

JOURNAL NO. 39

VOL. I, July 25, 1986

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Friday, July 25, 1986

CALL TO ORDER

At 9:41 a.m., the President of the Constitutional Commission, the Honorable Cecilia Muñoz Palma, called the session to order.

NATIONAL ANTHEM AND PRAYER

The National Anthem was sung followed by a prayer led by Mr. Rene V. Sarmiento, to wit:

"Give thanks to the Lord, for He is good for His mercy endures forever;

Give thanks to the God of gods, for His mercy endures forever;

Give thanks to the Lord of lords, for His mercy endures forever."

Psalm 136: 1-3

Almighty and Ever-loving Father, our Mighty Protector and Fortress, we thank You for the countless graces and blessings You faithfully give us, as we, in this hallowed assembly, work day and night to draft our people's Constitution. In particular, we thank You for the joys we experience as we interact with our colleagues and share ideas with them; we thank You for the patience You bestow upon us as we perform diligently and enthusiastically our noble task; we thank You for the support we receive from the Secretariat without whose untiring help and experience our work will be difficult; we thank You for the life You have generously given us so that we can, with all our virtues and weaknesses, humbly serve not the mighty and powerful but the least of our brethren, the thirsty, the hungry, the sick, the prisoners, and the naked.

As we thank You today for Your love and mercy, we ask You for Your wisdom so that in the framing of our people's Charter we will do what is right in Your sight, and do it without fear or vacillation. Guide us to place in our Constitution provisions that will, for generations to come, give happiness to our fellowmen, hope to our youth, security to our fathers and mothers, confidence to our farmers and fishermen, optimism to our workers and assurance to our prisoners.

When, in the appointed time, our task is finished, may we, alone or in the company of our loved ones, rejoice in the thought that we have done our best for Your glory and for the lasting peace, prosperity and progress of our country.

All these we pray in Jesus' name, Amen.

ROLL CALL

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

Azcuna, A. S. Muñoz Palma, C.
Bacani, T. C. Rama, N. G.
Bengzon, J. F. S. Regalado, F. D.
Bennagen, P. L. De los Reyes, R. F.
Bernas, J. G. Rigos, C. A.
Rosario Braid, F. Rodrigo, F. A.
Brocka, L. O. Romulo, R. J.
Calderon, J. D. Rosales, D. R.
De Castro, C. M. Sarmiento, R. V.
Concepcion, R. R. Suarez, J. E.
Davide, H. G. Sumulong, L. M.
Foz, V. B. Tadeo, J. S. L.
Guingona, S. V. C. Tan, C.
Jamir, A. M. K. Tingson, G. J.
Maambong, R. E. Treñas, E. B.
Nieva, M. T. F. Uka, L. L.
Nolledo, J. N. Villacorta, W. V.
Padilla, A. B.

With 35 Members present, the Chair declared the presence of a quorum.

The following Members appeared after the Roll Call:

Abubakar, Y. R. Lerum, E. R.
Alonto, A. D. Monsod, C. S.
Aquino, F. S. Natividad, T. C.
Colayco, J. C. Ople, B. F.
Garcia, E. G. Quesada, M. L. M.
Gascon, J. L. M. C. Villegas, B. M.
Laurel, J. B.

READING AND APPROVAL OF THE JOURNAL

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

REFERENCE OF BUSINESS

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

REFERRAL TO COMMITTEES OF COMMUNICATIONS

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

Communication No. 310 — Constitutional Commission of 1986

Letter from Mr. Augusto L. de Leon, President of RFM Corporation, of Pioneer St. Pasig, Metro Manila, suggesting a constitutional provision for foreign infrastructure investment, allowing foreign investors to invest in government-approved infrastructure

TO THE COMMITTEE ON THE NATIONAL ECONOMY AND PATRIMONY

Communication No. 311 — Constitutional Commission of 1986

Draft constitution submitted by the National People's Forum entitled — An Alternative Filipino Constitution

TO THE STEERING COMMITTEE

Communication No. 312 — Constitutional Commission of 1986

Letter from Mr. Paterno S. Garcia of 3822 Daffodil Street, Sun Valley, Parañaque, Metro Manila, proposing a constitutional provision on the development of a national language

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 313 — Constitutional Commission of 1986

Letter from the Solidarity of 531 Padre Faura, Manila, requesting appropriate action on the proposal concerning "Constitution Framers Urged to Adopt Decentralization Proviso"

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 314 — Constitutional Commission of 1986

Letter from Mr. Alberto T. Lustestica of Pangpang, Sorsogon, Sorsogon, proposing a provision in the new charter banning from any elective post those next of kin of public officials to avoid the propagation of "Political Dynasties" and warlordism.

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Communication No. 315 — Constitutional Commission of 1986

Letter from Pastor Cornelio R. Dalisay of the Philippine Evangelical Mission, Inc., submitting various proposals for the consideration of the Constitutional Commission

TO THE STEERING COMMITTEE

Communication No. 316 — Constitutional Commission of 1986

Letter from Judge Alex L. Macalawi, Municipal Circuit Trial Court, Balindong, Lanao del Sur, urging proposal to incorporate in the Article on the Bill of Rights in the new Constitution that detention prisoners shall be compensated upon acquittal by the government corresponding to the number of days of his detention.

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 317 — Constitutional Commission of 1986

Communication from the Bulacan Social Action Movement, 844 Paseo De F. Estrella, Barangay San Juan, Malolos, Bulacan, signed by its Secretary-General, Tirso G. Robles, Jr., proposing a provision which would require the legislature to enact laws on "socialized medicine"

TO THE COMMITTEE ON THE LEGISLATIVE

Communication No. 318 — Constitutional Commission of 1986

Letter from Mr. Eduardo Salas of 2271 F. B. Harrison St., Pasay City, and Atty. Joveno Angel of 170 Villaruel St., Pasay City, submitting, among others, proposals that the election of the President, Vice-President and other elective national officials should be based on equal geographical representation

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 319 — Constitutional Commission of 1986

Letter from Ricardo L. Magno of Mangaldan, Pangasinan, stressing the need to create the People's Consultative Council to give life and meaning to an effective involvement of the citizens in government affairs

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

Communication No. 320 — Constitutional Commission of 1986

Letter from Datu Ebrahim Bakar of Kabuntalan, Maguindanao, suggesting some qualifications of candidates for mayors, vice-mayors, barangay captains, among others

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 321 — Constitutional Commission of 1986

Communication from the Sangguniang Panglungsod of the City of Puerto Princesa requesting the Constitutional Commission to abolish the component city classification

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 322 — Constitutional Commission of 1986

Letter from Mr. Jorge C. Magno, Local Government Officer I, c/o Ministry of Local Government, Region III, San Fernando, Pampanga, suggesting, among others, that the compulsory retirement age be reduced from 65 to 60 years old

TO THE COMMITTEE ON CONSTITUTIONAL COMMISSIONS AND AGENCIES

Communication No. 323 — Constitutional Commission of 1986

Communication from Messrs. Florencio L. Garcia, Jesse P. Gemora, and Eugenio H. Cadelina and residents of Bacolod City, Negros Occidental, requesting the adoption of a provision on Old Age Pension

TO THE COMMITTEE ON SOCIAL JUSTICE

Communication No. 324 — Constitutional Commission of 1986

Letter from Mr. D. M. Niere, President of the Central Philippines Union Mission of Seventh Day Adventists, Cebu City, urging the separation of church and state and the teaching of religion primarily as an individual and church function

