal that instead of "THREE CONSECUTIVE TERMS," put FOUR CONSECUTIVE TERMS. May we vote on this matter first.

MR. MONSOD: Madam President, we have accepted the amendment of Commissioner Sarmiento. May we request that we vote on that first.

VOTING

THE PRESIDENT: Later on if Commissioner Rosario Braid insists, the Commissioner can propose the other amendment.

Those in favor of the proposed amendment of Commissioner Sarmiento, please raise their hand. (Several Members raised their hand.)

Those against, please raise their hand. (No Member raised his hand.)

The results show 29 votes in favor and none against; the proposed amendment is approved.

MS. ROSARIO BRAID: Madam President.

THE PRESIDENT: Commissioner Rosario Braid is recognized.

MS. ROSARIO BRAID: Madam President, we voted on the proviso on the condition that we could have a chance to ask the Commissioners if they are in favor of four terms instead of three.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I just want to make a manifestation that the three consecutive terms — assuming that the first Congress will already have sectoral representation — is a minimum of eight years and a maximum of 11 years depending on how we synchronize on the first election.

THE PRESIDENT: Is Commissioner Rosario Braid still insisting on four years?

MS. ROSARIO BRAID: Yes, Madam President.

THE PRESIDENT: Those in favor of Commissioner Rosario Braid's amendment will please raise their hand.

MR. RODRIGO: Madam President, this would amount to a reconsideration of the approval of the amendment.

THE PRESIDENT: No, we are just asking the body to clarify the situation.

MR. REGALADO: Madam President, we seem to be a little confused.

VOTING

THE PRESIDENT: We were not able to count those who are in favor of four terms. Those who are in favor of the amendment of Commissioner Rosario Braid, please raise their hand. (Few Members raised their hand.)

Those against, please raise their hand. (Several Members raised their hand.)

The results show 10 votes in favor and 22 against; the amendment is lost.

MR. SARMIENTO: Madam President, we move then to the second item regarding the inclusion of other sectors other than those provided in the compromised agreement. The original sectors would include labor, peasant, urban poor and youth sectors.

We have this suggestion that we include indigenous cultural communities and women.

THE PRESIDENT: Commissioner Lerum was also suggesting the number 25.

Is the Gentleman insisting on that or does he want to increase the number?

MR. LERUM: Madam President, my suggestion will depend on whether or not we are going to increase the number. If we maintain the same number, then there is no need to increase the sectoral representatives.

THE PRESIDENT: So, the proposed amendment that is before us now is the inclusion of women and indigenous communities.

MR. BENGZON: Madam President, may I ask a question?

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Just for the record, what about the fishermen, are they included in the classification of labor or peasants?

THE PRESIDENT: May we have Commissioner Monsod answer that, please?

MR. MONSOD: My understanding from those who have studied it is that they are included in the classification of peasants.

MR. SARMIENTO: I have this additional information, Madam President.

As of January 1986, it is estimated that there are 20 million members of the agricultural sector. This figure includes small fishermen who number 2.2 million.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: My amendment to the amendment is after "WOMEN," add the phrase AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW.

MR. SARMIENTO: No objection, Madam President.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: After "AS PROVIDED BY LAW," I propose to add the phrase EXCEPT THE RELIGIOUS SECTOR.

MR. OPLE: Madam President, will Commissioner Sarmiento entertain an amendment?

MR. SARMIENTO: Gladly, Madam President.

MR. OPLE: Can he consider including war veterans in his classification?

I also speak for Commissioner Crispino de Castro. There are 600,000 veterans of World War II, but the term "veterans" is not limited to them. The veterans of all wars subsequent to World War II are also included, including the veterans of future wars.

MR. SARMIENTO: Madam President, may I inform the honorable Commissioner that we cannot accept the amendment. If we accept that amendment, then we open the floodgates for more sectors like the elderly, represented by Commissioner Rodrigo and others.

MR. OPLE: Thank you.

I wanted to discharge my obligation and that of General de Castro to the veterans.

MR. UKA: May I also speak? I support the veterans.

How about adding the third sex sector?

MR. SARMIENTO: Madam President, if Congress in their collective wisdom decides to include the third sex, why not? After all, we have the provision, "AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW." The celibates, for example, we leave that to Congress.

THE PRESIDENT: Let us go back to the amendment by insertion of Commissioner Rigos.

Is the amendment accepted by the proponent?

MR. MONSOD: Madam President, I was thinking that the more we enumerate . . .

THE PRESIDENT: It is an exception.

MR. MONSOD: No, because I have not even responded to the amendment of Commissioner Sarmiento. The more we enumerate, the more we may exclude. So, I was wondering if we already have the catch-all phrase "AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW." Would that not cover a lot of sectors that would like to be specifically mentioned? I believe "teachers" was also mentioned earlier. I was wondering whether the proponent could accept the omnibus phrase, "AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW."

MR. SARMIENTO: It was I who suggested the inclusion of teachers but because we have this catch-all provision — "AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW" — I withdraw my suggestion in favor of the suggestion of Commissioners Bennagen and Nieva, and the Honorable President for the inclusion of "INDIGENOUS CULTURAL MINORITIES AND WOMEN." Then, include the catch-all provision, "AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW."

