

R.C.C. NO. 38

VOL. II, July 24, 1986

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c7ac55206a70/>

Thursday, July 24, 1986

OPENING OF SESSION

At 9:44 a. m., the President, the Honorable Cecilia Muñoz Palma, opened the session.

THE PRESIDENT: The session is called to order.

NATIONAL ANTHEM

THE PRESIDENT: Everybody will please rise to sing the National Anthem.

Everybody rose to sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Decoroso R. Rosales.

Everybody remained standing for the Prayer.

PRAYER

MR. ROSALES: Almighty and benevolent God, with bowed heads and humble hearts, we fervently beseech Thee to baptize this Assembly with the fire of the Holy Spirit, that we may be enlightened and inspired to formulate a new Charter that would truly embody and enshrine the dreams, sentiments, ideals and aspirations of our suffering people. Grant this to us, O Most Merciful Lord.

Holy Virgin, Mother of God, at whose behest our Lord, Jesus Christ, performed the first miracle at the wedding celebration in Cana, with bended knees, we pray for Thy Motherly intercession and invoke Thine aid. Mater Christi Ora Pro Nobis. Amen.

THE PRESIDENT: We wish to acknowledge with thanks the presence of the grade school students of St. Scholastica's College and we wish to assure them that the Commission is drafting a fundamental law which will ensure a peaceful future for our youth and for the generations to come.

ROLL CALL

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

THE SECRETARY-GENERAL, reading:

Abubakar Present [*] Natividad Present [*]

Alonto Present [*] Nieva Present

Aquino Present Nollado Present

Azcuna Present [*] Ople Present [*]

Bacani Present Padilla Present [*]

Bengzon Present [*] Quesada Present

Bennagen Present Rama Present

Bernas Present [*] Regalado Present

Rosario Braid

Present Reyes de los Present

Brocka Present Rigos Present

Calderon Present Rodrigo Present

Castro de Present Romulo Present

Colayco Present Rosales Present

Concepcion Present Sarmiento Present

Davide Present Suarez Present

Foz Present Sumulong Present

Garcia Present [*] Tadeo Present [*]

Gascon Present [*] Tan Present

Guingona Present Tingson Present

Jamir Present Treñas Present

Laurel Present [*] Uka Present

Lerum Present [*] Villacorta Present

Maambong Present [*] Villegas Present

Monsod Present

The President is present.

The roll call shows 34 Members responded to the call.

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

MR. CALDERON: Madam President.

THE PRESIDENT: The Assistant Floor Leader is recognized.

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

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

APPROVAL OF JOURNAL

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

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

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

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

The Secretary-General will read the Reference of Business.

REFERENCE OF BUSINESS

The Secretary-General read the following Proposed Resolution on First Reading, and Communications, the President making the corresponding references:

PROPOSED RESOLUTION ON FIRST READING

Proposed Resolution No. 532, entitled:

RESOLUTION EXPRESSING THE PROFOUND APPRECIATION OF THE CONSTITUTIONAL COMMISSION TO THE NATIONAL MOVEMENT FOR FREE ELECTIONS (NAMFREL) FOR THE INVALUABLE ASSISTANCE IN ORGANIZING PROVINCIAL CONSULTATIONS.

Introduced by Hon. Sarmiento, Villacorta and Quesada.

To the Steering Committee.

COMMUNICATIONS

Communication from the (Southern) Philippines Physics Society, signed by its President, Mr. Gerardo C. Maxino, seeking to convert the Philippine Atomic Energy Commission into a constitutional body.

(Communication No. 288 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Judge Delilah Vidallon Magtolis of the Metropolitan Trial Court of Metro Manila, Branch XLI, Quezon City, addressed to the Honorable Cirilo A. Rigos, proposing a constitutional provision on the teaching of religion in public elementary schools and high schools.

(Communication No. 289 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from Mr. Roque B. Dajao of Mantahan, Maasin, Southern Leyte, proposing a provision to make mandatory the establishment of vocational schools (secondary and college level) in all capital towns of the country.

(Communication No. 290 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from the Philippine Chamber of Communications, Inc., signed by Mr. Santiago Morales of Room 525, SMS Bldg., 120 Juan Luna, Binondo, Manila, suggesting a constitutional provision that only citizens of the Philippines shall be allowed to sit in the governing body of any public utility and no foreigner or corporation, association, or any other entity which is not wholly owned by Filipinos shall be allowed to manage, control, administer or operate public utilities.

(Communication No. 291 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Resolution from the Philippine Federation of Savings and Loan Banks, Inc., Room 306, Puso ng Maynila Bldg.,

corner U.N. Avenue and Mabini Street, Ermita, Manila, signed by its President, Noli B. Bajada, and other Members of the Board of Directors, proposing a constitutional provision which would inculcate credit worthiness in the youth.

(Communication No. 292-Constitutional Commission of 1986)

To the Committee on Human Resources.

Resolution No. 07, S. 1986, of the Southern Philippine Muslim Youth Association, c/o P.O. Box 5452, Iligan City, signed by its national Chairman, Datu Camad M. Ali, urging consideration and full implementation of the Bangsa Moro Autonomous Government within the framework of the national sovereignty and territorial integrity of the Philippines.

(Communication No. 293 — Constitutional Commission of 1986)

To the Committee on Local Governments.

Letter from Mr. Ernesto P. Tupas of Rosal-Grande Sts., TWHA Village, Dumoy, Toril, Davao City, suggesting that the filing and payment of income tax be embodied in the Constitution.

(Communication No. 294 — Constitutional Commission of 1986)

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

Letter from Mr. Simeon V. Enriquez of 635-E A. Mabini St., Caloocan City, Metro Manila, proposing a constitutional provision on social justice.

(Communication No. 295 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Ms. Roxane S. Rodriguez of Naga City, containing her comments and suggestions on the various issues under consideration by the Constitutional Commission.

(Communication No. 296 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Santiago R. Merino of 23 Bagtikan St. Pilar Village, Las Piñas, Metro Manila, suggesting, among others, the adoption of the policy of neutrality.

(Communication No. 297 — Constitutional Commission of 1986)

To the Committee on Preamble, National Territory, and Declaration of Principles.

Communication from LUMAD people, signed by Messrs. Precioso M. Tapitan and Vicente Pedrosa and four others, proposing a policy of neutrality and non alignment, a bill of political and civil rights, a bill of economic, social and cultural rights, autonomy for the Cordillera and LUMAD and Muslim peoples of Mindanao, and systems of recall and initiative, among others.

(Communication No. 298 — Constitutional Commission of 1986)

To the Steering Committee.

Position paper of NAMFREL, Pitogo Municipal Chapter, proposing, among others, provisions on the legislature, to wit: four-year term for a bicameral legislature, question hour to include the President, the creation of a

commission on appointments, the declaration of martial law for a maximum period of two months after consultation with the legislature and that the President cannot dissolve the legislature.

(Communication No. 299 — Constitutional Commission of 1986)

To the Committee on the Legislative.

Letter from Ms. Charito Apao de la Peña of 749 Capistrano Street, Molave, Zamboanga del Sur, proposing the retention of the U.S. military bases for economic and security reasons; a federal form of government; and the principle of self-determination regarding the Sabah issue.

(Communication No. 300 — Constitutional Commission of 1986)

To the Steering Committee.

Letter from Mr. Antonio S. Rodriguez of Baclay, Tukuran, Zamboanga del Sur, suggesting that the Members of the Commission on Elections and the Commission on Audit be appointed by civic and religious groups to make them truly independent.

(Communication No. 301 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Letter from Mr. Esmeraldo M. Ignacio of 102 Sta. Maria Norte, Binalonan, Pangasinan, suggesting that theft of fruits, root crops, and other vegetables be given a heavier penalty.

(Communication No. 302 — Constitutional Commission of 1986)

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

Letter from Mr. Arsenio D. Castillo of 14 Loans St., GSIS Village, Project 8, Quezon City, Metro Manila, saying that the present electoral system is the root of the evils and difficulties that now plague the country, and proposing an electoral system whereby the leaders in each barangay shall elect the barangay chairman; the barangay chairmen shall elect the municipal mayor from among themselves; the municipal mayors shall elect the provincial governor from among themselves; and the provincial governors shall elect the President also from among themselves to minimize expenses on the part of the government and the candidates.

(Communication No. 303 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Position paper of BAGUHIN (Citizen's Movement for Continuing Change), signed by the members of its national directorate, on the tenure of the office of President Corazon C. Aquino and Vice-President Salvador H. Laurel.

(Communication No. 304 — Constitutional Commission of 1986)

To the Committee on Amendments and Transitory Provisions.

Letter from Mr. Pio B. Campaner from BASICA United Veterans-VFP, Inc., Bagong Silang, Caloocan City, Metro Manila, suggesting that a voter whose name is omitted from the voters list of the precinct where he registered be allowed to vote upon presentation of a voter's affidavit, with his picture attached, duly signed by the members of the board of election inspectors; and suggesting the grant of a life pension to veterans who are 65 years old and above.

(Communication No. 305 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Letter from Mr. Juan F. de Jesus of 936 Del Monte Avenue, San Francisco del Monte, Quezon City, proposing that elected barangay officials elect the municipal mayor, vice-mayor, and councilors, who will then elect the provincial governor, vice-governor, and board members, who in turn will elect the congressmen of the different districts of the province, who will in turn elect the President and Vice-President.

(Communication No. 306 — Constitutional Commission of 1986)

To the Committee on Constitutional Commissions and Agencies.

Letter from Mr. E. Garcia of 985 Padilla St., San Miguel, Manila, for the Kilusang Pangkalahatan Kaunlaran (KPK), submitting a position paper, entitled: "Constitutional Requirements for Genuine Land Reform."

(Communication No. 307 — Constitutional Commission of 1986)

To the Committee on Social Justice.

Letter from Mr. Alfredo M. Libit of NBI Sub-Office, Calapan, Oriental Mindoro, proposing a provision in the Bill of Rights that would deter the wanton killing of witnesses by providing for the waiver of the right of the accused to confront witnesses against him and the sworn statement of said witnesses be received in evidence without cross-examination.

(Communication No. 308 — Constitutional Commission of 1986)

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

Letter from Mr. Porfirio R. Razalan of Mayantoc, Tarlac, proposing that small landholders with seven hectares or below be exempted from the implementation of P.D. No. 27 and that leasehold contracts forced on them during the Marcos regime be canceled.

(Communication No. 309 — Constitutional Commission of 1986)

To the Committee on Social Justice.

CONSIDERATION OF C.R. NO. 22

(Article on the Legislative/National Assembly)

Continuation

PERIOD OF AMENDMENTS

MR. ROMULO: Madam President, I will continue to act as the Floor Leader by substitution. I now move that we continue the consideration of Committee Report No. 22.

May I ask that we proceed to the period of amendments on the Article on the Legislative?

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

The body will now continue the period of amendments on the proposed resolution on the Article on the Legislative.

May we invite the Chairman of the Committee on the Legislative, the Honorable Hilario G. Davide, Jr., and the honorable members of the Committee to please come forward.

MR. DAVIDE: May we request Commissioners Jamir, Treñas, Aquino, Calderon and Rodrigo to join us? We still have more amendments to consider.

MR. ROMULO: Madam President, we will take up the amendments which were not accepted by the Committee, and accordingly, I ask that Commissioner Rama be recognized.

THE PRESIDENT: Commissioner Rama is recognized

MR. RAMA: Madam President, this amendment was deferred yesterday. One of the reasons for its deferment was the misapprehension that there was an election by district in some of the cities in Metro Manila. The fact is that there was no election of representatives to the Batasang Pambansa by district in any of the cities of Metro Manila. So, there is no such thing as double standard as one rule for Cebu and other cities, and another rule for the cities in Metro Manila. At any rate, I am modifying my amendment with the knowledge and consent of the Chairman of the Committee.

Madam President, my amendment would apply to Section 5. On page 2, line 8, after the period (.) I propose to insert this sentence: UNLESS OTHERWISE PROVIDED BY LAW, REPRESENTATIVES OF CITIES SHALL BE ELECTED AT LARGE. The reason for this, Madam President, is that based on our experience in the last election we have discovered that electing representatives at large to Congress in a city is less expensive than electing them by district because the candidate could share with his colleagues who are running with him the expenses for election propaganda, radio, television, transportation and meetings. Therefore, a less expensive election is more democratic, less personal, less bitter and less acrimonious because it is not a "mano-mano" fight in a small district between two candidates for Congress. Our honorable President can confirm this, that this system of election is more democratic, less expensive, less bitter and less personal.

Another reason is that if the representatives are elected at large, we have a wider field from which we can pick the best candidates. We are not limited to a certain small district where we have to look for the best qualified resident to be put up as a candidate. We have the whole city as our field of choice.

Madam President, another reason is that if one is elected at large as representative of a city, he has an overview of the problems of the city. He establishes priorities when he solves the problems of the city, not on the basis of a small portion of that city but of the city as a whole.

Madam President, I ask that the Committee decide on this amendment.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: On the clear understanding that any other scheme may be adopted later on by the Congress of the Philippines and that in the ordinance to be appended to this new Constitution this Commission itself will reapportion the seats again taking into account the number of inhabitants in a given city and the standard prescribed for under this proposal, the Committee accepts.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Yesterday, we interposed some reservations about this system. May I just ask for a suspension of the session because we want to convey some statistics to the proponents.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 10:05 a.m.

RESUMPTION OF SESSION

At 10:14 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

The Acting Floor Leader is recognized.

MR. ROMULO: Madam President, Commissioner Rama seeks to be recognized.

THE PRESIDENT: Commissioner Rama is recognized.

MR. RAMA: Madam President, after the conference with the leadership of the Commission. I withdraw my amendment on the assurance that this matter and the purpose for which I presented the amendment will be taken up in the ordinance to be appended later.

THE PRESIDENT: What does the honorable Chairman say?

MR. DAVIDE: Madam President, indeed this matter can be resolved in the proposed ordinance to be appended to the Constitution with respect to the division of the entire Philippines into legislative districts.

MR. RAMA: Thank you, Madam President.

THE PRESIDENT: Who will be the next?

MR. ROMULO: Madam President, let me explain first our procedure.

We are now discussing section by section the proposed amendments which the Committee did not accept yesterday.

The next proponent should be Commissioner Lerum but he wishes to waive his position until the discussion on the party list system comes up. So, the next is Commissioner Gascon. May he be recognized, Madam President.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: Thank you, Madam President.

My amendment is on Section 2, line 12. After the words "at large," insert the phrase THROUGH A PARTY LIST SYSTEM; so, the whole section will read: "The Senate shall be composed of twenty-four Senators who shall be elected at large, THROUGH A PARTY LIST SYSTEM, by the qualified voters of the Philippines, as may be provided by law."

Basically, the spirit of this amendment is to at least give assurance that the Senate will not be dominated by one or, maybe, two parties alone. The party list system would assure as much proportionate representation in this august body. I believe that through this system in the Senate, we can at least approximate a democratization of our legislative system by encouraging even small parties which would perhaps lose if they were to be pitted against large well-oiled political parties in an election for the Senate on a winner-take-all basis. With a party list system, even the small political parties with political aspirations and ideals and which could be supported by a substantial bloc of the electorate could perhaps be assured of certain seats. For example, if the seats for election were to be 24 at one time, a particular party would need only 4.2 percent of the votes to be assured of one seat. If the seats for election were to be 12, a particular party would only need 8.3 percent of the votes; and if the seats for election were to be 8, a particular party to be assured of one seat will only need 12.5 percent of the seats. Definitely, the larger and well-oiled political parties would be assured of more seats; however, we are encouraging smaller parties to compete evenly with these large political parties in that arena. That is the basic spirit of this proposal.

With regard to sectoral representation, I support Commissioner Lerum's option to even assert that there should also be sectoral representation in the Senate on the basic principle that we must democratize the legislative body. I feel that a party list system could suffice also if we will be bogged down by the mechanics of sectoral representation on the Senate level, so that certain sectors could proclaim certain political parties adhering to their interests, or even multisectoral bodies could unite and form one major political party. These are some ideas in my mind: The only point I would like to assert here is — let us try, when we are implementing this bicameral system, to veer away from a two-party system and to encourage a multiparty setup to as much a degree as possible.

We know for a fact that a bicameral system encourages a two-party system. It encourages the two largest or two most well-oiled and well-moneyed parties to dominate while the other political parties will be left in the dustbin of history. We have a commitment to various people's organizations that have asserted their interests in the past 20 years to assure them that even the Senate could be an arena where they can compete.

Thank you.

MR. LERUM: Madam President, may I continue?

THE PRESIDENT: Commissioner Lerum is recognized.

MR. LERUM: May I request that we defer discussion on sectoral representation until after we have finished the freewheeling discussion on the party list system?

THE PRESIDENT: Does Commissioner Gascon have any objection that we defer this until later in the day?

MR. GASCON: I have no objection.

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

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I would like to propose an amendment on page 10.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: May I request that the other proponents whose amendments were not accepted by the Committee be called first? We thought that Commissioner Monsod will take up his proposed amendment on line 29 of page 1.

MR. MONSOD: No, Madam President. Line 29 of page 1 would also be deferred until after the freewheeling discussion on the party list system since that involves that subject.

MR. ROMULO: In that case, Madam President, let me call the next person.

MR. MONSOD: I submit.

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

THE PRESIDENT: Vice-President Padilla is recognized.

MR. PADILLA: Madam President, my proposed amendments are on Section 17 on page 5 unless there are anterior amendments.

THE PRESIDENT: The Vice-President may proceed.

MR. PADILLA: My first amendment is to eliminate the clause on lines 19 to 23, which reads:

. . . but each House shall surrender the Member involved to the custody of the law within twenty-four hours after its adjournment for a recess or for its next session, otherwise such privilege shall cease upon its failure to do so.

My first reason is that said sentence does not appear in the 1935 Constitution but was inserted in the 1973 Constitution I think it is unnecessary. Moreover, the House or the Senate is not the bondsman or the custodian of the Member affected thereby. Will the Committee accept the proposal?

MR. DAVIDE: First of all, we would like to find out if Commissioner Padilla will not insist on the other proposals he made on this particular section.

MR. PADILLA: No, I still have a few more amendments, but that is the first one on this Section 17.

MR. DAVIDE: The Committee accepts the proposed amendment on Section 17 which consists in the deletion of the semicolon (;) after the word "session" on line 19 and all the words thereafter from lines 19 to 23 up to the period (.) following the word "so."

THE PRESIDENT: Is there any objection?

MR. SARMIENTO: Madam President.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: This is in connection with Section 17. May I just know from the Committee the offenses punishable by not more than six years imprisonment because in the 1935 Constitution the exceptions were specified — treason, felony and breach of the peace? In the 1973 Constitution, we have the same provision on "offenses punishable by not more than six years imprisonment." Just for purposes of clarification, may I know these offenses?

MR. DAVIDE: Madam President, may we first vote on the Padilla proposal which the Committee accepted?

THE PRESIDENT: The Chairman is asking first for a vote on the proposed amendment of Commissioner Padilla. Is there any objection to this particular amendment? (Silence) The Chair hears none; the amendment is approved.

MR. PADILLA: Madam President.

THE PRESIDENT: Commissioner Padilla is recognized.

MR. PADILLA: On the same Section 17, line 18, I propose to insert OR SEARCH between the words "arrest" and "while" so that that privilege is "from arrest OR SEARCH while the Congress is in session."

THE PRESIDENT: What does the Committee say?

MR. DAVIDE: Madam President, the principal purpose or the rationale of this section is to make the Member of the Senate or the House of Representatives immune from arrest in order that he should not be prevented from attending to his duty as a Member of such House. But certainly the act of searching will not prevent him from attending. So I think this is also the philosophy why search was not included in both the 1935 and the 1973 Constitutions. So we feel that the provision without the amendment would be adequate enough to protect the Member of either the Senate or the House of Representatives while performing his official duty. We regret, therefore, that we have to decline the proposal

MR. PADILLA: Madam President, the provision penalizing violation of parliamentary immunity under Article 145 of the Revised Penal Code mentions both arrest or search of any Member thereof. Some jurisprudence hold

that the right to arrest would include the right to search. But I believe that the express mention of search would make the privilege of a Member of Congress clearer and more emphatic while attending sessions or meetings.

I thought that my proposal to include OR SEARCH after "arrest" was acceptable to the Committee yesterday.

MR. DAVIDE: The Committee had to reassess its position after the explanation of Commissioner Rodrigo.

MR. RODRIGO: Madam President.

MR. PADILLA: What is the explanation of Commissioner Rodrigo?

MR. RODRIGO: Our Chairman had already articulated my opinion very well. I did not know about any commitment yesterday. I did not sit with the Committee yesterday, but when Commissioner Padilla proposed the amendment, the Chairman asked me for my reaction and I told him that the philosophy behind this provision which prohibits arrest of a Member of Congress during session is to prevent anybody from preventing this Member of Congress from attending the session thus leaving his constituents without any representation in Congress. So, it was limited to "arrest" in the 1935 and 1973 Constitutions. The word "search" will not prevent a Member of Congress from attending the session.

