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Friday, August 1, 1986

CALL TO ORDER

At 9:52 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. Bernardo M. Villegas, to wit:

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

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

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

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

Amen.

ROLL CALL

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

Aquino, F. S. Quesada, M. L. M.

Azcuna, A. S. Rama, N. G.

Bacani, T. C. Regalado, F. D.

Bennagen, P. L. De los Reyes, R. F.

Bernas, J. G. Rigos, C. A.

Rosario Braid, F. Rodrigo, F. A.

Calderon, J. D. Romulo, R. J.

De Castro, C. M. Rosales, D. R.

Davide, H. G. Sarmiento, R. V.

Foz, V. B. Suarez, J. E.

Gascon, J. L. M. C. Sumulong, L. M.

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

Jamir, A. M. K. Tan, C.

Monsod, C. S. Tingson, G. J.

Nieva, M. T. F. Uka, L. L.

Nolledo, J. N. Villacorta, W. V.

Muñoz Palma, C. Villegas, B. M.

With 34 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar, Y. R. Lerum, E. R.

Bengzon, J. F. S. Maambong, R. E.

Brocka, L. O. Natividad, T. C.

Concepcion, R. R. Ople, B. F.

Garcia, E. G. Padilla, A. B.

P.M.

Alonto, A. D. Laurel, J. B.

Colayco, J. C.

Mr. Treñas notified the Constitutional Commission, through the Secretariat, of his absence.

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 read the titles of the following Communications which were, in turn, referred by the Chair to the Committees hereunder indicated:

Communication No. 404 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 405 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 406 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 407 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 408 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON PREAMBLE, NATIONAL TERRITORY AND DECLARATION OF PRINCIPLES

Communication No. 409 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 410 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 411 — Constitutional Commission of 1986

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

TO THE STEERING COMMITTEE

Communication No. 412 — Constitutional Commission of 1986

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

TO THE STEERING COMMITTEE

Communication No. 413 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND OBLIGATIONS AND HUMAN RIGHTS

Communication No. 414 — Constitutional Commission of 1986

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

TO THE STEERING COMMITTEE

Communication No. 415 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON CITIZENSHIP, BILL OF RIGHTS, POLITICAL RIGHTS AND
OBLIGATIONS AND HUMAN RIGHTS

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 26 ON PROPOSED RESOLUTION NO. 517 ON
THE ARTICLE ON THE EXECUTIVE

On motion of Mr. Rama, there being no objection, the Body resumed consideration, on Second Reading, of Proposed Resolution No. 517, entitled:

Resolution to incorporate in the new Constitution an Article on the Executive.

Thereupon, the Chair recognized the Sponsors for the continuation of the period of amendments.

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

At this juncture, the Chair acknowledged the presence in the gallery of students from Maryknoll College, Ateneo de Manila University, St. Scholastica's College, Philippine Normal College, St. Bridget's College (Quezon City) and St. Bridget's College (Batangas). The Chair thanked the students for showing interest in the deliberations of the Body.

RESTATEMENT OF MR. JAMIR'S PROPOSED AMENDMENT

Thereupon, Mr. Jamir restated his proposed amendment to insert a new paragraph between the first and second paragraphs of Section 4 to read as follows:

NO PERSON WHO HAS SERVED MORE THAN THREE YEARS AS PRESIDENT SHALL BE
QUALIFIED FOR ELECTION TO THE SAME OFFICE AT ANY TIME.

In reply to Mr. Sumulong's inquiry on the rationale for including the phrase "at any time", Mr. Jamir explained that it is to make it coincide with the provision which bars the President from running for any reelection.

In this connection, Mr. Regalado stated that Mr. Monsod was toying with the idea of moving for a suspension of the Rules to pave the way for a motion for reconsideration of the approval of the amendment which provides that the President cannot run for reelection and to reinstate the words "immediate reelection". He stated that should the Body give due course to the motion for reconsideration and approve the intended amendment, the phrase "at any time" would have to be substituted with the phrase IN THE NEXT SUCCEEDING ELECTION, to which Mr. Jamir agreed.

Thereupon, upon suggestion of the Chair, the Body agreed that a caucus be held to consider more thoroughly Mr. Monsod's proposal and other related matters.

Mr. Jamir agreed to a deferment of the consideration of his proposal to a later time.

Mr. Regalado manifested the Committee's acceptance in principle of Mr. Jamir's proposal, subject to the adjustment indicated.

MOTION TO CLOSE THE PERIOD OF AMENDMENTS

Thereupon, Mr. Rama moved to close the period of amendments, subject to the reservations of Mr. Jamir and the Committee.

At this juncture, on Mr. Monsod's query whether the clause "the vote of the majority of all Members of Congress" wherever found in the Article, means that the Members of both Houses would vote separately, except when the

President declares martial law, Mr. Bernas replied that there are actually two exceptions wherein the Members of both Houses would have to vote jointly: 1) the concurrence on the President's declaration of martial law; and 2) the revocation or extension of martial law.

Thereafter, Mr. Rama's motion was submitted to a vote, and there being no objection, the same was approved by the Body.

Mr. Rama manifested that voting on Second Reading on the Article on the Executive would have to be deferred until clean copies thereof, as amended, shall have been distributed to the Members and that voting on Third Reading on the Article on Accountability of Public Officers would likewise be deferred upon request of Mr. Foz, the Committee Chairman.

MOTION OF MR. RAMA

Thereafter, Mr. Rama moved for consideration of the pending matter on party list and sectoral representation in the Article on the Legislative Department.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 10:13 a. m.

RESUMPTION OF SESSION

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

MANIFESTATION OF MR. RAMA

Upon resumption of session, Mr. Rama manifested that the Body would take up the motion for reconsideration filed by Mr. Gascon on the vote taken relative to Proposed Resolution No. 322, in the Article on Amendments to the Constitution, which had been pending in the Calendar of Business. Thereupon, he moved that Mr. Gascon be recognized.

MOTION FOR RECONSIDERATION OF MR. GASCON

On Section 2 of Proposed Resolution No. 322, Mr. Gascon appealed to the Body for the deletion of the phrase "nor oftener than once every five years thereafter" stating the following reasons: 1) that by enshrining the initiative process in the Constitution, the Body recognizes the supreme will of the people over the Legislature composed only of their elected representatives; 2) that the principle that sovereignty resides in the people is contradicted by the limitation in the draft provision that the exercise of initiative by the people should be supported by at least 12 per cent of the qualified voters; and 3) that the three per cent requirements for every legislative district serves as a check on the power to amend through initiative, because the same is not easy to garner.

REMARKS OF MR. SUAREZ

Reacting to the remarks of Mr. Gascon, Mr. Suarez, on behalf of the Committee on Amendments and Transitory Provisions, stated that the matter was exhaustively discussed and he would leave it to the Body to decide.

INQUIRY OF MR. BERNAS

On Mr. Bernas' query on the rationale for the deletion of only the last phrase of Section 2, Mr. Gascon stated that the last phrase would be too much of a restriction on the people as far as amending the Constitution is concerned.

On why he was not requesting for the reconsideration of the entire sentence adverted to, Mr. Gascon explained that this was in agreement with the Committee Chairman, who opined that the Constitution should be put into practice for at least five years after its ratification to allow the people to have a better understanding of its workings to be able to present amendments later.

He affirmed that the Legislature is superior to the people in the matter of amending the Constitution considering its power to propose amendments during the first five years.

REMARKS OF MR. OPLE

Mr. Ople stated that he was the original author of the amendment on initiative, and pointed out that after some reflection, he is inclined to support the proposed amendment of Mr. Gascon if the latter could ensure that the power of initiative will in no way be inferior to the power of Congress to constitute itself into constituent assembly or to call a national convention. He added that it would be prudent to leave the Constitution untouched for the first five years, and that no restrictions would be provided afterwards on the number of times the people could invoke the power of initiative.

REMARKS OF MR. RIGOS

Mr. Rigos expressed support for the proposed amendment of Mr. Gascon stating that the proposal would give substance to the sovereign power of the people vis-a-vis that of Congress in proposing constitutional amendments.

INQUIRY OF MR. SARMIENTO

On Mr. Sarmiento's query whether Mr. Gascon would be amenable to three years instead of five years as provided, the latter stated that he actually feels that no time limit should be provided at all, but for practical reasons, the matter should be left to the Legislature since the mechanism is provided for in the provision.

REMARKS OF MR. ROMULO

Speaking against the proposed amendment of Mr. Gascon, Mr. Romulo stated that he was not in favor of relaxing the provision since amendment by initiative is an extraordinary remedy. He stressed that this remedy is only in its experimental stage, and that it should be given a chance to work. He stated that in the United States, particularly in California, many frivolous proposals were made when this power was vested in the people for the first time. He underscored the fact that soliciting for the required number of signatures would be an expensive process.

Reacting thereto, Mr. Gascon agreed that soliciting signatures is not easy. He agreed to the earlier suggestion of Mr. Sarmiento to reduce the period to three years because it would synchronize the elections.

INQUIRY OF THE CHAIR

In reply to the Chair's query on whether Mr. Gascon was adopting Mr. Sarmiento's proposal to change the period from five years to three years, Mr. Gascon stated that the matter should be left to the Legislature.