MR. MAAMBONG: Madam President, just one more clarification.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Could somebody please explain to me what "urban poor" means? Is there any kind of poor?

MR. SARMIENTO: "Urban poor" refers to those persons who are staying in the urban areas and urban centers; to be clear about it, urban poor refers to the so-called squatters.

MR. MAAMBONG: Why do we have to specify urban poor? If one is poor, whether he is rural or urban, he is poor.

MR. SARMIENTO: May I briefly explain the reason for the inclusion of urban poor?

MR. MAAMBONG: Yes, thank you.

MR. SARMIENTO: The statistics on the number of urban poor vary. Some say there are eight million; some, two million. It should perhaps be safe to go half-way and set it at five million, excluding those that have been transferred to various relocation areas in the country. Around 65 percent of the urban poor live in public lands and are so-called squatters. Around 2.5 million are found in the Metro Manila area. Most of them are former peasants, who, unable to bear the poverty and lack of economic opportunities in the rural areas, were lured to the cities. There they find themselves living in the shanties of overcrowded squatter colonies perpetually searching and begging for work, and constantly threatened by the prospect of demolition and ejection.

MR. MAAMBONG: Just one very short clarification. Could the representative of the urban poor also represent the rural poor?

MR. SARMIENTO: Yes.

MR. MAAMBONG: Thank you.

VOTING

THE PRESIDENT: Are we ready to vote now?

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

As many as are against, please raise their hand. (One Member raised his hand)

The results show 29 votes in favor and one against; the proposed amendment is approved.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Just a clarification, Madam President. Was the amendment of Commissioner Rodrigo also included in that vote?

THE PRESIDENT: It was included.

MR. MONSOD: Thank you.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: What happened to my proposed amendment? I proposed it three times but somehow it has always been overlooked. While every group wants to get in, I would like the religious group to get out.

MR. ROMULO: That was included, Madam President, because it was accepted by Commissioner Monsod.

THE PRESIDENT: That was included.

REV. RIGOS: Thank you.

MR. PADILLA: Madam President, may I state for the record that I voted against because the provision is already flooded with too many enumerations.

MR. ROMULO: Madam President, I move that we now go to the term of office of the Senator.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: The Committee was not yet asked what would be its reaction to the proposed amendment. (Laughter)

THE PRESIDENT: The Chair saw that the Gentleman was voting.

MR. DAVIDE: We voted but since this is supposed to be an amendment to the committee report, after this amendment was further amended, the Committee should still have to react.

THE PRESIDENT: May we have the Commissioner's reaction now?

MR. DAVIDE: Before reacting, I would just read what has been approved, if this is accurate. On line 29, page 1, after the words "shall be," insert the following: "ELECTED THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL AND SECTORAL PARTIES OR ORGANIZATIONS, AS PROVIDED BY LAW. THE PARTY LIST REPRESENTATIVES SHALL CONSTITUTE TWENTY PERCENT OF THE TOTAL MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES."

MR. MONSOD: Madam President, my amendment continues and says "PROVIDED THAT . . ."

MR. DAVIDE: We would rather request that the words "AND PROVIDED, FURTHER, THAT" be deleted.

THE PRESIDENT: How shall it read now?

MR. DAVIDE: After "REPRESENTATIVES" we a period (.) then, "FOR THREE CONSECUTIVE TERMS AFTER THE RATIFICATION OF THIS CONSTITUTION, TWENTY-FIVE OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED BY SELECTION OR ELECTION FROM THE LABOR . . ."

MR. MONSOD: "AS PROVIDED BY LAW," Madam President.

MR. DAVIDE: There was another "PROVIDED FOR BY LAW" that was approved earlier.

MR. MONSOD: May I explain, Madam President? If we take "AS PROVIDED BY LAW" out, then the phrase "AS MAY BE PROVIDED BY LAW" will only refer to the sectors. What we want is that the phrase "AS PROVIDED BY LAW" also refer to the election or selection method.

MR. DAVIDE: I will proceed. "SHALL BE FILLED BY SELECTION OR ELECTION, AS PROVIDED BY LAW, FROM THE LABOR, PEASANT, URBAN POOR, INDIGENOUS CULTURAL COMMUNITIES, WOMEN, YOUTH AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW, EXCEPT THE RELIGIOUS SECTOR."

Is that the entire proposal?

MR. MONSOD: Yes, Madam President.

MR. VILLACORTA: Madam President.

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: May I just seek clarification on the Rigos prohibition about religious groups before the Committee accepts the amendment? May I ask Commissioner Rigos certain questions for the enrichment of the record, Madam President?

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: Thank you, Madam President.

MR. VILLACORTA: When the Commissioner proposed "EXCEPT RELIGIOUS GROUPS," he is not, of course, prohibiting priests, imams or pastors who may be elected by, say, the indigenous community sector to represent their group.

REV. RIGOS: Not at all, but I am objecting to anybody who represents the Iglesia ni Kristo, the Catholic Church, the Protestant Church, et cetera.

MR. VILLACORTA: Then the Gentleman's answer to my question would be positive. In other words, he would not want an imam, priest or pastor to be one of the representatives of any of the sector.

REV. RIGOS: That is correct, Madam President.

