

APPENDICES

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Committee Report No. 38

No date supplied

COMMITTEE REPORT NO. 38

Submitted by the Committee on Amendments and Transitory Provisions on August 13, 1986

Re: Proposed Resolution No. 540 prepared by the Committee

Recommending its approval in substitution of Proposed Resolutions Nos. 111, 120, 129, 137, 149, 214, 241, 254, 262, 285, 294, 348, 67, 362, 427, 443, 458, 461, 462, 463, 464, 473, 474, 475, 476, 483, 484, 485, 487, 490, 492, 494, 503 527 and 529

Sponsors: Hon. Suarez, Ople, Padilla, De Castro, Foz, Maambong, De los Reyes, Jr., Tingson, Lerum, Sarmiento and Tan

Co-Sponsors: Hon. Natividad, Jamir and Davide, Jr.

Madame President:

The Committee on Amendments and Transitory Provisions to which was referred Proposed Resolution No. 111, introduced by Hon. De los Reyes, Jr., entitled:

RESOLUTION SUBMITTING TO THE PEOPLE IN A PLEBISCITE THE QUESTION ON WHETHER TO HOLD AN ELECTION FOR PRESIDENT AND VICE-PRESIDENT WITHIN A FIX PERIOD AFTER THE RATIFICATION OF THE NEW CONSTITUTION

Proposed Resolution No. 120, introduced by Hon. De Castro, entitled:

RESOLUTION PROCLAIMING THE INCUMBENT PRESIDENT AND VICE-PRESIDENT AS THE DULY ELECTED PRESIDENT AND VICE-PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES DURING THE ELECTIONS OF FEBRUARY 7, 1986

Proposed Resolution No. 129, introduced by Hon. Ople, Natividad, De los Reyes, Jr. and Maambong, entitled:

RESOLUTION TO INCLUDE IN THE TRANSITORY PROVISIONS AN ARTICLE REVERTING TO THE COURTS THE POWER OF SEQUESTRATION PRESENTLY VESTED IN ANY GOVERNMENT ENTITY UPON THE RATIFICATION OF THE PROPOSED CONSTITUTION

Proposed Resolution No. 137, introduced by Hon. Nollado, entitled:

RESOLUTION TO PROVIDE IN THE TRANSITORY PROVISIONS THAT THE COMMISSIONS ON GOOD GOVERNMENT AND HUMAN RIGHTS BE GIVEN A PERIOD OF ONE YEAR FROM THE DATE OF RATIFICATION OF THE NEW CONSTITUTION TO FINISH THEIR ASSIGNED TASKS AND TO RATIFY ALL THE ACTS AND DECISIONS OF THESE COMMISSIONS

Proposed Resolution No. 149, introduced by Hon. Bengzon, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A SECTION IN THE TRANSITORY PROVISION FIXING THE TERM OF THE INCUMBENT PRESIDENT AND VICE-PRESIDENT OF THE PHILIPPINES

Proposed Resolution No. 214, introduced by Hon. Tingson, Alonto, and Abubakar, entitled:

RESOLUTION PROPOSING TO ADOPT IN A CONSTITUTIONAL PROVISION THE POPULARLY ACCLAIMED RESULTS OF THE PRESIDENTIAL 'SNAP' ELECTION HELD ON FEBRUARY 7TH NINETEEN HUNDRED AND EIGHTY-SIX

Proposed Resolution No. 241, introduced by Hon. Ople, De los Reyes, Jr., Maambong and Natividad, entitled:

RESOLUTION PROPOSING THAT THE FIRST ELECTION OF MEMBERS OF THE NATIONAL LEGISLATURE AND ALL LOCAL GOVERNMENT OFFICIALS INCLUDING THOSE OF THE BARANGAY BE HELD ON MARCH 25, 1987 AFTER THE RATIFICATION OF THIS CONSTITUTION

Proposed Resolution No. 254, introduced by Hon. Calderon, entitled:

RESOLUTION PROVIDING FOR AN ORDINANCE APPENDED TO THE CONSTITUTION DECLARING THAT ALL FILIPINOS WHO VOTE FOR THE APPROVAL OF THE CONSTITUTION, WHO SO DESIRE, SHALL BE CONSIDERED AS SIGNATORIES OF SAID CONSTITUTION WITH THE SAME HONOR AND DISTINCTION AS THE MEMBERS OF THE CONSTITUTIONAL COMMISSION THAT FRAMED IT, IF, AFTER VOTING FOR ITS APPROVAL, THEY AFFIX THEIR SIGNATURES ON SPECIAL SIGNATURE SHEETS PROVIDED FOR THE PURPOSE

Proposed Resolution No. 262, introduced by Hon. Maambong, De los Reyes, Jr., Natividad and Ople, entitled:

RESOLUTION PROVIDING FOR THE CONTINUOUS VALIDITY OF ALL THE EXISTING LAWS, PROCLAMATIONS, DECREES, ORDERS OR INSTRUCTIONS AND PROVIDING FOR THE EXERCISE AND TERMINATION OF THE LAW-MAKING POWERS OF THE INCUMBENT PRESIDENT

Proposed Resolution No. 285, introduced by Hon. Suarez and Jamir, entitled:

RESOLUTION TO PROHIBIT CERTAIN PUBLIC OFFICIALS FROM RUNNING IN THE FIRST NATIONAL AND LOCAL ELECTIONS AFTER THE RATIFICATION OF THE NEW CONSTITUTION

Proposed Resolution No. 294, introduced by Hon. Suarez and Jamir, entitled:

RESOLUTION PROVIDING IN THE CONSTITUTION DISQUALIFICATIONS TO RUN FOR ELECTIVE POSITION

Proposed Resolution No. 348, introduced by Hon. Davide, Jr. entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON TRANSITORY PROVISIONS OF THE NEW CONSTITUTION A PROVISION REPUDIATING FOREIGN LOANS CONTRACTED OR GUARANTEED BY THE PAST REGIME WHICH DID NOT BENEFIT PUBLIC INTEREST OR THE GENERAL WELFARE

Proposed Resolution No. 67, introduced by Hon. Nollado, entitled:

RESOLUTION TO DELETE FROM THE NEW CONSTITUTION THE PROVISION GRANTING PRESIDENTIAL IMMUNITY FROM SUITS AND TO PROVIDE IN THE TRANSITORY PROVISIONS THAT SUCH DELETION BE MADE RETROACTIVE

Proposed Resolution No. 362, introduced by Hon. Suarez and Jamir, entitled:

RESOLUTION TO INCLUDE A PROVISION IN THE NEW CONSTITUTION DECLARING THAT IT SHALL SUPERSEDE ALL PREVIOUS CONSTITUTIONS

Proposed Resolution No. 427, introduced by Hon. Suarez and De Castro, entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON TRANSITORY PROVISIONS A PROVISION FOR THE DEMONITIZATION OF ALL CURRENCY ISSUED UNDER THE PREVIOUS REGIME

Proposed Resolution No. 443, introduced by Hon. Guingona, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ALLOWING FOR THE RE-ELECTION OF THE INCUMBENT PRESIDENT AND VICE PRESIDENT BUT DISALLOWING THEM TO SERVE FOR MORE THAN EIGHT CONSECUTIVE YEARS

Proposed Resolution No. 458, introduced by Hon. Ople, Maambong, Natividad, entitled:

RESOLUTION FIXING THE TERM OF THE INCUMBENT PRESIDENT AND VICE-PRESIDENT

Proposed Resolution No. 461, introduced by Hon. Davide, Jr. entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON TRANSITORY PROVISIONS OF THE NEW CONSTITUTION A PROVISION REPEALING ALL LAWS, DECREES, PROCLAMATIONS, ORDERS, INSTRUCTIONS RULES OR REGULATIONS WHICH ARE INCONSISTENT WITH THE FREEDOM CONSTITUTION AND THE NEW CONSTITUTION

Proposed Resolution No. 462, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON THE TRANSITORY PROVISIONS OF THE NEW CONSTITUTION A PROVISION MANDATING THE OBJECTIVES AND PARAMETERS OF GOVERNMENT REORGANIZATION

Proposed Resolution No. 463, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON THE TRANSITORY PROVISIONS OF THE NEW CONSTITUTION A PROVISION ON URGENT MEASURES ON NATIONAL RECONSTRUCTION, RECOVERY AND RECONCILIATION TO WHICH THE FIRST NATIONAL ASSEMBLY MUST GIVE UTMOST PRIORITY"

Proposed Resolution No. 464, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON TRANSITORY PROVISIONS OF THE NEW CONSTITUTION PROVISIONS FIXING LIMITATION TO THE PERIOD WITHIN WHICH GOVERNMENT OFFICIALS AND EMPLOYEES MAY BE SEPARATED FROM THE SERVICE DUE TO THE REORGANIZATION OF THE GOVERNMENT, PROVIDING THE RULE ON SEPARATION AND MANDATING THE BENEFITS AND PRIVILEGES OF SEPARATED EMPLOYEES

Proposed Resolution No. 473, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON THE TRANSITORY PROVISIONS A PROVISION AUTHORIZING THE PRESIDENT TO REVIEW ALL CONTRACTS, CONCESSIONS, PERMITS, OR OTHER FORM OF PRIVILEGES FOR THE EXPLORATION, DEVELOPMENT, EXPLOITATION OR UTILIZATION OF THE NATURAL RESOURCES ENTERED INTO, GRANTED, ISSUED OR ACQUIRED BEFORE THE EFFECTIVITY OF THE NEW CONSTITUTION, AND TO AMEND, MODIFY OR REVOKE THE SAME

Proposed Resolution No. 474, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON TRANSITORY PROVISIONS OF THE NEW CONSTITUTION A PROVISION THAT UNTIL THE NATIONAL ASSEMBLY FIRST ELECTED UNDER THIS CONSTITUTION SHALL HAVE ELECTED THE SPEAKER, THE INCUMBENT VICE-PRESIDENT SHALL BE THE PRESIDING OFFICER THEREOF

Proposed Resolution No. 475, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON TRANSITORY PROVISIONS FIXING THE DATE OF EFFECTIVITY OF THE NEW CONSTITUTION AND ITS EFFECTS ON PREVIOUS CONSTITUTIONS

Proposed Resolution No. 476, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE TRANSITORY PROVISIONS OF THE NEW CONSTITUTION A PROVISION ACCORDING RECOGNITION TO LAWS, PROCLAMATIONS, ORDERS, DECREES, INSTRUCTIONS OR ACTS NOT OTHERWISE INCONSISTENT WITH THE NEW CONSTITUTION, UNLESS THEY ARE MODIFIED OR REPEALED BY THE NATIONAL ASSEMBLY

Proposed Resolution No. 483, introduced by Hon. Bernas and Aquino, entitled:

RESOLUTION TO ADOPT A SECTION IN THE TRANSITORY PROVISIONS FREEZING ALL SEQUESTRATION ORDERS ISSUED BY VIRTUE OF PROCLAMATION NO. 3 ON MARCH 25, 1986 UPON THE ADOPTION OF THIS CONSTITUTION UNTIL JUDICIAL CONFIRMATION

Proposed Resolution No. 484, introduced by Hon. Davide, Jr., entitled;

RESOLUTION TO INCORPORATE IN THE TRANSITORY PROVISIONS A PROVISION REQUIRING ALL OFFICIALS AND EMPLOYEES OF THE GOVERNMENT, INCLUDING THOSE IN GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND THE OFFICERS AND MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES TO TAKE AN OATH TO SUPPORT, PROTECT, PRESERVE, AND DEFEND THE NEW CONSTITUTION

Proposed Resolution No. 485, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE TRANSITORY PROVISIONS OF THE NEW CONSTITUTION A PROVISION REQUIRING THE SUBMISSION OF ALL TREATIES OR INTERNATIONAL AGREEMENTS WHICH WERE NOT RATIFIED BY THE PREVIOUS LEGISLATURES TO THE NATIONAL ASSEMBLY FOR APPROPRIATE ACTION

Proposed Resolution No 487, introduced by Hon. Davide. Jr., entitled:

RESOLUTION TO INCORPORATE IN THE TRANSITORY PROVISIONS OF THE NEW CONSTITUTION A PROVISION MANDATING THE TRANSFER OF ALL RECORDS, EQUIPMENT, BUILDING, FACILITIES, AND OTHER PROPERTIES OF ANY OFFICE OR BODY ABOLISHED OR REORGANIZED UNDER THIS CONSTITUTION TO THE OFFICE OR BODY TO WHICH ITS POWERS, FUNCTIONS, AND RESPONSIBILITIES SUBSTANTIALLY PERTAIN

Proposed Resolution No. 490, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE TRANSITORY PROVISIONS OF THE NEW CONSTITUTION A PROVISION RECOGNIZING THE AUTHORITY AND JURISDICTION OF EXISTING COURTS, MANDATING THE DETERMINATION OF PENDING CASES IN ACCORDANCE WITH THE LAWS THEN IN FORCE, UPHOLDING THE PROVISIONS OF THE EXISTING RULES OF COURT, PROVIDING FOR THE CONTINUANCE OF INCUMBENT MEMBERS OF THE JUDICIARY AND THEIR REMOVAL ONLY FOR CAUSE, AND REQUIRING SPECIAL COURTS AND

QUASI-JUDICIAL BODIES TO SUBMIT THEIR RULES OF PROCEDURE FOR APPROVAL BY THE SUPREME COURT

Proposed Resolution No. 492, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE TRANSITORY PROVISIONS OF THE NEW CONSTITUTION A PROVISION AUTHORIZING THE PRESIDENT TO REVIEW CONTRACTS ENTERED INTO BY THE PREVIOUS GOVERNMENT OR ANY SUBDIVISION, AGENCY OR INSTRUMENTALITY, THEREOF, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND TO REVOKE, MODIFY OR AMEND THE SAME WHEN THE NATIONAL INTEREST OR WELFARE SO REQUIRES

Proposed Resolution No. 494, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE TRANSITORY PROVISIONS OF THE NEW CONSTITUTION A PROVISION MANDATING THE GRANT OF SEPARATION PAY AND OTHER BENEFITS TO CIVIL SERVICE ELIGIBLES WHO WERE SEPARATED FROM THE SERVICE FROM FEBRUARY TWENTY-SIX, 1986

Proposed Resolution No. 503, introduced by Hon. Davide, Jr., entitled:

RESOLUTION TO INCORPORATE IN THE TRANSITORY PROVISIONS OF THE NEW CONSTITUTION A PROVISION MANDATING THE IMMEDIATE FILLING UP OF VACANCIES IN THE JUDICIARY

Resolution No. 527, introduced by Hon. Guingona, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE PROVIDING FOR NATIONAL/ LOCAL ELECTIONS IN 1987

and Proposed Resolution No.529, introduced by Hon. Guingona. entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON THE RATIFICATION OF THE DRAFT CONSTITUTION

has considered the same and has the honor to report it back to the Constitutional Commission of 1986 with the recommendation that Proposed Resolution No. 540 prepared by the Committee, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON TRANSITORY PROVISIONS

be approved in substitution of Proposed Resolutions Nos. 111, 120, 129, 137, 149, 214, 241, 254, 262, 285, 294, 348, 67, 362, 427, 443, 458, 461, 462, 463, 464, 473, 474, 475, 476, 483, 484, 485, 487, 490, 492, 494, 503, 527 and 529 with the Hons. Foz, Suarez, Ople, Padilla, De Castro, Maambong, De los Reyes, Jr., Tingson, Sarmiento, Lerum and Tan as authors and Hon. Natividad, Jamir and Davide, Jr. as co-authors thereof.