TO THE COMMITTEE ON GENERAL PROVISIONS

Communication No. 325 — Constitutional Commission of 1986

Letter from Mr. Allan G. Wawie of La Trinidad, Benguet, expressing his hope for the establishment of a Cordillera Autonomous Region, among others

TO THE COMMITTEE ON LOCAL GOVERNMENTS

Communication No. 326 — Constitutional Commission of 1986

Communication from the Society of Philippine Sculptors, Penthouse, Labrador Bldg. 435 Remedios St., Malate, Manila, proposing the creation of a national art institution, among others

TO THE COMMITTEE ON HUMAN RESOURCES

Communication No. 327 — Constitutional Commission of 1986

Communication from Mr. Jose P. Gatus of Bulua, Cagayan de Oro City, containing constitutional proposals on the structure of government, patrimony of the country, and productivity and land reform

TO THE STEERING COMMITTEE

Communication No. 328 — Constitutional Commission of 1986

Letter from Mr. Ponciano M. Ponce, one of the nominees for the Constitutional Commission, of 1837 Isagani St., cor. Cavite St., Blumentritt, Sta. Cruz, Manila, urging the consideration of his thesis on People's Power Movement, entitled: Ang Pamahalaan At Ang Kapangyarihan Ng Tao Sa Pilipinas: Isang Pag-aaral, copy of which was enclosed in his nomination paper submitted to the Secretariat

TO THE STEERING COMMITTEE

Communication No. 329 — Constitutional Commission of 1986

Resolution of the Manila Archdiocesan and Parochial Schools Association (MAPSA) signed by Bishop Manuel C. Sobreviñas, Chairman, MAPSA Executive Board, submitted thru the Honorable Teodoro C. Bacani, requesting the Constitutional Commission to provide (1) tax exemption of private schools, (2) optional religious instruction in public schools, and (3) optional military training in public and private schools

TO THE STEERING COMMITTEE

MOTION OF MR. RAMA

On motion of Mr. Rama, there being no objection, the Body proceeded to the voting on proposed Scheme Nos. I, II and VI.

MANIFESTATION OF MR. ROMULO

At this juncture, Mr. Romulo manifested that the first step in the voting would involve an elimination from Scheme Nos. I, II and VII and if none would get the majority, the scheme with the least number of votes would be dropped; the second stage would be a voting on the two schemes with the highest number of votes after which the

Body would proceed to the separate elements of the scheme finally chosen by voting on such questions as whether the President, the Vice President, the Senators or local officials shall be or shall not be allowed reelection.

COMMENT OF MR. DE CASTRO

At this juncture, commenting on the proposed Schemes, Mr. de Castro stated that under Scheme No. I there would be elections in 1991 and 1992 and an election every four years thereafter while under Scheme No. II, with a little adjustment in the period of election for the senatorial lineup, there would be an election every three years. He opined that an election every three years would be the most ideal setup considering that more money would be spent for frequent elections.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 9:57 a.m.

RESUMPTION OF SESSION

At 10:16 a.m., the session was resumed.

CORRECTIONS AND COMMENTS ON THE JOURNAL

Upon resumption of session, on motion of Mr. Davide, there being no objection, the Body reconsidered the approval of the Journal of the previous session and corrected page 411, column 2, paragraph 3, line 1 thereof by changing "Mr. Davide" to MR. SARMIENTO in the clause "Mr. Davide stated Scheme No. 1".

On Mr. Ople's inquiry on the course of action that may be taken in case of minor errors in the Journal, the Chair stated that minor errors may be referred to the Secretariat but substantial errors shall be referred to the Body.

On motion of Mr. Maambong, the Body also approved the following corrections in the Journal of the previous session: on page 404, column 2, paragraph 3, line 3 under INQUIRY OF MR. MAAMBONG, after "Public Officers", change "and" to OF; on page 405, column 1, paragraph 5, line 4, insert BE between "can" and "held"; on paragraph 6, line 3, delete "member"; and on line 4, substitute "member who" with COMMITTEE WHICH.

At this juncture, the Chair stated that in view of the length of the Journal, in order to give ample time to the Members to read it, its approval on the day of distribution shall carry a reservation for corrections to be made the following day.

Thereupon, Mr. Guingona made a reservation to correct the Journal of the previous session, in reply to which the Chair stated that the correction be made in writing.

At this juncture, Mr. Padilla suggested that for clerical errors and minor inaccuracies, the Members may take it up with the Secretariat instead of making manifestations on the floor which can eat up the time of the Commission.

The Chair stated that it had so indicated, provided the Chair is also informed of the proposed corrections in writing.

APPROVAL OF THE JOURNAL AS CORRECTED

On motion of Mr. Rama, there being no objection, the Body approved the Journal of the previous session, as corrected.

COUNTING OF THE VOTES

The Chair then directed the Secretary-General to count the votes cast on the proposed Schemes for the term of office. Thereafter, the Secretary-General informed that 42 votes had been cast.

RESULT OF THE VOTING

The result of the voting was as follows:

With 8 Members voting for Scheme No. I, 27 for Scheme No. II and 7 for Scheme No. VII, Scheme No. II was approved by the Body.

By way of recapitulation, Mr. Romulo stated that under Scheme No. II, the President and Vice-President shall have a term of 6 years; Senators, 6 years; Representatives, 3 years; and Local Officials, 3 years. He also stated that under this Scheme, the frequency of election shall be every 3 years.

REMARKS OF MR. DE CASTRO

Mr. de Castro stated that under Scheme No. II, the local officials will be elected initially for five years and the Senators shall be in two groups with the first group to be elected for a term of three years, while the second group for six years. He stated that after 1992, the terms stated in Scheme No. II will apply and that the frequency of elections will be every three years thereafter.

Mr. Romulo confirmed that what Mr. de Castro manifested will be the consequence of the application of Scheme No. II.

MOTION OF MR. ROMULO

Thereupon, as to how the Body may proceed, Mr. Romulo suggested that with respect to the office of the President, for instance, the Body act on a motion that the term be for 6 years without reelection, which motion may be subject to amendments before the Body acts on it. He stated that the same procedure could be adopted for the other offices.

In reply, the Chair stated that Mr. Romulo may proceed.

Thereupon, Mr. Romulo moved, with Mr. Davide seconding, that the term of the President shall be six years "without immediate reelection".

Mr. Garcia suggested that the question on whether it should be "without reelection" be first resolved before considering "without immediate reelection", to which Mr. Romulo agreed.

In reply to Mr. Bacani's query on whether word reelection" means that the President can never be reelected, Mr. Romulo explained that it means the President is absolutely barred from running for reelection.

Thereafter, after several suggestions as to what alternative should be presented first, Mr. Romulo manifested that, following the logical sequence, he was reiterating his motion for a six-year term for the President with "no immediate reelection" as the first alternative proposal.

Thereupon, the Body voted on the first alternative and thereafter on the other alternatives indicated in the results of the voting, to wit:

RESULT OF THE VOTING

Alternative No. 1 — six-year term without immediate reelection

in favor: 32

against: 5

Alternative No. 2 — six-year term without reelection

in favor: 15

against: 21

Alternative No. 3 — six-year term with one reelection

in favor: 1

against: 20

With 32 Members voting in favor and 5 against Alternative No. 1 for a six-year term without immediate reelection was approved by the Body.