MR. PADILLA: That is correct physically. But suppose the Member of Congress has certain documents, papers, arguments in writing, which he may want to use in expressing his opinions and in casting his vote in his attendance of the meetings or the sessions of the Congress, why should those documents or papers be searched and seized from him while in session?

MR. RODRIGO: Before a search warrant is issued, the judge examines witnesses and specifies the documents. So, it is very remote that a judge will issue a search warrant including documents which a Member of Congress needs in his work as a Member of Congress. Granting that such documents are included, the Member of Congress can always go to the judge and tell him: "May I withdraw this temporarily under receipt because I need this in the deliberations of Congress which I will attend."

MR. PADILLA: This right of parliamentary immunity does not consider a judicial process. This is, in fact, far richer and greater than the freedom of speech. This is an exceptional provision in the Constitution in favor of the Members of Congress, so that they can express themselves freely without any liability for any speech that they utter in the halls of Congress. This is parliamentary immunity. This is even stronger than the freedom of speech. There must be absolute right of the Members of Congress to speak freely without any danger of being questioned in any other place. We cannot subject the parliamentary immunity to the ordinary process of a private person going to the judge to secure a writ of search and seizure against another party or a corporation. This is different. This is of a higher level of immunity.

MR. RODRIGO: I think this parliamentary immunity does not attach to the first sentence of Section 17. It attaches to the last sentence of Section 17. The first sentence says:

A Senator or Member of the House of Representatives shall, in all offenses punishable by not more than six years imprisonment, be privileged from arrest while the Congress is in session.

That is a privilege from arrest during the session so that a Member of Congress will not be prevented from attending the session and representing his constituents therein. Parliamentary immunity does not emanate from that sentence but from the last sentence which reads:

A Member shall not be questioned nor be held liable in any other place for any speech or debate in the Congress or in any committee thereof.

MR. PADILLA: That is correct.

MR. RODRIGO: The Commissioner's proposed amendment regarding search is in the first sentence, not in the last sentence. So, the matter of parliamentary immunity is immaterial in this discussion.

MR. PADILLA: The substance of parliamentary immunity is really the last sentence.

MR. RODRIGO: Yes.

MR. PADILLA: And the last sentence is dependent on the attendance to the deliberations of Congress.

MR. RODRIGO: But "search" will not prevent the Member from attending the session.

MR. PADILLA: The essence of parliamentary immunity is the last sentence.

MR. RODRIGO: Yes.

MR. PADILLA: I was going to make this right even stronger by making it in the negative in my next proposal.

The essence of parliamentary immunity is that the Congressman or Senator should be absolutely free to state his opinion even if it be libelous or unfounded. There must be absolute freedom of expression in the halls of Congress. But, of course, a Member of Congress cannot exercise his absolute right or freedom of speech unless he attends the session. That is why the real substance or essence of parliamentary immunity is the last sentence. But the last sentence is based on the first sentence — that the Member of Congress shall have the right to attend the session or its meetings — and I was going to add, as in the provision of the Penal Code, also to express his opinion and to cast his vote without fear. As to the right or freedom of speech, jurisprudence holds "without previous restraint or fear of subsequent punishment." But in parliamentary immunity, it goes further than that. He cannot be questioned in any other place for any speech or words he has uttered during the deliberations of Congress.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. RODRIGO: Just one sentence, Madam President.

THE PRESIDENT. Commissioner Rodrigo is recognized.

MR. RODRIGO: It is true that the right of the Member of Congress to speak during session is dependent on the first sentence and that he be able to attend. What can prevent him from attending? Is it arrest? But search will not prevent him from attending. So, that is my argument.

MR. PADILLA: The mere physical presence of attending is not significant. What is important is that in attending the session, he has absolute freedom to express his opinion and to cast his vote independent of any possible scrutiny or liability. A Member who physically attends should not be deprived of such documents or other papers which will be the basis of the expression of his opinions and the casting of his vote. Even if those documents are considered to be communist-inspired or even if branded illegal or unlawful, I think a Member of Congress under parliamentary immunity has more rights than a citizen in the exercise of the freedom of speech.

THE PRESIDENT: May we hear now from Commissioner Suarez?

MR. RODRIGO: One more sentence, Madam President. I say that that is very improbable to happen and the proof is that the word "search" was not in both the 1935 and 1973 Constitutions, and no Member of the Batasan had even complained that he was searched and some documents were taken from him so it diminished his effectiveness in debating or talking in session.

Thank you.

THE PRESIDENT: May we now hear from Commissioner Suarez?

MR. SUAREZ: Thank you, Madam President.

Will the distinguished Vice-President answer a few clarificatory questions?

THE PRESIDENT: Commissioner Padilla may answer, if he so desires.

MR. PADILLA: Yes, gladly.

MR. SUAREZ: Thank you.

May I look at it from the other side of the coin. The Commissioner's proposal is to vest unto a parliamentarian on his way to the session the freedom from search. This would contemplate a situation where an Assemblyman from Pampanga, for example, coming from Clark Air Base is reported to have in his car some hand grenades, some unlicensed firearms, a kilo of heroine and maybe some jewelries which were funneled from the Clark Air Force Base. Would the Commissioner still grant immunity from search to that parliamentarian?

MR. PADILLA: The provision regarding the attendance in the sessions of the Congress and in going to and returning from the same was specifically indicated in both Constitutions. Unfortunately that particular provision was omitted in the present text. I propose the reinstatement of that provision because it is more extensive than the phrase "while the Congress is in session," although it might cover the same situation. The privilege should not be limited to the right of the Member of Congress to attend the session but the privilege against arrest should include the word SEARCH, and should not be limited to the phrase "in going to and returning from the same."

So, in the Commissioner's example, if the Congressman is in his house at night and he keeps heroine, drugs or unlicensed firearms, or any other unlawful materials, I do not believe that this exemption should apply even if the Senate or the Congress is in session.

MR. SUAREZ: No. Precisely, the situation I envisioned is "going to attend the session."

MR. PADILLA: In the Commissioner's example, it is "going to and returning." Yes, for that brief moment, he should be.

MR. SUAREZ: He should be searched?

MR. PADILLA: No, he should be exempt.

MR. SUAREZ: Even from search?

b . PADILLA: Yes, on those hours where he is going to or returning from the session. But if the session has adjourned, and he is in his house or in a place not connected with his attendance, I believe the prohibition or the exemption should not apply.

MR. SUAREZ: One more clarification. If we add the word "SEARCH" would that still be qualified by the phrase "in all offenses punishable by not more than six years imprisonment" which is attached to the word "arrest"?

MR. PADILLA: Yes, definitely.

MR. SUAREZ: Thank you.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: May I address some clarificatory questions to Commissioner Padilla?

MR. PADILLA: Gladly.

THE PRESIDENT: The Commissioner may proceed.

MR. REGALADO: When Commissioner Padilla speaks of immunity from arrest under those circumstances, is he envisioning only exemption from search of the person of the legislator? Does it extend, for instance, to immunity from search of the car which he is using in going to and returning from session?

MR. PADILLA: This is a personal right of the Member of Congress, so it should not apply to his car, house, office, or any other place.

MR. REGALADO: So only his person.

MR. PADILLA: His person, because he is then going to attend the session and he may have documents or other papers with him.

MR. REGALADO: So I think that would take care of the clarification of Commissioner Suarez about the Congressman's car having grenades when he is going to the session hall.

Another question. The purpose of search for evidence is basically for perpetuating the evidence and holding it in custodia legis in the event of future criminal prosecution. Considering the fact that as envisioned now in our Article on the Legislative the Congress is in session virtually the whole year round except for one month before the adjournment, would that not thereby defeat the purpose of perpetuating the evidence since during that entire period of Congress being in session for around 11 months there may be a possibility that vital evidence may be spirited out or may no longer be available to the judicial authorities if and when criminal prosecution is instituted against that legislator?

MR. PADILLA: That is why I was saying that the provision in the 1935 and 1973 Constitutions which has been deleted should reappear; namely, "during his attendance at its sessions, and in going to and returning from the same.?" Moreover, this exemption is not absolute. It only covers offenses whose penalty is less than six years — prison mayor.

MR. REGALADO: In other words, the Commissioner would want the phrase in the present proposed Article "while Congress is in session" to be replaced by the 1935 provision?

MR. PADILLA: That is correct. That is also the provision repeated in the 1973 Constitution.

MR. REGALADO: Thank you.

FR. BERNAS: Madam President.

THE PRESIDENT: Commissioner Bernas is recognized.

FR. BERNAS: One clarificatory question. I would like to address this to Commissioner Padilla and perhaps to the Chair also. This has to do with the interpretation of "in going to and coming from the same." Commissioner Padilla's interpretation, as I understand him — and correct me if I am wrong — is only the time during which the Assemblyman is in transit, either to or from.

My understanding of this provision has always been precisely as the present proposal now reads: "during the entire session"; in other words, during the entire session of Congress. For as long as Congress is in session, he is always going to or coming from the same even when he is sleeping. Therefore, the freedom of arrest applies even when he is in his house resting.

Would the Vice-President want to amend that now and say that immunity only applies when he is physically in transit or in motion? That would seem to defeat the purpose of this provision because the law officers will not arrest him while he is in transit but wait until he goes to bed.

MR. PADILLA: The term here also speaks of attending the session, and more specifically, the act of going to and from it.

FR. BERNAS: That is correct.

MR. PADILLA: Obviously a Congressman cannot be arrested while in session. In the Commissioner's example, if he is arrested at night, he will not be able to attend the session the following morning. So, I believe that the prohibition against arrest would also apply not so much because of the fact that he was arrested when the Congress was not in actual session, but that that arrest will deprive him of this fundamental principle of the right to attend the session.

FR. BERNAS: So, if I have this matter clear now, the Vice-President is saying that even if the Congressman is in his house resting, provided Congress is in session, he still enjoys immunity.

MR. PADILLA: I believe so because otherwise he will be prevented from attending the same.

FR. BERNAS: Thank you.

I understood the Commissioner differently as limiting the immunity to the period of transit.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Will the distinguished Vice-President yield to another question on this problem of going to and from the sessions?

MR. PADILLA: Gladly.

MR. MAAMBONG: May I add a confusing note to this provision by asking this question: By way of example, while I was serving in the First Regular Batasang Pambansa, I was representing the Province of Cebu. Will this clause "going to and coming from the session" cover the period starting from the legislative district to the session, or will this only cover that period from the residence of the Congressman in Metro Manila to the session and back?

MR. PADILLA: The 1935 and 1973 Constitutions speak of freedom from arrest during his attendance in sessions and in going to and returning from the same. So, it is not limited to the physical time of going to and from the Congress, but the main thing is his attendance at the sessions of the Congress.

MR. MAAMBONG: My question really is: What is the point of origin and the point of termination of that immunity? I refer back to what I said earlier.

I represented the Province of Cebu. I actually live in Asturias, Cebu, 78 kilometers from the City of Cebu. When I go to the session, I have to take a car to the City of Cebu where I take a plane at Mactan Airport for Manila. I alight at the Manila Domestic Airport, go to my residence and then proceed to the session.

Will this cover the time I leave Asturias, Cebu up to the time I reach the session? That is the point.

MR. PADILLA: It covers all that period and more, in the sense that anything that would prevent the legislator's attendance to the sessions of Congress is prohibited.

MR. MAAMBONG: We now go to the next point. In the previous administration, we had general orders which authorize military personnel to establish checkpoints. At one such instance during the session of the First Regular Batasang Pambansa, former MP Jolly Fernandez from Masbate articulated on the floor his complaint that when he came out of the Batasan area, there was a checkpoint somewhere in Don Mariano Marcos Avenue and his car was subjected to search in spite of the fact that his car carried the Batasang Pambansa sticker, he being a Member of Parliament.

At the present setting, I also understand that there are internal rules when we enter various subdivisions. If we do not reside there, the security guards will thoroughly ask us to open the trunk of our car. How would the Congressman react now when he enters, for example, a subdivision and he is subjected to this or when a checkpoint put up by police authorities would search his car? What will he say to the police authorities? Will he say, "I am a Congressman" so that the trunk of his car will not be opened?

MR. PADILLA: The Commissioner contemplates two situations. One is on police checkpoint. I said in my previous statement that this privilege is personal to the Congressman. I believe that a Member of Congress should not be subject to search by police or army checkpoint.

But on whether his car, although he is in it, should also be exempt from search, I leave that to better judgment.

With regard to entry in a subdivision of which the Congressman or the Senator occupies a portion, that would be a private arrangement within the subdivision. That is not a question of the police or the army in the name of the State interfering with parliamentary immunity. If the Congressman, as a resident of a subdivision, agrees to the rules, he should not be privileged from that private arrangement of which he is a party.

MR. MAAMBONG: Thank you.

Just one more point, Madam President.

Just for the record, may I know from the members of the Committee if their interpretation varies from that of the Vice-President?

MR. DAVIDE: Madam President, there is a variance for the reason that Commissioner Padilla would now want to restore the original wordings of the 1935 and 1973 Constitutions where the immunity will apply only to a Congressman or a Member of the Senate while attending session or in going to or returning from it.

Under our proposal, during the entire period that the Congress is in session, that immunity attaches to him. In short, we broaden the proposal. For the entire duration of the session, he is immune from arrest in cases where the penalty imposable is not more than six years. But under the proposal of Commissioner Padilla, if we are going to restore the wordings of the 1935 and the 1973 Constitutions, when a member of the legislature returns home and is resting, he may be arrested at midnight. But in order not to prevent him from attending the session the following day, he may be released early morning, yet he had already been arrested.

MR. PADILLA: That is not my position.

MR. DAVIDE: May I just continue, Madam President. In the matter of search again, it should be clearly stated here that if the proposal is allowed, we would grant a member of the legislative immunity from search even if he really had committed a crime. So, we will allow him to enjoy his special privilege of committing offenses but immune from both arrest and search. Basically, the reason for this is not to prevent the member from attending, and that the search will not prevent him from attending.

MR. MAAMBONG: Madam President, will the Gentleman comment on my question as to the point of origin and point of termination of the immunity? Does it cover the legislative district up to the place of session?

MR. DAVIDE: It will depend; we will have to inquire into the factual basis. For instance, if the sessions of the Congress will be from Monday to Friday and the Gentleman goes home to his residence in Asturias, Cebu on a Friday afternoon, that is still covered. But if he returns to Manila the following day for some other business with the intention of going back again to Cebu that Sunday, he can be arrested on a Saturday because he did not come here to attend a particular session. That is precisely the danger.

MR. MAAMBONG: Thank you, Madam President.

MR. NOLLEDO: Madam President.

THE PRESIDENT: Commissioner Nolleto is recognized.

MR. NOLLEDO: Will the Vice-President, Commissioner Padilla, yield to some questions?

MR. PADILLA: Very gladly.

THE PRESIDENT: Commissioner Nolleto may proceed.

MR. NOLLEDO: Thank you, Madam President.

Does the Gentleman agree with me if I say that parliamentary immunity covers freedom from delay?

MR. PADILLA: Yes, definitely.

MR. NOLLEDO: It also covers freedom from vindictiveness?

MR. PADILLA: That is correct.

MR. NOLLEDO: Most importantly, does the Gentleman agree with me if I say that parliamentary immunity covers freedom from pressures?

MR. PADILLA: That is again correct.

MR. NOLLEDO: And that when one is subjected to search, there may be delay, there may be pressure, and vindictiveness may come into play.

MR. PADILLA: The Gentleman is correct, Madam President.

MR. NOLLEDO: In this connection, with the kind indulgence of the Members of this Commission, I would like to put into the Record the beautiful observations of Justice J.B.L. Reyes, in his dissenting opinion in the case of *Osmeña vs. Pendatun*. He said that the plain purpose of immunity — that means parliamentary immunity — is to protect the freedom of action of each Member and to relieve him from the fear of disciplinary action taken, upon second thought, as a result of political convenience, vindictiveness or pressures. It is unrealistic to overlook that without the immunity so provided, no Member of Congress can remain free from the haunting fear that its most innocuous expressions may at any time afterwards place him in jeopardy of punishment. Whenever a majority, however transient, should feel that the shifting sands of political expediency so demands, a rule designed to assure that members of the House may freely act as their conscience and sense of duty should dictate complements the parliamentary immunity from outside pressure enshrined in our Constitution.

Before I end, Madam President, may I observe that the Vice-President emphasizes that there is an exception to the rule on parliamentary immunity. If the punishment is more than six years, the exception shall not apply. So, it is gratuitous to state that the Member of Congress can be free to commit any kind of crime.

Thank you, Madam President.

MR. DAVIDE: Madam President, would the Chairman of the Committee and the Committee be allowed to react on the quotation read into the Record by Commissioner Nollado?

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: That particular quotation, Madam President and members of the Commission, will apply only to the last sentence of Section 17 which says:

. . . A member shall not be questioned nor be held liable in any other place for any speech or debate in the Congress or in any committee thereof.

It has no application to the first sentence referring to immunity from arrest.

MR. NOLLEDO: The words of J.B.L. Reyes, if the Gentleman will find out, are equated with outside pressure also. So, if that opinion applies under the second sentence, it may with equal force also apply with respect to the first sentence because it may turn out that the speeches uttered by the Member of Congress may result in incurring the ire of outside politicians who are powerful, and may then subject such Member to search in the near future in order to fish for evidence that may be used in the prosecution of the Member of Congress.

THE PRESIDENT: Are we ready to vote now on this proposed amendment?

MR. PADILLA: Madam President, the decision in *Osmeña vs. Pendatun* was cited. I was the counsel of Osmeña who brought this matter to the Supreme Court because as will be recalled, Senator Osmeña delivered a speech on twelve-million reasons which was considered by President Garcia derogatory, insulting and libelous against him. The House investigated, and I and others appeared for Osmeña. We were then both in the Liberal Party. The decision of the House was that the suspension was lawful because it violated the provision against disorderly behavior which I think was not the issue. The issue was whether, based on that privilege speech, he could be suspended, and that involved the question of parliamentary immunity. So, when we speak of parliamentary immunity, we cannot say that it applies only to the last sentence and does not apply to the first sentence because all this is parliamentary immunity. The whole section is on parliamentary immunity. I would agree that the substance or the more important is the last sentence, and a member cannot be questioned because he has absolute freedom of expression. But he cannot have absolute freedom of expression unless he also has the freedom, we might say, absolute, except when he commits an offense punishable by prison mayor or more, that he be free from arrest and, I would also say, free from search. If a Member of Congress commits murder, that is punishable by an afflictive penalty, more than prison mayor. He is not entitled to this privilege against arrest or search. This refers only to offenses that are punishable by correctional penalties or light penalties in the Penal Code for not more than six years. So, it is not correct to say that because we want to include search to arrest, a member of Congress can abuse this, commit a crime, and yet be free from search or arrest. So, the privilege is limited by the nature or the gravity of the offense of which he is charged.

I also do not agree with the paraphrasing of the Committee Chairman that I said he can be arrested at night but must be released before morning. I never said that because precisely a Congressman or a Senator cannot be arrested because he will be deprived of his absolute right to attend the sessions, to express with absolute freedom his opinions, and to freely cast his vote. For any remark or speech uttered during the sessions or the meetings of its subcommittees, he cannot be questioned, and he has no liability whatsoever because that is the essence of parliamentary immunity.

THE PRESIDENT: May we hear from Commissioner Rosales?

MR. ROSALES: May I contribute my humble opinion on this question of immunity. The provisions in the 1935 and 1973 Constitutions mean that when the Congress is in session, the provision on immunity is absolute.

Whether a Congressman or a Senator is sleeping, whether it is Saturday or Sunday, as long as the Congress is in regular session, the immunity from arrest of Congressmen and Senators is absolute. That provision which refers to the coming to or returning from the session refers not to during the session; it refers to when the regular session is adjourned. When a Congressman or a Senator goes to his province, on his way, that immunity still extends. When the session is again reconvened and he comes from his own province, on his way to Manila, the immunity applies. That is what is meant by returning from or coming back or going to the session, but that does not apply while the Congress is in session because while the Congress is in session, the immunity is absolute. That is all, Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Madam President, will Commissioner Rosales yield to just one question?

MR. ROSALES: Willingly, Madam President.

MR. OPLE: Let us contemplate a situation where there is a drunken Member of Congress driving his car and causes injury to some innocent party. Or we can vary the example to visualize a Member of the Senate in a nightclub who gets into a fracas and the police believes he started it. In such situations, I suppose the immunity of the Member of Congress remains intact; he cannot be arrested, although in recent American examples where, let us say, the Chairman of the Committee on Ways and Means was caught overspeeding by the police and he was booked for drunken driving, I think he voluntarily presented himself. In such instances, therefore, would the Commissioner hold that the parliamentary immunity remains absolute but that the burden is on the Member of Congress to waive his immunity in such situations and present himself for arrest and investigation?

MR. ROSALES: What I mean by "immunity is absolute" is when the crime committed is not punishable for more than six years. That is in the Constitution. If the penalty is less than six years, that immunity is absolute.

MR. OPLE: Is disturbance of the peace — this question is for the Committee — and causing tumult be covered by the offenses contemplated as the absolute limit of immunity of the proposed Article?