Respectfully submitted:

JOSE E. SUAREZ

Chairman

Committee on Amendments and

Transitory Provisions

BLAS F. OPLE

Vice-Chairman

CRISPINO M. DE CASTRO

AMBROSIO B. PADILLA

Member

Member

RUSTICO F. DE LOS REYES, JR.

VICENTE B. FOZ

Member

Member

GREGORIO J. TINGSON

REGALADO E. MAAMBONG

Member

Member

CHRISTINE O.

TAN EULOGIO R. LERUM

Member

Member

RENE V. SARMIENTO

Member

The Honorable

The President

Constitutional Commission of 1986

Quezon City, Metro Manila

[*] With reservation especially on Section 7.

PROPOSED RESOLUTION NO. 540

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON TRANSITORY PROVISIONS

Be it resolved as it is hereby resolved, by the Constitutional Commission in session assembled, To incorporate and provide in the New Constitution the following article:

ARTICLE ____

TRANSITORY PROVISIONS

SECTION 1. The first election of members of the Senate and the House of Representatives shall be held no sooner than sixty days nor later than one hundred twenty days after the ratification of this Constitution.

SECTION 2. The incumbent President shall continue to exercise legislative power until the convening of Congress.

SECTION 3. All existing laws, decrees, executive orders, proclamations, letters of instruction and other executive issuances not inconsistent with this Constitution shall remain operative until amended, modified or repealed by Congress.

SECTION 4. All courts existing at the time of the ratification of this Constitution shall continue to exercise their jurisdiction, until otherwise provided by law in accordance with this Constitution, and all cases pending in said courts shall be heard, tried, and determined under the laws then in force. The provisions of the existing Rules of Court not inconsistent with this Constitution shall remain operative unless amended, modified or repealed by the Supreme Court or Congress.

SECTION 5. The Supreme Court must, within six months after the ratification of this Constitution, adopt a systematic plan to expedite the decision or resolution of the entire backlog of cases or matters filed with the Supreme Court or the lower courts prior to the effectivity of this Constitution.

SECTION 6. The incumbent members of the judiciary shall continue in office until they reach the age of seventy years or removed for cause.

SECTION 7. The incumbent President and Vice-President shall hold office for a term of six years starting at noon of February, 25, 1986 until noon of February 25, 1992.[*]

SECTION 8. Any writ of sequestration, freeze, search and seizure order issued or which may be issued in relation to the recovery of ill-gotten wealth shall continue to be operative within six months after the convening of the first Congress; provided that Congress, in the national interest, as certified by the President, may extend said period.

SECTION 9. All armed groups and paramilitary forces now existing outside of the regular police and armed forces shall be dismantled.

SECTION 10. Civil Service employees who may be separated from the service as a result of the reorganization pursuant to the provisions of Article III of Proclamation No. 3 issued on March 25, 1986 and the reorganization following the ratification of this Constitution shall enjoy priority for employment in the government or be entitled to a separation pay, in addition to retirement and other benefits accruing to him under the laws then in force at the time of his separation.

SECTION 11. All records, equipment, buildings, facilities and other properties of the Office of the Prime Minister and the defunct Batasang Pambansa and Interim Batasang Pambansa are hereby transferred to Congress.

SECTION 12. This Constitution shall take effect immediately upon its ratification by a majority of the votes cast in a plebiscite called for the purpose and shall supersede all previous Constitutions.

Adopted,

[*] Subject to synchronization of elections.

TRANSITORY PROVISIONS

ABSTRACTS OF PROPOSED RESOLUTIONS

CONSIDERED PER SECTION

SECTION 1

Proposed Resolution No. 241 — Resolution Proposing That The First Election Of Members Of The National Legislature And All Local Government Officials Including Those Of The Barangay Be Held On March 25, 1987 After The Ratification Of This Constitution, introduced by Hon. Ople, De los Reyes, Jr., Maambong, and Natividad.

This proposed resolution seeks simultaneous barangay, local and national elections which are proposed to be held on March 25, 1987.

Proposed Resolution No. 527 — Resolution To Incorporate In The New Constitution An Article Providing For National/Local Election in 1987, introduced by Hon. Guingona.

This resolution proposes to hold national and local elections not earlier than May but not later than June 1987.

SECTIONS 2 and 3

Proposed Resolution No. 262 — Resolution Providing For The Continuous Validity Of All Existing Laws, Proclamations, Decrees, Orders Or Instructions And Provisions For the Exercise And Termination Of The Law-Making Powers Of The Incumbent President, introduced by Hon. Maambong, De los Reyes, Jr., Natividad and Ople.

This resolution proposes to declare valid all statutory laws and executive issuances which have the force and effect of law, and which are not inconsistent with the new Constitution, until they are modified or repealed by Congress. It also proposes to allow the incumbent President to exercise legislative power until the convening of the first Congress.

SECTION 3

Proposed Resolution No. 476 — A Resolution To Incorporate In The Transitory Provisions Of The New Constitution A Provision According Recognition To Laws, Proclamations, Orders, Decrees, Instructions, Or Acts Not Otherwise Inconsistent With The New Constitution, Unless They Are Modified Or Repealed By The National Assembly, introduced by Hon. Hilario G. Davide, Jr.

This resolution proposes to recognize as valid and binding all laws, proclamations, orders, decrees, instructions or acts not otherwise inconsistent with the new Constitution, until they are modified or repealed by Congress.

Proposed Resolution No. 461, — A Resolution To incorporate In The Article on Transitory Provisions Of The New Constitution A Provision Repealing All Laws, Decrees, Proclamations, Orders, Instructions, Rules Or Regulations, Which Are Inconsistent With The Freedom Constitution And The New Constitution, introduced by Hon. Davide, Jr.

This resolution proposes to make a blanket invalidation of all statutory laws and executive issuances which are inconsistent with the Freedom Constitution or the new Constitution.

SECTIONS 4 and 6

Proposed Resolution No. 490 — A Resolution To Incorporate In The Transitory Provisions Of The New

Constitution A Provision Recognizing The Authority And Jurisdiction Of Existing Courts, Mandating The Determination Of Pending Cases In Accordance With The Laws Then In Force, Upholding the Provisions Of The Existing Rules Of Court, Providing For The Continuance Of Incumbent Members-Of the Judiciary And Their Removal Only For Cause, And Requiring Special Courts And Quasi-Judicial Bodies To Submit Their Rules Of Procedure For Approval By The Supreme Court, introduced by Hon. Davide, Jr.

This resolution proposes three (3) things:

- to allow all existing courts to exercise their jurisdiction and to allow the courts to hear all pending cases in accordance with the rules then in force and to declare the Rules of Court operative unless otherwise amended, modified or repealed in accordance with the new Constitution;
- to require all special courts and quasi-judicial bodies to submit to the Supreme Court their rules of procedure within thirty (30) days following the ratification of the Constitution;
- to allow incumbent members of the judiciary to continue in office until they reach the age of seventy (70) years.

SECTION 7

Proposed Resolution No. 111 — Resolution Submitting To The People In A Plebiscite The Question On Whether To Hold An Election For President And Vice President Within A Fix Period After The Ratification Of The New Constitution, introduced by Hon. De los Reyes, Jr.

This resolution proposes the holding of a separate plebiscite on the question of whether an election for the offices of the President and Vice-President should be held. The plebiscite proposed to be held within sixty to one hundred twenty days from the ratification of the Constitution. If the result of the plebiscite is on the negative, the term of the incumbent President and Vice-President shall be deemed to have begun on February 25, 1986 and shall end on June 30, 1992.

Proposed Resolution No. 120 — Resolution Proclaiming The Incumbent President And Vice-President As The Duly Elected President And Vice-President Of The Republic Of The Philippines During The Elections Of February 7, 1986, introduced by Hon. De Castro.

This resolution proposes to proclaim the incumbent President and Vice-President as the duly elected President and Vice President of the Philippines and to give them a term of six (6) years beginning February 25, 1986.

Proposed Resolution No. 149 — Resolution To Incorporate In The New Constitution A Section In The Transitory Provisions Fixing The Term Of The Incumbent President And Vice President Of The Philippines, introduced by Hon. Bengzon, Jr.

This resolution proposes to fix the term of the incumbent President and Vice President starting at noon of February 25, 1986 until the end of the term of the first Congress elected under the new Constitution.

Proposed Resolution No. 214 — Resolution Proposing To Adopt In A Constitutional Provision The Popularly Acclaimed Results Of The Presidential "Snap" Election Held On February 7th Nineteen Hundred And Eighty-Six, introduced by Hon. Tingson, Alonto and Abubakar.

This resolution proposes to grant the incumbent President and Vice-President a six-year term in accordance with the provisions of the 1973 Constitution.

Proposed Resolution No. 443 — Resolution To Incorporate In The New Constitution An Article Allowing For The Reelection Of The Incumbent President and Vice-President But Disallowing Them To Serve For More Than

Eight Consecutive Years, introduced by Hon. Guingona.

This resolution proposes to grant the incumbent President and Vice-President a six-year term starting at noon of February 25, 1986. It allows for their re-election but at the same time prohibits their serving as President and Vice President for more than eight consecutive years.

Proposed Resolution No. 458 — Resolution Fixing The Term Of The Incumbent President and Vice-President, introduced by Hon. Ople, Maambong and Natividad.

This resolution proposes to conduct an election for the offices of the President and the Vice President within ninety (90) days from the ratification of the new Constitution. Per this resolution, the term of the incumbent President and Vice-President starts on February 25, 1986 until the election and proclamation of their successors in said election.

SECTION 8

Proposed Resolution No. 129 — Resolution To Include In The Transitory Provisions An Article Reverting To The Courts The Power Of Sequestration Presently Vested In Any Government Entity Upon The Ratification Of The Proposed Constitution, introduced by Hon. Ople, Natividad, De los Reyes, Jr., and Maambong.

This resolution proposes to give to the regular courts the power of sequestration. It also proposes to lift the immunities granted to the officers of the PCGG in relation to the exercise of said power.

Proposed Resolution No. 137 — Resolution To Provide In The Transitory Provisions That The Commission On Good Government And Human Rights Be Given A Period Of One Year From The Date Of Ratification Of The New Constitution To Finish Their Assigned Tasks And To Ratify All The Acts And Decisions Of These Commissions, introduced by Hon. Nollado.

This resolution proposes to ratify all the acts, orders, and decisions of the Presidential Commission on Good Government (PCGG) and the Presidential Commission on Human Rights (PCHR). It also proposes to give both Commissions, one (1) year to wind up and terminate their assigned tasks.

Proposed Resolution No. 483 — Resolution To Adopt A Section In The Transitory Provisions Freezing All Sequestration Orders Issued By Virtue Of Proclamation No. 3 On March 25, 1986 Upon The Adoption Of This Constitution Until Judicial Confirmation, introduced by Hon. Bernas and Aquino.

This resolution proposes to freeze all orders issued by the PCGG upon the adoption of the New Constitution until judicially confirmed within one (1) month from the adoption of the Constitution, otherwise the orders are deemed lifted.

SECTION 10

Proposed Resolution No. 464 — A Resolution To Incorporate In The Article On Transitory Provisions Of The New Constitution Provisions Fixing Limitation To The Period Within Which Government Officials And Employees May Be Separated From The Service Due To The Reorganization Of Government, Providing The Rule On Separation And Mandating The Benefits And Privileges Of Separated Employees, introduced by Hon. Davide, Jr.

This resolution proposes three (3) things:

- to require that government reorganization authorized by the Constitution shall be accomplished within one year following the ratification of the Constitution;

- to grant the following benefits to officers or employees separated from service as a result of the reorganization: (a) if a civil service eligible, priority for employment; or (b) separation pay equivalent to one month salary for every year of service; and (c) retirement and other benefits according to the laws in force at the time of separation;
- to require that subsequent removal from office of an officer or employee after the reorganization shall be only for cause.

Proposed Resolution No. 494 — A Resolution To Incorporate In The Transitory Provisions Of The New Constitution A Provision Mandating The Grant Of Separation Pay And Other Benefits To Civil Service Eligibles Who Were Separated From The Service From February 26, 1986, introduced by Hon. Davide, Jr.

This resolution proposes to grant separation pay and retirement benefits as well as priority in employment for civil service eligibles employed by the government including government-owned or controlled corporations who were separated from the service as a result of the reorganization of the government pursuant to Article III of the Freedom Constitution.

