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Thursday, October 9, 1986

CALL TO ORDER

With 32 Members present, the Chair declared At 10:00 a.m., the Honorable Alberto M K Jamir called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Jose C. Colayco, to wit:

Dear Lord,

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

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

We owe You one, dear Lord.

Amen.

ROLL CALL

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

Alonto, A. D. Jamir, A. M. K.

Aquino, F. S. Padilla, A. B

Azcuna, A. S. Quesada, M. L. M

Bacani, T. C. Rama, N. G

Bennagen, P. L Regalado, F. D

Bernas, J. G. De los Reyes, R. F

Rosario Braid, F Rigos, C. A.

Calderon, J. D Rodrigo, F. A
De Castro, C. M Suarez, J. E
Colayco, J. C. Sumulong, L. M
Concepcion, R. R Tan, C.
Davide, H. G. Tingson, G. J.
Foz, V. B. Treñas, E. B
Garcia, E. G. Uka, L. L
Gascon, J. L. M. C. Villacorta, W. V.
Guingona, S. V.C Villegas, B. M.

With 32 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

A.M.

Abubakar Y. R. Nieva, M. T. F
Benzon, J. F. S Nollado, J. N.
Lerum, E. R. Ople, B. F.
Maambong, R. E Romulo, R. J
Monsod, C. S. Sarmiento, R V

P.M.

Natividad, T. C Tadeo, J. S. L.
Mrs. Muñoz Palma and Mr. Rosales were sick.
Mr. Laurel was absent.

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 RESOLUTION AND COMMUNICATIONS

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

Proposed Resolution Mo. 547, entitled:

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

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

TO THE STEERING COMMITTEE

COMMUNICATIONS

Communication No. 1079 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 1080 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 1081 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 1082 — Constitutional Commission of 1986

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

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

Communication No. 1083 — Constitutional Commission of 1986

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

ratification of the proposed constitution

TO THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

Communication No. 1084-Constitutional Commission of 1986

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

TO THE STEERING COMMITTEE

Communication No. 1085 — Constitutional Commission of 1986

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

TO THE COMMITTEE ON THE LEGISLATIVE

Communication No. 1986 — Constitutional Commission of 1986

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

TO THE ARCHIVES

MOTION OF MR. TINGSON ON RESOLUTION NO. 547

On motion of Mr. Tingson, there being no objection, Resolution No. 547, entitled "Expressing thanks and appreciation to the Secretary-General, the Secretariat, the Task Force, the Press Corps, the volunteers and the staff of the Commissioners' Offices" was unanimously signed by all the Members of the Commission.

Upon inquiry of the Chair, Mr. Rama informed that copies of the said Resolution have been furnished the Members of the Commission.

UNFINISHED BUSINESS: CONTINUATION OF CONSIDERATION OF COMMITTEE REPORT NO. 40 ON PETITION NO. 3

On motion of Mr. Rama, there being no objection, the Body resumed consideration of Committee Report No. 40 on Petition No. 3 prepared by the Steering Committee, entitled:

AN URGENT, PETITION TO REOPEN SECTIONS 5 AND 11 OF THE ARTICLE ON THE LEGISLATIVE POWER

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

THE PARLIAMENTARY SITUATION

Mr. Davide stated that the parliamentary situation called for the consideration of Section 5, paragraph 3 of the Article on the Legislative Department which reads as follows:

EACH LEGISLATIVE DISTRICT SHALL COMPRISE AS FAR AS PRACTICABLE, CONTIGUOUS COMPACT, AND ADJACENT TERRITORY. EACH CITY WITH A POPULATION OF AT LEAST TWO

HUNDRED FIFTY THOUSAND, OR EACH PROVINCE SHALL HAVE AT LEAST ONE REPRESENTATIVE.

He stated that the only amendment is the inclusion of the word "fifty" thereby increasing the population requirement for cities to be entitled to separate representation from the original 200,000 to 250,000. He explained that the original proposal of 200,000 would result in the over-representation of cities and the under-representation of provinces in which such cities are located as the ratio for the provinces shall be 1 seat for every 400,000 population.

He then moved for the approval of paragraph 3 which, there being no objection, was approved by the Body.

The Body then proceeded to consider paragraph 4, which reads:

FOR THE FIRST ELECTION UNDER THIS CONSTITUTION, THE MEMBERSHIP OF AND THE CONSTITUENCIES FOR THE HOUSE OF REPRESENTATIVES, OTHER THAN THOSE FOR THE PARTY-LIST, SHALL BE THE SAME AS THAT PROVIDED FOR IN THE ORDINANCE GOVERNING THE PARLIAMENTARY ELECTION IN 1984.

INQUIRY OF MR. DE CASTRO

Mr. de Castro stated that he had just received a copy of the COMELEC report dated July 28, 1986 on the redistricting of the Philippines.

Mr. de Castro noted that the Body just approved paragraph 3 which states that the legislative districts shall comprise as far as practicable, contiguous, compact and adjacent territory.

Upon inquiry, Mr. Davide affirmed that he has a copy of the COMELEC report which contains the proposed apportionment of Congressional districts to which many provinces and sectors protested.

Mr. de Castro adverted to the 6th paragraph of the report to wit:

". . . that there are provinces which, although no change was necessary in the number of legislative districts because of population limitation, had to be subjected to a regrouping of municipalities in order to satisfy the standards of compactness, contiguity and adjacentness",

referring to the provinces of Capiz, Iloilo, Bohol and Sorsogon which complained to the Committee.

Mr. Davide replied that there are other provinces which complained and that Appendix A (R-22) of the report contains the list of provinces without changes while Appendix B contains the list of provinces with changes.

On whether the redistricting in the said report meets the standards of compactness, contiguity and adjacentness, Mr. Davide noted that it may, since COMELEC based it on the configuration of the provinces.

On the observation that a candidate for Congress in this case would have difficulty crossing the river to reach other municipalities, Mr. Davide remarked that since many candidates would run for seats they could probably divide the province into portions which they will represent. He stated that in Cebu, which is entitled to six representatives, as a political strategy, the party or organization shall see to it that the six candidates represent different areas and not merely candidates represent different areas and not merely one area of the province.

Mr. de Castro then inquired whether under such a strategy it would be possible for a candidate to win even without meeting the people whom he shall represent, to which Mr. Davide replied that-for a candidate to win he must reach every nook and cranny of his province. Also a matter to be considered, he added, is the people's accessibility.

Adverting to a portion of the COMELEC report which states: "We are prepared with statistics to support the above apportionment plan and we would appreciate any opportunity that will be given the technical staff that prepared this plan to explain its position and justify its proposal", Mr. de Castro inquired whether the technical staff was consulted.

Replying thereto, Mr. Davide informed that the technical staff was consulted several times and its explanations, more particularly by Director Vicente de Lima, enabled the Committee to reach its conclusions. Further, he stated that political and sectoral leaders of the different areas found out that the districting of the provinces resulted in many difficulties such as the difficulty of a candidate in going from one end to the other, the difficulty of allotting seats to provinces, when municipalities had to be realigned, owing to the traditional sense of belongingness to a specific area. He cited Iloilo as the best example, noting that Guimaras, while technically closely associated with the third district, was placed in the second district because of proximity although it is not easy to reach Guimaras from the latter district.

Upon inquiry, Mr. Davide affirmed that in paragraph 5, Congress would be mandated to make an apportionment of legislative districts. He manifested his optimism that the First Congress would have ample time to make the apportionment and opined that it would be in a better position to determine the physical condition of the provinces and to delineate the different areas to comprise a district.

In answer to Mr. de Castro's inquiry as to whether the COMELEC may do the redistricting, Mr. Davide noted that the Commission can only include in the ordinance the number of seats for every province and leave the rest to the COMELEC. He cautioned, however, that the COMELEC might not be able to attend to its business properly if it has to do the redistricting before the election.

Mr. Davide pointed out that the First Congress would have five years to do the apportionment.

Mr. de Castro observed that election by province would entail expenses to the candidates who would have to travel all over the province and that a poor candidate might not have any chance of being elected. He opposed the idea on the ground that the representatives, elected province-wide are seldom seen by the people whom they are supposed to represent and that it breeds political warlordism.

Mr. Davide, on the other hand, manifested that political warlordism will thrive if elections are done by districts. He stated that a political warlord would not be able to control an entire province and that a poor candidate has a better chance to be elected in an election by province.

INQUIRY OF MR. RODRIGO

Upon inquiry of Mr. Rodrigo, Mr. Davide affirmed that the general and permanent rule on the manner of electing Members of the Lower House is contained in Section 5, paragraphs 1), 2) and 3), which paragraphs state that the Members of the Lower House shall be elected by districts. He also affirmed that the additional Section 4 is designed to be an exception to the rule and is applicable only to the first election to be held after the Constitution's ratification.

As to how the Members of the House of Representatives would be elected in the first congressional election after ratification of the Constitution if an additional section has not been added to the article, Mr. Davide stated that until the President enacts an apportionment law, there would be no basis for election for Members of the Lower House.

Mr. Davide agreed that the President, under the Freedom Constitution, would continue to have legislative powers even after the ratification of the Constitution but before the convening of Congress and can decide how the

Members of the House of Representatives would be elected in the first election after such ratification. He stated that while the Commission had fixed the date of the congressional election for the second Monday of May 1987, there is still need for a law for such election. He affirmed that for the moment, it is only the President who may enact a law for the purpose. However, the President may avail of the services of the COMELEC.

INQUIRY OF MR. SUAREZ

In reply to Mr. Suarez' query, Mr. Davide admitted the possibility that all Representatives from a province would come from only one municipality, although he opined that this would be poor strategy. He inquired whether the Committee would entertain an amendment to prevent such possibility, to which Mr. Davide replied that he would be willing to consider such amendment.

With respect to the original proposal redistricting the congressional districts, Mr. Davide affirmed that he had received several protests and objections to it from the provinces. He pointed out, however, that the redistricting scheme was submitted by the COMELEC upon request of the Committee because it does not have the necessary facilities to determine, among others, the new municipalities that had been established from 1979 up to the dissolution of the regular Batasang Pambansa.

On whether the COMELEC has time to conduct public hearings before the congressional elections on May 11, 1987 should the Commission opt to retain the original proposal, Mr. Davide opined that the COMELEC would not have such time considering that it would have to attend to the relisting, the plebiscite and preparations for the elections, which is why he was suggesting to suspend implementation of the plan to have elections on the district level. He maintained that the COMELEC or the First Congress would have sufficient time to iron out all problems connected with the plan.

INQUIRY OF MS. AQUINO

In reply to Ms. Aquino's query as to how the proposal would affect the problem of warlordism and the spoils system, Mr. Davide stated that experience showed that warlordism thrived better in a smaller constituency like the district rather than in a larger one like the province. He also contended that the spoils system would be minimized in a province-wide election because the people would have several choices which discourage personal relationship between leader and constituency.

Mr. Davide, likewise, pointed out that it would be less expensive for a candidate to run in a province than in a district where he has to pamper the electorate. He stressed that a less expensive election contributes more to the sanctity of the public office than one conducted on a personalized basis.

Finally, he stressed that the proposal could put an end to fratricidal wars because the people would look to the representative as one who represents everybody in the whole province which, would in turn, imbue him with a broader perspective rather than a parochial outlook within the confines of a few municipalities. He maintained that with political leaders who are more sensitive and responsive to the temper of the people, the proposal would make a better-run society.

INQUIRY OF MR. RIGOS

In reply to Mr. Rigos' query why the approved provision on the election of members of Congress is by district if indeed election by province is better, Mr. Davide stated that with the new Constitution, the country's electorate would develop, in the long run, a new sense of responsibility which would outgrow their old sense of traditional and political attachment and thus enable them to respond to the demands of nation-building.

Mr. Rigos informed that in a series of meetings held by the provincial governors, the consensus was that they would request the President to have the election of Members of Congress by district and that said governors are scheduled to meet with the President to present their resolution.

INQUIRY OF MRS. QUESADA

In reply to Mrs. Quesada's query on the assurance that after five years the decision would still be a reapportionment by legislative districts, Mr. Davide stated, firstly, that Section 5(4) provides for a mandate to the First Congress to apportion the seats into legislative districts; secondly, he foresees a Congress that would not be politicking but one attuned to the mandate of a new order; and lastly, that there would be adequate public hearings once Congress considers the apportionment measure to ensure a more equitable distribution or allocation of seats.

INQUIRY OF MR. TINGSON

In reply to Mr. Tingson's query, Mr. Davide affirmed that the issue is relevant only to the first election because the succeeding elections would be by district.

Specifically, adverting to his province of Negros Occidental, Mr. Tingson observed that an election by province would not benefit his province because it is so large that not one of the Congressmen would be able to adequately attend to all the needs of his constituents to which Mr. Davide replied that a governor is elected at large, yet he is able to attend to the needs of the entire province. He stated that it is only a question of dedication, loyalty and devotion to public service on the part of the candidates.

He affirmed, however, that for the succeeding elections, he would be in favor of election by district, pointing out that it was in fact the original wording of the provision, although the Commission would have some difficulty in apportioning the district seats.

INQUIRY OF MS. TAN

Ms. Tan observed that one of the drawbacks of the political system is that the people vote on the basis of personality rather than on issues. She opined, however, that if elections were held by districts the people would get to know the candidates more intimately, including their motivations, excesses and weaknesses so that in the final analysis, they would be voting not on the basis of personalities but more on issues.