MR. DAVIDE: I did not get the first portion of the Gentleman's question.

MR. ROSALES: If the penalty is less than six years, it is still covered by the immunity.

MR. OPLE: Thank you for that explanation, Madam President.

THE PRESIDENT: Are we ready to vote now?

MR. REGALADO: Before we vote, may we ask the Vice-President to restate his proposed amendment? As I get it, he would like to broaden the immunity not only from arrest but to include immunity from search. On the other hand, he would delimit the application by a substitute phrase of "during his attendance or when going to or returning from the sessions of Congress," unlike the present formulation which is all-embracing, that is, "while Congress is in session."

THE PRESIDENT: Will the Vice-President clarify that?

MR. PADILLA: The proposed amendment was only to insert the words OR SEARCH after "arrest" on line 18 so that the line will read: "privileged from arrest OR SEARCH while the Congress is in session."

VOTING

THE PRESIDENT: That is clear.

As many as are in favor of the proposed amendment to insert the words OR SEARCH between "arrest" and

"while" on line 18 of Section 17, please raise their hand. (Few Members raised their hand.)

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

The results show 14 votes in favor and 16 against; the amendment is lost.

MR. PADILLA: Madam President, the last sentence of the same section, lines 23 to 25, is worded in the affirmative: ". . . A Member shall not be questioned. . ." I propose that we express it in the negative which is more emphatic and more prohibitive, to read: "NO MEMBER SHALL BE QUESTIONED nor be held liable in any other place for any speech or debate in the Congress or in any committee thereof."

THE PRESIDENT: What does the Committee say?

MR. DAVIDE: The Committee accepts very willingly, Madam President. So, it will now read: "NO MEMBER SHALL BE QUESTIONED nor be held liable in any other place for any speech or debate in the Congress or in any committee thereof."

THE PRESIDENT: Is there any objection to this proposed amendment which has been accepted by the Committee? (Silence) The Chair hears none; the amendment is approved.

MR. TINGSON: Madam President.

THE PRESIDENT: Is the Vice-President through?

MR. PADILLA: Not yet. In the first sentence of Section 17, I propose to insert the following: A MEMBER OF CONGRESS SHALL HAVE THE RIGHT TO ATTEND ITS SESSIONS AND MEETINGS AND OF ITS COMMITTEES TO EXPRESS HIS OPINIONS AND TO CAST HIS VOTE. HE SHALL BE PRIVILEGED FROM ARREST WHILE THE CONGRESS IS IN SESSION, because the phrase "AND SEARCH" was not approved. My reason in proposing this is that one of the important things in parliamentary immunity as an absolute right of Members of Congress is attendance, not mere physical attendance or presence but the expression of his opinions and the casting of his vote.

I am inclined to this amendment because Article 145 of the Revised Penal Code on violation of parliamentary immunity, which is supposed to be the penal sanction to this right of parliamentary immunity, mentions that the penalty of prision mayor shall be imposed upon any person who shall use force, intimidation, threats, or fraud to prevent any Member of the National Assembly from attending the meetings of the Assembly or of any of its committees or subcommittees, constitutional commissions or committees or divisions thereof from expressing his opinion or casting his vote.

It may be argued that it is surplusage; that it is understood that a Member of Congress should not only be physically present but should participate in the delicate task of lawmaking.

I suppose the illustrious members of the commission or the committee that drafted the Revised Penal Code, although this was in 1932 prior to the 1935 Constitution, had good reasons for imposing a penalty for violation of parliamentary immunity.

The phrase "while the Congress is in session" remains. I am not substituting it with a phrase on the mere going to or coming from the sessions. I leave it to the Committee.

THE PRESIDENT: What is the position of the Committee?

MR. DAVIDE: The Committee, Madam President, believes that the proposal is unnecessary because every Member of Congress, be he a Senator or a Member of the House of Representatives, has the inherent right to

attend the sessions or the meetings of the committees to express his opinion, to vote and to participate in the committees to which he may be assigned. Necessarily, since it is inherent, it need not be written into the Constitution. We already granted absolute immunity to a Member to express his views; and this is contained in the last line which has just been amended by the Vice-President. It now reads: "No Member shall be questioned nor be held liable in any other place for any speech or debate in the Congress or in any committee thereof."

In short, his right to express his opinion is absolute, whether in Congress or in any of the committees.

THE PRESIDENT: Is the body now ready to vote on the proposed amendment of the Vice-President? Shall we request the Vice-President to please read again his proposed amendment.

MR. PADILLA: The amendment shall read: A MEMBER OF THE CONGRESS SHALL HAVE THE RIGHT TO ATTEND ITS SESSIONS AND MEETINGS AND OF ITS COMMITTEES TO EXPRESS HIS OPINIONS AND TO CAST HIS VOTE. Then, that will be followed by another sentence, which has already been considered: HE SHALL BE PRIVILEGED FROM ARREST WHILE THE CONGRESS IS IN SESSION.

VOTING

THE PRESIDENT: As many as are in favor of the proposed amendment of the Vice-President, please raise their hand. (Few Members raised their hand.)

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

The results show 2 votes in favor and 23 against; the amendment is lost.

Commissioner Tingson is recognized.

MR. TINGSON: Madam President, may I just ask one question to be clarified by the Vice-President.

The Vice-President proposed the deletion of lines 19 to 22, which say:

. . . each House shall surrender the Member involved to the custody of the law within 24 hours after its adjournment for a recess or for its next session, otherwise such privilege shall cease upon its failure to do so.

I would like to be clarified on this. Did this refer to offenses incurring more than six years punishment referred to in the first line? If it did, then since this is already deleted, what should be done now if that Member indeed committed an offense punishable by more than six years?

MR. PADILLA: If the felony is punishable by more than six years, there is no privilege against arrest. So, he can be arrested. If the offense is less, punishable only by prison correccional, then he has the privilege from arrest.

MR. TINGSON: I understood — if I am right in understanding it — that lines 19 to 22 were precisely specific about this offense so that the House will surrender that Member involved in that particular crime to the custody of the law. Now that the provision is deleted, who will deliver that Member to the custody of the law?

MR. PADILLA: He can be arrested anytime.

MR. TINGSON: So, the House itself does not need to do anything about it. The arresting officers will be the ones to go after him.

MR. PADILLA: Yes, Madam President, in the usual process of law because I found this only in the 1973 Constitution, not in the 1935 Constitution. I found it rather queer that the House or the Senate, which is not the custodian of every Member nor the bondsman called

upon to keep him under custody or to surrender him, is being imposed this, we might say, obligation to do the act

of surrendering him. If he is subject to arrest, then the usual procedure should follow — the police, the military, the court order, the warrant of arrest. After he has been arrested, he can post bail if it is bailable.

MR. TINGSON: It is clear to me now.

Thank you, Madam President.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. ROMULO: May I ask that Commissioner Sarmiento be recognized.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Madam President, before we discussed the matter of privilege from arrest and search, I had asked the Committee for specifications of offenses punishable by not more than six years imprisonment. To spare the Committee some valuable time, I am withdrawing my question. I think the Revised Penal Code and other pertinent decrees will take care of my question.

MR. DAVIDE: Yes, that is correct, Madam President.

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

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: Madam President, I would like to propose an amendment on page 8, the situation where no appropriations bill is enacted by Congress and this is stated in the provision: ". . . the general appropriations law for the preceding fiscal year shall be deemed re- enacted."

THE PRESIDENT: Is the Gentleman referring to lines 23 and 24?

MR. MONSOD: Yes, Madam President, lines 23 and 24, page 8.

THE PRESIDENT: The Gentleman may proceed.

MR. MONSOD: Lines 23 and 24 state that the general appropriations law for the preceding fiscal year shall be deemed reenacted. I would like to propose an amendment by addition, after the word "re-enacted," insert PLUS AN INCREMENT THERETO NOT EXCEEDING THE ADDITIONAL REVENUES ACTUALLY COLLECTED BY THE GOVERNMENT FOR THE CURRENT YEAR. If I may explain, Madam President.

THE PRESIDENT: The Gentleman may proceed.

MR. MONSOD: This situation would only arise where Congress does not enact an appropriations law. So, it is an exceptional case; this would either be through the inaction or the fault of Congress. What I am trying to address myself to is a situation where the government cannot really function normally. The appropriations from year to year must at least increase by the inflation rate. And there is a limitation. The increment cannot exceed the actual collections. In other words, it is a pay-as-you-go system. They cannot exceed actual collections, additional collections that they are able to raise in the current year. In other words, they cannot put the government in debt or in deficit. The appropriation is only limited to the actual collections. But this will enable the government to operate normally, while Congress has not enacted a general appropriations law. When the Congress enacts a general appropriations law, then the new appropriations law will then operate. This will just give the government a chance to operate normally, Madam President.

MR. DAVIDE: Madam President.

THE PRESIDENT: Commissioner Davide is recognized.

MR. DAVIDE: Commissioner Guingona of the Committee would like to ask some clarificatory questions.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Madam President.

I wonder if the Gentleman could kindly explain the meaning of the word "increment." Would this include foreign grants or foreign borrowings that are obtained?

MR. MONSOD: No, Madam President. I am limiting it to revenues collected.

MR. GUINGONA: Revenues by the government?

MR. MONSOD: Yes. In other words, these are fiscal collections.

MR. GUINGONA: Fiscal collections.

MR. MONSOD: That is right, Madam President.

MR. GUINGONA: Presumably, most of these would be collected by the Bureau of Internal Revenue and the Bureau of Customs.

MR. MONSOD: Yes, Madam President.

MR. GUINGONA: But, of course, these increments need not be necessarily used in favor of these two agencies. In other words, they can be spread out to other agencies of the government.

MR. MONSOD: The intent is to enable all the branches of government to operate normally. Therefore, there would be a proportional distribution to enable all of them to operate.

MR. GUINGONA: So, it is only a presumption. When the Gentleman speaks of the government allocating or adjusting, which particular person or agency does he have in mind?

MR. MONSOD: This is really the Executive.

MR. GUINGONA: Meaning, the President.

MR. MONSOD: Yes, however, I would be willing to accept an amendment saying that the appropriations be proportionately distributed among the items, if that is the concern of the Gentleman.

MR. GUINGONA: In other words, even the legislative, the judicial and the constitutional commissions, some of which do not really have any increments as far as the collections of these agencies are concerned, would get a proportionate amount?

MR. MONSOD: Yes, because the collections are collections of the government. They belong to the government. They do not belong to the Bureau of Internal Revenue or Bureau of Customs.

MR. GUINGONA: What happens if there is a drop? The Gentleman talks of an increment because presumably the appropriations bill is not yet enacted into law, let us say, within the first half of the fiscal year; but presumably, it will be enacted during the second half. Suppose in the second half there is a drop in the increment, how do we account for the increase in increment during the first half which we would already have spent because of this provision?

MR. MONSOD: The concern of the Gentleman would apply to any kind of appropriations because when one

makes any appropriation, he is really projecting for the year. All I am saying is that it be limited only to actual collections.

MR. GUINGONA: Yes, but there is already the provision that the general appropriations law of the preceding year shall be deemed reenacted. This means that there will already be money for the operation of the government, only it will be limited until the new appropriations bill is enacted into law.

Thank you, Madam President.

MR. MONSOD: May I respond to that, Madam President?

THE PRESIDENT: Yes, the Gentleman may proceed.

MR. MONSOD: I am not disputing the fact that there will be an appropriation. All I am saying is that the operation of the government should not be hampered by inaction on the part of Congress. By the way, one other reason for proposing this provision is to put an incentive on Congress to act on the appropriations law and not use the inaction in order to put pressure or to try to impose itself on the other bodies of government.

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

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

Will the Commissioner answer a few clarificatory questions?

MR. MONSOD: Yes, Madam President.

MR. SUAREZ: Thank you.

I do not know much about government auditing but as I understand it, unless there is an appropriation, there is no right on the part of the government to make disbursements. Is that correct? That is the basic fundamental rule.

MR. MONSOD: Yes.

MR. SUAREZ: Here we have a situation where there is no general appropriations bill that had been passed by Congress. As a result of that failure, the general appropriations law for the preceding fiscal year should govern the ensuing fiscal year. Is my understanding correct?

MR. MONSOD: Yes, Madam President.

MR. SUAREZ: So, under the proposal of the Gentleman, we have a situation where we do not have a general appropriations bill for the coming year and, therefore, we are obligated to follow the general appropriations law that was passed the preceding year but we have additional funds or increment, as the Gentleman calls them. Is that the situation the Gentleman has in mind?

MR. MONSOD: Yes.

MR. SUAREZ: For this increment which is in excess of what was provided in the general appropriations bill for the last year, there is no precise appropriation for it?

MR. MONSOD: Yes, there is no appropriation for it precisely because the appropriations bill for the current year has not been acted on by the legislature.

MR. SUAREZ: Right. Then how can we dispose of these increments without a general appropriations bill or a special appropriations bill disposing of those increments?

MR. MONSOD: That is the reason I am proposing the amendments because without the constitutional provision the government would have no right to disburse on the basis of the previous appropriation. So, this exception is sought to be included here precisely for that purpose. It is possible that Congress will not act on the new appropriations bill for the year, which has happened in the past.

MR. SUAREZ: That is all right. We have the money, only we do not know how to disburse it. That is the effect of a failure to pass a general appropriations bill; there is also an increment, as the Gentleman calls it.

MR. MONSOD: Yes, Madam President. In the normal functioning of the government, for example, we need funds not only for current operating expenses but also for current maintenance expenses like infrastructure, which cannot wait. And there is a natural increase of expenditures from year to year, if only because of inflation.

MR. SUAREZ: Does the Gentleman not think that without a specific appropriations bill, these increments could be abused by those in the administration?

MR. MONSOD: That is why I said I would be willing to accept a reservation which provides that the funds are subject to proportionate distribution among the items. We can even put safeguards by giving the COA certain rights to look into the expenditures on a preaudit basis. In other words, as long as the safeguards are there, it is all right. What we want to avoid is a situation where the government cannot function properly because of the inaction of Congress.

MR. SUAREZ: Except for the fact that when finally the general appropriations bill would have to be approved by Congress, necessarily that appropriations bill must cover the disbursements of those increments.

MR. MONSOD: Yes, Madam President.

MR. SUAREZ: Before that, there was no general appropriations bill?

MR. MONSOD: Yes, Madam President.

MR. SUAREZ: It would only be confirmatory of what had already been accomplished or done?

MR. MONSOD: Actually, the appropriations bill to be approved by Congress can be larger than the increment in actual collections stated here because, let us say, it is passed the middle of the year, there will be collections on the second half of the year or there can be other forms of financing which, as mentioned yesterday, could be programmed as loans in the budget. Those are other ways of financing the budget. We are limiting ourselves here to just actual revenue collections and we can put the safeguards, such as preaudit of the COA, in order to make sure that this is not abused.

MR. SUAREZ: So, I take it that the proposed amendment is not complete without the additional amendments that the Gentleman has in mind?

MR. MONSOD: Yes, I am willing to accept amendments in that respect to reflect that.

MR. SUAREZ: Thank you, Madam President.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: May I ask Commissioner Monsod to yield to just one question?

MR. MONSOD: Yes, Madam President.

MR. OPLE: This proposed amendment is extremely attractive. It is true, as asserted earlier, that in real terms the

budget for a previous year, especially when the situation was volatile, could be significantly reduced by inflation although nominally the same. So, I think the concern expressed by Commissioner Monsod is very well-placed and well-reasoned. There is, however, the principle that the legislature controls the purse, and that is the strength of a legislature relative to a very powerful other branch of the government, which is the executive. In this instance, the amendment I suppose contemplates a situation where, although the same budget is automatically made effective for the new fiscal year, the executive branch, in effect, can appropriate more than that budget by means of increased revenue collections. Is that the concept, Madam President?

MR. MONSOD: Madam President, perhaps I will say yes but only in the context of an exceptional case where Congress does not act on the appropriations bill.

MR. OPLE: It would still vest an appropriations power in the executive during this interval that no new budget is passed by the Congress.

MR. MONSOD: Yes, Madam President. Precisely because Congress has not exercised or has not, we might call, done its work of appropriating because an appropriations bill normally should be approved before the start of the year.

MR. OPLE: Yes, Madam President, but the responsibility for a stalled budget is normally two-sided rather than a unilateral one. The delay could be attributed both to a slow-moving Congress and perhaps, the intractability of some of the ministers of the government who refuse to agree to certain necessary cuts, at least as perceived by Congress and, therefore, the bargaining process gets prolonged over the intended deadline. What disturbs me is the principle that the legislature controls the purse. It is the sole appropriating branch among the three branches, and it was for that reason that earlier, in the matters of the automatic appropriations of two percent of the national budget for the judiciary, I think we raised signals of alarm that the power of the legislature to appropriate was being subjected to some subtle invasion from some other branches. However, if the proponent will agree that such an appropriations authority, temporarily exercised by the executive, will be subject to law, then there is participation by the Congress even if only in a concurrent capacity. But I think it will help settle the principle that the appropriations authority continues to reside in the legislative power.

MR. MONSOD: Madam President, I am willing to accept an amendment that the conditions under which such increments will be allowed be subject to law.

MR. OPLE: And regarding the principle of the appropriations authority temporarily exercised by the executive with respect to increments of revenues over the previous budget, would the Gentleman also agree that the amendment should include that?

MR. MONSOD: Yes, I think it is quite clear that it will be an exceptional case.

MR. OPLE: Thank you very much, Madam President.

MR. DAVIDE: Madam President.

THE PRESIDENT: The Chairman of the Committee, Commissioner Davide, is recognized.

MR. DAVIDE: The Committee feels that the proposed amendment would not be necessary, and the following are our reasons: At no time will the government be without a budget for any given year. Firstly, the session of the Congress is proposed to begin on the fourth Monday of July of every year. Immediately, Congress will act on the budget for the succeeding year. So, take the case of the years 1987 and 1988. We now have a budget for 1986 which was approved in September or October of 1985. So, for the budget of the year 1987, Congress will enact that budget immediately after the convening of Congress on the fourth Monday of July 1986.

If Congress cannot act on that budget until the end of 1986, the budget for 1986 will be the controlling budget for 1987 and government, on the basis of the budget for 1986, can use all the resources that it may have, all the revenues that it may have collected for the year 1987 until Congress shall have enacted the budget for 1987.

If there is a need for an incremental increase over the budget of the preceding year, meaning the budget for 1986, for purposes of the operations of the government for 1987, Congress itself may enact a special appropriations measure under its authority under this particular proposed section. If there is really a need by reason of the urgency of that particular special appropriations measure, the President himself may certify for its early approval. So, there is really no problem where the government may have no budget whatsoever.

MR. MONSOD: Madam President, if there is no problem and there is no possibility that the government will not be hampered by a budget that is smaller than the current needs because of inflation or other reasons, then why do we have this Article? This Article precisely provides for a situation where the legislature does not act. All I am saying is that the provision is inadequate if the intention is to allow the government to operate normally. And the Congress can itself define the situations where an increment would be allowed in case they do not act, but to leave a vacuum in there and all the government can really use is just the budget for the previous year, which from experience is always inadequate for a succeeding year, would be to hamper the normal operations of the government.

MR. DAVIDE: Madam President, the provision of the 1973 Constitution allowing this reenactment of the previous budget was just a reaction to the old Congress.

The Gentleman will recall that the old Congress met for only 100 days; we did not then speak of calendar years but fiscal years. The sessions of the old Congress began on the fourth Monday of January, but the fiscal year was supposed to begin July of that particular year up to June of the following year. Because of the 100-day session, there were instances when the budget could not be approved by Congress. But that is not the situation now. Nevertheless, if the same provision is adopted — that is, the reenactment of the budget — it is probably to answer a very, very abnormal situation where the Congress cannot approve a budget from July up to December of a given year, referring to the budget for the succeeding year.

Therefore, we say that with that period of six months from July to December, say, of 1986, the Congress is expected to act on the budget for the year 1987. But in the event it cannot, despite the length of time, then the budget for the current year will be deemed reenacted or will be considered as the operational budget for the succeeding year. Again, if there is the danger of, say, inflation and there is a need for additional appropriations, Congress itself, being a continuing body, being a working Congress, can immediately act a special appropriations measure which can be accomplished in a matter of days especially if certified by the President.

MR. MONSOD: The Gentleman is saying that the situation of inaction by the legislature would not operate. But the situation we are trying to avoid is precisely when Congress does not act. How can we then assume that Congress will act on a special appropriations measure that is endorsed or certified by the President?

MR. DAVIDE: Madam President, we really feel that under such a circumstance, if it would be certified by the President, Congress can be compelled to act on the given budget. Besides, if it will not act on a special appropriations measure, it is not that the government is without a budget because the budget of the preceding year is deemed reenacted for the current year.

MR. MONSOD: Madam President, the Chairman of the Committee said that the President can compel the Congress to act on a special appropriations measure.

MR. DAVIDE: The Congress may be called to a special session by the President to act on a particular matter as

the President may designate. It is an authority granted to the President under this particular Article.

MR. MONSOD: And the Gentleman feels that that is sufficient safeguard for the President to ask the Congress to supplement an inadequate carry-over budget?

