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Monday, July 21, 1986

CALL TO ORDER

At 9:47 a.m., the President of the Constitutional Commission, the Honorable Cecilia Muñoz Palma, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Francisco A. Rodrigo, to wit:

O Diyos na Lubhang Makapangyarihan: Kami'y Iyo sanang damayan, tulungan Sana'y liwanagan ang aming isipan; Linisin ang aming puso't kalooban; Pasipaging lubos ang aming katawan Upang ang tungkuling aming pinapasan Ay aming matupad, aming magampanan At sa gayo'y aming maisakatuparan Ang aming adhikang magharap sa Bayan Ng Saligang Batas na naglalarawan Ng atas ng tanang mga mamamayan Na papaghariin sa Lupang Hinirang Ang laya, ang dangal, ang katiwasayan, Ang madlang pag-unlad na pangkabuhayan, At ang katarungan sa aming lipunan.

Siya nawa

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 9:49 a.m.

RESUMPTION OF SESSION

At 9:51 a.m., the session was resumed.

ROLL CALL

Upon direction of the Chair, the Secretary-General of the Commission called the Roll and the following Members responded:

Azcuna, A. S. Jamir, A. M. K.

Bacani, T. C. Nieva, M. T. F.

Bernas, J. G. Nollado, J. N.

Rosario Braid, F. Padilla, A. B.

Calderon, J. D. Muñoz Palma, C.

De Castro, C. M. Quesada, M. L. M.

Concepcion, R. R. De los Reyes, R. F.

Davide, H. G. Rodrigo, F. A.

Gascon, J. L. M. C. Romulo, R. J.

Sarmiento, R. V. Treñas, E. B.

Suarez, J. E. Uka, L. L.

Sumulong, L. M. Villacorta, W. V.

Tan, C. Villegas, B. M.

Tingson, G. J.

With 27 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

Alonto, A. D. Maambong, R. E.

Aquino, F. S. Monsod, C. S.

Bengzon, J. F. S. Natividad, T. C.

Bennagen, P. L. Ople, B. F.

Brocka, L. O. Rama, N. G.

Colayco, J. C. Regalado, F. D.

Foz, V. B. Rigos, C. A.

Garcia, E. G. Rosales, D. R.

Guingona, S. V. C. Tadeo, J. S. L.

Laurel, J. B.

READING AND APPROVAL OF THE JOURNAL

On motion of Mr. Calderon, there being no objection, the reading of the Journal of the previous session was dispensed with and the said Journal was approved by the Body.

REFERENCE OF BUSINESS

On motion of Mr. Calderon, there being no objection, the Body proceeded to the Reference of Business.

REFERRAL TO COMMITTEES OF COMMUNICATIONS

Upon direction of the Chair, the Secretary-General of the Commission read the titles of the following Communications which were, in turn, referred by the Chair to the Committees hereunder indicated:

Communication No. 258 — Constitutional Commission of 1986

Communication from the Katipunan ng Samahang Maharlika (KASAMA) suggesting salient features of the

Constitution

TO THE STEERING COMMITTEE

Communication No. 259 — Constitutional Commission of 1986

Communication from Media for Evangelization and Development proposing a resolution providing for a constitutional provision to promote and protect the people's rights and welfare in the use of the air for broadcast media

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Communication No. 260 — Constitutional Commission of 1986

Communication from Media for Evangelization and Development proposing a resolution providing for a state policy to aid and support the natural right and duty of parents in the education and moral development of the youth through a system of free elementary and secondary education, whether in government-owned schools or in private community-based schools, at the option of the parents

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 261 — Constitutional Commission of 1986

Letter from Bulacan Political Science Society signed by Mr. Jesus S. Isidoro-Torres, expressing opposition to the proposal seeking to "freeze" the powers of the Presidential Commission on Good Government

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 262 — Constitutional Commission of 1986

Letter from the Filipino Life Insurance Companies Association, Inc., signed by Mr. Daniel M. Mercado, Jr., suggesting provisions on the national language, balanced budgeting, and nationalization of public utilities, among others

TO THE STEERING COMMITTEE

Communication No. 263 — Constitutional Commission of 1986

Letter from Mr. Raymundo S. Cruz of 202 De Castro Subdivision, Paso de Blas, Valenzuela, Metro Manila, proposing Filipinization of certain industries and provisions on labor, among others

TO THE COMMITTEE ON NATIONAL ECONOMY AND PATRIMONY

Communication No. 264 — Constitutional Commission of 1986

Letter from Mr. Jose D. Mandac of 481 A. Mabini St., Mangahan, Pasig, Rizal, favoring the retention of the US military bases

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 265 — Constitutional Commission of 1986

Letter from Mr. Bernardo R. Sebastian of 471 Shaw Boulevard, Mandaluyong, Metro Manila, favoring the retention of the US military bases

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 266 — Constitutional Commission of 1986

Letter from Mr. Leo R. Cruz of 6-G Yap Apartment, Rizal Avenue Extension, Cebu City, suggesting genuine land reform, and more economic assistance to Filipinos, among others

TO THE COMMITTEE ON SOCIAL JUSTICE

CONSIDERATION OF COMMITTEE REPORT NO. 22 ON THE ARTICLE ON THE NATIONAL ASSEMBLY

On motion of Mr. Romulo, there being no objection, the Body proceeded to the consideration of Committee Report No. 22, entitled:

Resolution proposing an Article on the National Assembly.

At this juncture, Mr. Rodrigo raised a prejudicial question as to whether the Body would adopt a unicameral or bicameral legislature. He informed that when the Committee on the Legislative voted on the matter, there was a tie which was eventually broken when the Committee Chairman, Mr. Davide, voted in favor of a unicameral assembly. Mr. Rodrigo pointed out the possibility that the Body might adopt a bicameral legislature, in which case, the whole Committee Report will have to be changed to conform to such a decision. He then suggested that the Body first decide on this prejudicial question in caucus in order to expedite the floor discussion.

Replying thereto, Mr. Romulo stated that Mr. Davide, Chairman of the Committee on the Legislative, had agreed to a sponsorship speech to be followed by a free-wheeling discussion before the Body meets in caucus.

Mr. Rodrigo manifested conformity to the arrangement.

SPONSORSHIP SPEECH OF MR. DAVIDE

Thereupon, Mr. Davide proceeded to his sponsorship, stating that the institutions best fitted to represent the people and serve their interests are not necessarily those developed in a particular period of history since their effectiveness may depend on their ability to adapt to changing circumstances in the light of experience.

