

R.C.C. NO. 35

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Monday, July 21, 1986

OPENING OF SESSION

At 9:47 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 sing the National Anthem.

THE PRESIDENT: Everybody will please remain standing for the Prayer to be led by the Honorable Francisco A. Rodrigo.

Everybody remained standing for the Prayer.

PRAYER

MR. RODRIGO: O Diyos na lubhang
Makapangyarihan:
Kami'y Iyo sanang damayan, tulungan
Sana'y liwanagin ang aming isipan;
Linisin ang aming puso't kalooban;
Pasipaging lubos ang aming katawan
Upang ang tungkuling aming pinapasan
Ay aming matupad, aming magampanan
At sa gayo'y aming maisakatuparan
Ang aming adhikang magharap sa bayan
Ng Saligang Batas na naglalarawan
Ng atas ng tanang mga mamamayan
Na papaghariin sa lupang hinirang
Ang laya, ang dangal, ang katiwasayan;
Ang madlang pag-unlad na pangkabuhayan.
At ang katarungan sa aming lipunan.
Siya Nawa.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 9:49 a.m.

RESUMPTION OF SESSION

At 9:51 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

ROLL CALL

THE PRESIDENT: The Secretary-General will please 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[*] Present

The President is present.

The roll call shows 27 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 to 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.

REFERENCE OF BUSINESS

The Secretary-General read the following Communications, the President making the corresponding references:

COMMUNICATIONS

Communication from the Katipunan ng Samahang Maharlika (KASAMA) suggesting salient features of the Constitution.

(Communication No. 258 — Constitutional Commission of 1986)

To the Steering Committee.

Communication from Media for Evangelization and Development proposing a resolution providing for a constitutional provision to promote and protect the people's rights and welfare in the use of the air for broadcast media.

(Communication No. 259 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Communication from Media for Evangelization and Development proposing a resolution providing for a State policy to aid and support the natural right and duty of parents in the education and moral development of the youth through a system of free elementary and secondary education, whether in government-owned schools or in private community-based schools, at the option of the parents.

(Communication No. 260 — Constitutional Commission of 1986)

To the Committee on Human Resources.

Letter from Bulacan Political Science Society signed by Mr. Jesus S. Isidoro-Torres, expressing opposition to the proposal seeking to "freeze" the powers of the Presidential Commission on Good Government.

(Communication No. 261-Constitutional Commission of 1986)

To the Committee on Amendments and Transitory Provisions.

Letter from the Filipino Life Insurance Companies Association, Inc., signed by Mr. Daniel M. Mercado, Jr., suggesting provisions on the national language, balanced budgeting, and nationalization of public utilities, among others.

(Communication No. 262 — Constitutional Commission of 1986)

To the steering Committee.

Letter from Mr. Raymundo S. Cruz of 202 De Castro Subdivision, Paso de Blas, Valenzuela, Metro Manila, proposing Filipinization of certain industries and provisions on labor, among others.

(Communication No. 263 — Constitutional Commission of 1986)

To the Committee on the National Economy and Patrimony.

Letter from Mr. Jose D. Mandac of 481 A. Mabini St. Manggahan, Pasig, Rizal, favoring the retention of the U.S. military bases.

(Communication No. 264 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Mr. Bernardo R. Sebastian of 471 Shaw Boulevard, Mandaluyong, Metro Manila, favoring the retention of the U.S. military bases.

(Communication No. 265 — Constitutional Commission of 1986)

To the Committee on General Provisions.

Letter from Mr. Leo R. Cruz of 6-G Yap Apartment Rizal Avenue Extension, Cebu City, suggesting genuine land reform, and more economic assistance to Filipinos among others.

(Communication No. 266 — Constitutional Commission of 1986)

To the Committee on Social Justice.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. ROMULO: I move that we consider Committee Report No 22 on the Proposed Article on the National Assembly as reported out by the Committee on the Legislative.

THE PRESIDENT: Is there any objection?

MR. RODRIGO —Madam President, there is a prejudicial question which is involved in this report, and that is, whether or not we should have a bicameral or unicameral legislature. I am a member of the Committee, Madam President, and when we voted on whether it should be unicameral or bicameral, the vote was a tie, and so the Chairman, in order to break the tie, voted in favor of a unicameral structure.

And so, the whole report of the Committee is based on a unicameral legislature, but it is possible that the body itself as a whole might vote for a bicameral assembly. In which case, the whole report will have to be changed to conform to a bicameral structure.

And so, when we had that caucus of all the Commissioners, I suggested that we first decide on this prejudicial questions that we will not be wasting too much time.

MR. ROMULO: May I suggest, and this was made in consultation with the Chairman, Commissioner Davide, that he proceed with his sponsorship speech, after which we can have a freewheeling discussion on a unicameral versus a bicameral legislature and then go into caucus thereafter.

THE PRESIDENT: Is that acceptable to the Commissioner?

MR. RODRIGO: If that is the desire of the Chairman of the Committee.

MR. ROMULO: It is, Madam President.

MR. RODRIGO: Madam President, I conform.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader recognized:

CONSIDERATION OF C.R. NO. 22

(Article on the National Assembly)

PERIOD OF SPONSORSHIP AND DEBATE

MR. ROMULO: I move that we consider Committee Report No. 22 on Proposed Resolution Nos. 35, 92 109, 132, 150, 157, 189, 235, 256, 290, 310, 319, 321, 334, 336, 337, 364, 375, 381, 396, 400 and 403 as reported out by the Committee on the Legislative.

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

Consideration of Committee Report No. 22 is now in order. With the permission of the body, the Secretary General will read only the title of the committee report without prejudice to inserting in the Record the whole text thereof.

THE SECRETARY-GENERAL: Committee Report No. 22, entitled:

RESOLUTION PROPOSING AN ARTICLE ON THE NATIONAL ASSEMBLY.

(The following is the whole text of the proposed Article on the National Assembly per C.R. No. 22.)

COMMITTEE REPORT NO. 22

The Committee on the Legislative to which were referred the following:

Resolution No. 35, entitled:

RESOLUTION PROVIDING FOR SIGNIFICANT MULTISECTORAL REPRESENTATION IN THE NATIONAL LEGISLATURE.

Introduced by Hon. Villacorta.

Resolution No. 92, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION WHICH PROHIBITS CONGRESS TO DEFINE, PRESCRIBE, AND APPORTION THE JURISDICTION OF INFERIOR COURTS WITHOUT THE PRIOR RECOMMENDATION OF THE SUPREME COURT.

Introduced by Hon. Davide, Jr.

Resolution No. 109, entitled:

RESOLUTION TO PROVIDE FOR INITIATIVE AND REFERENDUM IN THE NEW CONSTITUTION.

Introduced by Hon. Romulo, Monsod, Nieva, Bengzon, Jr. and Bernas.

Resolution No. 132, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON THE EXEMPTION OF EDUCATIONAL INSTITUTIONS FROM REAL ESTATE TAXATION.

Introduced by Hon. Guingona.

Resolution No. 150, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION FIXING THE TERM OF OFFICE OF THE MEMBERS OF THE PHILIPPINE CONGRESS/ NATIONAL ASSEMBLY.

Introduced by Hon. Bengzon, Jr.

Resolution No. 157, entitled:

RESOLUTION PROPOSING THE POWER OF THE NATIONAL ASSEMBLY TO CALL SPECIAL MID-TERM PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS.

Introduced by Hon. Azcuna.

Resolution No. 189, entitled:

RESOLUTION TO PROVIDE IN THE CONSTITUTION THAT DISCRETIONARY PUBLIC FUNDS SHALL BE UNDER SUCH GUIDELINES AND RESTRICTIONS AS MAY BE FIXED BY LAW TO AVOID ABUSE OF DISCRETION AND THAT ALL DISBURSEMENTS OF DISCRETIONARY FUNDS SHALL BE SUBJECT TO STRICT AUDITING REQUIREMENTS.

Introduced by Hon. Nollado.

Resolution No. 235, entitled:

RESOLUTION PROVIDING FOR THE DISQUALIFICATION OF MEMBERS OF THE LEGISLATIVE FROM PARTICIPATING AS COUNSEL IN JUDICIAL, QUASI-JUDICIAL, "ADMINISTRATIVE PROCEEDINGS AND PROHIBITIONS AGAINST THEIR HAVING FINANCIAL INTERESTS IN CERTAIN TRANSACTIONS.

Introduced by Hon. Regalado.

Resolution No. 256, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION INSTITUTIONALIZING THE PRINCIPLE OF PEOPLE POWER IN THE CONSTITUTIONAL PROCESS THROUGH THE METHOD OF INITIATIVE AND REFERENDUM.

Introduced by Hon. Garcia and Gascon.

Resolution No. 290, entitled:

RESOLUTION LIMITING THE PROHIBITION FOR LEGISLATORS TO APPEAR AS COUNSEL TO COURTS INFERIOR TO COLLEGIATE COURTS OF APPELLATE JURISDICTION AND MAKING SUCH PROHIBITION APPLICABLE TO THEIR FIRM PARTNERS OR ASSOCIATES BUT ALLOWING THEM AND SUCH PARTNERS OR ASSOCIATES TO APPEAR AS COUNSEL BEFORE THE CONSTITUTIONAL COMMISSIONS; OR IN THE ALTERNATIVE, ALLOWING THEM, AS THEY WERE ALLOWED IN THE 1935 CONSTITUTION, TO APPEAR IN ANY COURT EXCEPT IN CERTAIN CASES WHEREIN THE GOVERNMENT OR AN OFFICER OR EMPLOYEE THEREOF IS INVOLVED.

Introduced by Hon. Foz.

Resolution No. 310, entitled:

RESOLUTION TO PROVIDE FOR INITIATIVE AND REFERENDUM ON THE NATIONAL AND LOCAL LEVEL IN THE NEW CONSTITUTION.

Introduced by Hon. Gascon.

Resolution No. 319, entitled:

RESOLUTION PROPOSING TO INCORPORATE IN THE NEW CONSTITUTION A PROVISION EXCLUSIVELY EMPOWERING THE LEGISLATURE TO DECLARE THE EXISTENCE OF A STATE OF WAR.

Introduced by Hon. Tingson.

Resolution No. 321, entitled:

RESOLUTION PROPOSING FOR THE ADOPTION OF A BICAMERAL SYSTEM OF LEGISLATURE IN THE NEW CONSTITUTION.

Introduced by Hon. Tingson.

Resolution No. 334, entitled:

RESOLUTION PROPOSING A SYSTEM OF MULTI-PARTY AND MULTI-SECTORAL REPRESENTATION IN THE NATIONAL ASSEMBLY.

Introduced by Hon. Monsod, Foz and Romulo.

Resolution No. 336, entitled:

RESOLUTION TO INCLUDE IN THE PROPOSED CONSTITUTION SECTION ELEVEN, ARTICLE VIII, OF THE 1973 CONSTITUTION, WITH MODIFICATION, PROHIBITING MEMBERS OF THE LEGISLATIVE BODY FROM HAVING FINANCIAL INTERESTS IN CONFLICT WITH THOSE OF THE GOVERNMENT.

Introduced by Hon. Treñas.

Resolution No. 337, entitled:

RESOLUTION TO INCLUDE IN THE PROPOSED CONSTITUTION SECTION FOURTEEN, ARTICLE VIII, OF THE 1973 CONSTITUTION, WITH MODIFICATION, IN ORDER TO ADD THERETO THE TERM "INTERNATIONAL AGREEMENT."

Introduced by Hon. Treñas.

Resolution No. 364, entitled:

RESOLUTION TO INCORPORATE IN THE NEW CONSTITUTION AN ARTICLE ON THE TERM OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Introduced by Hon. Guingona.

Resolution No. 375, entitled:

RESOLUTION PROVIDING FOR TAX EXEMPTION TO NON-PROFIT EDUCATIONAL INSTITUTIONS OR THOSE WHICH WILL LIMIT DIVIDENDS.

Introduced by Hon. Villacorta, Villegas, Treñas and Bacani.

Resolution No. 381, entitled:

RESOLUTION TO INCORPORATE IN THE ARTICLE ON THE LEGISLATURE PROVISIONS DEFINING THE FUNCTIONS AND POWERS OF THE LEGISLATURE TO EXEMPT FROM TAXATION CHARITABLE AND RELIGIOUS INSTITUTIONS AND TO PROHIBIT THE APPROPRIATION OF PUBLIC MONEY OR PROPERTY AND OTHER RESOURCES FOR THE USE, BENEFIT OR SUPPORT OF ANY CHURCH OR SYSTEM OF RELIGION.

Introduced by Hon. Rigos.

Resolution No. 396, entitled:

RESOLUTION INCORPORATING IN THE NEW CONSTITUTION AN ARTICLE ON THE NATIONAL ASSEMBLY.

Introduced by Hon. Sarmiento.

Resolution No. 400, entitled:

RESOLUTION PROVIDING FOR A BICAMERAL LEGISLATURE WHICH SHALL BE KNOWN AS CONGRESS OF THE PHILIPPINES, WHOSE UPPER HOUSE SHALL BE A SENATE OF TWENTY-FOUR (24) MEMBERS ELECTED AT LARGE AND WHOSE LOWER HOUSE SHALL BE COMPOSED OF REPRESENTATIVES ELECTED BY DISTRICTS.

Introduced by Hon. Calderon, Uka, Alonto, Rigos and Tingson.

Resolution No. 403, entitled:

RESOLUTION URGING THE CONSTITUTIONAL COMMISSION TO CONSIDER THE ADOPTION OF A PARLIAMENTARY FORM OF GOVERNMENT.

Introduced by Hon. Suarez, Tadeo and Bennagen.

has, together with the Malolos Constitution, the 1935 Constitution, and the original 1973 Constitution which, under the Rules of the Commission, are considered working drafts, as well as drafts of the constitution submitted by the 1986 UP Law Constitution Project, Philippine Constitution Association, the Constitutional Convention Association represented by former President Diosdado Macapagal, former Ambassador Jose Alejandrino, and other proposals from the Integrated Bar of the Philippines and the private sector transmitted to the Commission and the consensus obtained from the public hearings conducted in various places of the country at the instance of the Ad Hoc Committee on Public Hearings, studied the same, deliberated upon them, and conducted public hearings on certain controversial issues, and has the honor to report back to the Commission on a consolidation thereof in one article on the legislature under the heading The National Assembly, with Commissioners Davide, Jr., Azcuna, Abubakar, Alonto, Aquino, Calderon, Concepcion, de los Reyes, Jr., Garcia, Guingona, Jamir, Lerum, Rodrigo, Sumulong and Treñas as sponsors and Commissioners Villacorta, Romulo, Regalado, Foz, Gascon, Tingson, Monsod, Rigos and Sarmiento as cosponsors.

(Sgd.) Hilario G. Davide, Jr.

Chairman

Committee on the Legislative

(Sgd.) Adolfo S. Azcuna (Sgd.) Yusup R. Abubakar

Vice-Chairman

(Sgd.) Ahmad Domocao Alonto (Sgd.) Felicitas S. Aquino

(Sgd.) Jose D. Calderon (Sgd.) Roberto C. Concepcion

(Sgd.) Rustico F. de los Reyes, Jr (Sgd.) Edmundo G Garcia

(Sgd.) Serafin V. C. Guingona (Sgd.) Alberto M. K. Jamir

(Sgd.) Eulogio R. Lerum (Sgd.) Francisco A. Rodrigo

(Sgd.) Lorenzo M. Sumulong (Sgd.) Efrain B. Treñas

RESOLUTION PROPOSING AN ARTICLE ON THE NATIONAL ASSEMBLY

Be it resolved by the Constitutional Commission in session assembled, to incorporate in the new Constitution the following Article on the National Assembly:

ARTICLE _____

THE NATIONAL ASSEMBLY

SECTION 1. The Legislative power shall be vested in the National Assembly, except to the extent reserved to the people by the provisions on initiative and referendum.

