

R.C.C. NO. 39

VOL. II, July 25, 1986

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5cd042ec908a/>

Friday, July 25, 1986

OPENING OF SESSION

At 9:41 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 Renato V. Sarmiento.

Everybody remained standing for the Prayer.

PRAYER

MR. SARMIENTO: A reading from the Book of Psalms, 136: 1-3:

Give thanks to the Lord, for He is good, for His

mercy endures forever;

Give thanks to the God of gods, for His mercy

endures forever;

Give thanks to the Lord of lords, for His mercy

endures forever.

Almighty and ever loving Father, our mighty protector and fortress, we thank You for the countless graces and blessings You faithfully give us, as we, in this hallowed assembly, work day and night to draft our people's Constitution. In particular, we thank You for the joys we experience as we interact with our colleagues and share ideas with them; we thank You for the patience You bestow upon us as we perform diligently and enthusiastically our noble task; we thank You for the support we receive from the Secretariat without whose untiring help and experience our work will be difficult; we thank You for the life You have generously given us so that we can, with all our virtues and weaknesses, humbly serve not the mighty and powerful but the least of our brethren, the thirsty, the hungry, the sick, the prisoners, and the naked.

As we thank You today for Your love and mercy, we ask for Your wisdom so that in the framing of our people's Charter we will do what is right in Your sight, and do it without fear or vacillation. Guide us to place in our

Constitution provisions that will, for the generations to come, give happiness to our fellowmen, hope to our youth, security for our fathers and mothers, confidence to our farmers and fishermen, optimism to our workers and assurance to our prisoners.

When, in the appointed time, our task is finished, may we, alone or in the company of our loved ones, rejoice in the thought that we have done our best for Your glory and for the lasting peace, prosperity and progress of our country.

This we pray in Jesus' name. Amen.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar Present [*] Natividad Present [*]

Alonto Present [*] Nieva Present

Aquino Present [*] Nollado Present

Azcuna Present Ople Present [*]

Bacani Present Padilla Present

Bengzon Present Quesada Present [*]

Bennagen Present Rama Present

Bernas Present Regalado Present

Rosario Braid Present Reyes de los Present

Brocka Present Rigos Present

Calderon Present Rodrigo Present

Castro de Present Romulo Present

Colayco Present [*] Rosales Present

Concepcion Present Sarmiento Present

Davide Present Suarez Present

Foz Present Sumulong Present

Garcia Present [*] Tadeo Present

Gascon Present [*] Tan Present

Guingona Present Tingson Present

Jamir Present Treñas Present

Laurel Present [*] Uka Present

Lerum Present [*] Villacorta Present

Maambong Present Villegas Present [*]

Monsod Present [*]

The President is present.

The roll call shows 35 Members responded to the call.

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

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

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

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

APPROVAL OF JOURNAL

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

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

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

THE PRESIDENT: Is there any objection? (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. Augusto L. de Leon, President of RFM Corporation, of Pioneer St., Pasig, Metro Manila, suggesting a constitutional provision for foreign infrastructure investment, allowing foreign investors to invest in government-approved infrastructure.

(Communication No. 310 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Draft constitution submitted by the National People's Forum entitled — An Alternative Filipino Constitution.

(Communication No. 311 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Paterno S. Garcia of 3822 Daffodil Street, Sun Valley, Parañaque, Metro Manila, proposing a constitutional provision on the development of a national language.

(Communication No. 312 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from the Solidarity of 531 Padre Faura, Manila, requesting appropriate action on the proposal concerning "Constitution Framers Urged to Adopt Decentralization Proviso."

(Communication No. 313 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Letter from Mr. Alberto T. Lustestica of Pangpang, Sorsogon, Sorsogon, proposing a provision in the new Charter banning from any elective post those next of kin of public officials to avoid the propagation of "Political Dynasties" and warlordism.

(Communication No. 314 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Letter from Pastor Cornelio R. Dalisay of the Philippine Evangelical Mission, Inc., submitting various proposals for the consideration of the Constitutional Commission.

(Communication No. 315 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Judge Alex L. Macalawi, Municipal Circuit Trial Court, Balindong, Lanao del Sur, urging proposal to incorporate in the Article on the Bill of Rights in the new Constitution that detention prisoners shall be compensated upon acquittal by the government corresponding to the number of days of their detention.

(Communication No. 316 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Communication from the Bulacan Social Action Movement, 844 Paseo De F. Estrella, Barangay San Juan, Malolos, Bulacan, signed by its Secretary-General, Tirso G. Robles, Jr., proposing a provision which would require the legislature to enact laws on "socialized medicine."

(Communication No. 317 — Constitutional Commission of 1986)

To the Committee on the Legislative.

Letter from Mr. Eduardo Salas of 2271 F.B. Harrison St., Pasay City, and Atty. Jovenio Angel of 170 Villaruel St., Pasay City, submitting, among others, proposals that election of President, Vice-President and other elective national officials should be based on equal geographical representation.

(Communication No. 318 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Ricardo L. Magno of Mangaldan, Pangasinan, stressing the need to create the People's Consultative Council to give life and meaning to an effective involvement of the citizens in government affairs.

(Communication No. 319 — Constitutional Commission of 1986)

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

Letter from Datu Ebrahim Bakar of Kabuntalan, Maguindanao, suggesting some qualifications of candidates for mayors, vice-mayors, barangay captains, among others.

(Communication No. 320 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Communication from the Sangguniang Panglungsod of the City of Puerto Princesa, requesting the Constitutional Commission to abolish the component city classification.

(Communication No. 321 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Letter from Mr. Jorge C. Magno, Local Government Officer I, c/o Ministry of Local Government, Region III, San Fernando, Pampanga, suggesting, among others, that compulsory retirement age be reduced from 65 to 60 years old.

(Communication No. 322 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Communication from Messrs. Florencio L. Garcia, Jesse P. Gemora, and Eugenio H. Cadelina and residents of Bacolod City, Negros Occidental, requesting the adoption of a provision on old age pension.

(Communication No. 323 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Mr. D. M. Niere, President of the Central Philippines Union Mission of Seventh Day Adventists, Cebu City, urging the separation of Church and State and saying that the teaching of religion is primarily an individual and a church function.

(Communication No. 324 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Mr. Allan G. Wawie of La Trinidad, Benguet, expressing his hope for the establishment of a Cordillera Autonomous Region, among others.

(Communication No. 325 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Communication from the Society of Philippine Sculptors, Penthouse, Labrador Bldg., 435 Remedios St., Malate, Manila, proposing the creation of a national art institution, among others.

(Communication No. 326 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Communication from Mr. Jose P. Gatus of Bulua, Cagayan de Oro City, containing constitutional proposals on the structure of government, patrimony of the country, and productivity and land reform.

(Communication No. 327 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Ponciano M. Ponce, one of the nominees for the Constitutional Commission of 1837 Isagani St., cor. Cavite St., Blumentritt, Sta. Cruz, Manila, urging the consideration of his thesis on People's Power Movement, entitled: "Ang Pamahalaan At Ang Kapangyarihan Ng Tao Sa Pilipinas: Isang Pag-aaral," copy of which was enclosed in his nomination paper submitted to the Secretariat.

(Communication So. 328 — Constitutional Commission of 1986)

To the Steering Committee.

Resolution of the Manila Archdiocesan and Parochial Schools Association (MAPSA) signed by Bishop Manuel C. Sobreviñas, Chairman, MAPSA Executive Board, submitted thru the Honorable Teodoro C. Bacani, requesting the Constitutional Commission to provide (1) tax exemption of private schools, (2) optional religious instruction in public schools, and (3) optional military training in public and private schools.

(Communication No. 329 — Constitutional Commission of 1986)

To the Steering Committee.

CONSIDERATION OF SCHEMES ON TENURE OF OFFICE

MR. RAMA: Madam President, per motion of Commissioner Romulo, we have scheduled today the voting on the schemes concerning the tenure of office of the legislators, the President, the Vice-President and the local officials. The motion calls for a voting on the three most popular schemes, Scheme No. I, Scheme No. II and Scheme No. VII, and going to a process of elimination, if none of these three schemes would garner the majority vote. I now ask that Commissioner Romulo be recognized to restate the procedure of voting and to conduct the voting.

THE PRESIDENT: Commissioner Romulo is recognized.

MR. ROMULO: Madam President, as explained by the Floor Leader, the first step in the voting will involve an elimination of Scheme Nos. I, II and VII. If none gets the majority vote, then the scheme with the least number of votes will be dropped. Then we will proceed with the second stage which is to choose between the two with the highest plurality, after which we will then go into the separate elements of the scheme that is finally chosen. This means that we will then decide whether the President will serve for a term of six years or whatever the term is with or without reelection.

I move that we now proceed to the voting, as described.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Before we vote, may I be allowed to speak for one or two minutes on Scheme Nos. I and II?

THE PRESIDENT: The Gentleman may proceed.

MR. DE CASTRO: Scheme No. I does not necessarily call for an election every two years. There will be a period when there will be voting every year in 1991 and 1992 and a voting of about four years' frequency. In Scheme No. II, with a little adjustment on the senatorial lineup of the period of election, we will have elections every three years. I believe that three years would be a very good frequency, considering that we will need more money for frequent elections.

Thank you, Madam President.

SUSPENSION OF SESSION

THE PRESIDENT: The Chair suspends the session for a few minutes.

It was 9:57 a.m.

RESUMPTION OF SESSION

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

THE PRESIDENT: The session is resumed.

Pieces of paper are being distributed for the voting.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

RECONSIDERATION OF APPROVAL OF JOURNAL

MR. DAVIDE: While the ballots are still being distributed, may I request a reconsideration of the approval of the Journal of the Constitutional Commission.

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

MR. DAVIDE. By inadvertence, a correction should be made on the second paragraph of page 48. Instead of "Mr. Davide," it should be MR. SARMIENTO. So, the sentence should read: "MR. SARMIENTO stated that Scheme No. I shall not be beneficial to the country and the economy inasmuch as it would involve elections every two years."

THE PRESIDENT: Let the proper correction be made.

MR. SARMIENTO: Madam President, I confirm the correction made by the honorable Commissioner Davide.

THE PRESIDENT: Yes.

MR. OPLE: Madam President, may I ask the Chair a question concerning Journal corrections.

THE PRESIDENT: Commissioner Ople may proceed.

MR. OPLE: Day-to-day when we go over the Journals, there are certain minor errors of style that we would like corrected. On the other hand, we feel guilty about taking the precious time of the Commission when they have to be requested on the floor.

What do we do in such instances, Madam President? If they are matters essentially pertaining to style, may we just take them up with the President or the Secretariat?

THE PRESIDENT: Yes, so long as the Chair is informed about it. But if it is one of substance, then we will have to refer it to the body.

Is that all right?

MR. OPLE: Yes, thank you for that ruling, Madam President.

MR. MAAMBONG: Madam President, considering that the approval of the Journal has been reconsidered — actually I have informed the person in charge of the transcript to correct certain grammatical errors — I might as well mention a correction on page 28, third paragraph, line 14. After the words "Public Officers," the word to be used should be OF, instead of "and."

On page 30, line 4, insert the word BE between the words "can" and "held." It should read "can BE held."

On the same page, line 7, delete the word "member."

On line 9, delete the words "Member who" and in lieu thereof insert COMMITTEE WHICH. So, line 9 would read: ". . . not a COMMITTEE WHICH issues the subpoena."

Thank you, Madam President.

THE PRESIDENT: Maybe this is what we could do. Inasmuch as the Journal of the previous session, which is

quite lengthy, is distributed on this very day, we can have a reservation that any other corrections be made the following day so as to give time to the Commissioner to read the lengthy Journal.

MR. RAMA: Madam President, may we request that somebody from the Secretariat collect the ballots.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: May I be allowed to make a reservation for a minor correction regarding the Journal of two days ago?

THE PRESIDENT: Will the Gentleman please submit it in writing?

MR. GUINGONA: Thank you, Madam President.

MR. RAMA: Madam President.

THE PRESIDENT: Yes, the Floor Leader is recognized.

MR. RAMA: In view of the fact that the approval of the Journal was reconsidered and amendments were presented, I move that the Journal of yesterday's session, as amended, be approved.

MR. PADILLA: Madam President.

THE PRESIDENT: The Vice-President is recognized.

MR. PADILLA: May I suggest that if there are clerical errors or some inaccuracies in the Journal, the correction need not be made on the floor. We will just lose time. I think the Journal people will readily accept any correction that pertains to the Members who are quoted and are referred to in the Journal. If every Member, whose remarks were noted by the Journal, were to ask the correction of the Journal during the deliberations, we will lose plenty of time. I believe that the Journal will readily accept a matter of style or correction of inaccurate or grammatical errors.

THE PRESIDENT: That was already indicated by the Chair. So long as the Chair is also informed about it in writing, if possible, so as not to be mistaken about the correction to be made.

Thank you.

APPROVAL OF JOURNAL

MR. RAMA: There was a previous motion, Madam President, for the approval of the Journal of yesterday's session, as amended.

THE PRESIDENT: Is there any objection? (Silence) The Chair hears none; the Journal of yesterday's session, as amended, is hereby approved.

At this juncture, the Members submitted their ballots.

THE PRESIDENT: Do we understand from Commissioner Romulo that after we have decided or taken the vote on the term, the next issue would be whether there should be reelection or not?

MR. ROMULO: Madam President, once we make the final choice, then we will go into the elements of reelection or no reelection.

COUNTING OF BALLOTS

THE PRESIDENT: May we request the Secretary-General to count the votes with the assistance of Mr. Roberto

Nazareno.

THE SECRETARY-GENERAL, reading:

Scheme No. I — ////-///

Scheme No. II — ////-////-////-////-////-//

Scheme No. VII — ////-//

THE PRESIDENT: The results show 8 votes for Scheme No. I, 27 votes for Scheme No. II, and 7 votes for Scheme No. VII; Scheme No II is approved. (Applause)

MR. ROMULO: To summarize: Under Scheme No. II, the President and Vice-President shall have a term of six years; Senators, six years; Representatives, three years and local officials, three years. The frequency of election shall be every three years.

We now go to the specific elements for each office concerned.

MR. DE CASTRO: May I just have a word, Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO. On Scheme No. II, there is an adjustment at the very beginning. The local officials will have to be elected for five years and from then on, the Senators will be divided into two groups — three and six years. After 1992, it can already proceed with the number of years as stated in Scheme No. II, and the frequency will be every three years.

This is for the information of the body, Madam President.

MR. ROMULO: I adopt the manifestation of Commissioner de Castro.

THE PRESIDENT: Is this an innovation of what Commissioner Romulo stated here?

MR. ROMULO: Yes, Madam President. What Commissioner de Castro has mentioned is a consequence of choosing Scheme No. II, and I adopt his manifestation.

THE PRESIDENT: All right.

MR. ROMULO: Subject to suggestions, Madam President, perhaps we can proceed in this way with regard to the Office of the President. For example, I can move that the term of the President be six years without immediate reelection. I suppose amendments can be proposed at that point and then we vote on that particular proposition. Is that acceptable?

THE PRESIDENT: It is acceptable.

Is there any objection to that particular motion of the Floor Leader? Excuse me, is Commissioner Romulo now the Acting Floor Leader?

MR. ROMULO: I do not know, Madam President. (Laughter) I take it as the proponent of the election scheme.

THE PRESIDENT: Scheme No. II.

MR. ROMULO: I, therefore, move that the term of the President be six years, without immediate reelection.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I am willing to second the motion, but I will include the Vice-President.

THE PRESIDENT: Is that acceptable?

MR. ROMULO: Yes, one by one.

MR. DAVIDE: I second the motion, without the amendment.

THE PRESIDENT: All right.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: I thought we already voted on Scheme No. II which clearly defines that the term of the President is six years. But now there is a motion that the term of the President be six years.

MR. ROMULO: It is a question of with reelection or without reelection.

THE PRESIDENT: That is what we will vote on.

MR. ROMULO: That is what we have to vote on.

REV. RIGOS: The Gentleman is only referring to whether or not there will be reelection. We have already agreed on the six-year term?

MR. ROMULO: Yes, and I am using the terms that we have voted on.