MR. VILLACORTA: In other words, a priest in the Cordillera delegation, for example, would not be allowed under this prohibition to be a representative of the indigenous community sector.

REV. RIGOS: Not at all, because that phrase is not representing the religious sector.

MR. VILLACORTA: Madam President, I think this is class legislation and against the constitutional principle that the exercise of political rights of citizens should not be limited by his religion.

I voted in favor of the Rigos resolution on the understanding that we shall not provide for a religious sector; but now the interpretation of Commissioner Rigos is different.

REV. RIGOS: Mukhang hindi tayo nagkakaintindihan dito.

MR. VILLACORTA: I see; he will allow. In that case, I withdraw.

Thank you.

THE PRESIDENT: Chairman Davide, is this clear now?

MR. DAVIDE: Yes, Madam President, but the Committee would move for a transposition of the first "AS PROVIDED BY LAW" after "ELECTION." The proposal of the Committee is to place "AS PROVIDED BY LAW" at the end of the second from the last line between the words "FILLED" and "BY" so that the second line will read as follows: "SHALL BE FILLED, AS PROVIDED BY LAW, BY SELECTION OR ELECTION FROM THE LABOR, PEASANT, URBAN POOR, INDIGENOUS CULTURAL COMMUNITIES, WOMEN, YOUTH AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW, EXCEPT THE RELIGIOUS SECTOR."

THE PRESIDENT: Is that clear? Does the Chairman need another vote on that?

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

VOTING

THE PRESIDENT: The Committee accepts the amendment.

As many as are in favor of the proposed amendment, 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 32 votes in favor and none against; the amendment is approved.

MR. DAVIDE: Madam President.

THE PRESIDENT: The Chairman of the Legislative Committee is recognized.

MR. DAVIDE: As a consequence, on page 2 of the amended committee report, Committee Report No. 22, lines 1 to 3 should now be deleted.

THE PRESIDENT: That is right; they would now be deleted.

MR. DAVIDE: Madam President, consequently on page 4, line 14, we propose to delete the slash (/) and the word "or" in "and/or" at the end of the line. It should read "political parties and sectors represented therein," with the interpretation that the political parties referred to are the regular political parties and the parties or organizations registered under the party list system.

THE PRESIDENT: Is there any objection to this proposal of the Committee?

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Should we not be more explicit and say, "on the basis of proportional representation from the political parties and PARTIES OR ORGANIZATIONS REPRESENTED OR UNDER THE PARTY LIST SYSTEM"?

MR. DAVIDE: What about the sectors?

MR. MONSOD: The sectors are part of the party list system because we defined on page I the party list system as registered national, regional or sectoral organizations.

MR. DAVIDE: We accept the proposal with the deletion of the word "sectors" on line 15 then. So, beginning on line 13, the provision will now read: "the case may be, who shall be chosen on the basis of proportional representation from the political parties and PARTIES OR ORGANIZATIONS REGISTERED UNDER THE PARTY LIST SYSTEM represented therein. The senior justice in the Electoral Tribunal shall be its Chairman."

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

MR. DAVIDE: As a consequence of the earlier amendment, the Committee would also propose an amendment on the same page, line 20. After "parties" on line 20, add the phrase: AND PARTIES OR ORGANIZATIONS REGISTERED UNDER THE PARTY LIST SYSTEM, to be followed by the deletion of the words "or sectors" on line 21.

THE PRESIDENT: Is there any objection to this particular proposed amendment? (Silence) The Chair hears none; the amendment is approved.

MR. DAVIDE: Madam President, the Committee will also propose the following amendments on Section 3, page 1, and Section 6, page 6 for the sole purpose of aligning the provisions therein with what the Commission had

approved in the matter of the term and the prohibition on reelections.

So, the Committee would propose to substitute Section 3 on page 1 with the following provision, copies of which had been distributed earlier: THE TERM OF OFFICE OF THE SENATORS SHALL BE SIX YEARS AND SHALL COMMENCE, UNLESS OTHERWISE PROVIDED BY LAW, AT NOON ON THE 30TH DAY OF JUNE NEXT FOLLOWING THEIR ELECTION.

NO SENATOR SHALL SERVE FOR MORE THAN TWO CONSECUTIVE TERMS. VOLUNTARY RENUNCIATION OF THE OFFICE FOR ANY LENGTH OF TIME SHALL NOT BE CONSIDERED AS AN INTERRUPTION IN THE CONTINUITY OF HIS SERVICE FOR THE FULL TERM FOR WHICH HE WAS ELECTED.

The Committee moves for its approval.

MR. GASCON: Madam President.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: I would like to ask a question with regard to the issue after the second term. We will allow the Senator to rest for a period of time before he can run again?

MR. DAVIDE: That is correct.

MR. GASCON: And the question that we left behind before — if the Gentleman will remember — was: How long will that period of rest be? Will it be one election which is three years or one term which is six years?

MR. DAVIDE: If the Gentleman will remember, Commissioner Rodrigo expressed the view that during the election following the expiration of the first 12 years, whether such election will be on the third year or on the sixth year thereafter, this particular member of the Senate can run. So, it is not really a period of hibernation for six years. That was the Committee's stand.

MR. GASCON: So, effectively, the period of rest would be three years at the least.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Could I address the clarificatory question to the Committee? This term "voluntary renunciation" does not only appear in Section 3; it appears in Section 6.