SECTION 2. The National Assembly shall be composed of not more than two hundred and fifty members who shall be elected from legislative districts apportioned among the provinces and cities in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected from the sectors and party list. The sectoral and party list representatives shall in no case exceed twenty percent of the entire membership of the National Assembly.

Each legislative district shall comprise, as far as practicable, contiguous, compact and adjacent territory, provided, however, that each city with a population of more than two hundred thousand, or each province, shall have at least one representative.

SECTION 3. Within three years following the return of every census, the National Assembly shall make a reapportionment of legislative districts based on the standards provided in the preceding section.

SECTION 4. The Members of the National Assembly shall be elected for a term of four years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election.

SECTION 5. No person shall be a Member of the National Assembly unless he is a natural-born citizen of the Philippines and, on the day of the election, is at least twenty-five years of age, able to read and write, and, except

the sectoral and party list representatives, a registered voter in the district in which he shall be elected, and a resident thereof for a period of not less than one year immediately preceding the day of the election.

SECTION 6. Unless otherwise provided by law, the regular election of the Members of the National Assembly shall be held on the second Monday of May and every four years thereafter.

SECTION 7. In case a vacancy arises in the National Assembly eighteen months or more before a regular election, the Commission on Elections shall call a special election to be held within sixty days after the vacancy occurs to elect the Member to serve the unexpired term.

SECTION 8. The National Assembly shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session for such number of days as it may determine until thirty days before the opening of its next regular session, exclusive of Saturdays, Sundays and legal holidays. However, it may be called to session at any time by the President to consider such subjects or legislation as he may designate.

SECTION 9. (1) The National Assembly shall, by a majority vote of all its Members, elect its Speaker from the Members thereof. It shall choose such other officers as it may deem necessary.

(2) A majority of all the Members of the National Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner, and under such penalties, as the National Assembly may provide.

(3) The National Assembly may determine the rules of its proceedings, punish its Members for disorderly behavior, and with the concurrence of two-thirds of all its Members, suspend or expel a Member but if the penalty is suspension, this shall not exceed sixty days.

(4) The National Assembly shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts, as may, in its judgment, affect national security; and the yeas and nays on any question shall, at the request of one-fifth of the Members present, be entered in the Journal.

SECTION 10. The National Assembly shall have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of its Members. It shall be composed of nine members, three of whom shall be Justices of the Supreme Court to be designated by the Chief Justice, and the remaining six shall be Members of the National Assembly who shall be chosen on the basis of proportional representation from the political parties or sectors represented therein. The senior justice in the Electoral Tribunal shall be its Chairman.

SECTION 11. There shall be a Commission on Appointments consisting of twenty-four Members of the National Assembly, elected by it on the basis of proportional representation from the political parties or sectors represented therein. The Speaker shall be the Chairman ex-officio of the Commission, but shall not vote, except in case of tie.

SECTION 12. The Electoral Tribunal and the Commission on Appointments shall be constituted within thirty days after the National Assembly shall have been organized with the election of its Speaker. The Commission on Appointments shall meet only while the National Assembly is in session, at the call of its Chairman or a majority of its members, to discharge such powers and functions as are herein conferred upon it.

SECTION 13. Unless otherwise provided by law, each Member of the National Assembly shall receive an annual salary of thousand pesos. The Speaker of the National Assembly shall receive an annual salary of thousand pesos. No increase in salary shall take effect until after the expiration of the term of the Members of the National Assembly approving such increase.

SECTION 14. The records and books of accounts of the National Assembly shall be open to the public in accordance with law, and such books shall be audited by the Commission on Audit which shall publish annually the itemized expenditures for each Member.

SECTION 15. A Member of the National Assembly shall in all offenses punishable by not more than six years imprisonment, be privileged from arrest while the National Assembly is in session; but the National Assembly 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. A Member shall not be questioned nor be held liable in any other place for any speech or debate in the National Assembly or in any committee thereof.

SECTION 16. No Member of the National Assembly shall hold any other office or employment in the government, or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations during his tenure. Neither shall he be appointed during the term for which he was elected, to any office which may have been created or the emoluments thereof increased while he was a Member of the National Assembly.

SECTION 17. No Member of the National Assembly shall appear as counsel before any court which is not of collegiate composition, before any court in any civil case wherein the Government, or any subdivision, agency, or instrumentality thereof is the adverse party, or in any criminal case wherein any officer or employee of the government is accused of an offense committed in relation to his office, before the Electoral Tribunal, or before any administrative body. Neither shall he, directly or indirectly, be interested financially in any contract with, or in any franchise or special privilege granted by the government, or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation, during his term of office. He shall not intervene in any matter before any office of the government for his pecuniary benefit.

SECTION 18. There shall be a question hour at least once a month or as often as the Rules of the National Assembly may provide, which shall be included in its agenda, during which the Members of the Cabinet and their deputies may be required to appear and answer questions and interpellations by Members of the National Assembly. Written questions shall be submitted to the Speaker at least three days before a scheduled question hour. Interpellations shall not be limited to the written questions, but may cover matters related thereto. The agenda shall specify the subjects of the question hour. When the security of the State so requires and the President so states in writing, the question hour shall be conducted in executive session.

SECTION 19. The National Assembly or any of its committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected.

SECTION 20. (1) No treaty or international agreement shall be valid and effective unless concurred in by majority of all the Members of the National Assembly.

(2) The National Assembly, by a vote of two-thirds of all its Members, shall have the sole power to declare the existence of a state of war.

SECTION 21. In times of war or other national emergency, the National Assembly may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to exercise powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by resolution of the National Assembly, such power shall cease upon the next adjournment of the National Assembly.

SECTION 22. (1) The President shall submit to the National Assembly within thirty days from the opening of

each regular session, as the basis of the general appropriations bill, a budget of receipts based on existing and proposed revenue measures, and of expenditures. The form, content, and manner of preparation of the budget shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.

(3) The procedure in approving appropriations for the National Assembly shall strictly follow the procedure for approving appropriations for other departments and agencies.

(4) A special appropriations bill shall specify the purpose for which it is intended shall be supported by funds actually available as certified by the National Treasurer, or to be raised by a corresponding revenue proposal included therein.

(5) No law shall be passed authorizing any transfer of appropriations; however, the President, the Speaker, the Chief Justice of the Supreme Court, and the heads of Constitutional Commissions may by law be authorized to augment any item in the general appropriations law for their respective offices from savings in other items of their respective appropriations.

(6) If, by the end of any fiscal year, the National Assembly shall have failed to pass the general appropriations bill for the ensuing fiscal year, the general appropriations law for the preceding fiscal year shall be deemed re-enacted and shall remain in force and effect until the general appropriations bill is passed by the National Assembly.

SECTION 23. (1) Every bill shall embrace only one subject which shall be expressed in the title thereof.

(2) No bill shall become a law unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to the Members three days before its passage, except when the President certifies to the necessity of its immediate enactment to meet a public calamity or emergency. Upon the last reading of a bill, no amendment thereto shall be allowed, and the vote thereon shall be taken immediately thereafter, and the yeas and nays entered in the Journal.

SECTION 24. (1) Every bill passed by the National Assembly shall, before it becomes a law, be presented to the President. If he approves the same, he shall sign it; otherwise, he shall veto it and return the same with his objections to the National Assembly, which shall enter the objections at large on its Journal. The bill may be reconsidered by the National Assembly and, if approved by two-thirds of all its Members, shall become a law. The President shall act on every bill passed by the National Assembly within thirty days after the date of receipt thereof; otherwise, it shall become a law as if he had signed it.

(2) The President shall have the power to veto any particular item or items in an appropriation, revenue, or tariff bill, but the veto shall not affect the item or items to which he does not; object.

SECTION 25. (1) The rule of taxation shall be uniform and equitable. The National Assembly shall evolve a progressive system of taxation.

(2) The National Assembly may by law authorize the President to fix within specified limits, and subject to such limitations and restrictions as it may impose, tariff rates, import and export quotas, tonnage and wharfage dues, and other duties or imposts.

(3) 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 educational purposes shall be exempt from taxation.

(4) No law granting any tax exemption shall be passed without the concurrence of a majority of all the Members of the National Assembly.

SECTION 26. (1) No money shall be paid out of the Treasury except in pursuance of an appropriations made by law.

(2) No public money or property shall ever be appropriated, applied, paid, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces, or to any penal institution, or government orphanage or leprosarium.

(3) All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall be transferred to the general funds of the Government.

SECTION 27. The National Assembly shall provide for a system of initiative and referendum, and the exceptions therefrom, whereby the people can directly propose and enact laws or approve or reject any act or law or part thereof passed by the National Assembly or local legislative body after the registration of a petition therefor signed by at least ten percent of the registered voters in the immediately preceding elections.

MR. ROMULO: May I now request that Commissioner Davide be recognized to sponsor the report which will thereafter be subject to interpellations.

THE PRESIDENT: Commissioner Davide is recognized to sponsor Committee Report No. 22.

SPONSORSHIP SPEECH OF COMMISSIONER DAVIDE

MR. DAVIDE: The institutions best fitted to represent people and serve their true interest are not necessarily those developed in a particular period of history. On the contrary, their effectiveness may depend on their ability to adapt themselves to changing circumstances in the light of experience.

Madam President, distinguished colleagues, ladies and gentlemen of the Commission, it is in this context that I, together with the members of the Committee on the Legislative, stand before this august body this morning to report the result of the work which the Commission has given to us in trust.

The Committee, composed of 15 members, arrived at the 27 proposed sections of the Article on the National Assembly after thorough and passionate debates conducted in 18 formal meetings. For a period of five weeks, the Committee subjected to critical analysis and deliberations the 1935 and the 1973 Constitutions, which under our Rules are to serve as working drafts, and 24 resolutions referred to it, as well as the position papers and opinions of prominent brilliant minds and distinguished constitutionalists, aware of the sentiments of our people, particularly in the countryside. The Committee also took into cognizance the areas of concern presented during the public hearings and consultations which contributed to a great measure in concretizing the merits of the issues involved and in arriving at a collective decision.

Drawing inspiration from the February 1986 peaceful revolution and the experiences of our people over the last two decades, the draft Article on the National Assembly, embodied in Committee Report No. 22, embraces legislative reforms in order to bring the government that we now try to establish into harmony with our own ideals, needs and aspirations. I will now enumerate the salient features of the proposed Article on the National Assembly:

1. A Unicameral Structure of the National Assembly. — In the records of the 1935 and 1971 Constitutional

Conventions, and now the 1986 Constitutional Commission, advocates of unicameralism and bicameralism have eloquently discoursed on the matter. The draft proposal of the 1986 UP Law Constitution Project analyzes exhaustively the best features and the disadvantages of each. Our people, having experienced both systems, are faced with a difficult decision to make.

Madam President and my dear colleagues, even in our own Committee, I had to break the tie in favor of unicameralism. Commissioner Sarmiento, in his Resolution No. 396, aptly stated that the Philippines needs a unicameral legislative assembly which is truly representative of the people, responsive to their needs and welfare, economical to maintain and efficient and effective in the exercise of its powers, functions and duties in the discharge of its responsibilities. Commissioner Tingson, however, said that despite its simplicity of organization, resulting in economy and efficiency, and achieving a closer relationship between the legislative and executive, it also resulted in the authoritarian manipulation by the Chief Executive, depriving in the process the people from expressing their true sentiments through their chosen representatives. Thus, under Resolution No. 321, Commissioner Tingson calls for the restoration of the bicameral form of legislature to maximize the participation of people in decision-making.

Recalling, however, the arguments raised in the 1971 Constitutional Convention which eventually led to the approval of a unicameral structure in the 1973 Constitution, the advantages of a unicameral body far out-weighed its disadvantages. It is not only efficient and less costly to maintain but it is also simpler, less time-consuming and invites minimum conflicts and controversies, thus, facilitating speedy legislation. In a comparative study on the structure and functioning of representative institutions in 55 countries, Michel Ameller observed that a unicameral system is better suited to the needs of younger countries which are evolving politically in circumstances different from those obtaining in Western Europe where parliamentary government was born. A contemporary constitutional theory, used in many arguments in favor of unicameralism, underscores the fact that the system is more appropriate to democracy. Kelsen wrote, and I quote:

The unicameral system would seem to correspond most closely to the idea of democracy. The bicameral system that is typical of the constitutional monarchy and the federal state is always an attenuation of the democratic principle. The two Chambers must be formed according to different principles, if one is not to be a useless duplicate of the other. If one is perfectly democratic, the other must be somewhat lacking in democratic character.

In this context, therefore? bicameralism is opposed to the concept of equality, because while both Houses perform equal functions and are vested with equal responsibilities, people view the Senators and Congressmen differently as regards power and authority. We have several more reasons to sustain unicameralism but considering the time limit for sponsorship, we would just pray at the end of our sponsorship for the insertion in the Record of our entire sponsorship speech.

2. The Composition and Manner of Representation. — The Committee proposes a 250-membership in the National Assembly, to include sectoral and party list representatives. Under the proposed scheme, 20 percent of the entire membership or 50 members shall comprise the sectoral and party list representatives, while 200 of the elected shall come from legislative districts apportioned among the provinces and cities in accordance with the number of inhabitants and on the basis of a uniform and progressive ratio. The manner of election for the sectoral and party list representatives shall be provided by law. The 250-membership was considered the best, considering the projected S5 million population by 1986. Based on this population, a total of 198 representatives will come from the legislative districts, 15 of whom will come from the highly urbanized cities with populations of more than 200,000 and 183 from the provinces on the basis of uniform and progressive ratio, and further taking into account the qualification of being a contiguous, compact and adjacent territory. The scheme tries to remedy the unbalanced and inadequate legislative representation prevalent before the 1973 Constitution. Thus, each province

would be entitled to at least one representative including additional representatives if its population so warrants.

Innovation, however, is the proposal of the Committee to include sectoral and party list representatives. The advocates of this proposal — Commissioners Villacorta, Monsod and others — argue that in order to provide the broadest participation in policy-making, representatives of sectors, particularly those belonging to the marginal groups in our society and those who under ordinary circumstances cannot hope to win in an election, should be afforded the chance to articulate their concerns and aspirations.

3. Term of Office. — The Committee proposes for a four-year term without limit to reelection. The Committee believes that the scheme would afford an opportunity for a continuous training experience for future leaders whose fate in the political arena should be decided by the people and not by law.

4. Initiative and Referendum. — Madam President, after the ratification of this Constitution which institutionalizes people power through the method of initiative and referendum, nobody can accuse this Commission of being callous and indifferent to the realization of the opportunity of the people to initiate legislation and at the same time approve or reject such by means of referendum, because the Committee has incorporated the processes under Section 27 of the proposed draft. Guided by the doctrine that sovereignty resides in the people, the Committee thus felt that the National Assembly shall provide for the manner, procedure and limits of initiative and referendum. The main proponents of initiative and referendum are Commissioners Romulo, Garcia and Gascon. Before the events in EDSA in February, people who have had direct experiences on the harshness of life, of arms, already know what the problems are, and how to respond and react to these problems. Giving them these means of peacefully ventilating their dreams and aspirations will make the democracy that we, as a people, so badly aspire for to be very participatory and dynamic.

The realization that these processes are there for the people to use will force people to think not as individuals but as communities. People will then know that they simply cannot depend on individual action but on collective, direct action. The presence of these in the Constitution will also be a check on a legislature that is not responsive to the vital and urgent needs of the people.

Commissioner Garcia so said in one of the Committee meetings that the process may never be used at all, but the point is, it is there for them to use whenever they wish, whenever they desire, and whenever they want to struggle.