MR. DAVIDE: I do not think the legislature would be so unnationalistic, if it requires an additional budget over and above the reenacted budget.

MR. MONSOD: With that manifestation, Madam President, I am withdrawing my proposed amendment.

MR. DAVIDE: Thank you.

MR. MONSOD: My second amendment is on page 10, line 1. I propose to add a comma (,) after the word "law" and insert the following phrase: CONSISTENT WITH THE ECONOMIC PROGRAM OF GOVERNMENT.

The reason I am proposing this insertion is that an economic program has to be internally consistent. While it is directory to the President — and it says "within specified limits" on line 2 — there are situations where the limits prescribed to the President might, in fact, be distortive of the economic program.

If I may give an example: When you are setting tariff rates, there must be a certain consistency among the tariffs for finished goods, intermediate inputs, and basic materials. Once you distort this and put a low limit on the raw materials or intermediate goods, then we encourage assembly at the end of the production cycle.

This we did in earlier years — very high tariffs for finished products — and what we got was industry that was only engaged in assembly and packaging operations. On the other hand, an economic program would naturally rationalize the system of tariffs in order to make sure that we have a good industrial structure.

We are not taking away any power from Congress. We are just saying that as a frame of reference, the authority and the limits prescribed should be consistent with the economic program of government which the legislature itself approves.

MR. DAVIDE: The Committee accepts the proposed amendment.

THE PRESIDENT: The Committee has accepted the proposal.

MR. BENGZON: I have a question, Madam President.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: The economic program of government is prepared by the executive department, is it not?

MR. MONSOD: Yes, Madam President, and it is presented to the National Assembly and concurred in by the National Assembly or legislature.

MR. BENGZON: Therefore, the economic program must first be changed if Congress wishes to pass a law that would authorize the President to fix within specified limits this Section 2. If the Gentleman's amendment is accepted, then Congress is hampered by the economic program which they have approved before and, therefore, they would have to change that economic program before they can pass a law which may differ from such economic program.

MR. MONSOD: No, Madam President. The economic program may not have the specifics of each product in each case; but the Congress, under this section, may go into details. So, the economic program — the frame of reference — may be impaired but we need not change it because that does not go into as much detail as this paragraph here.

MR. BENGZON: What I am really trying to drive at is under that system, would not the executive be controlling Congress in that respect?

MR. MONSOD: No, because the power in approving the program starts from Congress. We just want to avoid a situation where the mandates under this paragraph are not in the context of the economic program. We just want it as a frame of reference.

MR. BENGZON: Thank you.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Will Commissioner Monsod consider a slight amendment by transposition?

MR. MONSOD: The Gentleman will please state his proposal.

MR. OPLE: Thank you.

I share the concern as expressed by Commissioner Bengzon about the relationship between the economic development program and the powers of Congress. But I think Commissioner Bengzon himself will not mind if there is a transposition so that the power of the Congress is not immediately subjected to modification by an economic program.

I propose that the paragraph be left intact, but at the end of this sentence following "or imposts" on line 5, there is a comma (,) and a new clause WITHIN THE FRAMEWORK OF THE NATIONAL DEVELOPMENT PROGRAM.

Will that satisfy the concerns of both Commissioner Bengzon and Commissioner Monsod?

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

MR. OPLE: Thank you very much.

MR. SARMIENTO: May I make a comment on the words used by Commissioner Ople "OF THE NATIONAL DEVELOPMENT PROGRAM"?

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: It was a term used and overused during the past administration, so maybe we can use another term, not "national development program."

MR. OPLE: National development program is somewhat broader and more conformable to the scope of the duties of the National Economic Development Authority than merely saying "economic program." I think this is the formal phraseology used in government by the NEDA itself. The NEDA is spelled out as National Economic and Development Authority, and I think the meaning given to "development" is broader than merely the economic part, strictly speaking.

I have no objection to any attempts to improve upon the language "national development program" which I think is broader than the economic program originally suggested, and which puts within the purview of this section social considerations as well as the claims of labor, the claims of farmers, the claims of small business as against big business. All those are comprehended within the broader phrase, within the framework of the national development program.

MR. MONSOD: Madam President, actually the national development program that Commissioner Ople refers to

is really embodied in a document approved by the Congress. In the Committee on National Economy, I believe we denominated that as an integrated economic development program. I think we know that is what we are talking about here. We can either use economic development program or national development program and they would all be the same document passed by Congress. Perhaps, we can leave that to the Committee on Style, since we agree on the concepts.

MR. PADILLA: Madam President.

THE PRESIDENT: The Vice-President is recognized.

MR. PADILLA: Will the distinguished sponsor yield to one question?

MR. MONSOD: Yes, Madam President.

MR. PADILLA: This paragraph states:

The Congress may by law authorize the President to fix within specified limits, and subject to such limitations and restrictions as it may impose . . .

Does not the Gentleman think the legislature or the Congress and the President being the two most important departments of government on national policy will be sufficient without restricting it or referring it to a national economic development program because this program has to be determined by the Congress, in conjunction with the President?

I am making this remark because I recall that every President has an economic program. Usually, the President has a term of 4 years but his economic program is for 5 or 6 years. Most economic programs were good in paper, but never implemented to improve our economy and the livelihood of our people.

Why must we still make reference to the so-called economic program when that is precisely fixed or determined as a national policy by the two highest departments of government?

MR. MONSOD: Madam President, the reason our economy is in shambles and we are in bankruptcy is that the beautiful programs were never implemented. What Congress did or what the President did was to write development programs but these were never taken in perspective or that framework was not used in actual implementation. That is the reason we want to put it here, to remind them that with the proper perspective, this program must be the framework within which laws must be implemented.

THE PRESIDENT: May we ask Commissioner Monsod to please repeat what is to be inserted?

MR. MONSOD: On Section 28 (2), page 10, line 5, where it says: "or imposts," change the period (.) to a comma (,) and add the following: WITHIN THE FRAMEWORK OF THE ECONOMIC DEVELOPMENT PROGRAM OF GOVERNMENT. We would like to leave to the Committee on Style the discretion to use NATIONAL DEVELOPMENT or ECONOMIC DEVELOPMENT PROGRAM OF GOVERNMENT. To repeat, we would like to leave to the Committee on Style the discretion to use NATIONAL DEVELOPMENT or ECONOMIC DEVELOPMENT PROGRAM as we had earlier manifested, Madam President.

THE PRESIDENT: Has this been accepted by the Committee?

MR. DAVIDE: Yes, Madam President.

THE PRESIDENT: Is there any objection to the proposed amendment of Commissioner Monsod which has been accepted by the Committee?

MR. PADILLA: Objection, Madam President. I feel that it is not necessary to further restrict the policy-making

powers of the Congress and the President.

VOTING

THE PRESIDENT: We will put the matter to a vote.

As many as are in favor of the proposed amendment, please raise their hand. (Several Members raised their hand.)

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

The results show 21 votes in favor and 5 against; the amendment is approved.

MR. MONSOD: Madam President, I just have one more proposal.

THE PRESIDENT: The Gentleman will please proceed.

MR. MONSOD: On line 4 of the same page which says "quotas," I propose to change the word "quotas" to QUANTITIES. The reason is, "quotas" has a very unhappy connotation for us. When we say "quotas," the connotation is that somebody will get either an import or an export quota. Whereas, I believe the intent of this paragraph is policy level. There are two types of restrictions on imports and exports. These are the quantitative restrictions and the tariff rates. The quantitative restriction simply stops one from accepting or importing certain goods. The tariff rate or qualitative restriction means one can import or export, subject to certain tariff rates.

THE PRESIDENT: What is the position of the Committee?

MR. RODRIGO: I am requested to speak for the Committee, and I heard my fellow members saying that they understand the meaning of "quotas." The members say that there is already jurisprudence on the word "quotas," so that if we change it to "QUANTITIES" the meaning will not be as clear as the word "quotas." We suggest that we leave it to the body to vote on this.

MR. MONSOD: Madam President, the only purpose of my proposed amendment is to clarify that this does not necessarily mean the establishment of a system where quotas are given to individuals and companies. If we can agree that this is at the macro trade policy level, rather than the system of quotas imposed before in the country, I would withdraw my amendment.

MR. RODRIGO: Yes, that is understood.

MR. MONSOD: Then I withdraw, Madam President.

MR. RAMA: Madam President, I ask that Commissioner Bacani be recognized.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Madam President, my amendment is on Section 29 (2), page 10. I will not press for the amendment, if what I am going to say is deemed understood. Madam President, I propose to add a new sentence at the end of line 24 to read as follows: EXCEPT WHEN SUCH APPROPRIATION WOULD NOT ACCRUE TO THE EXCLUSIVE BENEFIT OF ANY SUCH PARTICULAR SECT, CHURCH, DENOMINATION, SECTARIAN INSTITUTION OR SYSTEM OF RELIGION, OR WHEN SUCH PRIEST, PREACHER MINISTER OR DIGNITARY PERFORMS WORK DIRECTLY BENEFICIAL TO THE GOVERNMENT. The whole addition, therefore, comes at the end. Will the Chair allow me to explain my amendment?

THE PRESIDENT: The Gentleman will please proceed.

BISHOP BACANI: Madam President, it seems that this is a particular application of the time-honored provision regarding the separation of Church and State, and that the thrust of the provision is really that there should be no

established religion and that there should be freedom of worship, profession and religion, that no one religion is favored over another. During these times of the ecumenical movement, it is not very far-fetched — for it actually happened and can still happen in the future — that there may be movements and meetings of the different religions which the government may find important and even perhaps necessary to finance. For example, right after martial law, there was an ecumenical meeting of religions in the Development Academy of the Philippines (DAP), and this was financed by the government. If I am not mistaken, it was the government that initiated it and spent for it. In such cases, money is appropriated but not for the benefit of any religion in particular.

Regarding the question on the priest, preacher, minister or dignitary, we can see that there are already exceptions where the government does make appropriations for them. All I am requesting is that, aside from these positions mentioned here, when the activity of the priest, minister or rabbi directly benefits the government, the government should also shoulder the expenses for that activity.

THE PRESIDENT: What does the Committee say?

MR. AZCUNA: We feel that the amendment is not necessary because what is prohibited under this subsection is the use of public funds to support a particular sect, church, denomination or sectarian institution, or system of religion or to support any priest, preacher, minister and other religious teachers as such. So where public funds are used to support an ecumenical type of activity without discriminating between one sect or the other, we believe it will not offend this particular provision. With respect to a priest, preacher or minister performing a function that is beneficial to the government, he would not be doing it as such, not as a priest. That is not also prohibited here. So, we feel the amendment is not necessary, and we would rather leave it to the Supreme Court to determine case-to-case the open areas of this particular law to give it a chance to evolve rather than define at the start what the exceptions are which we may not be able to pursue.

BISHOP BACANI: Madam President, may I make another explanation?

THE PRESIDENT: The Gentleman will please proceed.

BISHOP BACANI: Our provisions regarding the separation of Church and State largely follow the American model. There is another model of separation of Church and State which is found in Europe. For example, in Belgium, which explicitly states the separation of Church and State, the Protestant ministers, Catholic priests and the Jewish rabbi are paid by the State. In Germany, which also upholds the separation of Church and State, a religious tax is collected from among those who profess any religion, and then the State pays the ministers for this because they are deemed to be helpful to the State. Is such an eventuality foreclosed should the Philippines decide on such a system?

MR. AZCUNA: We would like to submit this to the body, Madam President, because we feel there is no need for an amendment to this effect.

MR. TINGSON: Madam President.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: I think the distinguished proponent said a while ago that if the Committee would express an opinion, which I think they did, in consonance with what he feels, according to how he interpreted it, he would not press for his amendment. I would join him on that if we can agree on what we heard from the Committee. I think that would be for the better.

MR. RODRIGO: May I say something on this? If I remember right, there was a decision by the Supreme Court regarding commemorative stamps. During the Catholic International Eucharistic Congress, our Post Office

decided to print commemorative stamps and this was questioned because they said this was spending public money for the benefit of the Catholic religion because what was being commemorated in the stamps was the Catholic word "Eucharistic Congress." The decision of the Supreme Court was that it was all right, that it was not a violation of this provision because that was mainly for the benefit of the government. That commemorative stamp was good for the State and the nation; incidentally, it was in connection with a religious celebration.

BISHOP BACANI: So, the general principle is, if it benefits the government directly and is not for the benefit simply of any particular religion, then funds can be appropriated for that.

MR. RODRIGO: Even if it benefits a particular religion, which was incidental, like in that commemorative stamp, it is allowed.

BISHOP BACANI: Thank you very much.

With that, Madam President, I will not press for an amendment.

THE PRESIDENT: Thank you.

MR. RAMA: Madam President, we have three more registered speakers, and if we promise to be brief, probably we could wind up this period of amendments and vote on Third or Second Reading on the Article.

I ask that Commissioner Bengzon be recognized for a manifestation.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, yesterday I proposed an amendment to Section 28, page 10, line 9, but after I proposed the amendment, the Chair suspended the session. After much reflection, Madam President, I realized that if this amendment were approved, it might harm the poorer students more than benefit the government. So, I would like to state that I will not pursue my amendment any longer. However, Commissioner Brocka has expressed his desire to pick it up, but he is not here now. Anybody who may wish to pick it up is free to do so.

THE PRESIDENT: We will make of record the withdrawal of the proposed amendment of Commissioner Bengzon.

MR. DAVIDE: The Committee would like to thank Commissioner Bengzon for the withdrawal.

MR. RAMA: Madam President, I ask that Commissioner Concepcion be recognized.

MR. CONCEPCION: Thank you, Madam President.

For a small matter, I have in mind the parliamentary immunities. I am under the impression that the Committee conceives parliamentary immunities as granted to ensure or facilitate the performance of the duties of the Members of the Congress. Am I right?

MR. DAVIDE: Yes.

MR. CONCEPCION: But I find that the proposal or the recommended draft of the Committee speaks of crimes committed while Congress is in session, instead of using the phrase in the 1935 Constitution "during their attendance in the sessions of Congress." Is that still the text as of now?

MR. DAVIDE: No longer, Madam President. We have changed that to the phrase "while the Congress is in session."

MR. CONCEPCION: How about their going to or coming from the session?

MR. DAVIDE: That would already be included. So, while the Congress is still in session, at any time, they would be privileged from arrest anywhere for offenses punishable by not more than six years' imprisonment.

MR. CONCEPCION: What I would want to clarify is about those Members of Congress — and I think there had been cases of this nature — who have never attended these sessions of Congress. I remember one from Leyte and another from Cebu. I think that is my impression.

During the sessions of Congress, if they are not attending the same, would they enjoy the parliamentary immunity?

MR. DAVIDE: They would still enjoy the parliamentary immunity because we do not know if they will decide to attend.

MR. CONCEPCION: If he had not attended from the very beginning, should it not be presumed that he does not intend to attend? The point I am trying to drive at is this: a parliamentary immunity is incident to the performance of duties. If one is not performing his duties, why should he be allowed to invoke the immunities for the performance of those duties which by his action or omission he does not seem to perform or intend to perform?

MR. DAVIDE: We appreciate that point. But our main problem is, we would never know when he will decide to attend. But it is his inherent duty to attend, being a representative duly elected by the people.

MR. CONCEPCION: Would it not be better for him to make a statement that he is not attending, instead of assuming that he can avail of the privilege inasmuch as one can never say up to the end of the session whether he will attend or not?

MR. DAVIDE: That would really be the best procedure. He should announce that he will not be attending the sessions.

MR. CONCEPCION: That is right. So, I hope that the Committee could insert a clause to make this much clearer because under that theory we will never know until after the end of his term.

MR. DAVIDE: I think the Rules of each House may provide for situations like that and may even discipline a Member who would refuse to attend the session.

MR. CONCEPCION: But the Constitution gives the privilege and, therefore, the Constitution may impose the conditions for the exercise of the privilege of immunity. I hope that the Committee could insert a phrase or a sentence or a clause that will ensure that when one is not attending or when one intends to attend the sessions — since he may say at the beginning of the term, "I will attend four years from now," and all the time — he will be exempted from arrest.

MR. DAVIDE: The Committee will look into that.

MR. CONCEPCION: Thank you.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: I ask that Commissioner Gascon be recognized.

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: Madam President, I know it is lunch time so I shall try to be brief. Since we are ready to close the period of amendments, I have to be clarified on some matters with regard to Section 31 on initiative and

referendum.

I know for a fact that the Committee discussed very thoroughly the proposals on initiative and referendum. I would just like to know for the record whether the discussions made in the Committee will be part of the basic documents for the discussion of enabling Congress to provide for that system of initiative and referendum and maybe the Committee could cite certain specific suggestions to that effect.

MR. DAVIDE: The proceedings in the Committee would be part of the records or documents of the Constitutional Commission. And, therefore, the intent on this particular can very well be determined in the light of the Committee discussions especially when the Committee took up the resolutions pertinent to initiative and referendum.

MR. GASCON: So, when the Congress tries to enact a law to provide such a system, they would necessarily have to look into the Committee . . .

MR. DAVIDE: They can look into the records.

MR. GASCON: But they may not also.

MR. DAVIDE: But that is not really compulsory on the Members of the legislature to look into the Record of this Commission. But it could be their guide.

MR. GASCON: I was originally planning to propose a mechanism, but in the event that this will bog down the whole process, I would agree that we should allow the Congress to implement such a system. However, I notice that this section does not provide any time frame whereby the Congress will initiate such a system. I would like to make an amendment to the effect that the Congress is bound to enable such a law immediately upon its affirmation. My first amendment to Section 31, page 11, line 9 would be to change the word "ten" to EIGHT.

I feel that since this is on initiative and referendum, we should try to provide the people with this reserved power and the opportunity to practice it as best as they see it. Ten percent is much harder to get than eight percent, and if we put it down to eight, maybe it would encourage the people to become more politically active and provide the opportunity for them to really be involved in this process of initiative. So, the first proposal is from "ten" to "EIGHT percent."

MR. DAVIDE: Madam President, at the Committee level, the proponents of initiative and referendum have agreed to strike at a compromise, and the compromise is 10 percent. As a matter of fact, there was a proposal of Commissioner Romulo and others, pegging it at 20 percent. So, we agreed to the compromised formula and put it at 10 percent.

MR. GASCON: Madam President, may we put the matter to a vote?

THE PRESIDENT: May we have again the proposed amendment of Commissioner Gascon.

MR. GASCON: On line 9, delete the word "ten" and replace it with the word EIGHT so that the phrase would read: "or local legislative body after the registration of a petition therefor signed by at least EIGHT percent of the total number of registered voters."

VOTING

THE PRESIDENT: The body shall now vote on the amendment.

As many as are in favor of the proposed amendment of Commissioner Gascon, please raise their hand. (Few Members raised their hand.)

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

The results show 10 votes in favor and 22 against; the amendment is lost.

MR. GASCON: Madam President, before I make my second proposed amendment, I would like to share some of my viewpoints on initiative for the record.

First, I hope that when this initiative process is finally enacted into law, the citizens would take upon themselves this reserved power, and that the legislature should take the matter of initiative as a priority law to consider, perhaps by enacting a measure as they deem fit within 90 days, should the legislature fail to enact the measure within the said period or enact a substantially different law from the original proposal. I also hope that the legislature could provide this initiative to the people within 45 days after it has been submitted. Second, I think it would be best also for the legislature, upon any initiative, to conduct public hearings on it so that we can elicit a greater majority of people to participate in the discussions.

Therefore, I would like to make an amendment on line 5 of Section 31 by inserting the phrase WITHIN NINETY DAYS AFTER ITS INITIAL SESSION after the word "therefrom." The amended portion will therefore read: "The Congress shall provide for a system of initiative and referendum, and the exceptions therefrom WITHIN NINETY DAYS AFTER ITS INITIAL SESSION."

My point is that we should encourage the Congress to enact immediately this system of referendum so that the people are provided the opportunity as soon as possible because it is a possibility that a Congress may — because there is no enabling provision in the Constitution to mandate them to immediately enact the law — just lull and take it up after four years, or six years, or whatever. There is no assurance that Congress will take it up immediately and, therefore, the people are deprived of this opportunity of participating in lawmaking. So, if we could provide for a time frame whereby they should enact a law, it would be very helpful for the people.

THE PRESIDENT: What does the Committee say?

MR. RODRIGO: I was requested to speak for the Committee. The Committee does not accept the proposed amendment. First of all, during the period of debate, I interpellated the Chairman and asked him if this provision in Section 31 was mandatory or directory, and the answer was, it is directory, giving the power and prerogative to Congress. Now, setting 90 days would make it mandatory on Congress, and not only mandatory but with a time frame, with a time limit. I do not think we should do that to the Members of Congress — Senators elected by the whole country; Members of the House elected by district; and perhaps some of them even elected by party list. Let us remember that the mechanics of the system of initiative and referendum, while it sounds good to me — it is good — is something novel, something new in the Philippines. And so, we should not hurry and we should not press the Members of Congress to decide within 90 days on something that is novel and untried here in the Philippines. We should give them enough time to study the matter and as the Gentleman said, even hold public hearings. But if we limit them to 90 days, we can see the difficulty they will find themselves in. I think we should have more trust in the Congress that we are going to form in accordance with the Constitution and in the Members who will be elected by the people. Let us give them the discretion to decide on when they want to enact a legislation regarding initiative and referendum.