Responding thereto, Mr. Davide stated that the votes in an election by province would not be on personalities because the relationship is not very personal. He opined that the more capable candidate has more chances of winning a province-wide election, to which Ms. Tan replied that it is the candidate with more money who has more chances of winning. Mr. Davide maintained, however, that it would even be less expensive if the constituency is bigger.

INQUIRY OF MR. DE CASTRO

In reply to Mr. de Castro's query on the rationale for allowing election by legislative districts after the First Congress if indeed election by province would be far more advantageous, Mr. Davide stated that the Committee merely wanted to provide for a transition because a new breed of politicians is expected.

INQUIRY OF MR. ALONTO

In reply to Mr. Alonto's query, Mr. Davide affirmed that the first election for Congressman would be in accordance with the 1984 Ordinance appended to the 1973 Constitution.

As to how many legislative districts would Sulu now have under the scheme that the Committee proposes, Mr. Davide stated that for the first election, Sulu, with a projected population of 403,556 as of 1986, would only have one because the constant is 400,000. He pointed out that in the COMELEC plan, it is supposed to be two with one district having a population of only 175,810 and the other with a population of 227,746. He explained that the second election in 1992 would already be by district and Sulu, with the increase in its population, may even have three districts. However, for the first election, he stated that the province of Sulu would only have one seat.

Mr. Alonto opined that there must be some kind of scheme by which Sulu could have two representatives because the Muslim areas are the most under-represented in Congress. With respect to the province of Lanao del Norte, he recalled that in the 1984 parliamentary elections, the province was allotted one congressional seat while Iligan City was disqualified, hence Lanao del Norte with Iligan City only had one congressional seat.

In reply, Mr. Davide assured that Lanao del Norte, including Iligan City, would not lose a seat in the sense that even under the COMELEC proposal and the ordinance appended to the 1973 Constitution both would have a separate seat. He stated that technically, should paragraphs 2 and 3 of Section 5 be adopted, Iligan City with a population of less than 250,000 would be disqualified from having a congressional seat because it would have to be merged with other municipalities in Lanao del Norte but if the 1984 ordinance is followed, Lanao del Norte, as a province, and Iligan City would each have one seat.

INQUIRY OF MR. GARCIA

Mr. Garcia stated that he could not quite understand the drift of the arguments of the proponents of Subsections 4 and 5 in the light of the admission that they are for legislative districts because of their accountability and responsiveness to the people and yet in Subsection 4, they are proposing a self-defeating transition. He stated that he could not believe that the First Congress, empowered to subdivide the political units into districts, would themselves not be tempted to create fiefdoms. He opined that even if the Filipino may have been transformed after the February Revolution, there must be an independent structure that would create more responsive and accountable representatives of the people. He stated that if the problem is the practical difficulty and complexity of redistricting, he would propose that an independent Constitutional Commission should be allowed to provide for it in order to ensure that this process would be insulated from politicians and at the same time provide the First Congress the time and the expertise to be able to effect a redistricting that would govern the succeeding congressional elections.

In reply, Mr. Davide stated that it is one alternative which he would welcome at the proper time, the other alternative being that the President herself, by law, would do it.

Mr. Garcia opined that the advantage of the COMELEC is that it is an independent constitutional commission which could not be subject to political pressures, to which Mr. Davide reiterated that he would welcome the proposal for amendment.

INTERPELLATION OF MR. VILLACORTA

Relative to the arguments advanced by Mr. Davide that political warlordism would be minimized through provincial representation but that his preference and that of the Committee is district representation on the belief that after the EDSA Revolution there would be a new breed of Filipinos who would vote based on issues and not on personalities, Mr. Villacorta raised the following questions: 1) on whether the problems of certain districts are more the exceptions than the rule and if so, whether the COMELEC, during the remaining seven months, could solve the problems and come up with a rectified list of districts; and 2) how valid is the claim that political warlordism would prevail more in district representation on which he would like to hear the opinion of seasoned

politicians who are members of the Commission. Mr. Villacorta opined that Congressmen should be elected by district because representation from a smaller political base is more in line with the principle of democratization and decentralization which are the thrusts of the present government.

Replying thereto, Mr. Davide stated that he had already expressed his views in favor of election by district but for purposes of the first election, there should be some sort of a transition by allowing representation to the First Congress on the basis of the ordinance which governed the elections of Members of the Regular Batasang Pambansa in the 1984 election. As to whether district representation would perpetuate warlordism, he likewise stated that he had already expressed his views on it. He opined that it is a matter of record that Cebu is not the only exception.

Mr. Villacorta then asked for the opinion of other veteran politicians in the Commission, to which Mr. Davide replied that any further discussion on the matter would again lead to a discussion on the merits. He stressed that the proposal is only to provide a sort of transition in the sense that provincial and city representation would only govern the first election after which there would be district representation. He pointed out that it is no longer appropriate to discuss the merits or demerits of the district scheme because the general rule is representation by legislative districts.

Mr. Villacorta pointed out that the term of the First Congress would be five years during which period the first set of elected representatives would be able to entrench themselves in power. He disagreed with Mr. Davide that the issue of political warlordism and whether it is possible for a poor man to win an election are irrelevant topics. He opined that these are fundamental issues for discussion even if the matter on hand is about a transitory period.

INTERPELLATION OF MR. DE LOS REYES

In reply to Mr. de los Reyes' query, Mr. Davide clarified that although he is in favor of representation by district, he is proposing that the first Congressional election should be by province and to leave the redistricting to Congress.

Mr. de los Reyes asked whether this would not amount to passing the buck when the Body could already make the apportionment on the basis of the COMELEC recommendation. He inquired whether provincial representation is being proposed because many politicians are against the manner of redistricting and that they are threatening to campaign against the ratification of the Constitution.

Reacting thereto, Mr. Davide stated that it is not only the politicians who are complaining but organizations and private individuals are also making counter-proposals. He denied that this would be passing the buck because in the matter of apportionment, aside from lack of time, it would be unfair to the other areas to just confront them with an apportionment. He disclosed that the principal reason is that if the Body insists on the COMELEC proposal despite the counterproposals and protests of many, it might only provide the widening of an area for possible rejection not only of the ordinance but also the main Constitution itself.

With respect to the COMELEC recommendation, Mr. Davide admitted that on the basis of the map of every province, the allocation is very beautiful but even then, problems may still arise.

Mr. de los Reyes maintained that even on the assumption that the apportionment may not be perfect, it could be remedied by a provision that within three years following the return of every census, Congress shall make a reapportionment of legislative districts based on the standards provided in the provision. He argued that the Commission should start on the right footing if the consensus is that district representation is better than provincial representation.

In reply, Mr. Davide reiterated that the proposal is really a transition for the first election and thereafter, the election would be by district.

Mr. de los Reyes stated that even on a transition basis, it should be by district and while the redistricting may not be perfect, the future Congress can make a reapportionment within three years following the return of every census. He pointed out that the bicameral system was adopted on the assumption that Members of the House of Representatives would be elected by district because provincial election is more suitable for a unicameral system. He stated that for a starting politician who has no organization, it is better to have it by district because he would have more time to get in contact with the people. He opined that election by district is better if the intent is to bring the government closer to the people.

INTERPELLATION OF MR. MAAMBONG

In reply to Mr. Maambong's queries, Mr. Davide affirmed that the purpose of the amendment is only to comply with an urgent matter because the Commission as a whole and the Committee do not have the facilities nor the time to go into districting. He stated that the actual apportionment into legislative districts shall have to be undertaken during the first term of the First Congress.

On whether his opinion on election by province was influenced by his victory in the 1978 parliamentary elections which was conducted on a regional basis, Mr. Davide replied in the negative and urged everyone to be pragmatic about it. He warned that the Body cannot afford to create more grounds for opposition and a controversial ordinance might only endanger the ratification of the entire Constitution.

On whether he personally favors election by province even after the election of the First Congress, Mr. Davide stated that he is in favor of election by district but he could sacrifice the first term. He affirmed that the first elected Congressmen with a term of five years could still run for reelection for two more terms because the basis is the running for reelection and not the change in constituency.

With respect to the telegrams sent by former Assemblymen Diaz and Llaguno indicating that the Commission might be guilty of gerrymandering, Mr. Davide stated that they are only two of the many protests which the Committee received and that this is one of the reasons for the urgency of the proposed amendment.

INTERPELLATION OF MR. PADILLA

In reply to Mr. Padilla's queries, Mr. Davide confirmed that before martial law the Members of the House of Representatives were elected by congressional districts and that in the 1978 Batasan elections, the members were elected by regions. With respect to the Ordinance governing the 1984 parliamentary election which was adopted by the proposed amendment, he affirmed that the election was by province and by city.

Mr. Padilla recalled that the Kilusang Bagong Lipunan under the deposed President wanted election by region but considering the very strong clamor for election by congressional districts, the election by province and city was held as a compromise in order to partially appease the opposition against the election by regions.

In reply, Mr. Davide stated that the statement was historically correct. However, he disclosed that during the interim Batasan, of which he was a member, the ruling party at that time was not originally for election by region because they felt that they could not win in an election by region so what came out as a compromise was an election by province and city.

On whether it would be reasonable to expect that the congressional districts adopted before martial law could be updated by the COMELEC. Mr. Davide stated that the COMELEC, in fact, had already presented to the

Commission an apportionment plan which, he believed, was well done although one can expect complaints. He explained that under the proposed amendment, the 1984 Ordinance would be followed and thereafter the First Congress would be allowed to adopt a redistricting for congressional districts.

On Mr. Padilla's observation that there would still be some objections when the First Congress adopts a redistricting measure since it may suit it to the individual preferences of its Members, so that the matter has to be left to the COMELEC which is a constitutional body that is less influenced by personal or party considerations, Mr. Davide stated that he would welcome the proposal to vest upon the COMELEC the authority to reapportion the seats in accordance with the standards provided in Section 5 of the Article on Legislative Power, which substitute proposal was presented by Messrs. Sarmiento, Garcia, Rama, Monsod, Bernas and others.

Mr. Padilla added that such apportionment by the COMELEC may always be subject to improvement by Congress.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 11:39 a.m.

RESUMPTION OF SESSION

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

PRIVILEGED MOTION OF MR. DAVIDE

Upon resumption of session, Mr. Davide moved that the Body decide whether it would attach an ordinance to the Constitution allocating the seats of the Lower House to the legislative districts or whether the COMELEC would be mandated to make the apportionment.

REMARKS OF MR. DE CASTRO

Mr. de Castro manifested that he would rather not append such apportionment of seats to the Constitution because the COMELEC has already prepared a report on the congressional districts and it would only need some time to perfect said report.

REMARKS OF MR. BENGZON

Mr. Bengzon, however, opined that the reapportionment should be done by the Constitutional Commission because it requires a legislative fiat. He added that the Committee on the Legislative was not adopting the entire report of the COMELEC although it was the basis of the Committee proposal. He stated that the Committee was maintaining its original decision of election of Congressmen by district, the details of which will be appended to the Constitution.

MANIFESTATION OF MR. MONSOD

Thereupon, Mr. Monsod stated that although the Body had previously voted in favor of election by district after a lengthy debate on its merits as against election by province, there was a recent survey on the same question, and it would only be proper for the Body to first get a consensus on the matter in order to erase any doubt on the real intent of the Commission, before deciding who will make the reapportionment.

REMARKS OF MR. RODRIGO

Reacting to Mr. Bengzon's remarks, Mr. Rodrigo stated that he was not yet ready to accept the Committee's proposal because he had no basis for a decision on the matter. He added that since there were only a few days left before adjournment of the Constitutional Commission, the matter should be left to the COMELEC which is an independent body.

REMARKS OF MR. GUINGONA

Mr. Guingona likewise expressed his apprehension on Mr. Bengzon's proposal because it would be unfair and dangerous to append an ordinance which had not been fully studied and deliberated upon by the Body.

INQUIRY OF MR. GASCON

In reply to Mr. Gascon's query in relation to Mr. Monsod's earlier suggestion to first decide on whether the Body would opt for district or provincial representation in the First Congress, the latter explained that he was not only seeking the Body's decision on the manner of representation in the First Congress but in all Congresses.

Mr. Monsod stated that his suggestion was based on the observation that some Members advocating district representation were agreeable to provincial representation in the First Congress. He underscored the need to first know the real sense of the Commission on the matter.

POINT OF ORDER OF MR. BENGZON

At this juncture, Mr. Bengzon raised a point of order, stating that the discussion on district or provincial representation would necessarily reopen Section 5 of the Article on Legislative Power, which would require suspension of the Rules.

In reply thereto, Mr. Monsod stated that the Body can decide on the matter without invoking technicality.

Mr. Bengzon clarified that he was not against Mr. Monsod's suggestion but he was only informing the Body on the proper procedure.

Mr. Ople expressed support for Mr. Monsod's suggestion, stating that the Body may discuss the matter without reopening Section 5 of the Article if only to have a balanced judgment on the question.

Mr. Bengzon, however, maintained that the discussion on the merits of district or provincial representation would effect the reopening of Section 5.

Mr. Monsod opined that the Rules would have to be suspended to reopen Section 5 only when the Body decides on provincial representation, but when it affirms its original decision to have district representation, the Rules does not have to be suspended to reopen Section 5.

Mr. Bernas stated that it is not just a matter of technicality but a dangerous precedent that sets aside the regular procedure provided for in the Rules.

COMMENTS OF MR. DE CASTRO

Mr. de Castro pointed out that it would not be necessary to further discuss the issue of legislative representation because the Body had already voted in favor of election by districts during the

deliberations on Section 5, but the question before the Body was whether the First Congress would also have

district representation as proposed by the Committee as an amendment to Section 5(4).