REV. RIGOS: All right.

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Madam President, could we resolve the prior question of "without reelection " then, we can go on to "without immediate reelection"?

MR. ROMULO: I accept the amendment. I move that the term of the President be six years without reelection.

THE PRESIDENT: As many as are in favor of this particular motion of a six-year term for the President without reelection . . . may I vote?

MR. ROMULO: No. (Laughter)

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: I would like a clarification first. Does "no reelection" mean the President can never be reelected?

THE PRESIDENT: I believe the motion is just for non-reelection, is it not?

MR. ROMULO: No reelection.

THE PRESIDENT: But it does not say forever.

MR. ROMULO: Madam President, the meaning of "without reelection" is that the person can never run again — absolute bar.

BISHOP BACANI: Therefore, if she ceases from office she cannot run even after six years.

THE PRESIDENT: Even after?

BISHOP BACANI: That is the understanding.

Thank you.

MR. ROMULO: Shall we vote again, Madam President?

THE PRESIDENT: Commissioner Lerum is recognized.

MR. LERUM: I am voting against.

MR. ROMULO: Madam President, may I suggest we vote on the issue? I am sorry for the confusion. Let me restate the motion. It is six years for the President, without reelection, meaning that the person will be barred forever, for life.

MR. RODRIGO: Madam President.

THE PRESIDENT: Yes, Commissioner Rodrigo is recognized.

MR. RODRIGO: The first issue presented was by Commissioner Romulo, without immediate reelection. Then Commissioner Garcia made a suggestion. Should we not vote first on "without reelection"?

MR. ROMULO: That is correct.

MR. RODRIGO: Now that we are voting on "without reelection," is this without prejudice to the Gentleman's bringing up again "without immediate reelection"?

MR. ROMULO: I would assume, but if the majority votes for . . .

MR. RODRIGO: That makes a lot of difference, Madam President. So, this is not final. We will vote first on "without reelection" but then after this, we vote on the original proposal of "without immediate reelection."

BISHOP BACANI: Madam President.

THE PRESIDENT: May I just clarify this, please correct me if I am wrong. The proposition being presented by Commissioner Romulo is that "no reelection" means no reelection forever. So, if you are not in favor, do not raise your hand because if you desire one reelection for at least in the future after one term, then that would be another proposition. Is that correct, Commissioner Romulo?

MR. ROMULO: Yes, Madam President.

BISHOP BACANI: Madam President, why do we not go back to the original proposition of Commissioner Romulo because that is logically prior to the proposition presented now? The question of whether there can be no immediate reelection should be prior to whether there can never be any reelection. I think we should first vote on that, whether there should be any immediate reelection or not.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Assuming that no one here is espousing the reelection of the President after six years, perhaps the voting could be done this way — those in favor of no immediate reelection as against those in favor of no reelection whatsoever. Those are the two choices that we would be given because apparently, no one here is

espousing the reelection of the President without restriction.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Madam President, may I correct Commissioner Guingona. I am for a single reelection. I used to be against any reelection, but since Scheme No. II has prevailed, I would like to change my mind and seek a single reelection for the President.

Will the Chair allow me to state briefly the reason for this unorthodox position, Madam President?

THE PRESIDENT: There is a motion on the floor by Commissioner Romulo. To me it appears very simple: Does the Gentleman favor or not favor a perpetual disqualification for one who has already been elected President for one term? That is all.

MR. OPLE: Yes, Madam President.

THE PRESIDENT: So, let us vote on that and then we will go to the other proposal. Is Commissioner Romulo abandoning his motion?

MR. ROMULO: No, Madam President. I want the sense of the House, I am not bound to this motion; I made a manifestation only to force a vote on the issues.

THE PRESIDENT: Then, let us vote. The proposition is, no reelection for one who has been elected President.

MR. ROMULO: Madam President, to be fair there are some Commissioners who feel that the logical sequence should begin with "no immediate reelection," after which we vote for "no reelection."

THE PRESIDENT: I leave it to Commissioner Romulo.

MR. ROMULO: All right; I will stick by my original proposition. The President shall have a term of six years without immediate reelection.

VOTING

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

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

The results show 32 votes in favor and 5 against; the proposition is approved.

MR. ROMULO: For the sake of formality, I propose that the President shall have a term of six years without any reelection.

VOTING

THE PRESIDENT: As many as are in favor of this particular proposition, 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 15 votes in favor and 21 against; the proposition is lost.

MR. ROMULO: There is a third variation: The President shall have a term of six years, with one immediate reelection.

THE PRESIDENT: In other words, he can serve for 1 2 years?

MR. ROMULO: Yes, Madam President.

VOTING

THE PRESIDENT: As many as are in favor, please raise their hand. (One Member raised his hand.)

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

The results show 1 vote in favor and 20 against; the proposition is lost.

MR. ROMULO: Thank you, Madam President.

The next official will be the Vice-President, and we will go through the same alternatives — without immediate reelection, and with one immediate reelection.

MR. DE LOS REYES: Madam President, with unlimited reelection.

MR. ROMULO: I will begin with Commissioner de los Reyes' alternative. Assuming someone is willing to always be the bridesmaid and never the bride, I move for the proposition that the Vice-President shall have a term of six years with unlimited reelection for the same office.

VOTING

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

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

The results show 22 votes in favor and 8 against; the proposition is approved.

Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, the effect is that the Vice-President has the unlimited right to run for reelection as Vice-President and, of course, necessarily, has the right to run for the presidency.

MR. ROMULO: Yes. I do not see that we need the other alternatives, Madam President.

THE PRESIDENT: So, there is no need.

MR. ROMULO: Unless somebody disagrees.

THE PRESIDENT: The Chair leaves it to the proponent.

What is the pleasure of Commissioner Rodrigo?

MR. RODRIGO: Madam President, there is another problem regarding the Vice-President. In case the Vice-President succeeds as President due to death or incapacity of the President, does he have the right to run for election in the next succeeding election? I would like to call the attention of the body to the provision of the United States Constitution regarding this. Of course, we can just use this as an example or basis because in the United States, a President has a term of four years with one reelection. No person who has held the office of President or acted as President for more than two years of a term, to which some other person was elected President, shall be elected to the Office of President more than once. I think we can change this to read as follows: NO PERSON WHO HAS HELD THE OFFICE OF PRESIDENT OR ACTED AS PRESIDENT FOR MORE THAN THREE YEARS OF A TERM, TO WHICH SOME OTHER PERSON WAS ELECTED PRESIDENT, SHALL BE ELECTED TO THE OFFICE OF THE PRESIDENT IN THE NEXT SUCCEEDING ELECTION.

MR. ROMULO: Madam President, I suggest that Commissioner Rodrigo put that to a motion, as he had suggested during our caucus, and then we can vote on the alternatives.

MR. RODRIGO: I move that in the provision regarding the term of the Vice-President and also the President, the

following provision be incorporated: NO PERSON WHO HAS HELD THE OFFICE OF PRESIDENT OR ACTED AS PRESIDENT FOR MORE THAN THREE YEARS OF A TERM, TO WHICH SOME OTHER PERSON WAS ELECTED PRESIDENT, SHALL BE ELECTED TO THE OFFICE OF THE PRESIDENT IN THE NEXT SUCCEEDING ELECTION. This means that if he succeeded less than three years, then he can run; but if more than three years, he cannot run.

MR. MONSOD: Madam President.

THE PRESIDENT: Yes, Commissioner Monsod is recognized.

MR. MONSOD: I would like to suggest an amendment to the amendment.

MR. RODRIGO: Wait a minute, I have a comment. Suppose it is exactly three years — because that is more than two years of a term — then he can run. What is one day between friends? So, if a Vice-President has already acted as President for more than three years, then he has consolidated the powers of the President in his hands, and he can use those powers to assure his election. However, let us take a case where he had succeeded only six months before the end of the term. He could run for President in the next subsequent years.

THE PRESIDENT: The Chair suggests that Commissioner Rodrigo write it down so that we will not be confused in the voting.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: If it is all right with Commissioner Rodrigo, once he has formulated it in a perfect manner, perhaps we should submit it to the Committee on the Executive. Then when we consider the provisions of the Article on the Executive, that will be the time to take it up.

THE PRESIDENT: The Chair has requested Commissioner Rodrigo to write it down.

MR. MAAMBONG: Yes. Thank you, Madam President.

THE PRESIDENT: We will proceed now to the Senators.

MR. GARCIA: Excuse me, Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I asked for recognition a while ago before Commissioner Maambong. May I have the floor?

THE PRESIDENT: The Gentleman may proceed.

MR. MONSOD: In the formula mentioned by Commissioner Rodrigo, if the Vice-President succeeds during the first three years, he is barred from running in the elections, so that he will have, in effect, three years as President. My suggestion is, if he succeeds to the presidency during the first three years of that term, then there should be a special election — because there are elections every three years anyway — where he can run so that then he will have his own mandate for six years.

THE PRESIDENT: May we just wait for its formulation?

May we now take up the matter of the Senators?

MR. ROMULO: All right.

MR. GARCIA: Madam President, may I just have a word? I would like to request a reconsideration of the vote on the Vice-President for this reason: I think a number of Commissioners took the vote rather lightly because of the fact that they consider the Vice-President as a spare tire and, therefore, would not have much power. But I think a more important principle is at stake here — the principle of unlimited reelection — for a public official can view the office almost as a property right. I think this is one thing rejected by many people in many of the hearings. I would, therefore, ask for a reconsideration of the vote on the unlimited reelection of the Vice-President.

MR. DE LOS REYES: Madam President, I respectfully but very strongly object to his motion for reconsideration for the reason that Commissioner Garcia voted against, and under the Rules, one who voted against cannot ask for a reconsideration.

Thank you, Madam President.

THE PRESIDENT: We will take that up later on.

What is the pleasure of Commissioner Guingona?

MR. GUINGONA: Madam President, Commissioner Garcia is not qualified to ask for a reconsideration because he voted against, whereas I did not vote in favor, but abstained I wonder what the ruling of the Chair would be on this.

THE PRESIDENT: The Rules says that one who has voted in favor can seek for a reconsideration. That is why we will call that particular incident later on. The Chair is not making any ruling. We just like to proceed now to that of Senators so that we can dispose of this matter.

MR. ROMULO: Madam President, with regard to the Senators, we can again use the same formula.

THE PRESIDENT: So, what is now before the body is six years for the Senator with no immediate reelection.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you.

Before we go to the voting, before we go to the choice as to whether it will be six years without reelection, I would like to advise the body that we have approved Scheme No. II on the theory of election every three years. Under this scheme, the Senators are divided only into two groups — the first group of 12 and the second group of 12 — to attain an interval of three years in frequency of election. The first election will be for the first and second groups for a term of five years. This will be in 1992 and will coincide with the term of the President, and the local officials for the first election shall have a term of five years also. Therefore, by 1992, we shall elect a President, a Vice-President, 24 Senators and the local officials. One-half of the Senators will have a term of six years at the same time with the term of the President; and one-half of the Senators will have a term of three years; and the local officials will have a term of three years. From then on, we shall be able to have a frequency of three years.

Thank you, Madam President.

MR. ROMULO: Madam President, before I put my motion formally, let me now spell out the alternatives. The variations are as follows:

The first would be without reelection. That means an absolute bar.

The second would be with one immediate reelection.

The third would be without immediate reelection.

And finally, the fourth would be no limit.

Madam President, I move that the Senators be elected for six years without reelection.

VOTING

THE PRESIDENT: As many as are in favor of this particular motion for the Senators to serve their full term without reelection, please raise their hand. (Few Members raised their hand.)

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

The results show 5 votes in favor and 21 votes against; the motion is lost.

What is the next proposal?

MR. ROMULO: The Senators will have a term of six years with one immediate reelection. Therefore, they serve for 12 years only.

VOTING

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

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

The results show 8 votes in favor and 18 votes against; the motion is lost.

MR. ROMULO: The next proposition is for six years without immediate reelection.

THE PRESIDENT: In other words, after one term, they can run again for Senator.

MR. ROMULO: But there has to be a gap, Madam President.

VOTING

THE PRESIDENT: As many as are in favor of this third proposal, 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 18 votes against; the proposal is lost.

MR. ROMULO: Madam President, the final alternative is reelection without limit.

VOTING

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

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

The results show 18 votes in favor and 17 votes against; the final alternative is approved.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: May I suggest that we vote again on a multiple choice? There are four choices so that each one will only have one vote.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, before acting on the motion of Commissioner Monsod, we would like to find out what was the vote for the first option.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 11:08 a.m.

RESUMPTION OF SESSION

At 11:28 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

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

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, may we request a clarification of the previous vote on the Senators and may we ask for a recount on the basis of three options, where each Commissioner can vote for only one option, so that the total of the three should not exceed 48 votes; otherwise, there would be a flying voter.

THE PRESIDENT: The Chair notes that there have been instances where one Commissioner voted twice which led to the confusion. Therefore, we will have another balloting. Pieces of paper have been distributed for the Members to write their votes on. Just for the record, may we know what are Scheme Nos. I, II and III?

MR. ROMULO: Madam President, the following are the various alternatives:

Scheme No. I is without reelection; Scheme No. II is with one reelection; and Scheme No. III is reelection without limit. This is for the Senators.

At this juncture pieces of paper were distributed and the Commissioners wrote down their votes.

THE PRESIDENT: The Chair asks the Chairman, Commissioner Davide, to please consolidate the results of the voting for President and Vice-President.

THE SECRETARY-GENERAL: Madam President, we are ready.

THE PRESIDENT: The Secretary-General will please proceed.

COUNTING OF BALLOTS

THE SECRETARY-GENERAL, reading:

Scheme No. I — ///

Scheme No. II — /////-///// -///// -///// -//

Scheme No. III — /////-///// -///// -//

THE PRESIDENT: The results show 3 votes for Scheme No. I; 22 votes for Scheme No. II; and 17 votes for Scheme No. III; Scheme No. II is approved.

MR. ROMULO: Madam President, the next position is for the House of Representatives, the Congressmen. I would assume we can use the same choices. Does any one want any variation?

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: For the record, I would like to ask Commissioner Romulo some questions.

MR. ROMULO: Yes.

MR. RODRIGO: Scheme No. II says "the Vice-President — with one reelection."

THE PRESIDENT: No, that is for Senators.

MR. GUINGONA: Madam President.

THE PRESIDENT: Yes, Commissioner Guingona is recognized.

MR. GUINGONA: May I suggest one more scheme — with two reelections for the Members of the House of Representatives?

THE PRESIDENT: So, we shall distribute ballots again.

MR. ROMULO: While the ballots are being distributed, may I read the following four propositions for Congressmen:

Scheme No. I, without reelection.

Scheme No. II, with one reelection.

Scheme No. III, with two reelections.

Scheme No. IV, no limit on reelection.

MR. DE LOS REYES: Madam President.

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: The term of the Members of the House of Representatives will be three years, according to the first voting; the term of the Senators, if they are entitled to one reelection, will be 12 years. So, in order for a Member of the House of Representatives to have also 12 years, he must be entitled to three reelections. I propose another scheme with three reelections to make it equal.

MR. RODRIGO: Will the Gentleman maintain the number there and add that as No. V. I filled up my ballot already and if I erase, this might be disqualified as a marked ballot.

THE PRESIDENT: Commissioner Rodrigo may change his ballot.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: The situation stated by Commissioner de los Reyes is apparently covered by Scheme No. II which we agreed upon earlier. The situation will not happen, because both the Senators and the Congressmen will have five (5) years on the first election. So, the possibility that the Senators will have a longer term than the Congressmen is remote.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, it occurred to us that the three alternatives are not really mutually exclusive. Can we have only these three: without reelection, with reelection and with unlimited reelection? We are asking here for plurality only, Madam President. Can we eliminate?

THE PRESIDENT: In other words, we shall have the same schemes as those for Senators; without reelection, with one reelection and unlimited reelection.

REV. RIGOS: Madam President, besides we have already submitted our ballots.

MR. MONSOD: I withdraw my proposal, Madam President.