He informed that the Committee on the Legislative arrived at the draft Article on the National Assembly, after thorough and passionate debates and after subjecting to critical analyses and deliberations the pertinent provisions of 1935 and 1973 Constitutions, the 24 Resolutions and position papers as well as opinions of brilliant minds and distinguished constitutionalists. He stated that the Committee took cognizance of the areas of concern presented during the public hearings and consultations which contributed in a great measure to concretizing the merits of the proposal.

Drawing inspiration from the February, 1986 peaceful revolution and the experiences of the people over the last two decades, Mr. Davide pointed out that the draft Article on the National Assembly embraces legislative reforms in order to bring the government into harmony with the people's ideals, needs and aspirations.

Thereupon, Mr. Davide discussed the salient features of the proposed Article on the National Assembly.

On the unicameral structure of the National Assembly, Mr. Davide adverted to Mr. Sarmiento's statement that the Philippines needs a unicameral legislative assembly that is truly representative of people; responsive to their needs and welfare; economical to maintain; and efficient and effective in the exercise and discharge of its powers, functions, duties and responsibilities; with Mr. Tingson, an advocate of the bicameral system, maintaining, on the other hand, that despite its simplicity of organization, its economy and efficiency in achieving closer relationship between the Legislative and Executive, the unicameral structure had resulted in the authoritarian manipulation by the Chief Executive which deprived the people of their right to express their true sentiments through their chosen representatives.

Recalling, however, the arguments raised in the 1971 Constitutional Convention against the unicameral legislature, Mr. Davide pointed out that the advantages of a unicameral system far outweighed its disadvantages; it is not only efficient and less costly to maintain but it is also simpler, less time-consuming and invites minimum conflicts and controversies, thus facilitating legislation. He cited several studies which support unicameralism as more appropriate to democracy and the bicameral system as typical of the constitutional monarchy and opposed to the concept of equality.

On the composition and manner of representation, Mr. Davide stated that the Committee proposes a 250-membership in the National Assembly including sectoral and party list representatives. He explained that under this scheme, 20 per cent or 50 members shall comprise the sectoral and party list representatives whose manner of election would be provided by law while 200 members would be elected from legislative districts apportioned among the provinces and cities in accordance with the number of inhabitants and on the basis of uniform and progressive ratio. He explained that with the proposed innovation to include sectoral and party list representatives to allow broader participation in policy-making, the scheme would remedy the unbalanced and inadequate legislative representation prevalent before the 1973 Constitution.

On the term of office, Mr. Davide stated that the Committee proposes a four-year term without re-election, a proposal that would afford opportunity for continuous training experience for future leaders whose fate in the political arena should be decided by the people and not by legislation.

On initiative and referendum, Mr. Davide stated that this would institutionalize people power. He stressed that this provision would also serve as a check on a legislature that does not respond to the vital and urgent needs of the people. He quoted Mr. Garcia, one of the proponents, who argued that the process may never be used at all but it is there for them to use whenever they wish, whenever they desire and whenever they want to struggle.

On the restoration of the Electoral Tribunal in the National Assembly which shall be the sole judge of all contests relating to the elections, returns and qualifications of its members, Mr. Davide stated that this proposal took into account the recommendation of the Commission on Elections based on the argument that the electoral tribunal offers a mixed system in which both the National Assembly and the Judiciary play their part, thus reflecting respect for both parliamentary sovereignty and need for impartial legal decisions.

On the restoration of the Commission on Appointments, Mr. Davide stated that the Committee felt the need for review and approval of the appointments of public officials, excluding the members of the Judiciary who are directly appointed by the President, in order to prevent the penchant for the appointment of favored friends and relatives with questionable qualifications. He stated that this provision is a classical constitutional check and balance measure which, although may negate the concept of separation of powers, makes sense if one regards appointment as an administrative rather than a political action.

On the provision on immunity from arrest, Mr. Davide stressed that this would protect the Members from repressive measures or from legal actions by the Government or by private persons. He stated that this provision is an amended version of the 1973 Constitutional provision in the sense that the Member is privileged from arrest while the National Assembly is in session, thus it would govern his activity outside the Assembly but it does not release him from obedience to the Rules and order of the Assembly nor does it derogate from his responsibility to the public.

On incompatibility of occupation, Mr. Davide explained that incompatibility is a parliamentary rule which forbids a Member of Parliament from carrying on certain occupations while he is a Member and this would apply to offices held before his election and to those which might be offered to him after being elected. The proposal, he stated, maintains the intent of the 1935 and 1973 Constitutions and that the prohibition would include military

offices. He stressed that this provision would ensure that public and private offices would not exert undue influence on his decisions and prevent the opportunity for the promotion of self-interest alone.

On tax exemptions, Mr. Davide explained that the provision expands exemptions from taxation to include lands, buildings and improvements actually, directly and exclusively used for educational purposes. He stated that the proposal took note of Mr. Guingona's observation that the withdrawal of the privilege had adversely affected financial viability and survival of educational institutions and Mr. Villacorta's observation that these educational institutions could further upgrade their academic standards, faculty conditions and learning facilities.

He stated that mosques and non-profit cemeteries shall also be exempted from taxation.

On the Question Hour, Mr. Davide stated that this would provide the Members of the Assembly an opportunity to elicit concrete information from the Administration, and to request its intervention, when necessary, to expose abuses and seek redress for grievances. In the Question Hour, a Member would act as a free agent of the people, his action being limited only by the rules governing the admissibility of questions, and time limit.

On the prohibitions against the Members of the Assembly, he stated that they shall be prohibited from appearing as counsel before any court which is not of collegiate composition, or in any civil case wherein the Government or any of its subdivision, agency or instrumentality is the adverse party or in any criminal case wherein a government officer or employee is accused of an offense committed in relation to his office; from being interested financially, directly or indirectly, in any franchise or special privilege granted by the government or its subdivisions or instrumentalities thereof, including government-owned or controlled corporations or agencies", during his term of office; and from intervening in any matter before any office of the government for his pecuniary benefit.

The sessions of the National Assembly shall be continuous for a number of days unless a different period is fixed by law.

The National Assembly, however, may be called to session at any time by the President to consider such legislation as he may designate.

The National Assembly shall have the power to concur in treaties or international agreements, which power was curtailed in the 1973 Constitution by granting it exclusively to the President.

With these amendments or modifications, Mr. Davide stated that the legislature could be a dynamic partner in rebuilding a battered economy and in raising the standards of living; a means through which population subgroups and diverse regions are integrated towards national unity; and a means by which popular knowledge and concern toward governmental policies are gained.

Finally, he expressed hope that for the sake of the future generations of Filipinos, the National Assembly would be continuous, assertive and cohesive like the parliaments of the United States of America and Great Britain. He likewise looked forward to the consideration and approval of the Committee Report, despite the reservations made by some Members of the Commission.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 10:24 a.m.