MR. GASCON: Upon the suggestion that maybe 90 days is too short, although I would like to stick to the principle that it must take the matter into consideration immediately, would the Gentleman agree to an amendment to this effect: That "the Congress shall IMMEDIATELY provide for a system of initiative and referendum." My only concern is that the Congress will consider it and will take steps towards initiating such.

MR. RODRIGO: We must remember that the Members of Congress are elected by the people and that we should

not think of them in terms of individual senators or representatives of the people. We should presume that when they act, they have in mind the mandate of their constituents, the people who elected them. I do not think we should press them.

REV. RIGOS: Madam President.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: Would Commissioner Gascon entertain a very small amendment to his proposed amendment? Instead of specifying the exact number of days, would he be willing to say: "The Congress shall, AS EARLY AS POSSIBLE, provide for a system of initiative and referendum . . ."?

MR. GASCON: "AS EARLY AS POSSIBLE" or IMMEDIATELY.

REV. RIGOS: The sentiment is there, and yet it is not really binding the Congress to act within a specific period of time.

MR. GASCON: I agree that we should not bind them to a specific time, and I would agree to the proposal of Commissioner Rigos. Either IMMEDIATELY or "AS EARLY AS POSSIBLE" would suffice to the effect that this provision in this Article will not remain in paper but there would be sincere attempts to do such.

THE PRESIDENT: Is the body ready to vote now?

MR. RODRIGO: Madam President, the Committee does not accept the proposed amendment.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Just a brief clarificatory question. I heard Commissioner Rodrigo say that in the interpellations during the committee hearings "shall" was meant to be directory instead of mandatory. I think in other deliberations, "shall" was meant to be directory. When do we know that the use of "shall" is directory and when is it mandatory?

MR. RODRIGO: Even in the Supreme Court decisions, "shall" is sometimes interpreted as directory, sometimes as mandatory. And so, in cases like attendance in committee meetings, they changed the word "shall" to "MUST" to make it very clear that it is mandatory.

MR. BENNAGEN: "MUST" is used instead of "shall."

MR. RODRIGO: But in order to make it clear that it is merely directory, they changed "shall" to "MAY."

MR. BENNAGEN: Thank you, Madam President.

MR. GASCON: Madam President, after conference with my friends here who agree with the basic principle that we have to allow the Congress to consider the matter very seriously, I would withdraw my amendment of adding the word IMMEDIATELY and replace it with "AS EARLY AS POSSIBLE" so that the sentence will now read: "The Congress shall, AS EARLY AS POSSIBLE, provide for a system of initiative and referendum." I would like to ask all the Commissioners to seriously consider this because the whole point here is that we should assure the people that this section providing for initiative and referendum will be provided them as soon as possible, and it will not remain simply beautiful words in this Constitution, but will become meaningful to them.

VOTING

MR. RODRIGO: Madam President, we submit it to the body for a vote.

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

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

The results show 18 votes in favor and 11 against; the amendment is approved.

MR. TINGSON: Madam President, only one brief question, please.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: With regard to the system of initiative and referendum referred to in Section 31, is there any possibility, remote though it might be, that the Manila incident three weeks ago could use this as a camouflage and as an excuse, whatever?

MR. DAVIDE: If we speak about possibility, anything may be possible.

MR. TINGSON: Therefore, the Manila incident could be considered later as "initiative and referendum."

MR. DAVIDE: We do not know how they would do it. We will cross the bridge when we come to it.

MR. TINGSON: Thank you.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

SUSPENSION OF SESSION

MR. RAMA: It is almost one o'clock; I move that we suspend the session until two-thirty this afternoon.

THE PRESIDENT: The session is suspended.

It was 12:47 p.m.

RESUMPTION OF SESSION

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

THE PRESIDENT: The session is resumed.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

MR. RAMA: We are now in the period of amendments on the Article on the Legislative.

I ask that Commissioner Maambong be recognized to present an amendment.

THE PRESIDENT: Before the Chair recognizes Commissioner Maambong, I wish to acknowledge the presence of the members of the Concerned Women of the Philippines who are here. We welcome them and we thank them for their interest.

Commissioner Maambong is recognized.

MR. MAAMBONG: Madam President and members of the Committee, before I present my proposed amendment, if it will be necessary at all, may I reverse the process by presenting to the Chairman and the members the problem which I intend to solve.

Under the provisions of the Article on the Legislative, we allow Senators or Congressmen to hold office in the

Commission on Appointments and in the electoral tribunal. In the same provisions, we also allow members of the Supreme Court to serve in the electoral tribunals. Likewise, in the Article on the Executive, we also allow the whole membership of the Supreme Court to serve as members of the Presidential Electoral Tribunal in the case of presidential and vice-presidential electoral contests. With this in mind, I hope the Committee and I will be able to solve two problems: We have two basic provisions in our Constitution which may be violated — the first is the provision against serving in another office, and the second is the provision against additional or double compensation.

Madam President, as the Chairman of the Subcommittee on Duties and Responsibilities of Public Officials of the Committee on General Provisions, I submitted to the Committee a provision which reads as follows:

No elective or appointive public officer or employee shall receive additional, double or indirect compensation, except pensions or gratuities, unless specifically authorized by law nor accept, without the consent of the National Assembly, any present, emolument, office or title of any kind from any foreign state.

Unfortunately, when this provision was taken up by the Committee on General Provisions, I was outvoted and the clause "unless specifically authorized by law" was deleted. Consequently, in Committee Report No. 31 of the Committee on General Provisions, the specific clause "unless specifically authorized by law" which would have solved the problem I just presented was deleted. I will now call the attention of the Chairman of the Committee on General Provisions to consider this later. But I would like to ask now the Committee if this clause "unless specifically authorized by law," which I submitted, would be carried in the Constitution. Would that solve the problem of double compensation which I mentioned earlier?

MR. DAVIDE: Madam President, it will definitely solve the problem, but insofar as members of the Commission on Appointments and the electoral tribunals are concerned, we feel that they do not even fall within that particular prohibition because the office to which they will be elected, in addition to their being Members of the Senate or of the House of Representatives, would not be incompatible with each other. That particular rule which the Gentleman cited would not bar appointment to any other office which is compatible with the office that one is holding.

MR. MAAMBONG: Madam President, I am specifically addressing the issue of compensation to the Gentleman because, if he will recall, the main reason why I provided in the provision I submitted to the Committee on General Provisions the words "indirect compensation" was that the Gentleman insisted on indirect compensation. And, precisely, if one is a member of the Commission on Appointments or is a member of the electoral tribunal, he will receive compensation which, as the Gentleman said, is indirect and that would fall under the prohibition.

MR. DAVIDE: I am glad that the matter was presented by the Commissioner. I am sure that the appropriate committee might restore the clause "unless otherwise provided by law."

MR. MAAMBONG: Madam President, before I leave this issue, I would like to inform the Committee that an almost exactly the same provision had already been approved by the body under Section 7 of the Article on the Civil Service Commission. Unfortunately, the term "indirect compensation" and the exception of pensions or gratuities are not found in Section 7. I would suggest, with due deference to my Committee on General Provisions, that this provision under the Article on General Provisions be transposed later on to the Article on the Civil Service Commission where it properly belongs.

I would like to go to another point, Madam President, regarding service in another office as contained in the provision which I submitted to the Committee on General Provisions, and now part of the committee report:

. . . Unless required by law, neither should he hold any other office or employment in the government, or any

subdivision, agency or instrumentality thereof, including government-owned or controlled corporations.

My question is: Will that solve the problem of serving in another office as far as Senators, Congressmen or members of the Supreme Court serving either in the Commission on Appointments, the electoral tribunal or the Presidential Electoral Tribunal are concerned?

MR. DAVIDE: Madam President, no problem is to be solved because the Constitution itself allows it.

MR. MAAMBONG: Thank you. When we amended Section 20 yesterday, I noticed that members of the Cabinet cannot be compelled anymore to appear before the House of Representatives or before the Senate. I have a particular problem in this regard, Madam President, because in our experience in the Regular Batasang Pambansa — as the Gentleman himself has experienced in the interim Batasang Pambansa — one of the most competent inputs that we can put in our committee deliberations, either in aid of legislation or in congressional investigations, is the testimonies of Cabinet ministers. We usually invite them, but if they do not come and it is a congressional investigation, we usually issue subpoenas.

I want to be clarified on a statement made by Commissioner Suarez when he said that the fact that the Cabinet ministers may refuse to come to the House of Representatives or the Senate does not mean that they need not come when they are invited or subpoenaed by the committee of either House when it comes to inquiries in aid of legislation or congressional investigation. According to Commissioner Suarez, that is allowed and their presence can be had under Section 21. Does the Gentleman confirm this, Madam President?

MR. DAVIDE: We confirm that, Madam President, because Section 20 refers only to what was originally the Question Hour, whereas, Section 21 would refer specifically to inquiries in aid of legislation, under which anybody for that matter, may be summoned and if he refuses, he can be held in contempt of the House.

MR. MAAMBONG: Let us crystallize this with one last question. Is the Commissioner saying now that if the member of the Cabinet or the Cabinet minister himself refuses to comply with the subpoena of any of the committees of either of the House or the Senate, he can be held in contempt, just like in the case of Arnault vs. Nazareno (87 Phil: 29)?

MR. DAVIDE: Madam President, it is not a member of either the House or the Senate who can issue a subpoena. In cases like this, the subpoena must be signed by either the President of the Senate or the Speaker of the House of Representatives. In short, it is really a contempt not of a particular committee but a contempt of the House.

MR. MAAMBONG: In that situation, therefore, any Cabinet minister can be compelled, through that kind of subpoena signed by either the President of the Senate or the Speaker of the House, to appear before that particular committee.

MR. DAVIDE: The answer must be qualified. If it is truly in aid of legislation, yes; but if it is in the guise of an aid in legislation, then it could be refused.

MR. MAAMBONG: Suppose it is a congressional investigation, Madam President?

MR. DAVIDE: If it is, then necessarily, he can be compelled.

MR. MAAMBONG: Thank you.

MR. RAMA: Madam President.

THE PRESIDENT: The Floor Leader is recognized.

SUSPENSION OF SESSION

MR. RAMA: We have some very concerned and patriotic persons who are visiting us this afternoon: so, I move that we suspend the session for a few minutes to greet the Concerned Women of the Philippines.

THE PRESIDENT: The session is suspended.

It was 3:06 p.m.

RESUMPTION OF SESSION

At 3:14 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

The Acting Floor Leader is recognized.

MR. ROMULO: I ask that Commissioner Suarez be recognized for an amendment.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you, Madam President.

Actually, this is not an amendment but a clarification.

THE PRESIDENT: The Gentleman may proceed.

MR. SUAREZ: May I call the attention of the distinguished sponsors to Section 31, particularly to line 9, referring to the word "signed," because we are all concerned about the illiterates who would participate in the system of initiative and referendum. Do I take it that the word "signed" includes the thumb printing by the illiterate who would be assisted by another person? I just want to make that very clear so that there will be no misunderstanding later on.

MR. DAVIDE: Yes, Madam President, the thumbprint of an illiterate is considered his signature.

MR. SUAREZ: Thank you.

With that clarification, I will not press the amendment anymore.

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

THE PRESIDENT: Commissioner Quesada is recognized.

MS. QUESADA: Madam President, I would like to introduce an amendment to Section 28 on page 10, line 10 by inserting the word NON-PROFIT between "or" and "educational." The amended portion will therefore read: "Charitable institutions, churches, and parsonages or convents appurtenant thereto, mosques, non-profit cemeteries and all lands, buildings, and improvements actually, directly, and exclusively used for religious, charitable, or NON-PROFIT educational purposes shall be exempt from taxation."

I think a lot has been discussed on this issue, and my position is that if we do not introduce this qualifier, then it would contribute to a loss by the government of much needed resources from these realty taxes. It will be a very bad precedent for us to be helping even profit-making institutions, regardless of the fact that they are contributing to a very basic need of education, but which we feel the State should mainly be responsible for.

Madam President, I move that we put this to a vote by the body.

THE PRESIDENT: How is the amendment of the proponent to read?

MS. QUESADA: On lines 9 to 10, the amendment shall read: "charitable, or NON-PROFIT educational

purposes."

MR. NOLLEDO: Madam President, would the proponent yield to interpellation?

MS. QUESADA: Gladly, Madam President.

MR. NOLLEDO: As the proponent stated, educating the young is a basic function of the government.

MS. QUESADA: That is true.

MR. NOLLEDO: And that private schools, whether profit or nonprofit, share with the government the burden of educating the youth. Is that not true?

MS. QUESADA: That is true.

MR. NOLLEDO: And that we cannot deny that nowadays because of the high prices of facilities, etc., many schools are suffering financially, like the University of the East which is a profit institution.

MS. QUESADA: Yes, I understand.

MR. NOLLEDO: And that because they share in the burden of educating the youth, they should be given some incentives. Does the proponent agree with me?

MS. QUESADA: Yes, they should.

MR. NOLLEDO: And one incentive is exemption from the payment of realty tax. Is the proponent aware that if the school is a profit-making institution, it also pays income tax on its income? Is the proponent likewise aware of the provision of Section 24 of the National Internal Revenue Code which provides that schools should pay 10 percent of their income tax on school-related income?

Pardon me, but I really hate to say this. I have always sided with Commissioner Quesada in her amendments before, but this time, I beg to disagree because I think these schools are really suffering. If the Chair will permit me, I would like to reserve the right to speak against the amendment.

Thank you, Madam President.

MS. QUESADA: The Gentleman is entitled to his position.

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: Madam President, I would like to ask Commissioner Quesada.

THE PRESIDENT: The Gentleman may proceed.

BISHOP BACANI: Is the Commissioner aware that the rate of returns on investments for the schools is, at most, three percent, which is very much lower than the rate of returns on other businesses? Only about four days ago, this was published in the newspapers.

MS. QUESADA: I am not aware, Madam President.

BISHOP BACANI: I am the director of a nonprofit, non stock school. May I say to this body that our own school, which is the biggest Catholic parochial school in the whole world, is at present suffering a loss of P70,000 a year, without including the losses, due to depreciation, despite the fact that we are counting among our income the income from investments from past earnings.

So, if this is the situation in a nonprofit, non stock school which is reputedly well-run we can imagine what may

be the situation among other schools which, perhaps, have to pay for the rent or the construction of the buildings. And so, even though our interest here is not involved, I think the interest of education as a whole would forbid us at this point to impose this added burden on the private educational institutions in the country which have served and helped the government.

Thank you very much.

MS. QUESADA: The sad plight of education in the Philippines is a reflection of government neglect of education. So, it does not mean that providing more support to private institutions — private schools for profit — would really solve the problem of education. We would like to have the citizens enjoy the right to education, but I do not think this right can be enjoyed by lessening State support to public schools where 70 percent of our poor people go to. Providing this kind of privilege even to profit-making institutions will get some of the resources that should rightfully be channeled to State-supported institutions.

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: Will the distinguished proponent yield to one clarificatory question?

MS. QUESADA: Willingly, Madam President.

MR. DE LOS REYES: Does the amendment consist in adding the word "NON-PROFIT" only?

MS. QUESADA: Yes, that is the only qualifier.

MR. DE LOS REYES: I think there is no more necessity of placing the word "NON-PROFIT" because if the purpose is for profit, under existing laws in jurisprudence that portion which is used for profit is really taxable. This is established in the case of *Montana Catholic Missions vs. Louie Clark Country* — 13 Montana, 559-51 American Jurisprudence 5887 which is an American case; and in the Philippine case of *Herrera vs. Quezon City Board of Assessment Appeals* — L-15270 - September 30, 1961.

The jurisprudence says:

. . . That what determines the exempt nature is the use of the said land, building or improvement, rather than the religious or charitable character of the owner.

When a religious or charitable institution engages in business for profit, it becomes liable to taxation as any other establishment. In other words, if a portion of the church is not exclusively used for religious purposes but is leased for business purposes, this provision can be applied. So that portion which is devoted to a non-religious purpose is already subject to tax. Thus, in the case, for example, of *YMCA vs. Internal Revenue*, the Supreme Court held that the YMCA is not subject to real property tax because it is devoted to a combination of religious, charitable and educational purposes.

In the case of *Herrera vs. Quezon City Board of Assessment Appeals*, the Supreme Court held that the admission of pay patients does not detract from the charitable character of a hospital, if all of its funds are devoted exclusively to the maintenance of the institution as a public charity hospital. In other words, we are rendering charity its primary objective and the funds derived from payments made by patients able to pay are devoted to the benevolent purposes of the institution, so the mere fact that a profit has been made will not deprive the hospital of its benevolent character. By analogy we say that even if an educational institution derives some profits, if all of its funds are devoted exclusively to the maintenance of the institution in order to help poor students, then it is exempt from taxation. But when this educational institution is really that kind of institution which is for profit-making, then it is up for the Bureau of Internal Revenue to determine whether or not it should be taxable. In the 1935 Constitution, education was included because at that time there were very few private educational institutions. As

a matter of fact, the only private educational institutions were those run by the religious orders. And, therefore, in order to enable them to expand and to be able to help the youth in educating themselves, these institutions were exempted from taxation but later on the profit-oriented schools came. So it is really up to the Bureau of Internal Revenue whether or not they should be taxable. We do not have to put the word "NON-PROFIT" because if the educational institution is really for profit purposes the BIR will run after it. But if the purpose of the institution is mainly for education, the mere fact that profits are made as an incidental purpose of the institution although these profits are funnelled to the maintenance of the educational institution will still exempt the institution from the payment of realty tax. So there is no need to qualify educational institutions as nonprofit because it is already settled by existing local and foreign jurisprudence.

Thank you.

MS. QUESADA: Madam President, I am not a lawyer, so with this legalistic presentation of Commissioner de los Reyes, I withdraw the amendment with the understanding that there is really no need to add "NON-PROFIT" before "educational purposes" because there are already existing legal provisions concerning this.

MR. GUINGONA: Madam President, may I just make a comment?

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: This is only with the use of the word "non-profit." I think there are some who prefer to use the word "proprietary" as against "non-proprietary" because, unfortunately, the word "non-profit" in relation to educational institutions seems to have a very bad connotation although, frankly, I do not see why this should be because "profit" is not a bad word in our dictionary. As a matter of fact, when we relate the word "profit" to other pursuits or endeavors like hospitals, banking institutions, electric, transportation and other utility companies, even movie production outfits, mass media organizations, there is no bad connotation; it is only when it relates to educational institutions. And I think that is unfortunate, Madam President. May I just invite the attention of the honorable Commissioners that as we all know 85 percent of the students in colleges or universities throughout the Philippines are studying in private educational institutions. And according to the survey of the Fund for Assistance to Private Education, about two-thirds, meaning about 60 percent, of all the students in colleges and universities today are studying in the so-called proprietary schools. Many of these students belong to what we call the "masa." They are the students in the urban centers; they are the working students. As a matter of fact, most of these students study in the evening because they work in the daytime. And those who are even professional students in these colleges and universities are children of the poor — the market vendors, the drivers, the factory workers and so forth. In the provinces, it is the same. Why? Why do these students go to these proprietary schools and not to the non proprietary schools which generally have a higher quality of education? Of course, when I say higher quality of education, I do not mean that the proprietary schools do not provide quality education but they do not provide as high, generally speaking, as the non proprietary schools. The proof of the fact that they provide quality education is that in the board examinations and the other examinations given by the government in accounting, engineering and so forth, graduates of proprietary schools have had a very good record comparably and sometimes even better than those coming from the non proprietary schools. As a matter of fact, there are many distinguished businessmen, professionals and people in the government who come from proprietary schools. If we push these schools to the wall, I could speculate as to what would happen. I can only speculate because I do not own a school; I do not even own half a share in an educational institution. But what would happen if an owner of a school finds out that he or she is losing? I think that person would be encouraged to transfer his assets to other ventures, especially under the condition now of our government where the business atmosphere is much improved. And who will suffer? It will be the students, particularly those who are poor. And why do they not go to the higher quality schools? The reason is that they cannot afford.

MR. OPLE: Madam President.

MR. GUINGONA: Just one moment, if the Commissioner does not mind.

In the proprietary schools, the charge is generally P2,000 a year. In the non proprietary schools, the tuition fee is generally P5,000 a year. Some of them even charge more than P10,000 a year. These students cannot afford to pay such an amount so what will the implication be? They will either require the State to provide them with more schools which the State could not do at present or they will exert pressure on the non proprietary schools by requiring more scholarships or asking them to reduce the tuition fee; otherwise, they will be forced to stop studying, thereby creating a social problem.

Thank you.

MR. OPLE: Madam President.

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Do I understand that Commissioner Quesada has withdrawn her proposed amendment?

THE PRESIDENT: She has withdrawn her proposed amendment.

MR. OPLE: I should sit down at this point, but since Commissioner Guingona, a member of the Committee, raised some very important issues pertaining to private tertiary education in particular, I think I will ask him a few questions, if this is possible, Madam President.