SECTION 11

Proposed Resolution No. 487 — A Resolution To Incorporate In The Transitory Provisions Of The New Constitution A Provision Mandating The Transfer Of All Records, Equipment, Buildings, Facilities And Other Properties Of Any Office Or Body Abolished Or Reorganized Under This Constitution To The Office Or Body To Which Its Powers, Functions And Responsibilities Substantially Pertain, introduced by Hon. Davide, Jr.

This resolution proposes to transfer all records, equipment, buildings, facilities and other properties of abolished offices including the defunct Batasang Pambansa to the offices to which their powers, functions, and responsibilities substantially pertain.

SECTION 12

Proposed Resolution No. 362 — A Resolution To Include A Provision In The New Constitution Declaring That It Shall Supersede All Previous Constitutions, introduced by Hon. Suarez and Jamir.

This resolution proposes to incorporate a section in the Transitory Provisions declaring that the new Constitution shall supersede all previous Constitutions.

Proposed Resolution No. 475 A Resolution To Incorporate In The Article On Transitory Provisions A Provision Fixing The Date Of Effectivity Of The New Constitution And Its Effects On Previous Constitution, introduced by Hon. Davide, Jr.

This resolution proposes to incorporate a section in the Transitory Provisions that states that the Constitution shall take effect upon its adoption by a majority of the votes cast in a plebiscite called for the purpose and that it shall supersede all prior Constitutions.

Proposed Resolution No. 529 — A Resolution To Incorporate In The New Constitution An Article On The Ratification Of The Draft Constitution, introduced by Hon. Guingona.

This resolution proposes two alternatives by which the new Constitution may be ratified:

- by submitting the entire document for ratification;
- by allowing selective ratification.

ADDENDUM TO THE COMMITTEE REPORT OF THE COMMITTEE ON AMENDMENTS AND TRANSITORY PROVISIONS

- The Committee on Preamble, National Territory and Declaration of Principles referred the following provision for inclusion in the article on Transitory Provisions.

"After the expiration of the R.P.-U.S. Agreement in 1991, foreign military bases, troops or facilities shall not be allowed in the Philippines except under terms of a treaty duly concurred in by the Senate, and when Congress so requires ratified by a majority of the votes cast by the people in a referendum held for that purpose, and recognized as a treaty by the other contracting State.

- The following resolutions were submitted for consideration of the Commission. They were submitted after the deadline for the submission of resolutions and long after the Committee Report on Transitory Provisions was submitted.

2.1

Resolution No. 544 — Resolution Providing For Synchronized Elections With A Staggering Of The Term For Senators, introduced by Hon. Davide, Jr.

The proposed resolution recommends the following:

a) Section — The first election under this Constitution for the Members of Congress and for provincial, city and municipal elective officials shall be on the second Monday of May, 1987.

b) Section — The Senators, Members of the House of Representatives and the local officials elected in the first election shall serve for five years, to expire at noon of June, 1992.

(Note: By 1992, the term of the incumbent President and Vice-President will also end. In order to synchronize elections, the term of the incumbent President and Vice-President might have to be extended until June 30, 1992.)

c) Section — Of the Senators elected in the election in 1992, the first twelve obtaining the highest number of votes shall serve for six years and the remaining twelve for three years.

2.2 Resolution No. — Resolution Seeking To Incorporate In The Transitory Provisions Of The Draft Constitution A Provision Setting A Minimum Level of Population For The Creation Of A Highly Urbanized and Competent City, A Provision For The Merger Or Absorption Of A Depressed And Financially Distressed Municipality To An Adjacent Urbanized Or Component City, And A Provision On The Status Of Sub-Provinces, introduced by Hon. Maambong.

This proposed resolution was submitted after the deadline on the filing of resolutions. It was referred to the Committee on Amendments and Transitory Provisions by the author.

The proposed resolution recommends to incorporate in the article on Transitory Provisions, the following sections:

a) Section — Every highly urbanized city or component city hereafter created shall have a population of no less than two hundred thousand and one hundred thousand inhabitants, respectively.

b) Section — Depressed and financially distressed municipalities adjacent to highly urbanized or component cities shall form part of the latter.

c)

Section — Sub-provinces shall continue to exist and operate in a transitory manner under present laws. The conversion of sub-province into a regular province or the reversion of its component municipalities to the mother province shall be governed by law.

- Re: Section 4 of the Article on National Economy and Patrimony

SECTION 4. Lands of the public domain are classified into agricultural, forest, or mineral lands, and national parks. Only agricultural lands of the public domain, which may be further classified by law according to the uses to which they may be devoted, may be alienated to citizens of the Philippines. No private corporation or association may hold alienable lands of the public domain except by lease, not to exceed one thousand hectares in area; nor may any citizen hold such lands by lease in excess of five hundred hectares or acquire by purchase or homestead in excess of twenty-four hectares. The National Assembly, taking into account conservation, ecological, and developmental requirements of the natural resources, shall determine by law the size of lands of the public domain which may be developed, held or acquired by, or leased to, any qualified individual, corporation, or association, and the conditions therefor. The foregoing shall be subject to the requirements of agrarian reform.

Under the third sentence of this section, existing landholdings by private corporations or associations that exceed one thousand hectares will have to be reduced.

The Committee on National Economy and Patrimony had agreed that there should be a transitory provision that will allow the State to institute reversion proceedings with respect to the excess area pending the application of the agrarian reform program on the areas concerned. (See Journal, Friday, 22 August 1986)

SPONSORSHIP SPEECH ON THE ARTICLE ON TRANSITORY PROVISIONS

The Committee on Amendments and Transitory Provisions proposes a relatively brief article on Transitory Provisions. It originally consists of twelve (12) sections, four (4) sections less than the 1973 Constitution.

The transitory provisions in a Constitution are intended principally to cover the transition from the old to the new government in order to pave the way for an orderly change. By their very nature and characteristics, Transitory Provisions have temporary or transient application. They are of a passing nature, designed at times to qualify permanent provisions or to limit their operation to a specific period. They do not possess permanent or enduring quality. The Committee on Amendments and Transitory Provisions, by necessity, has become the receptacle of a number of provisions, totally unrelated to each other. We thus offer a mixed bag of Constitutional provisions. In drafting the article, a number of suggestions, both from the members of the Commission and from private citizens

was considered by the Committee. They were mostly sound and reasonable proposals. Unfortunately, not all of them can be accommodated under the article on Transitory Provisions. Indeed, some of them can properly be taken care of by Congress in due time.

The members of the Committee felt that the article on Transitory Provisions should consist only of provisions that are necessary to ease the transition from the Provisional Freedom Constitution which replaced the repudiated 1973 Constitution, into the new Constitution that this Commission is drafting.

The proposed article is a mixture of standard transitory provisions and provisions borne of necessity. The social and political ferment which brought about this Commission also brought about a situation that required the imposition of provisional measures.

The transitory provisions link up with these provisional measures and facilitate the stabilization of the political structure.

ARTICLE ____

TRANSITORY PROVISIONS

SECTION 1. The first election of members of the Senate and the House of Representatives shall be held no sooner than sixty days nor later than one hundred twenty days after the ratification of this Constitution.

One of the first acts of the new government was the abolition of the legislative structure. President Aquino's Freedom Constitution (Proclamation No. 3) promulgated on 24 March 1986 superseded Article VIII (The Batasang Pambansa), effectively dissolving The Batasang Pambansa. Meanwhile, pending the establishment of a new legislature convened and elected under a new Constitution, the legislative power continues to be exercised by the President (Section 1, Article II, Proclamation No. 3).

The election and convening of the new legislature under the new Constitution is thus seen as the final act that restores full constitutional government. The need to accomplish this act without further delay cannot be overemphasized.

In this section, the Committee schedules the date of the first election of members of the Senate and the House of Representatives between sixty (60) to one hundred twenty (120) days after the ratification of the new Constitution.

The Committee feels that the range of sixty to one hundred twenty days is both convenient and reasonable not only in terms of preparation but also in terms of the early termination of presidential exercise of legislative power.

The range presumes that the date of the plebiscite for ratification is sometime in December 1986. A December plebiscite gives an allowance of one month to the Commission and sufficient time for COMELEC to prepare for said plebiscite. The preparations, according to the COMELEC Chairman, may involve the general registration of voters and the preparation and printing of ballots, voters' affidavits and voters list.

A December ratification would also mean that the date of the first election would be sometime between February and April, 1987, before the rains start pouring.

SECTION 2. The incumbent President shall continue to exercise legislative power until the convening of Congress.

There are two main reasons for this provision: One, it avoids a hiatus created between the time of the ratification of the Constitution and the actual election and convening of the legislature; and two, it explicitly provides for a termination date for the President's exercise of legislative power.

Note that this provision is necessary considering the abolition of the Batasang Pambansa by Proclamation No. 3 last 25 March 1986 and the consequent exercise by the President of the legislative power by virtue of the same proclamation.

Upon the establishment of the legislative structure and the convening of the first Congress, there is obviously no more need for the exercise of the legislative power by the President since the Congress is already in place.

The termination of the President's legislative prerogative also puts back the presidency into a co-equal status with that of the legislative and judicial departments of government. The tripartite system of government would become fully operational.

SECTION 3. All existing laws, decrees, executive orders, Proclamations, letters of instructions and other executive issuances not inconsistent with this Constitution shall remain operative until amended, modified or repealed by Congress.

This provision is really an ordinary transitory provision and, strictly speaking, not really necessary in the sense that the transition from the 1973 Constitution and the Freedom Constitution to the new Constitution does not involve a change of sovereignty.

The period, however, between martial law up until late February of this year was most abnormal. The 1973 Constitution (Sec. 3, Subsection 2, Article XVII) made all proclamations, orders, decrees, instructions and acts promulgated, issued, or done by the former President Marcos as “part of the law of the land” and “shall remain valid, legal, binding, and effective even after lifting of martial law or the ratification of this Constitution unless modified, repealed or superseded by subsequent proclamations, orders, decrees, instructions, or other acts of the incumbent President, or unless expressly and explicitly modified or repealed by the regular National Assembly.” Almost fourteen (14) years of presidential legislation has created a body of laws that has permeated all sectors of our society. These laws have affected government organization and even our own private lives. They number in the thousands — some published, a great number unpublished. By actual reckoning, these are the figures we obtained: 2,036 Presidential Decrees, 2,419 Proclamations, 1,091 Executive Orders, 1,525 Letters of Instructions, 157 Letters of Instructions implementations, 504 Administrative Orders, and 1,297 Memo Circulars.

The inclusion of decrees, executive orders, proclamations, letters of instructions and other executive issuances with statutory laws thus made this provision a little problematic. In the Committee, it was a series of discussions and repeated debates on the matter before it was finally agreed that the provision as it now stands would be the most practical and judicious under the circumstances.

There were two schools of thought on the matter. One school sought to declare all existing laws, decrees, executive orders, proclamations, letters of instruction and other executive issuances as valid, legal, binding and effective unless inconsistent with the new Constitution or unless amended or repealed by Congress. The other school of thought wanted to declare all of them invalid unless re-enacted by Congress.

In both schools of thought, the intention is to segregate the Presidential decrees and other executive issuances from the statutory laws and, further, to segregate the good and valid PDs from those that are not. In both instances, the stupendous job of reviewing each and every P.D. and repealing or affirming them is perceived, considering that there are about 2,036 Presidential Decrees.

A number of these PDs appear to be modifications or amendments of previous laws (Acts of the Philippine Legislature, Commonwealth Acts or Republic Acts). A number of them govern the operation of government and its agencies and still a number of them affect individuals and individual rights. They have vested rights, as well as created obligations.

"While it was accepted that rights once vested cannot be impaired by subsequent legislation, the possibility of confusion and endless court litigations that will result from an outright blanket invalidation of all existing laws, is nevertheless perceived.

It was also pointed out that the incumbent President herself, out of necessity, has been issuing her own set of Proclamations which have the effect of law. Our cursory investigation yielded the fact that President Aquino had, since February 25, 1986 issued the following: 9 Proclamations, 43 Executive Orders, 6 Memo Circulars and 10 Memo Orders. The Committee however, feels that it doesn't seem prudent nor does it seem judicious to distinguish between two sets of Presidential Proclamations.

While it may be admitted that some enactments of the former President are unacceptable, it was considered by the Committee that it is an act of prudence to declare all decrees, executive orders, proclamations, letters of instruction and other executive issuances not inconsistent with the Constitution as operative until amended, modified, or repealed by Congress.

Note that the provision incorporates the general safety valve clause "not inconsistent with this Constitution", from which it may reasonably be implied that those that are inconsistent with it are deemed inoperative. My committee felt that there should be no disruption in the smooth and orderly functioning of the administration. The stability of government operations during the period of transition from the Freedom Constitution to our permanent Constitution should be insured.

Also, this section, taken together with the proposed Section 2, would indicate that pending the election and convening of the first Congress, the President, who is authorized to exercise legislative power during the period, may amend or repeal existing laws, including presidential enactments. It was revealed to the Committee members that a thorough review of all President Marcos' enactments is currently being undertaken by the commission headed by Minister Luis Villafuerte.

SECTION 4. All courts existing at the time of the ratification of this Constitution shall continue to exercise their jurisdiction, until otherwise provided by law in accordance with the Constitution, and all cases pending in said courts shall be heard, tried, and determined under the laws then in force. The provisions of the existing Rules of Court not inconsistent with this Constitution shall remain operative unless amended, modified or repealed by the Supreme Court or Congress.

This provision recognizes the principle that the judiciary is an independent and co-equal department of government and should, therefore, be respected as such. It also guarantees the rights of all parties in pending litigations that their claims shall be resolved according to the laws existing at the time when the acts involved took place. And lastly, this provision ensures the continuity of the administration of justice, by allowing courts to function according to existing rules, until compelling reasons cause the competent authorities to modify them.

SECTION 5. The Supreme Court must, within six months after the ratification of this Constitution, adopt a systematic plan to expedite the decision or resolution of the entire backlog of cases or matters filed with the Supreme Court or the lower courts prior to the effectivity of this Constitution.