He moved that the Body proceed with the amendments.

The Chair stated that there was a pending motion because of which Mr. de Castro could not present any other motion. Mr. de Castro, however, replied that it was the previous motion that was out of order because the Body had already decided on the election of Congressmen by districts.

INQUIRY OF THE CHAIR

In reply to the Chair's query on how the discussion on the legislative representation would affect Section 5, Mr. Bengzon explained that Section 5(1) had already provided that the Members of the House of Representatives would be elected by district. He stated that although the amendment of Mr. Davide was only to have the election of the Members of the First Congress by province, the suggestion of other Members to provide for provincial representation would be contrary to the provisions of Section 5, thus the need for its reopening.

The Chair pointed out that since Section 5(1) requires the election of the Members of the House of Representatives by legislative district, the proposed amendment of Mr. Davide would not really infringe on it.

Mr. Monsod contended that while the "whereas" clause of Petition No. 3 introduced by the Committee on the Legislative speaks of "a clamor to reassess the manner of representation and to consider the possible change from representation by legislative district to representation by province", it does not state that the election of the Members of the House of Representatives by province would only be for the First Congress. He opined that the "whereas" clauses raised the issue of whether the Body should consider election by province or by legislative district.

POINT OF ORDER OF MR. BERNAS

At this juncture, Mr. Bernas raised a point of order on the ground that Mr. Monsod proposed to consider not just the manner of representation in the first Congress but all succeeding Congresses. He maintained that the reopening of the manner of representation after the first Congress would require suspension of the Rules.

Additionally, Mr. Bengzon pointed out that during the previous session, the Body had already considered and voted upon Section 5(1). He stated that the Section had already been reopened, discussed and approved by the Body and that Mr. Monsod would like to reopen it again to allow the election of the Members of the House of Representatives by province as a permanent arrangement.

Mr. Monsod maintained that the Body is still considering Section 5 and what is merely needed is a motion to reconsider and not a motion for suspension of the Rules.

Mr. de Castro observed that although the "whereas" clauses in Petition No. 3 submitted by the Committee on the Legislative are broad, the proposed amendment thereto is specific in that it only seeks the election by province of the Congressmen for the First Congress, hence there is no need for reopening the whole Section 5.

Mr. Gascon opined that Mr. Monsod's proposal is out of order unless another motion for suspension of the Rules is presented inasmuch as it was the agreement during the previous session that the Body would only consider the proposals submitted by the Committee on the Legislative.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 12:13 p.m.

RESUMPTION OF SESSION

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

Upon resumption of session, Mr. Davide stated that several Members are prepared to submit amendments to the proposed paragraphs 4) and 5). He then asked whether the Body is in the period of amendments.

At this juncture, Mr. Bengzon withdrew his point of order.

Thereupon, Mr. Monsod manifested the agreement that the Body would first consider the manner of representation for the Members of the House of Representatives and should the Body opt for representation by legislative district he would then withdraw his motion but should the Body opt for representation by province he would then ask for the reopening of the section to pave the way for a proposal that it be made a permanent feature of the Constitution.

MOTION OF MR. DAVIDE

Thereupon, Mr. Davide moved that the Members of the first House of Representatives be elected by province or city.

In reply to Mr. Rodrigo's query as to how the Members of the lower House would be elected if the Section would not be reopened, Mr. Davide replied that they would be elected by legislative districts, in which case, the problem would be as to who would make the apportionment.

Mr. Rodrigo stated that approval of the motion would require two-thirds vote, to which Mr. Davide agreed.

On Mr. Romulo's query as to how the Members of the House of Representatives would be elected by province or city, Mr. Davide explained that the Body would adopt the ordinance which governed the parliamentary election of 1984.

Mr. Romulo then queried as to how the provinces could be redistricted if the first motion would not be approved, to which Mr. Davide replied that the Body could choose one of three options, namely: 1) the President could do it by law; 2) the Body could mandate the COMELEC to do it; and 3) the Body itself could do it by way of an ordinance to be appended to the Constitution.

Mr. Romulo stated that those three choices should be settled first, otherwise, a prejudicial question may arise since a Member may only vote for representation by province if the manner of redistricting is not to his liking.

Mr. Bernas stated that as pointed out by Mr. Rodrigo the present provision provides for representation by district and, therefore, a decision as to how these districts would be divided and who would divide them would foreclose the possibility of representation by province. He suggested that Mr. Davide's motion be decided first.

Mr. Bengzon concurred.

Mr. Davide pointed out that Mr. Romulo has a pending question.

SUSPENSION OF SESSION

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

RESOLUTION NO. 547 RESOLUTION EXPRESSING THANKS AND APPRECIATION TO THE SECRETARY-GENERAL, THE SECRETARIAT, THE TASK FORCE, THE PRESS CORPS, THE VOLUNTEERS AND THE STAFF OF THE COMMISSIONERS' OFFICES

On motion of Mr. Villacorta, there being no objection, the Body unanimously approved Resolution No. 547, which reads:

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

Whereas the Constitutional Commission of 1986 would not have effectively accomplished its important task without the efficient, whole-hearted and dedicated service of the Secretariat, the Task Force, the Volunteers and the Staff of the Commissioners' Offices;

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

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

Be it resolved, therefore: That the Members of the Constitutional Commission manifest their sincerest appreciation and gratitude to Secretary-General Florida Ruth P. Romero, Mr. Roberto Nazareno and Task Force Administrator, Mr. Roberto San Andres, and the Secretariat, the Task Force, the Press Corps, the Volunteers and the Staff of the Commissioners' Offices for their invaluable cooperation with the Constitutional Commission and service to the Filipino people.

He stated that the Resolution was signed by the forty-seven Members of the Constitutional Commission.

RESOLUTION AUTHORIZING COMMISSIONER DECOROSO ROSALES TO CAST HIS VOTE ON THE FINAL DRAFT OF THE NEW CONSTITUTION AND CREATING A SPECIAL COMMITTEE TO WITNESS HIS VOTING

On motion of Mr. Bengzon, there being no objection, the Body approved the following Resolution:

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

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

WHEREAS, during the past few weeks, his condition became serious;

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

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

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

RESOLVED BY THE CONSTITUTIONAL COMMISSION, to authorize, as it hereby authorizes, Commissioner Decoroso Rosales, to cast his vote wherever he may be by his signature or thumbmark on the consideration of the final draft of the new Constitution, and creating a special Committee to witness his voting.

Mr. Bengzon stated that the Resolution was signed by Messrs: Rama, Padilla, Uka, Laurel, Rodrigo, Jamir, Rigos, Bengzon, Romulo, Calderon, Monsod, Mrs. Cecilia Muñoz Palma, Messrs. Sumulong, Colayco, Treñas, Alonto, Nollado, Natividad, Abubakar, de los Reyes, de Castro, Guingona, Ople, Garcia, Maambong, Azcuna, Mrs. Rosario Braid, Mr. Suarez, Mrs. Nieva, Mr. Tingson, Ms. Tan, Mr. Regalado, Ms. Aquino, Mr. Davide, Mrs. Quesada, Messrs. Sarmiento, Tadeo, Bernas, Villacorta, Lerum, Bacani, Foz, Concepcion and Gascon.

WITHDRAWAL OF MR. ROMULO'S PREJUDICIAL QUESTION

At this juncture, Mr. Davide stated that the Body was considering the proposed subsections 4) and 5) of the reopened Section 5 of the Article on the Legislative and that there were proposals to amend them. He stated that Mr. Romulo had raised a prejudicial question on how the issues would be presented.

Responding thereto, Mr. Romulo manifested withdrawal of the prejudicial question.

Thereupon, Mr. Davide stated that the parliamentary situation would revert to his original motion that for purposes of the first election, the membership and constituencies of the House of Representatives shall be by province or city, as provided for in the ordinance governing the parliamentary election of 1984.

INQUIRY OF MR. MAAMBONG

In reply to Mr. Maambong's query whether the proposed provision would be included in the body of the Article on the Legislative considering its transitory nature, Mr. Davide stated that technically and logically, it is transitory in character which could be included in the Transitory Provisions.

OBJECTION OF MR. DE CASTRO

Mr. de Castro objected to the proposal and requested for a vote, in reply to which, Mr. Davide clarified that what should be voted upon would be his motion that election should be by province and city for the first election and not the text thereof.

REMARKS OF MR. MAAMBONG

Adverting to Mr. Davide's reply to Mr. de Castro, Mr. Maambong manifested that the Committee on Transitory Provisions intended to ask for reconsideration of the vote on Second Reading of the Transitory Provisions because of two important articles which should be inserted therein in relation to the amendment introduced by Mr. Sumulong on the Article on the Executive. He stated that should the proposal of Mr. Davide pertain to the Transitory Provisions, the same should be properly considered by the Committee on Transitory Provisions.

SUGGESTION OF MR. PADILLA

Mr. Padilla stated that in view of paragraphs 4) and 5) of the proposed amendment, he would suggest the following: :

FOR THE FIRST ELECTION, UNDER THIS CONSTITUTION, THE LEGISLATIVE DISTRICTS SHALL BE APPORTIONED BY THE COMMISSION ON ELECTIONS.

He stated that it could be placed on the Transitory Provisions.

Mr. Davide stated that there was a prior motion to vote on the concept and that should the motion be rejected, Mr. Padilla's proposal may be introduced as an amendment.

MOTION OF MR. DE CASTRO

Thereupon, Mr. de Castro moved for a nominal voting.

INQUIRY OF MR. GASCON

In reply to Mr. Gascon's query whether two-thirds vote of all the Members present would be required for its approval, Mr. Davide stated that since the Transitory Provisions is the proper place for the proposed provision, the two-thirds vote would be required.

Mr. Gascon stated that as pointed out by Mr. Rodrigo during the previous session, with the suspension of the Rules, any measure presented to the Body under such situation would require two-thirds vote for approval. He pointed out that the Body is still considering a measure proposed by the Committee on the Legislative for which the Rules were suspended and that the part pertaining to the Transitory Provisions had not yet been touched.

Mr. Davide stated that he would submit to the ruling of the Chair.

REMARKS OF MR. BENGZON

Mr. Bengzon observed that Mr. Davide had abandoned his previous position of including the proposed provision in the Article on the Legislative for which reason the two-thirds vote requirement would no longer apply, in reply to which, Mr. Davide stated that the same could be approved and that it would be up to the Body to transfer it to the Transitory Provisions.

REMARKS OF MR. DE CASTRO

Mr. de Castro stated that two-thirds vote would be required to approve Mr. Davide's proposal and in support of his stand, he adverted to Mr. Rodrigo's earlier remarks in relation to the discussion on the need for suspension of the Rules.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 3:21 p.m.

RESUMPTION OF SESSION

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

INQUIRY OF MR. RIGOS

In reply to Mr. Rigos' query whether it would be appropriate to act first on the suggestion of Mr. Padilla which amounts to an amendment to Mr. Davide's proposal, the Chair stated that Mr. Davide had rejected Mr. Padilla's proposal.

Mr. Davide stated that his objection was not on the merits of Mr. Padilla's proposal but on the procedure since there was a pending motion.

RULING OF THE CHAIR

Thereupon, the Chair ruled that two-thirds vote would be required.

INQUIRY OF MR. SARMIENTO

In reply to Mr. Sarmiento's query on the parliamentary situation, Mr. Davide stated that the Body would be voting on his motion that the first election of the Members of the Lower House of the First Congress of the Philippines shall be by province or city.

NOMINAL VOTING

The Chair declared nominal voting in order pursuant to the motion made and, thereupon, directed the Secretary-General to call the Roll. Thereafter, a second Roll Call was made.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor:

Bengzon Nollado Sumulong

Davide Rama Tadeo

Foz Romulo Uka

Guingona Sarmiento Villacorta

Maambong Suarez Villegas

Monsod

Against:

Abubakar Colayco Padilla

Aquino Concepcion Quesada

Azcuna Garcia Regalado

Bennagen Gascon Rigos

Bernas Jamir Rodrigo

Rosario Braid Nieva Tan

De Castro Ople

With 16 Members voting in favor and 20 against, the Chair declared the motion lost.

PROPOSED AMENDMENT OF MR. SARMIENTO

Mr. Sarmiento proposed, jointly with Messrs. Bernas, Villacorta, de Castro, Guingona, Azcuna, Suarez, de los Reyes, Garcia, Mrs. Quesada, Ms. Aquino, Messrs. Nollado, Gascon, Rama, Ople, Maambong, Bengzon, Rigos and Foz, the following amendment:

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

REMARKS OF MR. PADILLA

Mr. Padilla invited attention to the fact that he had proposed a prior amendment by substitution which reads:

FOR THE FIRST ELECTION UNDER THIS CONSTITUTION THE LEGISLATIVE DISTRICTS SHALL BE APPORTIONED BY THE COMMISSION ON ELECTIONS.

He insisted on his proposed formulation.

Mr. Davide stated that the effect on apportionment is the same but that the Bernas-Sarmiento proposal would also provide a mandate on the apportionment at a later time which, in effect, embodies the same concept in the provision already approved by the Body.

SUSPENSION OF SESSION

On motion of Mr. Davide, the Chair suspended the session.

It was 3:33 p.m.

RESUMPTION OF SESSION

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

Thereupon, Mr. Davide proposed to delete subparagraph 4 and all the capitalized words in paragraph 5 such that it will read:

"Within three years following the return of every census, the Congress shall make a reapportionment of legislative districts based on the standards provided in this section."