5. Electoral Tribunal. — The Committee proposes for the restoration of an Electoral Tribunal in the National Assembly which shall be the sole judge of all contests relating to the elections, returns and qualifications of its members. This decision was based on the proposal of the COMELEC to transfer the responsibility to an Electoral Tribunal similar to the bodies formed under the 1935 Constitution. The Electoral Tribunal offers a mixed system in which both the National Assembly and the judiciary play their part, thus reflecting both the respect for parliamentary sovereignty and the need for legal impartial decisions.

6. Commission on Appointments. — The Committee also proposes for the restoration of the Commission on Appointments which was a feature of the 1935 Constitution but deleted in the 1973 Constitution. Owing to the penchant of appointing authorities to choose and appoint favored friends and relatives whose qualifications and integrity are questionable, the Committee was compelled to reincorporate in the proposed Constitution this body to review and approve the appointments of public officials who are directly appointed by the President. The interpretation of this proposal, however, would be to exclude appointments to the judiciary for the reason that under the Article on the Judiciary, the members of the judiciary would no longer be subject to confirmation by the Commission on Appointments. This provision is one of the classical checks and balances of the Constitution. Although it might negate the concept of separation of powers, it makes sense if one regards appointments as an administrative rather than a political action.

7. Immunity from Arrest. — The object of parliamentary immunities is to protect the members from repressive measures or from legal actions by the government or by private persons. Immunities may seem to derogate from the principle that citizens are equal before the law, but the object is to insure the smooth running and complete independence of Parliament. As Ameller reported, all countries without exception endorse this principle of nonaccountability for actions which a Member of Parliament carries out in the course of his parliamentary duties and which no person other than the member can do. In the 1973 Constitution, as amended, a member could be arrested if he is not attending sessions. The Committee amended this provision so that the member is privileged from arrest while the National Assembly is in session. The immunity governs a member's relationship outside the Assembly, but it does not release him from obedience to the rules and order of the Assembly nor does it derogate from his responsibility to the public.

8. Incompatibility of Occupation. — Incompatibility is the parliamentary rule which forbids a Member of Parliament to carry on certain occupations while he is a member. This applies to offices held before being elected, and those which might be offered to a member once he has been elected. The Committee proposes that the intent of the 1935 and the 1973 Constitutions should be maintained and the prohibition should include military offices. If this body will recall, under the 1973 Constitution, the prohibition affects only civil offices. But it is the sense of the Committee that this prohibition should apply to both military and civil offices. Far from depriving the member of being able to share his talent outside the Parliament, the prohibition will insure that public and private offices will not exert undue influence on his decisions and prevent the opportunity for the promotion of self-interest alone.

9. Tax Exemptions. — The Committee proposes to expand exemptions from taxation to include lands, buildings and improvements actually, directly and exclusively used for educational purposes. While this was already in the 1935 Constitution in recognition of their role in extending quality education to our people, it was deleted in the 1973 Constitution. Commissioner Guingona pointed out in his Resolution No. 132 that the withdrawal of the privilege had adversely affected their financial viability and survival. Commissioner Villacorta also argued in his Resolution No. 373 that these educational institutions could further upgrade their academic standards, faculty conditions and learning facilities, if they are unburdened with taxes. A number of private educational institutions are also clamoring for the restoration of the constitutional exemption from real estate taxation. The Committee also proposes, Madam President, that mosques and nonprofit cemeteries shall continue to enjoy exemption from taxation.

10. Question Hour. — A regular feature in other parliaments, this procedure was adopted under the 1973 Constitution. Its purposes are to elicit concrete information from the administration, to request its intervention, and when necessary, to expose abuses and seek redress. The procedure provides the opposition with a means of discovering the government's weak points and because of the publicity it generates, it has a salutary influence on the administration. On the whole, because of the detailed facts elicited during the interpellation or in the written answers, it will help members to understand the complicated subject matter of bills and statutory measures laid before the Assembly. It may be added that the popularity of this procedure can be attributed to the fact that in making use of his right to ask questions, the member is a completely free agent of the people. The only limits on his actions are the rules governing the admissibility of questions concerned with matters of form and not with the merits of the issue at hand. The fact that we also impose a time limit means that the government is obliged to furnish the information asked for and this obligation is what gives the procedure its real strength. This concept is a feature of a parliamentary form of government.

11. The prohibition against Members of the National Assembly to appear as counsel in certain instances. — Under the proposed Section 17, it is stated that:

No Member of the National Assembly shall appear as counsel before any court which is not of collegiate composition, before any court in any civil case wherein the Government or any subdivision, agency or instrumentality thereof is the adverse party, or in any criminal case wherein any officer or employee of the government is accused of an offense committed in relation to his office, before the Electoral Tribunal, or before any administrative body. Neither shall he, directly or indirectly, be interested financially in any contract with, or in any franchise or special privilege granted by the government, or any subdivision, agency or instrumentality thereof, including any government-owned or controlled corporation, during his term of office. He shall not intervene in any matter before any office of the government for his pecuniary benefit.

12. We also incorporated here a proposal that the sessions of the National Assembly must be continuous and be determined unless a different period or date is fixed by law. So the sessions shall be continuous for such number of days as may be determined until 30 days before the opening of its next regular session, exclusive of Saturdays, Sundays and legal holidays. However, it may be called to session at any time by the President to consider such subjects or legislation as he may designate. The idea is, we shall have a working National Assembly responsive at any time to the needs of our people.

13. Another new proposal is in the matter of the authority or the power of the National Assembly to concur in treaties or international agreements. Under the 1973 Constitution, the authority of the legislature to concur in treaties was actually curtailed by a grant of an exclusive authority to the President under the Article on the National Economy and Patrimony. So, now, we restore fully to the legislative body or the National Assembly its power to concur by a majority of all the Members of the National Assembly in treaties as well as international agreements.

Madam President, the Philippine legislature has been earlier categorized as discontinuous and vulnerable and this is found in the work of Olson, entitled: *The Legislature Process, A Comparative Approach*. Partner in a separation of powers system, ours has been observed to have asserted itself to the President, to the extent that it became an adversary rather than a coequal although somewhat a cooperative partner. The result has been the suspension and removal of the body. Ours, indeed, is vulnerable to outside power. Be that as it may, Madam President, our legislative body has demonstrated and has the potential to assist our country achieve broad social goals. Our legislative body can be a dynamic partner in rebuilding a battered economy and in raising the living standards of our people. Our legislative body can be a means through which population subgroups and our diverse regions are integrated and blended towards national unity. Finally, our legislative body can be a means by which popular knowledge about and concern toward governmental policies are gained.

We look forward to, for the sake of our children and our children's children, when our National Assembly would be called continuous, assertive and cohesive, like the parliaments of the United States and Great Britain. Notwithstanding the reservations manifested by some of our distinguished colleagues when the Committee reported out its work on July 10, this humble Chairman, fully confident in the collective wisdom of this body, fervently hopes that our report will be considered and approved.

Thank you.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended to enable the Floor Leader to make a list of all those who desire to speak or interpellate this morning.

It was 10:24 a.m.

RESUMPTION OF SESSION

At 10:36 a.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. ROMULO: We are ready for a freewheeling debate.

May I ask the Commissioners who will speak to address certain issues such as, if it is a bicameral assembly, does the speaker want the Senator to be elected on a regional basis or on a national basis, because there are those who would rather have a unicameral system if the Senator will only be elected by region? The other issue refers to the Lower House: Does the speaker want the Member of the Lower House elected by district or by province? And then, of course, the main issue shall be on the unicameral versus the bicameral structure.

For the first speaker, Madam President, I ask that Commissioner Tingson be recognized.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: Madam President and colleagues of this honorable Assembly, I would like to speak briefly on the need for a bicameral legislature elected on a national basis. I would like to thank the Chair and my colleagues for giving me this chance to express my personal view on the type of legislature that we may adopt as we undertake the task of drafting a new Constitution.

Perhaps an approach based on historical perspective is relevant at this point in time, when our decision to adopt a more receptive form of legislature will not only determine our present but also direct our future as a nation. In the Malolos Constitution of 1899, the legislative power was exercised by an assembly of representatives of the nation. Upon the cession of the Philippines to the United States under the Treaty of Paris, we had a military government which was later replaced by a civil government in 1900. During this time, the Executive and the legislative functions were exercised by a Commission. With the passage of the Philippine Bill of 1902, a bicameral legislature was created, transforming the Philippine Commission into the Upper Chamber and constituting the Philippine Assembly as the Lower House.

In 1916, pursuant to the Jones Law, legislative power was vested in an all-Filipino bicameral legislature with the Senate as the Upper Chamber and the House of Representatives as the Lower Chamber. The Senators then were elected from the twelve senatorial districts. In the 1935 Constitution, we again adopted a unicameral legislative body known as the National Assembly. The Convention then rejected the proposal for a bicameral legislature with an Upper House called the Senate. The failure of the bicameralist position was due to the division on the question of representation. The Committee on the Legislative proposed that Senators be elected throughout the Philippines on the basis of proportional representation. Others, however, advocated that each province shall be entitled to one Senator, as the practice in the United States. Still others preferred the system of senatorial district under the Jones Law of 1916.

During the time of President Manuel L. Quezon, an amendment providing for a bicameral legislature was adopted. Senators were elected nationwide. I may say that the reason President Quezon advocated for a bicameral form of legislature is not primarily that he was wary of a strong unicameral body that can dislodge him anytime by impeachment, but that he believed that the Senate affords a sufficient critical and methodical review of legislation. It assumes the role of moderating force in the formulation of legislative policies. It serves as a fiscalizer on the actions of the Lower House, which in usual practice is prone to passing excessive appropriations acts and other forms of legislations that may prove detrimental to the interest of the nation. The Senate, Madam President, according to President Quezon, will serve as a balance for harmony between the executive and the

legislative departments and provide a training ground for future leaders. It may be said that it also serves as a vanguard against the activities of politicians and lobbying pressure groups and, likewise, safeguards any possible encroachment upon the constitutional liberties of the people.

As to representation, the Upper House provides national representation which the Lower House cannot attain. In so doing, a bicameral form fosters national unity and consciousness, rather than a representative form merely based on the respective districts of the members of legislature. The scope of legislative responsibility is, therefore, unified with the presence of the Senate. One of the most important features, of course is that the Senate insures stability of governmental policies as the Senate is a continuing body.

According to Justice Jose P. Laurel, the bicameral legislature is the traditional form of legislative body dating from ancient times. As such, it has been tested and proven in the crucible of human experience — political experience, that is. In our case, therefore, a young nation as ours cannot afford to have experiments as to the type of legislature we are to adopt. In our short history, the unicameral system has been an easy instrument for the executive to usurp. The dictatorial temptations cannot be simply avoided by a strong executive, wherever a weak legislature exists. During the time of Aguinaldo, the legislature was unicameral. During the Marcos regime, most of the time our legislature was also unicameral. It shows, therefore, that however strong our argument is on the merits of a unicameral body, our political experience will teach us that we are not yet ready for its adoption in the mainstream of our governmental format. To do so would encourage again a strong executive — nay, a dictatorship — and a weak legislature.

In closing, Madam President and colleagues, I would like to stress the main advantages of bicameralism, to wit:

- a) A second Chamber would be more directly representative of the overall interest of the people;
- b) Two Houses would produce a healthy check upon each other regarding hasty legislation and should no longer rely on the judiciary;
- c) Abuse of power is more unlikely to be done;
- d) Future leaders of our country will be developed and be familiarized to the people, the Senators being elected nationwide.

The Senators, having a nationwide mandate, can therefore face a strong Executive with an equal strength, and a balance and harmony between the two departments can be truly achieved.

That, Madam President, is a presentation not only on my part but carries, I believe, also the feeling and the mandate of many of the people with whom we had public hearings during the last few weeks.

Thank you very much.

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

THE PRESIDENT: Commissioner Rodrigo is recognized .

MR. RODRIGO: Madam President, I am a member of the Committee but I signed the report with reservations, precisely because this is one of the points with which I do not completely agree.

My stand on this issue is conditional. If the Senators are elected at large, I am for a bicameral legislature. However, if the Senators are elected regionally, I opt for a unicameral legislature, because if the Senators are elected by region and not at large, I believe the Senate will be a mere duplication of the House of Representatives in a slightly larger scale. It will not give us the advantages derived from a Senate whose Members are elected at large. Commissioner Tingson had already advanced my argument, but I just want to emphasize some of the points. If we have just one Chamber composed of representatives elected by districts, it cannot be helped that the members would be influenced by parochial interests. The main interest of the representatives is their constituents. Our Senators are elected at large, elected by the whole nation; they have to campaign all over the country — Luzon, Visayas and Mindanao. In this way, they see the problems and the needs of the different parts of the country. In other words, they look at the problems from a national perspective, which is a great advantage. I would like also to emphasize what Commissioner Tingson has said that if we have Senators elected at large we can project national figures; whereas, if we have a unicameral legislature whose Members are elected by districts, it is very difficult to project national figures because they will be campaigning only in their districts, so they are known in their districts, but not nationally. If we have Senators elected at large who will campaign all over the Philippines, we project national figures, and people will see them, hear them and size them up. It had been my own experience that candidates for the Senate were projected nationally.

Nobody knew "Rodrigo" until I became a candidate for the Senate, but when I campaigned all over the Philippines, all of a sudden, undeservedly, my name was projected. Padilla, of course, was already known because he was the captain of our basketball Olympic team that participated in Berlin, but then, he was also projected nationally, no longer as an athlete but as a political leader when he campaigned nationally. Even Manglapus and Ninoy Aquino were not known nationally. They were not known in Mindanao until they campaigned as Senators nationally. Also, a Senator elected at large is less susceptible to pressure. If he wins or loses, he wins or loses by hundreds of thousands, if not millions, of votes. So, a political ward leader who commands or who pledges to command, let us say, 10,000 votes or even 20,000 votes cannot scare a Senator, but he can scare a Congressman who is elected only in district and who can win or lose by only a hundred votes. This was our experience in the Senate of which I was a Member for 12 years. There were times when the Members of the House of Representatives would come up and say: "Soc; mayroon kaming inaprubahang bill doon sa Lower House; masama, hindi ko gusto pero hindi ako makatanggi sa isang lider. Kayo na ang bahala sa Senado, patayin ninyo ang bill na iyon." This happened several times. And, of course, since the Senators were elected at large like the President of the Philippines, they could stand up to the President, and this can be attested to by facts. The Senators could refuse the President or even take a stand against that of the President even if the President belongs to their own party.

One objection to having a Senate is that it is expensive to campaign nationally. On the contrary, it is less expensive than campaigning in a district because it is not personalized. We do not buy votes because it is futile to buy votes. We do not kowtow; we do not finance political ward leaders. As a matter of fact, Madam President, it was my experience that when I campaigned for the first time for the Senate with a team all around the Philippines, I spent only for my airplane tickets and hotel expenses. This campaign coincided with the local elections in 1955. When I came back to my hometown, I found out that the candidate for mayor who won in my hometown spent more than I did because he had to buy votes and finance ward leaders.

That is my stand, Madam President. I am for a bicameral system of legislature with Senators elected at large.

MR. NOLLEDO: Madam President, will the Gentleman please yield to interpellations?

MR. RODRIGO: Gladly.

THE PRESIDENT: Commissioner Nollado is recognized.

MR. NOLLEDO: Thank you, Madam President.

Commissioner Rodrigo stated that Senators elected at large look at problems from the national perspective or level. Perhaps, I can say that they also echo the national sentiments. Is the Commissioner aware that during martial law, most Members of the legislature who stood up against Mr. Marcos came from the Senate?

MR. RODRIGO: I was no longer a Member of the Senate then, but I think Senator Padilla or Senator Sumulong can answer that question better.