INQUIRY OF MR. BACANI

On Mr. Bacani's query whether Mr. Gascon agrees to the fact that the delegator should have more power than the delegate, Mr. Gascon answered in the affirmative.

VOTING ON THE MOTION OF MR. GASCON

Submitted to a vote, and with 18 Members voting in favor, and 14 Members voting against, the Body approved the reconsideration of the approval of Resolution No. 322, on Second Reading.

RESTATEMENT OF MR. GASCON'S PROPOSED AMENDMENT

Thereupon, the Chair directed Mr. Gascon to restate his proposed amendment.

Mr. Gascon then proposed on Section 2 of the Article, to put a period (.) after "Constitution" and to delete "nor oftener than once every five years thereafter".

INQUIRY OF MR. MONSOD

Speaking against the proposed amendment, Mr. Monsod inquired if Mr. Gascon is aware that the process of obtaining the required signatures and the procedure that would follow is in itself tedious and expensive, to which Mr. Gascon replied that he is aware of it, stating that democracy is never easy.

Mr. Monsod opined that what the Body is doing is balancing reserve power with the principle of representation.

REMARKS OF MS. TAN

Ms. Tan also expressed disagreement to Mr. Gascon's proposal stating that not all people are nationalists and opening the floodgates would only allow the anti-nationalists to create trouble.

VOTING ON MR. GASCON'S AMENDMENT

Submitted to a vote, and with 13 Members voting in favor, 33 against, the proposed amendment was lost.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 10:52 a. m.

RESUMPTION OF SESSION

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

COMMENTS OF MR. GARCIA

Upon resumption of session, Mr. Garcia commented that the power of the people can still be employed in the intervening years, to urge Congress to make the necessary amendments. He observed, however, that synchronization of the referendum with the elections would be a more effective manner of pursuing amendments to the Constitution.

STATEMENT OF THE CHAIR ON THE PARLIAMENTARY SITUATION

Thereupon, on the parliamentary status, the Chair stated that the Body had reconsidered the approval of Resolution No. 322 on Second Reading to accommodate the amendment of Mr. Gascon, in view of which, the Body would have to vote again on Second Reading on the Resolution.

APPROVAL ON SECOND READING OF RESOLUTION NO. 322

Submitted to a vote, and with 28 Members voting in favor, none against and 1 abstention, the Body approved, on Second Reading, Proposed Resolution No. 322, providing for the procedure of amending the Constitution.

APPROVAL ON THIRD READING OF PROPOSED RESOLUTION NO. 322, AS AMENDED

Thereafter, on motion of Mr. Bengzon, there being no objection, the Chair declared in order voting on Third Reading on Proposed Resolution No. 322, entitled:

Resolution to include in the new Constitution an Article providing the procedure for its amendments.

The Secretary-General called the Roll for nominal voting and thereafter a second Call was made.

EXPLANATION OF VOTES

By Mr. Gascon

In registering his abstention, Mr. Gascon stated that while the Article has introduced a new procedure to amend the Constitution through initiative by the people, it contains too many limitations and restrictions on the exercise of such initiative. He stated, however, that he respects the decision of the majority.

By Mr. Rodrigo

Mr. Rodrigo stated that he was voting Yes on the Resolution notwithstanding his misgivings because he found the other sections good and necessary.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor:

Aquino Nolleto

Azcuna Ople

Bacani Padilla

Bengzon Muñoz Palma

Bennagen Quesada

Bernas Rama

Rosario Braid Regalado

Brocka de los Reyes

Calderon Rigos

de Castro Rodrigo

Concepcion Romulo

Davide Rosales

Foz Suarez

Garcia Sumulong

Guingona Tadeo

Jamir Tan

Lerum Tingson

Maambong Uka

Monsod Villacorta

Natividad Villegas

Nieva

Against: Abstention:

None Gascon

With 41 Members voting in favor, none against and one abstention, the Body approved, on Third Reading, Proposed Resolution No. 322 on the Article providing the procedure for amendments to the Constitution, as amended.

Thereafter, Mr. Bengzon announced that should clean copies of the Article on the Executive be distributed before noon, the Body would vote on Second Reading on the Article at the first hour of the afternoon session.

UNFINISHED BUSINESS: COMMITTEE REPORT NO. 22 ON THE PROPOSED RESOLUTION ON THE ARTICLE ON THE LEGISLATIVE

On motion of Mr. Bengzon, there being no objection, the Body proceeded to the consideration of the compromise formula for the party list and sectoral representation.

Thereupon, the Chair recognized Mr. Davide, Chairman of the Committee on the Legislative.

At this juncture, Mr. Davide informed that although it was announced that the last matter to be taken up on the Article on the Legislative would be the party list and sectoral representation, the Committee would propose amendments to Sections 3 and 6 to align the terms of the Senators and Members of the House of Representatives with the limitations on reelection.

STATEMENT OF MR. VILLACORTA

Mr. Villacorta reported that proponents of party list system and sectoral representation had met to discuss the issues involved and had arrived at a compromise formula.

PROPOSED AMENDMENT OF MR. MONSOD ON SECTION 5 OF THE ARTICLE ON THE LEGISLATIVE

Thereupon, on page 1 of the draft Article on the Legislative, line 29, after the word "elected", Mr. Monsod proposed to add the following: THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL AND SECTORAL PARTIES OR ORGANIZATIONS AS PROVIDED BY LAW. THE PARTY LIST REPRESENTATIVES SHALL CONSTITUTE TWENTY PER CENT OF THE TOTAL MEMBERS OF THE HOUSE OF REPRESENTATIVES PROVIDED THAT FOR THE FIRST TWO TERMS AFTER THE RATIFICATION OF THIS CONSTITUTION TWENTY-FIVE OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED BY SELECTION OR ELECTION, AS PROVIDED BY LAW FROM THE LABOR, PEASANT, URBAN POOR AND YOUTH SECTORS.

Coauthors of the amendment were Messrs. Villacorta, Bernas, Gascon, Garcia, Davide, Bengzon, Mrs. Nieva, Messrs. Azcuna, Bacani, Rigos, Ms. Tan, Messrs. Suarez, Sarmiento, Ople, Tingson, Guingona, Foz, Romulo, Uka, Mrs. Rosario Braid, Messrs. Villegas and Bennagen.

Mr. Guingona concurred with the proposal of Mr. Monsod but reserved the right to ask clarificatory questions.

PROPOSED AMENDMENT OF MR. TADEO

Mr. Tadeo manifested his intention to introduce an amendment by deletion. Anent the matter on hand, Mr. Tadeo informed that he had conferred with Mr. Monsod and told him that as the representative of the farmers, he would be in a better position to participate in the discussion on the two systems and that Mr. Monsod gave the assurance that no discussion of the systems would take place without representation of the farmers. He recalled that he had a previous engagement at the Institute of Social Truth and Action at the time and upon his return found out that everything had been arranged.

He proposed deleting the clause "that for the first two terms after the ratification of this Constitution", stating that no limitation should be imposed. Mr. Tadeo observed that in framing the Constitution, efforts should be made to make it a truly good one as the Constitution itself shall give political power to the poor or marginalized sector. He noted that the two systems can change the Philippine political system and that specifically Sections 5 and 31 discussed earlier would provide political power to the poor or marginalized sector. He opined that what is important is the substance of the Constitution and not whether the country shall have a presidential or parliamentary form of government.

The government of President Aquino, he observed, came to power through people power which was also responsible for the Constitutional Commission. Nevertheless, he said that power does not reside in the people. He added that the two systems which shall confer that power to the people should be discussed thoroughly by all 48 Members of the Body. He volunteered to lead the free-wheeling discussion and adverted to the last paragraph of page 3 of the Primer on Emerging Issues used by the Body during the public hearings which states, in part, that the Legislature is supposed to implement or give reality to the aspirations of the Filipino people. He noted that experience has shown that legislations have tended to benefit the propertied class which form only a minority of Philippine society and that the greater majority of the people which constitute nearly 70% live below the poverty line. He observed that this situation came about because the rich managed to dominate and control the Legislature and that the question would be how to ensure ample representation of the basic sectors in the Legislature so that

laws shall reflect their needs and aspirations. He recalled that deliberations on the terms of public officials took two days and asked that ample time be given to the matter of party list system and sectoral representation. He noted that the inclusion of "love" in the Preamble should set the direction of the Constitution and recalled that Ambassador Emmanuel Pelaez had praised the move of the Body to include this word. He defined "love" as an act of giving, noting that in the Philippine political system only 5% has political power and asked if "love" in the Preamble would mean giving political power only to that 5%.

Mr. Tadeo concurred with the statement of Mr. Villegas that man was created by God and God did not only create man according to His image but also as a co-creator. He stated that it is for this reason that the Body should frame a Constitution which shall reflect the ideals and aspirations of the Filipino people.

The Constitution, he stressed, should have substance and should not be like a bell which would ring hollow.