VOTING ON THE TERM OF THE VICE-PRESIDENT

Mr. Romulo stated that the voting on the term of the Vice-President shall follow the same procedure based on the same alternatives.

Mr. de los Reyes, however, proposed a six-year term without limit to reelection as another alternative.

RESULT OF THE VOTING

Thereupon, the Body voted on Mr. de los Reyes' proposal as the first alternative (six-year term without limit to reelection), with 22 members voting in favor and 8 against.

Mr. Bengzon noted that the Vice-President in this case would have unlimited right to run for reelection as Vice-President and also the right to run for President.

In view of the results of the voting on Mr. de los Reyes' alternative, upon the suggestion of Mr. Romulo, the Body agreed that there was no need to take a vote on the other alternatives.

At this juncture, Mr. Rodrigo raised the problem whether the Vice-President who succeeds as President on account of the death or incapacity of the latter would have the right to run for reelection in the next succeeding election. He adverted to the United States Constitution which provides that "no person who has held the office of President, or acted as President for more than two years of a term, to which some other person was elected President, shall be elected to the office of President more than once". He suggested that said provision can be adopted in modified form, to read:

No person who has held the Office of President or acted as President for more than three years of a term, to which some other person was elected President, shall be elected to the Office of the President in the next succeeding election.

Mr. Rodrigo then moved that the provision be incorporated in the Article on the Legislative Department. He explained that should the Vice-President succeed to the Presidency with less than three years left of the unexpired term, he can run for she position but should he succeed with three or more than three years still left of the

unexpired term, he shall be barred from running. He noted that a Vice-President who acts as President for more than three years would have enough time to consolidate and use the powers of the Presidency to assure his election.

The Chair suggested that Mr. Rodrigo put his proposal in writing. Mr. Maambong noted that the proposal should be submitted to the Committee on the Executive and should be taken up when the Body considers the provisions of the Article on the Executive.

Mr. Monsod reacting to the proposal of Mr. Rodrigo, suggested that should the Vice-President succeed to the Presidency during the first three years of that term, a special election should be held inasmuch as there would be elections every three years. He noted that this election will give the new President his own mandate for the next six years.

RECONSIDERATION OF THE VOTE ON THE TERM OF THE VICE-PRESIDENT

At this juncture, Mr. Garcia requested for reconsideration of the vote on the term of the Vice-President on the ground that a number of Members took the vote rather lightly. He stated that a more important principle is at stake which is the principle of unlimited reelection for a public official who can view that office almost as a property right. He noted that it is a principle which has been rejected by many people in many public hearings conducted by the Commission.

Mr. de los Reyes objected to the motion for reconsideration on the ground that Mr. Garcia voted against the proposal. He pointed out that under the Rules, only the Members who voted in favor could present a motion for reconsideration.

The Chair stated that the matter would be taken up later.

At this juncture, Mr. Guingona asked for a ruling of the Chair. He stated that Commissioner Garcia would not be qualified to ask for reconsideration because he did not vote for the proposal since he abstained.

The Chair stated that under the Rules one had voted in favor could seek reconsideration. The Chair, however, declined to make a ruling and asked that the Body proceed to vote on the term of Senators.

REMARKS OF MR. DE CASTRO

Mr. de Castro noted that the Body had approved Scheme No. II whereby the Senators would be divided into two groups consisting of 12 Senators conformably with the interval of three years between elections. He observed that in 1992 simultaneous elections will be held for President, Vice-President, Senators and local officials and that the terms of the President and Vice-President will coincide with the term of the first batch of 12 Senators which will end in 1998 while the term of the second batch of Senators will expire in 1995. He stated that thereafter elections will be held every three years.

VOTING ON THE TERM OF SENATORS

At this juncture, Mr. Romulo stated the proposed alternative terms for Senators, to wit:

Alternative No. 1 — a six-year term without reelection or an absolute bar to reelection

Alternative No. 2 — a six-year term with one immediate reelection

Alternative No. 3 — a six-year term without immediate reelection

Alternative No. 4 — a six-year term without limit to reelection

RESULT OF THE VOTING

The results of the voting on the four alternatives were as follows:

SUSPENSION OF SESSION

Alternative 1 — a six-year term without reelection

in favor: 5

against: 21

Alternative 2 — a six-year term with one immediate reelection

in favor: 8

against: 18

Alternative 3 — a six-year term without immediate reelection

in favor: 9

against: 18

Alternative No. 4 — a six-year term without limit to reelection

in favor: 18

against: 17

SUSPENSION OF SESSION

The Chair suspended the session.

It was 11:08 a.m.

RESUMPTION OF SESSION

At 11:28 a.m., the session was resumed.

VOTING ON THE TERM OF SENATORS

Upon resumption of session, on motion of Mr. Monsod, there being no objection, the Body proceeded to vote on the term of Senators on the basis of just three alternatives, namely: 1) without reelection, 2) with one reelection, and 3) without limit to reelection, with each Member casting a ballot for the alternative of his choice.

RESULT OF THE VOTING

With 3 Members voting for Alternative No. 1, 22 for Alternative No. 2, and 17 for Alternative No. 3, the Chair declared Alternative No. 2 approved by the Body.

VOTING ON THE TERM OF REPRESENTATIVES

Thereafter, the Body proceeded to consider the term for Representatives.

At this juncture, Mr. Guingona suggested an additional scheme which would allow two reelections for Representatives.

Likewise, Mr. de los Reyes suggested another scheme that would allow three reelections in order to allow the Representatives a maximum of 12 years which would put them at par with Senators on the possible maximum term of 12 years.

Reacting thereto, Mr. de Castro discounted the possibility that Senators would have a longer term since both will have an initial five-year term.

Thereupon, Mr. Romulo stated that the Body would vote from among the five Alternatives, to wit:

Alternative No. 1 — without reelection

Alternative No. 2 — with 1 reelection

Alternative No. 3 — with 2 reelections

Alternative No. 4 — with 3 reelections

Alternative No. 5 — no limit on reelection

Mr. Monsod suggested that the Body vote only on the three alternatives, namely: 1) without reelection, 2) with reelection, and 3) with unlimited reelection, which suggestion he later withdrew.

Mr. Garcia suggested that after voting on the five alternatives, the Body vote again on the two alternatives with the highest number of votes in order to get a clear majority.

The Chair agreed to the suggestion.

Thereupon, the Body voted on the five alternatives.

RESULT OF THE VOTING

The result of the voting was:

Alternative No. 1 — without reelection — 0

Alternative No. 2 — with one reelection
— 2

Alternative No. 3 — with two reelections
— 21

Alternative No. 4 — with three reelections
— 14

Alternative No. 5 — no limit on reelection
— 6

At this juncture, in reply to Mr. Rodrigo's inquiry, Mr. Davide stated that under the approved Alternative No. 3 which allows two consecutive reelections, the Representatives cannot serve beyond nine consecutive years, but he can run again after hibernating for three years.

Mr. Davide, however, sought the opinion of Mr. Garcia who, as proponent of Alternative No. 3, stated that he would prefer that only two reelections would be allowed, after which the Representative should be prohibited from running for the office. Mr. Garcia suggested that the matter be submitted to a vote to which suggestion Mr. Davide agreed.