MR. NOLLEDO: I will answer the question, but in relation to that, the record indicates that Senators Aquino, Diokno, Salonga, Mitra, Padilla and Roxas, among others, vigorously objected to the declaration of martial law. Senators Aquino, Diokno and Mitra who came from the Senate were jailed. But I cannot remember any member of the Lower House of consequence who stood up against Marcos in order to object to the declaration of martial law perhaps because, if the Commissioner agrees with me, they were thinking of the needs of their districts.

MR. RODRIGO: I cannot agree with the Commissioner more.

MR. NOLLEDO: Therefore, this will strengthen the Commissioner's contention that they echo the national sentiments. Does the Commissioner agree with me if I say that as far as Senators are concerned, they represent the national interest and, therefore, think of the national interest as against Members of the Lower House who represent the selfish interest of their respective districts and think only of the self-centered interest of their districts?

MR. RODRIGO: Yes, I agree.

MR. NOLLEDO: But there is a question here, Madam President. Should we adopt a bicameral legislature? And considering that the Committee on the Legislative recommended sectoral representation, is the Commissioner amenable to extending sectoral representation in the Senate?

MR. RODRIGO: Madam President, this is another point on which I made a reservation. I am in favor of the idea of having sectoral representation, but from the very beginning, I was asking about the mechanics of it, something that is practical, something that is feasible. But up to now, I cannot see how it can be put into practice.

MR. NOLLEDO: That is all, Madam President.

THE PRESIDENT: May we have the next speaker?

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 am for a bicameral legislature with Senators elected at large and Representatives by legislative districts. I have heard the articulation of Commissioners Tingson and Rodrigo and I agree with them. I will not repeat the reasons for which they stand for a bicameral system of legislature but I will only state in brief our experiences in the bicameral system.

Senators are the hardest people to be convinced and controlled by one man. Records show that immediately after the declaration of martial law by then President Marcos, it was Senator Sumulong, our colleague here, who stood up in the Senate and explained the constitutionality or unconstitutionality of martial law. And it was also Commissioner Padilla, our colleague here, who questioned Senator Sumulong on the constitutionality or

unconstitutionality of martial law. Immediately thereafter, our friend, Senator Aquino, found himself in jail, as Senator Mitra likewise, for he was objecting to the martial law regime. But I find no record of any congressman who objected to martial law, as aptly stated by Commissioner Nolleddo.

When the Senators were called by the then President to his office after he had declared martial law, Senators Sumulong and Padilla again objected to martial law. Again, in the Record, I find no Congressman who objected to such action. I also note that the laws passed by our Senate then were better scrutinized and thoroughly studied. I do not say that the Congressmen did not study their bills thoroughly, but as expressed here by Senator Rodrigo, the Congressmen depended on the Senators for the disapproval of a bill. Senators are the best material for our country, either for President or for ambassadors to foreign countries.

Thank you, Madam President.

MR. BENGZON: Madam President, may I ask a question of Commissioner Rodrigo.

MR. RODRIGO: Gladly.

THE PRESIDENT: Commissioner Bengzon will please proceed.

MR. BENGZON: One of the arguments for unicameralism is that would be too expensive to have a bicameral form of government because we will have two Houses, and, naturally, the budget for these is substantial. What can the Commissioner say about that?

MR. RODRIGO: There is no doubt that a bicameral system of legislature involves more expense. And not only that, lawmaking would be less expeditious because the bill has to pass through two Houses.

But to my mind, the advantages outweigh the disadvantages. And I think whatever little amount we will add for the Senate — after all the Senate, if revived, will be elected on national level, at large, which will be composed of only 24 Senators — will not really be very expensive.

I know there are arguments, there are disadvantages, but I still believe, and I repeat, that the advantages to the country of having a Senate elected at large outweigh the disadvantages.

MR. BENGZON: Even if the Commissioner considers the fact that there will be more politicking if we have a Senate than if we have a unicameral system of legislature, he still considers a bicameral system of legislature advantageous?

MR. RODRIGO: I do not know what the Commissioner means by "more politicking." But if there is a Senate, yes, there will be politicking, but it will be high-level politicking based on national issues and on what is good for the whole country. It will not be parochial politicking where we have to kowtow to ward leaders.

MR. BENGZON: Thank you.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Will Commissioner Rodrigo yield to a few questions?

MR. RODRIGO: Gladly.

MR. SUAREZ: Thank you.

I still keep an open mind about this establishment of a unicameral or a bicameral system of legislature and I would like to be clarified about some points, Madam President.

I remember that in the 1935 Constitution, as originally envisioned, there was established only a unicameral system of legislature. Is my recollection correct?

MR. RODRIGO: That is correct.

MR. SUAREZ: And then in 1940, an amendment was introduced whereby a bicameral system of legislature was proposed and approved by the people.

MR. RODRIGO: That is correct.

MR. SUAREZ: I remember that in previous Constitutions which were promulgated by the Filipino people, they always recommended and suggested the establishment of a unicameral system of legislature: The Evangelista Constitution of December 1896, the Biak-na-Bato Constitution of 1897, the Ponce Constitution of April 1898, the Autonomous Program of Dr. Paterno of June 19, 1898, the Organic Decree of June 23, 1898, Mabini's Constitutional Program of the Philippine Republic of June 1898, the Malolos Constitution of January 21, 1899 and, of course, the original 1935 Constitution. They all recommended the establishment of a unicameral system of legislature on the theory that this is more suitable and adapted to the ideals, traditions, culture and practices of the Filipino people. Is the Commissioner aware of that situation, Madam President?

MR. RODRIGO: I am aware of it because the Commissioner said it. But it was not only suited to the Filipino people but also to the time then, because at that time Mindanao was very, very far from Luzon. As a matter of fact, Bulacan was only 35 kilometers from Manila, but many had not been to Manila so I was very proud when I came to Manila and told them about the trambia. During that time, of course, there were no airplanes. So how could we campaign nationally? Remember that I was running for the Senate elected at large. In 1898, it was impossible for anybody to campaign all over the Philippines. This was the reason we had a unicameral system of legislature.

MR. SUAREZ: I thank the Commissioner for the clarification. But is it not a fact that basically and fundamentally bicameralism is an Anglo-Saxon political institution which was adopted by the United States?

MR. RODRIGO: I am not aware of that, but why not if it happens to be good, whether it came from the Anglo-Saxons or from the Americans?

MR. SUAREZ: Madam President, I pointed out that circumstance because it would appear that in the Philippines we have no blue-blooded aristocracy as in the case of Great Britain wherein they have the House of Lords.

MR. RODRIGO: Yes, but then we do not want to have a House of Lords. What we want is a Senate elected by the people in a democratic way; in other words, elected at large.

MR. SUAREZ: Would the Commissioner not equate the Senators of the land with the Lords of England?

MR. RODRIGO: No.

MR. SUAREZ: Thank you, Madam President.

MR. RODRIGO: Thank you.

MR. ABUBAKAR: Madam President, I would like to ask some questions of Commissioner Rodrigo.

THE PRESIDENT: Commissioner Abubakar is recognized.

MR. ABUBAKAR: The theory upon which the Senate is organized and predicated is the representation of another interest in the nation aside from the common interest represented by the Congress. Is there an interest diverse and different from the interest of the mass of the Filipino people that we have to institute a Senate to protect this other

interest?

In the United States, it is necessary because there are in the original composition certain states of diverse interests. The bigger states predominate and their interests are advanced and protected. If its population were small there would have been only one body.

But here in the Philippines, we do not have this differentiation of interest that we have to organize a Senate to protect or represent the interest of a particular sector. From Batanes to Jolo, the composition of the people, their representatives, as well as their interests are the same. So the existence of the Senate as a representative body to protect the interest of this group could not be justified. I think its existence could only be justified on one condition: That it is there to serve as a balance or to countercheck in case there is a hasty proposition by the Lower House. Outside of this point of justification, there are no diverse interests; we are all Filipinos. I repeat. our interests are the same; there are no states, and the existence of a Senate, therefore, could not be justified. I can think of only one Justification, and that is, to countercheck a hasty legislation as well as to promote general interest on the basis of what is right.

Therefore, how do we justify the existence of a Senate?

MR. RODRIGO: While we do not have federal states or different states like the United States, we have different interests. For example, there is the sugar bloc interest; the copra interest; the tobacco interest; and the rice and corn interest. In Mindanao, we have other interests there. And it had been my experience that there were bills coming from the House which favored one bloc, and at that time, the sugar bloc happened to be the most powerful bloc in the House.

When it comes to the Senate, we see that this interest might prejudice Mindanao especially Jolo. So we correct this because we have been to Jolo; we campaigned there, and if we are running for reelection, we will campaign again in Jolo.

If there is an undue advantage to the sugar bloc against another group, let us say, copra or tobacco, then we balance.

MR. ABUBAKAR: Since the Commissioner has presented and persuaded the body that in a Senate there is not exactly a state or group interest but interests of various groups being balanced or checked in the interest of all, I yield my opposition to this and concede to him, having had that experience that we need the Senate.

MR. RODRIGO: Thank you very much.

MR. ABUBAKAR: Thank you, Madam President.

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

THE PRESIDENT: Commissioner Bacani is recognized.

BISHOP BACANI: First of all, let me report that among the people I have had the privilege to ask during the public hearings, the overwhelming majority of those who responded are for a unicameral system of legislature. However, I would like to ask the proponents of the unicameral system of legislature this question: Is there any reason for the dissatisfaction with the old setup? Was not the setup of having a Senate and a House of Representatives a satisfactory arrangement? In fact, in our own historical experience as has been brought out repeatedly here, it would seem that having a bicameral system of legislature was indeed more advantageous to the people and that it was able to safeguard or at least attempted to safeguard more forcefully the freedom of the legislature against manipulation by interested forces.

I have, however, one observation in favor, I think, of the unicameral system of government and it is this: Despite the advantages presented before by the previous speakers and despite the disadvantages of having only selfish interests represented by the unicameral system of legislature, let us not forget that 20 years under the Marcos regime has "conscienticized" and politicized the Filipino people. So that, I think, not only politicians but even ordinary people now think on a wider and on a national level. For that reason, there is less danger today of having a unicameral system of legislature composed simply of a group of people representing district or sectoral interest, and that there is greater hope today of having a unicameral system of legislature which has also the national interest very much at heart.

I just want to present those comments.

Thank you.

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

THE PRESIDENT: Commissioner Uka is recognized.

MR. UKA: Madam President, members of the Committee, I am for a bicameral system of legislature. The greatest democracies in the world have a bicameral system of legislature, examples of which are Great Britain or England, with the House of Lords and the House of Commons and the United States, who taught us democracy in this part of the world, with a Senate and a House of Representatives. There are many more democracies that have a bicameral system of legislature.

Their long experience has taught them that a bicameral system of legislature is more useful and practical, and that it provides for the principle of check and balance which we have learned in our political science classes. The executive cannot easily control a bicameral legislature. Look at what happened to our unicameral legislature in the recent past; we do not have it now; it was abolished. A bicameral system of legislature, therefore, will prevent the growth of a dictatorship which we do not like.

The Senate is usually composed of experienced elderly lawmakers and it is a good training ground for executives of our country. A bicameral system of legislature is what we need. I am for it. Moreover, a bicameral system of legislature insures a wider and proper representation of all sectors. It insures proper balance because there is stability in lawmaking. We often hear it said that two heads are better than one. I think this is in line with nature. Look at what we have: two eyes, two legs, two hands, two ears, two nostrils, two lips, ad infinitum. I will not mention anymore the others which are unmentionable and the very few exceptions. Most of us have two spare parts really, with very few exceptions like the more important ones. I, therefore, vote for a bicameral system of legislature because it is reasonable, practical, useful and in accordance with nature.

Thank you very much.

MR. ROMULO: Madam President, I ask that Vice-President Padilla be recognized.

THE PRESIDENT: Vice-President Padilla is recognized.

MR. PADILLA: Thank you, Madam President.

I am in favor of a bicameral system of legislature, with the Senate elected at large nationwide. This position is not because I had the privilege of being elected nationwide by our sovereign people in three senatorial elections, 1957, 1963 and 1969 with my last term cut short by an unlawful, illegal and unconstitutional declaration of martial law. I fully agree and endorse the many substantial and correct arguments of Commissioner Tingson, corroborated by the other Members who have spoken before me: Commissioners Rodrigo, de Castro and Uka.

Madam President, instead of repeating some of their arguments in favor of a bicameral system of legislature, with a Senate elected at large, I would try to argue against the so-called advantages expressed by the Chairman of the Committee on the Legislative in favor of a unicameral system of legislature when he broke the tie of eight to eight.

Our experience in the 1935 Constitution, after the amendment from senatorial districts to election at large in a bicameral system of legislature, showed a more responsive, more representative system in favor of democracy rather than the unicameral system under the 1973 Constitution wherein we had the interim and regular Batasan by the President's edict. I refuse to believe, but I think the records will show, without any reflection against the members of the 1971 Constitutional Convention, that even that convention was unduly influenced by then incumbent President Ferdinand E. Marcos. The provision on unreasonable searches and seizures in the Bill of Rights which included "or any other officer authorized by law" was defeated after lengthy debates, I understand, but it was restored upon direction of President Marcos. It was rumored, and I think Commissioner Sumulong will probably confirm the suspicion, that the 1973 Transitory Provisions was the product of President Marcos. That situation, in the ordinary process of legislation, could probably never have happened if we had a bicameral system of legislature.

Madam President, it is argued by those in favor of unicameralism that legislation is simplified; that it is simple and provides for speedy legislation. We do not need many statutes because some of them are not carefully considered. What we need are less statutes, but more carefully studied to solve the many problems of the nation.

We say an accused is entitled to a speedy trial, but the people will never say they want speedy legislation if it is not carefully considered. In other words, we need quality rather than quantity. Many say that the best government is least government. In other words, the less interference, obstruction and control by the State as against free private enterprise and less regulation of the exercise of constitutional rights, the better is the government. I would say that the less legislative statutes are passed, the better for the nation, provided we select the few well-studied ones.

So this argument in favor of unicameralism for speedy legislation is, I think, the best argument against unicameralism and in favor of bicameralism.

It is said that unicameralism is more effective, but how can we have a better system to check legislation before it reaches the President for his approval or veto? If we agree on a system of check and balance among the three departments of government, we should also sponsor and maintain the same system between the Senate and the House of Representatives.

As was already stated, and I agree with Senator Rodrigo, there had been many instances where bills were approved in the Lower House and some of its Members who could not publicly oppose the measures would confidentially request a Senator to oppose it as said congressmen were against the bills. A congressman would admit but could not speak against it on the floor of the House and expect the Senate to disapprove that particular measure.

Madam President, another argument is that unicameralism is more economical, but let us consider the fact that there are only 24 Senators elected at large, eight every two years for the Senate to be a continuing body. And if some would say that there is an increase in population, therefore, we should also increase the number of Senators, say, to 30, which would involve only a small sum, Madam President, since the appropriation for the Senate is one of the smallest items in the budget.

The question of expenses for a group of Senators elected by the people throughout the nation who have a record

of good performance in the public service and who are expected to protect the national interest in its widest perspective, rather than the district or provincial or other sectoral or regional consideration, is, I believe, a very poor argument. I believe a National Assembly of 250 Members is a very big and probably an unruly assembly. I am not against more representation from the people including the sectoral groups, but it is really very difficult if we limit the process of legislation to one Chamber especially when it has so many Members. We are only 48 Members in this Commission, but it is quite more than extensive in its deliberations because many Commissioners express their views and counterviews.