RESUMPTION OF SESSION

At 10:36 a.m., the session was resumed.

FREE-WHEELING DEBATE ON THE ARTICLE ON THE NATIONAL ASSEMBLY

On motion of Mr. Romulo, there being no objection, the Body proceeded to the free-wheeling debate on the Article on the National Assembly.

Mr. Romulo suggested that the Members address the issue on whether the Legislature would be unicameral or bicameral, and if bicameral, whether the Senators would be elected on a national or regional basis, and the Members of the Lower House on a district or provincial basis.

REMARKS OF MR. TINGSON

Mr. Tingson stressed the need for a bicameral legislature, with its Members elected on a national basis.

Historically, he pointed out that under the Malolos Constitution of 1899, legislative power was exercised by an assembly of representatives of the people. Upon cession of the Philippines to the United States under the Treaty of Paris, he recalled that a military government was established which was later replaced by a civilian government in 1900, during which the legislative functions were exercised by a Commission. With the passage of the Philippine Bill of 1902, a bicameral legislature was created, transforming the Philippine Commission into the Upper Chamber and the Philippine Assembly as the Lower House.

In 1916, the Jones Law vested the legislative power in an all-Filipino bicameral legislature with the Senate as the Upper Chamber, the Senators being elected from twelve senatorial districts, and the House of Representatives as the Lower House.

In the 1935 Constitution, a unicameral legislature known as the National Assembly was adopted and the bicameral system rejected due to a division on the question of representation. However, during the time of President Manuel L. Quezon, an amendment providing for a bicameral legislature was approved, not because the President was afraid of being dislodged by a strong, unicameral body through impeachment but because he believed that the Senate could afford a sufficient, critical and methodical review of legislation, thus, serving as a fiscalizer of the actions of the Lower House. It was also believed that the Senate would be a training ground for future leaders, and a vanguard against activities of politicians and lobby groups as well as against any possible encroachment on the constitutional liberties of the people.

He also pointed out that the Senate provides for national representation, thus, fostering national unity and consciousness. He added that it ensures stability of governmental policies, being a continuing body.

He stated that a bicameral legislature, according to President Jose P. Laurel, is the traditional form of legislative body which had been tested and proven in the crucible of political experience. He said that the country could not afford to experiment on the types of legislature.

On the other hand, he noted that the unicameral legislature had been an instrument of executive dictatorship during the time of President Aguinaldo and President Marcos; thus, the unicameral system would encourage a strong dictator and a weak legislature.

Finally, he underscored the advantages of a bicameral system, namely: 1) the Upper Chamber would be more directly representative of the overall interest of the people; 2) the two Houses would have a healthy check on each other without relying on the Judiciary; 3) the abuse of power is unlikely; 4) the future leaders would be developed,

the Senators being elected nationwide; and 5) the Senators having a nationwide mandate, can face a strong Executive, and a balanced harmony between the two departments could be achieved. He stated that these were the sentiments of the people brought out during the public hearings.

REMARKS OF MR. RODRIGO

Mr. Rodrigo stated that his stand on the issue was conditional, because if the Senators would be elected on a national basis, he would opt for a bicameral legislature; and if elected on a regional basis, he would choose a unicameral legislature. He explained that if Senators would be elected by region, the Senate would be a duplication of the House of Representatives. He also stated that if there would be one Chamber composed of representatives elected by districts, the main interests would be on a parochial basis, while if the Senators would be elected at-large, they could campaign all over the country and could see the needs and problems of the nation as a whole.

He also emphasized what Mr. Tingson stated earlier that Senators would be nationally projected if they are elected at-large as compared to legislators of a unicameral assembly who would be elected and known only in their respective districts.

Mr. Rodrigo added that a senator, who is elected at-large, would be less susceptible to pressure because he wins or loses by hundreds of thousands if not a million votes, unlike a Congressman who wins or loses merely by hundreds of votes. Because of this, he stressed that Senators could stand up against the President even if the latter belongs to their own party.

On the contention that it is more expensive to campaign nationally, Mr. Rodrigo stated that it is even less expensive than campaigning in the districts because it is not personalized; senators do not buy votes nor finance ward and other political leaders.

In conclusion, Mr. Rodrigo stressed that he is for a bicameral legislature with Senators elected at-large.

INTERPELLATION OF MR. NOLLEDO

Mr. Rodrigo agreed with Mr. Nollado's observation that Senators elected at-large look at problems with a national perspective as can be gleaned from the records which show that when Mr. Marcos declared martial law, Senators Aquino, Diokno, Salonga, Mitra, Padilla and Roxas, among others, objected to it while no Congressman stood up against it, perhaps because they were merely thinking of the needs of their districts.

Mr. Rodrigo, likewise, agreed with Mr. Nollado's observation that Senators represent national interest whereas Congressmen represent only their respective districts.

On Mr. Nollado's query whether he would be amenable to extending the sectoral representation to the Senate, Mr. Rodrigo stated that he is in favor of sectoral representation although he has some reservations as to its practicality and feasibility.

REMARKS OF MR. DE CASTRO

Mr. de Castro stated that he is also for a bicameral legislature with Senators elected at-large and representatives elected by districts for the same reasons articulated by Messrs. Tingson and Rodrigo.

He added that senators are the hardest people to be convinced and controlled by one man, the laws that would be passed by the Senate are better scrutinized; and that from the Senators come the best materials for consideration either as President or as ambassadors to foreign countries.

INTERPELLATION OF MR. BENGZON

On the argument that a bicameral system would be more expensive, Mr. Rodrigo stated that while a bicameral legislature may indeed be more expensive and that lawmaking would be less expeditious, the advantages of having a Senate elected at-large far outweigh the disadvantages.

In reply to Mr. Bengzon's observation that there would be more "politicking" in a bicameral legislature, Mr. Rodrigo stated that if ever there would be such "politicking", it would be on national issues and for the good of the country.

INTERPELLATION OF MR. SUAREZ

In reply to Mr. Suarez' observation that the Filipinos had adopted the unicameral system of legislature in the Constitutions prior to and including the 1935 Constitution based on the theory that it was more suited to their ideals, traditions and culture, Mr. Rodrigo opined that perhaps said Constitutions were suited to the needs and facilities of those times.

On Mr. Suarez' query if the Senate could be equated with the House of Lords inasmuch as bicameralism is an Anglo-Saxon political institution which was adopted by the United States, Mr. Rodrigo replied that it could not, adding that he does not want to have Lords but Senators elected at-large by the people in a democratic way.