THE PRESIDENT: Commissioner Guingona may yield, if he so desires.

MR. GUINGONA: Willingly, Madam President.

MR. OPLE: Thank you.

Is there a way of quantifying if we want to vote intelligently on issues connected with this section? Is there a way of quantifying what the government will lose and what the private tertiary schools will gain in terms of exemptions from real property taxes?

MR. GUINGONA: At the moment, I do not have the figures, Madam President, but I can say that the exemption would benefit students, as I mentioned yesterday, either in the form of reduced fees or non-increase in fees or in the quality of education that will be offered to them, because all these private schools, whether proprietary or non proprietary, are heavily dependent on tuition fees. And as I said a while ago, the proprietary schools are charging relatively low tuition fees, and in spite of this there are a lot of students who are not able to study because of economic reasons.

May I just cite one example, Madam President. In the case of the Central Colleges of the Philippines, for the past three years . . .

MR. OPLE: Is this located in Manila?

MR. GUINGONA. Yes, Madam President. It is located in Aurora Boulevard. The drop in enrollment was in the average of 1,200 students. But their records show that less than 10 percent asked for transfer credentials, which means that more than 90 percent have stopped studying, not because they want to transfer to another school but generally because of economic reasons.

MR. OPLE: Yes, but in the case of the Central Colleges of the Philippines, to what extent will the subsidy of a tax exemption help relieve its economic distress so that it can become more viable?

MR. GUINGONA: This tax exemption alone would not be enough, Madam President. That is why in our Subcommittee on Education, which is part of the Committee on Human Resources chaired by the Honorable Villacorta, we are proposing other incentives and other assistance.

MR. OPLE: So this is a minor palliative in the case of schools that are in extremis financially?

MR. GUINGONA: This is one of the assistance or incentives that we in the Subcommittee on Education would propose.

MR. OPLE: Given the noble motive the Commissioner has stated that the poorest students or the poorer students will be the beneficiaries of this exemption and, therefore, a subsidy's money taken away from the people in order to vest it in a more specific segment of the society, in this case the educational entrepreneurs especially at tertiary level, how do we insure that the savings from this exemption will benefit the students? Is there anything in this section that creates an obligation for the owners of tertiary schools to pass on the savings to the students?

MR. GUINGONA: Not in this section, Madam President, but it is provided for in the sections that the Subcommittee on Education will propose.

MR. OPLE: Yes. I would like to leave the larger questions concerning this subject to the forthcoming debate on the educational system as a whole.

Thank you, Madam President.

MR. GUINGONA: Thank you, Madam President.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. ROMULO: Commissioner Uka has one of his irresistible comments, so he wishes to be recognized.

THE PRESIDENT: Are we still talking about this? May the Chair be informed if there is a pending proposed amendment?

MR. ROMULO: Just a comment, Madam President.

MR. UKA: Just for one minute, Madam President.

THE PRESIDENT: Commissioner Uka is recognized.

MR. UKA: I would like to ask the honorable members of the Committee if they would accept this amendment to be added to Section 28 (3), line 10: PROPRIETARY EDUCATIONAL INSTITUTIONS SHALL LIKEWISE BE ENTITLED TO THE EXEMPTION PROVIDED THEY LIMIT DIVIDENDS AS MAY BE PROVIDED BY LAW.

My reason for this, Madam President, is that tax exemptions are one form of reimbursement to the parents of millions of poor students all over the country.

In European countries like Holland and Germany, tax exemptions are extended to schools. Although I have not been there, I have read in many articles on education that many of their proprietary schools are exempted from taxation.

We also note, as Commissioner Guingona said, that more than 75 percent of our poor college students are enrolled in the so-called proprietary educational institutions. If said schools will close because of high taxation, the question is: Can the government take over these schools or at least help the students who are forced to stop

because of the closure of these proprietary schools? If it does, that is like a mouse swallowing a big cat. Even foundation schools are now losing and they are about to close due to low enrollment. We really need these proprietary educational institutions; otherwise, we will increase the number of illiterate voters, a situation which we would like to avoid. So I would like to recommend to the Committee the addition of the following provision: PROPRIETARY EDUCATIONAL INSTITUTIONS SHALL LIKEWISE BE ENTITLED TO THE EXEMPTION PROVIDED THEY LIMIT DIVIDENDS AS MAY BE PROVIDED BY LAW.

Thank you.

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

MR. DAVIDE: Madam President, may we request very kindly Commissioner Uka to defer consideration of that proposed amendment and to take that up when the Article on Human Resources shall be taken up by the body. We feel that that would be the proper situs of the proposal.

MR. UKA: I agree, Madam President.

Thank you very much.

CONSIDERATION OF THE SURVEY ON SYNCHRONIZATION OF ELECTIONS

MR. ROMULO: Madam President, we have two subject matters to be taken up. The first is with regard to the synchronization of elections, copies of the results of the survey of which, I think, has been provided everybody. And the second question is the party list sectoral representation issue.

I move that we proceed to the consideration of the survey on the synchronization of the elections for the Offices of the President and Vice-President, the Members of the Congress and the local officials.

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

MR. OPLE: Madam President, will the Acting Floor Leader yield to a question concerning this agenda?

MR. ROMULO: Yes, certainly.

MR. OPLE: We are taking up the consideration of the survey on the synchronization of the elections, and within that context the specific terms of office of the President and the Vice-President, the Members of the Congress and the local officials. Is that correct?

MR. ROMULO: That is my proposal inasmuch as the survey covers all of those offices.

MR. OPLE: This will not foreclose a full debate on the question of the terms of the President and the Vice-President in this Constitution later on?

MR. ROMULO: Madam President, firstly, I do not think this involves the incumbents.

MR. OPLE: Thank you very much.

MR. ROMULO: Does that satisfy Commissioner Ople?

MR. OPLE: That is all the information I wanted.

Thank you very much, Madam President.

THE PRESIDENT: The term of the incumbents is taken up in the Transitory Provisions. Is that correct?

MR. ROMULO: That is correct, Madam President.

THE PRESIDENT: So the body will now discuss the term of office of the President, Vice-President, the Members of the Congress and the local officials.

MR. ROMULO: Yes. So in other words, strictly speaking, we will discuss the synchronization of elections.

May we ask the Secretary-General to read the result of the opinion survey on the term of office.

THE SECRETARY-GENERAL: Madam President, we have submitted the survey results to the Chairman of the Committee.

THE PRESIDENT: The Acting Floor Leader is asking the Secretary-General to read the result of the survey.

THE SECRETARY-GENERAL: For Scheme No. I, a total of 19 Members opted.

THE PRESIDENT: Will the Secretary-General please state the figures 6-6, 4-4 or whatever is there.

THE SECRETARY-GENERAL: Yes, I hope all the Commissioners have copies of the result of the survey because we have the columns here for President and Vice-President, Senator, Representatives, Local Officials, Frequency of Elections and the Results or Total. So for Scheme No. I, the President and Vice-President have a term of six years.

MR. BENGZON: Madam President, I do not believe that these survey results are complete because as of yesterday afternoon, when I received my copy, I had not cast my decision. So this total of 19 here in Scheme No. I should be 20 because I opted for Scheme No. 1.

THE PRESIDENT: We will make the total 20.

MR. BENGZON: There may have been other Commissioners who have not yet submitted their survey forms like me.

THE PRESIDENT: But will that preclude us from having a look into the result of the survey as of yesterday afternoon?

MR. BENGZON: No, Madam President. I just wanted to correct.

THE PRESIDENT: Will the Secretary General please continue.

THE SECRETARY-GENERAL: Forty-three Members submitted their survey results.

For Scheme No. I: a total of 20 Members opted. May I read the terms of office for Scheme No. 1: President and Vice-President, 6 each; Senators, 6; Representatives, 4; Local Officials, 4; frequency of elections, once every two years. Twenty Members opted for Scheme No. I.

For Scheme No. II: President and Vice-President, 6 each; Senators, 6; Representatives, 3; Local Officials, 3; frequency of elections, 3. Twelve Members opted for Scheme No. II.

For Scheme No. III: President and Vice-President, 6 each; Senators, 6; Representatives, 6; Local Officials, 3; frequency of elections, 3. Only one Member opted for Scheme No. III.

For Scheme No. IV: President and Vice-President, 6 each; Senators, 6; Representatives, 3; Local Officials, 6; frequency of elections, 3. Nobody opted for it.

For Scheme No. V: President and Vice-President, 6 each; Senators, 6; Representatives, 6; Local Officials, 6; frequency of elections, 6, without reelection. Only one Member opted for Scheme No. V.

For Scheme No. VI: President and Vice-President, 5 each; Senators, 5; Representatives, 5; Local Officials, 5;

frequency of elections, 5, without reelection. Only one Member opted for Scheme No. VI.

For Scheme No. VII: President and Vice-President, 4 each; Senators, 4; Representatives, 4; Local Officials, 4; frequency of elections, 4, with one reelection only, but the official is allowed to run again after a one-term interval. Five Members opted for Scheme No. VII.

And for Scheme No. VIII: President and Vice-President, 4; Senators, 4; Representatives, 4; Local Officials, 4; frequency of elections, 4, with one reelection for all except local officials who will be allowed unlimited reelections. Two Members opted for Scheme No. VIII.

So, a total of 43 Members submitted their surveys.

MR. ROMULO: Madam President, may I now ask the members of the Committee whether they would like to discuss what, in effect, are the first two schemes because the rest are meaningless?

MR. GUINGONA: Madam President, before OUR Chairman begins to discuss, I understand there have been reservations or remarks made by some Members in casting their choices. Perhaps, the Secretary-General could let us know.

MR. ROMULO: I was coming to that. Will the Secretary-General please read the accompanying remarks.

THE SECRETARY-GENERAL: I will read the following remarks:

On Scheme No. I:

- No reelection for the President; no limit for all others.
- No immediate reelection for the President; Senators, with reelection; Congressmen, with reelection; local officials, with one reelection.
- Local officials, no immediate reelection.
- No limit to reelection.
- No reelection for all.

On Scheme No. II:

- No reelection for President.
- No immediate reelection; local officials, limited to two reelections; Senators, limited to one reelection; Representatives, allowed three reelections.
- No reelection for President, immediate or otherwise; Senators, no reelection, immediate or otherwise; Representatives and local officials, one reelection.
- Unlimited reelection for Senators, Representatives and local officials.

On Scheme No. VII: National and local officials to be elected the same year but not the same date to avoid confusion of issues.

And on Scheme No. VIII: One reelection for President only; Members of the Congress and local officials will be allowed unlimited reelection.

MR. ROMULO: Thank you.

MR. BENNAGEN: Madam President.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: I just would like to ask the Secretary-General a clarificatory question. I cannot seem to make sense out of the remarks. Are these just an enumeration of the remarks or are they tabulated in terms of frequencies or random remarks?

THE SECRETARY-GENERAL: These are just general remarks that we listed down along with the opinion survey given to the Members.

MR. BENNAGEN: It is not exhaustive?

THE SECRETARY-GENERAL: No, I am afraid it is not.

MR. BENNAGEN: Thank you, Madam President.

MR. ROMULO: So would Chairman Davide indicate whether they would like a discussion on the first two schemes, after which a voting would follow? How would he like to handle this?

MR. DAVIDE: The Committee would like to suggest, since only Scheme Nos. I and II had obtained a result in excess of ten, while the others are five or less, that the discussion be limited to Scheme Nos. I and II to eliminate the others in the meantime.

MR. ROMULO: And would the Chairman like a general discussion on the first and second schemes?

MR. DAVIDE: Madam President, we leave it to the body.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 3:54 p.m.

RESUMPTION OF SESSION

At 4:02 p.m, the session was resumed.

THE PRESIDENT: The session is resumed.

The Acting Floor Leader is recognized.

MR. ROMULO: Madam President, I move that we limit the discussion to three schemes: Scheme No. I, Scheme No. II, and Scheme No. VII.

MR. DAVIDE: I second the motion.

THE PRESIDENT: Is there any objection to the motion of the Acting Floor Leader that we limit our discussion this afternoon to Scheme Nos. I, II and VII? (Silence) The Chair hears none; the motion is approved.

MR. ROMULO: Madam President, I ask that Commissioner Bengzon be recognized to sponsor Scheme No. I.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. ROMULO: Before we proceed, may I announce, Madam President, that we will decide now on the terms of office of six years, four years and five years. After all the sponsorships are finished, interpellations will take place. Then once we have voted on the term, we will then decide the other questions of whether or not there will be reelection for a particular official. Is that satisfactory?

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: How long is the sponsorship of each speaker? How many minutes per sponsorship?

THE PRESIDENT: May we know from the Acting Floor Leader how many minutes we shall give each of the sponsors. Is it 15 minutes?

MR. ROMULO: I guess a maximum of 15 minutes would be enough.

THE PRESIDENT: So it is a maximum of 15 minutes for each of the three speakers. May we know who will speak for Scheme No. II?

MR. ROMULO: Commissioner Aquino will speak on Scheme No. II and Commissioner Davide on Scheme No. VII. It is being suggested that perhaps five minutes may be enough for the sponsorship of each speaker.

THE PRESIDENT: Will that be enough?

MR. DE CASTRO: Madam President.

THE PRESIDENT: We will make it 10 minutes.

MR. DE CASTRO: Madam President.

MR. ROMULO: Commissioner de Castro has a question.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

I was asking the Acting Floor Leader whether or not we may include the frequency of elections during the period of interpellations because the comment on Scheme No. I is about frequency of elections. I want to know how this was taken because according to my computations, it will take until 1995 before there can be a synchronized election of Senators, Representatives and local officials.

MR. ROMULO: Yes, Madam President, it is included.

MR. DE CASTRO: However, if we get into the frequency of election of Senators and give them a term of two years — the first eight for two years and the second eight, four years. . .

THE PRESIDENT: Commissioner de Castro can bring out those issues during the period of interpellations.

MR. DE CASTRO: That is why I asked whether or not the frequency of elections shall be included in the period of interpellations.

THE PRESIDENT: It might be. We cannot exclude any particular subject in the period of interpellations.

MR. ROMULO: Yes.

THE PRESIDENT: May we now proceed?

MR. ROMULO: Madam President, a further suggestion. The Members would like the proponent of a scheme to discuss not only the term of office but also the frequency of elections, whether with or without reelection.

THE PRESIDENT: That is right.

MR. ROMULO: Thank you, Madam President.

May I now ask that Commissioner Bengzon be recognized.

THE PRESIDENT: Commissioner Bengzon is recognized.

SPONSORSHIP SPEECH OF COMMISSIONER BENGZON ON SCHEME NO. I

MR. BENGZON: Madam President, these issues have already been discussed and battered for the last few days. It probably would not even take me five minutes to sponsor Scheme No. 1.

Everybody is familiar with Scheme No. I — 6 years for the President and Vice-President; 6 years for the Senators; 4 years for the Congressmen; and 4 years for the local officials.

Since we have decided to discuss together with these numbers the issue of whether or not reelections will take place, I shall state that for this proposition there is no reelection for the President and Vice-President but they will have a term of six years; no reelection for the Senators but they will also have a term of six years; there will be reelection for the Congressmen; and one reelection for the local officials.

The famous phrase of President Quezon before was:

Four years is too short for a good President; and, therefore, he should have a reelection.

I would say, Madam President, six years would be good enough for a good President to perform and implement his program of government. How about one who is a bad President? People will say six years is too long. To that I say that in the committee reports, we have emasculated the powers of the Executive. We have reduced the power of the President. We have strengthened the powers of the Supreme Court. We have institutionalized all over the committee reports people's power. And, therefore, to me a bad President will not be able to carry out his evil deeds with all of these checks and balances, with the emasculated powers that he would have, with the strengthened Supreme Court and judiciary, with the strengthened legislature and, principally and most of all, with people's power which is now recognized in the Constitution.

Six years for the Senators, I guess, would be sufficient; one of the arguments being that the Senate, since the Senators will be elected at large, would be a training ground for national leaders for the presidency. If within six years a Senator would not be able to prove himself capable of becoming the President of the Philippines, then he will never be able to prove that.

The Congressmen have a four-year term with reelection, together with the local officials, because they are the ones who are in close touch with the people. And as the times change constantly, they would be the ones who would implement the parochial programs of their constituencies, aided by their colleagues in the Senate who would have the overview of the national problems.

Those are the arguments in favor of Scheme No. I, Madam President.

Thank you.

MR. TINGSON: Madam President, may I just ask one question of the sponsor?

MR ROMULO: The Commissioner may not.

THE PRESIDENT: I think it was agreed that interpellations will be entertained later.

MR. ROMULO: The Commissioner may ask questions after the period of sponsorship.

May I ask that Commissioner Rodrigo be recognized to sponsor Scheme No. II.

THE PRESIDENT: Commissioner Rodrigo is recognized.

SPONSORSHIP SPEECH OF COMMISSIONER RODRIGO ON SCHEME NO. II

MR RODRIGO: Madam President, I am going to sponsor Scheme No. II, although I am not very sanguine for this stand. Were it not for the frequency of the elections under Scheme No. I, I would have preferred it. But my main

objection to it is that under that scheme, we cannot avoid election every two years which is too often and I believe that it is not good for our country to have elections too often. Aside from the fact that elections are expensive, aside from the fact that elections are divisive, Madam President, it was my experience when I was a Senator that elections every two years lead to politicking all the time. We never stop politicking. And because of this, I suggested Scheme No. II. What is the difference between Scheme Nos. I and II? First of all, they are the same insofar as the term of the President is concerned — 6 years in both schemes. However, if I heard the sponsor of Scheme No. I correctly, he said that both the President and the Vice-President cannot run for reelection. Is that correct? Under our scheme, only the President is prohibited from running for reelection; but the Vice-President can run for reelection as Vice-President. The Vice-President may even run as President after his term. Why? Because the reason behind not allowing a President to run for reelection does not apply to the Vice-President. The main reason we want to prohibit a President from running for reelection is that he might use his vast powers to assure his reelection. But a Vice-President does not have vast powers. As a matter of fact, he has no powers at all, unless he is appointed to a Cabinet position. He is what we call a spare tire. So that is one of the differences.

The Senators have the same term of six years. But did I hear the sponsor of Scheme No. I say that the Senators have no reelection either?

MR. BENGZON: Madam President, may I state that with respect to the non-reelection of the Vice-president and the Senators, I am not very sanguine for that either. Whatever the body decides, we certainly will go along with it.

MR. RODRIGO: I am glad that this will not be a bloody encounter, Madam President. So as regards the Senators, we will allow them indefinite reelection like it was before. Under our Scheme No. II, Representatives and local officials will have a term of three years, for the purpose of having election every three years instead of every two years.

I would like to state that in the United States Federal Congress, the term of the members of the Lower House is only two years. We have been used to a term of four years here but I think three years is long enough. But they will be allowed to run for reelection any number of times. In this way, we remedy the too frequent elections every two years. We will have elections every three years under this scheme and we will have a continuing Senate. Every election, 12 of the 24 Senators will be elected, so that 12 Senators will remain in the Senate. We will have a staggered membership in the Senate. In other words, we will have a continuing Senate.

Of course, there are misgivings about this three-year term. They say that the local officials, the officers-in-charge in provinces and even the ousted governors and municipal mayors might not like the fact that their term will be reduced from four years, as it was before, to three years. But, as I said, were it not for the fact that under the first scheme, the election would be too frequent every two years, I would like to maintain the four-year term for local officials. However, I think the lesser of two evils is to give them three years; meaning, the term of Representatives and the local officials will be three years, so that elections will be held every three years instead of every two years. Of course, this can be criticized. It has defects, but nothing in this world is perfect. Del mal el menor, between two evils, choose the lesser.

MR. ROMULO: Madam President, may I ask that Commissioner Davide be recognized to sponsor Scheme No. VII.

THE PRESIDENT: Commissioner Davide is recognized.

SPONSORSHIP SPEECH OF COMMISSIONER DAVIDE ON SCHEME NO. VII

MR. DAVIDE: Thank you, Madam President.

Scheme No. VII provides for a term of four years for the President, Vice-President, Senators, Members of the

Lower House and the local officials allowing them one reelection only (except the local officials will be allowed unlimited reelections); meaning to say, that none could serve for more than eight years. It is not a greater evil, much less is it the lesser evil; it is a scheme without any evil at all.

The evil of Scheme No. I is easily shown by the remarks. They are so divided. There are five separate remarks for that. The evil of Scheme No. II is also easily reflected in the remarks and there are four remarks; meaning to say that both are extremely difficult to apply.

In Scheme No. I, we have election once every two years that would be very expensive for the country and besides, we will divide the country once every two years. Under Scheme No. II we will have election every three years, and I do not think that our country could also afford elections once every three years. We would rather adopt the parliamentary system of government if it should be. However, under Scheme No. VII, we will have elections once every four years only. So, there is time for the people to express their sentiments once every four years and to me, this is sufficient already.

Furthermore, under the scheme that I am proposing, we will totally eliminate from our political scene the growth and maintenance of political dynasties because at no given time may an elective representative serve for a total of more than eight consecutive years because he would be allowed only one reelection. And if the people will opt to elect him again, he can rest only for one term of four years and after that he can run again on the 13th year following the first eight consecutive years.