So I agree with the other Commissioners who have spoken before me that the Senate is more responsive and more representative than the National Assembly of many Members, because it is expected that many of the Members of the Lower Chamber will have for their primary objective the development and the protection of the interest of their respective districts or of the territory and the people they represent, while the Senate, because they are elected at large, has a more national and broader perspective. I recall, Madam President, when President Marcos declared martial law, I suggested to the Members of the Senate, since it was our last day of session and there were many pending matters for approval on Third Reading, that we no longer attend to them but consume the time to oppose martial law in writing to form part of the Senate Record. The leaders of the Liberal Party, including Senators Roxas and Salonga, probably to save time, did not run counter to it. Notwithstanding that suggestion, it was the distinct honor and privilege of a colleague in this Commission, Lorenzo Sumulong, to speak against the declaration of martial law and explain its nature and effects, and I tried to interpellate only to impress further the principles being enunciated by Senator Sumulong.

Some events of the historical past showed that when there was that infamous Corregidor training camp, the Jabitah, it was the Senate that exposed that anomaly. When there was an illegal transfer of P26.2 million, it was the Senate, through Senator Aquino, that exposed that anomaly also. Commissioner Nollado has that in his book; a case was even filed in the Supreme Court but it was unfortunately dismissed on the technicality that it constituted a political issue which we have tried to remedy under the leadership of Chief Justice Roberto Concepcion of the judiciary. I recall that the land grabbing in Nueva Vizcaya and Isabela by President Marcos through his different corporations was exposed by Representative Leonardo Perez of Nueva Vizcaya. But soon thereafter, he was silenced presumably by orders of Mr. Marcos. It was the Senate that revived and exposed that land grabbing anomaly, and Senator Rodrigo did actively cooperate with me in the Senate. There are many other situations, Madam President, but what I am trying to say is that I do not look down on the Members of the House of Representatives because there were many illustrious men in it who were as capable, as competent, as nationalistic and as patriotic as the Members of the Senate. And, in fact, many of those elected to the Senate were the Congressmen who, by the record of their performance, had rendered in people's opinion valuable services in the process of legislation and also considered as a body of responsible men against the possible abuses of the President.

The Record of the Congress would show that when the legislation started from the Senate and had to be concurred by the other House, it led to better and more responsive legislation. There was diversity of provisions, but it was ironed out in a joint conference committee between representatives of the Senate and of the Lower House. And it was on that joint conference committee at the Manila Hilton, on the last day of the session, as we were trying to reach a satisfactory compromise on the conflicting provisions of the Customs Code on the import duties, when Senator Aquino was arrested upon declaration of martial law and, thereafter, the other two, Senators Diokno and Mitra.

In brief, Madam President, I would like to revive the former system of two Chambers, not because I have any further intention to be a candidate to the Senate — I think I have rendered enough — but for the sake of the

objectives of President Quezon when he correctly suggested the election of the Senate nationwide, and the advantages thereof having been mentioned by other Commissioners including the fact that the Senate has been the nursery, we might say, of national leaders who aspire to be President and Vice-President elected nation-wide.

Thank you, Madam President.

MR. SUAREZ: Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: Thank you.

Will the distinguished Vice-President answer only one point?

MR. PADILLA: Very gladly.

MR. SUAREZ: Thank you.

We are happy the Commissioner is sharing with us his experiences as a distinguished Member of the former Senate.

He mentioned about a joint conference committee, and I assume this is composed of Members of both the Senate and the House of Representatives.

MR. PADILLA: That is correct. The House of Representatives and also the Senate appoint some Members and they meet and confer to iron out the conflicting provisions of the same bill as passed by either Chamber.

MR. SUAREZ: I assume that discussions were conducted on a joint conference committee because of different versions submitted on one particular matter by the two Chambers.

MR. PADILLA: That is correct, there are some conflicting provisions, sometimes on details.

MR. SUAREZ: And this is tantamount to a duplication of legislation.

MR. PADILLA: No, it is not duplication but simplification because the two provisions from both Chambers are simplified and/or harmonized in the process of one system of legislation.

MR. SUAREZ: What we are trying to point out, Madam President, is that one bill being discussed in the Senate may have an identical subject matter as another in the House of Representatives, and because of some conflicting versions the matter is now tossed to the joint conference committee to reconcile these two opposing views. That is my understanding of how a joint conference committee operates. Am I correct, Madam President?

MR. PADILLA: Yes, that is correct. The joint conference committee is to reconcile what may appear as some differences between the two versions.

For example, in the Customs Code on the import taxes, it is very difficult to reconcile because there are always two views, not only in the legislature but also in our country. Others advocate a higher import duty of, say, 20 percent to protect home industry and the other a lesser import duty of, say, 10 percent, because it is necessary for industrial development. But the same principle prevails over both sides for a compromise rate, and so they might reach a compromise of 15 percent instead of 10 or 20 percent.

MR. SUAREZ: So, practically — and this is the charge levelled against a bicameral system of legislation — we are not only setting up two Houses but we are practically setting up three Houses, because the third House is represented by the joint conference committee.

What can the Commissioner say to that, Madam President?

MR. PADILLA: It is very important to reconcile the two versions of the same bill. The joint conference committee is not a separate institution but a part of the legislature. And rather than rush without further discussion a bill passed by the legislature, if there is no Senate and joint conference committee, this system will insure, precisely, better legislation.

MR. SUAREZ: But that is just the point; Madam President. There is no need for reconciliation if there is only one legislative body.

MR. PADILLA: That is the problem because, if we have only one, there is no check or possible review and that is the danger of having a unicameral system of legislature. There may be some statutes, especially other minor laws, that will be passed even without adequate discussion and sometimes even without the knowledge of some Members. But under the bicameral system of legislature that situation will never happen.

MR. SUAREZ: What we are trying to point out also, Madam President, is that not only will legislation be delayed but it will also be duplicated, as what happened in the United States Congress in the case of the immigration bill. I understand that that bill passed by the House of Representatives has a different connotation insofar as the Senate is concerned, and that was thrown, precisely, before the joint conference committee. And up to now, for more than a year, that piece of legislation has been frozen and the two Houses in the joint conference committee cannot seem to reconcile the interest, as well as the date of the effectivity of that law.

Does the Commissioner not think a situation like that would block the principle of speedy disposition of legislation?

MR. PADILLA: As I stated earlier, the more important argument is not speed. I do not believe we have to rush many legislative measures only at the instance of one Chamber. We will have many laws, some of which are not good laws. What our people need is less legislation, less government. It is a wrong impression that our people need more laws, more statutes.

With regard to that situation in the United States, I am not familiar with it. But if the graver issues are involved in a piece of legislation, the more important and far-reaching its consequences, the better that there be greater discussion not only separately in the two Chambers but also jointly in the conference report, and probably greater circulation of the proposed legislation for a responsive public opinion. I believe that this argument on slowness of legislation against speedy legislation is, in my opinion, the best argument, not for a unicameral legislature, but for a bicameral legislature.

MR. SUAREZ: Thank you for the clarification.

MR. PADILLA: Thank you.

MR. MAAMBONG: Madam President.

THE PRESIDENT: Commissioner Maambong is recognized.

MR. MAAMBONG: Will the distinguished Commissioner yield to a few questions?

MR. PADILLA: Very gladly.

MR. MAAMBONG: Thank you.

First of all, I would like to state that I have no preconceived notions on this issue, but I cannot pass up this opportunity to benefit from the sponsor's experience because I want to learn so that I can vote intelligently when

the time comes. I would also like to advance the statement that my experience in bicameral and unicameral systems is very limited. Although I served as a private secretary and legal counsel in the Seventh Congress, I did not learn much because Congress was dissolved. And contrary to the statement of Commissioner Nollado there were really so many Congressmen at that time who shouted their lungs out against that dissolution. In fact, they wanted to hold sessions but the doors were barred. They were locked. And when I was serving in the First Regular Batasang Pambansa — I do not mind admitting that our experience in that body was also rather limited — there was a saying at that time that we in the ruling party were thinking so much and talking so little. On the other hand, the Opposition at that time was always talking so much.

There are issues which have been indicated, and if the sponsor has already answered them, so that we can save time, probably we can skip them. But for purposes of the Record, I will mention them.

The first issue is that a unicameral system is supposed to be simple, uncomplicated, efficient; there is no duplication of work, of time, energy and it is, more or less, a simplified governmental process. There is only one body, so there will be no two bodies working at cross purposes. Would the sponsor like to add to the argument he mentioned on this?

MR. PADILLA: Only that in my opinion, one Chamber can rush enough pieces of legislation that may not be very good to the nation and our people and these may have not been carefully studied and discussed while another Chamber, like the Senate, would have the opportunity to check or even review, and this is vice versa because there are measures that come from the Senate to be reviewed also or concurred in by the House. And as Commissioner Uka said, "Two heads are better than one."

MR. MAAMBONG: The second issue of economy was already discussed by the Gentleman, so we do not have to go into that. But there was a statement that the salaries and maintenance for another House could be better spent for schools, hospitals and other public improvements.

The other issue, of course, is that they say that a unicameral body is more democratic since the representatives are representing identified areas of the country; thus, it is more representative of the people. And the further argument is that it becomes a little bit undemocratic if the Senate is composed of Senators, for example, who belong to another party, so that the greater mass of the representatives of the people might agree on one kind of legislation, but when it reaches the Senate, because the composition is of another party, a majority in the Senate can actually defeat the bill from the Lower House.

Could the Gentleman comment on that?

MR. PADILLA: That is correct; a majority of Members of the Senate may refuse to concur with a piece of legislation coming from the House. Similarly, a bill from the Senate may also be rejected or not approved by the majority of the House. It is not only a check by the Senate over the House. It is mutual.

When we speak of democracy, we speak of the entire people. The different segments of the nation residing in separate provinces and localities are part of the people. But if their representatives will be primarily interested in promoting the interest of that particular portion and the people residing therein, that is democracy, but it is only partial. Whereas, a Senate represents the people and the entire nation because its Members are elected nationwide and at large. That is democratic, and I am not going to repeat anymore, because that may be the viewpoint of some Members of the House — maybe more local, maybe more provincial. Whereas, it is expected that the viewpoint of the Members of the Senate will be more general, more nationwide.

With regard to the majority and the minority in the Senate, as well as in the House, that is expected from a two-party system. But a minority in the Senate is always better than no minority. For example, after the 1949

election where President Quirino was elected, the Nacionalista Party engaged in a campaign that the Liberals were the ones responsible for some of the frauds especially in some portions of Mindanao or that the bees were allowed to vote, etc. In the 1951, 1953 and 1955 senatorial elections, despite the fact that the Liberal Party had very good candidates for the Senate — many prominent men, including Justice Jose P. Pecson, the Secretary of Finance, Pio Pedrosa, Teodoro Evangelista and many other illustrious names, including Diosdado Macapagal — unfortunately, no Liberal Senator was elected. Of course, Tañada was elected as Nationalist-Citizen but within the party of the Nacionalista Party. And so, it was the privilege of de la Rosa, my humble self and two others who were able to break the monopoly in the Senate of the Nacionalista Party for the first time which was dominated by many illustrious names in Philippine history including Senator Recto and many others. Our will could not prevail; naturally, we were in the vast minority, but at least, we were studying, discussing and debating the merits of each and every bill that was filed in the Senate. That was the function that I had to discharge as Senate Minority Floor Leader which consumed most of my time, if not all my time, like our time here in the Commission, and even as against the more learned and more experienced senators.

MR. MAAMBONG: Thank you, Madam President. The other issue is that a unicameral form of legislature is more responsible and more responsive to the immediate needs of the people. But I think the Gentleman has discussed this. I would like to go to another basic issue regarding delay because it has been stated by proponents of unicameralism that the delay is actually in the passage of needed and urgent measures because of conflicting interests between the Lower House and the Upper House. Could the Gentleman comment on that?

MR. PADILLA: I should say that when there are some urgent and important measures, there should be no conflicting interests between the House and the Senate. If we have to pass the budget, we have to cooperate in passing it because it is necessary. With regard to some important measures, especially if they really affect the national interest or the good of the people both Chambers should have the nationalism and patriotism to discharge their duties in a cooperative manner. It is wrong to always say that there is antagonism between the House and the Senate; that when a measure comes from the House, it will be objected to by the Senate, or vice versa. I do not believe that is the correct situation of our past experience. There should be cooperation, and I believe that there may be honest differences of opinion; but when the nation's interest arises, both Chambers will act in favor of protecting and endorsing the national interest.

MR. MAAMBONG: Let me go to another basic issue regarding the check and balance between the two Houses. It has been stated by some that the check and balance is actually between the three departments of the government. In other words, the check is supposed to be interposed by the executive, and furthermore, we do not need an Upper House because Members of the legislature, if it is unicameral, can very well check on each other. I recall when we were serving in the First Regular Batasang Pambansa that even in the case of the ruling party, when we passed that law which granted authority to the barangay officials to administer oaths of office, it was only a one-sentence law; but the Members of the Assembly who are here with us will attest to the fact that it took us almost one month to debate on just one single sentence.

Is that not a sufficient check in the House itself?

MR. PADILLA: In that particular example, if it has been thoroughly discussed — one sentence discussed in one month — I suppose the discussion was thorough, but thorough from the point of view of the House. The Senate might have another view which may even be more important because they represent the nation as their election is nationwide.

MR. MAAMBONG: One final point, Madam President. They say that there is a human defect inherent in the two-chamber system in the sense that they are bound to "pass the buck" to each other. They explained it in this

manner, that there is a human defect in one body which depends on the other. One body might rely on the other body, believing that there was thorough discussion and there was thorough study of the issues. And so, they say, "Well, it has been thoroughly discussed in one body; we just have to pass it."

How does the Gentleman respond to this?

MR. PADILLA: I think there is no "passing of the buck" or the blame or the credit because in the bicameral system, both Chambers approve the measure by at least a majority vote. The Senate cannot say, "This is the House's bill," because the Senate approved it.

The House cannot say, "This is only the Senate's" because the House approved it.

So, there is no shifting of responsibility. It is a concurrent, common responsibility of both Chambers.

MR. MAAMBONG: In other words, there is no reliance on one Chamber on the actions of the other.

MR. PADILLA: No, I will not say that because if the Senate, for example, finds that this measure coming from the House has been quite extensively discussed and its merits and demerits considered, then the Senate may take that into account especially to avoid duplication. But the fact that it was considered might lessen the degree of discussion on the Senate but it will still consider the merits or demerits of that measure.

MR. MAAMBONG: I thank the Gentleman very much; he has been very kind.

Thank you, Madam President.

MR. PADILLA: Thank you.

MR. NATIVIDAD: Madam President.

MR. ROMULO: Madam President, we have three more speakers for the unicameral system this time. And with the indulgence of the body, I think we can finish this before lunch because the three speakers are noted not only for their wisdom but for their brevity.

THE PRESIDENT: Three speakers without interpellation?

MR. ROMULO: Three speakers without interpellation, Madam President.

May I ask that Commissioner Bernas be recognized.

THE PRESIDENT: Commissioner Bernas is recognized.

Maybe we can state that any interpellation can be made after lunch.

FR. BERNAS: Thank you, Madam President and Commissioner Romulo, for a very broad hint for me to be brief. I shall try to be brief.

I would like to place our discussion of unicameralism or bicameralism in the context of an ongoing revolution. We have been called to this Commission by a revolutionary government to the extent that it is a government that is a product of the February revolution. And very much in the air these days are phrases like "people power," "revolutionary Constitution," "social justice," "those who have less in life should have more in law," "decentralization." Therefore, what we are trying to formulate here is a constitution that will set up structures capable of continuing the goals of the revolution. It is commonly said that the revolution of February was primarily a political revolution. It was a revolution that released us from the political oppressions that were institutionalized under the old regime; and last week we completed what may be characterized as the most liberal Bill of Rights this nation has ever had and to that extent, it was a further affirmation of the solid ground upon

which the success of the political revolution rests. But it is also said that we still have to complete a social revolution.