He stated that Mr. Monsod last July 22 distributed a memo explaining the party list system and it saddened him to note that many of the Members, in spite of this explanatory note, maintain that they do not understand the party list system. Mr. Tadeo also stated that under the two-party system, if one party gets 51%, the other parties could no longer get seats in the Legislature, while the remaining 49% would have the chance to be a party thereof which, he opined, could be a good start if placed in the Constitution.

He then placed on record his objection to political parties being included in the party list on the ground that political parties, already holding legislative seats, would also hold the seats under the party list thereby displacing sectoral representatives.

Adverting to the Constitution of Egypt, Mr. Tadeo stated that it provides for the members of the people's assembly at least 350 seats, one-half of which should come from the workers and farmers. He stated that, along this line, the sectoral group should have asked for 60% but, considering the science of the attainable, it only settled for 10%. He stressed that the sectoral groups should be given at least 10% representation in the Congress.

Adverting, likewise, to the 1973 Constitution, he stated that Mr. Marcos gave 14 seats to the sectoral groups which, considering the dictatorship prevailing, was something. He opined that under the new government, it could do better by giving 11 additional seats, or a total of 25 seats.

In this connection, he sought to amend the amendment of Mr. Monsod by deleting the phrase "that for the first two terms after the ratification of this Constitution". He then reiterated his request for a 10% sectoral representation in the Lower House.

Thereupon, the Chair reminded the galleries to refrain from any outward manifestation of approval or disapproval in the Session Hall.

QUESTION OF PRIVILEGE OF MR. MONSOD

At this juncture, Mr. Monsod rose on a question of privilege relative to the assertions of Mr. Tadeo which, he stressed, were incorrect. He stated that their agreement was not to take up the matter on the floor because he already gave up the idea of a compromise among those who had proposed the party list system and sectoral representation.

REMARKS OF MR. LERUM

In supporting Mr. Tadeo's amendment, Mr. Lerum explained that organized labor had always been asking for representation in all government bodies which had something to do with the welfare and protection of the workers, and because of its insistence the government, little by little, gave in. He contended that at the time that

there was no lawmaking body after the declaration of martial law, there were tripartite conferences called by President Marcos for the purpose of acting as a recommendatory body regarding settlement of labor and management disputes during which, he opined, labor had shown that it could act with maturity.

As a result, he stated that in 1976, an amendment was introduced to the Constitution providing for sectoral representatives. He stressed that although the number of sectors was not indicated in the Constitution, the Election Code of 1978 provided for three sectors, namely, the Industrial Labor, the Agricultural Labor, and the Youth, having a total of 14 seats.

Mr. Lerum also pointed out that in 1981, the Constitution was again amended in the course of which the labor representatives in the Batasang Pambansa proposed that the sectoral representatives be included as a permanent addition to the law-making body. He stated, however, that the Constitution did not again indicate the number or the name of the sectors. He pointed out that this lack of inclusion was corrected in the Election Code which defines what would constitute the sectors and how the sectoral representatives would be chosen pursuant to Section 27 of Batas Pambansa Blg. 881.

He pointed out that there had been some opposition to sectoral representation at that time, because the representatives thereof had been accused of being tools of President Marcos because of the wrong impression that they had been appointed by him. He stressed that the sectoral representatives in 1978 were elected as provided in the Election Code of 1978 and the records of the Batasan would show that they had been fiscalizers, rather than blind followers of Mr. Marcos. He stressed that they had always acted independently, as the Members of the Commission are now acting independently. He maintained that nobody could dictate to the sectoral representatives because they were responsible, not to the President, but to the sectors which recommended them.

Mr. Lerum also stated that he had to vote alone against 6 Members when the question of sequestration was discussed.

He then reiterated his agreement to the arguments expressed by Mr. Tadeo against Mr. Monsod's proposal. He argued that once the amendment of Mr. Monsod is approved, all the seats reserved for the party list representatives would belong to political parties and the sectors would no longer be represented because the voting would be done by all the voters in the districts or cities concerned. He stressed that the party list would benefit only those political parties which could not elect their own candidates.

In closing, Mr. Lerum read into the record President Aquino's promise to the labor sector during the Labor Day ceremonies when she gave the assurance of labor's meaningful participation in decision-making in all levels of society.

REMARKS OF MR. DE LOS REYES

Mr. de los Reyes stated that he was in favor of giving reserve seats to labor, peasant, urban poor and youth sectors. He gave his reasons therefor by quoting the words of Mr. Jeremias U. Montemayor in his book *Ours to Share*, wherein he stated that:

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

He also stated that the structure of society had assumed that of the inverted pyramid where the few landlords

practically monopolized all economic, social and political power while the vast majority of citizens remained poor, ignorant and politically impotent. Moreover, he stressed that the situation becomes more complicated because the various aspects of economic, social and political problems continue to react upon one another.

In this connection, he stated that the Commission could reach a happy compromise, instead of completely adopting the amendment of Mr. Monsod, by adopting the following phraseology: TWENTY-FIVE PER CENT OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED BY SELECTION OR ELECTION FROM SECTORS WHICH SHALL GRADUALLY DECREASE AFTER EVERY ELECTION FOLLOWING THE FIRST TWO TERMS AFTER THE RATIFICATION OF THIS CONSTITUTION, UNTIL THE RESERVE SEATS ARE NO LONGER NECESSARY AS MAY BE PROVIDED BY LAW.

REMARKS OF MS. AQUINO

Ms. Aquino stated that she was in full agreement with the concept of sectoral representation, however, the bone of contention is on the mechanics of its implementation.

Adverting to the Monsod proposal which speaks of reservation for only two terms after the ratification of the Constitution, she stated that her position is such that 1) the Body should provide for perpetual reservation of institutional seats for the basic sectors, namely, the peasants, labor, youth and urban poor; and 2) the process of defining who would be the sectoral representatives should be done by election and not by selection. In this connection she reserved the right to introduce the necessary amendments at the proper time.

She pointed out that, although the Constitution is a fundamental law, if it is unable to achieve a proper balance of power, its institutional virility would be seriously doubted. She stressed that the problem of Philippine politics is the concentration of socioeconomic political power in the hands of the few, while the majority of the people are destitute and powerless. She maintained that now is the time and the unedited opportunity for the Members of the Commission to transfer the center of gravity of socio-economic power from the people on top to the people below.

Ms. Aquino also stated that the proposal for sectoral representation is hardly iconoclast and neither is it leftist aberration as some people are inclined to think. She stressed that history is liberating in the sense that one should either be nationalistic or wary of the forces that invade self-determination. She pointed out that the tradition of politics would deny the people the right to make their own mistakes but if by the proposal, mistakes are committed, then let the people learn.

Finally, Ms. Aquino opined that it is high time that power is returned to the people by giving them real and abiding faith in their ability to chart their own histories.

REMARKS OF MR. BERNAS

Speaking in support of Mr. Tadeo's proposal, Mr. Bernas stated that "sectors" should be understood to refer to the underprivileged masses. He pointed out that after the 1935 and 1973 Constitutions, the Body would again enshrine in the new Constitution the concept of social justice consistent with the principle that "those who have less in life should have more in law."

Mr. Bernas noted that the effort of introducing the party list system has for its objective the equalization of political power, the distribution of which among the various parties is essentially dependent on the distribution of economic power. He adverted to the proposed Article on Social Justice which contains long-range goals aimed at remedying the very gross imbalances in economic power and this, he stated, could only be attained for a period

longer than just two terms in the House of Representatives. He pointed out that the Body could not anticipate whether this preferential treatment of the under privileged would still be needed after six years.

Mr. Bernas stated that the concept of reserved seat is not something unusual to the Constitution, referring to the reintroduction of the Senate which in effect provides reserved seats for those who have more political and economic power which are quite beyond reach of the underprivileged.

Finally, Mr. Bernas stressed that by "permanentizing" the twenty-five seats reserved for the underprivileged, the Body would be permanently injecting in a legislative process direct contact with the large masses of people whose economic position in life needs to be elevated. It is for this reason, he suggested, that the two-year term limit should be removed until such time when the country, the government in particular, has succeeded in substantially removing the gross inequities in the economic situation and by that time, a constitutional amendment could be introduced and the country could move into the purely party list system because by then, the underprivileged would no longer need to have this power delivered to them on a silver platter.

REMARKS OF MR. BENNAGEN

In his remarks, Mr. Bennagen recommended the inclusion of the indigenous communities in the proposal considering that they are still practicing customary laws which are specifically related to their central concerns, one of which is the question of ancestral land. He pointed out the possibility of a cross-fertilization of the legal systems by integrating them into a viable indigenous legal system, a source from which a truly Filipino legal system could draw sustenance. He stressed that indigenous cultural communities would provide a living laboratory for this kind of cross-fertilization.

REMARKS OF MR. OPLE

In his remarks, Mr. Ople stated that there are two kinds of representation, first, the territorial representation which is based on representative government and second, the functional representation. He opined that the idea of combining the territorial and the functional mode of representation is aimed at perfecting representation in a legislative body.

Mr. Ople stated that the ideal manner of securing functional representation is through a party list system so that when sectoral representatives enter the legislative body on the basis of popular suffrage, they could rise to the same majesty as that of the elected representatives rather than owe to some degree an outright gift which is the thrust of Mr. Monsod's proposal.