An ordinance, he informed, shall be appended to the Constitution which shall provide:

FOR PURPOSES OF THE ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES IN THE FIRST CONGRESSIONAL ELECTION IMMEDIATELY FOLLOWING THE RATIFICATION OF THIS CONSTITUTION PROPOSED BY THE 1986 CONSTITUTIONAL COMMISSION AND SUBSEQUENT ELECTIONS AND UNTIL OTHERWISE PROVIDED BY LAW, THE MEMBERS OF THE HOUSE OF

REPRESENTATIVES SHALL BE ELECTED FROM LEGISLATIVE DISTRICTS APPORTIONED AMONG THE PROVINCES, CITIES AND THE METROPOLITAN MANILA AREA AS FOLLOWS:

which would then be followed by the allocation of seats to Metropolitan Manila, the provinces and cities without indicating the municipalities which shall comprise each of the districts. Section 2, he stated, shall mandate the Commission on Elections (COMELEC) to make the actual apportionment on the basis of the number of seats provided for and allocated to each province by the Commission.

OBJECTION OF MS. AQUINO

Ms. Aquino objected to the proposal which shall mandate the COMELEC to do the redistricting which, she opined, is linked to the practice of spheres of influence or gerrymandering. She argued that the commission being a non-partisan, non-political deliberative Body is in the best position to undertake the responsibility. Additionally, she noted that the Committee on the Legislative has already prepared a report based on the recommendation of the COMELEC.

REMARKS OF MR. OPLE

Mr. Ople, in supporting the position of Ms. Aquino, observed that, reapportionment of provinces and cities for the purpose of redistricting is generally inherent in the constituent power or in the legislative power. He expressed apprehension in delegating such authority to a quasi-judicial body even if it is created by the Constitution. He pointed out that, as Mr. Davide had mentioned, the Committee could complete the work on the reapportionment, based on the COMELEC plan which it had thoroughly studied and which was available to the Body.

Mr. Davide stated that the issue which the Body has to decide is whether the Body shall make the apportionment or leave it to the COMELEC. The Committee, he advised, would act accordingly on the basis of the Body's decision.

REMARKS OF MR. BENGZON

Apropos the statement of Mr. Davide, Mr. Bengzon informed that the Committee had already worked on the apportionment of the entire country into various districts based on the recommendations of the COMELEC. He stated that the report could be appended to the Constitution and should the Body accept it, there would be no problem.

INQUIRY OF MR. RODRIGO

Mr. Rodrigo inquired whether the apportionment would apply only to the first election after the ratification of the Constitution, to which Mr. Davide clarified that based on Mr. Padilla's proposal, it would apply to the first election and based on Mr. Sarmiento's proposal it would also apply to the first election and thereafter the Congress shall have the power to reapportion.

Mr. Rodrigo observed that should the apportionment, based on the COMELEC study, be appended to the Constitution, the COMELEC may no longer have the power to change the scheme.

Mr. Davide pointed out that once the apportionment, which is to be presented as a separate issue, is approved by the people, the COMELEC would no longer have the authority, unless in the ordinance itself the Commission would determine the number of seats for a particular province and leave the COMELEC to make the actual allocation of the different municipalities.

On whether the apportionment is based on the COMELEC study, Mr. Davide clarified it is not necessarily based thereon inasmuch as the Committee seeks to reduce the number of seats from 199 recommended by the COMELEC to 183. Mr. Davide further stated that the Body could determine how many seats would be allotted to the different provinces such that only the number of seats would appear in the ordinance. Section 2, he noted, should mandate the COMELEC to apportion the provinces on the basis of the number of seats allotted to them and determine what municipalities would comprise a district.

INQUIRY OF MR. REGALADO

On the basis of the proposed apportionment, Mr. Regalado inquired whether the reduction of seats from 199 to 183 would result in under-representation or non-representation of areas. In reply thereto, Mr. Davide assured the Body that there would be no case of inequitable distribution. He informed that the ratio used is 1 seat for every 350,000 or 400,000 inhabitants which would be within the standard.

STATEMENT OF THE PARLIAMENTARY SITUATION

On the parliamentary situation, Mr. Rama informed that there was a motion by Mr. Sarmiento to mandate the COMELEC to do the redistricting while Mr. Padilla had another motion to the same effect. On the other hand, he noted that a prejudicial question had been raised in the form of an amendment to the amendment proposed by Ms. Aquino that the Commission, not the COMELEC, should do the redistricting. He then requested Ms. Aquino to make a formal motion to enable the Body to vote on it.

MOTION OF MS. AQUINO

Thereupon, Ms. Aquino moved that the Commission undertake the apportionment of the legislative districts instead of delegating the responsibility to the COMELEC.

REMARKS OF MR. GUINGONA

Mr. Guingona remarked that the Body would not be able to vote on the motion unless the Committee explains the apportionment relative to the number of seats being proposed and the reasons therefor.

Mr. Davide informed that the Committee would be prepared to submit an apportionment to be appended is an ordinance to the new Constitution. The COMELEC, he stated, had submitted to the Committee its own apportionment scheme and that the Committee could make certain adjustments thereon to reduce the total number of seats allocated by the COMELEC from 199 to 183 which would affect a few areas.

Mr. Guingona stated that the Commission itself should make the decision, and not the Committee, for which reason it should be given the necessary information.

In reply, Mr. Davide pointed out that the Committee would like to expedite the matter inasmuch as it is related to the reopening of the Article. He assured that should the Commission decide to apportion the seats in the ordinance, the Committee can immediately come up with such an apportionment.

To Mr. Guingona's inquiry whether the Body could review the proposal, Mr. Davide replied that the Committee would prefer the Commission to mandate it to prepare the apportionment in order to facilitate the matter.

Mr. Guingona then queried whether the Commission, should it reject the proposed apportionment, can still consider the proposal of Messrs. Bernas, Sarmiento and others. Mr. Davide stated that the Body can then consider as an alternative amendment Mr. Padilla's proposal.

Mr. Guingona suggested a deferment to enable the Body to study the proposal, in response to which, Mr. Davide requested that it be withdrawn. He urged the Body to decide whether the Commission would make the apportionment to enable the Committee to prepare it and submit it to the Body.

Upon inquiry, Mr. Davide informed that the report on the apportionment can be submitted, at the earliest, on the afternoon of the next day although the decision on the actual configuration and whether it would be in an ordinance could already be done by the Body.

Mr. Guingona withdrew his motion on the understanding that the mandate is for the Committee to prepare a recommendation for approval by the Body.

REMARKS OF MR. MONSOD

In reply to the Chair's query, Mr. Monsod informed that the Body is not asked to give the guidelines on the number of representatives, because these guidelines are not the same as those submitted by the COMELEC.

INQUIRY OF MR. MAAMBONG

On the inquiry of Mr. Maambong, Mr. Davide affirmed that he was referring to the proposed apportionment submitted by the COMELEC Ad Hoc Committee which apportioned the whole country into 199 legislative districts.

In the event that the Commission decides to make the apportionment, Mr. Maambong inquired whether the COMELEC report could be used as a guide. Mr. Davide affirmed that it could although some adjustments have to be made in view of the protests of some affected constituencies. He further affirmed that the Committee would only readjust the number of seats from 199 to 183 and that basically the Commission would, in effect, follow the COMELEC's recommendation.

INQUIRY OF MR. SUAREZ

Upon inquiry of Mr. Suarez whether the Body is going to determine the number of legislative districts which would total to 183 seats, Mr. Davide affirmed that the Body could, although it could also determine the municipalities to comprise each district, should it follow Ms. Aquino's proposal.

In answer to the inquiry whether the matter would be taken up in the afternoon session or deferred for the next day, Mr. Davide stated that should the Body decide that the Commission itself make the apportionment, the Committee would take it as a mandate to come up with an ordinance indicating what municipalities would comprise a particular legislative district and it would be guided by the COMELEC report, taking into account the objections from certain quarters. He noted that it would just be a matter of making some adjustments.

INQUIRY OF MR. OPLE

Mr. Ople inquired as to what specific areas would be affected should the number of seats be reduced from 199 to 183.

In reply thereto, Mr. Davide stated that certain areas, which otherwise should have been given more seats, would retain the number of seats they had in the 1984 election. Thereafter, he cited the following provinces:

Recommended Number of Seats

Original Number of Seats

Palawan (with Puerto Princesa) 2 1

Masbate 3 2

Isabela 4 3

Zamboanga del Norte (with Dapitan and Dipolog) 3 2

Zamboanga del Sur (with Pagadian City) 4 3

Agusan del Norte 2 1

Bukidnon 3 2

Bulacan, Mr. Davide informed, would not be affected.

Mr. Ople observed that the 183 seats were based on the parliamentary election, by province, in 1984 and queried why the Body could not adopt the 199 seats which were calculated to fit a district system of congressional elections.

In reply thereto, Mr. Davide stated that although he is prepared to accept 199 to reduce the Committee's problem, there were strong objections to a very large Lower House, hence there was a proposal to reduce the original 250 to 200. He opined that 200 could not be accommodated in the hall; in fact, the Senate, he stated, would have to occupy the South Caucus Room.

Mr. Ople observed that should the decision be influenced by the actual size in square meters of the plenary hall, 199 would not seem exorbitant, to which Mr. Davide replied that should the Commission peg the membership of the Lower House for the regular districts at 199, the Committee would have no problem with the COMELEC's proposal.

INQUIRY OF MR. BERNAS

In reply to Mr. Bernas' query on whether public hearings were conducted to determine the proposal's acceptability, Mr. Davide stated that the Committee based its proposal completely on the 1984 apportionment which was, in turn, based on the projected population at that time.

On whether the recommendation was based on reconsideration of what was presented by the COMELEC after hearing the protests, Mr. Davide stated that the protests were not on population or on under-representation or over-representation but on the compactness of the area. He stated that some of those would amount to gerrymandering.

Mr. Bernas pointed out that there was no announcement and the protests came from people who just happened to know that there was an apportionment. In reply, Mr. Davide stated that the Committee could not extend invitations to all the provinces, however, the COMELEC, took into account population, contiguity, adjacentness and compactness of territories. He disclosed that the Committee only heard the COMELEC and some of those who protested.

On the basis for the departure from the recommendation of the COMELEC, Mr. Davide stated that the Committee partially departed from the COMELEC recommendation in the light of some objections. He stated that the Committee had no chance to go around the provinces to conduct public hearings on the apportionment because it was physically impossible for the Members to do so, in view of which, it had to rely on the COMELEC proposal.

As a rejoinders Mr. Ople stated that in all meetings of the Committee on the Legislative which he attended all

experts of the COMELEC were present and were consulted on every question raised and that the COMELEC was always behind the Committee on the issues considered.

REMARKS OF MR. AZCUNA

Mr. Azcuna opined that the COMELEC proposal of 199 representatives is not unreasonable considering that it merely added 16 more seats to the 183 seats in 1984 to reflect growth in population since the last census. He expressed objection to the Committee's departure from the COMELEC proposal.

On the total number of representatives, Mr. Azcuna stated that his researches showed that Canada, with a population of only 24 million, has a Senate of 104 Members and a Lower House of 282 and France, with a 54 million population, has 280 Senators and 491 Lower House Deputies, or an average of one representative for every 300 to 350 thousand persons.

INQUIRY OF MR. MAAMBONG

In reply to Mr. Maambong's query whether retaining the COMELEC recommendation of 199 and reducing the seats to 183 would violate the Constitution, Mr. Davide stated it would not as long as it does not exceed the 250 maximum.

At this juncture, Mr. Rama drew attention to the joint amendment of Messrs. Padilla and Sarmiento, as amended, to mandate the COMELEC to do the redistricting.

RESTATEMENT OF THE AMENDMENT

Mr. Sarmiento restated the amendment, to wit:

FOR THE FIRST ELECTION UNDER THIS CONSTITUTION THIS COMMISSION SHALL APPORTION LEGISLATIVE DISTRICTS BASED ON THE STANDARDS PROVIDED IN THE CONSTITUTION. THE FIRST CONGRESS SHALL MAKE REAPPORTIONMENT THEREOF BASED ON THE SAME STANDARDS PROVIDED HEREIN.

INQUIRY OF MR. DAVIDE

In reply to Mr. Davide's query, Mr. Sarmiento stated that the proposal would be in substitution of paragraph 4.

INQUIRY OF MR. OPLE

In reply to Mr. Ople's query on whether the reapportionment would be based on 199 seats, Mr. Davide stated that his original recommendation was 183, which was objected to by Mr. Azcuna.

Mr. Davide suggested that the mandate given to the Commission be placed in Section 5 of the Article on Legislative Power. He then suggested the deletion of paragraph 4 and approval of a motion to have an ordinance instead of incorporating the amendment.

Thereupon, Mr. Ople suggested that the Body incorporate in the motion a statement that the apportionment should be based on not more than 199 seats.

INQUIRY OF MR. MONSOD

Mr. Monsod invited attention to Section 3 which seeks to increase the population limit to 250,000 from 200,000, to which Mr. Davide replied that said limit would originally affect only Butuan, Iligan, Baguio, Olongapo and Angeles City.

Mr. Monsod observed that, looking at the COMELEC apportionment, quite a number of districts are below 250,000 and above 200,000, in reply to which Mr. Davide stated that this could be taken care of by the configuration and adjustments to be made later.

On the observation that the 250,000 guideline would automatically eliminate many districts, Mr. Davide stated that it would only eliminate 4 cities. He affirmed that the Commission is really adopting the COMELEC apportionment except for the reduction of certain cities which would no longer qualify.