And if we look at the Bill of Rights and the many proposals that are being made in this Commission, we will see that, among the political guarantees, we find guarantees which by themselves are self-executory. But when it comes to the guarantees of social and economic rights, the farthest we can go is to set goals for future legislatures to attain. And, therefore, what we are looking for is a legislature that will be capable of attaining the social and economic goals precisely because we, as a Constitutional Commission, cannot legislate fully effective means for attaining these social and economic goals. Therefore, the legislature which we must set up should be a legislature that is capable of pushing these social and economic goals. In order for this legislature to be able to push these social and economic goals, it must be a legislature that is not insulated from the pressures of people power. It should be a legislature that is more easily subject to the pressures of people power, and the more than 70 percent of the underprivileged masses.

If we look at a legislative body and the nation, essentially, the Upper House is a House that is insulated from the pressures from below. It is generally a House that is protective of monied interests and propertied interests. And if we look at the formation itself of the federal government of the United States, the shift from isolated stage to a federated government was a move among the propertied classes to move government away from the people so that it could be less subject to the pressures from below, from the poor, the farmers and the debtors.

We have had a social justice provision in our Constitution since 1935. We amended the social justice provision in 1971. We are again going through a process of formulating social justice provisions, but I think this Commission will not legislate. It will only set social justice goals. And so, we must give our nation a legislature that is susceptible to the pressures of people power. And they will be susceptible to the pressures of people power, if they are forced to interact with their constituency so that if they lose in one constituency, they cannot recoup their gains in another constituency where they may not be well known. In that sense, a unicameral body can be more democratic, more capable of achieving this economic and social revolution which we want to attain.

It is said that bicameralism would draw to the legislature more mature, more experienced and more able men. But if we have only one body, these experienced and more able men will have no other place to go but to that one body. And they would have this advantage: that they will be people who would be subject to the pressures of people power.

It is also said that bicameralism would be less susceptible to bribery and control of the legislature by vested interests, thus insuring its independence. But again, I say they would also be less susceptible to the pressures of people power.

It is also said that bicameralism would provide a means of securing national views on public questions. We have innumerable talk shows on television and on radio where national issues are discussed more widely than they can ever be discussed in any deliberative assembly. These talk shows are formulating the thinking of the people now through widespread media like FM and AM radio, television, etc. National issues are aired, ventilated, debated upon and discussed thoroughly in media. We do not need an Upper House to do this.

They say that the Senate serves as a good training ground for future leaders. A unicameral body can do as well, especially if it is a unicameral body that is subjected to the ware of the fight of televisions, radio and communication media in general. They will be forced to think not just in terms of local realities, but also in terms of the greater good of the nation. But because their presence in the legislature will depend very much upon their interaction with their constituency, then they will be forced to listen especially to the masses of underprivileged in their constituency.

If I may summarize, I would put it this way: What we need today is the completion of a peaceful social and economic revolution. Therefore, what we need is a body that is not removed from those who will benefit from this revolution. And a unicameral body, representative of the people and elected by constituencies, is in a better position to reflect the sentiments of the masses of the underprivileged.

Thank you.

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

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: Thank you Madam President.

I would also like to speak in favor of the unicameral legislature and I would like to continue from where Father Bernas has left off, since I would like to begin with the same major premise that we are here to continue a revolution that was started by the struggles of the people since the time of the Katipunan, a revolution which we must forge towards social revolution by responding to the basic social inequality in the Philippine society.

We have seen that after World War II we created a political democracy that was denominated by a particular ruling economic elite, and I think we have to respond to it directly now in this fourth attempt at drafting a Constitution by providing the people power and direct access to the centers of power and decision-making.

So, I think the basic issue when we discuss the legislative body is this: How do we make the structures of government closer to the people? How do we empower the people directly by providing access to the centers of decision-making?

I think the first thing in assuring the people is that the legislative body will not be an interaction among representatives of the Senate and the House but rather an interaction between the representatives and the people themselves, indirectly.

So, I would like to support Commissioner Bernas' position that what is needed now is that legislature must have concrete interaction and must be willing to respond directly to what the people want. Secondly, I think the unicameral legislature will be more appropriate towards the development of a new kind of politics, a politics based on issues and not on personalities. Only when we try to develop politics based on issues will we be able to develop a genuine popular democracy. Thirdly, I believe that when we establish a unicameral system, we must also assure that in this unicameral system, there is direct representation of sectors and it is much easier to provide direct sectoral representation in a unicameral body rather than in a bicameral form of legislature; thereby the legislature becomes more responsive to the genuine and immediate needs of the people.

Some of my other arguments in favor of unicameralism are as follows: First, I think it affords a simpler governmental organization. Only one body will exercise the responsibility of formulating the nation's public policy. I think we must give confidence to the representatives in this House of Representatives: and when the people decide who their representatives will be, they will take upon themselves that direct responsibility of assuring that legislation will be responsive to their needs. Second, a unicameral form will provide effective control over the country's fiscal policies and annual budget appropriations. Third, I believe it is more democratic, because I do not agree with the premise that there are local selfish interests of districts as opposed to national interests as has been expressed already by some other Commissioners. We are one nation and we have one national interest and I think, primarily, this interest is to respond to the needs of the poor, the deprived and the oppressed and, to create and continue the struggle for a social revolution. So, I do not believe that there are conflicting interests of the Filipino people based on regional interests. I think what is clearer to me is a conflicting

interest between those who have and those who have not. Fourth, I think a single and large Chamber affords greater representation for the various sectors of society, and I think this is what the Committee and the legislature wish to do. A second House only becomes a tool of special interest groups, because it only promotes personalities and issues and we project our national leaders based on their popularity or their personality, and I think we should not encourage this. These special interest groups tend to dominate the Upper House simply because of the expense it entails to campaign on a national level and we know for a fact that the reality in Philippine society is that the majority are poor and, therefore, access to the Upper House is virtually impossible.

Fifth, it will eliminate unwarranted distinctions between Senators and Representatives which are without basis because they exercise the same functions and the sense of preeminence accorded a Senator is a vestige of aristocratic origins which I do not think we should encourage.

What are the arguments I have against a bicameral form of legislature: First, a two-chamber Congress is no assurance of a better considered and better deliberated legislation. Although it affords double consideration of bills, it might, in fact, encourage the two Houses to hastily pass legislation on the assumption that the other House will review the same. In a unicameral form with a larger deliberative body, the responsibility of these representatives can be emphasized to provide better bills, better legislations which are responsive to the needs of the people. Besides, the function of checking the legislature should not be among the two Houses. The function of checks and balances should be between the legislature and other branches of government; namely, the executive and the judiciary.

Second, bicameralism produces duplication of efforts. The Senate has become a stumbling block to progressive legislation emanating from the House. I do not think it is democratic to see a smaller House of Representatives vetoing a larger representative body.

Third, serious deadlocks may occur in the enactment of important measures which I think occur when there are varying interests between the majority in the House of Representatives and the majority in the Senate. Moreover, there may be instances when there are legislations which meet the needs of a particular political bloc because, in reality, when we speak of checks and balances, it is not a matter of the two Houses opposing each other, but an analysis of these will tell more often than not that they come from the same political parties. Therefore, this check is not a real check because they essentially will vote along party lines. I think a better check is the legislative body with the people. The people will, in fact, be the check and not two representatives among themselves.

Fourth, a bicameral form represents and protects the vested interests of the rich because only the wealthy individuals can make it to the Senate due to the prohibitive costs of campaign.;

Fifth, on the matter that it produces future leaders in the country, I think our history of struggle against the dictatorship has shown that we do not need an elite body of nationally elected individuals to represent new, future upcoming national leaders. We have seen how the people can assert themselves on issues involving the national interest. I do not believe that it is the stature of being a senator that makes us confront a dictator just as what has been mentioned that there were some distinguished senators who opposed the declaration of martial law.

I would like to remind the body that over and above these distinguished individuals who have opposed the dictatorship, the common people, the workers and the peasants have continually opposed tyranny, dictatorship and oppression. We do not need a bunch of elite people to speak for them. The people have learned to speak for themselves and they can assert themselves and we should provide them greater access towards asserting this basic right.

Thus, if we think that it is a good training ground, I would also like to remind the body that there have been

instances where their national leaders have not come from the Senate. Notable in the Philippine context are Presidents Magsaysay and Macapagal who came from the House of Representatives. President Aquino herself was never a politician. In the United States, there were at least three Presidents who did not come from the legislative body but came from a direct executive position such as governor or mayor. Franklin Roosevelt, Carter and Reagan were governors. My point is: We do not need a Senate as a training ground for future leaders. I think the best training ground is to continue the struggle for truth, freedom and justice.

.MR. ROMULO: Thank you.

Madam President, Commissioner Sarmiento feels that all the arguments have been given, and so, he withdraws. And now that we have enough food for thought, may I suggest that we take care of our bodies.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended until two-thirty in the afternoon.

It was 12:26 p.m.

RESUMPTION OF SESSION

At 2:49 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. ROMULO: Madam President, some Commissioners would like to interpellate Commissioner Bernas, so I think we can do that now.

THE PRESIDENT: Commissioner Bernas is requested to take the microphone.

MR. ROMULO: Commissioner Tingson would like to be recognized.

THE PRESIDENT: Commissioner Tingson is recognized.

MR. TINGSON: May I have the honor of asking a couple of questions of Commissioner Bernas?

FR. BERNAS: I have the honor of answering the Commissioner's questions.

MR. TINGSON: Thank you very much.

The Commissioner mentioned in his speech before we ate our lunch that because of the social and economic goals that we must implement, especially in the light of the recent peaceful revolution, said goals can be more effectively done by a unicameral body.

FR. BERNAS: Yes.

MR. TINGSON: If I am not mistaken, such social and economic goals especially in the light of what happened recently, with all of us getting more nationalistic and patriotic, are national in scope and not provincial. Does the Commissioner not think that it would be best attended by a group of legislators who are elected nationwide and who have better expertise on that line?

FR. BERNAS: It is national in the sense that the social and economic problems are pervasive. But more than just being national, it is also very local in the sense that they affect individuals. They are the ones who suffer from lack of economic security. And so, for the purpose of responding to the desires of these masses, it is better to have a legislature which has a better feel of the desires of these masses.

Commissioner Tadeo was speaking in radical terms about this the other day, and he spoke about the importance of exposure in the process of an education of an individual, so that what he was trying to say, I think, if I understood

him right, is that if one has had some time living with these individuals, then his perception of what the problem is changes, and one begins to see things from their own perspective.

Looking back to the experience of the senatorial and congressional races, I asked myself: Who are in a better position to undergo these exposures? And I was privileged to listen to two veteran lawmakers who are Members of this body. One was a veteran of the House of Representatives and the other was a veteran of the Senate. Each of them described how they campaigned during election time. The Member of the Senate said: Is "It was very easy for me to campaign. Why? Because you would land in a central city, and you would go from town to town for brief stops, listen to them almost with just enough time to be able to shake hands, not really to feel the sentiments of the people." Where as, according to the veteran Member of Congress, he said: "It is very difficult to campaign for the House of Representatives because you really have to go to the barrios; you have to mix with the people, It was demanded of you that you do this " Because of that, I feel that the Member of the House of Representatives is in a better position to really assess the sentiments of the people, of the suffering masses, because they were not just fleeting through these towns. They were staying there, interacting with them and sometimes staying with them for a long time.

MR. TINGSON: But does the Commissioner not agree that the people who are elected to the Upper House are not political novices? These are people who had proven themselves, to begin with. They are acceptable in their own local districts and hometowns. And as such, they really are statesmen rather than politicians.

May I just add here, if I may, that to me a politician is a man who only thinks of the next election while the statesman prays for the next generation. And it seems to me that that is exactly what the Upper House is and should be. Does Commissioner Bernas agree?

FR. BERNAS: I do not fully agree with the Gentleman that that is what is needed by the nation now. We do need statesmen first. But his statement suggests that with a Lower House only or one legislative body only, we will have no similar statesmen. I disagree with him. But aside from having these statesmen, we will also have people who are in deeper contact with the masses.

MR. TINGSON: Commissioner Bernas was in America for some time; he is also an authority on American history. If I am not mistaken, most of those who were elevated to the presidency were people who had their training in the Senate. And is this not a very logical thing indeed — by age, experience and exposure to national issues? There is indeed a need for the Senate because the presidency involves national leadership, not just local.

FR. BERNAS: I am glad that the Commissioner mentioned America because I do not think America should be the model for the Philippine government. Let me say why: The American government was formulated, as I said, in reverse of what we are trying to do. The American government started from local governments. And if we look at the records of the Constitutional Convention of the United States, particularly the debates between the Federalists and the anti-Federalists, the tenor of the arguments of the Federalists was precisely to create a federal government removed from the people in order to silence the masses, that what we want?

MR. TINGSON: Yes.

FR. BERNAS: Is that what we want? Do we want to model our government after America with all the defects of America? If one will read the book of Charles Beard written in 1915, *The Economic History of the Constitution of the United States* — American scholars have not stopped studying that book the conclusion many American scholars draw is that the Constitution formulated by the Federalists, precisely, was not a democratic Constitution. It was designed to silence the oppressed masses of the states. The state governments, particularly the landed gentry, found themselves pressured by the masses. And they learned to protect their interests among themselves.

They say "Let us get together so that we can protect ourselves from the masses." Is that what we want for this country?

MR. TINGSON: One will be glad to know that one of the schools in America that I have the joy of attending was Loyola University in Chicago, the Commissioner's denominational university. And I also studied Charles Beard; I remember that very well. I am not saying that I am an authority on him but let that be so.

My next question and my last one is: Commissioner Bernas mentioned that this revolution actually did happen because, in fact, we were fighting against the political structure that gave rise to the despotic rule of the discredited leadership then. Do I understand that right?

FR. BERNAS: Yes.

MR. TINGSON: If so, then was not that revolution precisely against the structure of unicameralism because it gave rise to a dictator? In answer to that, let us have a bicameral system from which a dictatorship or an authoritarian rule will be harder to rise.

FR. BERNAS: I assure the Commissioner that if we were to poll the people who gathered in EDSA, between Camp Crame and Camp Aguinaldo, and ask them if during that revolution they ever thought of a unicameral or bicameral body, the vast majority of them will say, "It had no relevance whatsoever with what we are trying to do. We just wanted to get rid of Marcos." Bicameralism or unicameralism was farthest from their mind.

MR. TINGSON: May I just say that probably it is farthest from their mind because some of them do not have the political discernment that Father Bernas and I are supposed to have as Members of the Constitutional Commission. So, they find that political matters, if I am not mistaken, are supposed to be attended by us in this Constitutional Commission. And that is why he and I are debating now on the merits of the two systems. Am I not right?

FR. BERNAS: Basically, we disagree. But I do not believe that because we are here, we are necessarily wiser than the masses. I do not believe that there is nothing we can learn from them. It is simply that we are more articulate and we have been projected more in the public eye. And for that reason, we have been chosen. But is it a question of wisdom or unwisdom? Is it a question of better or worse? I do not think that is the point at all. We cannot claim to be better than they are. We cannot claim to be wiser than they are. We may have had more formal education than they have, but we cannot claim that they are less educated than we are. And I do not wish the legislature that we are formulating to be projected as an elitist legislature. If I may go back to the Gentleman's reference to the American Constitution, that was the thrust of the Federalists. That was the thrust of Madison. That was the thrust of Jefferson. If he will read "Federalist Paper No. 10" written by Madison, it is a very clear affirmation of class superiority.

MR. TINGSON: I thank Commissioner Bernas. Those are his feelings and opinions and I do have mine too. But thank you very much.

MR. ROMULO: Commissioner Natividad would like to be recognized.

THE PRESIDENT: Commissioner Natividad is recognized.

MR. NATIVIDAD: Will the Gentleman yield?

FR. BERNAS: Very willingly.