Mr. Ople pointed out the need of the two-term limitation after which they have to earn their seats through participation in a party list system. He opined that after having occupied seats in the House of Representatives for two terms, they may be able to combine their forces in order to form their own political parties or become adjuncts of existing political parties. Citing as example the experience of labor parties in Europe, Mr. Ople stated that they have emerged as direct competitors and actually alternate in power with the conservative parties without the benefit of an outright constitutional gift.

Mr. Ople stated that although sectoral representatives suffer some disadvantages, under Mr. Monsod's proposal these disadvantages would be overcome because of this constitutional gift. He pointed out that several sectoral organizations which claim a membership of 500,000 to one million could amalgamate their forces and rise to the level of a major political party within the two-term limit because they would have all the opportunities to strengthen themselves on the basis of performance in the legislature. He opined that if they succeed in unifying and consolidating their forces, they may create a stimulus for political parties and mass organizations to seek

common ground, and the very objective set in the new Constitution would be achieved in a wider, more lasting and more politically institutionalized way.

INTERPELLATION OF MR. LERUM

On Mr. Lerum's contention that the reason why sectoral representation was included in the Batasang Pambansa was because labor was divided, Mr. Ople stated that all sectors are not immune from differences and division, and whether labor is divided or not, they are entitled to sectoral representation under the proposal.

On the observation that he is against sectoral representation being permanently enshrined in the Constitution, Mr. Ople stated that he would like them to rise to the majesty of elected representatives by a party list system after two or three terms.

Mr. Lerum observed that the limitation could be valid if the labor sector is united but because it is not, the provision should not fix a limitation, to which Mr. Ople replied that freedom of association does not bestow on the government the right to interfere with sectoral organizations. He opined that the government should not impose unity because their unification depends on them.

On Mr. Lerum's contention that by providing a party list system, it would also provide reserved seats for parties that cannot elect their representatives in an ordinary election, Mr. Ople stated that the party list system would be a way of attaining equalization of political power.

INTERPELLATION OF MR. TADEO

In reply to Mr. Tadeo's query, Mr. Ople affirmed that the members of the Partido Nacionalista ng Pilipinas (PNP) which he heads, were former members of the Kilusang Bagong Lipunan (KBL), but they no longer recognize it because the latter was a rusty political machinery.

On whether the PNP would field candidates in each district or province, Mr. Ople replied in the affirmative and added that it would also register in the party list system if there would be sufficient number of farmers and other sectoral groups under it.

On Mr. Tadeo's observation that the political parties would dominate the sectoral parties in the party list system, Mr. Ople opined that it may be possible at the present political climate but the sectoral groups could regroup or join other groups to reinforce their ranks.

Mr. Tadeo maintained that a farmers' group would have less chances because political activities like campaigns are too expensive, in reply to which, Mr. Ople stated that sectoral parties like the Kapisanan ng Mga Magbubukid sa Pilipinas would have more chances of winning seats in the Congress if they would join forces with the political groups like the PNP. Mr. Tadeo, however, believed that the inclusion of political parties in the party list system would lessen the allotted seats for sectoral parties, to which Mr. Ople suggested that the former negotiate with Messrs. Monsod and Villacorta to increase the percentage for sectoral representation.

At this juncture, the Chair stated that further discussions on the matter could continue after lunch break.

BIRTHDAY FELICITATIONS

Thereupon, Mr. Calderon, on behalf of all the Members of the Commission, extended best wishes to the birthday celebrants, the Honorable Ahmad Domocao Alonto and Secretary-General Florida Ruth P. Romero.

SUSPENSION OF SESSION

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

It was 12:20 p.m.

RESUMPTION OF SESSION

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

ACKNOWLEDGMENT OF THE PRESENCE OF GUESTS

Upon resumption of session, Mr. Villacorta invited attention to the presence in the gallery of representatives of workers and farmers, cultural minorities from the Cordillera and of students and women's groups who, he said, came to awaken the Commissioners' sense of nationalism and Christian and Muslim sentiments with a view to giving these sectors meaningful representation in Congress.

Thereupon, the Body acknowledged the presence of the guests.

Thereafter, the Chair stated that the Body would resume discussion on the party list and sectoral representation.

INQUIRY OF MR. RODRIGO

Mr. Rodrigo manifested that he would be asking questions having in mind that the answers to come from the Committee and sponsors would be helpful aid in interpreting the provision later on. He then asked Mr. Monsod, who appeared first in the list of 27 proponents of the party list and sectoral representation scheme, to answer his question.

At this juncture, in reply to Mr. Lerum's request for a reading of the names of the author and co-sponsors of the amendment, Mr. Monsod stated that aside from him, they are Messrs. Villacorta, Bernas, Gascon, Garcia, Davide, Bengzon, Mrs. Nieva, Messrs. Azcuna, Bacani; Rigos, Ms. Tan, Messrs. Suarez, Sarmiento, Ople, Tingson, Guingona, Foz; Romulo, Uka, Mrs. Rosario Braid, and Messrs. Villegas and Bennagen.

Thereupon, as a prefatory remark, Mr. Rodrigo stated that he is in favor of having sectoral representatives by means of the party list in the House of Representatives but with misgivings about the mechanics and practicableness of the idea. He opined that the Body should only lay down the principle of sectoral representation but should leave it to the Legislature to enact the enabling law because, he maintained that the Constitution must be broad, brief and concise and that the details of implementation could be left to the Legislature which would have more time to study the matter.

Adverting to the proposed amendment, Mr. Rodrigo inquired whether on the basis of the phrase "as provided by law" twice appearing therein, the party list system and the sectoral representation would not take effect until an enabling act had been enacted by Congress, to which Mr. Monsod replied that the phrase "as provided by law" could mean that it may be provided by an ordinance appended to the Constitution, an Executive Order by the incumbent President, or by a law to be enacted by the incoming Congress.

As regards the ordinance to be appended to the Constitution, Mr. Monsod explained that although the proponents merely wanted to establish the principle, should the Body feel the need for an ordinance, the Committee would be guided by its collective wisdom. In this connection, in reply to Mr. Rodrigo's suggestion that considering the time constraints, the Body should abandon the idea of an ordinance and leave it to the Legislature to enact an enabling law, Mr. Monsod stated that since the system is not really very complicated, it is possible for the Body to append

an ordinance that would only apply to the first term under the Constitution, after which the Congress may enact a law depending on how the system would work in the future. And replying to the query, in the event the Body would not be able to draw up an ordinance, whether it would be possible for the President to enact the implementing law, Mr. Monsod pointed out that the Body has approximately one and a half months to do it while the President has 6 months stating, however, that he had not consulted the President on the matter since the Commission is a plenary body capable of exercising its own judgment.

Mr. Rodrigo stated that unlike the Members of the Commission who are appointed, the first Congress would be composed of Members who would be elected and who would, therefore, be in a better position to enact the implementing legislation.

On whether the President or Congress could add more sectors aside from labor, peasant, urban poor and student sectors in case the Body fails to have an ordinance appended to the Constitution, Mr. Monsod opined that "sectors" is a generic term which Congress could break down into subsectors which could be added and explained in more detail by law.

Mr. Villacorta remarked that Mr. Bennagen proposed to add "indigenous communities" as one of the sectors. He stated that he is open to the idea, but adding one sector could open the floodgates to suggestions for including other sectors. However, replying to Mr. Rodrigo's query whether Congress may later add to or reduce the number of sectors, Mr. Monsod stated that one of the proposed amendments is to transpose the phrase "as provided by law" so that the clause would read FROM LABOR, PEASANT, URBAN POOR AND YOUTH SECTORS, AS MAY BE PROVIDED BY LAW in order to give the President or Congress more flexibility.

Thereupon, Mr. Rodrigo proposed to amend the amendment to read: LABOR, PEASANT, URBAN POOR AND YOUTH SECTORS, AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW.

Mr. Monsod manifested his willingness to consider the amendment.

Mr. Monsod agreed with Mr. Rodrigo's observation that should the Body fail to enact the ordinance, then the first term of the sectoral representatives must be counted from first election which includes party list and sectoral representatives.

PROPOSED JOINT AMENDMENT OF MS. AQUINO AND MESSRS. TADEO AND BERNAS AS MODIFIED BY MRS. NIEVA

Ms. Aquino, jointly with Messrs. Tadeo and Bernas, proposed to delete the phrase AND PROVIDED FURTHER THAT FOR THE FIRST TWO TERMS AFTER THE RATIFICATION OF THIS CONSTITUTION and the word SELECTION and to add the sentence TWENTY-FIVE OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED BY ELECTION, AS PROVIDED BY LAW, FROM LABOR, PEASANT, URBAN POOR AND YOUTH SECTORS.

Ms. Aquino explained that the amendment would provide for the perpetual institutionalization of reserved seats for the sectors and make the process of selection of sectoral representatives done through election.

At this juncture, Mrs. Nieva proposed to add WOMEN as a new sector.

Ms. Aquino accepted the proposed amendment of Mrs. Nieva.

Mr. Guingona also expressed agreement to Mrs. Nieva's proposed amendment stating that 25 seats would facilitate the Body's work in drafting the ordinance since it is divisible by five.