INTERPELLATION OF MR. ABUBAKAR

On Mr. Abubakar's contention that the establishment of a Senate under Philippine conditions could not be justified because a Senate is supposed to represent and protect the interest of a particular sector and that, unlike the United States which has federal states, the Filipinos have the same interests, Mr. Rodrigo stressed that although the Philippines does not have federal states, the people have different interests — the sugar bloc interest, tobacco interest, coconut, rice, corn and others. He stated that the Senate would balance all these different interests because Senators have to campaign nationwide and are accountable to all people.

REMARKS OF MR. BACANI

Mr. Bacani reported to the Body that an overwhelming majority who responded to the public hearings are for a unicameral system of legislature.

He stated that he is for a unicameral system because after 20 years of Mr. Marcos' rule the Filipinos had become politically conscious to the point that even ordinary citizens, and not only politicians, now think on a national level. He opined that with this consciousness, there would be less danger of having representatives who would only consider their parochial interests.

REMARKS OF MR. UKA

Mr. Uka stated that he is for a bicameral system of legislature on the ground that it is more useful and practical; provides for better check and balance; prevents dictatorship because the Executive cannot easily control a bicameral legislature; and serves as a good training ground for future executives.

He added that a bicameral legislature would ensure wider and proper representation; proper balance because of stability in law-making; and it is reasonable and in accordance with nature.

REMARKS OF MR. PADILLA

Mr. Padilla, stating that he is in favor of a bicameral legislature, manifested agreement with the arguments of Messrs. Tingson, Rodrigo, de Castro and Uka. He stated that a bicameral legislature is more in accord with the principles of democracy unlike the unicameral system under the 1973 Constitution which was unduly influenced by then President Ferdinand E. Marcos. He pointed out, for instance, that although the phrase "or any other officer authorized by law" in the provision on unreasonable searches and seizures was defeated after lengthy debates, the same was restored upon direction of President Marcos, in the same way that the 1973 Transitory Provisions were likewise made at his instance. He stressed that this could not have happened had there been a bicameral system.

On the argument that unicameralism connotes simplified and speedy legislation, Mr. Padilla stressed that what the nation needs is less but carefully studied statutes to solve the many problems of the nation.

Mr. Padilla stressed that the best government is one with less interference, obstruction and control by the State on free private enterprise and on the people's constitutional rights.

On the argument that unicameralism is more effective, Mr. Padilla stated that there should be a system to check legislation before any measure reaches the President for his approval or veto. He advanced the view that a system of check and balance should be maintained between the Senate and the House of Representatives.

On the argument that unicameralism is more economical, Mr. Padilla argued that 24 to 30 Senators would not be too much since appropriation for the Senate had been traditionally one of the smallest items in the budget.

He stated that a unicameral legislature with many Members could be an unruly assembly.

On the responsiveness of the legislature, Mr. Padilla stressed that the Senate is more responsive and representative than the National Assembly composed of many Members. He stated that while the primary concern of Members of the Lower Chamber is the development and protection of the interests of the territory and people they represent, the Senate has a more national and broader perspective.

Recalling the past, Mr. Padilla stated that it was the Senate which exposed the Jabidah massacre, the P26.2 million illegal transfer of fund and the land-grabbing incident in Nueva Vizcaya and Isabela by President Marcos.

Mr. Padilla stated that bicameralism could lead to better and more responsive legislation as measures passed by either House have to be concurred in by the other and that diversity of provisions could be ironed out in a conference between representatives of the Senate and of the Lower House.

Mr. Padilla stressed that the revival of bicameralism would be in line with the objectives President Quezon suggested when he advocated election to the Senate on a nationwide scale. Furthermore, he stated that the Senate could serve as the nursery of future national leaders aspiring to be president or Vice-President of the land.

INQUIRY OF MR. SUAREZ

In reply to Mr. Suarez' query on whether the Joint Conference Committee would not, in effect, set up three Houses in the legislature, Mr. Padilla explained that the Joint Conference Committee is not a separate institution but an instrument to reconcile the two versions of the same bill separately passed by the Senate and the Lower House.

On Mr. Suarez' observation that in a unicameral body, there would be no need for such reconciliation, Mr. Padilla countered that a unicameral legislature would have no check on the measures it would pass. He stated that laws of minor significance could be passed even without adequate discussion or knowledge of some of the Members, a situation which otherwise could be avoided by the adoption of a bicameral system.

On the alleged duplication and delay attendant to a bicameral setup as exemplified in the United States Congress by an immigration bill which has been pending for more than a year, Mr. Padilla stressed that legislation should not be rushed; on the U.S. situation cited, he stated that the two Chambers might need more time to discuss the matter and to circulate the message for a responsive public opinion.

Mr. Padilla stressed that the argument given for slow legislation is the best argument for bicameral legislation.

INTERPELLATION OF MR. MAAMBONG

Mr. Maambong prefaced his interpellation by stating that he has no preconceived notions on the issue and that his experience under both systems is limited. Contrary to what Mr. Nollado stated, Mr. Maambong recalled that there were a number of Congressmen who opposed the abolition of Congress and wanted to hold sessions.

Mr. Maambong expounded on the issues raised by proponents of bicameralism.

He noted that the unicameral system is simple, uncomplicated, efficient, a simplified governmental process where there is no duplication of time and energy and where there are no two bodies working at cross purposes. Asked for his comment on the advantages of the unicameral system, Mr. Padilla stated that though one Chamber can rush some legislations, such legislations may not be good for the people as these may not have been discussed and studied extensively or exhaustively. Another Chamber, he pointed out, would be able to review and check the legislations which the other has passed and vice-versa.

Mr. Maambong, citing another issue raised by the proponents of unicameralism, stated that salaries and maintenance expenses to be used in another chamber could be better spent on schools, hospitals and other public improvement projects.

He also mentioned that another advantage of unicameralism is that it is more democratic as the representatives would represent identified areas and consequently more people, as opposed to the issue that the Senate would be more undemocratic should it be composed of members who belong to another party, in which case, legislations passed by the Lower House and thus by the greater mass of people's representatives, could be defeated in the Upper House.

Mr. Padilla though conceding that the Senate may reject any legislation passed by the Lower House and vice-versa, reiterated the presence of a mutual check. He emphasized that democracy would refer to the entire population composed of people coming from different segments of society and from different localities and provinces. He noted that it would also be democratic should certain representatives be primarily interested in promoting the interest of the people they represent. He stated that the Senate's viewpoint would tend to be general as its Members are elected nationwide or at-large and therefore would represent the entire nation. As to the presence of a minority and a majority in both Houses, he stressed that that is to be expected of a two-party system stating that the minority in the Senate is better than no minority at all. To underscore his arguments, he adverted to the political situation in 1949 when President Quirino was elected President. He recalled that the Nacionalista Party at that time engaged in a campaign blaming the Liberal Party as responsible for election frauds and that in the ensuing three Senatorial elections in 1951, 1953 and 1955 despite the presence of many illustrious candidates from the Liberal Party, none were elected and that in 1957 the monopoly of the NPs was broken with the election of two LPs who were then able to study and debate each bill filed in the Senate.