This provision was indorsed by the Committee on the Judiciary for inclusion in the article on Transitory Provisions.

The provision takes notice of the clogged dockets of our courts and thus gives a constitutional mandate for the Supreme Court to adopt a plan to expedite the disposition of the entire backlog of cases which have been filed with the courts prior to the effectivity of the new Constitution.

Preliminary data from the Office of the Court Administrator reveals that there were 358,961 cases pending in all lower courts as of the end of 1985. During that year, the lower courts started with 370,918 cases to which were added 357,552 cases filed. At the end of the year, the courts disposed a little above one half of the total 728,470 cases. In the case of the Supreme Court, Chief Justice Claudio Teehankee, in a letter addressed to the Judiciary Committee, acknowledged that there were about 1,976 cases submitted for decision as of the year 1980, still undecided. It would, according to his estimate, take about 3 1/2 years for a division composed of five (5) justices to decide the same.

A study made by the College of Public Administration of the University of the Philippines also revealed that it takes the courts an average of two and a half (2 1/2) years to dispose of a single case.

The study indicates that delay in the disposition of cases contributes to the clogging of court dockets. It further indicates that there is rampant denial of justice by virtue the delay in the disposition of cases.

From the above, it may be said that the greater end of the provision is not only the clearing of court dockets but more importantly, the dispensation of swift justice for all.

SECTION 6. The incumbent members of the judiciary shall continue in office until they reach the age of seventy years or removed for cause.

This section provides for the security of tenure of the members of the judiciary. It is corollary to Section 4, as security of tenure is a vital element of judicial independence.

This provision also applies to the members of the judiciary the civil service principle that guarantee against arbitrary impairment of the right to continue in the position held. The members of the judiciary may only be removed "for cause."

The phrase "for cause" has acquired a well-defined meaning in Philippine jurisprudence. As enunciated by the Supreme Court in the case of *De los Santos vs. Mallare*, 87 Phil. 293 (1950), it means, "for reasons which the law and sound public policy recognize as sufficient for removal, that is, legal cause, and not merely causes which the appointing power in the exercise of discretion may deem sufficient. It is implied that officers may not be removed at the mere will of those vested with the power of removal, or without cause. Moreover, the cause must relate to and effect the administration of the office, and must be restricted to something of a substantial nature directly affecting the rights and interests of the public."

SECTION 7. The incumbent President and Vice-President shall hold office for a term of six years starting at noon of February 25, 1986 until noon of February 25, 1992.

This provision recognizes the existence of a de jure government under the leadership of the incumbent President and Vice-President as was ruled upon by the Supreme Court in three cases questioning the legitimacy of the present government.

The provision fixes the term of the incumbent President and Vice-President for a period of six (6) years starting at noon of February 25, 1986, when President Corazon Aquino and Vice-President Salvador Laurel took their oaths at the Club Filipino and ending at noon of February 25, 1992.

There are two main reasons for fixing the term in such manner. First, the snap elections of February 7, 1986 in which the incumbent President and Vice-President ran for their respective positions would result in a six-year term for whoever may be elected. The result of said elections as declared by the defunct Batasang Pambansa was repudiated by the people in assertion of its sovereignty and installed the incumbent President and Vice-President. Second, and corollary to the first, the incumbent President and Vice-President took their oaths of office as such on

February 25, 1986.

From the circumstances attending the installation of the incumbent President and Vice-President, it may be conclusively presumed that the people intended to grant them a six-year term. Now, since the incumbents took their oath of office on February 25, 1986, the same should be the point from which to reckon the six-year period.

The intention of the provision is thus to give them a term of exactly six (6) years.

In consideration of the need to synchronize future elections, however, the Committee approved this provision on the understanding that elections shall be synchronized in such a way as the terms of the first nationally elected officials shall ultimately coincide with the date of termination of office of the incumbent President and Vice-President. With that end in view, that term might, theoretically, be extended by some months after February 25, 1992, the corresponding appropriate amendment to this section may then have to be introduced.

It should be stated, however, that some members of the committee, who made some reservations about Section 7, feel rather strongly that President Aquino and Vice-President Laurel should obtain a fresh mandate from the people in order to clear once and for all whatever doubts may have been cast on their assumption of office. Referring the matter to the people in a separate referendum is suggested. There are even clamors in some sectors for the calling of a presidential election immediately after the ratification of the new Constitution. The Committee, however, decided to recommend the approval of Section 7 for the following cogent and practical reasons, among others: That the true winners in the February 7, 1986 elections were Aquino and Laurel; that the massive frauds and cheating brought about the February EDSA revolution which led to the departure of Marcos and the proclamation of Aquino and Laurel thru the exercise by the people of their sovereign will; that the proclamation was accepted by the people and due recognition of the Aquino government had been accorded by the community of nations; and that the matter had been laid to rest with the decision of our Supreme Court in 3 cases (G.R.L. Nos. 73748, 73972, and 73990) that the people “have accepted the government of President Corazon C. Aquino which is in effective control of the entire country so that it is not merely a de facto government but is in fact and law a de jure government.”

SECTION 8. Any writ of sequestration, freeze, search and seizure order issued or which may be issued in relation to the recovery of ill-gotten wealth shall continue to be operative within six months after the convening of the first Congress; provided that Congress, in the national interest, as certified by the President, may extend said period.

This provision is the result of almost a dozen meetings and public hearings that hoped to settle a most problematic issue involving the Presidential Commission on Good Government (PCGG).

The main issue revolves around the manner by which the Presidential Commission on Good Government (PCGG) exercise its broad powers and authority in its pursuit of ill-gotten properties amassed by Mr. and Mrs. Marcos, their families, relatives, subordinates and friends (“cronies”).

There are three main points involved in this issue. One, is the recovery of ill-gotten properties amassed by the leaders and supporters of the previous regime, a declared element of the national policy “to implement reforms mandated by the people” as enunciated in Article II, Section 1 (D) of Proclamation No. 3. Another point is the due process requirements in the issuance of writs of sequestration and freeze and/or hold orders, the observance of which is a basic element that makes effective the guarantees of civil, political and human rights of the people. And lastly, a possible future Constitutional infirmity in the issuance of writs of sequestration, freeze/hold orders by the PCGG under the new Constitution. This is because the new Bill of Rights, Section 3 thereof, no longer allows non-judicial officers to issue search warrants or warrants of arrest, including necessarily, writs of sequestration or freeze orders of assets or accounts.

After a thorough consideration of these main points, the Committee arrived at this provision which reflects a compromise between what was observed by the Committee as conflicting considerations. Section 8 would thus constitute an exception to Section 3, Article on the Bill of Rights. The enormous tasks involved in the recovery of the nation's wealth plundered by Marcos and his family and close associates justify, in the minds of the Committee members, the grant of this extraordinary power to the PCGG.

This provision terminates the powers of the PCGG to issue writs of sequestration, freeze, search and seizure orders six months from the time the first Congress convenes.

However, upon certification of the President, that it is in the national interest to extend the period within which said powers may be exercised, the Congress may extend said period. The extension presupposes a prior determination by the Congress that it is indeed in the national interest to extend the exercise of said power by the PCGG. The certification by the President thus functions as some sort of a recommendation to Congress. Needless to add, Congress does not possess the power to limit or terminate the extraordinary right granted to the PCGG before the expiration of the six months' constitutional period.

Upon the termination of said period, the power of the PCGG to issue writs of sequestration, freeze, search and seizure order would automatically cease, and the PCGG will then have to go to the regular Courts to apply for the issuance of any writ or order.

SECTION 9. All armed groups and paramilitary forces now existing outside of the regular police and armed forces shall be dismantled.

This section is an amended version of the resolution passed on the Committee by the Committee on General Provisions which reads thus, "All armed groups and paramilitary forces now existing contrary to law shall be dismantled."

The "armed groups and paramilitary forces" being referred to in this provision are the Civilian Home Defense Forces (CHDF) and private armies which have been defined as "armies maintained by politicians either directly or indirectly in cooperation with the Armed Forces of the Philippines (AFP)". The term excludes guards and watchmen of legitimate private and government security agencies licensed under the Private Security Law.

The provision does not prohibit the people from voluntarily organizing themselves for the defense of their homes and families against armed attacks in the absence of the police or the armed forces.

SECTION 10. Civil service employees who may be separated from the service as a result of the reorganization pursuant to the Provisions of Article III of Proclamation No. 3 issued on March 25, 1986 and the reorganization following the ratification of this Constitution shall enjoy priority for employment in the government or be entitled to a separation pay in addition to retirement and other benefits accruing to him under the laws then in force at the time of his separation.

This provision seeks to protect civil servants who were affected by the reorganization brought about by Proclamation No. 3 and those civil servants who will be affected by the reorganization that will be undertaken after the ratification of the new Constitution.

The employees covered under this provision are those who are civil service eligibles who have not been convicted of any violation of the Civil Service Law. The provision further excludes casuals and contractuels in the government service.

The provision thus benefits only permanent employees in the government service. Two reasons may be advanced for limiting the benefits to this group of employees. First, under civil service rules, it is only the permanent

employees who enjoy security of tenure and second, it would overburden the government to grant separation pays for each and every separated employee whether they are permanent, temporary, casuals or contractuels. As proposed, the civil service employees affected “shall enjoy priority for employment in the government” or “be entitled to a separation pay in addition to retirement and other benefits accruing to him under the laws then in force at the time of his separation”.

SECTION 11. All records, equipment, buildings, facilities and other properties of the Office of the Prime Minister and the defunct Batasang Pambansa and Interim Batasang Pambansa are hereby transferred to Congress.

Under this provision, the records, equipment, buildings, facilities and other properties of the Office of the Prime Minister, the Interim Batasang Pambansa and the Batasang Pambansa will all be transferred to Congress. This is because the Office of the Prime Minister under the parliamentary system forms part of the legislative body. Logically, therefore, records, equipment, buildings, facilities and other properties of the Office of the Prime Minister, together with those of the Batasan Pambansa and the Interim Batasang Pambansa (1978 to 1984) should be transferred to the incoming Congress under the new Constitution. Special note should be taken of the fact that the provision does not mention the personnel of the abolished bodies.

SECTION 12. This Constitution shall take effect immediately upon its ratification in a majority of the votes cast in a plebiscite called for the purpose and shall supersede all previous Constitutions.

This provision contemplates the submission to the people in a plebiscite of the draft of the entire Constitution. Upon ratification, the new Constitution will be deemed to have superseded the 1935 Constitution, the 1973 Constitution and the Freedom Constitution of 1986 (Proclamation No. 3). There are moves to “package” the draft Constitution into controversial and non-controversial articles, thus accommodating the possibility of partial ratification and a partial rejection. The Committees however, felt that it is best that the traditional method of ratification be adopted.

THE TERM OF OFFICE OF THE INCUMBENT PRESIDENT AND VICE-PRESIDENT

By Commissioner Regalado E. Maambong

First, let us start with the premise that the present government is a “revolutionary government”, by borrowing the words of Justice Minister Neptali A. Gonzales who said that this government is “revolutionary in origin, democratic in essence and transitional in character.” This is no idle opinion of a Minister of Justice, a constitutionalist, and a veteran legislator. For those who are not inclined to believe Minister Gonzales, let us refer to an official document to prove our point. Proclamation No. 3 (March 25, 1986) of President Corazon C. Aquino which promulgated a Provisional Constitution of the Republic of the Philippines, otherwise known as the “Freedom Constitution”, indeed indicates the following:

1. That the government is revolutionary in origin:

The whereases of the proclamation provide:

- (1) the new government was installed through a direct exercise of the power of the Filipino people assisted by units of the New Armed Forces of the Philippines;
- (2) the heroic action of the people was done in defiance of the provisions of the 1973 Constitution, as amended; and
- (3) the direct mandate of the people was manifested by their extraordinary action.

2. That the government is transitional in character:

The same proclamation provides:

- (1) Declaring a national policy to implement the reforms mandated by the people, protecting their basic rights, adopting a provisional constitution, and providing for an orderly transition to a government under a new constitution;
- (2) Whereas, the direct mandate of the people as manifested by their extraordinary action demands the complete reorganization of the government, restoration of democracy, protection of basic rights, rebuilding the confidence in the entire governmental system, eradication of graft and corruption, restoration of peace and order, maintenance of the supremacy of civilian authority over the military, and the transition to a government under a new Constitution in the shortest time possible.

In order to transit or transform itself from a revolutionary or transitional government into a constitutional government under a new Constitution, two things are necessarily prescribed under the Freedom Constitution: (1) Drafting, adoption and ratification of a new Constitution, and (2) Holding of elections. To implement these prescriptions, Proclamation No. 3 provided for the creation of a Constitutional Commission under Article V, Sections 1 to 5. It was in fact created under the provisions of Proclamation No. 9 issued on April 23, 1986, otherwise known as the “Law Governing the Constitutional Commission of 1986”. As to the holding of elections, Article VI of Proclamation No. 3, provides:

SECTION 1. National elections shall be held as may be provided by the New Constitution.

SECTION 2. Local elections shall be held on a date to be determined by the President which shall not be earlier than the date of the plebiscite for the ratification of the New Constitution.

Nothing can be clearer than this. It should be emphasized that Proclamation No. 3 mandated the holding of national elections without any exceptions. National elections, of course, refer to elections for President, Vice-President, and Members of Congress. The proclamation did not provide that the offices of the President and Vice-President should be excepted from the “national elections”. If it had done so, it would have been a self-serving document and contradictory to the clear statement that the government is “revolutionary and transitional”. In fact, in the recent speech of President Aquino before the joint session of the United States Congress on September 13, she said: “Now, we are restoring full constitutional government. Again, as we restored democracy by the ways of democracy, so are we completing the constitutional structures of our new democracy under a constitution that already gives full respect to the Bill of Rights. A jealously independent Constitutional Commission is completing its draft which will be submitted later this year to a popular referendum. When it is approved, there will be local and national elections. So within about a year from a peaceful but national upheaval that overturned a dictatorship, we shall have returned to full constitutional government. Given the polarization and breakdown we inherited, this is no small achievement.” Again, the President did not mention any exceptions as regards the holding of “national elections”.