MR. DAVIDE: Yes.

MR. MAAMBONG: It is also a recurring phrase all over the Constitution. Could the Committee please enlighten us exactly what "voluntary renunciation" means? Is this akin to abandonment?

MR. DAVIDE: Abandonment is voluntary. In other words, he cannot circumvent the restriction by merely resigning at any given time on the second term.

MR. MAAMBONG: Is the Committee saying that the term "voluntary renunciation" is more general than abandonment and resignation?

MR. DAVIDE: It is more general, more embracing.

MR. MAAMBONG: Thank you, Madam President.

THE PRESIDENT: Are there any further questions on Section 3?

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

Let us go to Section 6.

MR. MAAMBONG: Madam President, before we go to Section 6, I do not know if I was not attentive when Section 5 was previously taken up, but I would just like to call the attention of the Committee to line 29 of Section 5, page 1, where it reads: "shall be elected from the sectors and party list."

Does this need some amendments in line with the realignment of the other sections?

MR. DAVIDE: This has already been amended by the Monsod et al. amendment.

MR. MAAMBONG: How does it read now?

MR. DAVIDE: Beginning on line 29, the provision reads: "SHALL BE ELECTED THROUGH A PARTY LIST SYSTEM OR REGISTERED NATIONAL, REGIONAL AND SECTORAL PARTIES OR ORGANIZATIONS, AS PROVIDED BY LAW. The party list representatives shall constitute twenty percent of the total membership of the House of Representatives. For the three consecutive terms after the ratification of this Constitution twenty-five of the seats allocated to party list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, youth, indigenous cultural communities, women and such other sectors as may be provided by law except the religious sector."

MR. MONSOD: Madam President, may I request that the word "the" before the words "three consecutive terms" be deleted because then, we will really start applying it beginning July, 1987. The reason we took up the word "first" was precisely to avoid a situation where they will have seats but there will be nobody there.

MR. DAVIDE: So, it will only read: "for three consecutive terms"?

MR. MONSOD: Yes, Madam President.

MR. DAVIDE: I would seek for a ruling of the Chair on this because this was earlier approved by the body.

MR. MONSOD: But, Madam President, that was precisely the discussion and question between Commissioner Rodrigo and myself. The amendment that I accepted from Commissioner Sarmiento did not have the word "the."

MR. DAVIDE: The Committee will agree to its deletion.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Just a simple question to the Committee for clarification.

THE PRESIDENT: The Gentleman may proceed.

MR. BENNAGEN: Reference is made to registered national and sectoral organizations. Is "registered" here referring merely to registration with the COMELEC or also registration with the Securities and Exchange Commission?

MR. DAVIDE: In the light of the approved Article on Constitutional Commissions, more particularly the COMELEC, the Committee persists that this refers to registration in the COMELEC.

MR. BENNAGEN: Not the SEC?

MR. DAVIDE: No, not necessarily.

MR. BENNAGEN: Thank you, Madam President.

MR. DAVIDE: May we now proceed to Section 6, Madam President?

THE PRESIDENT: The body will now vote on Section 6.

MR. DAVIDE: Not yet, Madam President. There was a request for the deletion of the word “the” preceding “three consecutive terms” which the Committee endorses.

THE PRESIDENT: Is there any objection to the elimination of the word “the” before the words “three consecutive terms”? (Silence) The Chair hears none; the amendment is approved.

MR. DAVIDE: The Committee proposes to substitute the present wording of Section 5 with the following: THE MEMBERS OF THE HOUSE OF REPRESENTATIVES SHALL BE ELECTED FOR A TERM OF THREE YEARS WHICH SHALL BEGIN, UNLESS OTHERWISE PROVIDED BY LAW, AT NOON ON THE 30TH DAY OF JUNE NEXT FOLLOWING THEIR ELECTION.

NO MEMBER OF THE HOUSE OF REPRESENTATIVES SHALL SERVE FOR MORE THAN THREE CONSECUTIVE TERMS. VOLUNTARY RENUNCIATION OF THE OFFICE FOR ANY LENGTH OF TIME SHALL NOT BE CONSIDERED AS AN INTERRUPTION IN THE CONTINUITY OF THE SERVICE FOR A FULL TERM FOR WHICH HE WAS ELECTED.

The Committee moves for its approval.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

May we ask a clarificatory question regarding the interpretation of the provisions in Sections 3 and 6 in relation to Section 9 regarding the disqualification on the part of the Senator to run for two consecutive terms, and in the case of the Members of the House of Representatives, for three consecutive terms. For example, a special election is called for a Senator, and the Senator newly elected would have to serve the unexpired portion of the term. Would that mean that serving the unexpired portion of the term is already considered one term? So, half a term, which is actually the correct statement, plus one term would disqualify the Senator concerned from running? Is that the meaning of this provision on disqualification, Madam President?

MR. DAVIDE: Yes, because we speak of “term,” and if there is a special election, he will serve only for the unexpired portion of that particular term plus one more term for the Senator and two more terms for the Members of the Lower House.