MR. GARCIA: Madam President, I would suggest that the two schemes with the highest votes be voted upon to get the key majority. For example, if the schemes with two reelections and no limit to election get the highest number of votes, then we vote again to get the key majority. .,

THE PRESIDENT: We will do that. Are all the votes in?

COUNTING OF BALLOTS

THE SECRETARY-GENERAL: Madam President, we have 43 ballots.

THE PRESIDENT: The Secretary-General will please proceed.

THE SECRETARY-GENERAL, reading:

Scheme No. I — 0

Scheme No. II — //

Scheme No. III — ////-////-////-////-/

Scheme No. IV — ////-////-////

Scheme No. V — ////-/

THE PRESIDENT: The results show no vote for Scheme No. I; 2 votes for Scheme No. II; 21 votes for Scheme No. III; 14 votes for Scheme for No. IV; and 6 votes for Scheme No. V; Scheme No. III is approved.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: I would like to ask a question for clarification.

THE PRESIDENT: Please proceed.

MR. RODRIGO: If the Members of the Lower House can have two reelections, does this mean two immediate reelections, or a term of nine consecutive years? Let us say that a Member of the Lower House has been reelected twice; that means he will serve for nine years. Can he let three years elapse and then run again?

THE PRESIDENT: We will ask the Chairman of the Committee on the Legislative to answer the question.

MR. DAVIDE: That is correct, Madam President, because two reelections mean two successive reelections. So he cannot serve beyond nine consecutive years.

MR. RODRIGO: Consecutively?

MR. DAVIDE: Consecutively.

MR RODRIGO: But after nine years he can let one. . .

MR. DAVIDE: He can rest. He can hibernate for three years.

MR. RODRIGO: And run again.

MR. DAVIDE: He can run again.

MR. RODRIGO: And again have nine years as a maximum.

MR. DAVIDE: I do not know if that is also the thinking of Commissioner Garcia who is the main proponent of this proposal on two reelections. I would seek the opinion of Commissioner Garcia for the record.

MR. GARCIA: I would actually prefer that after nine years he does not serve anymore. But if the body wishes to get the consensus on this point, we can perhaps divide.

MR. DAVIDE: I think we should submit this to a vote because the concept of this Representation is really that it should be a total of nine consecutive years only, similar to the 1935 provision on the presidency where a President cannot serve for more than eight consecutive years.

THE PRESIDENT: Is there anyone objecting to the interpretation given by the Chairman of the Committee on the Legislative?

MR. DE CASTRO: Madam President, point of inquiry. Under Scheme No. II, the first election of the Congressmen is for five years; the next election will be for three years; so that is eight. If one is reelected for the second time, that will give him 12 years. However, if the rule says that no Congressman will serve for more than nine years, I think he will need only one reelection because his first term is for five years if we apply Scheme No. II.

MR. DAVIDE: Madam President, I think that can be reconciled in the Committee on Amendments and Transitory Provisions.

THE PRESIDENT. That is why the Chair was asking the Chairman of the Committee on the Legislative to coordinate all these results and restate before the body just exactly where we stand regarding the terms of the President, Vice-President, Senators and Congressmen, and presumably on the frequency of elections so that that can be clarified. Is that possible?

MR. DAVIDE: It can be done in the Committee on Amendments and Transitory Provisions, and in the Committee on the Executive, Madam President.

THE PRESIDENT: Is there any other business?

BISHOP BACANI: Madam President, is it not the agreement that if there is no absolute majority, the body will vote again to get such? There is no absolute majority yet. Scheme No. III has only 21; there were 43 who voted. So, there should be 22 votes in order to get the absolute majority.

THE PRESIDENT: What was the proposal of Commissioner Monsod? Did it get a majority vote?

MR. MONSOD: No, Madam President. We do not have the majority because there are 43 votes.

THE PRESIDENT: So, we will vote again.

MR. MONSOD: May we have a runoff, Madam President?

THE PRESIDENT: Shall we again distribute ballots or shall we do it by raising the hand?

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: I would like to believe that the requirement of the majority applies to those instances where there is only one issue which we are trying to resolve. We are resolving five issues, four issues . . .

THE PRESIDENT: Yes, but we are just being guided by the understanding made among the Members before we voted.

MR. MAAMBONG: I submit, Madam President.

THE PRESIDENT: The body will vote only once between Scheme Nos. III and IV — Scheme No. III, with two reelections; and Scheme No. IV with three reelections. Is that correct?

MR. ROMULO: Yes, Madam President.

THE PRESIDENT: Do we call for a vote now? Is the floor ready?

MR. RODRIGO Yes Madam President we are ready for a vote.

VOTING

THE PRESIDENT: As many as are in favor of Scheme No. III, please raise their hand. (Several Members raised their hand.)

As many as are in favor of Scheme No. IV, please raise their hand. (Few Members raised their hand.)

The results show 27 votes in favor of Scheme No. III and 12 votes in favor of Scheme No. IV; Scheme No. III is approved.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: There was an issue raised a while ago because of the objection raised by Commissioner Garcia as to the interpretation of Scheme No. III. I was wondering if there has already been a final decision on whether or not these two reelections refer to immediate reelections.

THE PRESIDENT: That is why the Chair was requesting the Chairman of the Committee on the Legislative to consolidate all these reports and then come out with the Committee's own interpretation. The body will be guided by this or we will vote on it.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Point of parliamentary inquiry, Madam President. Will what we have decided on be translated into a provision or provisions in the Constitution?

MR. DAVIDE: We will do that, Madam President.

MR. MAAMBONG: Thank you, Madam President.

THE PRESIDENT: Does the body have to vote on the term of the local officials?

MR. DAVIDE: May we refer this to the Chairman of the Committee on Local Governments, Madam President?

THE PRESIDENT: What is the pleasure of Commissioner Nollado?

MR. NOLLEDO: We have not made any provision on this but we can decide on this point, Madam President. We have no objection if the body so decides.

MR. GUINGONA: Madam President, could we reduce the number of schemes from five to three so that the proceeding would not be too confusing? We have one scheme without reelection; another scheme with reelection; and the third, no limit on reelection. If the scheme on a reelection comes out, perhaps we can decide as to the number of years. I think the three issues that should face us at the moment would be: Is there going to be no reelection? Would there be no limit on reelection? Should there be reelection?

THE PRESIDENT: Is that acceptable, Commissioner Romulo?

MR. ROMULO: No, Madam President. I do not think the others will agree. They will want the schemes as is.

THE PRESIDENT: They prefer the same schemes, only this time the choice is for local officials.

BISHOP BACANI: Madam President, is it understood that even the governors have a three-year term?

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: The local officials referred to here are the governors, vice-governors, members of the provincial board, the city mayor, the city vice-mayor, and the members of the city board; the municipal mayor, the municipal vice-mayor and the members of the municipal council.

THE PRESIDENT: Are the barangays not included?

MR. DAVIDE: The barangay would be governed, I think, by a special law. I do not know the proposal of the Committee on Local Governments regarding the barangay officials.

MR. NOLLEDO: We have not touched on that topic, Madam President. But I think I agree with the Chairman of the Committee on the Legislative that barangay officials should be governed by a special law.

At this juncture, pieces of paper were distributed, and the Commissioners wrote down their votes.

MR. MAAMBONG: Madam President, I gathered from Commissioner Nollado that the barangays are not included in this decision that we are going to make. I would just like to call the attention of Commissioner. . .

MR. NOLLEDO: Before the Gentleman proceeds, regardless of any provision of existing law, I think barangay officials should be covered by a special law.

MR. MAAMBONG: That is precisely the point, Madam President, because under the Local Government Code, B.P. Blg. 337, which was approved on February 19, 1983, the barangays are included therein, so why make a special law when they are already covered by the Local Government Code?

MR. NOLLEDO: I think that is the sense of some Members of this Commission and a number of the members of the Committee on Local Governments.

THE PRESIDENT: Why do we not consider that matter when we come to the Committee Report on Local Governments? Besides, when we voted for this, we only had the public officials mentioned by Commissioner Davide; that is, excluding the barangay officials.

MR. MAAMBONG: Do we defer action on that, Madam President?

THE PRESIDENT: Yes, on that particular subject.

MR. MAAMBONG: Thank you.

THE SECRETARY-GENERAL: Madam President, we have 39 ballots here and there are 39 Commissioners present, so everyone has cast his or her ballot. May we start the tally, Madam President?

THE PRESIDENT: The Secretary-General will please proceed.

COUNTING OF BALLOTS

THE SECRETARY-GENERAL, reading:

Scheme No. I — 0

Scheme No. II — ///

Scheme No. III — ////-////-////-////-////-////

Scheme No. IV — ///

Scheme No. V — ///

THE PRESIDENT: The results show no vote for Scheme No. I; 3 votes for Scheme No. II; 30 votes for Scheme No. III; 3 votes for Scheme No. IV; and 3 votes for Scheme No. V; Scheme No. III is approved.

MR. GUINGONA: Madam President, may we inquire if our Chairman of the Committee has already, after consultation, decided on the interpretation of the provision on two reelections?

MR. ROMULO: We will put that to a vote now, Madam President.

MR. DAVIDE: I so move that it be put to a vote.

THE PRESIDENT: Yes, but are we ready with that now, or shall we have it after lunch?

MR. ROMULO: I think we can have it now on a show of hands, Madam President.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I think the vote on continuous service of nine years for the Members of the House of Representatives or the lifetime limitation of three terms has a very serious implication. The interpretation of Commissioner Davide in the case of the Members of the House is that they are allowed three consecutive terms. They can hibernate for one term and can have another three terms.

The interpretation of Commissioner Garcia is that the limitation of three terms is a lifetime limitation. This is a very important distinction for the future; and perhaps, this should be discussed or at least we can think about it a little longer, rather than vote on it immediately.

MR. ROMULO: I withdraw the motion, Madam President. We can handle this after lunch.

THE PRESIDENT: Can we have the proposals now, so that when we resume, we are ready to vote on these?

MR. ROMULO: Madam President, in essence, is it the Davide interpretation or is it the Garcia interpretation?

Madam President, if it is the Davide interpretation. . .

THE PRESIDENT: May we state that the interpretation of Commissioner Davide or whatever proposal

Commissioner Davide will say now is the proposal of the Committee on the Legislative as part of its committee report?

MR. DAVIDE: Yes.

MR. ROMULO: Yes, Madam President.

MR. DAVIDE: We want a vote on that particular issue so the Committee can now finalize the substitute proposal in the draft.

MR. GUINGONA: Madam President, as manifested by Commissioner Monsod, this is a very important question. Maybe we could allow one speaker to explain very briefly each side of the issue.

THE PRESIDENT: Can we have those speeches after lunch?

MR. GUINGONA: Yes, Madam President.

THE PRESIDENT: I would just like to have the proposals now so that during lunch break, at least we can think about them, although I suppose we will have some indigestion in the process. May we now have the proposal we are going to speak about or vote on when we resume the session?

MR. ROMULO: Yes, the Garcia interpretation, Madam President.

THE PRESIDENT: We ask Commissioner Garcia to please state his interpretation

MR. GARCIA: I propose that the local officials be reelected twice and that they be prohibited from running again after a total term of nine years in public service for the same office.

THE PRESIDENT: How about the Congressmen?

MR. GARCIA: This is both for the Representatives and the local officials.

THE PRESIDENT: All right, for both Representatives and the local officials.

MR. ROMULO: I think the same question can be raised as to Senators.

THE PRESIDENT: Senators have one reelection.

MR. RODRIGO: Before we take our lunch break, may I ask Commissioner Garcia a question on his proposal.

Let us say, a mayor has served for nine years, can he, after that, run as governor?

MR. GARCIA: He can run for other offices if he wishes.

MR. RODRIGO: As long as it is another office.

THE PRESIDENT: May we have the other proposal.

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

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: The other proposal, Madam President, is: These officials who can seek two reelections can serve for a total term of nine years, after that, they cannot seek another reelection. They should rest for one term or more, but it will not bar them from running again after the lapse of the term following the expiration of the nine-year period.

SUSPENSION OF SESSION

MR. ROMULO: I move that we suspend the session, Madam President.

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

It was 12:23 p.m.

RESUMPTION OF SESSION

At 2:51 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: We are now ready to discuss the two issues, as indicated on the blackboard, and these are Alternative No. 1 where there is no further election after a total of three terms and Alternative No. 2 where there is no immediate reelection after three successive terms.

The proponents are now ready to explain briefly. I ask that Commissioner Garcia be recognized.

THE PRESIDENT: Commissioner Garcia is recognized to speak on Alternative No. 1.

MR. GARCIA: I would like to advocate the proposition that no further election for local and legislative officials be allowed after a total of three terms or nine years. I have four reasons why I would like to advocate this proposal, which are as follows: (1) to prevent monopoly of political power; (2) to broaden the choice of the people; (3) so that no one is indispensable in running the affairs of the country; and (4) to create a reserve of statesmen both in the national and local levels. May I explain briefly these four reasons.

First: To prevent monopoly of political power — Our history has shown that prolonged stay in public office can lead to the creation of entrenched preserves of political dynasties. In this regard, I would also like to advocate that immediate members of the families of public officials be barred from occupying the same position being vacated.

Second: To broaden the choice of the people — Although individuals have the right to present themselves for public office, our times demand that we create structures that will enable more aspirants to offer to serve and to provide the people a broader choice of those who will serve them; in other words, to broaden the choice so that more and more people can be enlisted to the cause of public service, not just limited only to those who may have the reason or the advantage due to their position.

Third: No one is indispensable in running the affairs of the country — After the official's more than a decade or nearly a decade of occupying the same public office, I think we should try to encourage a more team-oriented consensual approach to governance favored by a proposal that will limit public servants to occupy the same office for three terms. And this would also favor not relying on personalities no matter how heroic, some of whom, in fact, are now in our midst.

Lastly, the fact that we will not reelect people after three terms would also favor the creation of a reserve of statesmen both in the national and local levels.

Turnovers in public office after nine years will ensure that new ideas and new approaches will be welcome. Public office will no longer be a preserve of conservatism and tradition. At the same time, we will create a reserve of statesmen, both in the national and local levels, since we will not deprive the community of the wealth of experience and advice that could come from those who have served for nine years in public office.

Finally, the concept of public service, if political dynasty symbolized by prolonged stay in particular public

offices is barred, will have fuller meaning. It will not be limited only to those who directly hold public office, but also to consultative bodies organized by the people, among whom could be counted those who have served in public office with accomplishment and distinction, for public service must no longer be limited only to public office.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: May I just ask Commissioner Garcia for a clarification. Under Alternative No. 1, which says: "No further election after a total of three terms," the three terms referred to here need not have been served consecutively?

MR. GARCIA: The Commissioner is correct, Madam President.

MR. REGALADO: In other words, whether there were interruptions, whether the interruption took over a span of 20 or 25 years, as long as he has been in that office for a total of nine years, he is banned from running for the same office.

MR. GARCIA: The Commissioner is right, Madam President.

MR. REGALADO: Thank you.

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

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I was reflecting on this issue earlier and I asked to speak because in this draft Constitution, we are recognizing people's power. We have said that now there is a new awareness, a new kind of voter, a new kind of Filipino. And yet at the same time, we are prescreening candidates among whom they will choose. We are saying that this 48-member Constitutional Commission has decreed that those who have served for a period of nine years are barred from running for the same position.

The argument is that there may be other positions. But there are some people who are very skilled and good at legislation, and yet are not of a national stature to be Senators. They may be perfectly honest, perfectly competent and with integrity. They get voted into office at the age of 25, which is the age we provide for Congressmen. And at 34 years old we put them to pasture.

Second, we say that we want to broaden the choices of the people. We are talking here only of congressional or senatorial seats. We want to broaden the people's choice but we are making a pre-judgment today because we exclude a certain number of people. We are, in effect, putting an additional qualification for office — that the officials must not have served a total of more than a number of years in their lifetime.

Third, we are saying that by putting people to pasture, we are creating a reserve of statesmen, but the future participation of these statesmen is limited. Their skills may be only in some areas, but we are saying that they are going to be barred from running for the same position.

Madam President, the ability and capacity of a statesman depend as well on the day-to-day honing of his skills and competence, in intellectual combat, in concern and contact with the people, and here we are saying that he is going to be barred from the same kind of public service.