The issue before the Constitutional Commission, therefore, is: whether or not it can exclude the offices of the President and the Vice-President in the national elections to be held after the ratification of the Constitution it is presently drafting. Stated in another way, should the Constitutional Commission give a fixed term to the incumbent President and Vice-President, not in the body of the Constitution, but in one of the transitory provisions?

In stating my position as a humble member of the Commission, I would rather venture my opinion by resolving by myself the following questions:

- (1) Does the Constitutional Commission have the power to give the incumbent President and Vice-President a fixed term of office in the Constitution?

Obviously, it can. The Constitutional Commission is an independent body. Some authorities in Political Law even claim that while it exists it is a fifth branch of government—the fourth being the three independent Constitutional Commissions—with powers which are co-equal and coordinate with the Executive, Legislative, and Judicial branches of the government, insofar as the application of the doctrine of separation of powers is concerned. Of course, these authorities were talking about a Constitutional Commission whose members were elected by the people unlike us who are appointed by the President. Nonetheless, the same principle applies. Presumably when the members of this Commission were appointed, the President did so on the basis of their “recognized probity, independence, nationalism and patriotism”, a requirement under Proclamation No. 3. While this does not make every member infallible, to my knowledge there is no agency of the government, not even the Supreme Court, which could question the decision of the Commission on this matter.

Having said this, the second question presents itself.

(2) Should the Constitutional Commission provide for a fixed term of office of the incumbent President and Vice-President?

I believe that it should not. There is a difference between what the Commission can do and what it “ought to do”. I submit the following reasons:

1. Legally, it should not be done. In the Declaration of Principles and State Policies we are drafting, it is provided that the Philippines is a republican and democratic state. The word “republican” is also used in the 1973 Constitution adopted by reference in the Freedom Constitution. By this is meant that key public officials are elected by the electorate through an election. While it is true that we had an election last February 7, 1986, the ones proclaimed were not the incumbent President and Vice-President. And, as stated earlier, Proclamation No. 3 is specific in saying that the incumbents took over the reins of government not through the electoral process but through a revolution, call it peaceful or the cheapest if you must, and that is the reason why we now have a revolutionary government. How then could the Constitutional Commission give a fixed term to the incumbents without violating the constitutional principle of democracy and republicanism? It should be emphasized that the normal aftermath of a revolutionary government, to effect a transition to constitutional democracy, is the holding of elections in all levels of government, unless, of course, the head of the revolutionary government decides to hold on to power without any electoral mandate, in which case the government takes on the form of a “revolutionary dictatorship.” If the Constitutional Commission created by President Aquino, and whose members are her appointees, will give her and the Vice-President a fixed term without benefit of an election, we would, in effect constitutionalize a revolution without benefit of any election. Many would take exception to this procedure as violative of democratic process, and this could affect the ratification of the Constitution. Understandably, many would argue that we had an election, and President Aquino and Vice-President Laurel won in that election but they were not proclaimed by the Batasang Pambansa because the results canvassed on the basis of the certificates of canvass submitted by the board of canvassers of the provinces, cities and districts, were the product of rampant vote-buying, terrorism, cheating and other electoral frauds, and this precisely resulted in a revolution by the people. This issue can be debated until we turn blue, but the fact remains that they were not proclaimed nor did they take their oaths of office on the basis of the canvassed results. I am not saying that that they did not win in that election. I am saying that they were not proclaimed under the provisions of the Constitution and the laws then in effect. I do not even mind admitting that I was one of the alternate members of Board of Tellers — there were four regular and four alternate members for each of the ruling and opposition parties, with the Speaker as the Chairman — and I must indicate in the strongest terms possible that if there was fraud and irregularities in that election, the Batasang Pambansa had nothing to do with it. Its duties were limited to the canvassing of votes reflected in the certificates of canvass submitted before the body, all of which were objected to by the

representatives of either of the parties. The Board of Tellers applied the provisions of the Constitution, the Omnibus Election Code, the Special Presidential/Vice-Presidential Law, and the rules and regulations of the Commission on Elections, in the performance of its functions as a canvassing unit. The next legal recourse after the proclamation of the winners should have been to file an electoral protest before the Presidential Electoral Tribunal. But before this could be done the revolution occurred independently of the wishes of President Aquino who was even in Cebu City at the time. Thereafter, the supporters of President Aquino and Vice-President Laurel joined in the undertaking of Defense Minister Juan Ponce Enrile and General Fidel Ramos and the rest is history. Clearly, therefore, the incumbent President and Vice-President took office not because of the results of the election but because of the revolution which they themselves did not even plan for, and for that immutable fact a revolutionary government had to be declared in Proclamation No. 3. Otherwise, the proclamation could have easily stated that both of them won in the election and the government is not therefore revolutionary but constitutional.

2. Morally, the Constitutional Commission ought not to do it. Firstly, it is highly irregular, anomalous and even scandalous for members of the Commission who are appointed by the President to give her and the Vice-President a fixed term of office. An outstanding, venerable and respected legislator and parliamentarian, Hon. Edmundo B. Cea (UNIDO), puts forward his view in a stronger language. He said “To completely wipe out the slightest stain that the Aquino government is revolutionary, it is imperative that all elective officials under the constitution being drafted by the Constitutional Commission should receive the mandate of the people in an election. The proposal to ask the people in a referendum whether they want the President and the Vice-President to continue in office for a given number of years will not serve the purpose. It will be like the practice in communist states, like Russia and China, where only one slate of candidates is submitted to the people. The election for President and Vice-President should be open to all qualified candidates. . .” (Manila Times, June 20, 1986).

The above statement was perhaps in reaction to Proposed Resolution No. 111 filed by one of our colleagues in the Constitutional Commission, Hon. Rustico F. de los Reyes, Jr., (PNP), seeking to include in the Transitory Provisions the following section: “Section — The term of the incumbent President and Vice-President shall be deemed to have begun on 25 February 1986 and shall end on 30 June 1992, unless the majority of the affirmative votes cast in a plebiscite on said question is for the holding of an election for the offices of President and Vice-President, not earlier than sixty days, nor more than one hundred twenty days after the ratification of this Constitution. Said question shall be submitted as a separate issue during the ratification of this Constitution.” In all probability the objection to this proposal is the recollection of everyone that this was the same procedure adopted by former President Marcos in extending his term of office, by submitting himself to a referendum without any opponent.

The logic of the argument for the calling of Presidential and Vice-Presidential elections after the ratification of the Constitution is compelling to such an extent that even Vice-President Salvador H. Laurel appear to favor the same. Philippines Daily Express (July 17, 1986) reported as follows: “Brussels, Belgium — Vice-President Salvador Laurel indicated Wednesday he would consider vying for the presidency in national elections next February. President Aquino has already indicated that she does not want to run, and if I am called upon I will certainly do my duty, he told the Standard newspaper of Brussels.”

Even before the above statements were brought to light, Commissioner Blas F. Ople, Teodulo C. Natividad and I already filed Proposed Resolution No. 458 fixing the term of the incumbent President and Vice-President, and calling for elections to said offices after the ratification of the Constitution. It reads: “Section — The term of the incumbent President and Vice-President shall be deemed to have commenced on February 25, 1986 and shall end after their successors shall have been elected and proclaimed in an election which shall take place within ninety

(90) days from the ratification of this Constitution.” There are some, of course, who thought that we are guided by political considerations in this endeavor, but after a lot of explaining many believe in the logic and legality of our position especially in the light of the objectivity and independence we have endeavored to put forward in the floor of the Commission.

Lately, it appears that we are not alone in our stand. It was reported in the papers of September 19, that Natural Resources Minister Ernesto Maceda said that President Aquino and Vice-President Laurel should submit themselves to new elections, “to settle once and for all the claim of the so-called Marcos loyalists that they do not enjoy popular support”, citing the outcome of a recent survey which showed that Mrs. Aquino's popularity rating has gone up to 82 percent, which means “that only 18 percent of the voters won't vote for Cory if new elections were held now” because of her “undoubted sincerity”, and concluding that Mrs. Aquino and Mr. Laurel can beat any presidential ticket in an election. With the unprecedented and spellbinding performance of the President in the United States drawing stand-room-only crowds wherever she went, no one can disagree. The proposal of Minister Maceda immediately drew support from Secretary-General Renato Cayetano (NP) and former Senator Eva Estrada Kalaw (LP) “to settle the legitimacy issue and show to the whole world that the Aquino government has won in an electoral battle”. Four days later, on September 23, in a surprising turn of events, Philippine Daily Inquirer reported in banner headline, “To Bring About Stability — ENRILE BATS FOR EARLY ELECTIONS”. The complete report follows: Defense Minister Juan Ponce Enrile dropped a political blockbuster yesterday when he said the holding of presidential elections will solve the problems of leadership and national instability. The outspoken Cabinet member jolted some 150 journalists and foreign correspondents during the Kapihan sa Maynila at the Manila Hotel when he said the abolition of the 1973 Constitution and the Batasang Pambansa gave rise to the issues of leadership and stability. “If there is a national consensus for national elections in which all parties will participate, including the radical left, if they want to, then, maybe, we shall achieve stability in the country,” Enrile said. Recently, the Nacionalista Party joined the clamor for national elections to settle the issue of legitimacy of the Aquino government and the presidency and vice presidency. When President Aquino abolished the 1973 Constitution and the Batasan, Enrile said she started to govern the country by virtue of the February EDSA revolution and changed the political structure, thus creating in the minds of many people that the Philippines is not EDSA and EDSA is not the Philippines. “This is the seeming cause of instability of the government,” he added. Enrile, however, recalled that when President Aquino and Vice-President Salvador Laurel were installed to the highest positions in the land, “there was great hope they would claim the right to govern by virtue of the Feb. 7 election and place themselves under the existing Constitution.” The February polls, he said, were held in accordance with the law passed by the Batasang Pambansa in line with the provisions of the 1973 Constitution.

Not to be outdone, on the same date, Malaya carried in its front page the column, “ENRILE BATS FOR EARLY POLLS”. The following is its report: Defense Minister Juan Ponce Enrile said yesterday the holding of an early presidential election would greatly stabilize the country and declared he would bat for such move “if there is a clamor from the people.” Long rumored to have presidential ambitions, the 62-year old defense chief said at the weekly Kapihan sa Manila forum he would not seek the presidency because he does not want to get involved in partisan politics. He also acknowledged that President Aquino, who came to power last February through a military rebellion that he and AFP chief Gen. Fidel Ramos led, “is a very popular person.” But he said that stability in the country would be restored if “there is a national consensus for national elections from top to bottom where all parties will participate, including the radical left if they want to participate.” The holding of presidential elections would “settle once and for all the problems of leadership,” said Enrile while noting the drafting of the new constitution will “cause a lot of debates again and will further cause division in the land.” . . . Enrile traced the country's political instability to the abolition of both the 1973 Constitution and the Batasang

Pambansa by the Aquino government after the February military rebellion. “This is the cause of the seeming instability of the government,” Enrile said.

One day earlier, on September 22, the Philippines Daily Express under the banner headline “LOCAL POLLS EARLY NEXT YEAR ASSURED”, reported thus: Vice-President Salvador H. Laurel yesterday indicated that President Aquino has agreed to hold local elections within 60 days after the plebiscite even if the draft constitution is not ratified. Laurel also said that he and President Aquino are willing to submit themselves to another presidential election if “that is what the people want.” Laurel said that it is not necessary to wait for the ratification of a new constitution to hold local elections. “It will be better, however, if the Constitution is ratified first since this is the best way of knowing the will of the people. If the Constitution says President Aquino and I should submit ourselves to another election and the people ratified it, then we would have to abide by the will of the people,” he said. Laurel said that the President agrees that early local elections is the best means of defusing the current instability in local governments brought about by the appointment of unpopular officers-in-charge by Local Government Minister Aquilino Pimentel. “If local elections had been held as scheduled last May, we could have avoided all of the controversies that resulted from the appointment of these OICs. The will of the people can never replace the will of one man.”, Laurel said.

Even with the above pronouncements, however, in the floor of the Constitutional Commission, we entertain no illusion that our resolution will easily pass. But given a Body composed of independent-minded and highly rational men and women, no one can really tell the outcome until the final voting is completed.

A last word of explanation is probably necessary. As members of the Constitutional Commission appointed from an opposition party, there is a strong possibility that we can be misunderstood in our stand. Let me assure everyone that we are not guided by political considerations in this issue or of other issues presented before the Constitutional Commission. We feel we have contributed enough to the efforts of the Commission — we spent time and energy just like every member of the Commission in a purely non-partisan and objective manner befitting the framing of the fundamental law of the land. We even expressed our willingness to bend over backwards by joining our colleague, Commissioner de los Reyes, Jr. in his resolution so that the incumbency of President Aquino and Vice-President Salvador H. Laurel will be given legitimacy through a referendum. We feel very strongly that if this issue is resolved by the people themselves it would contribute all the more to a complete transition to constitutional democracy which is not only the desire of the Filipino people but of the President herself. We intend to articulate our stand on this issue on the floor of the Constitutional Commission in the best way we know how. And even if we lose, we will be gratified in the thought that we shall have done our best to put this government in order and contribute to the stability of our country.

Some have asked us why we decided to accept our appointment to the Constitutional Commission if we do not believe in the legitimacy of the Aquino government. This requires an answer. We do believe in the legitimacy of the Aquino government in the context of its own declaration as a “revolutionary and transitional government”. It is a government in place and there is no point in questioning its existence—it is a demonstrable fact unless one is blind to see it. It has been accepted by the family of nations, and President Aquino herself had been accepted in state visits to Indonesia, Singapore and the United States, not to mention the earlier visits of Vice-President Laurel to other nations. I am prepared to admit that President Corazon C. Aquino and Vice-President Salvador H. Laurel are highly credible and very popular with our people and this is a very healthy sign of our country. But all these do not make the government any less revolutionary. What I am saying is that the Constitutional Commission should make good use of its authority to provide an opportunity for the incumbents to put to rest the legitimacy of their positions. It would be a disfavor to both of them should the Commission simply give them a fixed term of office, and it would make the Commission extremely vulnerable to attack on its much-vaunted independence.