On the issue of delay in the passage of urgent and needed measures because of conflicting interest between the two Houses in a bicameral system, Mr. Padilla replied that there should be no conflicting interests when it comes to urgent and important measures which affect the national interest, and in said instances Members of both Houses should have the patriotism and nationalism to discharge their duties in a cooperative manner. He maintained that

although there may be honest differences of opinions, both Houses will act in favor of measures which will protect and endorse the national interest.

On the matter of checks and balances between the two Houses, Mr. Maambong stated that some proponents maintain that this does not refer to the two Houses in a bicameral system but rather to the three branches of government and as such there will be no need for an Upper House inasmuch as the Lower House or a unicameral body can act as a check on the two other branches. He recalled that during the passage of the law authorizing barangay officials to administer the oath of office, a one-sentence provision took the Batasang Pambansa almost a month to debate on the issue. As to whether the presence of an opposition party would not be an adequate check on the House itself, Mr. Padilla contended that what the Lower House may consider to have been thoroughly discussed may be viewed differently by the Senate considering its nationwide viewpoint.

On the matter of "passing the buck" which many consider to be a human defect inherent in a two-chamber system, inasmuch as one body might simply assume that the other had thoroughly studied and discussed the issues, Mr. Padilla remarked that in a bicameral system there would be no buck-passing as both Chambers have to approve the measure by at least a majority vote. He added, moreover, that it would be a concurrent, common responsibility of both Houses.

As to whether one House would not rely on the actuations of the other House, Mr. Padilla stated it will not be so since the Senate, should it find that the Lower House has extensively discussed the issue and considered its merits and demerits, may take this into account especially to avoid duplication. The Senate, he said, has to consider the merits and demerits of the measure but that it may involve less discussion.

REMARKS OF MR. BERNAS

Thereafter, Mr. Bernas spoke in favor of a unicameral legislature. He placed the discussion on the legislative system in the context of the ongoing revolution inasmuch as the Members have been called to the Constitutional Commission by a revolutionary government, revolutionary in the sense that it is a government brought about by the February revolution.

He noted that what the Body is trying to formulate is a Constitution which will set up the structure capable of continuing the goals of the revolution.

He stated that the February revolution was primarily a political one which released the Filipino people from political oppression that was institutionalized under the old regime. He said that the Commission had just completed the most liberal Bill of Rights the nation ever had and that it would be the solid ground upon which the success of the political revolution would rest. Nevertheless, he noted that the social revolution would still have to be completed.

Mr. Bernas mentioned that among the political guarantees contained in the Bill of Rights and in many proposals submitted to the Commission some were self-executory but that in the matter of guarantees of social and economic rights the Body had only set goals for future legislations to attain. He stressed the need for a legislature that is capable of obtaining such goals inasmuch as the Commission cannot legislate fully effective means to attain them; adding, moreover, that the legislature must be capable of pushing these goals which would be easily subject to pressures specially from the 70 percent of the underprivileged masses. He argued that the Upper House is essentially a House insulated from pressure below and tends to be protective of monied and propertied interests. He referred to the formation of the United States Federal Government which he maintained was manipulated by the propertied classes to move government away from the people so that it could be less subject to the pressures from the poor, the farmers, the debtors.

He recalled that a social justice provision was placed in the 1935 Constitution, amended by the 1973 Constitution and that the present Constitutional Commission is going through the process of formulating such provision although it will not legislate but only sets goals.

He argued that the legislature would be susceptible to pressures of people power if they are forced to interact with their constituencies so that should they lose in one constituency, they cannot recoup such loss in another constituency where they may not be well known. In this sense, he noted, a unicameral body can be more democratic and capable of achieving the economic and social revolution.

He mentioned arguments in favor of bicameralism — that it would draw to the legislature more mature, experienced and able men but argued that should there be only one body these people will have nowhere to go except to that one body. As such, he said, they would be subject to the pressures of people power.

On the argument that bicameralism would be less susceptible to bribery and control of the legislature by vested interests thus ensuring its independence, Mr. Bernas noted that they would be less susceptible to pressures of people power.

As to the argument that bicameralism would provide a means of securing national views on public questions, Mr. Bernas cited the innumerable talk shows on television and radio where national interest issues are widely discussed more than in any deliberative assembly.

As to the Senate serving as a good training ground for future leaders, Mr. Bernas stated that a unicameral body can do as well specially if it is exposed to the different communication media. Representatives, he opined, will be forced to think, not just in terms of local realities but also in terms of the greater good of the nation as their presence in the legislature will depend upon their interaction with their constituencies to whom they will have to listen, specially to the masses of underprivileged in their constituency.

In summary, Mr. Bernas stated that the legislature the country needs would be a body that is not removed from those who will benefit from the peaceful social and economic revolution. He opined that a unicameral body, whose Members have been elected by constituencies, would be in a better position to reflect the sentiments of the masses of underprivileged.

REMARKS OF MR. GASCON

In support of unicameralism, Mr. Gascon noted that the Commission's duty is to continue a revolution started by the struggles of the people since the time of the Katipunan, a revolution which must be directed towards social upliftment where the basic social inequality in Philippine society can be addressed.

He noted that after World War II, Philippine political democracy has been dominated by a particular ruling economic elite. He mentioned that at this fourth attempt to draw up a Constitution, people should be given power and direct access to the centers of decision-making power.

He stated that the basic issue to address in the discussion on the legislative system would be how to make the structures of government closer to the people and how to empower the people directly by providing them access to the centers of decision-making.

He stated that the first thing the people must be assured of is that the legislative body will not be merely an interaction among Members of the body but rather an interaction between the representatives and the people themselves. He supported Mr. Bernas' position that the legislative body must have concrete interaction and must be willing to respond directly to the desires of the people.

Secondly, Mr. Gascon pointed out that a unicameral legislature will be more appropriate for the development of a new kind of politics based on issues rather than personalities, through which genuine popular democracy can be developed. A unicameral system, he stated, should also have direct sectoral representation to make the legislature more responsive to the genuine and immediate needs of the people.

On his other arguments in favor of unicameralism, Mr. Gascon pointed out that 1) it would afford a simpler governmental organization because only one legislature would exercise the responsibility of formulating the nation's public policy; 2) it would provide effective control over the country's fiscal policies and annual budget appropriations; 3) it is more democratic in the sense that the people, as a nation, have only one national interest which is to respond to the needs of the poor, the deprived and the oppressed in order to create a continuum for a social revolution; 4) it would afford greater representation for the various sectors of society considering that having an Upper House promotes personalities who are projected based only on their popularity and, therefore, access to it is virtually impossible; and 5) it would eliminate unwarranted distinctions between Senators and Representatives which are without basis because they exercise the same functions and that the sense of prominence accorded Senators is a vestige of aristocratic origin which should not be encouraged.