INQUIRY OF MR. BENGZON

In reply to Mr. Bengzon's query, Mr. Davide stated that under the 199 proposal the representation of some provinces would not be reduced but would, in fact, increase like for instance Manila and Pangasinan which would have an addition of one seat each.

CALL FOR THE PREVIOUS QUESTION

Thereupon, Mr. Rama called for the previous question.

INQUIRY OF MR. SARMIENTO

In reply to Mr. Sarmiento's query on whether his proposal was an amendment or a motion, Mr. Davide requested that it be treated as a motion to be followed by the deletion of paragraph 4), the reason being that it should not appear as a paragraph in Section 5 so that it would not reflect in the Constitution that the Commission is vested with the authority, yet could not exercise such authority until after ratification of the new Constitution.

Mr. Sarmiento agreed to Mr. Davide's request.

INQUIRY OF MS. AQUINO

In reply to Ms. Aquino's query, the Chair stated that it would only require a two-thirds vote to adopt the motion.

APPROVAL OF THE MOTION

Thereafter, Mr. Sarmiento moved that the Commission do the reappointment of the legislative districts.

Submitted to a vote, and with 30 Members voting in favor and none against, the motion was approved by the Body.

MOTION OF MR. DAVIDE

As a consequence of the approval of Mr. Sarmiento's motion, Mr. Davide moved to delete paragraph 43 of the proposed Section 5 of the Article on the Legislative.

There being no objection, the motion was approved by the Body.

PROPOSED MOTION OF MR. DAVIDE

Mr. Davide moved that the new paragraph 4) of Section 5 read as follows.

WITHIN THREE YEARS FOLLOWING THE RETURN OF EVERY CENSUS, THE CONGRESS SHALL MAKE A REAPPORTIONMENT OF LEGISLATIVE DISTRICTS BASED ON THE STANDARDS PROVIDED IN THIS SECTION.

INQUIRY OF MR. OPLE

In reply to Mr. Ople's query on the meaning of the phrase "within three years following the return of every census", Mr. Davide stated that generally the census takes place every three years. He affirmed that the First Congress may not disturb the apportionment to be ordained by the Commission until 1990 when it could actually make the apportionment because 1990 is within three years after its election and before the end of its term.

APPROVAL OF THE MOTION

Submitted to a vote, and there being no objection, the motion was approved by the Body.

PROPOSED MOTION OF MR. OPLE

Mr. Ople moved that the Commission, in the exercise of its apportionment function, adhere to the original COMELEC recommendation of 199 seats.

SUGGESTION OF MR. MONSOD

Mr. Monsod observed that the motion is too rigid because the minimum has been changed from 200 to 250. He suggested maintaining "not more than 200" since it is already in Section 1.

Mr. Ople agreed.

MODIFIED MOTION OF MR. OPLE

Mr. Ople modified his motion to the effect that the Commission reaffirm its adherence to not more than 200 seats.

Submitted to a vote, and there being no objection, the motion was approved by the Body.

INQUIRY OF MR. MAAMBONG

In reply to Mr. Maambong's' query whether it is the sense of the Committee that the Commission stick to 199 if it is at all possible under the present guidelines, Mr. Davide stated that with 4 or 5 cities losing a seat on account of the increase in population requirement, it could even be less than 199.

INQUIRY OF MR. GASCON

In reply to Mr. Gascon's query, Mr. Davide affirmed that with the approval of Mr. Sarmiento's motion, the Commission reapportionment would be a separate document to be voted upon separately.

AMENDMENT OF MR. DAVIDE

Mr. Davide proposed an amendment to Section 11 of the draft Article on the Legislative, to add a second paragraph to subsection 4) of Section 11, to wit:

EACH HOUSE SHALL ALSO KEEP A RECORD OF ITS PROCEEDINGS

Submitted to a vote, and there being no objection, the amendment was approved by the Body.

APPROVAL ON SECOND READING OF THE ARTICLE ON THE LEGISLATIVE

On motion of Mr. Rama, there being no objection, the Body approved, on Second Reading, the Article on the Legislative, as amended.

Mr. Rama moved for the approval, on Third Reading, of the Article on the Legislative.

Mr. de Castro stated that the Body would still be to approve the apportionment which would be contained in the ordinance, to which Mr. Davide replied that the ordinance would be a separate resolution such that the Body could vote, on Third Reading, on the main body of the Article on the Legislative and then later on, on the ordinance which is entirely a different matter.

APPROVAL ON THIRD READING OF THE ARTICLE ON THE LEGISLATIVE

Mr. Rama then moved for the approval, on Third Reading, of the Article on the Legislative.

Thereupon, the Body proceeded to vote, on Third Reading, on the Article on the Legislative.

Upon direction of the Chair, the Secretary-General called the Roll for nominal voting. Thereafter, a second Roll Call was made.

EXPLANATION OF VOTES

The following Members explained their votes, to wit:

By Mr. Garcia:

Mr. Garcia stated that he was abstaining because he believed that the bicameral system does not actually provide a more democratic structure for participation and that he has some reservation regarding the lack of a permanent sectoral representation.

By Mr. Gascon:

Mr. Gascon, likewise, abstained because he believed that a unicameral system would be a better form of legislature for the people, it being more democratic and that while sectoral representation is provided, it lacks permanence. He recognized, however, that the Article on the Legislative is an improvement over the 1935 Constitution in the sense that a party list system and sectoral representation are provided.

By Mr. Padilla:

Mr. Padilla stated that he was voting Yes principally because of the restoration of the bicameral system.

By Mrs. Quesada:

Mrs. Quesada abstained for the following reasons: 1) the Body adopted a bicameral system which is against the wishes of the people; and 2) the Body failed to enshrine in the Constitution the permanent reserved seats for sectoral representatives.

By Mr. Sarmiento:

Mr. Sarmiento stated that he was abstaining because he believed that a unicameral legislature is more responsive

to the needs and wishes of the Third People.

By Mr. Suarez:

Mr. Suarez abstained for the reasons already stated by his colleagues.

By Mr. Villacorta:

Mr. Villacorta stated that he was abstaining because of a provision for the Senate which, he believed, would once more bring about a political aristocracy.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor:

Alonto Davide Padilla

Aquino Foz Rama

Azcuna Guingona Regalado

Bengzon Jamir Rodrigo

Bennagen Maambong Sumulong

Bernas Monsod Tan

Rosario Braid Nieva Uka

De Castro Nollado Villegas

Concepcion Ople

Against:

None

Abstention

Garcia Sarmiento Tadeo

Gascon Suarez Villacorta

Quesada

With 29 Members voting in favor, none against and 7 abstentions, the Body approved, on Third Reading, the Article on the Legislative.

APPROVAL ON THIRD READING OF THE ARTICLE ON LOCAL GOVERNMENTS AND AUTONOMOUS REGIONS

Mr. Rama moved for the approval, on Third Reading, of the Article on Local Governments and Autonomous Regions.

Thereupon, the Body proceeded to vote, on Third Reading, on the Article on Local Governments and Autonomous Regions.

Upon direction of the Chair, the Secretary-General called the Roll for nominal voting. Thereafter, a second Roll Call was made.

EXPLANATION OF VOTES

The following Members explained their votes:

By Mr. Ople:

In explaining his affirmative vote, Mr. Ople congratulated the Committee on Local Governments for the efforts it exerted to give real substance to the principle of local autonomy. He further stated that the Commission, as a whole, has created the autonomous regions for Muslim Mindanao and the Cordilleras, and laid the basis for enduring peace and fraternity in these troubled parts of the country.

By Mr. Padilla:

Mr. Padilla stated that he was voting Yes despite his opposition to the creation and maintenance of special courts in the autonomous regions and to Section 18 which grants these regions extensive legislative powers.

RESULT OF THE VOTING

The result of the voting was as follows:

In favor:

Alonto Garcia Rama

Aquino Gascon Regalado

Azcuna Guingona Rodrigo

Bengzon Jamir Sarmiento

Bennagen Maambong Suarez

Bernas Monsod Sumulong

Rosario Braid Natividad Tadeo

Calderon Nieva Tan

De Castro Nollado Treñas

Concepcion Ople Uka

Davide Padilla Villacorta

Foz Quesada Villegas

With 36 Members voting in favor, none against and no abstention, the Body approved, on Third Reading, the Article on Local Governments and Autonomous Regions.

MOTION OF MR. RAMA

Thereafter, Mr. Rama moved that the Body take up the report of the Committee on Style.

PRIVILEGED MOTION OF MR. DAVIDE

At this juncture, Mr. Davide moved that the draft Constitution should be titled: THE NEW CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES.

Mr. Guingona stated that the 1973 Constitution has also been referred to as the New Constitution and that he was thinking that it would be better to refer to it as THE 1986 CONSTITUTION.

Mr. de Castro concurred with the comments of Mr. Guingona.

On Mr. Ople's query how new would the Constitution look twenty or one hundred years later, Mr. Davide stated that the Constitution would never lose its newness because this is a dynamic, growing document. He opined that if this is labelled as the 1986 Constitution, there would be no permanence whereas his proposal would imprint some kind of stability and permanence.

POINT OF ORDER OF MR. MAAMBONG

At this juncture, Mr. Maambong raised a point of order on the ground that the title of any law, according to parliamentary practice, is always the last part to be taken up, to which Mr. Davide replied that the Body had already gone over every provision of the Constitution. He stated that he presented the motion because the Committee on Style might also re-style it.

Mr. Maambong asked for the ruling of the Chair.

Upon request of Mr. Ople, Mr. Maambong withdrew his point of order.

Mr. Ople inquired if Messrs. Davide and Maambong would agree to put the nomenclature of the Constitution at the very end of the agenda in accordance with time-honored practice.

In reply, Mrs. Davide agreed and asked for the deferment of his motion.

Mr. Guingona agreed to the deferment and reserved his right to present his proposal at the proper time, which reservation was noted by the Chair.

Mr. Uka suggested that the Constitution be known as THE CONSTITUTION OF THE NEW REPUBLIC OF THE PHILIPPINES, to which the Chair stated that discussion on the matter had already been deferred.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 4:51 p.m.

RESUMPTION OF SESSION

At 5:26 p.m., the session was resumed.

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON STYLE

Upon resumption of session, on request of Mr. Rama, the Chair recognized the Chairman and Members of the Committee on Style for the sponsorship of its Report.

SPONSORSHIP REMARKS OF MR. RODRIGO

Mr. Rodrigo prefaced his remarks by stating that the function of the Committee on Style is contained in Subsection 16, Rule II of the Rules of the Commission, which provides that "all matters relating to the correction of the phraseology and form, and the consistency and accuracy of proposals, shall be referred to the Committee, but it shall have no authority to change the sense, substance or purpose of any proposal."

He disclosed that the Committee had 19 meetings in the past two months, and had created an ad hoc Committee with the acronym ADAN based on the names of its three members, namely Messrs. Azcuna, Davide, and Nollado. He also stated that during its work, the Committee found that the Committee on Sponsorship was also reviewing the corrections on the provisions that had been approved, so, a "conference committee" was formed from the two committees with Messrs. Rodrigo, Treñas, Azcuna, Davide and Nollado representing the Committee on Style and with Messrs. Guingona, Sumulong, Garcia, Maambong, de los Reyes, and Ms. Aquino representing the Committee on Sponsorship; and with the invaluable help of Atty. Honorata Orquiola.

He explained that two documents were distributed to the Members of the Commission, one entitled "1986 Constitution Based on the Engrossed Copy" which contains the provisions as originally approved by the Body; and the other entitled "1986 Draft Constitution as Appreciated by the Committee on Style" which contains its suggestions and corrections.

On the general rule on the use of commas in case of enumeration consisting of more than two words, he stated that the Committee had two options: the American system which does not put a comma (,) between the last two words in the enumeration but are separated by the conjunctions "and" or "or"; and the British system which puts a comma (,) between the last two words in the enumeration even if they are separated by the conjunctions "and" or "or".

Mr. Rodrigo explained that the Committee on Style decided to follow the British system which was also followed in the 1935 and 1973 Constitutions. He added that when reference is made to Congress "the" is added as it is also the phraseology in the 1935 and 1973 Constitutions.

He also stated that the Committee decided to make "percent" uniform adopting *percentum* in italics. On numbers, he stated that the Committee decided to use only the words and not words and figures; and to capitalize the letter M in "Members" in all cases. He also stated that the Committee placed a comma (,) before and after every "by law" for uniformity. He also explained that the Committee capitalized the letter s in "State"; used Roman numbers to designate the Sections and the subsections; delete as much as possible the phrase "provided that" because it is not usually used in a constitution; and only used either "and" or "or" instead of "and/or".

On the Preamble, Mr. Rodrigo stated that the Committee decided to use GOD ALMIGHTY instead of "Almighty God", inserted IN ORDER after the phrase following the text of the 1935 and 1973 Constitutions; added INDEPENDENCE AND before "democracy"; and inserted FRATERNITY before "and love".

REMARKS OF MR. DE CASTRO

Thereupon, Mr. de Castro stated that the Committee has indicated the phraseology it had changed and the words added, but not the words it has omitted. He pointed out that the Preamble originally approved by the Body contains the word "hereby" between "do and "ordain".

Mr. Rodrigo explained that he inadvertently forgot to mention the omission.

In reply to Mr. de Castro's query, whether there are other omissions which were not indicated, Mr. Rodrigo

replied in the negative.