I do not think it is in our place today to make such a very important and momentous decision with respect to many of our countrymen in the future who may have a lot more years ahead of them in the service of their country.

If we agree that we will make sure that these people do not set up structures that will perpetuate them, then let us give them this rest period of three years or whatever it is. Maybe during that time, we would even agree that their fathers or mothers or relatives of the second degree should not run. But let us not bar them for life after serving the public for a number of years.

Thank you, Madam President.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: May I speak briefly to second Commissioner Monsod. Am I allowed, Madam President?

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Before Commissioner Ople speaks for one or two minutes to second Commissioner Monsod, may I ask Commissioner Monsod one question.

Madam President, this morning when we voted on the alternative that the Senators will be allowed to run only for one reelection, so that means they will be serving a maximum period of 12 years, was not the intention to bar them also forever, after 12 years?

MR. MONSOD: I was not sure. I thought that there might be opportunities for them later, particularly since in the case of the President, we are even allowing a person who attains the highest political position on this land to serve again after a period of rest.

MR. BENGZON: That is what I would like to find out. When we voted this morning barring the Senator from running for the same office after the first reelection, I thought that after 12 years of service, he is barred forever. That is the impression I had. Am I wrong or am I correct?

MR. MONSOD: I think that is the reason we are having a debate this afternoon, precisely in order to clarify the perceptions of people and finally decide what it should be.

MR. BENGZON: But we were just talking of the term of the Congressmen and the local officials.

MR. MONSOD: I think before lunch break, we decided to expand it and to decide this afternoon on what our interpretation should be with respect to the ban on reelection.

MR. BENGZON: So that means we will decide again on the term of the Senators after this?

THE PRESIDENT: In fact, the Chair requested the Chairman of the Committee on the Legislative to consolidate all these votings that we made to see what will really come out of them.

MR. BENGZON: Yes Madam President.

Thank you.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: I think we should separate the situation of a Senator or a Congressman as a Member of the legislative body — a Senator, one of a composition of 24 Members; a Congressman, one of a composition of 200 or 250 Members — from a governor or a mayor of a local government unit who is only one in power. Just like the

President, he is only one in power.

I think we should distinguish or vote separately, because there may be some who would be supporting the proposition that a local executive, governor or mayor who has served for nine successive years should no longer be allowed reelection even if there be a rest period of one term.

Whereas, with regard to the Members of Congress, let us determine whether the majority sentiment is that a Member of the Lower House after serving for nine years or a Member of the Senate after serving for 12 years will no longer be allowed reelection, even if there is an, intermediate period of non-incumbency.

Madam President, I feel that the two situations are different. A Member of the Congress is only one of so many members; whereas, a local executive is similar to the President, only on a very limited sense. He is one chief and, perhaps, a powerful executive. That is my suggestion, that we should distinguish or vote separately so that we will not confuse the two issues.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: I agree with the honorable Commissioner Padilla that we should decide separately on the term of office of the Senators, the Congressmen and the local officials.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: Madam President, I would like to call attention to the fact that when we say "local officials" that term embraces not only the provincial governor and the municipal mayor but also the vice-governor, vice-mayor, members of the provincial board and members of the municipal and city councils. So if we will make a distinction now between Members of Congress and local officials, we might have to make subdistinctions again between the mayor and the vice-mayor; between the vice-mayor and the councilors; between the governor and the vice-governor; and between the two higher officials and the provincial board members. We might get too involved in distinctions, Madam President.

THE PRESIDENT: Maybe it will be of help if we just remind ourselves that what we have before us now is the report of the Committee on the Legislative. Therefore, maybe we should confine ourselves first to what is covered by the report which is the term of office of the Senators and the Representatives.

And with respect to the local officials, let us await the report of the Committee on Local Governments as to its recommendation on this matter.

MR. RODRIGO: As a matter of fact, I will go further than that. It is my belief, as regards local officials, that we should leave this matter to the legislature.

THE PRESIDENT: So what is the pleasure now of the Acting Floor Leader or of the Chairman of the Committee on the Legislative?

MR. RODRIGO: I wonder if the two proponents, Madam President, will agree that we first talk about the term of office of the Representatives because we are now discussing the legislative department.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: I will agree really that this matter should relate only to the term of office of the Representatives.

THE PRESIDENT: But are we agreed on these two proposals — the one of Commissioner Garcia where there is no further election after a total of three terms and the other where there is no immediate reelection after three successive terms?

MR. OPLE: Madam President, originally if I remember right, the Commission decided to consider the synchronization of elections. And from that original commitment, we proceeded to fix the terms and decided related questions within the context of synchronization. Are we now abandoning the original task of synchronization which could only be fully settled in terms of delimitations on the proposed terms of the President and the Vice-President, the Members of Congress and the local officials, or do we want to postpone the synchronization task to a later time after we hear from the Committee on Local Governments and the other concerned committees?

THE PRESIDENT: What does the Acting Floor Leader say to this particular question of Commissioner Ople?

MR. ROMULO: In a way, Madam President, we have settled the synchronization task, because we have decided on the officials' absolute terms. All we are really talking about now is whether or not they are eligible for reelection, and I think those are separable issues.

MR. OPLE: If they are separable, and we have already settled the synchronization task, then I think that is something to be thankful about. But considering the immediate business at hand, is it the wish of the Acting Floor Leader that the election of the local officials should be eliminated from the consideration of those two choices?

MR. ROMULO: Yes. I think the sense of the body now is to limit this choice to the Members of the House of Representatives.

MR. OPLE: And do the manifestations of both Commissioners Garcia and Monsod still stand after the elimination of the election of the local officials?

MR. ROMULO: Yes, I think so.

MR. OPLE: Am I now allowed to support briefly the manifestation made by Commissioner Monsod, Madam President?

THE PRESIDENT: Is this also in favor of Proposal No. 2, or just a comment on Proposal No. 1?

MR. OPLE: Yes, it is in support of Commissioner Monsod's proposal.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Thank you very much.

The principle involved is really whether this Commission shall impose a temporary or a perpetual disqualification on those who have served their terms in accordance with the limits on consecutive service as decided by the Constitutional Commission. I would be very wary about this Commission exercising a sort of omnipotent power in order to disqualify those who will already have served their terms from perpetuating themselves in office. I think the Commission achieves its purpose in establishing safeguards against the excessive accumulation of power as a result of consecutive terms. We do put a gap on consecutive service — in the case of the President, six years; in the case of the Vice-President, unlimited; and in the case of the Senators, one reelection. In the case of the Members of Congress, both from the legislative districts and from the party list and sectoral representation, this is now under discussion and later on the policy concerning local officials will be taken up by the Committee on Local Governments. The principle remains the same. I think we want to prevent future situations where, as a

result of continuous service and frequent reelections, officials from the President down to the municipal mayor tend to develop a proprietary interest in their positions and to accumulate those powers and prerequisites that permit them to stay on indefinitely or to transfer these posts to members of their families in a subsequent election. I think that is taken care of because we put a gap on the continuity or the unbroken service of all of these officials. But where we now decide to put these prospective servants of the people or politicians, if we want to use the coarser term, under a perpetual disqualification, I have a feeling that we are taking away too much from the people, whereas we should be giving as much to the people as we can in terms of their own freedom of choice.

I think the veterans of the Senate and of the House of Representatives here will say that simply getting nominated on a party ticket is a very poor assurance that the people will return them to the Senate or to the House of Representatives. There are many casualties along the way of those who want to return to their office, and it is the people's decision that matters. They judge whether or not a Soc Rodrigo, a Sumulong, a Padilla, an Alonto and a Rosales, after a first or a second term, should go back to the Senate. That is a prerogative of the people that we should not take away from them — the right to judge those who have served. In any case, we already take away from the people the freedom to vote for the third termers because we say that a Senator, say, Mr. Rodrigo, is only good for twelve years. But if he wants to be like Cincinnatus, if he is called back by his people to serve again, let us say after a period of six years — which Commissioner Davide called a period of hibernation which is spent at his fishpond in Bulacan, Bulacan — because there is a new situation in the country that fairly impels the people to summon him back, like Cincinnatus in the past, then there will no longer be any Cincinnatus.

That is not perhaps a very important point, but I think we already have succeeded in striking a balance of policies, so that the structures, about which Commissioner Garcia expressed a very legitimate concern, could henceforth develop to redistribute opportunities, both in terms of political and economic power, to the great majority of the people, because very soon, we will also discuss the multiparty system. We have unshackled Philippine politics from the two-party system, which really was the most critical support for the perpetuation of political dynasties in the Philippines. That is quite a victory, but at the same time, let us not despise the role of political parties. The strength of democracy will depend a lot on how strong our democratic parties are, and a splintering of all these parties so that we fall back on, let us say, nontraditional parties entirely will mean a great loss to the vitality and resiliency of our democracy. I am for tapping the terms of our legislators, both Senators and Members of the House of Representatives and everybody else, which we have already done, but I am not for perpetual disqualification from office, a principle which we would establish if we were to depart from the committee proposal of Commissioner Davide.

Thank you, Madam President.

MR. GARCIA: Madam President, could I respond to what Commissioner Ople has said?

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

I think the issue is on Alternative No. 1 which is: "no further election after a total of three terms." I will just put into action what we have approved this morning which is Scheme No. II, providing for a term of three years for the Members of the Lower House of Congress and a term of three years also for the local officials from governor down. We also approved this morning the alternative that the Members of the Lower House shall have only two reelections, meaning, one basic election plus two reelections will give them three terms in the House; that the local officials shall have two reelections, meaning, one basic election plus two reelections or three terms. Let us

compare that now to the number of years in accordance with Scheme No. II. Under Scheme No. II, the Members of the Lower House and the local officials shall serve for the first term of not three years but five years so that we can synchronize elections after that for every three years. So the Representatives have already a term of five years on the first term, and another of six years. So they will serve for eleven years before they will be disqualified under that first issue. I understand that the three terms mentioned there are only for nine years. It is not so if we follow what we approved this morning.

In the case of the Senators, we approved that there is one reelection. Under Scheme No. II, the Senators will have a term of five years for the first election, and one reelection for a term of six years, which will give them a total term of eleven years.

Where does Alternative No. 1 stand now? May I ask the proponent where it stands now? Is it for nine years or for two reelections as we approved this morning? May I ask the proponent of Alternative No. 1, Madam President.

MR. GARCIA: I am sorry but I think there are two different questions here: for the term of office of the Senators, it is a maximum of 12 years; for the Representatives, it is a maximum of nine years.

MR. DE CASTRO: What happens now to what we approved this morning? We approved Scheme No. II which provides a term of five years for the Representatives.

MR. GARCIA: I am sorry again, but for the first election, the term of office will have to be fixed by the Commission on Elections simply for adjustment purposes because of the current term of the President, for synchronization and for transitory purposes. But once it is regularized, it will be different.

MR. DE CASTRO: Is it a total of nine years?

MR. GARCIA: Yes, it is still a total of nine years.

MR. DE CASTRO: Excluding those who were first elected under Scheme No. II?

MR. GARCIA: Proper adjustments will have to be made for the first election.

MR. DE CASTRO: Who will make the proper adjustments?

MR. GARCIA: The Commission on Elections will make the proper adjustments.

MR. DE CASTRO: And what proper adjustments can it do?

MR. GARCIA: To make sure that the term is not more than nine years, if possible and if not, we can give them a term of more or less one or two years, depending on how it can be adjusted.

MR. DE CASTRO: So it is not exactly nine years. It is either more or less in order to adjust to Scheme No. II and come out with what we approved this morning.

Thank you, Madam President.

MR. GARCIA: Could I please answer Commissioner Ople, Madam President?

THE PRESIDENT: The Commissioner may please proceed.

MR. GARCIA: Very briefly, I think there are two principles involved in the first proposal. First, the recognition of the ambivalent nature of political power. Second, the recognition of alternative forms of public service. I think what is important for this Commission to remember is that we must learn from the lessons of our recent past. We must see public service primarily, if not exclusively, as a service to the people rather than the opportunity to accumulate political power. Prolonged stay in a specific public office has been utilized in our past political history

as the base through which political dynasties or vested interests pursue limited goals. Regarding the question of the political parties, in fact, it will encourage the constant renewal of new blood in party leadership, in approach, in style and ideas. I think this is healthy for a pluralist and multiparty democracy.

Commissioner Ople mentioned four of our distinguished colleagues who are, in fact, political giants of the previous generation. That is why I mentioned that there are among us political heroes in some senses, but they are rare men. They belong to a rare breed. What I am trying to say is this: that we must now try to look at alternative forms of public service. Public service cannot be limited solely to staying in public office. It is abundantly clear from the history of martial law years — a good number of leaders, of men who were in jail, of men who were in the streets, fought the martial law dictatorship outside of public office. They were not holding public office but they fought, they struggled, they made people aware. What I am trying to say is that we must be conscious and bring this awareness that public service can also mean, for example, belonging to consultative bodies, to people's councils in different localities in the nation that bring about new forms of service and leadership. Those who have more experience in the legislature and other offices can precisely bring this idea of a different form of service to the people.

MR. OPLE: One-sentence rejoinder, Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: I agree with all that Commissioner Garcia said that we should seek them as indeed we are seeking them through means other than the perpetual disqualification of elected public officials.

Thank you.

MR ABUBAKAR: Madam President.

THE PRESIDENT: Commissioner Abubakar is recognized.

MR. ABUBAKAR: I have heard the arguments for and against this perpetual disqualification. We are Members of the Constitutional Commission appointed by the President. In any democracy, the voice of the people is the voice of God. If the people want to elect a Representative on whom they have faith, who has demonstrated not only his patriotism but his unselfish love for his constituents who want him to hold position as their spokesman for a number of years, why should we arrogate unto ourselves the right to decide what the people want? I want a Gentleman here to stand and say that he is against the judgment of the people that their Representative serve for a number of years. Who is better qualified to judge? Mr. Guingona who comes from Iloilo believes that the Representative he has chosen can represent the best interests of his people maybe for 10 or 15 years. Do we deprive him of his right of choice?

I have talked to some American Senators, one of whom was the late William Borja of Idaho who later was accepted by most leaders and presidents of the world as the spokesman of the American people in foreign policy. He stayed in the U.S. Senate for more than 30 years.

Madam President, we are in a new democracy. We have developing leaders. We can find one in whom we have confidence, whose ability has been demonstrated in the crossfire of debates or election arguments.

Why should we deprive the Representative the chance to serve for 12 or 15 years, if the people in their collective judgment want him to continue? What right do we have in this Commission to limit the right of a district to choose its own Representative to serve for a number of years? Why do we arrogate unto ourselves that right to determine for our respective districts and our people how many years a Representative should serve?

Had we imposed this disqualification in 1904, we would not have developed a Quezon, an Osmeña, a Roxas and a

Laurel in 1916, because after one term they would have gone to Batangas, to Capiz or elsewhere.

So if the people find that their Representative is competent we must have confidence in them because they know their Representative has demonstrated his competence by action, because he lives with them. Why should we defy the wishes of the people of that district? Let one Gentleman answer me and it be on record that he is against my position. As I said, the voice of the people is the voice of God. We should not dictate what the people want. Why should we arrogate unto ourselves the right of that district or that province to choose its leaders and limit their total number of years of service to only nine years?

I would not speak for Batangas nor speak for Laguna, because their people have the right to choose their own Representatives for a term that they think is appropriate. We cannot speak for Sulu or even for Cotabato because the situation is different. Maybe we will have more leaders or maybe we will have only one of our faith and our confidence. Why limit his total number of years of service to nine years?

If we grant unto the electorate the right of suffrage, their right to determine their leaders, let us not limit the years of service of their candidates to mere six or nine years. Let the people judge if they want him for 15 or 18 years because the choice of the people is demonstrated. Tayabas wanted President Quezon for 30 years so they had him for 30 years. Cebu wanted President Osmeña for 25 years, and for 30 years they had him.

Many of us here who are from Luzon will not even want to go to the Visayas or to Mindanao. But how can we determine the temperament of the people there, their reactions, their prejudices, their weaknesses and their passions?