On his arguments against bicameralism, Mr. Gascon underscored that 1) a two-chamber Congress is no assurance of better considered and better deliberated legislation in view of the fact that, although it affords double consideration of bills, it might encourage the two Houses to hastily pass legislation on the assumption that the other House would review the same; 2) there would be duplication of efforts and that the Senate would be a stumbling block to progressive legislation emanating from the House of Representatives; 3) serious deadlocks may occur in the enactment of important measures where there are varying interests between the majority in the House of Representatives and the majority in the Senate; 4) the Senate would not represent the poor but protect the interest of the rich because only the wealthy could make it to the Senate due to the prohibitive costs of campaign which only rich candidates could afford; and 5) the Senate would not really produce future leaders in the country. He opined that the history of struggle against dictatorship has shown that the country does not need an elite body of nationally elected individuals to train as future national leaders as the people could assert their own national interest and would not need a group of elite people to speak for them.

Additionally, he stated that the country does not need the Senate as a training ground for national leaders citing the cases of Presidents Magsaysay, Macapagal and Aquino who were never Members of that body.

SUSPENSION OF SESSION

On motion of Mr. Romulo, the session was suspended until two-thirty in the afternoon.

It was 12:26 p. m.

RESUMPTION OF SESSION

At 2:49 p. m., the session was resumed.

INTERPELLATION OF MR. TINGSON ON MR. BERNAS

On the initial query of Mr. Tingson, Mr. Bernas affirmed that the implementation of social and economic goals could be more effectively done by a unicameral legislature.

On the contention that these goals could be better effected by legislators who are elected on a nationwide basis considering that these goals are national in scope, Mr. Bernas stated that social and economic goals are national in scope in the sense that these are pervasive but more than this, these goals are very local because they affect

individuals, hence the need for a legislature which has a better feel of their desires and of legislators who have some time lived with the masses so that they can really function in their behalf.

Relating the experiences of two Members of the Commission, one a veteran Senator and the other, a veteran Congressman, Mr. Bernas stated that during election campaigns, the Senator had easier time than the Congressman who had to feel the sentiments of the people by actually mixing with them. On the basis of these experiences, Mr. Bernas opined that the Members of the House of Representatives were in a better position to assess the sentiments and suffering of the masses.

On the contention that persons elected to the Upper House are not political novices in the sense that they had prior acceptance in their districts and, therefore, could be considered as statesmen rather than politicians, Mr. Bernas agreed on the need for statesmen but disagreed to the suggestion that having only one legislative body would not produce similar statesmen. He pointed out that in a unicameral body, representatives would be in closer contact with the masses.

On the observation that in America, the people who were elevated to the presidency had their training in the Senate, Mr. Bernas pointed out that America should not be made the model for the Philippine government because it started from local governments. Adverting to the records of the Constitutional Convention of the United States, specifically on the debates between the Federalists and the Anti-Federalists, Mr. Bernas stated that the tenor of the arguments of the Federalists was precisely to create a federal government removed from the people in order to silence the oppressed masses. He stressed that the American Constitution is not a democratic constitution.

On whether the February revolution was against the political structure that gave rise to the despotic rule of the discredited regime, Mr. Bernas opined that if the people in EDSA were asked what they thought of a unicameral or bicameral legislature, the majority would have said it had no relevance to what they were fighting for because at that time all that they wanted was to get rid of Mr. Marcos.

Mr. Tingson stated that since the matter was far from the people's minds during the February revolution, the Constitutional Commission should address this question in their behalf, to which Mr. Bernas disagreed stating that the Commission could not claim that its Members are better and wiser than the masses adding that he never wished to project the legislature to be created as an elitist legislature.

INTERPELLATION OF MR. NATIVIDAD

In his interpellation, Mr. Natividad confirmed the rigorous and difficult campaign which a Congressman has to undergo in order to solicit votes from the masses. He also recalled that in the Old Congress it was a practice for Congressmen to ask Senators' favors on bills passed in the Lower House that needed the approval of the Senate. He stressed that doing away with this practice is a justification for a unicameral body whose Members would then have to stand on their commitments guided only by their conscience.

Furthermore, Mr. Natividad pointed out the delays which a bill has to undergo with two Houses. On hasty legislation, he stated that while the House of Representatives had the Senate, the President's veto and the courts which provided the check and balance, the proposal contains several safeguards, like the system of initiative and recall, as potent system of check and balance adding that there can be no more potent obstacle to maturation than the thought that there would always be somebody to correct one's act.

Finally, Mr. Natividad warned on the pork barrel system and public works projects which had been prevalent in the past. He suggested that in the establishment of a unicameral body this problem should be addressed, in reply to which Mr. Bernas took note of Mr. Natividad's suggestion pointing out that the people have reached a degree of

political maturity to be able to cope with the problem should there be an attempt to reintroduce this practice.

REMARKS OF MR. BENGZON

At this juncture, Mr. Bengzon, adverting to certain arguments in favor of a unicameral system, expressed disagreement to the observation that the Senate was set up by the elitist group. He pointed out that while there were certain business blocs which supported candidates for the Senate, they likewise voted people for the House of Representatives.

He stated that despite the fact that the Members of the House of Representatives were closer to the people because of the fact that they devoted more time campaigning on a one-to-one basis than the Members of the Senate, the latter could look at all these parochial problems and coordinate them with national problems.

He maintained that if people power is able to monitor the activities of Members of the House of Representatives, the same people power can monitor the activities of the Members of the Senate who are not exempt from criticisms from people all over the country, because while the former are accountable to their own constituencies, the latter are responsible for coordinating parochial proposals with national problems.

Finally, he underscored that the Members of the Senate were the first to protest against the evils of martial law despite the risk of being arrested, and even when many people were in favor of martial rule. He observed that other than the last Members of the Senate, no people power or parliament of the streets tried to oppose the dictatorship.

REMARKS OF MR. PADILLA

On Mr. Gascon's statements that the Members of the Senate represented special interests and that the Senate was an elitist body composed of expensive Members, Mr. Padilla pointed out that the record of the Senate would refute said accusations.

He disclosed that senatorial campaigns were much less expensive than those for Members of the House of Representatives, because based on his experience, his expenses were shouldered by the party with personal expenses limited to personal propaganda.