MR. SUAREZ: Thank you, Madam President.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: I notice under Section 3 the phrase “and shall commence unless otherwise provided by law at noon on the 30th day of June, next following their election.” Section 6 also has the words “which shall begin” and I suppose it means the same thing as in Section 3; also “unless otherwise provided by law at noon on the 30th day of June next following their election.” Section 3 also has the same phrase “voluntary renunciation” as in Section 6. Can we not, therefore, simplify to avoid repetitions?

MR. DAVIDE: Madam President, we already approved Section 3.

MR. PADILLA: Yes, this is to correlate "The term of office of the Senators shall be six years. No Senator shall serve for more than two consecutive terms." That is for Section 3. Section 6 states: "THE MEMBERS OF THE HOUSE OF REPRESENTATIVES SHALL BE ELECTED FOR A TERM OF THREE YEARS . . . NO MEMBER OF THE HOUSE OF REPRESENTATIVES SHALL SERVE FOR MORE THAN THREE CONSECUTIVE TERMS." Then comes another paragraph which states: "A TERM OF THREE YEARS WHICH SHALL BEGIN, UNLESS OTHERWISE PROVIDED BY LAW, AT NOON ON THE 30TH DAY OF JUNE NEXT FOLLOWING THEIR ELECTION." Then, "VOLUNTARY RENUNCIATION OF THE OFFICE FOR ANY LENGTH OF TIME SHALL NOT BE CONSIDERED AS AN INTERRUPTION IN THE CONTINUITY OF HIS SERVICE FOR A FULL TERM FOR WHICH HE WAS ELECTED." This is a matter of form; it is not an amendment of substance. The Committee makes our Constitution more formal, more cohesive, and other words can be added thereto. In other words, the idea is to avoid the repetition of the same clauses or words. The Committee will consider this as a matter of form, but instead of leaving it to the Committee on Style, perhaps we should . . .

MR. DAVIDE: The Committee, Madam President, moves that the particular matter be referred to the Style Committee with that observation as guide to the Committee on Style to reformulate the two sections.

MR. PADILLA: But if there is no objection on the part of the Committee, it is better that it be approved by the body.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: This question is addressed both to the Committee and to Commissioner Monsod, who is an authority on budgetary matters. I just want to find out if noontime of June 30 is a common date for the beginning of the term of the President, the Senate, and the House of Representatives. If this is so, is there a correlation with the fiscal year? As I remember it, the government used to go on a fiscal year beginning July 1, and then this was changed to a calendar year budget beginning January 1. If the two Houses of Congress take their oath to signal the beginning of their terms on June 30 and the fiscal year for the budget is actually a calendar year beginning January 1, then there will be no opportunity for them to influence the priorities of government through a budget because by that time the budget shall have already been running for the calendar year. Will this, therefore, eventually require returning to the fiscal year beginning July 1?

MR. DAVIDE: Madam President.

THE PRESIDENT: The Chairman is recognized.

MR. DAVIDE: If the Gentleman will take note of Section 10, page 3, the Congress shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session for such number of days as it may determine until 30 days before the opening of its next regular session.

It would mean, therefore, that the fiscal year is actually the calendar year because upon the commencement of the regular session on the fourth Monday of July, the body will discuss or will give priority to the budget for the succeeding year. So, for instance, starting the fourth Monday of July 1987, the body will have to decide on the budget for 1988, if we reckon now the election to be in May, or earlier, of 1987.

MR. OPLE: That is to say that they will be governed by the existing budget before their assumption to office.

MR. DAVIDE: Yes, Madam President.

MR. OPLE: Thank you, Madam President.

THE PRESIDENT: Are we ready to vote now on Section 6?

MR. DAVIDE: We are ready but there was a proposal by Commissioner Padilla, and the suggestion of the Committee is to leave this to the Style Committee headed by Commissioner Rodrigo. If we now incorporate Sections 3 and 6, it will dislocate the order of the sectioning of the entire Article on the Legislative Department. So, we request that that matter be left entirely to the Style Committee.

THE PRESIDENT: Does Commissioner Padilla agree?

MR. PADILLA: No, I am not satisfied, Madam President. I would prefer the body to vote on the simplification and the clarification, without too many repetitions.

MR. DAVIDE: Madam President, it will be noted that there are two intervening sections, Sections 4 and 5, and which will be totally affected by any combination of Sections 3 and 6.

MR. PADILLA: After Section 3, Section 6 can come in at Section 5, and the others can be renumbered.

VOTING

THE PRESIDENT: We will submit to a vote whether the body sustains the report and recommendation of the Legislative Committee that these observations of Commissioner Padilla be referred to the Style Committee.

As many as are in favor of the report and recommendation of the Committee on the Legislative please raise their hand. (Several Members raised their hand.)

As many as are against, please raise their hand. (One Member raised his hand.)

The results show 24 votes in favor and one against; the recommendation of the Committee is accepted by the body.

MR. ROMULO: Madam President, I ask that Commissioner Bengzon be recognized.

MR. DAVIDE: Madam President, the body has not yet acted on Section 6.

THE PRESIDENT: Yes, I am sorry.

MR. DAVIDE: May we place it to a vote?

VOTING

THE PRESIDENT: Section 6 was read by the Chairman of the Committee on the Legislative.