MR. NATIVIDAD: I have not really made up my mind yet on this issue and that is the reason I would like to extricate some answers. There is an example here. First, I would just try to confirm what Commissioner Bernas

said about the House of Representatives. I served for 12 years in the House of Representatives in a province where most people from the barrios know how to recite and compose poems on the spot, led by our distinguished Senator. But one will believe me and our distinguished Senator, who is highly respected and adored in Bulacan, that even children in the barrios can compose poems and recite the masterpiece of Balagtas. That is why I do not dare compose a poem there. I am not a Soc Rodrigo so I do not dare compose a poem in the barrio. What I would like to confirm is that the campaign for a Congressman is quite different from that of a Senator because from my schedule — when I was campaigning for three terms — during the hottest part of the campaign period I had six meetings a night and 1,000 houses to cover everyday, because we conducted a house-to-house campaign. At night we used to have six or seven meetings simultaneously going on for one or two months before the election. The schedule was quite hectic. We had to sleep in the barrios at times when we could no longer return to our base for rest. We only discover the idiosyncrasies of our people when we stay with them. For example, in what we believe is an enlightened province, the voters do not mind if a candidate knocks at the door to campaign at three or four o'clock in the morning. They would rather that you wake them up at three o'clock in the morning than during daytime for it is clear that you stayed awake up to three o'clock in the morning just to get their votes. Here in Manila, that method of campaigning would have been disastrous. But the voters hardest to get are in our area. I used to knock at their door at three o'clock in the morning to wake them up. However, they still considered that a favor because they thought the Congressman did not sleep just to get their votes. That is an idiosyncrasy that I do not read in books.

So, my first question is: An example was mentioned of a certain Congressman who went to a Senator asking that a certain bill he sponsored in the House, in commitment to a leader, be disapproved in the Senate. Of course, I am not one of those Congressmen; I have never done that. But is that not an argument in favor of a unicameral system? That happened because there were two Houses. There was passing of the buck. But if we have one House, a unicameral system, it is impossible to do that. We stand in our own convictions and commitments. Whether we like it or not, we have to be guided by our conscience. But if we have two Houses, we usually pass the buck on to each other.

FR. BERNAS: Precisely, I agree with the Commissioner. Incidentally while I agree with him, I would also like to acknowledge that my example of a Congressman which I cited in my remarks was something I learned from Commissioner Natividad talking about his experiences over a cup of coffee in the lounge.

MR. NATIVIDAD: Thank you.

There is another point. The conference committee, as has already been discussed on the floor, is necessary when there are two Houses because it is inevitable that there will be two different versions or two sets of the same bill with different provisions. What happens is that if the conference committee does not agree within the reglementary period of 100 days, the bill is lost because we have to have a special session where bills considered therein will have to be certified by the President. That is as far as our experience in the Congress is concerned.

The other point I would like to talk about is hasty legislation. During our time in the old Congress, we had our check and balance; there was the Senate, the President and the courts for any unconstitutional legislation. If a law went through a judicial review, it might be declared unconstitutional.

But here again we are considering additional safeguards like initiative, referendum and even recall. So, I am asking this question: Would these not suffice as safeguards for a unicameral legislature? We shall have the committees there and what is more potent is the prospect of recall, initiative and referendum. Any of these is unusual, and if I know my politics, it will have an impact on the future legislators of our country. It will be the end of their career. If the law that one sponsored, through a mechanism of referendum, is rejected by the people, or if

an indifferent Congressman refuses to propose a bill which was approved through initiative resulting in an outrage and outcry of the people such that he becomes subject of recall which is later on approved, would this not constitute a very potent system of check and balance?

FR. BERNAS: Again, I agree with the Commissioner and I might also add that there can be no more potent obstacles to maturation than the realization that there is somebody there who will always correct you. So, if we have a House of Representatives that knows that its mistakes will be caught by somebody else for correction, then the growth towards maturation will be stunted. The sooner we leave them alone to stand by themselves, then the more responsibly they will act.

MR. NATIVIDAD: There is one statement I appreciate. The Congressmen are really vulnerable to the pork barrel system and the public works projects. Many of our people translate good performance in terms of public works that they take home and how many appointments they have engineered into the bureaucracy. I think if we have a unicameral system, this problem should be addressed. We should make sure that all vestiges of the pork barrel system are not returned because the legislative is very vulnerable to a President who knows how to use and misuse the system of allocating public works projects and appointments. This is a dangerous problem. This should be the area where the unicameral system should be protected from because the executive controls the release of funds for these projects. The Constitution should not allow the legislature to legislate projects without certainty of funding. I remember in the old Congress, we had a total public works appropriation of P18 billion, but not a cent was available. Congress used to promulgate public works bills every year without certain funding or appropriations. So, the President could just pick what he wanted to be released, and this way he controlled many of the political activities and maneuvers of Congress. In an overall situation, does the Commissioner feel that a unicameral legislature would be protected from this well-known strategy to control and influence it?

FR. BERNAS: I think the observation about the prevalence of the pork barrel system in the premartial law Congress is very well-taken. But we should also take into consideration the fact that since that time up to the present, our people have grown in political maturity. They are a people who are less likely to be bought by the pork barrel system. They are people who are politically mature and who think in terms of what is really good for the nation and not just for themselves as individuals. So, while the pork barrel system was something that was prevalent in the past and in case there will be an attempt to reintroduce this in the present, I think our people are in a better position to cope with this. So, the unicameral system will not be standing by itself. It will be a unicameral system that is situated in a political society that has grown in maturity because of the experiences in the past 15 years.

MR. NATIVIDAD: Thank you.

MR. ROMULO: There are no more interpellators for Commissioner Bernas, but Commissioner Bengzon would like to be recognized.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, I just have about three points in reply to those raised in favor of the unicameral system. One of the main theses of Commissioner Bernas in speaking against a bicameral Congress is that the Senate is created to be isolated from the people. In citing the federal system of government, we may have copied the system at the beginning, but as to whether that was really the intention or not, I really cannot say for certain and much less can I agree to the proposition that the Senate in the Philippines was set up by the elitist group.

Perhaps before 1941 and after the war and until about the time before martial law, there were instances when

certain business blocs voted certain people into the Senate, but these business blocs also voted people into the House of Representatives.

I grant the proposition that the Members of the House of Representatives are closer to the people that they represent. I grant the proposition that the Members of the House of Representatives campaign on a one-to-one basis with the people in the barrios and their constituencies. I also grant the proposition that the candidates for Senator do not have as much time to mingle around with their constituencies in their respective home bases as the candidates for the House. I also grant the proposition that the candidates for the Senate go around the country in their efforts to win the votes of all the members of the electorate at a lesser time than that given to the candidates for the House of Representatives. But then the lesson of the last 14 years has made us mature in our political thinking and has given us political will and self-determination. We really cannot disassociate the fact that the Congressman, the Member of the House of Representatives, no matter how national he would like to think, is very much strongly drawn into the problems of his local constituents in his own district. So that necessarily and even perhaps unconsciously, his mind, his efforts, his desire to help the nation becomes parochial in many respects because he thinks of his constituents in his own district.

Due to the maturity of the Filipinos for the last 14 years and because of the emergence of people power, I believe that this so-called people power can be used to monitor not only the Members of the House of Representatives but also the Members of the Senate. As I said we may have probably adopted the American formula in the beginning but over these years, I think we have developed that kind of a system and adopted it to our own needs. So at this point in time, with people power working, it is not only the Members of the House who can be subjected to people power but also the Members of the Senate because they can also be picketed and criticized through written articles and talk shows. And even the people not only from their constituencies in their respective regions and districts but from the whole country can exercise people power against the Members of the Senate because they are supposed to represent the entire country. So while the Members of Congress become unconsciously parochial in their desire to help their constituencies, the Members of the Senate are there to take a look at all of these parochial proposals and coordinate them with the national problems. They may be detached in that sense but they are not detached from the people because they themselves know and realize that they owe their position not only to the people from their respective provinces but also to the people from the whole country. So, I say that people power now will be able to monitor the activities of the Members of the House of Representatives and that very same people power can be also used to monitor the activities of the Members of the Senate.

The last point I would like to take up is that it is unfortunate that the last Members of the defunct Senate were belittled and not given much credit for standing up against the declaration of martial law despite the fact that they risked arrest and that, in fact, a great number of them were arrested and incarcerated for a number of years. It is not only unfortunate but I think it is most unkind. As a matter of fact, if we look in retrospect, a lot of Filipinos liked martial law at the beginning because of the land reform that was dangled on top of our heads. A lot of mothers and wives liked martial law; a lot of people liked martial law because at the beginning it was giving order into our society. The slogan was: "Sa ikauunlad ng bayan, disiplina ang kailangan."

At the beginning it was so. I even noticed it myself in the simple manner of conducting oneself in traffic. People were beginning to follow traffic rules. They were giving way to one another. The economy was beginning to improve until cronyism set in. So, we cannot say that people power was against martial law at the beginning because we really did not have any parliament of the streets at that time. And so, where was people power? It was probably still in the hearts of the Filipinos and was not yet really expressed that much. I feel that the last Members of the defunct Senate were the first ones who stood up against martial law.

Thank you, Madam President.

MR. ROMULO: Madam President, Commissioner Padilla would like to be recognized.

THE PRESIDENT: The Vice-President. Commissioner Padilla, is recognized.

MR. PADILLA: Thank you, Madam President.

I have spoken long enough this morning and I did not intend to speak any longer but I heard from Commissioner Gascon the few remarks that I feel need refutation. I heard the statements that the Senators usually represent special interests; that the Senate blocks progressive legislation of the House; and that the Senate is an elitist body whose Members are only the wealthy because their election is expensive.

I do not have to refute these statements in a personal capacity because I do not feel alluded to by any stretch of imagination as being covered by such indictments. But to set the record straight, I think the record of the Senate is just the opposite of those charges or accusations. The many Senators whom I had the privilege to work with from 1958, when I was the Minority Floor Leader as only two Liberals were elected in 1957 as against 22 Senators, were illustrious men who were nationalistic and patriotic like the late Senator Claro M. Recto. I do not believe that there is any substance to the charge that the Senators were protecting or representing special interests and much less served as a blockade to progressive legislation by the House.

With regard to the candidacy of Members for the Senate and the expenses, the fact is that the senatorial campaign expenses, especially for those who have been chosen by the party, are very much less than the expenses of the candidates for the House. One may not believe it, but in my first campaign, I did not even spend P300,000 because the Liberal Party, under its presidential candidate, Jose B. Yulo, financed the expenses of the party. Our expenses at that time were only for personal propaganda materials that had to be circulated wherever we went during the nationwide campaign.

The other point that was mentioned by Commissioner Bernas is that the Senate is isolated or insulated from popular power or people power. I think there is also no basis for such statement.

Madam President, mention was also made about the American Constitution — the revered names of Jefferson or Madison were being accused of isolating or silencing the masses of the people.

I understand that was quoted from a certain writer, but I cannot, even in a small measure, believe that charge because these are the founders, the leaders who were responsible not only for the declaration of independence but for the Constitution of the United States which stresses democracy defined by President Lincoln later on as: "the government of the people, by the people and for the people."

We speak now of social and economic goals. That is why I proposed the word "progress" in the Preamble of our Constitution — to meet the economic goals for the betterment of the life of the Filipino people. But when we speak of people power, more particularly the political miracle of February 22 to 25, the peaceful revolution of the people, this refers to the outraged, feeling of the sovereign people who suffered depressive and oppressive misrule by absolute power. But with regard to the many problems of the nation, we should consult the people, feel their pulse, know their problems which I believe is part of leadership to be able to understand and to provide the solutions therefor. It is not enough that there be a sentiment of the people, especially when it is local or provincial, or in the adjective of Commissioner Bengzon, "parochial," that we immediately have to implement or follow because the problem of one sector or province may not be the same as the problem of another. And yet, we must have a solution that is not local but national in scope and is effective throughout the nation. I would like to think of people power as an enlightened public opinion.

Thank you.

MR. ROMULO: Madam President, Commissioner Maambong would like to be recognized for a brief interpellation.

THE PRESIDENT: Commissioner Maambong is recognized to interpellate Commissioner Davide.

MR. MAAMBONG: Madam President and members of the Committee: I mentioned earlier that when I was employed in the Seventh Congress, it was dissolved. When I was given a chance by the people of Cebu to serve in the First Regular Batasang Pambansa, it was again dissolved. This dissolution is getting to be a habit, and if my luck will run its course, I even entertain nightmares that the Commission might even be dissolved

So, we are talking here of unicameralism or bicameralism. Will the Committee enlighten us on this point: Is there any provision in a unicameral type of legislature or bicameral type of legislature wherein the head of the government, the President or whatever we may call him, will have some respect for the representatives of the people who serve in the National Assembly or in the legislature? Is there such a provision in the Article on the Legislative?

MR. DAVIDE: May we request the other members of the Committee to come forward and join us here in answering a very difficult question?

THE PRESIDENT: The members of the Committee on the Legislative are being requested to join the Chair- man of the Committee.

MR. DAVIDE: Madam President, in response to the question, it should be stated here that we have installed a system of government where we recognize the basic organs of government, the executive, the legislative, and the judiciary, each independent of the other. As a matter of fact, insofar as the judiciary is concerned, we have enshrined a judiciary whose independence is enhanced and promoted by the approved Article on the Judiciary. In the matter of the legislative or the National Assembly, as being proposed now by this Committee, we will have one which can withstand any pressure from the President. Among others, we recognize the Question Hour which will, therefore, subject the members of the Cabinet of the President to vigorous questionings and to exposures of whatever evils may be committed by the executive department. To me that would, in effect, be an authority on the part of the legislature to dictate even on the President through the Cabinet ministers. We also recognize in the Article on the National Assembly certain powers of the National Assembly. For instance, in the matter of treaties and international agreements, either cannot be valid or effective without the concurrence of at least a majority of all the members of the National Assembly. If we take this into account vis-a-vis the provision of the proposed Article on the Executive, the legislative would have the authority over that of the President in the matter of the execution of certain presidential prerogatives like the proclamation of Martial law and the suspension of the privilege of the writ of habeas corpus. All of these taken together would clearly indicate that, perhaps, the fear of a dissolution of the National Assembly, like what was done to the Regular Batasang Pambansa of which I was a member, may not happen. Of course, we have to recognize the fact that if there is a people's revolution again, any existing legislature may also be abolished.

MR. MAAMBONG: In other words, the Committee is saying that we have all the provisions under which the legislative can withstand the pressure of the President except dissolution. There is nothing there in the Commissioner's statement of facts which would indicate that the President or the head of State could be prevented from dissolving the legislative body.

MR. DAVIDE: There is nothing that is provided for here on dissolution as used in a parliamentary form of government because we are not adopting the parliamentary system.

MR. MAAMBONG: Thank you.

Just one more very minor point.

MR. FOZ: Madam President, I stand on a point of parliamentary inquiry. I thought the arrangement that we have agreed upon this morning is that after the discussions on the pros and cons of the issue on the number of chambers that the legislature would have, the body would then proceed to vote on the prejudicial question as raised by Commissioner Rodrigo. I suggest that we stick to the arrangement as agreed upon this morning. Are we going to follow that agreement, Madam President?

MR. MAAMBONG: Madam President, I was assured by the Floor Leader that we are not yet through with the interpellations on the matter of unicameralism and bicameralism; that is why I am now proceeding to interpellate with just one or two questions and then will sit down after that.

THE PRESIDENT: In other words, the Commissioner's interpellation is still related to the problem on what system we shall adopt — if it is a unicameral or bicameral system.

MR. MAAMBONG: Precisely, Madam President.

THE PRESIDENT: The Commissioner may proceed

MR. DAVIDE: Madam President, with the permission of Commissioner Maambong, may we seek the recognition of Commissioner Guingona for a supplementary statement relevant to the question asked by Commissioner Maambong?