At this juncture, responding to the Chair's query for any other comment on the matter, Mr. de Castro pointed out that since the Representatives would be allowed a maximum of nine years, there should be only one reelection because their initial term would be five years, thus allowing them two reelections would give a total of more than nine years.

Replying thereto, Mr. Davide stated that the matter raised by Mr. de Castro could be reconciled by the Committee on Transitory Provisions and the Committee on the Executive.

At this juncture, Mr. Bacani noted that the result of the voting showed that there was no absolute majority, in response to which Mr. Monsod suggested a runoff voting on Alternatives No. 3 and No. 4.

Mr. Maambong opined that the requirement of absolute majority applies only to instances where there is only one issue to resolve, to which the Chair replied that the Commission is guided by the understanding among its Members.

Thereafter, submitted to a vote, and with 27 Members voting in favor of Alternative No. 3 and 12 voting in favor of Alternative No. 4, the Chair declared Alternative No. 3 approved by the Body.

Mr. Guingona inquired whether the Body could be clarified on the interpretation of Alternative No. 419 to which the Chair replied that the Committee on the Legislative had been directed to make a study in order that it could come up with one interpretation.

On Mr. Maambong's inquiry, Mr. Davide affirmed that the decisions adopted by the Body would be translated into provisions of the Constitution.

VOTING ON THE TERMS OF LOCAL OFFICIALS

With respect to local officials, Mr. Nollado, informed that the Committee on Local Governments had not decided on the term of office for local officials and suggested that the Body decide on the matter.

On Mr. Guingona's suggestion that the number of Alternatives be reduced to three, Mr. Romulo stated that there were Members who preferred to maintain the five options.

On Mr. Bacani's inquiry regarding local officials, Mr. Davide explained that local officials would include the governor, vice-governor and the members of the provincial board; the city mayor, city vice-mayor and members of the city board; and the municipal mayor, municipal vice-mayor and members of the municipal council. He stated that barangay officials would be governed by special law, to which Mr. Nollado agreed.

On Mr. Maambong's contention that since the barangay is already provided for in the Local Government Code, a special law therefor would not be necessary, Mr. Nollado stated that it was the sense of some members of the Committee on Local Governments to have a separate provision on the barangay.

At this juncture, the Chair suggested that the matter be taken up during the consideration of the Article on Local Governments, to which Mr. Maambong agreed.

RESULT OF THE VOTING

Thereupon, the Body voted on the term of office of local officials and with no Member voting in favor of Alternative No. 1, 3 in favor of Alternative No. 2, 30 in favor of Alternative No. 3, 3 in favor of Alternative No. 4, and 3 in favor of Alternative No. 5, the Chair declared Alternative No. 3 (with two reelections) approved by the Body.

MOTION TO VOTE ON THE PROPOSALS RELATIVE TO ALTERNATIVE NO. 3

In reply to Mr. Guingona's query on whether the Committee had decided on the interpretation of "two reelections", Mr. Davide suggested that the matter be submitted to a vote.

Thereupon, Mr. Romulo moved for a vote on whether Alternative No. 3 as proposed by Mr. Garcia, would allow a local official three terms, after which he would not be allowed to seek any reelection; or whether, as interpreted by Mr. Davide, it would mean that after two successive reelections or a consecutive period of nine years, he could run for reelection after the lapse of three years.

Mr. Monsod observed that the two interpretations would have serious implications, so that the Members should be given some time to consider the matter.

In view thereof, Mr. Romulo withdrew his motion, which he said, could be presented after the lunch break.

Thereupon, Mr. Guingona suggested that one Member be allowed to explain each proposal, to which the Chair agreed.

RESTATEMENT OF THE PROPOSALS

Mr. Garcia reiterated that the local officials could be reelected twice, after which, they would be barred from ever running for reelection.

On the other proposal, Mr. Davide, on behalf of the Committee, stated that local officials after two reelections would be allowed to run for reelection after the lapse of three years.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session until two-thirty in the afternoon.

It was 12:23 p.m.

RESUMPTION OF SESSION

At 2:51 p.m., the session was resumed.

MANIFESTATION OF MR. ROMULO

Upon resumption of session, Mr. Romulo manifested that the Body would proceed to the consideration of two issues on the term of Representatives and local officials, namely: 1) Alternative No. 1 (no further reelection after a total of three terms), and 2) Alternative No. 2 (no immediate reelection after three successive terms).

SPONSORSHIP REMARKS OF MR. GARCIA ON ALTERNATIVE NO. 1

Mr. Garcia stated that he was advocating Alternative No. 1 on four grounds: 1) to prevent monopoly of political power because the country's history showed that prolonged stay in public office could lead to the creation of entrenched preserves of political dynasties; 2) to broaden the choice so that more people could be enlisted to the cause of public service; 3) no one is indispensable in running the affairs of the country and that reliance on personalities would be avoided; and 4) the disqualification from running for reelection after three terms would create a reserve of statesmen both in the local and national levels.

He added that the turnover in public office after nine years would ensure the introduction of new ideas and approaches. He stressed that public office would no longer be a preserve of conservatism and tradition, and that public service would no longer be limited to those directly holding public office, but would also include consultative bodies organized by the people.

INQUIRY OF MR. REGALADO

In reply to Mr. Regalado's query whether the three terms need not be served consecutively, Mr. Garcia answered in the affirmative.

SPONSORSHIP REMARKS OF MR. MONSOD ON ALTERNATIVE NO. 2

Mr. Monsod stated that while the new Constitution would recognize people power because of a new awareness, a new kind of voter and a new kind of Filipino, at the same time, it pre-screens the candidates among whom the people would choose by barring those who would have served for nine years from being reelected. He opined that this would actually require an additional qualification for office to a certain number of people.

He stressed that, while the stand of the Commission is to create a reserve of statesmen, their future participation is actually limited to some areas and only for a certain period of time. He added that it is not for the Commission to decide on the future of our countrymen who may have more years ahead of them to serve the country.

INQUIRY OF MR. BENGZON

On Mr. Bengzon's inquiry whether the result of the voting held in the morning session would also mean that a senator would be barred from reelection after staying in office for twelve years, Mr. Monsod pointed out that the reason for the debate is precisely to clarify and finally decide on the matter.

At this juncture, the Chair informed that Mr. Davide would consolidate the results of all the votings.

SUGGESTION OF MR. PADILLA

Thereafter, Mr. Padilla suggested that the Body decide separately on the terms of the Senators, Representatives and local officials because of the variance in their situations, to which Mr. Monsod agreed.

Mr. Rodrigo stated that should the Body proceed to distinguish the Members of the Legislature from local officials, it might as well distinguish one set of local officials from another, like the governors from the vice-governors and members of the provincial boards from other local officials.

The Chair stated that it would be better for the Body to confine itself to the report of the Committee on the Legislative, and with respect to the local officials for the Body to wait for the report of the Committee on Local Governments.

Mr. Rodrigo opined that matters relating to local officials should be left to the Legislature.

On Mr. Rodrigo's query whether the two proponents would agree to confine the discussions to the term of Representatives, Mr. Davide agreed that the discussion should relate only to Representatives.

INQUIRY OF MR. OPLE

On Mr. Ople's query whether the Body is already abandoning the task of synchronizing the elections, Mr. Romulo stated that in a way it is, because the issue of synchronization could be settled only after the Body has decided on the absolute terms.