Mr. Bennagen stated that he wanted to include indigenous cultural communities, who still live by viable

customary laws, in order to contribute immensely to the evolution of an indigenous legal system.

Ms. Aquino manifested acceptance of Mr. Bennagen's proposal but requested deferment of the discussion on the identification of the sectors so that the Body could focus on the major amendment before it.

She also manifested that she would propose another paragraph related to her earlier proposal, to be transferred to the Article on the Transitory Provisions, to read as follows: FOR THE FIRST TERM OF CONGRESS FOLLOWING THE ADOPTION OF THIS CONSTITUTION, THE SECTORAL REPRESENTATIVES PROVIDED FOR IN SECTION 6 SHALL BE APPOINTED BY THE PRESIDENT FROM THE LIST OF NOMINEES SUBMITTED BY THE SECTORS. She stated that its purpose is to provide the mechanics and logistics of the sectoral elections following the adoption of the Constitution.

Recapitulating her proposals, Ms. Aquino stated that her proposals are as follows: 1) the perpetual reservation of institutional seats for the sectors; 2) that the process should be done by election; and 3) that for the first election following the adoption of the Constitution sectoral representatives shall be appointed by the President.

REMARKS OF MR. LERUM

Mr. Lerum stated that he was not objecting to the proposed amendments of Ms. Aquino but that the inclusion of new sectors should likewise increase the number of legislative seats as only one seat might be left for the labor sector.

PROPOSED AMENDMENT OF MR. RODRIGO

On the last line of the text, Mr. Rodrigo proposed to put a comma (,) after the enumeration, and to add AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW.

PROPOSED AMENDMENT OF MR. RIGOS

Mr. Rigos proposed that religious groups should not be included in the sectoral representation.

OBSERVATION OF MR. SUAREZ ON MR. RODRIGO'S PROPOSAL

Mr. Suarez observed that the process of election and the matter of choosing the sectors have to be provided by law, to which Mr. Rodrigo agreed.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 3:34 p.m.

RESUMPTION OF SESSION

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

Upon resumption of session, in reply to Ms. Aquino's inquiry whether he is accepting her amendment to the amendment, Mr. Monsod stated that he could not accept the amendment.

MANIFESTATION OF MR. ROMULO

At this juncture, Mr. Romulo manifested that as agreed upon during the caucus when the session was suspended, the Body would consider the issue on whether or not sectoral representation shall be permanent.

He then asked that Mrs. Rosario Braid be recognized.

REMARKS OF MRS. ROSARIO BRAID

Mrs. Rosario Braid expressed sympathy for Mr. Tadeo's stand on the need for sectoral representation, however, she argued against institutionalizing sectoral representation. As a compromise and in support of a party list system, she suggested to increase the term of the sectors to 3 or 4 terms to afford them time to be more self-reliant and to be able to forge horizontal links with other sectors in search of new political values and new political culture.

She cited the Green Party in Europe, the Solidarity Movement in Poland and the Gandhian concept of politics in India, which she said, attempt to come up with participatory or communication democracy, and counter the values of the elite, centered around technology, national values, depersonalization and bureaucracy.

She expressed the hope that some 9 or 12 years later, sectoral concerns would move towards new approaches, functioning not for the problems of the individual sectors alone but also for the problems of society as a whole.

REMARKS OF MRS. QUESADA

Mrs. Quesada stated that she is for perpetual or permanent reserved seats for the sectoral representatives. She stated that the term of sectoral representatives should not be limited or specified to a number of years, since the economic and social conditions of the sectors is not sure to grow and develop even for a decade.

She expressed support for the stand of Ms. Aquino and that of Messrs. Bernas and Tadeo.

REMARKS OF MR. BROCKA

Mr. Brocka noted that the Body had agreed that there should be not only territorial representation but also sectoral representation although it is still divided on the question of whether sectoral representation should be: 1) provided with reserved seats on permanent or temporary basis, and 2) whether the representatives should be appointed or elected.

He noted that he finds as patronizing the opinion of some Members that this provision is a constitutional gift to the sectors and should they want to preserve those seats, they should earn them.

He recalled that at the start of the Constitutional Commission one of the first things that the Body addressed itself to was the matter of public hearings. He noted that the Members, conscious that they were appointed to the Commission, felt the imperative need to consult the people and listen to them. He observed that so much had been said of people power, yet the Body seemed reluctant to give people power a definite, concrete political form. He stressed that it was people power which toppled the Marcos dictatorship and installed the Aquino government and recalled that during the past regime when political parties were abolished, the people's sectoral organizations were the ones which fought for justice, freedom and democracy.

Mr. Brocka noted that the Body would not be giving the sectors a constitutional gift on a silver platter and maintained that the Body should recognize and protect the people's right to have reserved seats in the Legislature, to give due recognition and respect for this new force in the Philippine political scene which operates outside the

traditional parties but which, nevertheless, is powerful enough to have ousted a dictator and ushered in the democratic space in which the people are now moving.

The composition of the Commission itself, he stated, is a recognition of this political force as he would not be a Member thereof if it were not recognized that artists and cultural workers like other sectors deserve a chance to participate in the making of laws.

He concurred with Ms. Aquino that the sectoral representatives should be elected, not appointed, and also with Messrs. Tadeo and Bernas for permanent representation. He stated that he would even hazard to state, should the Body want a bicameral legislature, that one entire House be given to sectoral representatives and the other to territorial representatives. He admitted, however, that the idea might be too unorthodox to be acceptable at this time, although, he would be willing to compromise and settle for 50 seats in the House of Representatives. He reiterated the importance of recognizing that the people's sectoral organizations have fully and overwhelmingly earned the right to be given permanent reserved seats in the Legislature.

REMARKS OF MR. SARMIENTO

Mr. Sarmiento stated that he saw the wisdom of sectoral representation and agreed with his colleagues in advocating such representation which, he added, should be expanded to cover professionals, teachers and government employees who are among the oppressed sectors.

He manifested his personal conviction that five terms will be sufficient and maintained that the sectors have the capability to develop themselves, that they possess the innate talents to organize themselves and participate in the political struggle.

He opined that sectoral representation would be one way of developing the concepts of self-reliance, self-independence, self-determination and genuine political maturity. He noted that after five terms the sectors should be able to participate in the genuine struggle for independence, democracy and nationalism.

He stated that this is no longer the Marcos era and that the country is entering a new stage of political development.

REMARKS OF MR. GARCIA

Mr. Garcia, who favored permanent sectoral representation, noted that, although limited, it will be a step in the right direction. Politics and political representation, he observed, should not be limited to party politics and that other means should be explored which would make participation of the majority effective and meaningful. He advocated different forms of participation. He noted that the Body is speaking of limited representation of 25 seats where people's organizations, through the party list, could represent the four basic sectors in the Legislature although 200 seats shall be given to political parties which shall attempt to seek power through national, local and district representation.

The country, he stated, underwent a political revolution last February which is still basically unfinished inasmuch as it would take some time before social justice could prevail. He opined that the basic problems of poverty, hunger and land stem from a problem of power and can be resolved only through representation of the majority.

Mr. Garcia remarked that limited sectoral representation would be an effort to correct the traditional politics of the majority and not a gift to the basic sectors. He noted that the exercise of democracy demands the organization of citizens which, in the event that the organized sectors benefit from sectoral representation, may lead the unorganized sectors to realize the value of organization as an effective way of being involved in the democratic

political exercise.

He opined that permanent sectoral representation will result in the transformation of politics and that there will be an evolution of parties which can defend the interest of large sectors. The bicameral and presidential systems chosen by the body, he stated, militate against sectoral representation and tend to place power in the hands of parties and leaders who have the resources and wherewithal to aspire for political power.

REMARKS OF MR. BACANI

Mr. Bacani inquired whether in using the words "perpetual reservation", Ms. Aquino would want it provided in the Constitution that there shall always be reserved seats for the sectors or whether, as Mrs. Quesada stated, the Body shall not determine the term with respect to reservation of sectoral seats.

Ms. Aquino corrected that the amendment does not seek to incorporate the phrase "perpetual reservation of institutional seats" but rather to delete the specific proviso which provides for the first two terms — meaning that the Article would provide that there will be reservations of institutional seats without limiting it to two terms.

To clarify, Mr. Bernas stated that "permanent" would mean until the Constitution is amended.

Mr. Bacani manifested that he is in favor of sectoral representation and its strengthening. He noted that "perpetual" as explained would seem to militate against strengthening sectoral representation inasmuch as sectoral representatives may become lax in attempting to win the people's approval and may resort to means by which they can gain the patronage of their own constituents. He concurred with the proposals of Messrs. Sarmiento and de los Reyes.

Ms. Aquino remarked that the bone of contention is on the matter of permanent reservation as against a relative three or four terms. She noted that the principle of self-reliance or self development in the dynamics of political growth as a democratic idea is beautiful, simple yet unrealistic. She noted that there is a contention that the sectoral groups could graduate into political parties but only under certain conditions which are not present, these conditions being 1) a high-level of development of political movements or the capacity of political groups to crystallize their ideas and unite their differences; 2) logistical and organizational capability of these groups to launch into an electoral struggle with a fair chance of success; and 3) a democratic milieu for the political groups to be able to develop on their own. She stated her doubt on the presence of the third condition given the peculiar characteristics of Philippine politics. She noted that if left to the dynamics of political groupings, sectoral politics would be diluted inasmuch as they could be compelled to go into coalitions to survive.