I think this matter of term of the Members of the legislature should be left to the people themselves to decide. As I close, let me reiterate that the voice of the people is the voice of God. We people here are religious; we are not communists, so let us not limit a Representative or a local official to only one term.

Thank you.

THE PRESIDENT: The Acting Floor Leader is recognized.

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

THE PRESIDENT: Commissioner Tan is recognized.

SR. TAN: I will just have one minute.

I think we are giving too much importance to elected officials. This is an entirely different era. Where were these officials during martial law? I only know very few who were in the resistance who tried to fight the dictatorship.

The truth of the matter is that we are tired of politicians and we want a different kind of election. I think years in office is relative. One can become a monster in one year without being reelected. One also can do very much good in one year. One does not need 12 years to prove his capacity as a good leader.

THE PRESIDENT: May we now have the speaker on Alternative No. 2. We are through with Alternative No. 1.

MR. ROMULO: I ask that Commissioner Aquino be recognized to speak on Alternative No. 2.

MS. AQUINO: I will speak to endorse Alternative No. 2, and it is very unfortunate that I would have to differ with my distinguished colleagues, Commissioners Garcia and Tan, on this important point. Apparently, we speak of the same premises; we come from the same experience, but we vary in conclusion. We are in agreement that leaders need not be projected and developed publicly in an election. Leaders are, in fact, better tempered and better tested in the various forms of mass struggles and organized work. And if the people are to be encouraged to

have their own sense of responsibility in national leadership, what ultimately matters is the political determination of the citizenry to chart their own national destiny. I believe that we should allow the people to exercise their own sense of proportion and imbibe the salutary effects of their own strength to curtail power when it overreaches itself. In the final analysis, we cannot legislate into the Constitution the essence of new politics. Politics is a chastening experience of learning and unlearning. It was Commissioner Garcia himself who said that politics is an imperfect art. And, therefore, if it is an imperfect art, all of us go into it with feet of clay. We cannot correct politics with all of its imperfections and flaws by a constitutional provision. Let it take its course; let it be chastened by our own mistakes. A perpetual disqualification for potential politicians will not provide the cure. At best, it will only be symptomatic; it will not kill the bacteria which are, after all, in the essence of power. Perpetual disqualification is, at best, a palliative which could effectively foil the possibilities of real public service.

Thank you, Madam President.

MR. ROMULO: I ask that Commissioner Bacani be recognized as the last speaker.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: I just want to advance or strengthen one argument in favor of Alternative No. 2.

I think when we voted on the provision that the illiterate be allowed to vote and when we proposed in this Constitutional Commission for initiative as a way also of empowering our people to engage in the legislative exercise, we are really presupposing the political maturity of our people. Why is it that that political maturity seems now to be denied by asking that we should put a constitutional bar to a further election of any Representative after a term of three years? Why should we not leave that to the premise accepted by practically everybody here that our people are politically mature? Should we use this assumption only when it is convenient for us, and not when it may also lead to a freedom of choice for the people and for politicians who may aspire to serve them longer?

Thank you, Madam President.

MR. GARCIA: Just one brief rejoinder.

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: I would like to answer Commissioner Bacani. We put a constitutional bar to reelection of any Representative basically because of the undue advantage of the incumbent. It is not because of lack of trust in the people. We realize from history that Mexico fought a revolution simply because of the issue of reelection. No reeleccion, sufragio universal. Basically, it is because of the undue advantage of the incumbent that he accumulates power, money, party machine or patronage. As regards what Commissioner Aquino has said, politics is not won by ideals alone; it is won by solid organizing work by organizations that have the capacity to do so; and normally the incumbent has all the advantages. That is why we say after three terms a Representative or a local official may have served the people enough. Can he not look for other vehicles of public service? Is it only in public office that he can serve? Is 12 years not enough for a man to make a mark in this world? Twelve years is plenty of time.

That is all.

MR. COLAYCO: Madam President, just one point of clarification.

THE PRESIDENT: Commissioner Colayco is recognized.

MR. COLAYCO: This is addressed to the sponsor. Does the prohibition in Alternative No. 2 that an elective official who has served for three consecutive terms cannot have an immediate reelection include the immediate members of his family? In other words, can his wife run in his place? I want to know that.

MR. ROMULO: Does the Chairman of the Committee wish to reply?

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Madam President, as worded, it is a personal disqualification.

MR. ROMULO: We are now ready to vote, Madam President.

SUSPENSION OF SESSION

THE PRESIDENT: We are now ready to vote by ballot. Let us distribute the ballots. Anyway the voting would take only about 10 minutes.

The session is suspended.

It was 3:40 p.m.

At this juncture, pieces of paper were distributed, and the Commissioners wrote down their votes.

RESUMPTION OF SESSION

At 3:50 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. GASCON: Madam President, may I have a clarification before we count the ballots. The voting now is just for Representatives. We are not speaking of the term of office of the Senators yet. Is that correct?

THE PRESIDENT: The term of office of the Senators was disposed of this morning.

This voting now is only for Representatives.

MR. GASCON: I think the issue of whether the Senators could run again for election after their two consecutive terms or 12 years after a lapse of a period of time has not yet been finalized.

THE PRESIDENT: I beg the Commissioner's pardon.

MR. GASCON: Is this voting just for Congressmen?

THE PRESIDENT: Yes.

The Secretary-General will now please proceed to count the votes.

COUNTING OF BALLOTS

THE SECRETARY-GENERAL: Madam President, we have here 43 ballots cast. We will now start the counting.

Alternative No. 1 — no further election after a total of three terms: ////-////-////-//

Alternative No. 2 — no immediate reelection after three successive terms: ////-////-////-////-////-//

THE PRESIDENT: The results show 17 votes for Alternative No. 1 and 26 votes for Alternative No. 2; Alternative No. 2 is approved.

What does the Acting Floor Leader say?

MR. ROMULO: Alternative No. 2 has won, Madam President. It seems there are some doubts as to the term of

office of the Senators, so I propose that we similarly vote on that to end any doubt. It was my understanding this morning that when we voted for the term of office of the Senators, they would not be perpetually disqualified.

THE PRESIDENT: From the transcripts, it appears here that with respect to Senators, 22 votes went to Scheme No. II; that is, with one reelection. This is already a majority. So, does the Acting Floor Leader propose that we vote again?

MR. ROMULO: The question is whether or not that will be perpetual, Madam President, or after resting for six years they can run again. That is the question that is not answered. I am talking of the Senators.

THE PRESIDENT: This morning, Scheme No. I, without reelection, has 3 votes; Scheme No. II, with one reelection — 22 votes; Scheme No. III, no limit on reelection — 17 votes.

MR. REGALADO: Madam President.

MR. RODRIGO: Madam President.

THE PRESIDENT: May we first clarify this from the Secretary-General?

MR. ROMULO: The question is whether or not in voting for the term of six years with one reelection, the Senator is perpetually disqualified, so that is a similar question to what we had posed with regard to the House of Representatives.

THE PRESIDENT: In other words, after serving with one reelection, whether or not he is perpetually disqualified after serving 12 years?

MR. ROMULO: Yes, Madam President.

MR. RODRIGO: Madam President.

THE PRESIDENT: Yes, Commissioner Rodrigo is recognized.

MR. RODRIGO: Or, if after one reelection, he is perpetually disqualified or he can hibernate — the very word used — for six years and then run again for reelection but not consecutive, not immediate. In other words, he is entitled to one immediate reelection.

REV. RIGOS: Another point, Madam President.

MR. RODRIGO: And then, after that, if there is a gap, when he is not a Senator, then he can run for the same office.

REV. RIGOS: Madam President.

THE PRESIDENT: Yes, Commissioner Rigos is recognized.

REV. RIGOS: In relation to that, if he will be allowed to run again as Senator after a period of hibernation, we have to clarify how long that should be. It, could be three years, because in the proposed scheme, every three years we can elect the Senators.

MR. RODRIGO: Yes, Madam President, it can be three years.

SUSPENSION OF SESSION

THE PRESIDENT: I will suspend the session again so as to allow the parties to compare with the Acting Floor Leader so that we will know what we are going to vote on.

The session is suspended.

It was 3:58 p.m.

RESUMPTION OF SESSION

At 4:05 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

The Acting Floor Leader is recognized.

MR. ROMULO: Madam President, we are now ready to vote on the question of the Senators, and the schemes are as follows: The first scheme is, no further election after two terms; the second scheme is, no immediate reelection after two successive terms.

Madam President, inasmuch as the principles applicable here are the same as those for the House of Representatives, I move that we go directly to the voting and forego any further discussions.

THE PRESIDENT: Please distribute the ballots for this particular item for Senators.

Are we ready now?

The Secretary-General will please count the ballots.

COUNTING OF BALLOTS

THE SECRETARY-GENERAL: We have 43 ballots here, Madam President. We shall now begin to count.

THE PRESIDENT: Please proceed.

THE SECRETARY-GENERAL, reading:

Scheme No. I — ////-////-//

Scheme No. II — ////-////-////-////-////-////-//

THE PRESIDENT: The results show 12 votes for Scheme No. I and 32 votes for Scheme No. II; Scheme No. II is approved.

All the results will be considered by the Committee on the Legislative in preparation of their report.

So, can we leave this matter now?

MR. GASCON: Madam President, I have a clarificatory question to the Chairman of the Committee.

THE PRESIDENT: Commissioner Gascon will please proceed.

MR. GASCON: So, we have just approved the scheme where they can run again after a rest period. The question is basically after serving 12 years. What will be the rest period of that particular Senator? In our scheme, there will be elections every three years, but the term for Senators is six years. So, after 12 years in the service, will he be resting for six years or one whole term or for one-half term only, since the next election will be after three years?

MR. RODRIGO: Madam President, I already answered that question upon interpellation of Commissioner Rigos.

THE PRESIDENT: Will Commissioner Rodrigo please repeat it for Commissioner Gascon's satisfaction?

MR. RODRIGO: The question asked was, if the interval is only three years, may an ex-Senator run for election? And the answer is yes.

MR. GASCON: So, it is just a three-year interval; he will not rest for one whole term?

MR. RODRIGO: That is the maximum, as long as there is that gap of three years. But, of course, he can run after six years; after nine years, he might not run at all.

MR. GASCON: I spoke to the Chairman of the Committee during a suspension and he gave me a different interpretation, that it will be a six-year rest, not three years.

MR. DAVIDE: Madam President, that was a personal view that I expressed because the reference really is two terms. Therefore, after two successive terms, he cannot run in the next election for another term, so he has to rest for one term. And the term of the Senator is six years.

THE PRESIDENT: It is six years.

MR. DAVIDE: That was a personal view, but it seems that there is another view on that. I think the House should also decide on that. (Laughter)

THE PRESIDENT: The Chair suggests that this matter on whatever position the Commission is taking on this particular question be clarified, so that when we take it up again, we will consider the report, and then we can vote on that.

MR. DAVIDE: Yes.

THE PRESIDENT: If there will be amendments, then we can accept the amendments.

MR. DAVIDE: The Committee will take that up, Madam President.

THE PRESIDENT: Thank you.

We can proceed now to the other issue. Will it be the party list or the multiparty system?

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO. Before going to the other issue, this morning, I presented an amendment regarding the Vice-President if he succeeds as President. Upon the advice of the other Members, I decided to just refer this to the Chairman of the Committee on the Executive. So, I referred the written amendment to Commissioner Sumulong as Chairman of the Committee on the Executive.

And so, I withdraw my amendment.

THE PRESIDENT: Thank you.

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

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, this morning, Commissioner Garcia raised a point requesting a reconsideration of the Commission's vote on the unlimited reelection of the Vice-President. And, I believe, Madam President, that based on the objection of Commissioner de los Reyes that Commissioner Garcia had voted against it, he cannot raise the issue. His representation was shelved. I was one of those who voted in favor, and I would like to request the same reconsideration, particularly in the context of the recent voting we have made on the issue of reelection. May we secure the Chair's indulgence, if we could raise the issue again on the question of the Vice-President's perpetual capacity to run for reelection?

THE PRESIDENT: Is Commissioner Monsod submitting a motion for reconsideration?

MR. MONSOD: Yes, Madam President, I would like to propose that the reelection of the Vice-President be similar to the rule on the President. There is one reelection only for the Vice-President.

THE PRESIDENT: But he can run again for the position of Vice-President after the lapse of one term.

MR. MONSOD: Excuse me, Madam President. Let me just clarify it. I believe what we would like to reconsider is that the Vice-President should not hold the office of Vice-President for more than 12 years.

THE PRESIDENT: So, it is the same as that of the President.

MR. MONSOD: No, in the case of the President, there is no immediate reelection.

THE PRESIDENT: So, how would the Commissioner phrase it again?

MR. MONSOD: I would like to propose that a person serving as Vice-President should have a maximum aggregate term of 12 years as Vice-President.

MR. ROMULO: Madam President.

MR. RODRIGO: Madam President, may I amend that? Why not 12 consecutive years? I think that is the provision regarding Senators. He can run for reelection for 12 consecutive years, and then, after that, there must be a gap.

MR. ROMULO: Madam President, as a matter of formality, we have to get this motion for reconsideration approved before he proposes his amendment.

VOTING

THE PRESIDENT: As many as are in favor of the motion of Commissioner Monsod to reconsider the decision that was arrived at this morning, please raise their hand. (Several Members raised their hand.)

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

The results show 32 votes in favor and 3 against; the motion is approved.

MR. MONSOD: In view of the proposed amendment of Commissioner Rodrigo . . .

MR. LAUREL: Madam President, iyon pong pinagbotohan kanina, ilagay na po ninyong nag-abstain ako.

THE PRESIDENT: That is the reconsideration.

MR. RODRIGO: On the motion for reconsideration?

THE PRESIDENT: There is one abstention.

MR. MONSOD: Madam President, I believe that Commissioner Rodrigo has introduced an amendment that the prohibition should only be beyond 12 consecutive years.

MR. RODRIGO: Yes, to harmonize it with the President, 6 consecutive years after a lapse of one term, he can run; the same for the Senators and the Congressmen.

MR. MONSOD: I would accept the amendment, Madam President.

MR. RODRIGO: Thank you.

THE PRESIDENT: So, the motion to be approved is for the Vice-President to be eligible for reelection to serve

for 12 consecutive years. Is that correct, Commissioner Monsod? Am I taking it correctly?

MR. MONSOD: Yes, Madam President, that would be the maximum. He cannot serve for more than 12 consecutive years.

THE PRESIDENT: Just to clarify, after the lapse of one term, can he be eligible again to run for Vice-President?

MR. MONSOD: Yes, Madam President, under the amendment of Commissioner Rodrigo.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: After serving for 12 years, then he takes a rest; he can run again for Vice-President.

VOTING

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

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

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

The results show 33 votes in favor, none against and one abstention; the motion is approved.

MR. PADILLA: Madam President.

THE PRESIDENT: The Vice-President is recognized.

MR. PADILLA: With regard to the President, my vote was for no reelection. I understand that the majority vote was for no immediate reelection. I would like to ask for a reconsideration of that decision by qualifying the reelection to "immediate," because I believe that the prohibition on reelection for the President should be permanent, or one might want to use the word "perpetual." My reason is this: There was an occasion, I believe, in Mexico where the term of the President was six years without reelection. But to formally comply with that prohibition, the very strong political party that controlled Mexico, without practically any opposition, worked for the incumbent President who has served six years to choose the man who will run for President, who was for all political and party purposes the same as the former President, with a view that as the Second President, he was his alter ego. The former President ran during the third election, and thus perpetuated the power that he has accumulated during his first term.

I think the evil that we have been trying to prevent, and which I thought was already concurred in by the majority, not practically by all, is that we do not want the President to control the nation and govern the people for more than six years, with the idea that he should never return to the presidency even if he allows another, probably of his own party, to run in the meantime because that will not cure the evil of reelection on the part of the President. In other words, Madam President, I want to eliminate that word "immediate."

MR. RODRIGO: Madam President, first, I think there should be a motion for reconsideration, and I would like to ask Commissioner Padilla if he voted with the majority, because only one who voted with the majority can present a motion for reconsideration.