As many as are in favor of Section 6, as recommended by the Committee, 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 28 votes in favor and none against, Section 6 is approved.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Just one more clarification. recall that we approved an amendment by addition on Section 5 which reads: "where a city is entitled to more than one representative they shall be elected at large."

MR. DAVIDE: That amendment was not approved; it was withdrawn because the matter can be taken up in the ordinance to be appended to the Constitution in the matter of districting the seats.

MR. MAAMBONG: I was just about to ask this question because I understand the Commission on Elections has submitted a redistricting of cities.

MR. DAVIDE: A proposal.

MR. MAAMBONG: A proposal, yes. Just one more point. In Section 9, which we have already approved, there is a provision in case a vacancy arises in the Senate or in the House of Representatives 18 months or more before a regular election. However, I notice that Section 10 of the Article on the Executive, which we have approved reads:

No special election shall be called if the vacancy occurs within 180 days before the date of the next presidential election.

Does the Gentleman not feel that we should realign this provision because in the case of vacancy in the House of Representatives, we can call a special election at least 18 months or more, whereas in the case of the President, it is only 180 days? We should even have a shorter period in the case of vacancy in the House of Representatives because we are supposed to have a three-year term for that office while the term for the office of the President is supposed to be six years.

MR. DAVIDE: Yes.

MR. MAAMBONG: I wonder if the Chairman of this Committee and the Chairman of the Executive Committee could put their acts together and find a happy compromise so that we can realign these provisions. Would that be all right, Madam President?

MR. DAVIDE: The vacancy contemplated in Section 9 is a vacancy occurring 18 months or more before a regular election. We feel that it is not necessary for the reason that, first of all, there are many who are in the Senate and there are many more in the Lower House, whereas in the matter of the presidency, there is really an exigency which would necessitate an immediate filling up because it is the entire Philippines that will be involved.

MR. MAAMBONG: Is the Gentleman saying that these two provisions need not be harmonized?

MR. DAVIDE: These need not be harmonized because of the composition of the position and, secondly, because of the very nature of the position involved.

MR. MAAMBONG: I just wanted to call the Gentleman's attention to that and the attention of the Chairman of the Committee on the Executive.

Thank you, Madam President.

THE PRESIDENT: Chairman Davide, is there any other matter pending in your Committee?

MR. GASCON: Madam President.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: During the suspension, I was talking to Commissioner Lerum and I believe he was going to propose an amendment to Section 2. I was wondering if he will still propose such an amendment because if he does not, I will be proposing my own amendment to Section 2.

MR. LERUM: Madam President.

THE PRESIDENT: Commissioner Lerum is recognized.

MR. LERUM: I have made a reservation to submit an amendment on Section 2. On line 13, after "Philippines," delete the words "as may" and insert the following: EXCEPT FOUR TO REPRESENT THE SECTORS WHOSE ELECTION SHALL. So, the section, as amended, shall read as follows: "The Senate shall be composed of twenty-four Senators who shall be elected at large by the qualified voters of the Philippines, EXCEPT FOUR TO REPRESENT THE SECTORS WHOSE ELECTION SHALL be provided by law." The reason for this amendment is to complement the provision in Section 5 which provides for sectoral representation. We believe that if the sectors will be given representation in the House, they should also be given representation in the Senate. As I said this morning, that is part of the promise of the President made to the labor sector on May 1, 1986.

THE PRESIDENT: What does the Committee say?

MR. DAVIDE: The Committee is rather confused by the proposal, if it will not affect the total membership. The total membership is 24 to be elected at large by the qualified voters of the Philippines. With that particular exception, it is not determined how many of the 24 will be represented in the Senate. Besides, we feel that since the Senate is to be elected at large, any number beyond 24 might not be really conducive to a higher body as the Senate.

MR. LERUM: If that is the objection, this amendment will not increase the membership of the Senate because the four will be taken from the 24 so that, in effect, 20 will be elected at large and four will be selected from the sectors, as may be provided by law.

MR. DAVIDE: We would rather submit it to a vote by the Commission, Madam President.

THE PRESIDENT: Will the Gentleman kindly read again his proposed amendment on Section 2?

MR. LERUM: As amended, Section 2 will read as follows: "The Senate shall be composed of twenty-four Senators who shall be elected at large by the qualified voters of the Philippines, EXCEPT FOUR, TO REPRESENT THE SECTORS WHOSE ELECTION SHALL BE PROVIDED BY LAW."

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you.

May I ask one clarificatory question, Madam President?

MR. LERUM: Willingly.

MR. SUAREZ: As I understand it, under this section and other sections, there will be elections for the Senate at large but this will refer only to the 20 Senators under the proposal of the Gentleman.

MR. LERUM: Yes, Madam President.

MR. SUAREZ: The four would be elected or selected from the sectors in the manner provided by law.

MR. LERUM: That is correct.

MR. SUAREZ: If the situation is that there will be 12 Senators to be elected during every election for the Senate, I assume there will be only two from the sectors every election or selection, as the case may be.

MR. LERUM: That is correct.

MR. SUAREZ: So, there will be 10 Senators to be elected at large and two to be selected or elected from the sectors as the case may be. Is that the meaning of this?

MR. LERUM: Will the Gentleman kindly repeat his question?

MR. SUAREZ: Let us say, there is an election for 12 Senators, but the 10 would have to be elected at large and the two must come from the sectors. Is my understanding of the Gentleman's proposal correct?