She concurred with Messrs. Bernas and Tadeo that there should be permanent sectoral representation.

REMARKS OF MR. VILLEGAS

Speaking against permanent sectoral representation, Mr. Villegas noted that in the local industry sector there is an unfortunate experience in giving a handicap protection to a certain sector. He opined that the Philippines has the most inefficient industries in the Asian-Pacific area because under the pretext of infant industry protection such industries have been cuddled, pampered and babied which might happen to the other sectors. He questioned the statement of Ms. Aquino that people from the sectoral or marginalized groups cannot be politically mature, cannot organize themselves, cannot raise funds. On the contrary, he noted that they have the tremendous shrewdness and ability to attain political objectives and that representatives from the middle and upper income classes would be politically immature compared to them. He opined that 9 to 12 years would be sufficient time for them to achieve political maturity.

He stated that the marginalized sectors are poor economically speaking, but can change in the dynamics of history. He noted that as history develops, more and more sectors would become marginalized and that these sectors should be allowed to enter the political process through the party list system.

Mr. Villegas expressed his appreciation for the warning given by Ms. Aquino that one should be very careful in distinguishing between a leftist and someone who is advocating sectoral representation but he also noted that one must also be careful that he does not fall unwittingly into the Marxist paradigm that those who belong to the high-income groups cannot work as energetically and as unselfishly as the representatives of the poor. He cited Senators Diokno and Tañada who come from the elite groups yet worked more unselfishly compared to some labor union leaders who have been scoundrels.

Ms. Aquino took strong exception to the misleading attributions of Mr. Villegas. She clarified that she did not say that marginalized groups are not capable of political sophistication or maturity but rather that a well-meaning sectoral group can be effectively frustrated by the stranglehold and the deep entrenchment of traditional political parties. She expressed her faith in the political maturity of the sectoral groups but would look askance at the insidious mechanism of traditional political parties.

On the matter of sectoral representation, she stated that this is not just a Marxist aberration but also a pressing imperative of social justice.

REMARKS OF MR. PADILLA

Mr. Padilla stated that he favors sectoral representation in the House of Representatives but not in a permanent way until the Constitution is amended. He noted that the provision may become permanent if the Constitution is not amended. Reacting to the discussions, he expressed a warning that the Body should be careful not to foment class distinctions between the rich and the poor, or the privileged and the underprivileged. He concurred with Magsaysay's dictum that "those who have less in life should have more in law". He stated that the sectoral groups should work towards better organization and greater unity among themselves. He adverted to the decalogue of President Lincoln that "you cannot help the poor by destroying the rich". The rich, he noted, is not always identical with the powerful in politics. He opined that what the country needs is greater productivity to develop the economy and not so much the exercise of power through representation.

REMARKS OF MR. SUAREZ

Mr. Suarez remarked that as one of the voices of the voiceless, the eye of the blind, the ear of the deaf and the crutch of the crippled, he strongly favors permanent sectoral representation. He stated that from the time the matter came up for discussion, he has espoused the reservation, permanently, of a number of seats for the marginalized sectors. He commented that should sectoral representation be given to the people, it should be done with an open heart, without restrictions.

REMARKS OF MR. BERNAS

Mr. Bernas strongly denied the impression that the proposal seeks to foment class conflict. He stressed that it was merely a recognition of the fact that there are vast numbers of underprivileged citizens, such that the proposal would seek to give them better protection under the law.

MOTION TO VOTE ON MS. AQUINO'S AMENDMENT

Thereafter, Mr. Romulo moved that the Body vote on Ms. Aquino's amendment by ballot.

Mr. Gascon, however, requested that the Body vote by raising hands.

Upon inquiry from the Chair, Ms. Aquino stated that the first portion of her amendment could be best appreciated by voting also on the second paragraph which was proposed to be transposed to the Article on Transitory Provisions.

At this juncture, on Mr. Ople's query whether under the Rules there is any legal basis to voting by secret ballot on any issue, Mr. Romulo replied in the negative. He pointed out, however, that the Body had been observing this practice in the past with regard to controversial issues.

Mrs. Quesada then moved that the Body vote on whether it should go into secret balloting or open voting.

Mr. Gascon stated that, although the Body had resorted to secret balloting in the past, it should not be allowed to continue to do so because the people have the right to know the individual stand of the Members of the Commission on crucial issues like the one at hand.

VOTING ON THE ISSUE OF SECRET BALLOTING

Thereupon, the Chair put to a vote the issue on whether the Body should vote by secret ballot or by raising of hands.

EXPLANATION OF VOTES

By Mr. Colayco

Explaining his vote, Mr. Colayco adverted to Mr. Gascon's statement that the Members should show their stand on issues because they have not been elected by the people. He stated that such remark was an indirect form of coercion. He stressed that voting by secret ballot has already been done several times.

By Mr. Padilla

Mr. Padilla stated for the record that he abstained from voting on whether the voting be secret or raising of hands, as either is acceptable to him.

With 26 Members voting in favor of raising hands and 5 Members voting for secret ballot, the Chair stated that voting would be by raising of hands.

RESTATEMENT OF MS. AQUINO'S AMENDMENT

Thereupon, Ms. Aquino restated her amendment on Section 5, page 1, to delete on line 29, the phrase "from the sectors and party list" and to substitute it with the following:

ELECTED THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL AND SECTORAL PARTIES OR ORGANIZATIONS, AS PROVIDED BY LAW. THE PARTY LIST REPRESENTATIVES SHALL CONSTITUTE TWENTY PERCENT OF THE TOTAL MEMBERS OF THE HOUSE OF REPRESENTATIVES. TWENTY-FIVE OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED BY ELECTION, AS PROVIDED BY LAW, FROM THE LABOR, PEASANT, URBAN POOR, WOMEN AND YOUTH SECTORS.

She also proposed the following to be transposed the Article on Transitory Provisions:

FOR THE FIRST TERM OF CONGRESS FOLLOWING THE ADOPTION OF THIS CONSTITUTION THE SECTORAL REPRESENTATIVES PROVIDED FOR IN SECTION 5 SHALL BE APPOINTED BY THE PRESIDENT FROM THE LIST OF NOMINEES SUBMITTED BY THE SECTORS.

At this juncture, Mr. Rodrigo invited attention to the fact that the Body should just vote on the issue of whether the sectoral representation would be permanent or not, to which Ms. Aquino agreed, stating that she was constrained to present the second paragraph for better appreciation.

Mr. Romulo informed the Body that, as per agreement during the caucus, the issue to be voted upon would be whether or not the Constitution should contain a provision on permanent sectoral seats.

VOTING ON MS. AQUINO'S AMENDMENT

Submitted to a vote, and with 19 Members voting in favor and 22 against, the amendment was lost.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 4:30 p.m.

RESUMPTION OF SESSION

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

AMENDMENT OF MR. SARMIENTO TO MR. MONSOD'S PROPOSED AMENDMENT

Upon resumption of session, Mr. Sarmiento proposed an amendment to Mr. Monsod's amendment, that instead of "two consecutive terms", it should be THREE CONSECUTIVE TERMS.

In this connection, Mr. Rodrigo suggested that instead of the phrase "three consecutive terms after the ratification of this Constitution", the phrase should read THREE CONSECUTIVE TERMS AFTER THE ENACTMENT OF THE IMPLEMENTING LEGISLATION.

In reply to Mr. Suarez, Mr. Rodrigo explained that he was against the appointment of sectoral representatives and that they should be elected in accordance with law that Congress may enact. He affirmed, however, that immediately after the ratification of the Constitution, there would still be no Congress and, therefore, the sectoral representatives would not be included in the election.

Mr. Ople then suggested that in order that the sectoral representatives could sit in the first Congress, an ordinance on the election of sectoral representatives be appended to the Constitution, in reply to which, Ms. Aquino pointed out her proposal in the Article on Transitory Provisions that appointed sectoral representatives may be accommodated in the first Congress, which proposal, Mr. Ople observed, would be a better alternative to an ordinance to be appended to the Constitution.

Mr. Monsod then explained that the "three consecutive terms" would be counted from the first time the sectoral representatives actually sit in Congress, whether by election or selection, as proposed by Ms. Aquino, in reply to which, Mr. Rodrigo stated that his proposal was based on the impression that the three consecutive terms would start from the first Congress when they would not yet qualify, thereby leaving them only two terms.

In view thereof, Mr. Rodrigo withdrew his proposed amendment. Thereupon, Mr. Monsod accepted the proposed amendment of Mr. Sarmiento to his amendment. Submitted to a vote, and with 29 Members voting in favor and

none against, the phrase AND PROVIDED FURTHER THAT FOR THREE CONSECUTIVE TERMS AFTER THE RATIFICATION OF THIS CONSTITUTION was approved by the Body.