And so at the very most then, we can say that an elective official can hold on to office for a total of eight consecutive years only. And necessarily, we will give opportunity to the others to seek election for a public office. A public office is not the monopoly of any one politician or any one family where forever the father or the wife and the son or the daughter will hold on to a particular position. We are a country of 56 million Filipinos already. Why create a political elite group concentrated only to a few families?

So if we would allow only a maximum of eight-year term we can share the sacred task of serving a public office with many more Filipinos, especially the young. Our electorate is a young electorate. And so I appeal to the young people. This is the only chance for us to be able to have an opportunity to win against the tyranny of political dynasties.

Furthermore, Madam President, if we will adopt this particular scheme of four-four-four, we will have a self-rejuvenating office. Like in the presidency, a President can hold on to office for a total of eight years because we will allow one reelection, the idea being that six years may be too long indeed for a bad President, but not too long for a good President. So we will allow one reelection for the President, the Vice-President, Senators and Representatives so at least every eight years, granting that they would be reelected, we will have a new face in Malacañang, a new face at the Executive House, new faces in the Senate and new faces in the Lower House.

But again I would say that to allow a six-year term for the Senate would be to make it an elitist group for a long time. And the danger is that if the Senate and the Lower House would have different terms, say, six years for the Upper House and four years for the Lower House, we might come to a situation where, despite the mandate of the people for a change in leadership because the people voted for one political party, we might preserve in the Senate the mandate supposedly earlier acquired in favor of one political party. So we might have a divided Congress because of the so-called continuing Upper House, divided in the sense that the Upper House may be maintained only by one political party but the new Members of the Lower House, attaining a fresh mandate of the people, may belong to another party. So we will always have a Senate which cannot cooperate with the Lower House and a Lower House which cannot cooperate with the Upper House and that is what is happening now in the United States Congress where they have an Upper House controlled by one party and a Lower House controlled by the

other party.

So we will have legislation derailed or even the national interest and public welfare imperiled because the mandate for the Lower House is different from the mandate for the Upper House.

And finally, Madam President, this is the only way where we could immediately have synchronization of elections.

The only opposition to this scheme is that the citizens in one given election may be voting for so many candidates, but that is not a problem. We know for a fact that political leaders or political parties who have their own people voting in a given election would even practice the voters by preparing a sample ballot, and this sample ballot will be brought inside the polling place for the people to copy it. In short, it is not an obstacle; it is not a hindrance. The number of candidates to be voted in a synchronized election is not a hindrance. As a matter of fact, it is a demonstration of democracy of the highest order.

So I plead that we be supported in this scheme. To the old Members of the Commission, we plead that they give the young a chance. To the young, give ourselves a chance.

Thank you.

MR. OPLE: Madam President.

THE PRESIDENT: Yes, Commissioner Ople is recognized.

MR. OPLE: May I seek guidance from the Acting Floor Leader on whether a Member of the Commission can interpellate at will any one of the three sponsors?

MR. ROMULO: As I stated while the Commissioner was out, we will now proceed to the period of interpellations since the sponsorship is already finished. And any Member may interpellate the three sponsors. Commissioner Aquino is listed to be the first to interpellate.

MR. OPLE: Thank you very much for the clarification.

MR. ROMULO: May I ask that Commissioner Aquino be recognized.

THE PRESIDENT: Commissioner Aquino is recognized. The Chair asks the Commissioner to please designate the sponsor to be interpellated.

MS. AQUINO: Madam President. I will speak against Scheme Nos. I and II, and consequently endorse Scheme No. VII of Commissioner Davide, which calls for a 4-4-4 term.

Scheme No. II provides holding of elections every four years for the House of Representatives, and Scheme No. I, every two years for the Senate.

The holding of an election for the Representatives once every four years and for one-third of the Members of the Senate every two years would necessarily change the composition of the Senate twice during its term, while the House of Representatives would have a chance to change its composition only once after four years. This kind of an arrangement can produce anomalous political results. It can present serious obstacles to the efficient and healthy operation of the multiparty system within the bicameral legislature. It has, in fact, a tendency of multiplying unnecessarily the possibilities for one party to gain control of one House, and for another party to consolidate its control of another House.

In effect, therefore, Scheme Nos. I and II would breed a relationship of factionalism, disharmony and inefficiency.

Ladies and gentlemen of this Commission, we are now a part of the creation of something new, and there is a very strong collective drift in favor of adopting a multiparty system and sectoral representation. These are innovations which will be effectively diluted in Scheme Nos. I and II, as presented; whereas, these innovations would find healthy fruition in Scheme No. VII as discussed by Commissioner Davide. Let us give it a chance.

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

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President, I favor Scheme No. VII except that, personally, I will not compromise on the term of the presidency. I would like to have the President serve only one term without reelection, because by so deciding, it seems to me that much of our irrational political attitudes, practices and tendencies would be solved.

So I would agree with the Senators, Representatives and local officials serving also a four-year term. But I was just wondering whether somebody could answer me now. I know that Commissioner Monsod is our expert on this, but whoever could enlighten me, would it be possible to have Scheme No. VII and then have a six-year term for the President without reelection and with the same frequency of election of four years?

MR. MONSOD: Madam President, mathematically, it is not possible. If we have a President with a six-year term and the rest have a four-year term, then there must be a "bi-election" at some point in time.

MR. TINGSON: Then the proponent of this was mistaken a while ago. There is also an evil thing on this Scheme No. VII. (Laughter) So I would vote for the less evil and that is Scheme No. 1. And I can justify now, however, the election every two years as a consonant thing to what we are doing, giving our people the right to initiate referendum as often as they want to to take away public officials who do not serve our people well.

So if that is the case, I am going to vote for Scheme No. I. (Laughter)

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

THE PRESIDENT: Commissioner Ople is recognized.

MR. OPLE: Thank you, Madam President.

May I request the sponsor of Scheme No. I to answer a question or two.

MR. BENGZON: Yes, Madam President.

MR. OPLE: Can we settle what some Members of the Commission consider a prejudicial matter with respect to Scheme No. I? I heard the sponsor say that he did not feel particularly sanguine about the ban on the reelection of the Vice-President and the Senators.

MR. BENGZON: Yes.

MR. OPLE: Can he now make an explicit statement to the effect that under Scheme No. I, there is no bar to the reelection of the Vice-President and of the Members of the Senate and of the House of Representatives?

MR. BENGZON: Yes. With respect to the Vice-President to run again as Vice-President, I have no problem with that; we should not have any problem with that; he should not be banned from running again for reelection as Vice-President.

MR. OPLE: He is not barred as well from seeking the presidency?

MR. BENGZON: Of course, he is not barred as well from seeking the presidency. The theory being that if he is not barred to seek the presidency, then he should not be barred to seek reelection for the vice-presidency.

MR. OPLE: Yes; otherwise, I would like to inquire into the reason for preventing by this Constitution the Vice-President and the Members of the legislature from seeking reelection under Scheme No. I.

MR. BENGZON: As I said, one at a time. The Vice-President, considering that he can seek the presidency should not be barred to seek reelection as Vice-President. There should be no reason why he cannot seek reelection as Vice-President.

MR. OPLE: Thank you.

MR. BENGZON: With respect to the Senators, I said I am not sanguine about barring them for reelection because what I have in mind is to allow one reelection for the Members of the Senate.

MR. OPLE: Only one reelection?

MR. BENGZON: Yes, because that would mean one would serve for a total of 12 consecutive years. If he gets reelected, then he will have served the country as a Senator for 12 years. And since, as I said, one of the reasons for allowing a Senate is that it would serve as a training area for national leaders, I guess a Senator who shall not have proven himself capable of being a national leader, being a President, within a period of 12 years is just hopeless.

MR. OPLE: Madam President, in returning to the model of the 1935 Constitution resurrecting the two-chamber legislature, with respect to the Senate, I think we are, in effect, emulating the original model of the United States Senate, otherwise known as the most powerful club in the world. And is it not a fact, Madam President, that in the case of the United States Senate, a great part of its strength is owed to the fact that a high proportion of its members have served most of their adult professional lives in that Chamber and, therefore, among themselves constitute a major repository of the wisdom and experience and knowledge of their time's? Is it not a fact that some of these Senators have been reelected time and again — I cannot mention specific examples now — so that there are a good number of them who have served in the Senate for as long as thirty years, sometimes forty years and, therefore, during that long period of time, they accumulated such a wealth of knowledge and presumably wisdom that they can apply to their tasks as representatives of their states in the American Senate.

MR. BENGZON: That may be so. But if we translate that in Philippine situation, it may also be so that we have a lot of our distinguished Senators who accumulate this wealth of experiences and knowledge. But at the same time we have also a wealth of young bright people willing, ready, able and raring to serve our country. We should also give them a chance. We can have those Senators, distinguished by experience and age, to offer their experience and services to the younger ones as consultants in their respective districts and constituencies. They are not barred from continuing to serve their country, not necessarily as Senators but, shall we say, as members of the council of elders for the younger ones who would be elected.

MR. OPLE: Madam President, as a rule — and I am sure this will be corroborated by experts in comparative parliamentary systems, unless I stand to be corrected — no Constitution prevents the reelection of members of legislatures. And rare are constitutions, a good example is Mexico's, which provide for only a single term for the President; and I know of no jurisdiction where the Vice-President is subject to a ban on reelection. The point is that the right to stand for an office is inherent in the right to be voted upon with the exceptions that I have mentioned. And I think we are in danger of curtailing the right of suffrage when we put into the Constitution these numerous prohibitions on the candidates who are otherwise fully qualified Filipino citizens. The principal objection to Scheme No. I that I gather, Madam President, is that it provides for too frequent elections. Is it correct that under Scheme No. I, we shall be holding elections once every two years?

MR. BENGZON: That is true.

MR. OPLE: This will then bring us back to that normal political rhythm of the decade before martial law was proclaimed when we held elections every two years. Is that correct?

MR. BENGZON: Yes, we will be brought back to the old system of having elections every two years, except that I would not want to admit that prospectively, when we have elections every two years, we will go back to the bad habits of the past because the maturity of the people then and the maturity of the people now has a world of difference.

MR. OPLE: Elections every two years do not necessarily mean that the same combinations of offices will be voted for. Is that right? What I mean is that in one biennial election, probably, we will have a combination of the eight Senators and the local officials. And then, in a subsequent election after two years, perhaps we will have the Members of the House of Representatives and the local officials. No, it is not the local elections but the presidential elections combined with, let us say, the eight Senators. They will always be there, is that right?

MR. BENGZON: Yes.

MR. OPLE: But, in addition, the people will vote for their Congressmen through the different legislative districts?

MR. BENGZON: Yes.

MR. OPLE: And so, that one election need not duplicate the next or subsequent elections.

MR. BENGZON: Yes.

MR. OPLE: Does the sponsor agree with the proposition uttered here earlier that elections tend to be costly and, therefore, harmful to the economy, and that they are necessarily divisive?

MR. BENGZON: According to Commissioner Monsod — I guess this was based on the data that he has on hand as NAMFREL Chairman — the cost of one election is P190,000,000, and on the basis of his arithmetical mind, he feels that that is not too much an expense to incur for the elections, if one considers the fact that the Filipino as a political animal requires that amount to exercise his political rights every so often.

MR. OPLE: I thought elections are unifying rather than divisive, unless they are marked by fraud and terrorism. Elections are supposed to be the opportunities to present issues and to achieve a consensus on what a nation or a community should do. Of course, where elections are generally clean and honest, they ought to leave no bitter aftermath; they ought not to excite partisan passions. The partisan passions ought to die down as quickly as they used to abate after a very fierce electoral contest. Everyone knows that the rules have been scrupulously observed and, of course, politics is a zero-sum game. For every winner, there is a loser.

Does the sponsor think that those who are concerned about the divisiveness of elections ought instead to focus on constitutional measures to guarantee clean and free elections, instead of putting all the blame on the exercise of suffrage itself as being tremendously divisive to a nation or to a community?

MR. BENGZON: The fact of divisiveness really depends on the particular area in this country. There are certain areas and province in this country where election is unifying instead of dividing. There are certain areas also where no matter what one does and how less frequent the elections are, elections are divisive in nature. I guess it depends on the temperament of the people in those areas.

MR. OPLE: Does the sponsor agree that a national consensus can never be achieved if there are no elections, in which the people have expressed themselves on issues in a manner that elected government would then be able to derive its guidance from the will of the people?

MR. BENGZON: Yes. That is why Scheme No. I is the best.

MR. OPLE: Does the sponsor also agree that by holding elections once every two years, the opportunities for people's organizations to use the power of initiative and referendum will be multiplied? Normally, they would be stuck to an election for purposes of economy, although this is not necessarily true at all times. But the legislature stands to think of initiative in connection with an election so that, just like in the United States, nearly all acts of initiative and referendum have to piggyback on the elections.

MR. BENGZON: The Gentleman has never been so right.

MR. OPLE: When we speak, therefore, of the concern of those espousing a multiparty system and people's power and the use of the ultimate reserve of people's power which is initiative and referendum, rising to the height of a constitutional amending power in the Transitory Provisions, meaning, one can use initiative even to challenge an existing provision of the Constitution if one is dissatisfied with the indifference, neglect and intractability of a sitting National Assembly or Congress, the more frequent the elections, the more abundant the opportunities for the exercise of the power of initiative and referendum.

MR. BENGZON: Yes. And, as a matter of fact, I would like to thank the Gentleman for making those statements because, in effect, they would reply to the arguments of our dear colleague, Commissioner Aquino, in saying that Scheme No. VII is the scheme that would provide the best opportunity for the many sections of our society to get into political power. I think that Scheme No. I also provides that, because for every election that we have, these multisectoral organizations would have every opportunity to express themselves and to serve the government.

MR. OPLE: My last point, Madam President, has to do with the concern of the economists, as a rule — this comes from economic circles — on the possibility of aggravating inflation through wanton expenditures during elections; and if they occur once every two years, then there must be some grounds for such a concern. Is there a way associated with Scheme No. I to control campaign expenditures of political parties?

MR. BENGZON: Yes, Madam President. In 1970, when Congress called for a Constitutional Convention, they passed a law limiting the expenses of the candidates by providing for certain measurements of posters, prohibiting streamers, billboards and things like that. I was one of those who ran for the 1971 Constitutional Convention and was restricted by that rule, and I was successful. Of course, I told my constituents that of all the candidates, I was the only one who was allowed to have billboards and streamers because all the Pepsi billboards are for my votes. But that is beside the point. The fact is that all the candidates to the Constitutional Convention in 1971 stuck to that rule and expenses were at a minimum.

MR. OPLE: Madam President, is the sponsor now in a position to show this Commission any specific part of the Constitution where this concern is addressed?

MR. BENGZON: I cannot mention this offhand but certainly the Committee can take this into account if we can introduce that kind of concept so that Congress would be guided accordingly and the necessary law can be passed to ensure that expenses can be limited to a minimum level.

MR. OPLE: Of course, campaign expenditures are sometimes seen as having the redistribution effect especially if one runs into a deflationary situation as distinguished from an inflationary situation. Has the sponsor formed an opinion concerning this theory that elections have a redistribution effect and that, therefore, they can be democratizing because some resources in the country which are concentrated in a few hands will now have to shift down to various layers of the people?

MR. BENGZON: That is a positive way of looking at

MR. OPLE: But just the same, the sponsor agrees that in direct proportion to the frequency of elections, there

must be effective safeguards against overspending so as not to threaten the economy when we have to hold elections of such a frequency. Is it once every two years?

MR. BENGZON: Yes, Madam President.

MR. OPLE: Thank you very much, Madam President.

MR. NATIVIDAD: Madam President.

THE PRESIDENT: Commissioner Natividad is recognized.

MR. NATIVIDAD: Just one point with regard to Scheme No. I.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. NATIVIDAD: I recall I was the author of an amendment that was approved already by the body regarding the power of the COMELEC to designate places where propaganda materials can be displayed during the campaign period in order to minimize election expenses. It was the practice before that we splurge the whole community with all kinds, shapes and sizes of banners and other propaganda materials which were pasted on walls and all possible places. Future elections will have a good and effective equalizer in that provision that we have just approved. And I believe from experience that this will cut down campaign expenses. Therefore, a poor candidate will be the equal of the richest candidate when it comes to propaganda materials.

MR. BENGZON: The Gentleman has answered the question of Commissioner Ople when he asked if there is anything in the Constitution which we have already approved pointing to these particular places.

MR. NATIVIDAD: Thank you, Madam President

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

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

I just have a few questions to the sponsors of Scheme Nos. I and II. The term of office for Senators is six years. Do the sponsors contemplate two years for the first eight, then four years for the next eight and six years for the last eight? Is that the staggering situation that will happen to the 24 Senators?

MR. RODRIGO: The term is really six years for every Senator. But in the first election, in order that we can stagger, then it will be two years for the eight Senators; four years for the other eight; and six years for the last eight.

My own thinking is, we should decide it this way: those on the top eight will have six years; the second eight will have four years; and the last eight will have two years.

MR. DE CASTRO: This holds true in the first election?

MR. RODRIGO: Yes.

MR. DE CASTRO: Is this also true with Scheme No. I? May I ask the sponsor please?

MR. BENGZON: Madam President, Commissioner Monsod has it all worked out in a sketch. May I request that Commissioner Monsod be recognized to answer the questions?

THE PRESIDENT: Commissioner Monsod is recognized.

MR. DE CASTRO: I am only asking a simple question. Is this staggering of the Senators in Scheme No. I the same as that in Scheme No. II?

MR. RODRIGO: No. I did not mention Scheme No. II. I thought the Gentleman is asking about Scheme No. I.

In Scheme No. II, it will be staggered. Since the election will be every three years, then 12 Senators will be elected every three years.

MR. DE CASTRO: I see. Thank you.

MR. BENGZON: With respect to the staggering of Scheme No. I, I would like to request Commissioner Monsod to answer the question.

MR. MONSOD: Madam President, it would be staggered in that eight Senators will be voted every two years except that we need one adjustment, rather one-and-a-half adjustment.

For the first election in 1987, eight Senators will be voted for five years and 16 will be voted for three years. In 1990, those 16 will now be divided this way: eight will be voted for four years and eight for six years. After that, there is no more need for any adjustment. We will have elections for Senators every two years.

MR. DE CASTRO: So, on the first election, that is, in 1987, eight Senators will be voted.

MR. MONSOD: No, we will vote for 24 Senators except that the top eight Senators will have a term of five years and the lower 16 will have a term of three years.

MR. DE CASTRO: Scheme No. VII looks very nice; we will have elections every four years. But as the sponsor mentioned, everytime there is an election, there will be 49 names — I do not know whether my arithmetic is right — from President, Vice-President, up to the 12 councilors in the municipality. There are 49 names to be written on the ballot. Is that right, Madam President?

MR. DAVIDE: Under that scheme, it may be a little over 40. We have the President and the Vice-President, the Senators . . .

MR. DE CASTRO: Twenty-four Senators?

MR. DAVIDE: Yes, plus one member of the Lower House in one's district, one governor, one vice-governor, and members of the provincial board. There are probably six local officials.

MR. DE CASTRO: Six.

MR. DAVIDE: Yes. We have the mayor, the vice-mayor and probably 12 councilors.

MR. DE CASTRO: If we add that, it will be 49.

MR. DAVIDE: No, not 12 councilors, only eight councilors.

MR. DE CASTRO: The score is 45. The first election in 1987 will have the same number, and we really wonder during our deliberation what the ballot will be about. I do not know, a meter long to accommodate all these names? And every four years, there will be about a meter-long ballot, and still considering the illiterates, who are authorized to vote, I really wonder.

In the last election for the President and the Vice-President, I saw a voter enter the booth at eight o'clock. She would write only two names. She could hardly finish it at ten o'clock. That is no exaggeration. Those are two names only. Did the sponsor realize the difficulty? Even myself, if I will write 45 names and think about who is better among the candidates, it will take me no less than 30 minutes, perhaps, 40 minutes. Has the sponsor

realized the folly of Scheme No. VII?

MR. DAVIDE: Madam President, we have realized that, but we do not contemplate the situation the way the Commissioner did. Firstly, any voter who goes to a polling booth knows already for whom he will be voting. And it is really the strategy of political parties to prepare sample ballots. They know who their people are. So, the voter will only copy on the ballot the names in the sample ballot. Insofar as the illiterates are concerned, under our proposal, the illiterates can vote faster than the literates. Probably, they will just check a box on the ballots.

MR. DE CASTRO: Thank you for the information. I am really working on Scheme No. I, and I like it. In fact, I was not included in the survey. The survey here indicated 20 respondents; if my name were to be added, it will be 21. But I really wonder how there can be an election every two years. Let us assume this: In the Transitory Provisions, the incumbent President will be given a term of six years, so that will be until 1992. So, the next election, if it is after six years, will be in 1998. Am I correct?

MR. MONSOD: Yes, Madam President.

MR. DE CASTRO: Her term will not be reduced to 1991.

MR. MONSOD: No, Madam President, because there will be no election in 1991.

MR. DE CASTRO: There will be an election in 1991.