MR. LERUM: That is correct.

MR. SUAREZ: Thank you, Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: May I make a short observation on this?

When I opted for a bicameral system, I expressly, stated that I would favor a bicameral system if the Senators are elected nationally, nationwide or at large, and I gave my reasons for this. One is that the Senators will look at issues on a national scale since they are national leaders. Since the Senators are elected by the whole country, they win or lose by hundreds of thousands of votes, if not by millions of votes, and so they are less susceptible to pressure. If we dilute this with four elected by sectors, the philosophy behind establishing a Senate, an Upper House, would be lost insofar as these four are concerned. I am also thinking that in order to win as Senator, he will have to be in the first 12 on top of the list since he is elected at large. From experience, the last among those who would win would garner, maybe, about more than six million votes. But if we vote by sector, it is possible that a sectoral Senator might win with only 500,000 votes because the system of election is different. This is contrary to the philosophy of a Senate elected at large which motivated me, and I think many others, to vote for a bicameral legislature. I think it is enough that we have the sectoral representatives in the House of Representatives.

MR. LERUM: Madam President, may I comment on that?

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner Lerum is recognized.

MR. LERUM: I do not agree with the assumption that senators cannot be pressured. I have seen many senators who have been pressured. So, that assumption is not correct. I do not also agree with the assumption that when the Gentleman proposed the creation of the Senate, that view was shared by everybody. I do not think that is so. As a matter of fact, we voted against having a bicameral legislature. That is the Gentleman's assumption, but I do not agree with his assumption that is why I am proposing this amendment.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Will the proponent answer some questions please?

MR. LERUM: Gladly, Madam President.

MR. DE CASTRO: The Gentleman is asking for four out of 24, is that right?

MR. LERUM: That is correct.

MR. DE CASTRO: If we compute that, that is 16 percent of 24. Is that correct?

MR. LERUM: That is correct. We can increase that to 20, if the Gentleman is agreeable.

MR. DE CASTRO: No, I am still on the computation. Of the 250, the Gentleman is asking for 20 percent, is he not?

MR. LERUM: Is the Gentleman referring to the House of Representatives?

MR. DE CASTRO: Yes.

MR. LERUM: It is already agreed on. It is on record already, so please do not ask me something on the record.

MR. DE CASTRO: Of the 250, the Gentleman is asking for 20. That is the one agreed on, is it not?

MR. LERUM: The records show that that is so.

MR. DE CASTRO: If we compute 250 in relation to 24, that is 12 percent. Madam President, 250 is about nine times of 24. If we multiply 16 percent by 9, that is 136 percent. Does the Gentleman not think that that is a little over the required percentage of those who will be chosen and not elected for the first time?

MR. LERUM: The way the Gentleman computes it, he does not seem to agree. So, what is the Gentleman's suggestion?

MR. DE CASTRO: I am only computing; I am not prepared for any suggestion.

MR. LERUM: As far as we are concerned, we are interested in getting sectoral representation in the Senate. If the Gentleman is making the suggestion that that will make it possible, we are willing to listen to him.

MR. DE CASTRO: I am just informing the body that the four out of 24 is 16 percent of 24. If we relate that mathematically, 250 divided by 24 is about nine times; 16 percent times 9 equals 136 percent representation in the Senate in relation to the House. This is just to inform the body of the mathematics of this.

MR. LERUM: So, it is not a question, after all.

Thank you, Madam President.

THE PRESIDENT: Are we ready to vote now? What is the reaction of the Committee? Will the Committee refer it to the body?

MR. DAVIDE: The Committee prefers to have the same voted by the body.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: Madam President, I object to the proposed amendment not because I have been elected Senator for three terms in the past but because all sectors are represented nationwide. So, the Senators who are elected at large count on the majority of all the votes of all registered voters throughout the country. A nationwide election should no longer distinguish between the people under the parties or some sectoral groups because all qualified and registered voters already vote for the Senators in a senatorial election nationwide.

THE PRESIDENT: Are we ready to vote on this proposed amendment of Commissioner Lerum?

MR. ROMULO: Yes, Madam President.

VOTING

THE PRESIDENT: The proposed amendment has been read by Commissioner Lerum.

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

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

The results show 9 votes in favor and 21 against; the proposed amendment is lost.