Mr. Monsod clarified that the three consecutive terms would be the minimum, such that if the first Congress would have sectoral representatives, it would be equivalent to a minimum of eight years and a maximum of eleven years, depending upon how the first election would be synchronized.

PROPOSED AMENDMENT OF MRS. ROSARIO BRAID

Thereafter, Mrs. Rosario Braid proposed "four consecutive terms" instead of "three consecutive terms".

Submitted to a vote, and with 4 Members voting in favor and 22 against, the proposed amendment was lost.

MANIFESTATION OF MR. LERUM

On whether he would still insist on his proposal to increase the number of the 25 sectoral representatives, Mr. Lerum stated that his proposal would not be necessary should the Body decide not to increase it.

FURTHER AMENDMENT OF MR. SARMIENTO TO MR. MONSOD'S AMENDMENT

On the enumeration of sectoral groups, Mr. Sarmiento proposed to include WOMEN AND INDIGENOUS CULTURAL COMMUNITIES.

In reply to Mr. Bengzon's query, Mr. Monsod stated that fishermen are included in the term "peasants", while Mr. Sarmiento pointed out that as of January, 1986, there were about 2.2 million fishermen among the 20 million members of the agricultural sector.

Thereupon, Mr. Rodrigo proposed to add the phrase AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW after "CULTURAL COMMUNITIES" which was accepted by Mr. Sarmiento.

Likewise, as proposed by Mr. Rigos, Mr. Sarmiento accepted the addition of the phrase EXCEPT THE RELIGIOUS SECTOR after the amendment of Mr. Rodrigo.

On the suggestion of Messrs. Ople, Rodrigo and Uka to include the war veterans, the elderly, and the third sex, respectively, Mr. Sarmiento opined that it would open the floodgates to more sectors, and that it should be Congress which shall determine the sectors to be included. Mr. Monsod also explained that the more the enumeration, the more sectors would be excluded; thus, he maintained that the phrase "and such other sectors as may be provided by law" would cover all qualified sectors.

On Mr. Maambong's query on the term "urban poor", Mr. Sarmiento pointed out that it commonly refers to "squatters" residing in urban centers who were formerly living in rural areas but because of poverty and lack of economic opportunities, were lured into the city particularly Metro Manila. He estimated them to number about 5 million. He stated, however, that representatives of the urban poor also represent the rural poor.

Submitted to a vote, and with 29 Members voting in favor and 1 against, the proposed amendment of Mr. Sarmiento, jointly with Messrs. Rodrigo and Rigos, was approved by the Body.

Explaining his negative vote, Mr. Padilla stated that the sectoral representation was already flooded with too many enumerations of sectors.

RESTATEMENT OF MR. MONSOD'S AMENDMENT,

AS AMENDED

Thereafter, Mr. Davide restated Mr. Monsod's proposed amendment as amended, on page 1, line 29, after the words "shall be", to insert the following: ELECTED THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL AND SECTORAL PARTIES OR ORGANIZATIONS, AS PROVIDED BY LAW. THE PARTY LIST REPRESENTATIVES SHALL CONSTITUTE TWENTY PERCENT OF THE TOTAL MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES. FOR THREE CONSECUTIVE TERMS AFTER THE RATIFICATION OF THIS CONSTITUTION, TWENTY-FIVE OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED BY SELECTION, AS PROVIDED BY LAW, FROM THE LABOR, PEASANT, URBAN POOR, INDIGENOUS CULTURAL COMMUNITIES, WOMEN, YOUTH AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW, EXCEPT THE RELIGIOUS SECTOR.

INQUIRY OF MR. VILLACORTA

In reply to Mr. Villacorta's query on whether the amendment of Mr. Rigos would preclude priests, imams or pastors from being elected as representatives of a particular sector like the indigenous cultural communities, Mr. Rigos clarified that what he sought to prohibit is representation for a religious sector.

AMENDMENT OF MR. DAVIDE TO

MR. MONSOD'S AMENDMENT

Mr. Davide moved for the transposition of the first phrase AS PROVIDED BY LAW to the slot between the words "FILLED" and "BY" So that the last sentence would read: FOR THREE CONSECUTIVE TERMS AFTER THE RATIFICATION OF THIS CONSTITUTION, TWENTY-FIVE OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED, AS PROVIDED BY LAW, BY SELECTION OR ELECTION FROM THE LABOR, PEASANT, URBAN POOR, INDIGENOUS CULTURAL COMMUNITIES, WOMEN, YOUTH AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW, EXCEPT THE RELIGIOUS SECTOR.

Mr. Monsod accepted the amendment which, submitted to a vote, there being no objection, was approved by the Body.

APPROVAL OF MR. MONSOD'S AMENDMENT, AS AMENDED

Thereafter, Mr. Monsod's amendment, as amended, was submitted to a vote and with 32 Members voting in favor and none against, the same was approved by the Body.

FURTHER AMENDMENTS OF MR. DAVIDE

Thereafter, on motion of Mr. Davide, there being no objection, the Body approved the following amendments, one after the other:

1. On page 2, delete lines 1 to 3;
2. On page 4, line 14, delete the slash(/) and "or" in "and/or".

Mr. Davide explained that this amendment would show that the political parties referred to are the regular political parties and the parties or organizations registered under the party list system.

3) On the same page, on line 15, to substitute "sectors" with the phrase PARTIES OR ORGANIZATIONS REGISTERED UNDER THE PARTY LIST SYSTEM;

4) On the same page, line 20, add after "parties" AND PARTIES OR ORGANIZATIONS REGISTERED UNDER THE PARTY LIST SYSTEM, and the deletion of "or sectors" on line 21;

5) On page 1, lines 14 to 17, substitute the text of Section 3 with the following:

THE TERM OF OFFICE OF THE SENATORS SHALL BE SIX YEARS AND SHALL COMMENCE UNLESS OTHERWISE PROVIDED BY LAW, AT NOON ON THE THIRTIETH DAY OF JUNE NEXT FOLLOWING THEIR ELECTION.

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

In connection with this amendment, in reply to Mr. Gascon's query, Mr. Davide stated that a Senator who has completed two consecutive terms could, after a rest, run again for the same office whether it be on the third or sixth year following the expiration of his 12-year term.

In reply to Mr. Maambong's query on the meaning of the "voluntary renunciation", Mr. Davide explained that one cannot circumvent the restriction by merely resigning any time during the second term, stressing that the phrase is more general and embracing than abandonment or resignation.

RESTATEMENT OF SECTION 5

Upon request of Mr. Maambong, Mr. Davide again read the approved amendment on Section 5, beginning with line 29 on page 1, to wit: "shall be elected THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL AND SECTORAL PARTIES OR ORGANIZATIONS, AS PROVIDED BY LAW. THE PARTY LIST REPRESENTATIVES SHALL CONSTITUTE TWENTY PER CENT OF THE TOTAL MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES. FOR THE THREE CONSECUTIVE TERMS AFTER THE RATIFICATION OF THIS CONSTITUTION, TWENTY-FIVE OF THE SEATS ALLOCATED TO PARTY LIST REPRESENTATIVES SHALL BE FILLED, AS PROVIDED BY LAW, BY SELECTION OR ELECTION FROM THE LABOR, PEASANT, URBAN POOR, YOUTH, INDIGENOUS CULTURAL COMMUNITIES, WOMEN AND SUCH OTHER SECTORS, AS MAY BE PROVIDED BY LAW, EXCEPT THE RELIGIOUS SECTOR".

MOTION OF MR. MONSOD

At this juncture, Mr. Monsod moved for the deletion of "THE" before the phrase "THREE CONSECUTIVE TERMS" stating that application begins in July, 1987. He explained that the matter was discussed with Mr. Rodrigo who pointed out that this is to avoid a situation where there would be seats without anyone occupying them.

Mr. Davide agreed to its deletion and, there being no objection, the same was approved by the Body.

INQUIRY OF MR. BENNAGEN

In reply to Mr. Bennagen's query on the meaning of "registered", Mr. Davide stated that it means registration with the COMELEC.

FURTHER AMENDMENT OF MR. DAVIDE

On page 2, on motion of Mr. Davide, there being no objection, the Body approved the amendment to substitute the text of Section 6 with the following:

SECTION 6. - THE MEMBERS OF THE HOUSE OF REPRESENTATIVES SHALL BE ELECTED FOR A TERM OF THREE YEARS WHICH SHALL BEGIN, UNLESS OTHERWISE PROVIDED BY LAW, AT NOON ON THE 30TH DAY OF JUNE NEXT FOLLOWING THEIR ELECTION.

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

INQUIRY OF MR. SUAREZ

In reply to Mr. Suarez' query on whether the term of a newly elected Senator in a special election to serve for the unexpired term of his predecessor should be regarded as one term, Mr. Davide answered in the affirmative, stating that service of the expired term would be regarded only as one term for the Senator.

OBSERVATION OF MR. PADILLA

Mr. Padilla observed the redundancy of terms on the draft provision, to which Mr. Davide replied that the matter could be referred to the Committee on Style.