In reply to Mr. Ople's query on whether it is the wish of the proponent to eliminate local elections from the consideration of the two choices presented, Mr. Romulo stated that it is the sense of the Body to limit the choice to the House of Representatives. He confirmed, however, that the manifestations of Messrs. Garcia and Monsod stand even with the elimination of the local officials.

Thereupon, speaking in support of Mr. Monsod's manifestation, Mr. Ople expressed apprehension over the Body's exercise of some sort of omnipotent power in disqualifying those who will have served their tasks. He opined that the Commission had already taken steps to prevent the accumulation of powers and prerequisites that would permit officials to stay on indefinitely and to transfer them to members of their families. He opined, however, that perpetual disqualification would deprive the people of their freedom of choice. He stated that the Body had already succeeded in striking a balance on policies which could ensure a redistribution of opportunities to the people both in terms of political and economic power. He stated that Philippine politics had been unshackled from the two-party system, which he said was the most critical support for the perpetuation of political dynasties. Considering that such achievement is already a victory, Mr. Ople stated that the role of political parties should not be despised because the strength of democracy depends on how strong political parties are, that a splintering thereof will mean a great loss to the vitality and resiliency of democracy.

Mr. Ople reiterated that he was against perpetual disqualification from office.

INQUIRY OF MR. DE CASTRO

In reply to Mr. de Castro's inquiry on the mechanics of Alternative No. 1, Mr. Garcia stated that a Senator shall have a maximum of twelve years while a Representative shall have a maximum of nine years. However; for the first election which shall be fixed by law, he stated that the Commission on Elections shall make the necessary adjustments for purposes of synchronizing the elections as well as for the purpose of transition.

Regarding the adjustments to be made by the Commission on Elections, Mr. Garcia explained that adjustments have to be made to make sure that the term will not exceed nine years, otherwise, one or two years will have to be added or subtracted depending on how adjustments could be made.

MR. GARCIA'S RESPONSE TO MR. OPLE'S STATEMENTS

Mr. Garcia stated that there are two principles involved in Alternative No. 1: 1) the recognition of the ambivalent nature of political power, and 2) the recognition of alternative forms of public service. He stated that it is important to remember the lessons learned from the recent past; that public service is service to the people and not an opportunity to accumulate political power, and that a prolonged stay in public office brings about political dynasties or vested interests. Regarding political parties, he stated that it will encourage the constant renewal of blood in party leadership, approach, style and ideas. He opined that this is very healthy for a pluralist and multi-party democracy.

On the recognition of alternative forms of public service, Mr. Garcia stressed that public service could be limited to public office since many good leaders who were in the streets and in jail fought against the dictatorship. He stressed that public service would also mean belonging to consultative bodies or people's councils which brought about new forms of service and leadership.

REMARKS OF MR. ABUBAKAR

Mr. Abubakar stated that in any democracy the voice of the people is the voice of God. He stated that if the people want to elect a representative to serve them continuously, the Commission should not arrogate unto itself the right to decide what the people want. He stated that in the United States, a Senator had served for 30 years.

He questioned the Commission's right to determine the number of years a representative shall serve his district and constituents. He stated that the temperament of the people in a place cannot be determined unless one is from that place.

He stressed that the people themselves should be left to decide how long their elected leaders shall stay in office to serve them.

REMARKS OF MS. TAN

Mr. Tan stated that too much importance is given to local officials and proof of their significance was during martial law. She asked where were they, since only a few were in the resistance fighting Marcos.

ALTERNATIVE NO. 2

At this juncture, the Chair manifested that the Body was through with Alternative No. 1.

Thereupon, on motion of Mr. Romulo, Ms. Aquino was recognized to comment on Alternative No. 2.

REMARKS OF MS. AQUINO

Ms. Aquino stated that she differs from the views advanced by Mr. Garcia and Ms. Tan, although she stated that they spoke of the same premises. She stated that she agrees with them that leaders need not be projected and developed publicly in an election as leaders are better tempered and tested in the various forms of mass struggles and organized work. She stated that if the people are to be encouraged to have their own sense of responsibility in national leadership, what ultimately matters is the political determination of the citizenry to chart their own national destiny. She opined that the Body should allow the people to exercise their own sense of proportion and imbibe the salutary effects of their own strength to curtail power when it overreaches itself. She stressed that in the final analysis, the Commission cannot legislate into the Constitution the essence of new politics as it is a chastening experience of learning and unlearning. Adverting to Mr. Garcia's statement that politics is an imperfect art, she stated that the Commission could correct politics with all its imperfections and flaws by a constitutional provision. She opined that perpetual disqualification cannot provide the cure. She maintained that perpetual disqualification is, at best, a palliative which could also be counter-productive, in the sense that it could effectively foil the possibilities of real public service.

REMARKS OF MR. BACANI

Mr. Bacani stated that when the Body granted the illiterates the right to vote and that proposals were made to empower the people to engage in the legislative process, the Body presupposed the political maturity of the people. He observed that in this instance, political maturity is denied with the constitutional bar for reelection. He

opined that the Body should stick to the premise that the people are politically mature.

REJOINDER OF MR. GARCIA

By way of rejoinder to Mr. Bacani's statements, Mr. Garcia stated that the proposal was basically premised on the undue advantage of the incumbent in accumulating power, money, party machine and patronage and not on lack of trust in the people.

Mr. Garcia stated that politics is not won by ideals alone but by solid organized work by organizations. He stated that with three terms, an official would have served the people long enough.

QUERY OF MR. COLAYCO

In reply to Mr. Colayco's query on whether the disqualification under Alternative No. 2 would include the immediate members of the official's family, Mr. Davide stated that it is a personal disqualification.

VOTING ON THE TWO ALTERNATIVES

Thereafter, the Body proceeded to vote by ballot on the two alternatives.

At this juncture, Mr. Gascon sought clarification from the Chair whether the balloting was on the term of Representatives. In reference to the term of Senators, he queried whether after serving two consecutive terms or twelve years, they could run for reelection after the lapse of a period of time. He noted that this matter had not yet been settled by the Body.

The Chair stated that the balloting would be on the term of Representatives and that the term of Senators had been settled earlier.

RESULT OF THE VOTING

The result of the voting was as follows:

Alternative No. 1 (no further election after three successive terms) — 17 votes

Alternative No. 2 (no immediate reelection after three successive terms) — 26 votes

With 17 votes in favor of Alternative No. 1 and 26 in favor of Alternative No. 2, the Chair declared Alternative No. 2 approved by the Body.

VOTING ON THE TERM OF SENATORS

Thereafter, Mr. Romulo proposed that the Body vote on the term of the Senators. He remarked that it was his understanding when the Body voted on the term of Senators that they will be perpetually disqualified from running for reelection after serving two consecutive terms.

In reply to the Chair's inquiry whether the Body would again vote on the matter, Mr. Romulo stated that the question was whether the disqualification would be perpetual or whether the Senator could run for reelection after a lapse of six years after serving two consecutive terms.

Mr. Rodrigo commented that the approved scheme, if not clarified, can be interpreted to mean that the Senator would be perpetually barred or that he could, after hibernating for six years, run for reelection.

Mr. Rigos stated that should the Senator be allowed to run for reelection after a period of hibernation, the Body

should clarify how long that should be inasmuch as the scheme provides for senatorial elections every three years.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 3:58 p.m.