MR. GASCON: Madam President.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: I would like to propose an amendment. On Section 2, line 12, after the word "large" put the phrase THROUGH A PARTY LIST SYSTEM. So, the provision will read: "The Senate shall be composed of twenty-four Senators who shall be elected at large THROUGH A PARTY LIST SYSTEM by the qualified voters of the Philippines, as may be provided by law." During the period of amendments, I asked the Committee if this is a possibility and the answer was "yes." It is a possibility and, in fact, it is much easier to implement a party list system on a national or at large level than at the district level. That is the first reason why I am proposing such. The major reason why I am proposing that we should encourage a party list system for the 24 Senators is to eliminate the possibility that the Senate will be dominated by one, or at the most, two large political parties; and to encourage small political parties to compete for senatorial seats even though they will be elected at large. By my computation, if we elect 12 Senators every election, a party would only need eight percent of the votes to have one Senator. Of course, larger parties should get more than eight percent, let us say, 40 percent, to entitle them to five seats of the 12 while other smaller parties can only muster eight percent and they would be entitled to one seat. But, in effect, the direct result of such system is that in every election we would encourage more than one party to be elected. In the process, we are democratizing and encouraging a system of election based not only on the personalities of the candidates but also on the issues and ideology of the parties that are presenting their programs. That is the basis for my proposal.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I would like to comment on that proposal, Madam President. Under the party list system, when the parties register, they put down the names of their candidates in the order in which they would sit. If the party list system in the Senate is applied, each party will have 12 candidates but the bottom ones are sure not to win unless that party gets 93 percent of the votes. In the case of the House of Representatives, we are putting a ceiling of 10 or 15 seats that a party may earn under the party list system. There is a difference there, Madam President. When they list down 15 names, those 15 have a chance of winning if they get something like 20 percent of the votes. So, there is a difference when we are voting on a House that has only 24 Members and only 12 seats are being voted on in an election, unlike in the case of the House where you have 50 seats and there is a cap on how many you can seat. In this case we will find anybody who will run for the lower numbers because they are sure not to sit.

MR. GASCON: I recognize that problem but I feel that if we encourage other parties to, let us say, compete on an even level to some degree through the party list system, we may be able to come out with results during our elections. But the cream of the crop of each party would be elected and we would have a very dynamic and progressive Senate which would be very healthful for a growing democracy. That is the first point.

Second, I am not sure whether each party is bound to field all 12 seats. But it is possible that if they feel they will not be able to get the last four seats because of the party list system, maybe they will field only eight and concentrate on the eight and encourage other parties as well, to compete for the other four. My only point is, through this party list system, we may break the two-party system in the Senate.

THE PRESIDENT: What does the Committee say?

MR. DAVIDE: Madam President, it is true that during the suspension of session, this representation answered Commissioner Gascon that the party list system for the Senate is a possibility; however, this representation did not say that it is probable. The Committee would only state for the record that the party list system in the Senate will not accomplish what Commissioner Gascon had in mind — allowing other smaller parties to get a voice in the Senate — because whether it would be through the party list system or through a regular political party, the same opportunity will be accorded.

Secondly, we will be restoring block voting for a party. In other words, we will deprive the people of the greater opportunity to know the merits of each individual candidate since what will be submitted by a party will only be a list of people, a list to be submitted to the COMELEC. It is very likely that the people who will be voting all over the country will never have a chance of knowing exactly the capabilities of the particular candidates listed in the party list.

Thirdly, I do not think that it will actually be a vote for a particular party which would, therefore, amount to block voting. I understand that the Article on the Constitutional Commissions, more particularly on the COMELEC, except for the party list system, really would not allow such. So, we would rather leave it to the Commission to vote on the issue, Madam President.

MR. GASCON: Before we vote, I would like to make a clarification.

The Committee said that they were agreeable to my position in as far as the word "probable" is concerned; what I meant to say is that the party system is a possibility for the Senate. That is all.

Thank you.

MR. ROMULO: Madam President, we are ready to vote.

VOTING

THE PRESIDENT: As many as are in favor of the proposed amendment of Commissioner Gascon on Section 2, please raise their hand. (Few Members raised their hand.)

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

The results show 10 votes in favor and 22 against; the proposed amendment is lost.

The Acting Floor Leader is recognized.

MR. ROMULO: If the Committee has no further matter to take up, I ask that Commissioner Bengzon be recognized.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, that wraps up our discussion on the Committee Report on the Legislative and as per clearance of the Chairman of the Committee, I move that the body vote on Second Reading on the Article on the Legislative. But before we vote, may I withdraw my motion because the Chairman requests that clean copies of the Article on the Executive be distributed first.

Since clean copies have already been distributed, I would like to move that the Article on the Executive be voted upon on Second Reading.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: On a point of information, while we already have the clean copies of the Article on the Executive, by tomorrow as we have made reservations for that purpose, we will circulate the same copies for Second Reading, but this time with the numbers realigned, meaning just a transposition of sections but containing exactly the same as is now being distributed among the Commissioners.

THE PRESIDENT: So, what is the Gentleman's proposal — that we postpone the voting until tomorrow?

MR. REGALADO: No, we can proceed, Madam President. I just wanted to point out that tomorrow we will distribute copies of the Article with realigned or renumbered sections.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: I move for a suspension of the session for five minutes so we will have an opportunity to read this. I have not had an opportunity to read this because I have been very busy the whole afternoon.

SUSPENSION OF SESSION

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

It was 6:57 p.m.

RESUMPTION OF SESSION

At 6:58 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, having listened to the reaction of the Commissioners and considering that everyone is tired, I withdraw my motion. Therefore, we will vote on Second Reading on the Articles on the Legislative and on the Executive tomorrow morning at nine o'clock.

THE PRESIDENT: The Acting Floor Leader is recognized.

ADJOURNMENT OF SESSION

MR. ROMULO: Madam President, I move for the adjournment of the session until nine o'clock tomorrow morning.

THE PRESIDENT: The session is adjourned until nine o'clock tomorrow morning.

It was 6:59 p.m.

[*] Appeared after the roll call.

[*] Amended title.

[*] See Appendix.

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