MR. MONSOD: No, Madam President. The adjustment is a three-year term. And, therefore, the 16 Senators and Members of the House will be up for election in 1990, not 1991.

MR. DE CASTRO: Yes. The election will be in 1987, am I correct?

MR. MONSOD: Yes, Madam President.

MR. DE CASTRO: And a term of four years for the Members of the House of Representatives and the local elections will be in 1991.

MR. MONSOD: Madam President, as I said earlier, there is one adjustment there. The initial term will be three years. The only way that we can give them four years from the beginning is by extending the term of the incumbent President by one year.

MR. DE CASTRO: I thought the adjustment is on the Senators only. Do we also adjust the Congressmen to three years in the first election?

MR. MONSOD: Yes. The Congressmen will have three years and the local government officials will have five years. They are already synchronized that way. The only way that we can change it, if the Gentleman wants to give four years and six years from the beginning, would be to give the President seven years. And I think the decision in the Committee is to give the incumbent President six years. So, we are looking at the 1992 presidential election as a point of reference.

MR. DE CASTRO: It is very hard to go to Scheme No. I now, which was my decision last night, because we are reducing the term of the Congressmen to three years in the first election while increasing the term of the local officials to five years.

MR. MONSOD: Yes, Madam President. That is why we said that there has to be an adjustment. Otherwise, it is mathematically impossible, as the Gentleman himself has figured out.

MR. DE CASTRO: I think it is not mathematically impossible. I have a poor arithmetical mind. If we will continue the term of local officials for four years, in 1991, there will be an election. If we consider the Senators to

be elected for two years, four years, six years, we will have a sole election in 1989 for Senators which is not good; that is the time we adjust. The next election will be in 1995 for Senators, Congressmen and local officials; and the next election will be in 1997 if we reduce the term of the incumbent to 1991 as well as the Senators. Then, the next election will be in 1999 and that will again jibe with the election of Senators, Congressmen and local officials without tampering with the term of the Congressmen to three years and giving five years to the local officials.

MR. MONSOD: Yes, maybe this is not the time for it. I notice that there is also an adjustment there because at some point, he reduces the term of the President. Secondly, he does not want the House and the local officials to be elected in the same year; he wants them to be elected separately every two years. Otherwise, he will not have the benefit of holding elections every two years. But if the Gentleman wants them, not on the same year.

MR. DE CASTRO: My only comment there is, it is very difficult to reduce to three years the term of the Congressmen and then increase by one year the term of the local officials. But nevertheless, I would request Scheme No. II. Under this scheme, to my poor arithmetical mind, again, the only time that we will have elections would be every three years, for all the Representatives and the local officials, because we will eventually have elections in 1998 for President and in 1995 for Senators. And then, there will be an election in 1993 for the Representatives and local officials, meaning, there will be an election every two years, and then, there will be a sole election in 1998. It is not every three years, unless we begin to adjust again the number of years for Senators, etc.

MR. RODRIGO: I have not made my own computation.

MR. DE CASTRO: Thank you, Madam President.

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

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Thank you. Madam President.

Although I belong to a profession which is reputed for its loquacity especially when one is speaking in defense of the indefensible, I will be brief and to the point. I assume that all the Commissioners here have done their homework. And we are not wanting in political background, history and experience, with the plethora of arguments, pro and con, as to have to reach over to the jurisprudence and the laws of other countries. So, I will just address the first question to the sponsor of Scheme No II, Commissioner Rodrigo, because neither the sponsors of Scheme Nos. I and II which bar the President from reelection after the first six years, has made any qualificative mention of the possibility of the President after the six-year term as not being eligible after the lapse of six years immediately following the term.

Under the present proposed Article on the Executive, a natural-born citizen, at the age of 40, is entitled to run for President. Assuming he gets elected, by the time the term ends he will be 46; then he goes into a six-year period of political hibernation and things may change such that later his sterling qualities displayed during his term may warrant his being reharnessed and reimpressed into the public service. Would Commissioner Rodrigo consider the possibility that although we maintain the six-year term for the President, he shall only be barred from immediate reelection and that after the intervening six years, he could thereafter be eligible for another term?

MR. RODRIGO: I would not be averse to such a suggestion, meaning to say, after the six-year term, he cannot run for reelection on that year, but two years later, there will be another election but that will be a local election. He will have to wait for six years. I cannot mathematically make a computation on how he can run for reelection

after a shorter period than six years.

MR. REGALADO: Because, after all, he would only be about 52 years old when he runs for reelection, assuming he gets elected at the age of 40.

MR. RODRIGO: Yes, then he finishes his term at 46. The next presidential election would be six years later.

MR. REGALADO: Six years later, he will only be 52.

MR. RODRIGO: Yes, he can run for reelection.

MR. REGALADO: My second question is addressed to the sponsor of Scheme No. VII, I think, Commissioner Davide. After the four-year term the aspirant is eligible for another four years and then, no further reelection thereafter is allowed because he shall have already served a maximum of eight consecutive years. Commissioner Davide has mentioned that the only drawback in this is the fact that the voter will have to be voting for so many people and for which he already suggested a possible solution. The proponents of those who are for a six-year term without immediate reelection, however, point to the fact that under the four-year term, four years and with eligibility for another four years, there is the tendency for the President, during the first four years of his term, to play the role of a politician. There would be too much politicking, too much regrouping of his resources for the purpose of insuring his reelection after the first term. Will Commissioner Davide give us some arguments which can disabuse our mind on the possibility that during the first four years, the President is purely a politician and it is only during the second term that he tries his best to be a statesman?

MR. DAVIDE: Madam President, if we allow a politician to seek one reelection, it is not so that he will spend the first four years politicking. If at all it is politicking, it is politicking for good because he will stand a reelection. If he will really be a bad politician, then certainly, the people will not vote for him. So, one seeking immediate reelection will try his best to be a very good executive, otherwise he will lose his bid for a reelection. And at this instance, I would like to partly answer the criticism on a long list. It should be remembered that the first election in 1987 will contain already that long list of candidates and, therefore, with that as a basis, the succeeding election would be a matter of habit.

MR. REGALADO: Then if the sponsor says that the President, during his first term of four years and looking forward to a reelection, would try to implement some substantial programs and prove himself by some very good achievements for the country because he wants to be reelected, would that not also be an argument in favor of a President, with a term of six years to also try his very best and thereafter seek another reelection?

MR. DAVIDE: That would not be true because six years would be too long. In other words, if we allow him one reelection, this President may be assured of a dynasty of 12 years. And that, indeed, would be too long. The danger is, he might proclaim martial law.

MR. ROMULO: I ask that Commissioner de los Reyes be recognized, Madam President.

THE PRESIDENT: Commissioner de los Reyes is recognized.

MR. DE LOS REYES: Madam President, I would like to make a few observations and to ask some questions of the proponents of the different schemes. It is obvious that none of the schemes is perfect. On Scheme No. I, for example, the criticism is that it does not solve the frequency of elections because we shall also hold elections every two years; whereas, the desire of many people is to have less frequent elections, which could be solved by Scheme No. II whereby we can only hold elections every three years.

The problem with Scheme No. II, as expounded by the honorable Commissioner Rodrigo, is that the representatives and local officials are not used to serving for three years only. They will call it "bitin." We might

be having difficulty in asking the help of these prospective candidates for Congressmen and local positions to campaign for the ratification of this Constitution if they will only have a term of three years.

With respect to Scheme No. VII, according to Commissioner Davide, the purpose is to prevent the formation of political dynasties. But this will not prevent political dynasties because there is nothing which prevents the public officials concerned to run for another office. He cannot run, for example, as member of the House of Representatives after one reelection, but then, there is no prohibition that he cannot run for mayor or governor.

In Cebu, for example, we have seen that a certain political figure there runs for mayor, for Congressman and then for Senator. So, it does not solve the problem of dynasty. And it does not solve the problem of giving the young people a chance. For example, one is 40 years old; after serving for two terms, he is 48. Then he rests for one-term interval. By the time he is 54, he can run again. So, that does not solve the problem of the young.

But my question is: In these different schemes, are we taking into account the term of the incumbent President and Vice-President? In other words, what is the starting point? Let us say that the term of the incumbent President and Vice-President is fixed up to June 30, 1992, as proposed by the Committee on Amendments and Transitory Provisions. Will all these schemes start from 1992 or is it this: after we determine the different schemes, we apply it to the incumbent President and Vice-President?

May I ask the Chairman of the Committee to enlighten us on this matter?

MR. MONSOD: Madam President, since by the time of the next election, the remaining term of the incumbent President is five years and we are talking about a six-year and a four-year term, there has to be an adjustment sometime whether we adjust the term of the incumbent President or Vice-President or we adjust the terms of the others. We have to have an adjustment.

We need an adjustment as well because we do not want the House and the local officials to be voted on the same year. We want them to be on a bi-election basis because they are the officials who have local constituencies, not national constituencies. So, probably we do not want them elected on the same year. So, no matter what we do, we have to have an adjustment.

MR. DE LOS REYES: In other words, the intent in determining these different schemes is, if, for example, we decide on a six-year term for the President and Vice-President and, as the sponsor says, it will start in 1987, the term of the incumbent President and Vice-President, aside from being fixed by a constitutional mandate, would be increased by one year. Is that the idea?

MR. MONSOD: No, Madam President, at least as I understand it, the term of the incumbent President is six years, beginning from 1986. I believe that is the proposal of the Committee on Amendments and Transitory Provisions. So, it is better probably not to adjust the term of the incumbent whose term has already been vested, but adjust the terms of those who will be elected so that they know for what term they are being voted, what term they are facing. So, we adjust the terms of those who will be in the elections in 1987; instead of giving them the full 4 years, we give some 3 years and the local officials, 5 years. Then, we start synchronizing in 1992 which is the sixth year of the incumbent President and Vice-President.

MR. DE LOS REYES: Let us concretize the situation. Let us assume that we fix the term of the incumbent President and Vice-President up to June 30, 1992. How will we elect the Senators' Representatives and local officials assuming that we adopt Scheme No. I?

MR. MONSOD: In Scheme No. I, as I told Commissioner de Castro earlier, the first 8 Senators will be elected for five years, their term of office ending in 1992, simultaneous with the incumbent President; 16 Senators, the

bottom 16, will have a three-year term ending in 1990; the Members of the House will have a three-year term ending in 1990; and the local officials will have a five-year term ending in 1992. In 1990, therefore, we will have 16 Senators and the Members of the House up for election. The Members of the House, by that time, will already have their regular four-year term. The top eight Senators will serve the regular six-year term and the bottom eight will serve a four-year term. After that, all elections are synchronized.

MR. DE LOS REYES: I see. So, there will be a transitory provision which will have a different term of office prior to 1992?

MR. MONSOD: Yes, Madam President.

MR. DE LOS REYES: I see. Suppose, although the possibility is remote, that this Commission approves a proposal that the question of whether the incumbency of the President or Vice-President be submitted to the people as a separate question during the ratification of this Constitution and that there is a mandate from the people that the incumbent President and Vice-President submit themselves to an election, how will this scheme work?

MR. MONSOD: Then, we just move the base year from 1992 to 1993 and the terms will be four instead of three years, and six instead of five years for the first adjustment.

MR. DE LOS REYES: Thank you, Madam President.

MR. RAMA: Madam President, I ask that Commissioner Maambong be recognized.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Thank you, Madam President.

First of all, I would like to thank those who made this opinion survey and I am very happy for the fact that Scheme No. VII, which I tried to passionately present in the last caucus, is now included in the survey. There were several contributions made by other Commissioners to this scheme, but I really do not know if they voted on this because the voting was secret and I do not know where they went. Anyway, Commissioner Davide made a very lucid presentation of Scheme No. VII. Unfortunately, he was no longer around. The fact is that Commissioner Davide failed to indicate, and this is what I would like to get from him: Considering that there should be adjustments on the incoming term, I made some computations and it would appear that in the assumption that we will follow the date of the election as indicated in the provisions of the legislature, which means that the election would be conducted on the second Monday of May 1987 and the term of office would start on June 30, 1987, actually, the first term of the incumbent President and Vice-President, starting on February 25, 1986, would be six years, four months and five days up to June 30, 1992. Would that be correct?

MR. DAVIDE: Five years, four months and five days.

MR. MAAMBONG: That does not seem to be my computation because my computation, starting from February 25, 1986 up to June 30, 1992, shows that it would be six years, four months and five days.

MR. DAVIDE: If the second parliamentary and local elections will be on the second Monday of May 1992.

MR. MAAMBONG: Madam President, I am starting on the point of reference of the incumbent President and Vice-President with the assumption that we are not going to let her submit herself to an election. So, if we compute from February 25, 1986, her term would end on June 30, 1992 and, actually, her exact term from February 25, 1986 would be six years, four months and five days. I just want a confirmation of that.

MR. DAVIDE: That is correct, Madam President.

MR. MAAMBONG: Another adjustment would be, although Scheme No. VII refers to four years for all officials, if the election would be held on the second Monday of May 1987 and the term starts on June 30, 1987, in the first election, the Senators, Representatives and local government officials would actually have a term of five years as an adjustment, in effect, because we will be counting from June 30, 1987 up to June 30, 1992.

MR. DAVIDE: That is correct, Madam President.

MR. MAAMBONG: And then, finally, in Scheme No. VII, from the starting point of June 30, 1992 onwards, all their terms would be for four years, meaning, the President, Vice-President, Senators, Representatives and local government officials.

MR. DAVIDE: Yes, Madam President.

MR. MAAMBONG: That is all, Mr. Chairman and Madam President.

Thank you very much.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 5:28 p.m.

RESUMPTION OF SESSION

At 5:52 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

The Acting Floor Leader is recognized.

MR. ROMULO: Commissioner Rigos wants to be recognized.

THE PRESIDENT: Commissioner Rigos is recognized.

REV. RIGOS: Madam President, I just want to express some of my feelings on the issues that are before us.

I think part of our difficulty is that we try to mix, for instance, the issue of the term of the President with the issue of the frequency of elections. Perhaps, this is unavoidable, but it looks like we have to weigh the advantages or disadvantages of one over the other. Perhaps, in the long run, what we should do is to decide whether or not the term of the President will be four years or six years, and whether or not we should hold elections every two or three or four years. And if we are to consider the sentiments of the people that we have heard in the various public hearings we conducted, I think we may have to opt for a President who would not run for reelection. If we follow that route, Madam President, we may have to give him or her six years, because a four-year term will almost mean that we should agree to a reelection. So, if this issue were to be settled by the Commission, I for one would go for it, meaning, six years for the President, without immediate reelection, and later on talk about other issues, like the Senators, whether they should be allowed to have an immediate reelection or not. But whatever scheme we choose, it looks like we have to have some adjustments to make because if the proposed Constitution will be approved, we will have an election sometime next year. And we will also have an election in 1992 in case the Commission agrees on the proposed term of the incumbent President and Vice-President. On the whole, I guess I have to go for Scheme No. I as recommended.

Salamat po.

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

THE PRESIDENT: Commissioner Garcia is recognized.

MR. GARCIA: Thank you, Madam President.

The three schemes that have been presented to us have been helpful, but I believe that in order to come up with a decision, we may have to break them into parts. What I consider important are: first, the term of the President — whether it will be six years without reelection or four years with reelection; second, the term of Senators, Congressmen and the local officials and the number of reelections, and finally, and perhaps more important, are the other features that could facilitate or strengthen popular participation like the system of recall which, I think, we should try to discuss, the party list system, the multiparty system, sectoral representation and the system of initiative and referendum.

Allow me to express my thoughts on the question of the term of office then. For me, the more important thing is that we should focus our attention on how to deepen democracy. And, therefore, there are two principles I would like to share with everyone. One is the principle of no reelection in the presidency and limited reelection in the other offices. The other is the principle of popular participation which, I think, could be strengthened if we further give substance to the five measures of popular participation that I mentioned earlier.

Regarding the presidency, I think it is very clear that six years without reelection is a very important measure that we can undertake to make the person who assumes the office of the President realize that he or she only has one chance to become a good President. And I think that one opportunity is important enough so that one puts all his best within that one period, and that history will judge him and will not absolve him if he fails in that task.

Secondly, I support the frequency of election once every three years. As for reelection, Senators will have six years with only one reelection and Representatives and local officials, three years with only two reelections.

Let me explain why I am for no reelection or limited reelection. I know that some of us here have been in politics for a long time and I do not wish to offend them. But I simply think that there should be no special caste of professional politicians. It should not be a lifetime profession or a career, but rather an opportunity for public service to be broadened to as great number of people and there should be no effort to accumulate power. Accumulation of power, at one time, really brings about that desire to accumulate more, and rather than providing a structure or a setup which strengthens this trend, the alternative must be to provide structural safeguards for this kind of practice. Therefore, I would not subscribe to more than one reelection for Senators and more than two reelections for Representatives or local officials.

The features regarding popular participation are, I think, important. On the President and Senators, especially because their term is six years, I would like to ask the question: How can we make the system of recall effective? If the Senators or the President is not acting well, how will the people be able to question this kind of actuation or that person in office?

I was also made to understand that the party list system and the sectoral representation will be a topic to be discussed after we decide on the term of office. This is another question which, I think, deserves an even more time and attention on our part to be able to make this an effective tool for popular participation. Many people have spoken before me regarding the multiparty system. And I would like to support this.

Finally, on the system of initiative and referendum, I think that every three years, the election should be marked by a discussion of issues. In other words, I agree with some sentiments already expressed here on the floor that everytime we have an election, perhaps, other issues should also be on the vote so that people will be learning to vote more on principles, programs and issues rather than just on the personalities who present themselves for election.

Thank you very much.

MR. ROMULO: I ask that Commissioner Sarmiento, the last speaker, be recognized.

THE PRESIDENT: Commissioner Sarmiento is recognized.

MR. SARMIENTO: Madam President, I think all of us Filipinos are most familiar with Scheme No. VII. It was the scheme under the 1935 Constitution, as amended, and before Marcos was overthrown from his power. My question is: Does not the honorable Chairman of the Committee think that his four-year term with one reelection is dangerous because it breeds dictatorship? We have that experience under Marcos, having tasted power too long — four years and one reelection. He will only think of perpetuating himself in power and nothing more. A four-year term with one reelection is dangerous because before his term expires, his main concern will only be mending his political fences, politicking, winning the hearts of his people just to win another reelection. It has been said that one becomes a statesman only after winning the reelection. So, does not the sponsor think that this is a very dangerous scheme as shown by our historical experience?

MR. DAVIDE: Madam President, the experience that was demonstrated to us was the experience under President Marcos. With the excruciatingly painful experience we had under President Marcos, I do not think that the Filipinos can allow another dictator. Second, if we allow a six-year term for the President, the possibility of a President becoming a dictator would be more because we do not allow him a reelection. So, it may be that it would be a term dedicated for the good of the country or it may be a term for self-aggrandizement of the individual himself. But if we allow him a term of four years with one reelection, I am almost certain that the first four years, if they be years of politicking, would be politicking for good; otherwise, he will not secure a fresh mandate in his reelection bid.

MR. SARMIENTO: I have nothing against Scheme No. II because I voted for it. I think this is the best compromise between Scheme No. VII and Scheme No. I. May I address my question to the proponent of Scheme No. I? I think he has left already. Anyway, my comment is this: I think Scheme No. I will not be beneficial to all of us because it would mean elections every two years, and that will not be good for our economy. As a matter of fact, our colleague, Commissioner Villegas, in one of his speeches, said that it will take us five to ten years to recover because of our debt problems, and because the economy is in shambles, according to Commissioner Monsod. So, Scheme No. II is the best compromise that we can have.

Thank you.

MR. ROMULO: There are no more speakers, Madam President. I suggest that we suspend the session so we can settle how the questions will be posed tomorrow and in what manner.

THE PRESIDENT: Is the Acting Floor Leader asking for a suspension?

MR. ROMULO: Yes, Madam President.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended for a few minutes.

It was 6:06 p.m.

RESUMPTION OF SESSION

At 6:10 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

The Acting Floor Leader is recognized.

MR. ROMULO: The voting system that was agreed upon, Madam President, is as follows: The first step will be a process of elimination. We will vote on the three schemes, and if one scheme gets a majority vote, then, of course, that is the scheme to be considered by the body; otherwise, the scheme with the lowest vote will be eliminated. And then we will vote again on the remaining two. After we vote on the winning scheme, then we will go into the various elements of that scheme, meaning, whether the President will have an immediate reelection, no reelection, etc.

The party list will be taken up tomorrow also after the voting, because there is a big group here interested in it.

So, I move that we adjourn until tomorrow at nine-thirty in the morning.

ADJOURNMENT OF SESSION

THE PRESIDENT: The session is adjourned until tomorrow at nine-thirty in the morning, and in what manner.

It was 6:11 p.m.

[*] Appeared after the roll call.

ABOUT BATAS.ORG

Study smarter at BATAS.org

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

The complete Philippine law library - free for everyone.

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

Audio case-brief lectures.

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

Bar review built on the science of memory.

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

The full law-school curriculum.

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

Mock exams that tell you where you stand.

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

A study planner that keeps you on pace.

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

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

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

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

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