REMARKS OF MRS. QUESADA

Mrs. Quesada opined that the word "fraternity" is sexist and discriminates against women because the Committee could have also added the word SORORITY.

Reacting thereto, Mr. Sumulong explained that the Committee originally intended to substitute "love" with FRATERNITY, however, there was a memorandum submitted asking for the restoration of "love" which was finally approved with a vote of 5 to 3

Mrs. Quesada pointed out that the Body deliberated on the insertion of the word "love". She then queried whether the Committee has the authority to add words which had not been deliberated upon by the Body.

Mr. Rodrigo stated that the Body could vote on either the deletion or retention of FRATERNITY.

At this juncture, Mr. Villegas explained that FRATERNITY does not have a sexist connotation because it is derived from the Latin words fraternitas, atis meaning friendship. He added that the word frater means brother.

Mrs. Quesada contended that the word FRATERNITY still means brotherhood.

Thereupon, Mr. Bengzon pointed out that Mrs. Quesada was merely questioning the authority of the Committee on Style to insert words which have not been approved by the Body. He opined that the Committee's move to delete "love" should not have been done because it was approved by the Body.

Thereafter, Mrs. Quesada moved for the deletion of the word FRATERNITY.

POINT OF ORDER OF MR. MAAMBONG

At this juncture, Mr. Maambong raised a point of order on the ground that the addition of FRATERNITY would, in effect, reopen the whole Preamble.

Mr. Bengzon disagreed and explained that the Body is not adding the word but is, in fact, in the process of deleting it because Mrs. Quesada questioned the authority of the Committee on Style to insert words which have not been deliberated by the Body.

Mr. Maambong explained that he is not really concerned with the retention or deletion of the said word but with respect to those added or deleted in the other articles or sections, he stated that the matter should be resolved.

In reply to Ms. Tan's query whether the Committee has the authority to delete or add words, Mr. Rodrigo explained that it could if it is just to improve the phraseology and style without necessarily changing the content or substance.

Thereupon, Ms. Tan opined that FRATERNITY is not essential.

Mr. Rama opined that the motion to delete is in order. He then moved for a vote on the matter.

At this juncture, Mr. Bengzon stated that Mr. Maambong's position is correct because Mrs. Quesada's motion, in effect, questions the Committee's authority to add or delete words. He stated that Mrs. Quesada should withdraw her motion and merely request the Committee to delete the word; otherwise, the Body would be reopening the whole Preamble.

Mr. Rama pointed out that when Mrs. Quesada questioned the propriety of the insertion of FRATERNITY she was already questioning the Committee's authority. He then requested for a vote on the matter.

Mr. de Castro manifested his concurrence with Mr. Maambong's opinion that voting on the insertion would, in effect, reopen the whole Preamble.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 5:50 p.m.

RESUMPTION OF SESSION

At 6:00 p.m., the session was resumed.

Upon resumption of session, Mr. Rama moved for voting on the matter.

Mr. Rodrigo agreed.

However, Mr. de Castro pointed out that the issue is not really to delete or-retain the word but the extent of the authority of the Committee on Style to add, remove and rearrange the words. He cited, for example, that during the deliberations he fought hard for the insertion of "truth" but the Committee's recommendation was to have it after "freedom".

Replying thereto, Mr. Rodrigo maintained that the Committee has the authority on matters of style and form and, if any Member wants to maintain the original sequencing of words, he could file a corresponding motion which the Committee may accept.

Mr. de Castro expressed dissatisfaction on the manipulation of the words.

At this juncture, the Chair *motu proprio* directed the deletion of the word "manipulation" as unparliamentary.

Ms. Aquino opined that the deletion of the word FRATERNITY would not necessarily mean a reopening of the whole Preamble because the Body has the right to either confirm or reject the Committee's recommendation .

RESULT OF THE VOTING

Submitted to a vote, and with 20 Members voting in favor, 4 against and 1 abstention, the Body approved the deletion of "fraternity".

MOTION OF MR. CONCEPCION

Mr. Concepcion moved to restore the original sequence: truth, justice, freedom, equality, peace and love.

Mr. Rodrigo pointed out that originally "love" was between "freedom" and "equality".

Mr. Concepcion agreed to maintain the original formulation indicated, which Mr. Rodrigo accepted.

REMARKS OF MR. PADILLA

Mr. Padilla suggested the insertion of the phrase "and progress" after "peace" in line with other articles which included "progress". He stressed that the Preamble expresses the aims, aspirations and ideals of our people, but without progress, the quality of life would not be improved.

In reply to the Chair's query, Mr. Padilla stated that it is not his intention to reopen the Preamble. He noted that the Committee on Style inserted "independence" and "fraternity". As a member of said Committee, he asked if he

cannot propose the addition of the suggested word "progress", for the approval of the Commission. The word "progress" would not do violence or result in inconsistency but contribute to the aims and ideals expressed in the Preamble.

The Chair observed that Mr. Padilla's stand partakes of the nature of a reconsideration for reopening which would be improper at the stage of the proceedings.

Mr. Padilla clarified that he was not seeking reconsideration but was merely making a suggestion.

The Chair stated, however, that it could pave the way for similar requests.

INQUIRY OF MS. AQUINO

Ms. Aquino inquired whether Mr. Concepcion's motion to retain the original sequence had been voted upon and, if not, she would move for confirmation of the original Committee recommendation which sequenced the virtues as "freedom, truth, justice, equality, peace and love".

The Chair stated that it is of the impression that Mr. Rodrigo had agreed to do so.

Mr. Rodrigo, however, confirmed Ms. Aquino's observation.

Thereupon, she moved for confirmation of the Committee recommendation.

MOTION OF MR. DE CASTRO

Mr. de Castro moved that the Body first resolve the motion of Mr. Concepcion before considering Ms. Aquino's motion.

Mr. Rama stated that Mr. de Castro's motion is in order.

RESULT OF THE VOTING

Thereupon, submitted to a vote, and with 14 Members voting in favor, 9 against and 1 abstention, the Body approved Mr. Concepcion's motion.

MOTION OF MR. SUAREZ

Mr. Suarez moved for the restoration of ALMIGHTY GOD in lieu of "God Almighty" stating that "almighty" qualifies "God".

Submitted to a vote, and with 17 Members voting in favor, 7 against and 3 abstentions, the Body approved Mr. Suarez' motion.

RESTATEMENT OF THE PREAMBLE AS AMENDED

Upon request of Mr. Rama, Mr. Rodrigo read the Preamble, as amended, to wit:

We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society and establish a Government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality and peace, do ordain and promulgate this Constitution.

Submitted to a vote, and with 26 Members voting in favor, 1 against and 1 abstention, the Body approved the

Preamble, as amended.

MANIFESTATION OF MR. RAMA

Mr. Rama stated that the Body would vote on every article as a whole and not by section to expedite the proceedings.

MOTION OF MR. DAVIDE

On motion of Mr. Davide, accepted by the Committee and there being no objection, the Body approved the deletion of quotation marks enclosing the text of the Preamble.

AMENDMENTS ON THE ARTICLE ON NATIONAL TERRITORY

Mr. Rodrigo stated that the amendments on Article I are as follows:

- 1) On line 5, substitute "the" after "including" with ITS;
- 2) On line 7, delete "thereof" after "areas"; and
- 3) On line 8, substitute "irrespective" with REGARDLESS.

INQUIRY OF MR. FOZ

In reply to Mr. Foz' query, Mr. Rodrigo stated that "Philippines" is the antecedent of "its".

Submitted to a vote, and with 26 Members voting in favor and none against, the Body approved the Article on National Territory, as amended.

AMENDMENTS ON THE ARTICLE ON CITIZENSHIP

On motion of Mr. Rodrigo, there being no objection, the Body approved the following modifications on the Article on Citizenship:

- 1) On lines 8 and 9 of Section 1, transpose "elect Philippine citizenship" between "who" and "upon";
- 2) On Section 2, line 12, delete "their citizenship"; and
- 3) On Section 4, delete "provided that" on line 19; on line 12, substitute "hereof" with ABOVE; and delete "also" after "shall".

MANIFESTATION OF MR. RAMA

At this juncture, Mr. Rama suggested that the Body avoid repetitious voting and vote for all the articles at the end.

AMENDMENTS ON THE ARTICLE ON SUFFRAGE

On motion of Mr. Rodrigo, there being no objection, the Body approved the following modifications on the Article on Suffrage:

- 1) On line 5, add IMMEDIATELY after "six months"; and
- 2) On line 9, delete the words after "for the purpose of".

Mr. Rodrigo stated that Mr. Azcuna proposed to reformulate the fourth paragraph to read:

IT SHALL ALSO DESIGN A PROCEDURE FOR THE DISABLED AND THE ILLITERATES TO VOTE WITHOUT THE ASSISTANCE OF ANOTHER PERSON. UNTIL THEN, THEY SHALL BE ALLOWED TO VOTE UNDER EXISTING LAWS AND SUCH RULES AS THE COMMISSION ON ELECTIONS MAY PROMULGATE TO PROTECT THE SECRECY OF THE BALLOT.

Mr. Foz suggested that OTHER PERSON is more appropriate than "another person" on line 13, which Mr. Rodrigo accepted.

INQUIRY OF MR. DE CASTRO

In reply to Mr. de Castro's query, Mr. Rodrigo affirmed that "It" on line 12 refers to Congress.

Mr. de Castro pointed out that during the deliberations, vigorous objections were expressed against assistors for the illiterates to be able to vote. He inquired whether they would be allowed to extend the assistance during the ratification of the Constitution or during the first election.

Replying thereto, Mr. Rama volunteered the information that assistors would be absolutely barred from helping illiterates to vote to maintain and protect the secrecy of the ballot. He stated that it was agreed during the deliberations that pictures of candidates shall be utilized for the illiterates to be able to identify the candidates of their choice.

SUGGESTIONS OF MR. SUAREZ

On line 12, Mr. Suarez suggested to substitute "It" with THE CONGRESS, which the Committee accepted.

In reply to Mr. Suarez' query whether there is any difference between "secrecy and sanctity of the vote" appearing on line 10 and "protect the secrecy of the ballot" on line 16, Mr. Azcuna stated that the Committee followed the original language and did not change the concept.

Mr. Suarez suggested to substitute "vote" on line 10 with BALLOT, which the Committee accepted.

REMARKS OF MR. MONSOD

Expressing disagreement to Mr. Rama's point of information, Mr. Monsod stated that the phrase "to protect the secrecy of the ballot" applies to such other rules that the Commission on Elections may promulgate and it means that illiterates and disabled persons may still vote with the assistance of another unless the COMELEC promulgates new rules in accordance with the first sentence of the provision.

Mr. Rama remarked that protection of the secrecy of the ballot cannot be given meaning if other persons are allowed to vote for illiterates.

By way of clarification, Mr. Monsod informed that the last sentence was placed so that there will be exceptions until Congress shall have enacted new laws and until the COMELEC shall have promulgated new rules to protect the secrecy of the ballot. He stated that existing laws, which contain provisions for assistance, would allow the illiterates to vote. He stressed that this is the reason for a transit rule.

Ms. Aquino manifested that the controlling interpretation is Mr. Monsod's and the reason why she and Mr. Bernas introduced the last sentence was because the effect of the amendment in the Article on Suffrage would be the temporary disenfranchisement of the illiterates pending the issuance of rules and regulations.

INQUIRY OF MR. OPLE

Mr. Ople inquired whether it would be in order to discuss the intent behind the provision beyond the matter of style. He cautioned that allowing such discussion would jeopardize completion of the Commission's task according to the timetable it has adopted.

Mr. Rama stated that Mr. Ople's observation is correct and that he merely raised the point of information in answer to the query of Mr. de Castro.

The Chair noted that it was about to admonish the Body, that with respect to the work of the Committee on Style, the Body has to ensure that the style was correct and that no substantial changes have been made on the provisions.

Upon inquiry of Mr. Davide, Mr. Rodrigo affirmed that the Foz amendment was "other persons".

Submitted to a vote, and with 24 Members voting in favor and none against, the Body approved the Article on Suffrage.

ARTICLE ON CITIZENSHIP

Thereafter, the Body voted on the Article on Citizenship and with 25 Members voting in favor and none against, the same was approved by the Body.

ARTICLE ON THE BILL OF RIGHTS

Mr. Rodrigo informed that there were no modifications made on Sections 1, 2 and 3 of the Bill of Rights and that the second sentence of Section 4 was converted into a separate paragraph.

Upon inquiry of Ms. Tan, Mr. Rodrigo clarified that line 5 states "equal protection of laws".

On Section 1, line 4, Mr. Davide proposed and the Committee accepted the insertion of a comma (,) after the word "liberty" which was subsequently approved by the Body.

On Section 6, Mr. Rodrigo informed that the Word "to" was inserted between the words "as well as" and "government research" such that the clause would read:

"and to documents and papers pertaining to official acts, transactions, or decisions, as well as TO government research".

On Section 7, Mr. Rodrigo stated that on line 14, a comma (,) had been placed after the word "people" and on line 15 a comma (,) had also been placed after the word "sectors".

On line 16 of the same section, Mr. Lerum proposed to place the word "unions" before associations which was accepted by the Committee.

There being no objection, the same was approved by the Body.

On Section 9, Mr. Rodrigo informed that the word "of" was inserted before the word "expression" on line 26. The same was approved by the Body.