RESUMPTION OF SESSION

At 4:05 p.m., the session was resumed.

Mr. Romulo stated that the Body would vote on the two schemes, to wit:

Scheme No. 1 — no further election after two terms

Scheme No. 2 — no immediate reelection after two successive terms

Thereafter, the Body proceeded to vote on the two schemes.

RESULT OF THE VOTING

The result of the voting was as follows:

Scheme No. 1. (no further election after two consecutive terms) — 12 votes

Scheme No. 2. (no immediate reelection after two successive terms) — 32 votes

INQUIRY OF MR. GASCON

In reply to Mr. Gascon's query on the "rest period" of a Senator after serving twelve years, Mr. Rodrigo stated that after an interval of three years, the ex-Senator may run for reelection.

Mr. Gascon pointed out, however, that the Chairman of the Committee gave a different interpretation.

Mr. Davide stated that he was just expressing a personal view in reference to the two-term period, so that after two successive terms, the Senator could not run in the next election for another term which is six years.

Thereupon, the Chair suggested that the matter be clarified in the Committee which could come up with a committee report for consideration by the Body.

WITHDRAWAL OF MR. RODRIGO'S AMENDMENT

At this juncture, adverting to his amendment relative to the case of the Vice-President who succeeds on account of death or incapacity of the President, Mr. Rodrigo manifested that he was withdrawing said amendment after having referred it in writing to the Chairman of the Committee on the Executive.

RECONSIDERATION OF APPROVAL ON THE UNLIMITED REELECTION OF THE VICE-PRESIDENT

Mr. Monsod moved for reconsideration of the Body's approval of the unlimited reelection for the Vice-President.

Submitted to a vote, and with 32 Members voting in favor, 3 against and 1 abstention, the motion was approved by the Body.

APPROVAL OF REELECTION FOR VICE-PRESIDENT FOR TWELVE

Thereupon, Mr. Monsod moved that the Vice-President be made eligible for reelection for a maximum of twelve consecutive years.

Submitted to a vote, and with 33 Members voting in favor, none against and one abstention, the motion was approved by the Body.

RECONSIDERATION OF THE APPROVAL ON NO IMMEDIATE REELECTION FOR THE PRESIDENT

At this juncture, Mr. Padilla moved to reconsider the Body's approval of the term of the President without immediate reelection.

Mr. Padilla maintained that the prohibition for the President from running for reelection should be permanent, stating that he does not want the President to control the nation and govern the people for more than six years.

Mr. Rodrigo inquired whether Mr. Padilla voted with the majority when the proposal was first presented.

At this juncture, Mr. Rigos, who voted with the majority, adopted Mr. Padilla's motion for reconsideration, which motion was seconded by Mr. Rodrigo.

Submitted to a vote, and with 22 Members voting in favor and 5 against, the motion for reconsideration was approved by the Body.

MOTION OF MR. PADILLA TO DELETE THE WORD "IMMEDIATE"

Thereupon, Mr. Padilla moved to delete the word "immediate" in the phrase "with no immediate reelection" earlier approved for the term of the President.

REMARKS OF MR. RODRIGO

Mr. Rodrigo explained that the effect of the removal of the word "immediate" would be a lifelong disqualification of the President from seeking reelection. He then registered his objection to the motion.

He pointed out that the philosophy behind disqualifying a President from immediate reelection is for the President not to use his power to help him in his reelection bid. He maintained that the case of Mexico adverted to by Mr. Padilla could not happen in the Philippines because of the multi-party system which does not obtain in Mexico since it has a one-party system.

REMARKS OF MR. RAMA

Mr. Rama spoke in favor of Mr. Padilla's motion on the ground that by deleting the word "immediate", the Constitution would prevent the use of tremendous presidential powers to perpetuate the person in office.

REMARKS OF MR. GUINGONA

Mr. Guingona observed that, considering that all other officials from the Vice-President down to the local officials have been given the privilege of reelection, he would propose the election of the President for six years with one reelection.

REMARKS OF MR. RIGOS

Mr. Rigos supported Mr. Padilla's motion on the ground that the vast majority of the people who were consulted during the public hearings did not favor a President serving beyond a term of six years.

At this juncture, Mr. Padilla registered his objection to the proposal of Mr. Guingona.

REMARKS OF MR. TINGSON

Mr. Tingson also registered his support for Mr. Padilla's motion to permanently ban the President from reelection, taking into account the experience of the last repressive regime in the country.

Mr. Regalado took exception to Mr. Rigos' statement that it was the people's desire during the public hearings that the President should not be allowed to run for immediate reelection. He pointed out that the issue on immediate reelection for the President was never brought to the people and if it were brought to them, the reaction could have been different. He stated that the Body could not proceed on conjectures and surmises and present it to the floor as the collective will and sentiment of the people.

On Mr. Regalado's query on the term of office of the President of Mexico, Mr. Padilla stated that it is six years.

On the danger that the President, knowing that he is disqualified from immediate reelection, may support a partymate as his pawn so that after the latter's term, he could again run for reelection using the same vast powers of the Office of President, Mr. Regalado stated that the Members of Congress, upon sensing this scheme, could denounce it to the people who now compose the new breed of matured and politicized electorate. He asked if the proposal to permanently disqualify the President from reelection would not be a bad reflection on the people's capacity to see through the maneuver of a President.

Speaking in support of Mr. Padilla's proposal, Mr. Garcia stressed that the Body should face the problem not from the viewpoint of accumulation of power by one man but the accumulation of power by a dominant party like in Mexico where the Partido Revolucionario Institucional, the dominant party, controls the succession of the presidency.

Mr. Bacani warned that perpetually disqualifying people from reelection may close the possibility for good people to come in when there is necessity for them in the future. He cited Charles De Gaulle who was called from retirement to serve his country. He urged the Body not only to see the negative but also the positive aspects of a proposition.

Mr. Rodrigo stated that during the public hearings, the people opted for a six-year term without reelection because the issue was presented to them on the premise that the President has tremendous powers which he could use in his bid for reelection. He stressed that the issue is not immediate reelection. He pointed out that a good president, like Ramon Magsaysay, should not be prohibited to run for reelection after a lapse of one term, because the people may want him again.

Thereafter, Mr. Padilla restated his proposal that the President should have a six-year term without reelection.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 4:51 p.m.

RESUMPTION OF SESSION

At 5:13 p.m., the session was resumed.

RESULT OF THE VOTING ON MR. PADILLA'S PROPOSAL

Upon resumption of session, the Chair announced that 42 ballots were received and directed the Secretary-General to count the votes on Mr. Padilla's proposal to fix the term of the President to six years without reelection at any time, and with 26 Members voting in favor, 15 Members voting against, and one abstention, the proposal was approved by the Body.

PROPOSAL OF MR. GUINGONA

Thereafter, Mr. Guingona proposed that the term of the President be fixed for six years but with one reelection, such that the President shall not stay in power for more than twelve years.

He explained that because the past regime was a nightmare, the country should not look back but hope for a better future by considering the following safeguards and innovations in the system, namely: 1) an independent Commission on Elections supported by civic-oriented groups; 2) the elimination of dictatorship through the limitations of the powers of the President, such as the power to declare martial law and to suspend the privilege of the writ of habeas corpus, which requires the consent of the Legislature; and 3) a strong Judiciary and a Supreme Court empowered to review even political questions.