INQUIRY OF MR. OPLE

In reply to Mr. Ople's inquiry whether the fiscal year would be reckoned from July 1 considering the common date of June 30 as the beginning of the term of the President, Senators and the Congressmen, Mr. Davide called attention to Section 10 stating that the fiscal year is also the calendar year, because upon the commencement of the regular session on the fourth Monday of July, the Body will discuss and prioritize the budget for the succeeding year.

In reply to Mr. Ople, Mr. Davide affirmed that Congress shall be governed by the existing budget before the approval of the budget for the succeeding year.

Upon inquiry of the Chair whether the Body would be ready to vote on Section 6, Mr. Davide informed that there was a proposal of Mr. Padilla and the suggestion of the Committee to leave it to the Committee on Style. He observed that to incorporate Sections 3 and 6 would dislocate the order of the sectioning of the entire Article on the Legislative.

Mr. Padilla stated that he would prefer the Body to vote on his proposal.

Mr. Davide maintained that there are two intervening Sections (4 and 5) which would be affected by the merger of Sections 3 and 6.

The Chair, thereupon, stated that the recommendation of the Committee on the Legislative to refer the observations of Mr. Padilla to the Committee on Style would be submitted to a vote.

With 24 Members voting in favor, and one voting against, the recommendation of the Committee was accepted by the Body.

VOTING ON SECTION 6

Thereafter, Section 6 was submitted to a vote.

With 28 Members voting in favor, and none against, Section 6 was approved by the Body.

INQUIRY OF MR. MAAMBONG

On Section 5, Mr. Maambong recalled that the Body approved an amendment by addition, to wit: WHERE A CITY IS ENTITLED TO MORE THAN ONE REPRESENTATIVE THEY SHALL BE ELECTED AT LARGE.

Mr. Davide stated that the amendment was withdrawn inasmuch as it could be taken up in the ordinance to be appended to the Constitution.

Mr. Maambong noted that in Section 9 there is a provision which states that "in case a vacancy arises in the Senate or in the House of Representatives 18 months or more before a regular election" while in Section 10 it says that "no special elections shall be called if the vacancy occurs within 180 days before the date of the next Presidential election". He inquired whether the provisions should be realigned inasmuch as in case of vacancy in the House of Representatives, special elections can be called at least 18 months or more before the regular election whereas in the case of the President, no special elections can be called when a vacancy occurs 180 days before the next Presidential election.

Mr. Davide explained that the vacancy contemplated in Section 9 is a vacancy occurring 18 months or more before a regular election which would not be necessary considering that both the Senate and the House of Representatives have many Members while with respect to the Presidency, the exigency would necessitate the immediate filling up of the position. He further stated that the provisions need not be harmonized because of the composition of the positions and the very nature of the positions themselves.

AMENDMENT OF MR. LERUM

On Section 2, on page 1, line 13 after the word "Philippines", Mr. Lerum proposed to delete the words "as may" and insert the following clause: EXCEPT FOUR TO REPRESENT THE SECTORS WHOSE ELECTION SHALL. He explained that the amendment would complement the provision in Section 5 which provides for actual representation. He stated that if the sectors shall be given representation in the House, they should likewise be given representation in the Senate. He informed that this is part of the promise made to the labor sector by the President on May 1, 1986.

Reacting thereto, Mr. Davide expressed confusion over the proposal. He noted that the total Senate membership is 24 to be elected at-large by qualified voters but with the proposal, it is not determined how many of the 24 would represent the sectors in the Senate. He added that any number beyond 24 would not be conducive to lawmaking in a body like the Senate.

Mr. Lerum explained that his amendment would not increase the membership but that the four seats to be filled from the sectors would be taken from the 24 Members and the 20 other Members shall be elected at-large, as may be provided by law.

Mr. Lerum read Section 2, as proposed, to wit: "Section 2. The Senate shall be composed of twenty-four Senators who shall be elected at-large by the qualified voters of the Philippines EXCEPT FOUR TO REPRESENT THE SECTORS WHOSE ELECTION SHALL be provided by law".

INQUIRY OF MR. SUAREZ

On Mr. Suarez' query, Mr. Lerum affirmed that the nationwide elections for the Senate would be for the 20 seats and the other four seats would be elected or selected in the manner provided by law. He also affirmed that at every election for the Senate, out of the 12 Senators to be elected at-large, two shall be selected or elected by the sectors.

REMARKS OF MR. RODRIGO

Mr. Rodrigo stated that he opted for a bicameral system for the reasons he had already stated. He maintained that to allow four Senators to be selected or elected by the sectors would destroy the philosophy behind establishing an Upper House. He noted that in an election for the Senate, the candidate in order to win should place among the first 12 candidates and that the twelfth would need six million votes. He observed that if the voting is by sector, the most that a sectoral candidate can garner would only be about 500,000 votes. He stressed that it is enough for the country to have sectoral representatives in the Lower House.

Mr. Lerum disagreed with the assumption that Senators cannot be pressured, inasmuch as he had personal knowledge of Senators who were pressured in the past. He also disagreed with the sentiments of Mr. Rodrigo that the matter of the creation of the Senate were shared by all. He noted that there were many who voted against a bicameral legislature.

Mr. Padilla objected to the proposed amendment, stating that Senators should be elected at-large and should not be distinguished by sectors.

VOTING ON MR. LERUM'S AMENDMENT

Submitted to a vote, and with 9 Members voting in favor and 21 against, the proposed amendment of Mr. Lerum was lost.

PROPOSED AMENDMENT OF MR. GASCON

On Section 2, page 1, line 12, after the word "large", Mr. Gascon proposed to insert the phrase THROUGH A PARTY LIST SYSTEM, so that the provision would read: "The Senate shall be composed of twenty-four Senators who shall be elected at-large THROUGH A PARTY LIST SYSTEM by the qualified voters of the Philippines as may be provided by law".

Mr. Gascon informed that during the period of amendments, he consulted the Committee whether the party list system can be adopted in the Senate and that the Committee had answered that it would be a possibility and would, in fact, be easier to implement at the national rather than district level. He explained that the main reason for the proposal is to eliminate the possibility of a few parties dominating the Senate and allow small political parties to compete for four seats even though they would have to be elected at-large. He stated that if 12 Senators are elected every election, a party would need 8% of the votes to get one seat. He maintained that through this process, the Body would democratize and encourage a system of election based not only on personalities but also on issues and ideologies of the parties.

Reacting thereto, Mr. Monsod explained that under the party list system, the parties when they register put down the names of their candidates from 1 to 12 in the order in which they would sit. If applied in the Senate, it would mean that each party shall have twelve candidates but the ones in the bottom would not win unless that party garners 93% of the vote. He noted that in the House of Representatives the Body has placed a ceiling of 10 seats or 15 seats which a party may earn under the system. The 10 or 15 candidates have a chance of winning if the party gets more than 20% of the vote. Mr. Monsod noted that there is a difference in voting for sectoral

representatives in a chamber which has only 24 Members of which only 12 will be voted in a given election.

Mr. Gascon stated that he recognizes the problem, although, encouraging the other parties to compete on an even level under the party list system may yield encouraging results. He noted that the cream of the crop from each party can be elected which will make for a dynamic and progressive Senate.

Mr. Gascon also noted that it would be possible that each party may only want to fill 8 seats inasmuch as the other 4 seats will be elected through the party list system and they might, therefore, allow the other parties to compete for the 4 seats. He stated that the party list system might break the two-party system in the Senate.

Mr. Davide stated that while it is true that he answered Mr. Gascon that the party list system for the Senate is a possibility, he did not say it would be probable. He noted that the Committee would like to state for the record 1) that the party list system in the Senate shall not accomplish what Mr. Gascon had in mind which is to allow smaller parties to get representation, because whether it be through the party list system or through the political party, the same opportunity will be accorded the candidates; 2) that the people would resort to block voting for a party, thereby depriving them of the opportunity of knowing the merits of each individual candidate, since what would be submitted by a party to the Commission on Elections would only be a list of nominees; and 3) that since this voting for a particular party would amount to block voting, the Commission on Elections may not allow such eventuality to happen.

Mr. Gascon replied that what he meant was that the party list system is a possibility for the Senate.

VOTING ON MR. GASCON'S AMENDMENT

Submitted to a vote, and with 10 Members voting in favor and 21 against, the amendment was lost.

MOTION TO APPROVE ON SECOND READING THE ARTICLE ON THE EXECUTIVE

Thereafter, Mr. Bengzon moved that the Body approve, on Second Reading, the Article on the Executive, considering that copies thereof had already been distributed.

At this juncture, Mr. Regalado informed the Body that, although clean copies of the Article had already been distributed, the Committee would distribute another set of clean copies of the Article the next day, with the sections realigned and renumbered.

SUSPENSION OF SESSION

On motion of Mr. de Castro, the Chair suspended the session.

It was 6:57 p.m.

RESUMPTION OF SESSION

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

WITHDRAWAL OF MOTION TO APPROVE ON SECOND READING THE ARTICLE ON THE EXECUTIVE

Upon resumption of session, Mr. Bengzon withdrew his motion to approve, on Second Reading, the Article on the Executive.

ADJOURNMENT OF SESSION

On motion of Mr. Romulo, there being no objection, the Chair declared the session adjourned until nine o'clock in the morning of the following day.

It was 6:59 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 August 2, 1986

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