MR. PADILLA: Madam President, my early remark was that I voted for the President without reelection. But it turns out that what was approved was: "President — without immediate reelection." I did not vote for that. I also mentioned that I was seeking for a reconsideration.

MR. RODRIGO: How is that? But, precisely, the Rules says that only one who voted with the majority can file a

motion for reconsideration.

REV. RIGOS: Madam President, I voted with the majority and I can file that motion.

MR. RODRIGO: Then I second the motion. This is just to follow the Rules.

VOTING

THE-PRESIDENT: This morning — I was reviewing our transcripts — what I said was: "Is that clear, without immediate reelection?" And then we got the vote and the results showed 32 votes in favor and 5 against. In other words, 32 Members were in favor of the phrase "without immediate reelection."

There being a motion to reconsider, let us vote on this motion, whether we shall reconsider the decision that was arrived at this morning on the Office of the President.

As many as are in favor of the motion to reconsider, please raise their hand. (Several Members raised their hand.)

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

The results show 22 votes in favor and 5 against; the motion is approved.

MR. RODRIGO: Madam President, I think the proposed amendment of the Gentleman is already clear. He wants to remove the word "immediate," and the result of that will be a perpetual and lifelong disqualification of the President. I would like to say a few words against that proposal.

The philosophy behind disqualifying a President from immediate reelection is so he cannot use his power as President to help him in his reelection bid. But if it is not immediate reelection, if he is out of office for six years and he runs after six years not being President, he cannot use that power of the President to help him win his election bid.

Commissioner Padilla mentioned the case of Mexico. But he himself said that Mexico had one party with practically no other party. While here, not only did we have two parties before, we are even dismantling the two-party system and establishing a multiparty system. I believe that that example in Mexico will not apply to the Philippines. And so, I oppose the amendment.

MR. RAMA: Madam President.

THE PRESIDENT: Commissioner Rama is recognized.

MR. RAMA: I would like to speak in favor of the motion of Commissioner Padilla. I have read and studied that event and episode in Mexico where the President, using a "tuta," circumvented the provision in the Constitution where he is not allowed a reelection. And the commentary was that the Mexican President circumvented that provision and perpetuated the evil that is sought to be corrected because, in using a "tuta" or somebody that he could manipulate, he was using again the funds and facilities of the government in perpetuating himself in power because he was just setting up that person to pave the way for his return. And he returned to office, as a matter of fact, after the term of that "tuta" expired. So, that was an evil that all historians of Mexico have isolated as an evil that should be cured. Therefore, I agree with Commissioner Padilla that we should eliminate this word "immediate," because we are trying to prevent precisely the use of tremendous presidential powers to perpetuate the person in office.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Since the Commission subsequently approved the motion for reconsideration, I was

wondering whether in the voting that will follow, we would limit ourselves to the two choices that have been expressed so far. Actually, when I came here this morning, I was in favor of a four-year term plus re-election. But, of course, the four-year term did not prosper. But now that we have reconsidered, and after hearing the eloquence of Commissioners Ople and Abubakar when they talked about people's power and since every other official has been given the privilege of being reelected, from the Vice-President down to the local officials, I was wondering if I could propose a term of six years, which we have approved, with one immediate reelection.

MR. ROMULO: Madam President, I think there is a motion now on the floor by Commissioner Padilla. So, it is up to him whether he wants to accept the amendment or not.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: I have one word in support of the amendment of Commissioner Padilla. I believe we did not conduct the public hearings throughout the Philippines for no purpose at all. We conducted those public hearings so that in our deliberations of many issues in this hall, we may be guided by the wish of our people. If one will read the reports on all the public hearings we conducted throughout the land, the vast majority of our people do not favor a President serving beyond a term of six years. This is why I believe we have to respect this wish of the people so I support the proposed amendment of Commissioner Padilla.

MR. PADILLA: Madam President, if I am still considered as the proponent of the amendment together with Commissioner Rigos, I will reject or I do not accept the proposed amendment of Commissioner Guingona.

MR. GUINGONA: Would that prejudice my proposal?

THE - PRESIDENT: The Gentleman will take full support and afterwards this would be the second proposal that will be voted upon.

MR. GUINGONA: Thank you, Madam President.

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: I also would like to state briefly my stand in favor of the reconsidered motion; that is, a permanent ban for the President to run again. I think we all know that the presidency, especially here in the Philippines, has become in a sense very omnipotent, omniscient and omnipresent that even if we bar him to run for immediate reelection, like it was stated a while ago, we become so imaginative and clever as politicians. There is always a way for him to see to it that somebody in his own party would run; in a sense, he is the one still running. And then after the lapse of that particular period, he can again grasp the power for himself.

I think what we are doing here is a reaction against what we saw in the last repressive regime in our country. And so, Madam President, I would vote for a permanent ban on the President.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Thank you, Madam President.

Commissioner Rigos has adverted to the so-called reactions of the people in the public hearings that we have conducted. I have gone over all the minutes of those public hearings furnished us. This particular issue was never brought to the people. The only question there was: Would there be no reelection? They said yes. But this

particular issue about immediate reelection was never brought up; perhaps, in some, but it was always just six years with no reelection. But if the matter were to be explained to them — that there may be no immediate reelection — it would have been different. That was not brought to their attention. That is not reflective of the collective sentiment of the people. We cannot proceed on conjectures and surmises and present that to the floor as the collective will and sentiment of the people.

Secondly, with respect to the situation in Mexico, may I know from the distinguished Gentleman what was the term of office of the President of Mexico? Was it four years or six years?

MR. PADILLA: It was six years without reelection.

MR. REGALADO: It is said that the danger is, the incumbent President knowing that he is disqualified for immediate reelection may resort to the stratagem of having somebody, a pawn of his, elected during the intervening period and then later seek reelection. What do we have the 24 Senators for? What do we have the 250 Congressmen for? Can these brilliant stalwarts of the legislature not see through that scheme and denounce it to the public? We have a new set of electorate. They are "conscienticized," "civicized" and "politicized." Is this not a very bad reflection on the people, that they are incapable of seeing through the stratagems and maneuvers of such a President?

MR. GARCIA: Madam President, may I speak briefly in support of Commissioner Padilla's position?

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: The problem we face here is the problem of the accumulation of power in the Office of the President. Furthermore, the problem is not the accumulation of power in one man, but the accumulation of power in the dominant party. The problem in Mexico is that the Partido Revolucionano Institucional is the dominant party manipulating the succession to the presidency in such a way that the Tapado, the person chosen by the President to go on to the next term, is a succession in the dominant political party itself. There are many parties in Mexico right now, but the one dominant party determines the country's future and political direction. That is what we want to avoid, not just the accumulation of political power in the person of the President but in one dominant party. And I think this is a very important thing that we can stop now, by making sure that no reelection takes place. That is why I am supporting the position of Commissioner Padilla.

BISHOP BACANI: Madam President.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: I would like to point out that when we try to disbar or disqualify people perpetually as a reaction to a past experience, we may also be closing the possibility for good people to be reelected when there is necessity for them in the future. If I remember right, de Gaulle was called from retirement in his old age. There may be cases in the future, we do not know, when the Philippines may need somebody to return like that. So, what I am trying to say is, let us not see only the negative but also the positive aspects of a proposition.

Thank you.

MR. RODRIGO: Madam President, may I be recognized again?

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: I went to the public hearings in different provinces, and it is true many people were for the term of six years without reelection. Invariably, it was premised on the fact that the President has such tremendous powers that if he seeks immediate reelection while he is the incumbent President, he can use those tremendous

powers to have himself reelected. But what we are talking about here is not immediate reelection. What we are talking about is: Can a President who has served his term run again after six years? During those six years, he was not the President of the country. I was about to mention de Gaulle. I might mention Ramon Magsaysay who was very much loved by our people. Suppose he did not die and he was elected for six years. During those years, he conducted himself like he did before he died, and the love of the people for him would be the same as when he died, but he can no longer run for immediate reelection. But six years later, the people might say: "Well, we want him again." Should we deprive our people of that wish?

Thank you very much.

THE PRESIDENT: Are we now ready to vote on the proposal of Commissioner Padilla? Will Vice-President Padilla please state his proposal?

MR. PADILLA: The proposal, Madam President, is to eliminate the word "immediate," so that the President shall have a six-year term without reelection. I understand that in the public hearings, the people were all in favor of that proposition. A few of us now wish to insert the word "immediate" which was never approved or considered by the people favorably.

THE PRESIDENT: So, the effect of this is, the President will serve for six years without reelection. That carries a total ban on his being elected again at any future time to the position of President.

MR. PADILLA: That is correct. It is a continuing prohibition for reelection.

BISHOP BACANI: Madam President.

THE PRESIDENT: Just a minute please. Can we vote by ballot or just by hand? What is the pleasure of the proponent?

MR. PADILLA: I submit it to the Chair, Madam President, whether it be by secret ballot or by raising of hands.

THE PRESIDENT: We better do it by ballot.

MR. ALONTO: Madam President.

THE PRESIDENT: The vote will be "yes" if one is in favor of Commissioner Padilla's proposal or "no" if one is against it.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended

It was 4:51 p.m.

RESUMPTION OF SESSION

At 5:13 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

The Secretary-General is requested to count the votes.

COUNTING OF BALLOTS

THE SECRETARY-GENERAL: Madam President, we have 42 ballots here now.

THE PRESIDENT: Please proceed. Is somebody recording?

THE SECRETARY-GENERAL, reading:

Yes — ////-////-////-////-////-/

No — ////-////-////

Abstention — /

THE PRESIDENT: The results show 26 votes in favor, 15 against and 1 abstention; the proposal that the President will serve a six-year term without reelection at any time is approved.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: I beg the Chair's indulgence to present my proposal.

THE PRESIDENT: Yes.

MR. GUINGONA: My proposal is that the President shall be elected for a term of six years and may run for one reelection immediately after his term, provided that no President may serve for more than 12 consecutive years.

May I please be given five minutes to explain my proposal, Madam President?

THE PRESIDENT: Please proceed.

MR. GUINGONA: I realize that we have different perceptions regarding this issue. I respect the perceptions of my esteemed colleagues and I know that the various perceptions we may have, though they may differ, arise from a sincere desire on the part of all to look after the best interest of our country and our people.

Looking back at the past, there are those who say that the President who may be reelected is disposed to abuse his office. There is the saying that the past is gone, it is only a dream. For us who have endured the 14 years of Marcos dictatorship, perhaps it would be better to say, "The past is gone; it is only a nightmare."

I think, Madam President, we should not look back. We should instead look to the future. And what does the future hold for us? For one, we would have — thanks to the efforts of the Committee on Constitutional Commissions and Agencies — a truly independent COMELEC, with powers that could, if not insure, at least safeguard substantially the holding of free, orderly, and honest elections, particularly with the help and support of civic and cause-oriented groups.

In the future, we will also have — thanks to the Committee on the Executive — a President who will find it most difficult to become a dictator because of the limitations on his or her powers, such as the power to declare martial law, the power to suspend the writ of habeas corpus and others. We will also have a stronger and more independent judiciary, thanks to the efforts of the Committee on the Judiciary. We would have a Supreme Court that will be mandated to review the so-called political questions.

All these, I believe, would considerably discourage a President from engaging in politics to insure his reelection.

At this point, perhaps, it might be mentioned that politics, if we stop to consider it seriously, is not after all a dirty word. The word is, of course, associated with political parties.

Chief Justice Waite, speaking of political parties in the case of *ex parte Curtis*, 106 U.S., 371-375, has said, and I quote: "Political parties must almost necessarily exist under a republican form of government." And ours, of course, is a republican government.

We ourselves in the Commission recognize the usefulness of political parties when we provide, for example, for proportional representation of political parties in our legislative department. Perhaps we should take note of the

fact that political parties and politics are like a knife. In the hands of unscrupulous persons, it could well be an instrument of evil, but in the hands of skilled medical specialists, the knife could save many lives.

There is every reason to believe that in the future, the political parties that we have at present: the UNIDO, the PDP-Laban, the Liberals, the Nacionalistas, the PNP which is represented by our four esteemed colleagues, would be instruments for good. And if one of their standard-bearers should become President, the political party would support him, not to insure his reelection but to carry out a declared platform and program of government which they will present to the people for approval.

But most important of all, in looking to the future, we should take note with pride the political maturity of our people. The EDSA revolution may not have been reenacted in other parts of the country. The people in Kabankalan and the Cordilleras did not meet armored tanks; they did not offer roses and prayers to soldiers, but there is no doubt, Madam President, that the overwhelming majority of our people shared the sentiments, the determination, the hope and the joy manifested at EDSA. Very few protested what happened there.

Looking to the future, I say that I do not consider the events of February 1986 as freak events. I know that the political maturity manifested by the people will be repeated in the future, particularly in the electoral process. This, to my mind, is the biggest safeguard against the fear that a President may try to win a reelection by hook or by crook. I say that the people will not allow this.

Let us give ourselves a chance to participate actively and decisively in the choice of the highest magistrate in our land. When a person seeks the presidency for the first time, we would have no way of ascertaining how good he will perform as President. But once he is President, we would have a definite and reliable gauge of his performance and ability. I think we should not let the people be mere bystanders in the presidential race with nothing to do but to tell the President at the finish line, who has served not only satisfactorily but remarkably well like Presidents Quezon and Magsaysay: "Good work," and nothing more. We, our children and those who will come after us should be given the opportunity and the pleasure of standing at the end of the line saying, "Good work; we are ready to reward you with a reelection."

It is the reward, my esteemed colleagues, that I know future Presidents, in their first term, would think of and would impel them to faithfully and conscientiously fulfill their duties, to do justice to every man and to concentrate themselves to the service of the nation.

Thank you, Madam President.

THE PRESIDENT: Just one question from the Chair.

MR. GUINGONA: Yes, Madam President.

THE PRESIDENT: This morning, the body voted for the proposition that the President will serve a six-year term without immediate reelection.

MR. GUINGONA: Yes, Madam President.

THE PRESIDENT: Just to clear my doubt, this was reconsidered.

MR. GUINGONA: Yes, Madam President.

THE PRESIDENT: There was a vote taken on the proposal of Vice-President Padilla for a six-year term without reelection.

MR. GUINGONA: Yes, Madam President.

THE PRESIDENT: How will the Gentleman's proposal be?

MR. GUINGONA: As I manifested earlier before the suspension, since the Chair and the honorable Commissioners have allowed a reconsideration, then I was of the belief that we are not bound by the agreement as far as the term of six years is concerned.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Will the Commissioner allow me to supplement the Chair's summary of the record on the subject this morning? If the Chairman of the Committee on the Legislative will recall, I asked that an option be included in the set of questions, and that was a single reelection for the President. I was the only one who voted for my own proposal this morning. Was it this morning? Yes. Does the record confirm that?

MR. ROMULO: Yes, that was listed on the blackboard, in fact.

MR. OPLE: Yes, I am happy now to have a colleague who shares this belief in a single reelection for the President. But I thought the facts should be recalled that we did vote on this already this morning and that I was the only one who voted for the reelection of the President.

Thank you.

MR. ROMULO: So, in fact, Madam President, that twice compounds our situation now. Firstly, the proposal just made has already been voted on and turned down. Secondly, the proposal actually should have been a motion for reconsideration before the proposal was made because the motion of Commissioner Padilla was not an omnibus motion for reconsideration. It was a specific motion to reconsider that one aspect of the question.

So, Madam President, I believe that the question is already foreclosed.

MR. GUINGONA: May I be allowed to react, Madam President?

THE PRESIDENT: Please proceed.

MR. GUINGONA: It is true, as the Acting Floor Leader says, that the particular proposal that I made has already been turned down this morning, but may I respectfully observe, so was the proposal of our Vice- President which has been reconsidered.

In connection with the reconsideration, if the body will recall, when Vice-President Padilla asked for a reconsideration and the reconsideration was allowed, I stood up and made a manifestation that I would make a proposal. As a matter of fact, I made it as an amendment to the Vice-President's proposal. But it was rejected and the President said that we could take this up after we have acted on the proposal of our Vice- President.