With such safeguards, he opined that the President could not engage in "politics" to ensure his reelection. He, however, pointed out that political parties should not always be associated with "dirty politics" because, on the other hand, said political parties could provide opportunities for proportional representation in the Legislature. He noted that such political parties could be instruments for carrying out the programs of government of the President.

He underscored that the political maturity shown by the people in the recent peaceful revolution would be the best safeguard against any undesirable President. He believed that the people should not be mere bystanders but should participate decisively in the political exercise of choosing the highest magistrate of the land, so that in the end, they would also be the one to rate his performance and to give the reward of reelection, if necessary.

He opined that the President, aware of such reward, would be compelled to be faithful and conscientious with his duty to serve and do justice to every citizen.

Thereafter, the Chair inquired if Mr. Guingona was in effect asking for reconsideration, considering that the Body had previously approved the six-year term of the President without reelection, to which, the latter replied that he was of the impression that what was approved was a motion to reconsider the approval of the term of the President as previously approved in the morning session, thus, said reconsideration would open the table for proposals.

Mr. Ople informed Mr. Guingona that the Body in fact voted down the same proposal he presented.

At this juncture, Mr. Romulo stated that Mr. Guingona should have asked for a reconsideration of the approval of Mr. Padilla's proposal.

The Chair, however, stated that pursuant to the Rules, Mr. Guingona could only ask for reconsideration if he voted in favor of Mr. Padilla's proposal, to which, Mr. Guingona replied that he abstained from voting on the impression that the motion of Mr. Padilla was for the reconsideration of approval of the term of the President.

On Mr. Sarmiento's suggestion to submit the matter to a vote, Mr. Guingona moved for the reconsideration of the approval of Mr. Padilla's proposal.

Submitted to a vote, and with 1 Member voting in favor, 31 against, the motion for reconsideration was lost.

AMENDMENT OF MR. MONSOD

On page 1, line 29, Mr. Monsod proposed to delete the phrase "from the sectors and party list", and in lieu thereof, to insert the phrase THROUGH A PARTY LIST SYSTEM OF REGISTERED NATIONAL, REGIONAL OR SECTORAL PARTIES OR ORGANIZATIONS.

In reply to Mr. Davide's query on whether the plurality of parties or organizations would include any sector which the law would define, Mr. Monsod stated that it would include all national, regional or sectoral parties that have registered with the Commission on Elections after having complied with the requirements of the COMELEC and the Constitution. He stressed that this would open the system to all parties, except those who have not met the criteria as provided by law.

Mr. Monsod also affirmed that the law would not exclude any party and that his intention would be to append the detailed implementation of the party list system in the Constitution, so that the COMELEC may immediately implement the party list system for the election of the Members of the Legislature.

On Ms. Aquino's query, Mr. Monsod stated that the party list system is not synonymous with sectoral representation, although, it includes sectoral parties. He noted that it is not a reserved-seat-system, although sectors and parties may win seats according to the votes cast.

Furthermore, in reply to Mr. Lerum's query on whether the sectoral representatives would be voted by all the voters of the Philippines or by the voters in their respective sectors, Mr. Monsod stated that what the voters would vote on will be the party and not the individual. He stated that when the parties register with the COMELEC, they should simultaneously submit a list of the people who would sit in case they win the required number of votes in the order in which they are placed. Assuming that the Body allocates fifty seats under the party list system, Mr. Monsod stated that the maximum for any party is ten seats. He explained that at the time of registration of the parties or organizations, each can submit 10 names and some may submit 5 but 10 names could be given to those who meet the qualifications of candidates under the Constitution and the Omnibus Election Code. Assuming that a party or organization wins 400,000 votes, Mr. Monsod stated that the party will be accorded one seat and if they win 2 million votes, five seats. In the latter case, Mr. Monsod explained that the party shall nominate the first 5 in their list; and in case there is only one seat, the No. 1 on the list will be nominated.

Mr. Lerum objected; stating that under the amendment, it is possible that labor may not be represented since it is all the voters of the Philippines who will be voting. He contended that the sectoral representative must be selected by their own constituents.

REMARKS OF MR. TADEO

Mr. Tadeo stated that Sections 5 and 31, referring to the marginal sector, are important for the farmers. He stated that the form of government, whether presidential or parliamentary, is not important but what matters is the substance. He stressed that the farmers' sector has the people but it does not have the power. Citing Mr. Bacani's previous statement, Mr. Tadeo stated that 70% of the populace comprises the poor people and only 5% pertains to the rich who wields political power.

He observed that there will be one legislative district for every 200,000 population while there will be 198 seats in

the Assembly which he said is reserved for the political parties but which could be included in the party list. He stressed that this should be accorded to the marginalized sector to give meaning to people power. He stressed that the sectors will be voting on issues pertaining to their respective sectors.

He stated that once the marginalized sector is given seats, there would be no need to campaign for the ratification of the Constitution as those belonging to it could say that it was the Constitutional Commission that vested political power on them.

MR. VILLACORTA'S MODIFICATION OF MR. MONSOD'S AMENDMENT

On lines 28 and 29, Mr. Villacorta proposed the following amendment: THIRTY PERCENT OF THE SEATS SHALL BE ALLOCATED EQUALLY BETWEEN THE SECTORS AND THE PARTY LIST OF REGISTERED PARTIES OR ORGANIZATIONS. He stated that the Upper House will likely be dominated by charismatic nationally known political figures, that 80% of the Members of the House of Representatives will most likely win on the basis of economic and political power, and that 20% thereof will be allocated to Representatives of parties and organizations who are not traditional politicians. He stressed that the party list system in the form proposed will only exacerbate the frustrations of the marginalized sectors.

He underscored the importance of enshrining people power in the Article on the Legislature.

On the plight of the poor, Mr. Villacorta cited a joint study of the U.P. School of Economics and a report in the Philippine Daily Inquirer that millions of Filipinos could barely afford a decent meal. He the poor and the lower class. He stressed that only the poor could speak on behalf of those who belong to their ranks.

Mr. Monsod inquired from Mr. Villacorta which marginalized sector should be given the reserved seats. Replying thereto, Mr. Villacorta classified them into: 1) rural and urban workers, 2) farmers and fishermen; cultural communities, 4) women; 5) youth; and 6) professionals including artists and health workers.

Mr. Tadeo stated that the criteria should adhere to the principle of social justice and popular representation and that they should include: 1) the number of people belonging to the sector; 2) the extent of marginalization, exploitation and deprivation of social and economic rights suffered by the sector; 3) the absence of representation in the government and Legislature through the years and 4) the sectors' decisive role in production and in bringing about the basic social services needed by the people.

As to the marginalized sector, Mr. Tadeo stated that there are 34 million peasants; 12,235,000 belong to the labor sector; urban poor, 5 million; teachers, 500,000; health workers and other professional artists and cultural workers, 465,966; youth, 14.6 million; women, 24 million; and the indigenous communities, 9 to 12 million. He stated that other sectors could be added.