And only a national election or at the very least a referendum could strengthen the term of office of the incumbent President and Vice-President. We are fully confident that all our colleagues in the Constitutional Commission, regardless of ideology and political persuasions, will consider this matter seriously and objectively for the sake of our country and our people.

COMMENT OF COMMISSIONER RUSTICO F. DELOS REYES, JR.

The U.S. Military Bases in the Philippines, as competently stated in the brilliant speeches of our colleagues, were here long before the conceptualization of nuclear wars. The strategy of their presence in our country is in the concept of a conventional war or conventional armed engagement. Even the choke points so ably explained by the Hon. Crispino de Castro in his speech in support of the U.S. Bases in the Philippines are in consonance with conventional armed engagements, not nuclear wars. All these choke points and all the U.S. Bases in our country are of insignificant importance in the event of a nuclear war between Russia and America. I have already explained this. We need a nuclear missile-free policy to convey to the world, especially to Russia and America, the folly, perhaps even the stupidity, of huge nuclear-weapon arsenal that must sooner or later be justified only by actual use. The Americans and the Russians are part of what we call humanity. Our voice might be just a tiny sound in a world dominated by superpowers; even then, our obligation to humanity demands that we speak the truth. And the truth is that the single existing thing that can wipe out humanity is the nuclear missile. Let me say this: It is more in keeping with enlightenment and our relation to God to be obsessed by the desire to preserve humanity than to contribute to its destruction. I say this because we know only too well that a nuclear war will put humanity in an irreversible state of destruction. Why in God's name should we contribute to our own destruction?

PROPOSED AMENDMENT TO SECTION 8, BY ADDITION:

SHARES OF STOCK UNDER SEQUESTRATION IN A CORPORATION MAY NOT BE VOTED TO ESTABLISH CONTROL OF THAT CORPORATION EXCEPT UPON DETERMINATION BY THE SANDIGANG BAYAN OF THE OWNERSHIP OF THE SHARES.

Explanatory Note:

The Presidential Commission on Good Government has obtained an amendment to its charter that empowers it to vote sequestered shares to nominate the majority in a board of directors for the purpose of establishing control over a corporation.

This flies in the face of the uncontested legal presumption that sequestration is equivalent to custodio legis or temporary custody, with the aim in view of preserving sequestered assets from possible transfer or dissipation, pending the determination by competent courts of their true and ultimate ownership.

This authority of the PCGG, added as a second thought to its already vast arsenal of powers under the Freedom Constitution and Executive Orders 1 and 2, has already resulted in its control of two major corporations, namely, the United Coconut Bank of the Philippines and the San Miguel Corporation. Section 8, directly or indirectly, sustains this authority by the equivalent of a Constitutional fiat. It virtually licenses the PCGG to take over, and operate, any business or industrial enterprise with a base of sequestered shares.

The amendment does not take away this authority. But it makes the exercise thereof contingent on a final determination by the Sandigang Bayan, which is the court in charge of anti-graft cases, as to the true ownership of the sequestered shares. It affirms that the function of the PCGG is custodial, not entrepreneurial; as a preserver of

assets, not as an economic superbody or supermanager.

It also mitigates a situation where a government agency, established principally to recover ill-gotten wealth, can transcend its charter to become a powerful economic empire by voting shares whose true ownership has not yet been determined by a court of competence.

EXPLANATION OF VOTE ON THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES

(by Commissioner Sister Christine Tan, RGS at Constitutional Commission on October 12, 1986)

Upon Registering My Vote to our Constitution:

I feel the value of a constitution does not lie in what we commissioners think, but in what people think about it; not in how it compares to other constitutions, but how it calms the anguish of the present; not in what we have written or crafted, but whether what we have written or crafted is what our people would have wanted to write and craft; not in the insertion of such words as “love” and “Almighty God” but whether our provisions favor this God’s “littlest ones” — the poor, before the alien and the rich; not whether our Constitution is a piece of perfection, but rather an echo of compassion. Unfortunately, to my biased mind, our Constitution does not contain these qualities. Tragically, it does not bear the courage and radicality and faith of our February revolution. As a response to the desperation of a suffering nation, our Constitution is but a whimper.

It will be extremely difficult for us in this room to grasp what I am trying to convey for not being in the mainstream of pain, we shall not be able to understand, try as we may, the anguish and urgency of the marginalized, and the sooner we accept our limitation, the closer we shall be to reality. The poor have taught me the deep meaning of a word, *pagkakasiyahin* — we must make it enough. With them, *pagkakasiyahin* ang Constitution to our hunger and helplessness. On this whimper, we shall build, whenever and wherever we can.

I vote “yes”.

Sister Christine Tan, RGS
October 12, 1986

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

Introduced by Hon. Villacorta et alia

WHEREAS, the Constitutional Commission of 1986 would not have effectively accomplished its important tasks without the efficient, wholehearted 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. Flerida Ruth P. Romero, and Mr. Roberto 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 its sincerest appreciation and gratitude to the Secretary-General Flerida Ruth 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.

WILFRIDO V. VILLACORTA
MINDA LUZ M. QUESADA
EULOGIO R. LERUM
LUGUM L. UKA
CHRISTIAN S. MONSOD
HILARIO G. DAVIDE, JR.
CECILIA MUÑOZ PALMA
RENE M. SARMIENTO
REGALADO E. MAAMBONG
BERNARDO M. VILLEGAS
JOAQUIN G. BERNAS
JOSE F.S. BENGZON, JR.
NAPOLEON G. RAMA
PONCIANO L. BENNAGEN
SERAFIN V.C. GUINGONA
YUSUP R. ABUBAKAR
FELICITAS S. AQUINO
JAIME S.L. TADEO
EDMUNDO G. GARCIA
MA. TERESA F. NIEVA
ALBERTO M.K. JAMIR
TEODORO C. BACANI
EFRAIN B. TREÑAS
AMBROSIO B. PADILLA
ROBERTO R. CONCEPCION
FRANCISCO A. RODRIGO
JOSE N. NOLLEDO
FLORANGEL ROSARIO BRAID
AHMAD DOMOCAO ALONTO
CIRILO A. RIGOS
LORENZO M. SUMULONG
TEODULO C. NATIVIDAD
CRISPINO M. DE CASTRO
GREGORIO J. TINGSON
JOSE E. SUAREZ
RICARDO J. ROMULO
FLORENZ D. REGALADO

ANNEX “A” OF RESOLUTION NO. 551
ORDINANCE

APPORTIONING THE SEATS OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
PHILIPPINES TO THE DIFFERENT LEGISLATIVE DISTRICTS IN PROVINCES AND CITIES AND THE
METROPOLITAN MANILA AREA

SECTION 1. For purposes of the election of Members of the House of Representatives of the First Congress of the Philippines under the Constitution proposed by the 1986 Constitutional Commission and subsequent elections, and until otherwise provided by law, the Members thereof shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila Area as follows:

METROPOLITAN MANILA AREA

Manila, six (6) — First District: Barangays Nos. 1-146, N — City Boundary between Manila and Caloocan; E — From Estero de Sunog Apog going South to Estero de Vitas up to the bridge spanning Juan Luna Street, eastward to Tayuman Street up to the Railroad Tracks along Dagupan Street, thence southward to Claro M. Recto Avenue; SE — From point Claro M. Recto Avenue extending westward to Manila Bay; W — Manila Bay northward to City boundary between Manila and Caloocan. Second District: Barangays Nos. 147-267, N — City boundary between Manila and Caloocan; E — From end of Rizal Avenue Extension extending southward to Railroad Tracks at Antipolo Street; from Antipolo Street; from corner Antipolo Street and Rizal Avenue on southern side of Railroad Tracks extending westward to Estero de San Lazaro, southward along Estero de San Lazaro up to corner of C.M. Recto Avenue in south; S — Claro M. Recto Avenue westward to bridge spanning Claro M. Recto at Estero de la Reina; W — Estero de la Reina to Estero de Vitas to Estero Sunog Apog to City boundary between Manila and Caloocan; Third District: Barangays Nos. 268-394, N — City boundary between Manila and Caloocan; E — A. Bonifacio Street extending southward to Dimasalang, to Andalucia, Claro M. Recto Avenue eastward to Estero de San Miguel ending at Pasig River; S — Mouth of Estero de San Miguel at Pasig River, westward to Del Pan Bridge, thence to Del Pan Street; W — Del Pan Street northward up to Claro M. Recto Extension to Estero de San Lazaro, northward to Antipolo Street, eastward to Rizal Avenue Extension, northward to boundary between Manila and Caloocan; Fourth District: — Barangays Nos. 395-586 SW — Estero de San Miguel up to Mendiola Bridge, thence to C.M. Recto Avenue to Quezon Boulevard; W — Quezon Boulevard, Andalucia, Dimasalang up to boundary between Manila and Quezon City; NE — City boundary between Manila and Quezon City up to Ramon Magsaysay Boulevard; SE — Ramon Magsaysay Boulevard up to V. Mapa Street; S — Ramon Magsaysay Boulevard up to point Estero de San Miguel where Ramon Magsaysay Boulevard spans Estero de San Miguel; Fifth District: Barangays Nos. 649-828 N — Mouth of Pasig inland to point Paz M. Guanzon Street extending to Estero de Pandacan; NE — Estero de Pandacan up to Pedro Gil Street to Tejeron Street up to boundary of Manila and Makati; SE — City boundary between Pasay and Manila down to Roxas Boulevard up to edge of reclaimed areas westward to Manila Bay; W — Manila Bay up to mouth of Pasig River; Sixth District: Barangays Nos. 587-648; and 829-905 N — Starting from point which is mouth of Estero de San Miguel up to point where Ramon Magsaysay Boulevard spans Estero de San Miguel, thence Ramon Magsaysay Boulevard eastward to City boundary between Manila and Quezon City; NE — City boundary up to point City boundary of Manila, San Juan and Quezon City; E — Manila-San Juan-Mandaluyong-Makati boundaries up to Tejeron Street; SE — Tejeron Street to Pedro Gil Street up to bridge spanning Estero de Pandacan; SW & W — Estero de Pandacan going northward to Paz M. Guanzon Street, then northward on Paz M. Guanzon Street up to Pasig River to mouth of Estero de San Miguel on Pasig River.

Quezon City, four (4) — First District: Barangays Del Monte, Paltok, Bungad, San Antonio, Katipunan, Veterans Village, Talayan, Damayan, Mariblo, Paraiso, Sta. Cruz, Nayong Kanluran, Philam, West Triangle, N.S.

Amoranto, Paang Bundok, San Isidro Labrador, Sta. Teresita, Salvacion, Maharlika, St. Peter, Lourdes, Sto. Domingo, Sienna, San Jose, Manresa, Pag-ibig sa Nayon, Balinga, Masambong, Damar, Bahay Toro, Sto. Cristo, Ramon Magsaysay, Project 6, Vasra, Alicia, and Bagong Pag-asa; Second District: Barangays Fairview, New Era, Holy Spirit, Batasan Hills, Commonwealth, Payatas, Bagong Silangan, Sauyo, Talipapa, Bagbag, San Bartolome, Sta. Lucia, Gulod, Novaliches Proper, San Agustin, Nagkaisang Nayon, Sta. Monica, Kaligayahan, Pasong Putik, Apolonio Samson, Unang Sigaw, Tandang Sora, Pasong Tamo, Culiati, Baesa, Capri, Baumbato, and Sangandaan, Third District: Barangays E. Rodriguez, Silangan, Quirino 3-A, Duyan-Duyan, Quirino 3-B, Amihan, Socorro, San Roque, Manga, Zobel Dioquino, Tagumpay, Aguinaldo, White Plains, St. Ignatius, Blue Ridge A, Blue Ridge B, Bayanihan, Escopa 1, Escopa 2, Escopa 3, Escopa 4, West Kamias, East Kamias, Quirino 2 A, Quirino 2 B, Quirino 2 C, Ugong Norte, Bagumbayan, Libis, Villa Maria Clara, Masagana, Milagrosa, Marilag, Bagumbuhay, Loyola Heights, Pansol, and Matandang Balara; Fourth District: Barangays Bagong Lipunan, Kaunlaran, San Martin, Immaculate Concepcion, South Triangle, Sacred Heart, Laging Handa, Paligsahan, Obrero, Roxas, Kamuning Kanluran, Kamuning Silangan, Tatalon, Don Manuel, Doña Josefa, San Isidro, Doña Aurora, Santo Niño, Santol, Doña Imelda, Kristong Hari, Kalusugan, Damayang Lagi, Mariana, Valencia, Horseshoe, Pinagkaisahan, San Vicente, U.P. Campus, Krus Na Ligas, Central, Old Capitol Site, U.P. Village, Teacher's East, Teacher's West, Sikatuna, Malaya, Piñahan, and Botocan.

Caloocan City, two (2) — First District: 70 Barangays; All of Caloocan North of EDSA; Second District: 118 Barangays; All of Caloocan South of EDSA.

PASAY CITY, one (1)
MALABON and NAVOTAS, one (1)
SAN JUAN and MANDALUYONG, one (1)
MARIKINA, one (1)
MAKATI, one (1)
PASIG, one (1)
PARAÑAQUE, one (1)
LAS PIÑAS and MUNTINGLUPA, one (1)
PATEROS and TAGUIG, one (1)
VALENZUELA, one (1)
REGION I

Abra, one (1)

Benguet with the City of Baguio, two (2) — First District: Baguio City; Second District: all the Municipalities of Benguet.