SECTION 13

Mr. Maambong stated that Section 13 provides:

No involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted

while Section 17(1) states:

No person shall be held to answer for a criminal offense without due process of law nor shall any person be detained merely by reason of his political beliefs and aspirations

and that he and Mr. Azcuna felt that the phrase "nor shall any person be detained merely by reason of his political beliefs and aspirations" does not belong to Section 17(1) for which reason they reformulated Section 13 by transposing the particular phrase thereto. Section 13, as reformulated, would then provide:

No person shall be detained merely by reason of his political beliefs and aspirations.

No involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted.

Mr. Maambong reasoned that by putting it in Section 13, it became a substantive right while in Section 17 it was a procedural right.

Mr. Azcuna confirmed Mr. Maambong's observation and stated that they worked together on the reformulation on instruction of their respective Committees on Style and Sponsorship.

Mr. Maambong informed that Section 17(1) would read:

"No person shall be held to answer for a criminal offense without due process of law."

Mr. Davide proposed and the Committee accepted, to change the word "merely" to SOLELY such that the sentence would read:

"No person shall be detained SOLELY by reason of his political beliefs and aspirations."

There being no objection, the same was approved the Body.

Mr. Azcuna clarified that there are instances when the underlinings of certain words do not indicate corrections. Certain words, he noted, such as habeas corpus and ex post facto should be underlined.

On Section 15, Mr. Rodrigo stated that on line 19 the word "may" between "or" and "the" was deleted and the word "release" was modified to RELEASED. The line would then read ".... be bailable by sufficient sureties, or be RELEASED on recognizance".

On Section 17, Mr. Rodrigo informed that "(1)" was placed before the words "No person . . ." so that it becomes subparagraph 1.

On Section 19, Mr. Rodrigo stated that prior to the statement of provisions, paragraphs "(1)" and "(2)" were placed. On line 24, he noted that a comma (,) was placed after the word "intimidation", and another comma (,) was placed after the word "incommunicado".

Subparagraph (3), Mr. Rodrigo informed, was rewritten by Mr. Azcuna.

As originally worded, it read:

Penal and civil sanctions for violations of this Section as well as compensation for and rehabilitation of victims of tortures or similar practices and of their families shall be provided by law

which was revised to:

THE LAW SHALL PROVIDE FOR PENAL AND CIVIL SANCTIONS FOR VIOLATIONS OF THIS SECTION AS WELL AS COMPENSATION AND REHABILITATION OF VICTIMS OF TORTURES OR SIMILAR PRACTICES AND OF THEIR FAMILIES.

Mr. Ople inquired whether "rehabilitation" would apply to "families". He noted that families are not victims of tortures or similar practices and queried whether they should also be entitled to rehabilitation.

Mr. Azcuna replied that it refers only to compensation although the provision can still be improved.

Mr. Monsod proposed to use the phrase "as well as rehabilitation of victims of tortures or similar practices and compensation to them and their families" which proposal was accepted by the Committee.

Submitted to a vote, and with 22 Members voting in favor and none against, subparagraph (3) was approved by the Body.

SECTION 20

Section 20(1), Mr. Rodrigo stated, was also reformulated by Mr. Azcuna.

Mr. Azcuna clarified that in the section, the Committee changed the original wordings which stated:

EXCESSIVE FINES SHALL NOT BE IMPOSED, NOR CRUEL, DEGRADING OR INHUMAN PUNISHMENT, INFLICTED. NEITHER SHALL THE DEATH PENALTY BE IMPOSED, UNLESS FOR COMPELLING REASONS INVOLVING HEINOUS CRIMES CONGRESS HEREAFTER PROVIDES FOR IT. DEATH PENALTY ALREADY IMPOSED SHALL BE REDUCED TO RECLUSION PERPETUA.

Mr. Davide proposed to delete the comma (,) after punishment and to insert the word "THE" before "Congress".

The Committee accepted the changes.

On subparagraph 2 of the same Section, Mr. Rodrigo informed that there is a comma (,) after "psychological" and the word "should" was changed to SHALL such that it would read: " . . . under subhuman conditions shall be dealt with by law".

There being no objection to the modifications the same were approved by the Body.

Mr. Padilla proposed to make paragraph (3) into paragraph (4) and paragraph (4) into paragraph (5) for a more logical sequencing.

RESERVATION OF MR. SARMIENTO

With respect to paragraph (3), now paragraph (4), Mr. Sarmiento made a reservation inasmuch as when he sponsored the provision it was pointed out that rehabilitation should also cover families as they are also affected by tortures committed against their loved ones.

He asked the permission of the Chair to check the records so as to correctly reflect the intent of the provision.

Mr. Suarez, in view, of the Davide amendment, proposed to place a comma (,) after the word "crimes" which amendment was accepted by the Committee.

Mr. Ople inquired whether the word "THE" should be placed before the words "death penalty" on Section 20(1).

Mr. Azcuna proposed "ANY" instead of "The".

On line 14, Ms. Aquino proposed to insert the clause THE EMPLOYMENT OF before the word "physical" as what is being prohibited is the employment of physical punishment. Mr. Azcuna noted that it was the original wording.

On the same section, Mr. Davide proposed to place a comma (,) after the word "detainee" on line 15.

There being no objection to the amendments, the same were approved by the Body.

Mr. Maambong indicated that the Committees agreed that the words "life imprisonment" should be changed to RECLUSION PERPETUA and that other provisions which contain such words must be changed accordingly.

Thereafter, submitted to a vote, and with 25 Members voting in favor and none against, the Article on the Bill of Rights, with the reservation made by Mr. Sarmiento on paragraph (4), was approved 9 the Body.

INQUIRY OF MR. PADILLA

In reply to Mr. Padilla's query on the number assigned to the Article on the Judiciary, Mr. Rodrigo stated that this would be Article IV.

Mr. Padilla then suggested that the Bill of Rights be followed by Family Rights, the Executive, the Legislative, then the Judiciary, to which Mr. Rodrigo stated that Mr. Padilla could sponsor it in the Sponsorship Committee.

REMARKS OF MR. MAAMBONG

Mr. Maambong informed that as early as two weeks ago, the Subcommittee on Rubrics of the Committee on Sponsorship distributed to all the Members its report indicating the sequence of the Articles for comments, but it received none, in view of which, he assumed that the sequence would be followed. He stated, however, that the Committee is willing to accept any amendment before printing the draft Articles.

REMARKS OF MR. MONSOD

With respect to the Article on the Judiciary, Mr. Monsod observed that amendments approved in previous sessions were not yet engrossed, in view of which, he moved for its deferment.

Mr. Rodrigo acceded and, thereafter, directed the Secretary-General to furnish the Members with updated copies.

CONSIDERATION OF THE ARTICLE ON THE EXECUTIVE

Mr. Rodrigo then presented the following amendments, to wit:

On Section 1, change "A" to THE;

On Section 2, line 6, add A between "and" and "resident" to read "and A resident of the Philippines".

Mr. Rodrigo manifested that there has been no change on Section 3.

On Section 4, there has been a reformulation of the sentence on lines 19 to 21.

Mr. Azcuna stated that there was an amendment on line 11 to read "The President and the Vice President shall be elected . . ."

Mr. Ople proposed that, on line 13, letter "c", the word "cabinet" should be capitalized.

Mr. Rodrigo acceded and likewise capitalized the M in "member".

At this juncture, Mr. Maambong recalled that there was an amendment by insertion to what appears now to be the second paragraph of Section 4, to wit:

"Unless otherwise provided by law, the regular election for President and Vice-President shall be held on the second Monday of May "

Mr. Maambong stated that this is on page 19, between lines 5 and 6. He pointed out that the Body may have to file a new formulation in the Transitory Provisions because this only mentions regular elections on the second Monday of May. He noted that there is no provision in the Constitution as to when the first elections under the new Constitution would be held.

On Section 4, page 18, Mr. Davide recalled that there was also an amendment by Mr. Sumulong to before the word "other".

Going back to Section 2, Mr. Foz noted that the proposal reads;

"The Vice-President may be appointed as a member of the Cabinet. Such appointment requires no confirmation."

Mr. Foz noted that the second paragraph is understood that the appointment requires no confirmation from the Commission on Appointments, the intent of which is not clarified in the Constitution.

Mr. Rodrigo manifested that there has been no change except capitalizing the letters M in "member" and C in "cabinet".

On Section 6, line 20, Mr. Rodrigo proposed the deletion of the word "any" from the phrase "any other source"; and delete the sentence "The Congress shall provide by law for the annual salaries of the President and Vice-President."

On the rationale for the deletion, Mr. Azcuna explained that at the moment, the salaries would be found in the Transitory Provisions.

REMARKS OF MR. MAAMBONG

At this juncture, Mr. Maambong informed that he received a note from the printer, through the Computer Section, saying that for purposes of layouting, the Body should decide in advance the presentation of the articles, otherwise, it would be too late.

Mr. Bengzon suggested that the Body go over the rubrics of the articles the next day.

Mr. Nollado supported Mr. Maambong's motion.

Mr. Rodrigo manifested willingness to give way to the motion.

Mr. Nollado pointed out the urgency of the situation since the printer might start typesetting early in the morning of the next day. In this connection, he stated that Mr. Maambong already presented a motion, which he seconded.

At this juncture, Mr. Bengzon reminded the Body that Saturday or Sunday would be too late and that the matter be decided not later than the next day.

Mr. Azcuna interposed no objection.

REMARKS OF MR. GUINGONA

As Chairman of the Sponsorship Committee, Mr. Guingona stated that the Body was supposed to present the sequencing right after the presentation of the Committee on Style, and that unless there are objections on the floor, the presentation could be considered early the next session.

Thereupon, Mr. Rodrigo reiterated that he would not object to the interruption or suspension of the report of the Committee on Style to give way to the report of the Sponsorship Committee.

CONSIDERATION OF THE REPORT OF THE SPONSORSHIP COMMITTEE

Thereafter, the Body proceeded to the Report of the Sponsorship Committee on the consideration of the sequencing of the draft articles presented by Mr. Maambong, to wit:

Preamble

Article I Declaration of Principles and State Policies

Article II National Territory

Article III Citizenship

Article IV Bill of Rights

Article V Family Rights

Article VI Social Justice

Article VII Education, Science, Technology, paragraphs of Section 7 of the Article on the Sports, Arts and Culture

Article VIII Suffrage

Article IX Executive Department

Article X Legislative Department

Article XI The Judiciary

Article XII Local Government

Article XIII The Constitutional Commissions

Article XIV Accountability of Public Officers

Article XV National Economy and Patrimony

Article XVI General Provisions

Article XVII Amendments or Revisions

SUGGESTION OF MR. MONSOD

Mr. Monsod stated that the Articles on National Economy and Social Justice should be next to each other because one relates to the creation of wealth and the other to its distribution.

OBSERVATION OF MR. OPLE

Mr. Ople informed that in most Constitutions, the formation of government comes ahead. He suggested that the structure of government follow the Declaration of Principles and State Policies.

He stated that the Constitution itself consists of two parts: the form of government and the rights of the people against the State. He then inquired whether the Sponsorship Committee should follow the rule in constitution-making of having, for its first part, the constitutional amenities and declarations, the form of government, the form of the State; and, for its second part, the rights of the people.

MOTION OF MR. GUINGONA

Thereafter, Mr. Guingona moved for the consideration of the sequencing of the Articles the next day and, there being no objection, the motion was approved by the Body.

SUGGESTION OF MR. NOLLEDO

Mr. Nollado suggested that the Sponsorship Committee prepare a new sequence for consideration the following day, to which Mr. Maambong stated that he would have the sequence recopied for distribution.

SUSPENSION OF SESSION

On motion of Mr. Bengzon, the Chair suspended the session.

It was 7:30 p.m.

RESUMPTION OF SESSION

At 8:23 p.m., the session was resumed.

REFORMULATION OF THE SIXTH PARAGRAPH OF SECTION 7

Upon resumption of session, Mr. Rodrigo stated that there was no change in the first to the fifth Executive Department.

Mr. Azcuna, however, presented the Committee's reformulation of the sixth paragraph, in lieu of the provision in the Third Reading copy, to wit:

THE CONGRESS SHALL BY LAW PROVIDE FOR THE MANNER IN WHICH ONE WHO IS TO ACT AS PRESIDENT SHALL BE SELECTED UNTIL A PRESIDENT OR A VICE-PRESIDENT SHALL HAVE QUALIFIED, IN CASE OF DEATH, PERMANENT DISABILITY, OR INABILITY OF THE OFFICIALS MENTIONED IN THE NEXT PRECEDING PARAGRAPH.

There being no objection, the proposed amendment was approved by the Body.

REFORMULATION OF THE SECOND PARAGRAPH OF SECTION 8

Mr. Rodrigo manifested that there was no change in. the first paragraph of Section 8.

On the second paragraph, Mr. Azcuna proposed a reformulation which reads:

THE CONGRESS SHALL BY LAW PROVIDE WHO SHALL SERVE AS PRESIDENT IN CASE OF DEATH, PERMANENT DISABILITY, OR RESIGNATION OF THE ACTING PRESIDENT. HE SHALL

SERVE UNTIL THE PRESIDENT OR VICE-PRESIDENT SHALL HAVE BEEN ELECTED AND QUALIFIED, AND BE SUBJECT TO THE SAME RESTRICTIONS OF POWERS AND DISQUALIFICATIONS AS THE ACTING PRESIDENT.

There being no objection, the amendment was approved by the Body.

SECTION 9

Mr. Rodrigo stated that there was no change in Section 9.