Mr. Monsod stated that the Members who proposed the party list system wanted to open up the political system to a pluralistic society or a multi-party system. He stated that there is a need to avoid the problem of mechanics and operation in terms of implementing a concept that has very serious shortcomings of classification and could lead to double or triple voting. With the intention of opening up the system and ensuring that the sectors shall exist, Mr. Monsod stated that a ceiling on the number of Representatives had been placed to enable sectoral groups to earn their seats among the fifty. He stated that there are about 20 million voters who cast their votes during the last elections and anybody who had a constituency of 500,000 votes deserves a seat in the Assembly. He said that bringing it down to 2% or about 400,000 votes means that the average vote per family is three. He maintained that there should be no reserve seat in the Legislature and that the people should organize and work hard in order to earn seats within the system.

Reacting thereto, Mr. Villacorta stated that the assumption that sectoral candidates will have an equal chance in winning a party list election when they compete with the politicians who belong to the traditional political parties is doubtful because sectoral groups, no matter how organized they are, would not be as well-oiled and as well-funded as the traditional political parties. He opined that providing guaranteed seats for the basic marginalized sectors would be a way of protecting the interests of the poor.

On the mechanics of electing sectoral representatives, Mr. Villacorta stated that the matter could be left to the Legislature or could be appended to the Constitution as an ordinance.

Mr. Villacorta expressed agreement with Mr. Monsod's party list system, provided that it shall apply only to sectoral candidates because by allowing politicians to run under the system, the rich and powerful will again be favored.

In reply to Mr. Monsod's query on whether Christian Democrats or Social Democrats could be classified as political parties whose candidates could run under the district legislation, Mr. Villacorta stated that these parties could field candidates for the Senate, for the House of Representatives, as well as for the sectors.

On Mr. Monsod's query whether the UNIDO could participate in the party list system, Mr. Villacorta stated that it can be provided that the party shall field candidates who shall come from the different marginalized sectors. On whether a professional, who in his spare time is a gentleman farmer, could represent the farmers, Mr. Villacorta stressed that marginalized groups refer to small farmers and not to gentleman farmers.

On whether a labor leader fielded by the UNIDO could qualify, Mr. Tadeo stated that the COMELEC may look into the truth as to whether the party is organized along a specific sectoral line. If duly verified, Mr. Tadeo stated that the political party may submit a list of individuals who are actual members of the sectors. He suggested that a list has to be published to enable members of such sector to counter any contradicting claims of membership. He stated that the proceeding at the COMELEC shall be summary in character and decisions thereon shall be final and unappealable.

Mr. Villacorta, in reply to the query of Mr. Monsod, stated that the electorate will decide whether the candidates who claim to represent different sectors are bona fide members of those sectors.

On Mr. Villacorta's query whether Mr. Monsod was incorporating the element of sectoral representation as the sole rationale of the party list system, the latter replied that his amendment merely states that it is a party list system of registered national or sectoral parties or organizations.

Upon inquiry of Mr. Monsod, Mr. Villacorta affirmed his objection to the amendment which he stated does not guarantee that the seats reserved for the party list representatives will be reserved for the sector.

INQUIRY OF MR. OPLE

Mr. Ople prefaced his inquiry by observing that the Commission, for historical reasons, seemed to suffer from a lack of knowledge of the party list system although the Body would not be reinventing the wheel in incorporating the party list system as one of the modes of selecting representatives of the people. He noted that Mr. Monsod, who has shown a keen interest in electoral science, seems to be the sole authority on the party list system in the Commission and inquired if the latter would share his knowledge on how the system works in its country of origin. He inquired whether the system contemplates a general principle to make up, through a party list, for the general weakness of the "marginalized" sectors and enable them to overcome the preponderance of traditional parties and allow the less-privileged sectors of society to have access to Congress.

He noted that in Germany the Greens had gained access to the Bundestag through a party list system.

In reply, Mr. Monsod stated that he is not an expert on the party list system and that the party list system is being used in a generic sense. He remarked that Mr. Ople himself is an expert on the matter.

Mr. Monsod stated that a party list system can specify those who may be included in it and a look at the list would indicate that 90% or more of the population would qualify to be included therein inasmuch as one of the general qualifications is that a member should be a high school graduate. He observed that a party list system is designed to allow an opening up of the system. He stated that his reservation on the "reserved-seat system", where some sectors would be automatically excluded, is based on its difficulty to operationalize. He observed that there are no experts on the system and that the Body is learning through the process and that complicating this novel idea would make it quite difficult to implement.

Mr. Monsod stated that a ceiling can be placed on the number of seats which a party or organization can have in the system. Nevertheless, he stated that matters would be complicated if UNIDO is allowed to be included in the list provided that the candidates of 10 to 15 people they put in that list should be a farmer, laborer, urban poor and so on.

Mr. Ople noted that Mr. Monsod conceded that the basic principle for a party list system is that it is a countervailing means for the weaker segments of society who, should they want to seek seats in the Legislature, can overcome the preponderant advantages of well-established parties but that Mr. Monsod is concerned that the mechanics to operationalize the system might be inadequate at this time.

Mr. Monsod, using the labor sector as an example, stated that there are 10 to 12 million laborers of which 4.5 to 4.8 million are organized and that should labor get together with four million votes, it would be able to get ten seats under the party list system.

Mr. Ople observed that Mr. Monsod would favor a party list system which is open to all but would not agree to a party list system which would seek to accommodate sectoral groups that would be predominantly workers and peasants.

Mr. Monsod noted that a ceiling can be placed on the number of seats which a party can have in the fifty seats allotted and should two or three major parties predominate, other parties can still have representation. He explained that under the system all that a group needs would be 400,000 votes nationwide in order to get a seat.

At this juncture, Mr. Ople manifested his intention to wait for the proposed amendments of Mr. Villacorta before going further with his interpellation.

SUSPENSION OF SESSION

The Chair suspended the session.

It was 6:20 p.m.

RESUMPTION OF SESSION

At 7:07 p.m., the session was resumed.

DEFERMENT OF MR. MONSOD'S AMENDMENT

Upon resumption of session, Mr. Monsod moved for the deferment of consideration of his amendment until the following day.

MOTION TO ADJOURN

Thereupon, Mr. Romulo moved to adjourn until nine o'clock in the morning of the following day.

At this juncture, Mr. Bengzon stated that inasmuch as the Body was three days behind schedule, the Body shall start its session at nine-thirty until after the Legislative Department shall have been disposed of. Mr. Gascon, however, requested that the Body instead take up the Report of the Committee on Accountability of Public Officers the next day and finish with the Report of the Committee on the Legislative on Monday so that he would be able to participate in the discussion on sectoral representation.

Mr. Bengzon informed that the Steering Committee had granted the request of Mrs. Nieva to take up the Report of the Committee on Social Justice either on the first week or second week of August. However, if the Committees on Local Governments and Accountability of Public Officers could postpone their reports, he stated that Mr. Nieva's report could be taken up in advance. He also stated that the Committee on the Executive could start sponsoring its report in the next session and on Monday the Body would resume consideration of the Article on the Legislative.

At this juncture, Mr. Monsod stated that the Committee on Accountability of Public Officers is prepared to sponsor its report in the next session, and hopefully, the Body could finish its consideration, on Second Reading, in one session.

In view thereof, the Chair announced that the Body would take up the report of the Committee on Accountability of Public Officers in the next session.

ADJOURNMENT OF SESSION

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

It was 7:13 p.m.

I hereby certify to the correctness of the foregoing.

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

ATTESTED:

(SGD.) CECILIA MUÑOZ PALMA
President

Approved on July 26, 1986

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