He also opined that there was no basis in Mr. Bernas' argument that the Senate is isolated from the people. He stated that the Americans like Jefferson and Madison, who were accused of isolating the masses, were in fact responsible for the Declaration of Independence and were founders of the American Constitution, both of which stress democracy as a government of the people, by the people and for the people.

On the matter of attaining social and economic goals, he stressed that in order to know the national sentiment and to feel the public pulse, it is not enough to recognize local or parochial problems, but also to understand them from a national viewpoint. He stated that people power should be enlightened public opinion.

INTERPELLATION OF MR. MAAMBONG

In reply to Mr. Maambong's query on the safeguards against the abolition of the legislature by the President, considering the experiences in the Seventh Congress and in the First Regular Batasang Pambansa, Mr. Davide pointed out that the Article on the National Assembly provides for a legislature that could withstand pressures from the President. He stated that the Question Hour is one of the measures that would even subject the President and the members of his Cabinet to vigorous questioning and expose whatever evils may be committed by them. He also cited the power of the legislature to concur in treaties and international agreements, and to consent to the

proclamation of martial law and the suspension of the privilege of the writ of habeas corpus. He, however, stated that another people's revolution would not spare the legislature's fate.

He also pointed out that no provision on dissolution as understood in a parliamentary form of government was provided in the Article because the parliamentary form of government had not been adopted.

PARLIAMENTARY INQUIRY OF MR. FOZ

At this juncture, in reply to Mr. Foz' inquiry on whether the Body was adhering to its previous arrangement that after the discussions on the pros and cons of the unicameral and bicameral systems, it would proceed with the voting on the issue, the Chair noted that Mr. Maambong's interpellation was still part of said discussion.

INTERPELLATION OF MR. MAAMBONG

(Continuation)

In reply to a previous query, Mr. Guingona also explained that despite the President being the Commander-in-Chief of the Armed Forces, it is the legislature which has the sole power to declare war. He also noted that not all restrictions on the powers of the President could be found in the Article on the National Assembly; like the legislative prerogative to initiate impeachment proceedings which could be found in the Article on Accountability of Public Officers.

In connection with Mr. Maambong's apprehension on the dissolution of the legislature, Mr. Regalado pointed out that under Section 15 of the proposed Article on the Executive, the state of martial law would not suspend the operation of the Constitution nor supplant the functions of civil courts or legislative bodies.

Mr. Maambong stated that he was expecting a definite provision that changes in the Executive would not affect the continued existence of the legislature, it being composed of elected representatives.

On the continuity of the legislature, Mr. Davide explained that in a bicameral system, it is possible that in a given election, after the expiration of term of, say, one half of the Senate Members, the outcome will be a new mandate from the people, which situation may be chaotic if the ruling majority in the two Chambers belong to different parties. He stated, however, that in a unicameral legislature, the term of all the Members begins on the 30th day of June and ends four years thereafter upon assumption of new Members; hence, a continuing legislative body.

Commenting on Mr. Maambong's statement that in the case of a unicameral system there is easier control by the President, Mr. Davide stated that with the report of the Committee on the Executive, of which he is a Member, the country would never have a very strong President who could dictate upon the Members of the National Assembly.

REMARKS OF MR. VILLEGAS

Mr. Villegas opined that from the standpoint of economics, there should be legitimate vested interests in a democracy. For this reason, he stated that he would be for bicameralism as long as the Members of the Senate would be elected at-large.

He explained that an enlightened parochialism is very necessary for the principle of subsidiarity to be actually implemented so that Congressmen should be encouraged to defend their legitimate vested interests which they alone could assess because they are the ones closest to the problems.

He opined that the role of the Senate then, where representatives are more detached from sectoral problems, would be to look for the common good in balancing the various vested interests especially in the field of economics which is the science and art of attaining multiple and oftentimes conflicting objectives with limited

resources.

REMARKS OF MR. BENNAGEN

Mr. Bennagen stated that contrary to the argument that unicameral legislature representatives would have parochial interests and would therefore be extremely difficult to develop into national leaders, the Filipinos have become more perceptive of the inter-connectiveness of local lives and local problems with those of the national and international orders.

He stated that his experience during the public hearings showed that more people had become aware of their rights and this awareness would prod them to exert more pressure on their local representatives to be more responsive to their needs.

He added that with numerous sectoral organizations, many people are evolving as national leaders. Thus, he stressed that a unicameral legislature would be more democratic and responsive.

SUSPENSION OF SESSION

Upon request of Mr. Romulo, the Chair suspended the session.

It was 3:57 p.m.

RESUMPTION OF SESSION

At 4:06 p.m., the session was resumed.

MOTION OF MR. DE CASTRO

On motion of Mr. de Castro, there being no objection, the Chair ruled that voting on the prejudicial question would be by Roll Call vote.

Thereupon, Mr. de Castro moved that the absent Members be given the opportunity to cast their votes at a later date.

Mr. Rodrigo objected on the ground that it would be against the Rules.

Mr. Romulo seconded Mr. Rodrigo's objection on the ground that the motion would call for a suspension of the Rules and would set a bad precedent.

The Chair ruled that the motion would be considered after the voting.

NOMINAL VOTING ON THE PREJUDICIAL QUESTION

Mr. Romulo suggested that the voting be on the basis of whether or not Members are in favor of a unicameral legislature.

Mr. Rodrigo suggested that each Member instead indicate whether he is for a unicameral or a bicameral legislature since there would be nominal voting.

Mr. Romulo accepted Mr. Rodrigo's suggestion.

Thereupon, the Chair directed the Secretary-General to call the Roll for nominal voting.

Thereafter, a second Roll Call was made.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor of a Unicameral System

Abubakar Monsod

Azcuna Natividad

Bennagen Quesada

Bernas Regalado

Brocka De los Reyes

Concepcion Sarmiento

Davide Suarez

Foz Tadeo

Garcia Tan

Gascon Treñas

Lerum Villacorta

In favor of a Bicameral System

Alonto Bengzon

Aquino Rosario Braid

Bacani Calderon

De Castro Rigos

Guingona Rodrigo

Jamir Romulo

Maambong Rosales

Nieva Sumulong

Nolledo Tingson

Ople Uka

Padilla Villegas

Rama

With 22 Members voting for a unicameral system and 23 Members voting for bicameralism, the Body approved

the proposal for a bicameral legislature.

SUSPENSION OF SESSION

A this juncture, the Chair suspended the session.

It was 4:20 p.m.

RESUMPTION OF SESSION

A 5:07 p.m., the session was resumed.

Mr. de Castro withdrew his second motion.

MANNER OF REPRESENTATION IN THE SENATE

Thereafter, in reply to Mr. Romulo's inquiry, Mr. Davide, as Chairman of the Committee on the Legislative, stated the Committee's desire to have voting on the manner of representation in the Senate — whether by region or at-large — in order to guide the Committee in drafting the amendments to the Committee Report.