Ilocos Norte with Laoag City, two (2) — First District: Laoag City and the Municipalities of Bacarra, Bangui, Burgos, Pagudpud, Pasuquin, Piddig, Sarrat, Vintar, Adams, Cuasi, and Dumalneg; Second District: Municipalities of Badoc, Batac, Currimao, Dingras, Espiritu, Marcos, Nueva Era, Paoay, Pinili, San Nicolas, and Solsona.

Ilocos Sur, two (2) — First District: Municipalities of Bantay, Cabugao, Caoayan, Magsingal, San Ildefonso, San Juan, San Vicente, Santa Catalina, Santo Domingo, Sinait, and Vigan; Second District: Municipalities of Alilem, Banayoyo, Burgos, Candon, Cervantes, Galimuyod, Gregorio del Pilar, Lidlidda, Nagbukel, Narvacan, Quirino, Salcedo, San Emilio, San Esteban, Santa, Santa Cruz, Santa Lucia, Santa Maria, Santiago, Suyu, Tagudin, Sigay, and Sugpon.

La Union, two (2) — First District: Municipalities of Bacnotan, Balaoan, Bangar, Luna, San Fernando, San Gabriel, San Juan, Santol, and Sudipen; Second District: Municipalities of Agoo, Aringay, Bagulin, Bauang,

Burgos, Caba, Naguilian, Pugo, Rosario, Santo Tomas, and Tubao.

Mountain Province, one (1)

Pangasinan with the Cities of Dagupan and San Carlos, six (6) — First District: Municipalities of Bolinao, Bani, Agno, Burgos, Dasol, Infanta, Mabini, Alaminos, Anda, and Sual; Second District: Municipalities of Labrador, Lingayen, Bugallon, Aguilar, Mangatarem, Binmaley, Urbiztondo, and Basista; Third District: San Carlos City, and the Municipalities of Malasiqui, Bayambang, Calasiao, Mapandan, and Sta. Barbara; Fourth District: Dagupan City and the Municipalities of Mangaldan, San Fabian, San Jacinto, and Manaoag; Fifth District: Municipalities of Binalonan, Laoac, Urdaneta, Villasis, Sison, Pozorrubio, Bautista, Alcala, and Sto. Tomas; Sixth District: Municipalities of Rosales, Asingan, Balungao, Sta. Maria, Umingan, San Quintin, Natividad, Tayug, San Nicolas, and San Manuel.

REGION II

Batanes, one (1)

Cagayan, three (3) — First District: Municipalities of Aparri, Camalaniugan, Lallo, Buguey, Sta. Teresita, Gonzaga, Sta. Ana, Gattaran, Baggao, and Alcala; Second District: Municipalities of Sta. Praxedes, Sanchez Mira, Claveria, Pamplona, Abulug, Ballesteros, Allacapan, Lasam, Sto. Niño, Rizal, Piat, and Calayan; Third District: Municipalities of Tuguegarao, Solana, Enrile, Peñablanca, Iguig, Amulung, and Tuao.

Ifugao, one (1)

Isabela, four (4) — First District: Municipalities of Sta. Maria, San Pablo, Cabagan, Sto. Tomas, Albano, Tumauini, Ilagan, Divilican, Maconacon, and Palanan; Second District: Municipalities of Aurora, San Manuel, Roxas, Mallig, Quezon, Quirino, Burgos, Gamu, Naguilian, Benito Soliven, and San Mariano; Third District: Municipalities of Reina Mercedes, Cauayan, Luna, Cabatuan, San Mateo, Alicia, Angadanan, and San Guillermo; Fourth District: Municipalities of Cordon, Santiago, Ramon, San Isidro, Echague, Jones, San Agustin, and Dinapigui.

Kalinga-Apayao, one (1)

Nueva Vizcaya, one (1)

Quirino, one (1)

REGION III

Bataan, two (2) — First District: Municipalities of Dinalupihan, Hermosa, Orani, Samal, Abucay, and Morong; Second District: Municipalities of Pilar, Orion, Limay, Bagac, Mariveles, and Balanga.

Bulacan, four (4) — First District: Municipalities of Hagonoy, Paombong, Malolos, Calumpit, Pulilan, and Bulacan; Second District: Municipalities of Baliuag, Bustos, Plaridel, Guiguinto, Balagtas, Pandi, and Bocaue; Third District: Municipalities of San Miguel, San Ildefonso, San Rafael, Angat, Norzagaray, and Remedios Trinidad; Fourth District: Municipalities of San Jose del Monte, Sta. Mada, Marilao, Meycauayan, and Obando.

Nueva Ecija, with the Cities of Cabanatuan, Palayan and San Jose, four (4) — First District: Municipalities of Nampicuan, Cuyapo, Guimba, Quezon, Talavera, Licab, Sto. Domingo, Aliaga, and Zaragoza; Second District: San Jose City and the Municipalities of Lupao, Muñoz, Talugtug, Caranglan, Pantabangan, Llanera, and Rizal; Third District: Cabanatuan City, Palayan City, and the Municipalities of General Natividad, Bongabong, Laur, Gabaldon, and Sta. Rosa; Fourth District: Municipalities of San Leonardo, General Tinio, Peñaranda, Gapan, San Isidro, San Antonio, and Jaen.

Pampanga with Angeles City, four (4) — First District: Angeles City and the Municipalities of Mabalacat and Magalang; Second District: Municipalities of Lubao, Guagua, Floddablanca, Porac, Sta. Rita, and Sexmoan; Third District: Municipalities of San Fernando, Arayat, Mexico, Bacolor, and Sta. Ana; Fourth District: Municipalities of Candaba, Apalit, Macabebe, Masantol, Minalin, Sto. Tomas, San Luis, and San Simon.

Tarlac, three (3) — First District: Municipalities of Mayantoc, Sta. Ignacia, Camiling, Moncada, San Manuel, Anao, Paniqui Ramos, San Clemente, and Pura; Second District: Municipalities of Tarlac, Gerona, and Victoria; Third District: Municipalities of Bamban, Capas, Concepcion, and La Paz.

Zambales with Olongapo City, two (2) — First District: Olongapo City and the Municipalities of Subic, Castillejos and San Marcelino; Second District: Municipalities of Botolan, Cabangan, Candelaria, Iba, Masinloc, Palauig, San Antonio, San Felipe, San Narciso, and Sta. Cruz.

REGION IV

Aurora, one (1)

Batangas with the Cities of Batangas and Lipa, four (4) — First District: Municipalities of Nasugbu, Lian, Calatagan, Balayan, Tuy, Calaca, Lemery, and Taal; Second District: Batangas City and the Municipalities of Lobo, San Pascual, Bauan, Mabini, San Luis, and Tingloy; Third District: Municipalities of Balete, Malvar, Sto. Tomas, Tanauan, Talisay, Laurel, Agoncillo, San Nicolas, Sta. Teresita, Alitagtag, Cuenca, and Mataas Na Kahoy; Fourth District: Lipa City and the Municipalities of San Juan, Taysan, Rosario, P. Garcia, Ibaan, and San Jose.

Cavite with the Cities of Tagaytay, Cavite and Trece Martires, three (3) — First District: Cavite City and the Municipalities of Bacoar, Kawit, Noveleta, and Rosario; Second District: Trece Martires City and the Municipalities of Imus, Dasmariñas, Carmona, Gen. Mariano Alvarez, General Trias, and Tanza; Third District: Tagaytay City and the Municipalities of Alfonso, Amadeo, General Aguinaldo, Indang, Magallanes, Maragondon, Mendez-Núñez, Naic, Silang, and Ternate.

Laguna with San Pablo City, four (4) — First District: Municipalities of Biñan, San Pedro, and Sta. Rosa; Second District: Municipalities of Bay, Cabuyao, Calamba, and Los Baños; Third District: San Pablo City and the Municipalities of Calauan, Alaminos, Rizal, Nagcarlan, Liliw, and Victoria; Fourth District: Municipalities of Sta. Cruz, Pila, Lumban, Pagsanjan, Cavinti, Kalayaan, Paete, Pakil, Pangil, Siniloan, Famy, Mabitac, Sta. Maria, Magdalena, Luisiana, and Majayjay.

Marinduque, one (1)

Occidental Mindoro, one (1)

Oriental Mindoro, two (2) — First District: Municipalities of Baco, Calapan, Naujan, Puerto Galera, San Teodoro, Victoria, Pola, and Socorro; Second District: Municipalities of Bansud, Bongabon, Bulalakao, Gloria, Mansalay, Pinamalayan, and Roxas.

Palawan with Puerto Princesa City, two (2) — First District: Municipalities of Agutaya, Araceli, Busuanga, Cagayancillo, Coron, Cuyo, Dumarán, El Nido, Linapacan, Magsaysay, Roxas, San Vicente, Taytay, and Kalayaan; Second District: Puerto Princesa City and the Municipalities of Aborlan, Balabac, Batarasa, Brooke's Point, Narra, Quezon, and Marcos.

Quezon with Lucena City, four (4) — First District: Municipalities of Burdeos, General Nakar, Infanta, Jumalig, Panukulan, Patnanungan, Polilio, Real, Sampaloc, Mauban, Pagbilao, Lucban, and Tayabas; Second District:

Lucena City and the Municipalities of Candelaria, Dolores, San Antonio, Sariaya, and Tiaong; Third District: Municipalities of Catanauan, General Luna, Macalelon, Mulanay, Pitogo, San Andres, San Francisco, San Narciso, Buenavista, Padre Burgos, Agdangan, and Unisan; Fourth District: Municipalities of Calauag, Guinayangan, Gumaca, Lopez, Tagkawayan, Atimonan, Plaridel, Alabat, Perez, and Quezon.

Rizal, two (2) — First District: Municipalities of Antipolo, Taytay, Cainta, Angono, and Binangonan; Second District: Municipalities of E. Rodriguez, San Mateo, Morong, Cardona, Teresa, Tanay, Pililla, and Jala-Jala.

Romblon, one (1)

REGION V

Albay with Legazpi City, three (3) — First District: Municipalities of Bacacay; Malinao, Malilipot, Santo Domingo, Tabaco, and Tiwi; Second District: Legaspi City and the Municipalities of Camalig, Daraga, Manito, and Rapu-Rapu; Third District: Municipalities of Guinobatan, Jovellar, Libon, Ligao, Oas, Pio Duran, and Polangui.

Camarines Norte, one (1)

Camarines Sur including the Cities of Naga and Iriga, four (4) — First District: Municipalities of Del Gallego, Ragay, Lupi, Sipocot, Libmanan, Cabusao, Pamplona, Pasacao, Minalabac, and San Fernando; Second District: Naga City and the Municipalities of Bonbon, Calabanga, Camaligan, Canaman, Gainza, Magarao, Milaor, Ocampo, and Pili; Third District: Municipalities of Caramoan, Garchitorena, Goa, Lagonoy, Presentacion, Sangay, San Jose, Tigaon, Tinambac, and Siruma; Fourth District: Iriga City and the Municipalities of Baao, Balatan, Bato, Buhi, and Nabua.

Catanduanes, one (1)

Masbate, three (3) — First District: Municipalities of San Pascual, Claveria, Monreal, San Jacinto, San Fernando, and Batuan; Second District: Municipalities of Masbate, Mobo, Milagros, Aroroy, Baleno, Balud, and Mandaon; Third District: Municipalities of Uson, Dimasalang, Palanas, Cataingan, Pio V. Corpuz, Esperanza, Placer, and Cawayan.

Sorsogon, two (2) — First District: Municipalities of Sorsogon, Pilar, Donsol, Castilla, Bacon, Casiguran, and Magallanes; Second District: Municipalities of Barcelona, Prieto Diaz, Gubat, Juban, Bulusan, Irosin, Sta. Magdalena, Matnog, and Bulan.

REGION VI

Aklan, one (1)

Antique, one (1)

Capiz including Roxas City, two (2) — First District: Roxas City and the Municipalities of Panay, Pilar, Pontevedra, President Roxas, Ma-ayon, and Panitan; Second District: Municipalities of Dumalag, Jamindan, Mambusao, Sapián, Sigma, Tapaz, Cuartero, Dao, Dumarao, and Ivisan.

Iloilo, five (5) — First District: Municipalities of Guimbal, Igaras, San Joaquin, Tigbauan, Tubungan, Miagao, and Oton; Second District: Municipalities of Jordan, Nueva Valencia, Buenavista, Pavia, Leganes, Sta. Barbara, New Lucena, Zarraga, Alimodian, Leon, and San Miguel; Third District: Municipalities of Maasin, Cabatuan, Janiway, Badiangan, Mina, Pototan, Calinog, Lambunao, and Bingawan; Fourth District: Municipalities of Passi, San Enrique, Duenas, Dingle, Barotac Nuevo, Domangas, Anilao, and Banate; Fifth District: Municipalities of

Barotac Viejo, San Rafael, Ajuy, Lemery, Concepcion, Sara, San Dionisio, Batad, Estancia, Balasan, and Carles. Iloilo City, one (1)

Negros Occidental, with the Cities of San Carlos, Cadiz, Bago, La Carlota, and Silay, six (6) — First District: San Carlos City and the Municipalities of Toboso, Calatrava, Escalante, and S. Benedicto; Second District: Cadiz City and the Municipalities of Sagay and Manapla; Third District: Silay City and the Municipalities of Victorias, Enrique B. Magallona, Talisay, and Murcia; Fourth District: Bago City and the Municipalities of Valladolid, San Enrique, Pontevedra, Pulupundan, and La Carlota; Fifth District: Municipalities of La Castellana, Moises Padilla, Isabela, Binalbagan, Himamaylan, and Hinigaran; Sixth District: Municipalities of Kabankalan, Ilog, Cauayan, Candoni, Sipalay, and Hinoba-an.