THE PRESIDENT: Yes, but the fact is, the proposal of Vice-President Padilla was approved by a majority vote of 26. So actually, the proposal of Commissioner Guingona would really be a reconsideration of the action taken by the body on Vice-President Padilla's amendment.

MR. GUINGONA: If that formality is required, Madam President, I would like to move for a reconsideration, if I may.

THE PRESIDENT: Was the Commissioner's vote with the 26?

MR. ROMULO: Did the Commissioner vote affirmatively?

MR. GUINGONA: If we are talking about the motion for reconsideration, I voted in favor, Madam President.

MR. ROMULO: No, did the Commissioner vote in favor of the motion of Vice-President Padilla?

MR. GUINGONA: No, because, precisely, what we should consider is the vote for reconsideration.

THE PRESIDENT: No, the rule says that one who seeks a reconsideration must have voted with the majority. That is why the Chair is asking if the Gentleman has voted with the 26 who voted in favor of Commissioner Padilla's proposal.

MR. GUINGONA: Madam President, I abstained because I was made to understand, when I stood up earlier, that I could present my proposal; otherwise, I would have voted "yes" in order to be able to ask for a reconsideration. I did not know. I thought all along that the action of the Commission in approving the motion for reconsideration would open the floor to proposals other than that which may have been submitted by our Vice-President.

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

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: To settle the case once and for all, may I respectfully move that the matter be put to a vote.

MR. GUINGONA: Thank you, Madam President.

MR. SARMIENTO: To facilitate the proceedings, it is my humble submission that the motion has been rendered moot and academic by the approval of that amendment by Commissioner Padilla.

VOTING

THE PRESIDENT: We will just put to a vote this motion to reconsider.

As many as are in favor of the motion of Commissioner Guingona to reconsider the action we have just taken this afternoon, 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 31 against; the motion is lost.

MR. ROMULO: Madam President, we are ready now to discuss party list, and for that purpose, may I ask that Commissioner Monsod be recognized.

THE PRESIDENT: Commissioner Monsod is recognized.

Do we need the Chairman and the members of the Committee?

MR. MONSOD: Madam President, I would just like to revive for the moment a motion for amendment that was deferred earlier and then perhaps, if there are questions regarding the party list system as a consequence of that amendment, we would be very happy to yield to any question.

My proposed amendment is on page 1, line 29.

THE PRESIDENT: Page 1, line 29.

MR. MONSOD: The amendment would start after the word "elected."

May I read the proposed amendment?

THE PRESIDENT: Please proceed.

MR. MONSOD: The last line would then read: "shall be elected THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL OR SECTORAL PARTIES OR ORGANIZATIONS."

May I repeat? Line 29, which presently reads: "shall be elected from the sectors and party list," will now read: "shall be elected THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL OR SECTORAL PARTIES OR ORGANIZATIONS."

THE PRESIDENT: May we know the position of the Committee?

MR. DAVIDE: Madam President, before accepting the proposed amendment, the Committee would like to get some clarifications.

When the proponent speaks of "OR SECTORAL PARTIES OR ORGANIZATIONS," is he referring to any sector which the law may subsequently define?

MR. MONSOD: My amendment is that the parties that will be listed may either be national, regional, or sectoral parties or organizations. That means that any sector or any party may register provided it meets the criteria of the Commission on Elections and the Constitution on prohibited organizations and the requirements for registration. In other words, the party list system that is being advocated by this amendment is a system that opens up the list to any regional, national or sectoral party. There are no limitations, except the general criteria and requirements for parties or organizations as we have discussed during the interpellation and debate on the COMELEC, if the Chairman will recall.

MR. DAVIDE: Another question for clarification, Madam President.

The law itself which shall implement the party list system cannot exclude a sector, if the sector would wish to register under the party system.

MR. MONSOD: Yes, Madam President.

MR. DAVIDE: But it has to be a sectoral party or organization.

MR. MONSOD: No, it need not be a sectoral party or organization. It can be a political party; it can be a regional party; or it can be a sectoral party or organization.

I also would like to manifest that my suggestion is that the detailed implementation of the party list system should be or may be an appended ordinance to this Constitution, so that the Commission on Elections may implement immediately or in the next elections after the ratification of the Constitution the party list system for purposes of the legislature.

MS. AQUINO: Madam President.

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: The Committee would like to be clarified on this.

Do we understand the proponent correctly that this party list system is not necessarily synonymous to sectoral representation?

MR. MONSOD: No, it is not necessarily synonymous, but it does include the right of sectoral parties or organizations to register, but it is not exclusive to sectoral parties or organizations.

MS. AQUINO: And that it does not likewise reserve any institutional seat for any sector? In other words, it only enables it to be a part of the party list if it has the capacity to do so, but it does not reserve any seat for the sectors.

MR. MONSOD: Yes, Madam President, this is not a reserve seat system.

MS. AQUINO: Thank you, Madam President.

MR. LERUM: Madam President.

THE PRESIDENT: Commissioner Lerum is recognized.

MR. LERUM: May I be permitted to ask some questions?

THE PRESIDENT: Please proceed.

MR. LERUM: Under the proposed amendment, are the sectors included?

MR. MONSOD: Yes.

MR. LERUM: Do I understand from this amendment that the representatives of the sector will be voted on by all the voters of the Philippines and not by voters coming from the sectors themselves?

MR. MONSOD: What the voters will vote on is the party, whether it is UNIDO, Christian Democrats, BAYAN, KMU or Federation of Free Farmers, not the individuals. When these parties register with the COMELEC, they would simultaneously submit a list of the people who would sit in case they win the required number of votes in the order in which they place them. Let us say that this Commission decides that of those 50 seats allocated under the party list system, the maximum for any party is 10 seats. At the time of registration of the parties or organizations, each of them submits 10 names. Some may submit five, but they can submit up to 10 names who must meet the qualifications of candidates under the Constitution and the Omnibus Election Code. If they win the required number of votes, let us say they win 400,000 votes, then they will have one seat. If they win 2 million votes, then they will have five seats. In the latter case, the party will nominate the first five in its list; and in case there is one seat, the party will nominate the number one on the list.

But as far as the voters are concerned, they would be voting for party list or organizations, not for individuals.

MR. LERUM: Madam President, in view of the explanation, I am objecting to this amendment because it is possible that the labor sector will not be represented considering that those who will vote are all the voters of the Philippines. In other words, the representative of labor will be chosen by all the electors of the Philippines, and that is not correct. My contention is that the sectoral representative must be selected by his own constituents, and for that reason, I am objecting to this amendment.

MR. TADEO: Madam President, this is only for clarification.

THE PRESIDENT: Commissioner Tadeo is recognized.

MR. TADEO: Para sa marginalized sector, kung saan kaisa ang magbubukid, ang Sections 5 at 31 ang pinakamahalaga dito. Sinasabi namin na hindi na mahalaga kung ang porma ng pamahalaan ay presidential o parliamentary; ang pinakamahalaga ay ang "substance."

Sinasabi naming nasa amin ang people, pero wala sa amin ang power. At sinasabi nga ni Commissioner Bacani, noong tayo ay nagsisimula pa lamang, 70 porsiyento ang mga dukha at limang porsiyento lamang ang naghaharing uri. Ngunit ang iniwan niyang tanong ay ito: Sino ang may hawak ng political power? Ang limang porsiyento lamang.

Kaya para sa amin, ito ang pinakamahalaga. Sa nakita ko kasi sa party list ay ganito: Sa bawat 200,000 tao ay magkakaroon tayo ng isang legislative district, at ang kabuuang upuan ay 198. Ang ibig sabihin, ito iyong nakareserba sa mga political parties tulad ng UNIDO, NP, PNP; LP, PDP-Laban, at iba pa, ngunit puwede rin itong pumasok sa party list; puwede ring madominahan ang lehislatura at mawala ang sectoral.

Iyon lamang ang pinupunto ko. Sa panig namin, dapat itong ibigay sa marginalized sector sapagkat ito ang

katugunan sa tinatawag naming people's power o kapangyarihang pampulitika. Ang ibig lamang naming sabihin ay ganito: Mula doon sa isang political system na nagpapalawig ng feudal or elite structure nagtungo tayo sa isang grass-roots and participatory democracy. Ibig naming mula doon sa politics of personality ay pumunta tayo sa politics of issue. Ano ang ibig naming sabihin? Kaming marginalized sector pag bumoboto, ang pinagpipilian lang namin sa two-party system ay ang lesser evil. Ngunit pag pumasok na kami dito, ang Section 5 ang pinakamahalaga sa amin. Ang bobotohan namin ay ang katangian ng aming organisasyon. Ang bobotohan namin ay ang issue at ang platform naming dinadala at hindi na iyang lesser evil o ang tinatawag nating "personality." Para sa amin ito ay napakahalaga.

Kung sina Commissioners de Castro at Uka ay nakiusap sa inyo, ano ba iyong isa pa para sa isang kaibigan?

Ang nakikiusap sa inyong harapan, kagalanggalang kong mga kasama, ay ang marginalized sector. Alam ba ninyong kapag ito'y naipasok, hindi na natin kailangang mangampanya upang mapagtibay itong Saligang Batas? Ang sasabihin ng marginalized sector ay ganito: "Ang Saligang Batas na ginawa ng Con-Com ay amin sapagkat ito ay nagbibigay ng kapangyarihang pampulitika at pangkabuhatan sa amin. Ito ay nagbibigay ng soberiniya sa amin." Kaya hindi na natin kailangan pang mangampanya.

Ito lang ang hinihingi namin sa inyo. Kung kinakailangang manikluhod ang marginalized sector na aking kinakatawan, gagawin ko sa inyo maipasa lamang ito sapagkat ito ang kabuuan ng tinatawag nating people's power. Sabi nga sa Lukas 6:20, "Hindi lahat ng tumatawag sa Akin ng Panginoon ay makararating sa kaharian ng Ama." Sa mga naniniwala sa people's power, ang sinasabi nila: "Ang makararating sa kaharian ng Ama ay ang gumagawa ayon sa kalooban ng Ama." Iyong doer. Ang ibig sabihin nito ay magkakaroon ng laman, dugo at buhay ang people's power kapag ito ay ipinasok natin. Kapag inilagay natin ang party list, papasukin ng political parties. Mangingibabaw at kakainin din niyan hanggang mawala ang sektor.

Bibigyan ko kayo ng isang halimbawa. Paano mananalò ang-urban poor na pinamumunuan ni Ka Eddie Guazon? May panalo ba iyan? Paano mananalò ang kapalit ni Macling Dulag, tulad ni Ka Mario sa tribal Filipinos? Pero kung ilalaan natin ito, ang people's power ay magkakaroon ng dugo, laman at buhay. Uulitin ko, kung si Commissioner de Castro at si Commissioner Uka ay inyong pinagbibigyan, pagbibigyan din ninyo ako at ang marginalized sector, na ang kapangyarihang ito ay huwag na nating ibigay pa sa political parties. Ibigay na natin ito sa marginalized sector.

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

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA. : Would Honorable Monsod yield to an amendment to his amendment? I would like to propose the following amendment, also for lines 28 to 29: THIRTY PERCENT OF THE SEATS SHALL BE ALLOCATED EQUALLY BETWEEN THE SECTORS AND THE PARTY LIST OF REGISTERED PARTIES OR ORGANIZATIONS. May I explain why I am making this amendment to his amendment?

THE PRESIDENT: The Commissioner may proceed.

MR. VILLACORTA: We already have an Upper House which will likely be dominated by charismatic nationally known political figures. We have allocated 80 percent of the Lower House for district representatives who will most likely win on the basis of economic and political power. We are purportedly allowing 20 percent of the Lower House seats to be allocated to representatives of parties and organizations who are not traditional politicians. And yet, because we subject the sectoral candidates to the rough-and-tumble of party politics and pit them against veteran politicians, the framers of the Constitution are actually predetermining their political massacre.

Madam President, the party list system in the form that it is being proposed will only exacerbate the frustrations of the marginalized sectors. In this our reborn democracy, I think we should turn the political revolution of February into a veritable social revolution by enshrining people's power in the legislature. A joint study of the UP School of Economics, the UP Population Institute and the Development Academy of the Philippines projects that:

If nothing is done to change the current development pattern, there are bound to be, in the year 2000, over 3 million poverty stricken households than there are today.

This means an addition of over 15 million impoverished Filipinos and an average yearly addition of 600,000 persons to the poor sector of the population.

Yesterday's issue of the Daily Inquirer reported that the Food and Nutrition Research Institute found out that 12 million Filipinos can barely afford a decent meal. I heard from some Commissioners just now that this is an emotional appeal. I do not think so.

For too long since our people attained a semblance of self-government at the start of this century, our legislators were elected based on their promise that they would represent the little people of our land. With the exception of a few patriotic legislators, some of whom are in our Commission today, members of the National Assemblies, the Congresses, and the Batasans of the past did not devote themselves enough to the alleviation of the dismal condition of our country's poor and lower classes.

The authors of the book, *Bureaucracy and the Poor*, could not have described the situation more aptly, and I quote:

For most of human history the plight of the poor has been easily excluded from the consciousness of those with the power to act. Inaction was justified by elaborate theories that the poor were by nature inferior or happy in their condition or both. Most government contact with the poor has been limited to collecting their taxes, insuring a modicum of law and order, and providing some limited welfare service.

These realities convince us that there are no spokesmen and legislators who can best represent the poor, the underprivileged, the marginalized than those coming from within their ranks.

So, may I ask Commissioner Monsod if he would accept this amendment?

MR. MONSOD: May I ask some questions on the amendment before I answer? Would the honorable Commissioner yield?

MR. VILLACORTA: Gladly.

THE PRESIDENT: Commissioner Monsod may proceed.

MR. MONSOD: Would the Commissioner tell us which sectors he considers marginalized and should be given, in effect, the concept of reserve seats? In other words, we would exclude everybody else who would not belong to these sectors.

MR. VILLACORTA: This can be a subject of discussion now, but offhand, I can think of the following classification: (1) rural and urban workers; (2) farmers and fishermen; (3) cultural communities; (4) women; (5) youth; and (6) professionals, including artists and health workers.

MR. MONSOD: What about the professionals?

MR. TADEO: Puwede bang tumulong ako para makita natin kung alin ang tinutukoy kong marginalized sector? Baka makatulong ako kay Commissioner Villacorta.

MR. MONSOD: Sige po. The Commissioner may go ahead.

MR. TADEO: In deciding which sectors should be represented, the criteria should adhere to the principle of social justice and popular representation. On this basis, the criteria have to include:

1. The number of people belonging to the sector,
2. The extent of "marginalization," exploitation and deprivation of social and economic rights suffered by the sector;
3. The absence of representation in the government, particularly in the legislature, through the years;
4. The sector's decisive role in production and in bringing about the basic social services needed by the people.

Narito po iyong marginalized sectors:

(1) Peasants — 34 million; (2) labor sector — 12.235 million; (3) urban poor — 5 million; (4) teachers — 500,000; (5) health workers and other professional artists and cultural workers — 465,966; (6) youth — 14.6 million; (7) women — 24 million or 45 percent of the population; and (8) the indigenous communities. At puwede nating dagdagan para isama natin ang ating sarili. Other sectors could be added as may be provided by law.

MR. MONSOD: Madam President, my question is that if I add up the figures cited by Commissioner Tadeo, they total about 80 million. There are, in effect, people who belong to several sectors. First of all, these criteria could apply to more sectors than those cited. Secondly, how do we determine who vote within each sector? Suppose it is a woman who is 18 years old and who belongs to the rural poor, does she vote as a woman, as a youth, or as a rural poor, or does she vote for all three? In effect, if she votes for all three, she has four votes — one for legislative district, one for the woman sector representative, one for the peasant poor representative, one for the youth representative. How do we solve this problem in operational terms?

MR. TADEO: Iyong sinasabi ni Commissioner Monsod ay lagpas sa bilang. Hindi ko pa nga naisama rito iyong indigenous communities — 9 to 12 million. Kapag sinabi nating 45 percent ang women, kasama rito ang peasant women; kapag sinabi naman nating youth, anak ito ng magsasaka; kapag sinabi naman nating "indigenous," kasama rito ang tribal communities. Hindi nangangahulugang, magiging "double" ang ating entry. Ang kabuuang bilang pa rin ng mamamayan ay 55 million.