INQUIRY OF MR. OPLE

At this juncture, Mr. Ople inquired if the Floor Leader would welcome arguments each for regional and for national representation before proceeding to a vote. Mr. Gascon, however, suggested that the speakers be not limited to one on each side in order to allow other Members to express their ideas thereon.

There being no objection, the Chair adopted Mr. Gascon's suggestion stating, however, that the remarks should be as brief as possible and without interpellations.

REMARKS OF MR. OPLE

Mr. Ople spoke in favor of an Upper House elected on a nationwide basis. He stated that the Constitutional Commission had voted in favor of a bicameral legislature because the Members believed that a Lower House elected by districts would be most effective in representing the component districts, provinces and cities in the country while at the same time, an Upper Chamber would balance the parochial interests of the district representatives with a wider national outlook. He opined that should the Senators be elected on a regional basis the *raison d'être* for the existence of an Upper Chamber might be nullified as many political dynasties would prefer a Senate elected by regions to ensure that their candidates win the elections. He maintained that Senators elected at-large would be free from allegiance to the political warlords in their respective regions and could be motivated to work for the interests of the nation above regional interests since they have a national mandate.

Mr. Ople, moreover, noted that under the 1973 Constitution, only the President and the Vice-President were elected nationwide and this would give these two officials superior domination in the scheme of political matters in spite of Constitutional safeguards, whereas a Senate elected nationwide would break the monopoly inasmuch as the 24 Senators would also be elected at-large.

REMARKS OF MR. GASCON

In his remarks, Mr. Gascon stated that the country is undergoing a continuing social revolution and that the Commission must therefore make the structures of government closer to the people by encouraging a new kind of politics based on issues responsive to the needs of the people, one of which is by voting for a bicameral legislature

elected by regions. He opined that if the elections would be conducted nationwide, there would be a tendency for the polarization of two parties on the national level. He pointed out, however, that if the Body were to approve a bicameral legislature with the Senate elected by region, it would encourage genuine participation by the people and consequently encourage local parties to compete with each other.

Mr. Gascon expressed apprehension that a two-party system would be dominated by personalities, logistics and machinery and would veer away from encouraging a new kind of politics based on issues and programs responsive to the people which, he reiterated, could only be achieved if the Senate were to be voted by region.

He supported Mr. Bennagen's position that one does not have to be elected at-large to have a national perspective but that the real factor towards having such perspective is the love for the masses. He then urged his colleagues to support a bicameral legislature elected by region in order to provide in the Senate an avenue for the local parties to develop, thus preventing a monopoly of two political parties with contending ideologies.

REMARKS OF MS. AQUINO

Ms. Aquino opted for an Upper House elected nationwide, stating that a bicameral legislature is essentially a stronger legislature pitted against the tentacles of an Executive that would want to encroach upon its domains.

On the apprehension that an Upper House elected nationwide would only consolidate the position of the elite and traditional politicians, Ms. Aquino pointed out that people's organizations and cause-oriented groups are in a better position, politically and logistically, to successfully launch organic leaders to transcend parochial interests and to be able to capture the popular imagination for national leadership. She underscored that an Upper House elected nationwide and a Lower House elected by region would lead the country to an era of new people's politics.

REMARKS OF MR. BENGZON

Mr. Bengzon stated that the arguments expressed by Ms. Aquino spoke in no uncertain terms the points he wanted to raise. He stated, however, that the concepts of freedom, justice and democracy are certainly not parochial in the sense that they transcend and know no bounds insofar as the country and people are concerned.

He contended that electing the Senators by region could lead to a situation whereby Senators would only be looking after the interests of their respective regions; but electing them on a nationwide basis could impress upon them the obligation to look after the national interest. He stated that it is enough that Congressmen attend to the day-to-day needs of their constituents with the Senator who hails from the same region acting as the catalyst not only to ensure the best interest of the region but also the best interest of the nation.

REMARKS OF MR. PADILLA

On the observation that electing the Senators nationwide could limit the parties to two, Mr. Padilla explained that in the past it was limited to two parties because the electoral system recognized the rights of said two parties, which had received the highest number of votes and the second highest number of votes.

He recalled a political situation like the one in 1957 which featured four (4) sets of candidates for President, Vice-President and eight Senators. He stated that sectoral districts could cause undue advantage to a candidate coming from a big province to the disadvantage of candidates from smaller provinces, whereas an election nationwide would not suffer from such handicap. He also pointed out that a warlord candidate with a secret army could intimidate the electorate and unduly jeopardize the chances of an honest but capable opponent from said region, whereas in an election nationwide, a good candidate acceptable to majority of the people throughout the nation would be elected, even if a small district is controlled by a warlord.

REMARKS OF MR. SARMIENTO

Mr. Sarmiento stated that during and after martial law, many of those who fought against the forces of tyranny, dictatorship and darkness were Senators who were elected at-large because they knew deep in their hearts that they had the national support.

He maintained that in an election of Senators by region, the people would be electing men with regional and parochial interests. He then urged for the election of Senators on a national basis.

VOTING ON THE ISSUE OF REPRESENTATION

Thereupon, the Chair put the issue to a vote. With 31 Members voting in favor of electing Senators on a nationwide basis, 8 for their election by region, and 1 abstention, the Chair declared the first option approved by the Body.

INQUIRY OF MR. RODRIGO

In reply to Mr. Rodrigo's inquiry on whether the Body should also vote on the issue as to how the Members of the Lower House would be elected, Mr. Davide stated that the Committee on the Legislative had already recommended election by district and that the same mode of representation would be made applicable to the Lower House. He stated, however, that the Committee would reassess the matter.

INQUIRY OF MR. SUAREZ

On whether the 20% representation from the multi-sectoral organizations would also apply to the Members of the Senate, the Chair replied that the Committee would study the matter.

REMARKS OF MR. BENGZON

At this juncture, Mr. Bengzon manifested that it would take the Committee on the Legislative one day to make the necessary adjustments in accordance with the result of the voting just had.

Thereupon, after consultation among the Committees concerned, the Body decided to take up in the next session the provisions in the Article on the Legislative which were not affected by the said voting.

ADJOURNMENT OF SESSION

Thereafter, on motion of Mr. Bengzon, there being no objection, the Chair declared the session adjourned until nine-thirty in the morning of the following day.

It was 5:59 p.m.

I hereby certify to the correctness of the foregoing.

(SGD.) FLERIDA RUTH P. ROMERO
Secretary-General

ATTESTED:

(SGD.) CECILIA MUÑOZ PALMA
President

Approved on July 22, 1986

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