Bacolod City, one (1)

REGION VII

Bohol, with Tagbilaran City, three (3) — First District: Tagbilaran City and the Municipalities of Alburquerque, Antequera, Baclayon, Balilihan, Calape, Catigbian, Corella, Cortes, Dauis, Loon, Maribojoc, Panglao, Sikatuna, and Tubigon; Second District: Municipalities of Clarin, Inabanga, Sagbayan, Buenavista, Jetafe, Dagohoy, Danao, San Miguel, Trinidad, Talibon, Ubay, Bien, Unido, San Isidro, and President Carlos P. Garcia; Third District: Municipalities of Loay, Loboc, Bilar, Batuan, Carmen, Sevilla, Lila, Dimiao, Valencia, Garcia-Hernandez, Jagna, Duero, Guindulman, Candijay, Mabini, Alicia, Anda, Sierra Bullones, and Pilar.

Cebu, with the Cities of Danao, Lapu-Lapu, Mandaue, and Toledo, six (6) — First District: Municipalities of Talisay, Minglanilla, Naga, San Fernando, Carcar, and Sibonga; Second District: Municipalities of Argao, Dalaguete, Alcoy, Boljoon, Oslob, Santander, Samboan, Ginatilan, Malabuyoc, Alegria, Badian, Moalboal, Alcantara, Ronda, and Dumanjug; Third District: Toledo City and the Municipalities of Barili, Aloguinsan, Pinamungajan, Balamban, Asturias, and Tuburan; Fourth District: Municipalities of Tabuelan, San Remigio, Sta. Fe, Bantayan, Madridejos, Daanbantayan, Medellin, Bogo, and Tabogon; Fifth District: Danao City and the Municipalities of Borbon, Sogod, Catmon, Carmen, Compostela, Liloan, San Francisco, Poro, Tudela and Pilar; Sixth District: Lapu-Lapu City, Mandaue City, and the Municipalities of Cordova and Consolacion.

Cebu City, two (2) — First District: Barangays of Adlawon, Agsungot, Apas, Bacayan, Banilad, Binaliw, Budlaan, Busay, Cambinocot, Camputhaw, Capitol Site, Carreta, Central Proper, Cogon-Ramos, Day-as, Ermita, Guba, Hipodromo, Kalubihun, Kamagayan, Kasambagan, Lahug, Lorega, Lusaran, Luz, Mabini, Mabolo, Malubog, Pahina Central, Parian, Paril, Pit-os, Pulang Bato, Sambag I, Sambag II, San Antonio, San Jose, San Roque, Sta. Cruz, Sirao, T. Padilla, Talamban, Taptap, Tejero, Tinago, and Zapatera; Second District: Barangays of Babag, Basak Pardo, Basak San Nicolas, Bonbon, Buhisan, Bulacao Pardo, Bout-Taup, Calamba, Cogon Pardo, Duljo Fatima, Guadalupe, Inayawan, Kalunasan, Kinasang-an Pardo, Labangon, Mambaling, Pahina San Nicolas, Pamutan, Pardo, Pasil Abuno, Sibugay, Punta Princesa, Quiot, San Nicolas, Sawang Calero, Sinsin, Suba Pasil, Sudlon, Sapangdako, Tabunan, Tigbao, Tisa, and Toong.

Negros Oriental, with the Cities of Bais, Canlaon, and Dumaguete, three (3) — First District: Canlaon City and the Municipalities of Vallehermoso, Guihulngan, La Libertad, Jimalalud Tayasun, Ayungon, Bindoy, and Manjuyod; Second District: Bais City, Dumaguete City, and the Municipalities of Mabinay, Tanjay, Pamplona, Amlan, San Jose, and Sibulan; Third District: Municipalities of Valencia, Bacong, Dauin, Zamboanguita, Siaton, Sta. Catalina, Bayawan, and Basay.

Siquijor, one (1)

REGION VIII

Leyte with the Cities of Tacloban and Ormoc, five (5) — First District: Tacloban City and the Municipalities of Alangalang, Babatngon, Palo, San Miguel, Sta. Fe, Tanauan, and Tolosa; Second District: Municipalities of Barugo, Barauen, Capoocan, Carigara, Dagami, Dulag, Jaro, Julita, La Paz, Mayorga, MacArthur, Pastrana, Tabontabon, and Tunga; Third District: Municipalities of Almeria, Bilirun, Cabucgayun, Caibirun, Calubian, Culaba, Kawayan, Leyte, Maripipi, Naval, San Isidro, Tabango, and Villaba; Fourth District: Ormoc City and the Municipalities of Albuera, Isabel, Kananga, Matagob, Merida, and Palompon; Fifth District: Municipalities of Abuyog, Bato, Baybay, Hilongos, Hindang, Inopacan, Javier, Mahaplag, and Matalom.

Southern Leyte, one (1)

Eastern Samar, one (1)

Northern Samar, two (2) — First District: Municipalities of Allen, Biri, Bobon, Capul, Catarman, Lavezares, Lope de Vega, Rosario, San Antonio, San Isidro, San Jose, San Vicente, Victoria, and Mondragon; Second District: Municipalities of Silvino Lobos, San Roque, Pambuyan, Las Navas, Catubig, Laoang, Palapag, Mapanas, Gamay, and Lapinig.

Samar with Calbayog City, two (2) — First District: Calbayog City and the Municipalities of Almagro, Gandara, Pagsanghan, San Jorge, Santa Margarita, Sto. Niño, Tagapul-an, and Tarangnan; Second District: Municipalities of Basey, Calbiga, Catbalogan, Daram, Hinabangan, San Jose De Buan, Jiabong, Marabut, Motiong, Pinabacdao, San Sebastian, Sta. Rita, Talalora, Villareal, Wright, and Zumarraga.

REGION IX

Basilan, one (1)

Sulu, two (2) — First District: Municipalities of Jolo, Marungas, Indanan, Pangutaran, Parang, Talipao, Maimbung, and Patikul; Second District: Municipalities of Siasi, Pandami, Pata, Luuk, K. Caluang, Panamao, New Panamao, Tapul, Lugus, and Tongkil.

Tawi-Tawi, one (1)

Zamboanga del Norte with the Cities of Dapitan and Dipolog, three (3) — First District: Dapitan City and the Municipalities of Sibutad, Rizal, La Libertad, Mutia, Pinan, Sergio Osmeña, Sr., and Polanco; Second District: Dipolog City and the Municipalities of Katipunan, President Manuel A. Roxas, Manukan, Ponot, Siayan, and Sindangan; Third District: Municipalities of Sali, Godod, Liloy, Tampilisan, Labason, Gutalac, Siocon, Baliguian, Siraway, Bacungan, and Sibuco.

Zamboanga del Sur, with Pagadian City, three (3) — First District: Pagadian City and the Municipalities of Dumingag, Mahayag, Molave, Tambulig, Midsalip, R. Magsaysay, Labangan, Aurora, Tukuran, Josefina, and Don Mariano Marcos; Second District: Municipalities of Dumalinao, San Pablo, Tabina, Dimataling, Dinas, San Miguel, Margosatubig, Lapuyan, Kumalarang, Bayog, Lakewood, Pitogo, and Vincenzo A. Sagun; Third District: Municipalities of Malangas, Alicia, Olutanga, Mabihay Siay, Kabasalan, Naga, Ipil, Titay, Tungawan, Buug, Imelda, Payao, Talusan, Diplahan, and Roseller Lim.

Zamboanga City, one (1)

REGION X

Agusan del Norte, with the City of Butuan, two (2) — First District: Butuan City and the Municipality of Las Nieves; Second District: Municipalities of Buenavista, Cabadbaran, Carmen, Jabonga, Kitcharao, Magallanes, Nasipit, Santiago, Tubay, and Remedios T. Romualdez.

Agusan del Sur, one (1)

Bukidnon, three (3) — First District: Municipalities of Talakag, Baungon, Malitbog, Libona, Manolo Fortich, Sumilao, Pangantocan, and Kalilangan; Second District: Municipalities of Malaybalay, Lantapan, Cabanglasan, Valencia, San Fernando, and Impasugong; Third District: Municipalities of Maramag, Quezon, Don Carlos, Kitaotao, Danggagan, Kibawe, Damulog, and Kadingilan.

Camiguin, one (1)

Misamis Occidental with the Cities of Oroquieta, Ozamiz and Tangub, two (2) — First District: Oroquieta City and the Municipalities of Baliangao, Plaridel, Calamba, Sapang Dalaga, Lopez Jaena, Aloran, Concepcion, Panaon, and Jimenez, Second District: Ozamiz City, Tangub City, and the Municipalities of Bonifacio, Tudela, Clarin, Sinacaban, and Don Mariano Marcos

Misamis Oriental with Gingoog City, two (2) — First District: Gingoog City and the Municipalities of Magsaysay, Taisayan, Balingoan, Medina, Kinogitan, Sugbongcogon, Binuangan, Salay, Lagonglong, and Balingasag; Second District: Municipalities of Claveria, Jasaan, Villanueva, Tagoloan, Alubijid, El Salvador, Gitagum, Initao, Laguindingan, Libertad, Lugait, Manticao, Naawan, and Opol.

Cagayan de Oro City, one (1)

Surigao del Norte with the City of Surigao, two (2) — First District: Municipalities of Sta. Monica, San Isidro, Del Carmen, Pilar, General Luna, Dapa, Socorro, Burgos, San Benito, Loreto, Libjo, Dinagat, Cagdianao, Tubajon, and Basilisa; Second District: Surigao City and the Municipalities of San Francisco, Tagana-an, Sison, Placer, Malimono, Bacuag, Gigaquit, Tubod, Mainit, Alegria, and Claver.

REGION XI

Davao del Norte, three (3) — First District: Municipalities of Moncayo, Montevista, Compostela, Nabunturan, New Bataan, Mawab, and San Mariano; Second District: Municipalities of San Vicente, Capalong, Asuncion, New Corella, Tagum, Maco, Mabini and Pantukan; Third District: Municipalities of Sto. Tomas, Carmen, Panabo, Babak, Samal, and Kaputian.

Davao Oriental, two (2) — First District: Municipalities of Boston, Cateel, Baganga, Caraga, Manay, and Tarragona; Second District: Municipalities of Mati, Banaybanay, Lupon, San Isidro, and Governor Generoso.

Davao del Sur, two (2) — First District: Municipalities of Magsaysay, Bansalan, Sta. Cruz, Matanao, Digos, Hagonoy, and Padada; Second District: Municipalities of Kiblawan, Sulop, Malalag, Sta. Maria, Malita, Jose Abad Santos, Don Marcelino, and Sarangani.

Davao City, three (3) — First District: Districts of Poblacion and Talomo; Second District: Districts of Buhangin, Bunawan, and Paquibato; Third District: Districts of Toril, Tugbok, Calinan, and Baguio.

South Cotabato with General Santos City, three (3) — First District: General Santos City, and the Municipalities of Polomolok, Tampakan, and Tupi; Second District: Municipalities of Tantangan, Norala, Banga, Sto. Niño, Surallah, Koronadal, Tiboli, and Lake Sebu; Third District: Municipalities of Alabel, Malapatan, Glan, Maasim,

Kiamba, Maitum, and Malungon.

Surigao del Sur, two (2) — First District: Municipalities of Bayabas, Cantilan, Carrascal, Cortes, Lanuza, Madrid, San Miguel, Tago, Tandag, Cagwait, Marihatag, San Agustin, Carmen, and Lianga; Second District: Municipalities of Barobo, Bislig, Hinatuan, Lingig, and Tagbina.

REGION XII

Lanao del Norte with Iligan City, two (2) — First District: Iligan City, Linamon, Kauswagan, Bacolod, Maigo, Kolambugan, Tubod, and Baroy; Second District: Baloi, Pantar, Tagoloan, Poona-Piagapo, Pantao-Ragat, Matunggap, Tangkal, Munai, Nunungan, Magsaysay, Salvador, Kapatagan, Karomatan, Sapad, and Lala.

Lanao del Sur with Marawi City, two (2) — First District: Marawi City and the Municipalities of Marantao, Piagapo, Saguilaran, Tagoloan, Kapai, Ditsaan-Ramain, Bubong, Buadiposo-Buntong, Bumbaran, Maguing, Wao, Moulundo, Taraka, Lumbay-Bayabao, Poona-Bayabao, Masiu and Tamparan; Second District: Municipalities of Balindong, Tugaya, Bacolod Grande, Madalum, Madamba, Pualas, Ganassi, Pagayawan, Sultan Gumander, Malabang, Balabagan, Kapatagan, Marogong, Tubaran, Binidayan, Lumbatan, Lumbayanague, Butig, Bayang, and Calanogas.

Maguindanao with Cotabato City, two (2) — First District: Cotabato City and the Municipalities of Parang, Sultan Kudarat, Buldon, Barira, Dinaig, Kabuntalan, Matanog and Upi; Second District: Municipalities of Pagalungan, Buluan, Sultan sa Barongis, Maganoy, Talayan, South Upi, Datu Piang, Datu Paglas, and Ampatuan.

North Cotabato, two (2) — First District: Municipalities of Carmen, Kabacan, Libungan, Midsayap, Pigkawayan, Pikit, Aleosan, Banisilan, and Alamada; Second District: Municipalities of Kidapawan, Makilala, Matalam, Antipas, M'lang, Pres. Roxas, Tulunan, and Magpet.

Sultan Kudarat, one (1)

SECTION 2. The Commission on Elections is hereby empowered to make minor adjustments of the reapportionment herein made.

SECTION 3. Any province that may hereafter be created, or any city whose population may hereafter increase to more than two hundred fifty thousand shall be entitled in the immediately following election to at least one Member or such number of Members as it may be entitled to on the basis of the number of its inhabitants and according to the standards set forth in paragraph (3), Section 5 of Article VI of the Constitution. The number of Members apportioned to the province out of which such new province was created or where the city, whose population has so increased, is geographically located shall be correspondingly adjusted by the Commission on Elections but such adjustment shall not be made within one hundred and twenty days before the election.

SECTION 4. This Ordinance shall be appended to the Constitution proposed by the 1986 Constitutional Commission, and shall be submitted to a plebiscite simultaneously with such Constitution, and shall take effect upon its ratification by a majority of the votes cast in such plebiscite.

Adopted, October 15, 1986..

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