MR. MONSOD: Papaano po nating malalaman kung sino ang boboto para sa representative ng women's sector, lahat ng babae, hindi po ba? Paano po iyong rural poor?

MR. TADEO: Ang mechanics po ay isinumite namin kay Commissioner Villacorta. Nandoon na po kung ano ang mga dapat na gawin.

MR. MONSOD: Madam President, I just want to say that we suggested or proposed the party list system because we wanted to open up the political system to a pluralistic society through a multiparty system. But we also wanted to avoid the problems of mechanics and operation in the implementation of a concept that has very serious shortcomings of classification and of double or triple votes. We are for opening up the system, and we would like very much for the sectors to be there. That is why one of the ways to do that is to put a ceiling on the number of representatives from any single party that can sit within the 50 allocated under the party list system. This way, we will open it up and enable sectoral groups, or maybe regional groups, to earn their seats among the fifty. When we talk about limiting it, if there are two parties, then we are opening it up to the extent of 30 seats. We are amenable to modifications in the minimum percentage of votes. Our proposal is that anybody who has two-and-a-half percent of the votes gets a seat. There are about 20 million who cast their votes in the last elections. Two-and-a-half percent would mean 500,000 votes. Anybody who has a constituency of 500,000 votes,

nationwide, deserves a seat in the Assembly. If we bring that down to two percent, we are talking about 400,000 votes. The average vote per family is three. So, here we are talking about 134,000 families. We believe that there are many sectors who will be able to get seats in the Assembly because many of them have memberships of over 10,000. In effect, that is the operational implication of our proposal. What we are trying to avoid is this selection of sectors, the reserve seat system. We believe that it is our job to open up the system and that we should not have within that system a reserve seat. We think that people should organize, should work hard, and should earn their seats within that system.

MR. VILLACORTA: Madam President, may I reply to the statement of Commissioner Monsod?

THE PRESIDENT: Commissioner Villacorta is recognized.

MR. VILLACORTA: First of all, I question the assumption that sectoral candidates will have an equal chance of winning a party list election when they compete with the politicians who belong to the traditional political parties. I question this assumption because, even if the sectoral groups were forced to organize, their machineries would not be as well-oiled or as well-funded as those of the traditional political parties. Chances are, in such a party list election, that does not give priority to these sectors; the traditional politicians will prevail over the sectoral candidates. Secondly, I still cannot understand why Commissioner Monsod, while he agrees in principle in giving a bigger voice to the marginalized sectors, would be against the idea of reserve seats. I think this manner of providing guaranteed seats to the basic marginalized sectors would be our way of protecting the interests of those groups which have much less in life. Thirdly, with respect to the Commissioner's question of what would be the mechanics for electing the sectoral representatives, we can reply that there are many ways. We can either leave the question to the National Assembly to decide, or we can append these mechanics to the Constitution as an ordinance. But I think if we are agreed in principle that we should give significant representation to these sectors, then we must help each other in coming up with these mechanics rather than straight away shelving the whole idea just because we find it difficult to define the procedures.

For one, I can think of the party list as an instrument for electing sectoral representatives. I would be in favor of the party list system on condition that this system be only for the sectoral candidates. If we allow the politicians to run under this system, then we are giving much more to those who already have power and resources. We have, in a way, already allocated seats to the powerful by having an Upper House. Then, again, would it not likewise be a form of allocating reserve seats to the politicians to say that 80 percent of the Lower House will be composed of district representatives? By making this stipulation, we are reserving seats for politicians.

MR. MONSOD: Madam President, the candidacy for the 198 seats is not limited to political parties. My question is this: Are we going to classify for example Christian Democrats and Social Democrats as political parties? Can they run under the party list concept or must they be under the district legislation side of it only?

MR. VILLACORTA: In reply to that query, I think these parties that the Commissioner mentioned can field candidates for the Senate as well as for the House of Representatives. Likewise, they can also field sectoral candidates for the 20 percent or 30 percent, whichever is adopted, of the seats that we are allocating under the party list system.

MR. MONSOD: In other words, the Christian Democrats can field district candidates and can also participate in the party list system?

MR. VILLACORTA: Why not? When they come to the party list system, they will be fielding only sectoral candidates.

MR. MONSOD: May I be clarified on that? Can UNIDO participate in the party list system?

MR. VILLACORTA: Yes, why not? For as long as they field candidates who come from the different marginalized sectors that we shall designate in this Constitution.

MR. MONSOD: Suppose Senator Tañada wants to run under BAYAN group and says that he represents the farmers, would he qualify?

MR. VILLACORTA: No, Senator Tañada would not qualify.

MR. MONSOD: But UNIDO can field candidates under the party list system and say Juan de la Cruz is a farmer. Who would pass on whether he is a farmer or not?

MR. TADEO: Kay Commissioner Monsod, gusto ko lamang linawin ito. Political parties, particularly minority political parties, are not prohibited to participate in the party list election if they can prove that they are also organized along sectoral lines.

MR. MONSOD: What the Commissioner is saying is that all political parties can participate because it is precisely the contention of political parties that they represent the broad base of citizens and that all sectors are represented in them. Would the Commissioner agree?

MR. TADEO: Ang punto lamang namin, pag pinayagan mo ang UNIDO na isang political party, it will dominate the party list at mawawalang saysay din iyong sector. Lalamunin mismo ng political parties ang party list system. Gusto ko lamang bigyan ng diin ang "reserve." Hindi ito reserve seat sa marginalized sectors. Kung titingnan natin itong 198 seats, reserved din ito sa political parties.

MR. MONSOD: Hindi po reserved iyon kasi anybody can run there. But my question to Commissioner Villacorta and probably also to Commissioner Tadeo is that under this system, would UNIDO be banned from running under the party list system?

MR. VILLACORTA: No, as I said, UNIDO may field sectoral candidates. On that condition alone, UNIDO may be allowed to register for the party list system.

MR. MONSOD: May I inquire from Commissioner Tadeo if he shares that answer?

MR. TADEO: The same.

MR. VILLACORTA: Puwede po ang UNIDO, pero sa sectoral lines.

MR. MONSOD: Sino po ang magsasabi kung iyong kandidato ng UNIDO ay hindi talagang labor leader or isang laborer? Halimbawa, abogado ito.

MR. TADEO: Iyong mechanics.

MR. MONSOD: Hindi po mechanics iyon because we are trying to solve an inherent problem of sectoral representation. My question is: Suppose UNIDO fields a labor leader, would he qualify?

MR. TADEO: The COMELEC may look into the truth of whether or not a political party is really organized along a specific sectoral line. If such is verified or confirmed, the political party may submit a list of individuals who are actually members of such sectors. The lists are to be published to give individuals or organizations belonging to such sector the chance to present evidence contradicting claims of membership in the said sector or to question the claims of the existence of such sectoral organizations or parties. This proceeding shall be conducted by the COMELEC and shall be summarily in character. In other words, COMELEC decisions on this matter are final and unappealable.

MR. VILLACORTA: Madam President, just a very brief answer.

THE PRESIDENT: Just a minute, there are already three Gentlemen standing on the floor.

MR. OPLE: Madam President.

THE PRESIDENT: The Chair will recognize first Commissioner Monsod so that we can settle the dispute.

MR. MONSOD: Madam President, I believe that the amendment I submitted started this discussion.

In view of the answers of Commissioners Villacorta and Tadeo that as a general rule, UNIDO can participate in the party list system under their concept, do they have any objection to my amendment which says: THRU A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL OR SECTORAL PARTIES OR ORGANIZATIONS?

THE PRESIDENT: What is the answer of Commissioner Villacorta?

MR. VILLACORTA: Madam President, first, Commissioner Monsod has a question which I have not yet answered. He asked who would determine whether or not the candidates who claimed to represent different sectors were bona fide members of those sectors or not. I think the electorate will decide on that.

Secondly, I do not quite understand the meaning of his question.

Is the Commissioner saying that he is incorporating the element of sectoral representation as the sole rationale for his party list system?

MR. MONSOD: My amendment merely says that it is THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL OR SECTORAL PARTIES OR ORGANIZATIONS.

My question is: Does the Honorable Commissioner object to this amendment?

MR. VILLACORTA: Yes, because it does not guarantee that the seats reserved for the party list representatives will be reserved for the sectors.

THE PRESIDENT: We will call on others who may desire to interpellate or to question Commissioner Monsod. Does Commissioner Ople have a question to Commissioner Monsod?

MR. OPLE: Yes, Madam President, if the Commissioner will kindly yield to a question.

MR. MONSOD: Yes.

THE PRESIDENT: The Commissioner may proceed.

MR. OPLE: It appears that the Commission, for historical reasons, suffers from a lack of knowledge about the party list system. I suppose that we are not really reinventing the wheel here when we incorporate a party list system as among the modes of selecting representatives of the people. Since Commissioner Monsod, for the reason that he has taken a keen interest in electoral science, if we might call it that way, seems to be the sole authority on the party list system as far as we can see this in the Commission, can he share with the Members of the Commission his knowledge of how the party list system works in its country of origin like Germany and Switzerland? As a general principle, does it contemplate making up through a party list for the general weakness of what Commissioner Villacorta calls the "marginalized" sectors, so that the preponderance of traditional parties is overcome and that the less-privileged sectors in society could have their own access to Congress?

In the case of Germany, I understand that the Greens, who otherwise would understand their chance at the beginning, had gotten there through a party list system.

Will Commissioner Monsod oblige by answering this question?

MR. MONSOD: Madam President, I do not presume to be an expert on the party list system. We are using the party list system in a generic sense. However, I believe Commissioner Ople himself is an expert on this. It is true that the party list system can specify those who may sit in it. In fact, if I remember right, in the case of Belgium, it was quite detailed. But if we take a look at that list, it seems that almost 90 or over 90 percent of the country's population would be qualified to be in the party list system because one of the general qualifications is that the member must be a holder of a secondary degree. So, what I am saying is that the party list system can be designed in order to allow for an opening up of the system. My reservation with respect to what I would call a reserve seat system where we automatically exclude some sectors is the difficulty to make it operational. At this point in time in our country, this is already a novel idea as it is. I believe that all of us really are not yet experts on this and we are still learning through the process. Thus, for us to introduce complications at this time might bring difficulty in implementation.

We can put a cap on the number of seats that a party or organization can have in the system consistent with our objective of opening it up. But to put the complication by saying, for instance, that UNIDO can register provided that 10 or 15 of its candidates must be farmers, laborers, urban poor and so on, I think would be very difficult to implement.

MR. OPLE: So, Commissioner Monsod grants that the basic principle for a party list system is that it is a countervailing means for the weaker segments of our society, if they want to seek seats in the legislature, to overcome the preponderant advantages of the more entrenched and well-established political parties, but he is concerned that the mechanics might be inadequate at this time.

MR. MONSOD: Not only that; talking about labor, for example — I think Commissioner Tadeo said there are 10 to 12 million laborers and I understand that organized labor is about 4.8 million or 4.5 million — if the laborers get together, they can have seats. With 4 million votes, they would have 10 seats under the party list system.

MR. OPLE: So, the Commissioner would favor a party list system that is open to all and would not agree to a party list system which seeks to accommodate, in particular, the so-called sectoral groups that are predominantly workers and peasants?

MR. MONSOD: If one puts a ceiling on the number that each party can put within the 50, and I am assuming that maybe there are just two major parties or three at the most, then it is already a form of opening it up for other groups to come in. All we are asking is that they produce 400,000 votes nationwide. The whole purpose of the system is precisely to give room for those who have a national constituency who may never be able to win a seat on a legislative district basis. But they must have a constituency of at least 400,000 in order to claim a voice in the National Assembly.

MR. OPLE: Madam President, I want to thank Commissioner Monsod for his answers. I think I would like to wait for the proposed amendments of Commissioner Villacorta before I ask more important questions on this point.

Thank you very much.

SUSPENSION OF SESSION

MR. TADEO: Madam President, may I ask for a suspension of the session.

THE PRESIDENT: The session is suspended.

It was 6:20 p.m.

RESUMPTION OF SESSION

At 7:07p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

The Acting Floor Leader is recognized.

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

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, can we defer the consideration of this motion while we are thinking over these problems?

THE PRESIDENT: So, the Commissioner is asking that his motion before the body be considered some other time?

MR. MONSOD: Yes, I move that we defer it because I believe that there are many other counterproposals and issues that have to be discussed.

THE PRESIDENT. Is there any objection? (Silence) The Chair hears none; the amendment of Commissioner Monsod is deferred for tomorrow's session.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader may proceed.

MR. ROMULO: I move that we adjourn until tomorrow. Madam President, at what time?

THE PRESIDENT: At nine-thirty.

MR. ROMULO: I thought there was a suggestion that we meet at nine o'clock up to one o'clock and then adjourn on Saturdays.

THE PRESIDENT: What does the Chairman of the Steering Committee say to this?

MR. BENGZON: Madam President, that was last week when we were on target. But as of now we are already three days behind the schedule. So, I would propose that we meet tomorrow at nine-thirty in the morning up to twelve o'clock noon, then we have our lunch and resume at two o'clock or at two-thirty in the afternoon so that we can adjourn early after finishing this issue tomorrow.

We would also like to defer the sponsorship on the Article on the Executive for Monday, Madam President.

THE PRESIDENT: The Chair requests the body to work tomorrow in order to finish the report of the Committee on the Legislative. So we have the understanding that we will devote time tomorrow for the remaining issues on the Article on the Legislative and that we will work until we finish it.

MR. BENGZON: Yes, Madam President.

MR. GASCON: Madam President.

THE PRESIDENT: Commissioner Gascon is recognized.

MR GASCON: I would like to support the proposal to defer but I do not know if this will complicate matters. We could take another committee report tomorrow like the Articles on Accountability of Public Officers and on the Executive, and if it is possible we can discuss the Article on the Legislative on Monday instead of trying to finish it this weekend. This will give us more time to discuss the mechanics. Without prejudice to the other committees, if we could do that it could be very helpful, particularly to myself, because I was asked by the Commission to go to Makati for a postponed public hearing tomorrow. I would like to participate in this issue of sectoral

representation but I will not be here tomorrow.

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

MR. BENGZON: The Chairman of the Committee on Social Justice has requested the Steering Committee to schedule the consideration of the Article on Social Justice on the first or second week of August. The Steering Committee would have gladly accommodated that but now we are already late. Commissioner Nieva has spoken to Commissioner Nollado of the Committee on Local Governments and to Commissioner Monsod of the Committee on Accountability of Public Officers if they could postpone their reports so that we could take up the Article on the Executive immediately after the Article on the Legislative, followed by the Declaration of Principles, then the Committee Report on Social Justice.

THE PRESIDENT: Yes, but what is the Commissioner's comment on the request of Commissioner Gascon?

MR. BENGZON: Instead of considering the Article on Accountability of Public Officers, we could start with the sponsorship of the Article on the Executive because tomorrow Commissioner Sumulong is ready.

MR. ROMULO: Yes, we should start with the Article on the Executive, Madam President.

THE PRESIDENT: That is all right.

MR. GASCON: So, we will discuss the Article on the Legislative on Monday and finish it by then.

MR. BENGZON: Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: The only problem is that we will be cutting again the sponsorship of the Article on the Executive.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: The Committee on Accountability of Public Officers is prepared to sponsor its report tomorrow. It is a shorter Article so maybe we can get it out of our way so that we can resume the discussion on the Article on the Legislative on Monday.

MR. BENGZON: Does the Commissioner think we can finish the Article on Accountability of Public Officers on Second Reading tomorrow?

MR. MONSOD: Hopefully.

THE PRESIDENT: So, we will have the Committee Report on the Article on Accountability of Public Officers and the continuation of the party list system and the Article on the Legislative on Monday.

MR. BENGZON: Yes, Madam President.

ADJOURNMENT OF SESSION

THE PRESIDENT: The session is adjourned until tomorrow at ninety-thirty in the morning.

It was 7:13 p.m.

[*] Appeared after the roll call.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.