SECTION 10

On Section 10, page 22, he stated that commas (,) were put accordingly; on lines 22 and 23, the figure "2" filled the blank after "paragraph"; the figure "27" placed after the word "Section", and the Roman numeral "VIII" after the word "Article"; on line 27, the figure "4" was placed after "paragraph"; and on line 28, the figure "26" was placed after "Section".

There being no objection, the amendments on Section 10 were approved by the Body.

REFORMULATION OF SECTION 11

Mr. Azcuna then proposed a reformulation of Section 11, to wit:

WHENEVER THE PRESIDENT TRANSMITS TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES HIS WRITTEN DECLARATION THAT HE IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, AND UNTIL HE TRANSMITS TO THEM A WRITTEN DECLARATION TO THE CONTRARY, SUCH POWERS AND DUTIES SHALL BE DISCHARGED BY THE VICE-PRESIDENT AS ACTING PRESIDENT.

WHENEVER A MAJORITY OF ALL THE MEMBERS OF THE CABINET TRANSMIT TO THE PRESIDENT OF THE SENATE AND TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES THEIR WRITTEN DECLARATION THAT THE PRESIDENT IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, THE VICE-PRESIDENT SHALL IMMEDIATELY ASSUME THE POWERS AND DUTIES OF THE OFFICE AS ACTING PRESIDENT.

THEREAFTER, WHEN THE PRESIDENT TRANSMITS TO THE PRESIDENT OF THE SENATE AND TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES HIS WRITTEN DECLARATION THAT NO INABILITY EXISTS, HE SHALL REASSUME THE POWERS AND DUTIES OF HIS OFFICE. MEANWHILE, SHOULD A MAJORITY OF ALL THE MEMBERS OF THE CABINET TRANSMIT WITHIN FIVE DAYS TO THE PRESIDENT OF THE SENATE AND TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES THEIR WRITTEN DECLARATION THAT THE PRESIDENT IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, THE CONGRESS SHALL DECIDE THE ISSUE. FOR THAT PURPOSE, THE CONGRESS SHALL CONVENE IF IT IS NOT IN SESSION, WITHIN FORTY-EIGHT HOURS, IN ACCORDANCE WITH ITS RULES AND WITHOUT NEED OF CALL.

IF THE CONGRESS, WITHIN TEN DAYS AFTER RECEIPT OF THE LAST WRITTEN DECLARATION OR, IF NOT IN SESSION, WITHIN TWELVE DAYS AFTER IT IS REQUIRED TO ASSEMBLE, DETERMINES BY A TWO-THIRDS VOTE OF BOTH HOUSES, VOTING SEPARATELY, THAT THE PRESIDENT IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, THE VICE-PRESIDENT SHALL ACT AS PRESIDENT; OTHERWISE, THE PRESIDENT SHALL CONTINUE

EXERCISING THE POWERS AND DUTIES OF HIS OFFICE.

On page 23, line 28, Mr. Maambong proposed to change the letter "R" in "Rules" to a small letter "r", which Mr. Rodrigo accepted.

As proposed by Mr. Azcuna, there being no objection, the Body approved the reformulation of Section 11 as amended by Mr. Maambong.

SECTION 12

On Section 12, page 24, line 11, Mr. Rodrigo proposed to change the words "Cabinet Ministers" to MEMBERS OF THE CABINET, and to transpose the phrase "shall not be denied access to the President during such times" after the words "Armed Forces of the Philippines", but to change "during such times" to DURING SUCH ILLNESS, so that Section 12 would read:

IN CASE OF SERIOUS ILLNESS OF THE PRESIDENT, THE PUBLIC SHALL BE INFORMED OF THE STATE OF HIS HEALTH. THE MEMBERS OF THE CABINET IN CHARGE OF NATIONAL SECURITY AND FOREIGN RELATIONS AND THE CHIEF OF STAFF OF THE ARMED FORCES OF THE PHILIPPINES, SHALL NOT BE DENIED ACCESS TO THE PRESIDENT DURING SUCH ILLNESS.

There being no objection, the amendments were approved by the Body.

REFORMULATION OF THE FIRST PARAGRAPH OF SECTION 13

Mr. Azcuna proposed to reformulate Section 13, to read:

THE PRESIDENT, VICE-PRESIDENT, THE MEMBERS OF THE CABINET, AND THEIR DEPUTIES OR ASSISTANTS SHALL NOT, UNLESS OTHERWISE PROVIDED IN THIS CONSTITUTION, HOLD ANY OTHER OFFICE OR EMPLOYMENT DURING THEIR TENURE. THEY SHALL NOT, DURING THEIR TENURE, DIRECTLY OR INDIRECTLY PRACTICE ANY OTHER PROFESSION, PARTICIPATE IN ANY BUSINESS, OR BE FINANCIALLY INTERESTED IN ANY CONTRACT WITH, OR IN ANY FRANCHISE, OR SPECIAL PRIVILEGE GRANTED BY THE GOVERNMENT OR ANY SUBDIVISION, AGENCY, OR INSTRUMENTALITY THEREOF, INCLUDING ANY GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS OR THEIR SUBSIDIARIES, THEY SHALL STRICTLY AVOID CONFLICT OF INTEREST IN THE CONDUCT OF THEIR OFFICE.

There being no objection, the reformulation of the first paragraph of Section 13 was approved by the Body.

On the second paragraph thereof, Mr. Rodrigo stated that on page 25, line 2, the words "Ministers, Deputy Ministers" were changed to SECRETARIES, UNDERSECRETARIES.

On Mr. Ople's query, Mr. Rodrigo affirmed that the letter "g" in "government" should be capitalized, but not when used in words like "government-owned or controlled corporations".

On Mr. Foz' query, Mr. Azcuna stated that there should not be a hyphen (-) between "Under" and "secretary".

Additionally, Mr. Romulo pointed out that this is the American practice.

Also, on Mr. Foz' query, Mr. Rodrigo affirmed that the letter "s" in "secretary" should be capitalized to distinguish it from other "secretaries".

On Mr. Sarmiento's query, Mr. Azcuna affirmed that the letters "m" and "c" in "members of the constitutional Commissions" should be capitalized.

On Mr. Ople's query, Mr. Rodrigo affirmed the mandate to the government to change "ministers" to "secretaries" after the ratification of the Constitution.

On Mr. Monsod's query whether there is really a need to change "ministers" to "secretaries", Mr. Rodrigo stated that the change was in accordance with how they were denominated before the 1973 Constitution.

Mr. Monsod opined that it is not mandatory to substitute "ministers" with "secretaries". He then made a reservation relative to the change.

Mr. Bengzon stated that other countries in the world which adopted the parliamentary system of government use "minister" while those with presidential form of government use "secretary". He then queried whether the letter "c" in "chairman" and "h" in "head" should be capitalized, to which Mr. Azcuna replied in the negative.

Thereafter, Section 13 was submitted to a vote, and there being no objection the same was approved by the Body.

RESERVATION/PROPOSAL OF MR. MAAMBONG

Mr. Maambong stated that Section 14 of the Article on the Accountability of Public Officers reads:

SECTION 16. NO LOAN, GUARANTY OR OTHER FORM OF FINANCIAL ACCOMMODATION FOR ANY BUSINESS PURPOSE MAY BE GRANTED, DIRECTLY OR INDIRECTLY, BY ANY GOVERNMENT-OWNED OR CONTROLLED BANK OR FINANCIAL INSTITUTION TO THE PRESIDENT, VICE-PRESIDENT, THE MEMBERS OF THE CABINET, THE CONGRESS, THE SUPREME COURT, AND THE CONSTITUTIONAL COMMISSIONS OR THE OMBUDSMAN, OR TO ANY FIRM OR ENTITY IN WHICH THEY HAVE CONTROLLING INTEREST, DURING THEIR TENURE.

Mr. Maambong then made a reservation to propose in the next session the transfer of this section to the Article on the Constitutional Commissions.

Mr. Rodrigo took note of the reservation.

Mr. Rodrigo stated that there were no changes in Section 14.

SECTION 15

Mr. Azcuna stated that Section 15 was restyled to read as follows:

SECTION 15. TWO MONTHS IMMEDIATELY BEFORE THE NEXT PRESIDENTIAL ELECTIONS, AND UP TO THE END OF HIS TERM, A PRESIDENT OR ACTING PRESIDENT SHALL NOT MAKE APPOINTMENTS, EXCEPT TEMPORARY APPOINTMENTS TO EXECUTIVE POSITIONS WHEN CONTINUED VACANCIES THEREIN WOULD PREJUDICE PUBLIC SERVICE OR ENDANGER PUBLIC SAFETY.

Mr. Foz opined that "would" should be substituted with either WILL or SHALL.

Mr. Romulo stated it should be WILL.

Mr. Rodrigo agreed. He then pointed out that the Committee inserted FOR between "provided" and "by law".

Submitted to a vote, and there being no objection, Section 15 was approved by the Body.

SECTION 16

Mr. Davide proposed to substitute "a" on line 17 with THE, which Mr. Rodrigo accepted.

Mr. Azcuna stated that on the same line 17 "shall appoint" was deleted.

Mr. Rodrigo stated that on line 23 the Committee had inserted FOR between "provided" and "by law".

Mr. Sarmiento proposed to insert a comma (,) between "commissions" and "or boards" on line 27.

Mr. Rodrigo accepted the proposal.

On line 16, Mr. Azcuna stated that the Committee inserted a comma (,) after "compulsory".

Mr. Rodrigo stated that on the second paragraph of Section 16 the only amendment was the insertion of a comma (,) after "compulsory".

Submitted-to a vote, and there being no objection, Section 16 was approved by the Body.

SECTION 17

Mr. Rodrigo stated that the section was reworded to read:

SECTION 17. THE PRESIDENT SHALL HAVE CONTROL OF ALL THE EXECUTIVE DEPARTMENTS, BUREAUS AND OFFICES AND SHALL TAKE CARE THAT ALL LAWS ARE FAITHFULLY EXECUTED.

He stated that the phrase "general supervision over all government as may be provided by law" was deleted for the reason that it is the same provision in the Article on Local Governments.

Mr. Rama proposed to insert SUPREME COURT after "as members of the" on Section 13, page 24, line 30.

Mr. Ople pointed out that the proposal is beyond mere restyling.

Mr. Azcuna pointed out that it would be difficult to appoint relatives because they have to pass through the Judicial and Bar Council.

Mr. Rodrigo did not accept the proposal.

SECTION 17

On page 26, lines 7 and 8, Mr. Sarmiento proposed to substitute "take care" with ENSURE.

Mr. Rodrigo accepted the proposal.

Submitted to a vote, and there being no objection, Section 17 was approved by the Body.

SECTION 18

On Section 18, page 26, Mr. Rodrigo stated that there were minor amendments namely, the substitution of "of" with FROM on line 17; and the insertion of THE before Congress on lines 24 and 26.

Mr. Azcuna opined that there should be a comma (,) after "invasion" on line 12, to which Mr. Rodrigo agreed, adding that habeas corpus should be underlined and that there should be a comma (,) after "shall" on the second sentence on page 27.

In reply to Mr. Monsod's query whether a comma (,) is needed after "hours" on page 27, line 2, Mr. Rodrigo

answered in the affirmative.

On the comma (,) after “shall”, page 27, line 1, Mr. Azcuna stated that it is not necessary but Mr. Monsod stated otherwise because of the comma (,) after the “suspension” on line 2, to which Mssrs. Rodrigo and Azcuna agreed.

On the same page 27, lines 19 and 21, Mr. Rodrigo stated the phrase “who has been” was substituted with PERSON THUS ARRESTED.

In reply to Mr. Sarmiento’s query whether a comma (,) would be necessary after “martial law” on line 6 and a comma (,) after “writ” on line 7, Mr. Azcuna answered in the negative stating that “or” would be used repeatedly.

Thereupon, there being no objection, the Body approved the same.

SECTION 20

On Section 20, Mr. Rodrigo stated that the figure “30” within brackets was deleted and the letter “g” in “government” on line 10 was capitalized.

On line 12, he stated that a comma (,) was placed after “foreign debt”.

Submitted to a vote, and there being no objection, the Body approved Section 20.

SECTION 21

Mr. Rodrigo stated that there was no change.

However, Mr. Sarmiento invited attention to “members” on line 16 stating that the letter “m” should be capitalized, to which Mr. Rodrigo agreed.

SECTION 22

Mr. Azcuna stated that on Section 22, THE was inserted between “to” and “Congress” and the commas (,) after “days” on line 18 and after “expenditures” on line 20 were deleted.

In reply to Mr. Maambong’s query, Mr. Azcuna affirmed that a similar provision in the first paragraph of Section 26 of the Article on the Legislative had been deleted.

Submitted to a vote, and there being no objection, the Body approved Section 22.

REMARKS OF MR. BENZON

At this juncture, Mr. Benezon expressed gratitude to the Members for their patience and for continuing the work after dinner.

CORRECTION OF MR. FOZ

Again, advertent to Section 18, page 27, line 8, second paragraph, Mr. Foz proposed to substitute “on the same” with THEREON, which Mr. Azcuna accepted.

Thereafter, the entire Article on the Executive was submitted to a vote and, there being no objection, the same was approved by the Body.

Mr. Azcuna stated that the approval is subject to the reservation made by Mr. Monsod on the substitution of “ministers” with “secretaries” and “deputy ministers” with “undersecretaries”.

ADJOURNMENT OF SESSION

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

It was 8:59 p.m.

I hereby certify to the correctness of the foregoing.

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

ATTESTED:

(SGD.) AMBROSIO B. PADILLA
Vice-President

Approved on October 10, 1986.

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