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Thank you, Madam President.

Our Chairman has already enumerated certain restrictions and powers of the National Assembly or Congress in relation to the presidency and I would like to mention that in spite of the fact that the President is the commander-in-chief of all the armed forces, under this committee report, it is still the National Assembly which will have the sole power to declare the existence of a state of war.

I just want to mention the fact that we have to look at the Constitution as a whole and, therefore, restrictions or limitations on the power of the presidency or other related matters would be found in other provisions or other articles of the Constitution like in the matter of impeachment, where the legislature would have a say with regard to the initiation and prosecution, and, perhaps, in the matter of adjudication. In other words, not everything which has to do with the relationship of the legislative or with the executive would be found in this particular article.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: Madam President, just for a point of information with respect to the fears of Commissioner Maambong about a prospective further dissolution of the legislature if one day he will be in the legislative body.

Section 15 of the proposed Article on the Executive provides that a state of martial law does not suspend the operation of the Constitution nor supplant the functioning of the civil courts or legislative assemblies and that refers to the National Assembly as well as to the local legislative assemblies.

MR. MAAMBONG: Thank you.

More or less, that is a specific answer but I may be just engaging in wishful thinking if I request the Committee to formulate probably a definitive statement that whatever changes in the executive department, there should be no dissolution of a legislative body which is composed of representatives of the people. But that is not for today, probably some other time when the Committee will think about it.

In line with this question that I have posed is the matter of continuity of the legislative body be it unicameral or bicameral. There is a statement to the effect that if we have an Upper House, considering the staggered terms of its members, at any time there will always be a group of available and experienced men who can be depended upon to continue the policies of the government, which is not true in the unicameral system because when it adjourns or when there is a new election, no member is left around. Will the Commission on Appointment on the continuity?

MR. DAVIDE: I thank the Commissioner for asking that question because that exactly is one of the evils in a bicameral system. It might happen that in a given election, after the expiration of one-half term of the Senate members, a new mandate from the people will actually be the outcome in the given election. For a very hypothetical situation, let us assume that one-half of the Members of the Senate belong to one particular party. This one-half will be the one to remain because the term of the others may have expired at a given period. But at the commencement of the term of the Members of the Lower House whose term now may be coextensive with the term of the remaining Members of the Senate, we may have a Lower House elected from another political party.

So we will have a National Assembly with an Upper House composed of people belonging to one party and a Lower House composed of Members belonging to another party. So how can we have unity in that legislature? It would be a chaotic legislature. That situation alone is the best argument against maintaining a bicameral system of government.

MR. MAAMBONG: Actually, the question is more on the continuity of a legislative body as an argument for those who are in favor of the bicameral system where at any given moment there is still a continuing legislative body.

MR. DAVIDE: Under our proposal there will always be a continuing legislative body, because the election will be on the second Monday of May and they will assume on the 30th day of June, which would also be the end of the term of the previous National Assembly. So there is a continuing body — the National Assembly.

MR. MAAMBONG: That answers my question.

Although the Committee reported out a unicameral system, it is still adopting an open mind. But may I just pose this last question: There is a statement here I gathered that in the case of a unicameral system, there is an easier control by the President and because of that easier control, we might wake up one day with an uncontrollable President by the grace of a weak single Chamber.

I am quoting this from somewhere; I do not remember who said this, but I am repeating it for the body so that we can comment on it.

MR. DAVIDE: That particular statement was a statement on the basis of past experience where we had a very, very strong President with even dictatorial powers. With the report now of the Committee on the Executive of which I am a member, I am sure that we can never have a very strong President who can dictate upon the Members of the National Assembly.

MR. MAAMBONG: I thank the Commissioner for his assurance.

Thank you, Madam President.

MR. ROMULO: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. ROMULO: There are two Commissioners who have registered to speak, and I believe that is the limit. This

is a very important question so I have been somewhat liberal. I beg the indulgence of the House. The two speakers will be Commissioners Villegas and Bennagen, and I enjoin them to be brief.

THE PRESIDENT: Commissioner Villegas is recognized.

MR. VILLEGAS: Thank you.

Madam President, these are just supplementary remarks to what Vice-President Padilla has already said. I would like to say that looking at the issue of bicameralism from the standpoint of economics, which is one of our most important concerns, we can really say that there should be legitimate vested interests in a democracy.

Actually, attaining the common good is always a process of balancing these legitimate vested interests. As long as a Senate will be elected at large, I am in favor of a bicameral form of government. I see the Lower House as espousing the enlightened parochialism that is very necessary for the principle of subsidiarity to actually be implemented and that we should encourage the Congressmen to defend their legitimate vested interests which they alone can see because they are the ones closest to the problems.

To illustrate the issue, we take the sugar industry which is the concern right now. It is quite clear that the sugar industry is a dying industry. But, of course, we cannot expect people from Negros, from Bukidnon, and from other areas to actually defend a policy that would give priority to other crops that are more profitable than sugar. They are expected to defend the interest of the sugar industry even up to the last possible legislation. We can say the same thing about the coconut industry.

If certain research shows that all the coconut trees in Bicol should be cut down because the last place for coconut to be planted is Bicol, we can expect the Bicolanos to look for all the possible reasons to retain the coconut industry in Bicol.

I am illustrating here the sectoral interests that we should consider. As these interests are legitimate, we should not in any way give a derogatory or pejorative tone to "parochialism." Parochialism is needed in a democracy.

I see the Lower House as the individuals who will be experts on "trees." Now we need some people who will be experts on the "forest" to take a look at all of these legitimate vested interests. Who will then be the experts in balancing delicately the many legitimate parochial interests that are going to come out in the Lower House?

I know that a unicameral House may also take care of sorting out these conflicting interests, but it is very difficult to depend only on this specific House where everyone is required to defend his respective legitimate vested interests. That is why I see a Senate whose Members are more detached from sectoral problems and are really looking at the common good, from the standpoint of experts of the "forest" as necessary in this delicate balancing act, especially in the field of economics which is the science and art of attaining multiple and oftentimes conflicting objectives with limited resources.

Thank you very much.

MR. ROMULO: I ask that Commissioner Bennagen be recognized as the last speaker.

THE PRESIDENT: Commissioner Bennagen is recognized.

MR. BENNAGEN: Thank you for the fanfare.

Thank you, Madam President.

I am supposed to be brief so I wrote down what I wanted to say.

There seems to be a tendency to look at the representatives as parochial in their perspective and in their world

view. and that because they are bound to the narrow confines of their district. it would be difficult for them to understand w national and international relations and problems. Therefore, it would be extremely difficult for them to develop into national leaders. That seems the trend of the line of the arguments.

I hold a contrary view. We as a people and as a State have become so integrated into the world order that more and more of us are beginning to see the interconnectedness of our local lives and our local problems with those of the national and international order.

Let me illustrate. Our national organization of anthropologists, the Anthropological Association of the Philippines, for the last ten years has been holding annual and biannual conferences and symposia where we invite not only professionals but also government representatives and representatives of various depressed communities, not only those of ethnic minorities, but also those of the urban poor as well as of the peasants. Their testimonies and participations have revealed a deep understanding of their local situation, and national and international relations.

I can cite a number of examples but let me just mention one experience we had in Midsayap, North Cotabato where we had a number of datu representatives as well as peasants both from the "Christian" settlements and from the so-called national minority, as well as Muslim communities. One of us coming from the national organization started asking about imperialism. Whereupon one datu stood up and said: "You are asking what imperialism is. I ask you to come to our village. I will show you our degraded environment because multinational corporations have degraded them. I will show you our impoverished people who cannot plant what they need to eat because they have to plant for multinational agri-business. I ask you to visit our widows and orphaned children whose husbands and fathers have been killed by the military, often with arms provided by the United States."

I believe it will be this kind of people, already aware of their rights, who will exert pressure on their local representatives for them to be more responsive. And responsiveness will exert a heavy demand on the representatives for them to acquire a deep and comprehensive understanding not only of the local problems but much more so of how these local problems are very intimately interconnected with national and international problems.

I think having a unicameral legislature is no argument for the difficulty of evolving competent and numerous national leaders. Right now, we already have this evolution of national leaders in a number of people's sectoral organizations who have acquired a deep understanding, as I said earlier. of local problems and of how these local problems are intimately linked with national and international problems. Let us not underestimate them. I think a unicameral legislature will be much more democratic and much more responsive.

I am, therefore, for a unicameral legislature.

Thank you.

SUSPENSION OF SESSION

MR. ROMULO: Madam President, since there are no other registered speakers, I think we can now vote on the main question. May I ask for a short recess so that I can frame the question with the Committee, just to make sure that it is fairly put?

THE PRESIDENT: The session is suspended.

It was 3:57 p.m.

RESUMPTION OF SESSION

At 4:06 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. DE CASTRO: Madam President.

THE PRESIDENT: Commissioner de Castro is recognized.

MR. DE CASTRO: Thank you, Madam President.

We have reached a point where we have to decide on a very important question — the question of whether we shall have a bicameral or a unicameral legislature.

May I move, although I cannot as yet find it in the Rules, that the voting be individual, nominal but with no explanation?

THE PRESIDENT: Yes, by roll call vote.

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

MR. DE CASTRO: May I also request, Madam President, that those absent be given an opportunity to vote, especially when their votes mean the crucial vote as to whether we shall have a bicameral or a unicameral legislature?

THE PRESIDENT: Is that a motion?

MR. DE CASTRO: I move that the votes of those who are absent in this important voting be reserved and they be given an opportunity to vote on the issue when they are present, since their vote is crucial in the determination of the problem.

MR. RODRIGO: Madam President.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: I would like to answer that statement, but before that, for the sake of orderly procedure, this debate was triggered by my statement that we should resolve a prejudicial question, and that question is: Should we adopt a unicameral or bicameral legislature? I suggested that we go into caucus to decide this matter. After listening to the extensive debate, I withdraw the suggestion that we go into a caucus, and I agree that we should vote on that matter here. However, on the suggestion that those who are absent be allowed to vote later, I do not think that is proper. First of all, they are absent, and the Rules says that only those who are present may vote. Secondly, they have not listened to the arguments, pro and con, to the thorough debate we had here.

THE PRESIDENT: The Gentleman is objecting to the second motion?

MR. RODRIGO: Yes.

MR. DE CASTRO: The period of debate was already terminated. I would like to remind the Gentleman that we are now at the point of voting whether we shall have a bicameral or a unicameral legislature.

MR. RODRIGO: Yes, I agree with that. What I am objecting to is to allow the absent Members to reserve their vote so that they can vote tomorrow or the day after tomorrow.

MR. DE CASTRO: Suppose the absent Member has asked permission because of physical necessity?

THE PRESIDENT: We will submit this motion — on whether those absent now will be allowed to cast their votes one way or the other at a later time — to the body.

MR. ROMULO: Madam President, may I just say that the motion of Commissioner de Castro would, of course,

require the suspension of the Rules. Secondly, this is a very important precedent we are setting. So, I would like these things considered when we vote on this motion. We have many more important provisions coming up and if people will reserve their vote constantly, there will be disorderly procedures. I think the Commissioners have the duty to be present, and if they are absent, barring death, that is their misfortune.

MR. DE CASTRO: Madam President, they have a duty to be present and one of our Members was here doing his duty, but necessity requires that he see his physician right away.

THE PRESIDENT: We will go into that after we have already finished the voting.

MR. ROMULO: Yes.

MR. DE CASTRO: Thank you.

MR. ROMULO: May we put it to a vote, Madam President.

THE PRESIDENT: We will have a roll call vote. We will act on the second motion later on, Commissioner de Castro.

MR. DE CASTRO: Thank you, Madam President.

THE PRESIDENT: Are we ready now for a roll call vote? So, will the Acting Floor Leader please present the issue to be voted upon.

MR. ROMULO: The question on which we shall vote is as follows: After consultation with the Committee and in view of the committee report, how many are in favor of a unicameral legislature?

THE PRESIDENT: In other words, if the vote is yes, that vote goes to the unicameral legislature. Is that correct?

MR. ROMULO: That is correct.

MR. RODRIGO: Madam President, may I make a suggestion? Since we have a roll call vote, why not just ask each person, each Member, to state "unicameral" or "bicameral" so that we will just go through the roll call once.

THE PRESIDENT: Is that acceptable, Mr. Floor Leader?

MR. ROMULO: It is acceptable.

THE PRESIDENT: So, that is already clear. Please cast your vote loud and clear because sometimes we cannot hear what you say. So, the vote will either be unicameral or bicameral. May we start now?

NOMINAL VOTING

THE SECRETARY-GENERAL, reading:

Abubakar Unicameral Garcia Unicameral

Alonto Bicameral Gascon Unicameral

Aquino Bicameral Guingona Bicameral

Azcuna Unicameral Jamir Bicameral

Bacani Bicameral Laurel

Bengzon Bicameral Lerum Unicameral

Bennagen Unicameral Maambong Bicameral

Bernas Unicameral Monsod Unicameral
Rosario Braid Bicameral Natividad Unicameral
Brocka Unicameral Nieva Bicameral
Calderon Bicameral Nollado Bicameral
Colayco Ople Bicameral
Concepcion Unicameral Padilla Bicameral
Davide Unicameral Quesada Unicameral
Foz Unicameral Rama Bicameral
Regalado Unicameral Sumulong Bicameral
Reyes de los Unicameral Tadeo Unicameral
Rigos Bicameral Tan Unicameral
Rodrigo Bicameral Tingson Bicameral
Romulo Bicameral Treñas Unicameral
Rosales Bicameral Uka Bicameral
Sarmiento Unicameral Villacorta Unicameral
Suarez Unicameral Villegas Bicameral
SECOND ROLL CALL
THE SECRETARY-GENERAL, reading:
Colayco
Laurel
THE PRESIDENT: The result show 22 votes for the unicameral and 23 for bicameral (Applause)
The proposal for a bicameral legislature is approved.
SUSPENSION OF SESSION
THE PRESIDENT: The Chair suspends the session.
It was 4:20 p.m.
RESUMPTION OF SESSION
At 5:07 p.m., the session was resumed.
THE PRESIDENT: The session is resumed.
MR. DE CASTRO: Madam President.
THE PRESIDENT: Yes, Commissioner de Castro is recognized.
MR. DE CASTRO: Thank you.
I withdraw my previous motion to allow those absent to vote on this.

THE PRESIDENT: The second motion of Commissioner de Castro is withdrawn.

MR. DE CASTRO: Thank you.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. ROMULO: Yes, Madam President. I will not ask the Committee on the Legislative what their pleasure is. Shall we vote on the second question or would they like a discussion on the matter?

THE PRESIDENT Commissioner Davide is recognized.

MR. DAVIDE: Madam President, in order that the Committee will be accordingly guided when it drafts the corresponding amendment to accommodate the bicameral legislature, we would rather have a vote on the manner of representation in the Upper House — whether it would be by region or whether it would be at large.

MR. ROMULO: We agree with that, Madam President.

THE PRESIDENT: So, what is being proposed by the Committee is that the Commission now vote on the question of what kind of Senate we shall have. Should the Senators be elected nationally at large or by regional districts?

MR. OPLE: Madam President.

THE PRESIDENT: Yes, Commissioner Ople is recognized.

MR. OPLE: May I know whether the Floor Leader may welcome one brief argument for a regionally elected Senate and another brief argument for a nationally elected Senate. Before we proceed to a vote, may I volunteer to speak for a nationally elected Senate?

MR. ROMULO: The comments of Commissioner Ople are always welcome.

THE PRESIDENT: So, the floor is open for a brief debate on this particular point.

Commissioner Ople may proceed.

MR. OPLE: Yes, Madam President, with one speaker for each side.

MR. GASCON: Madam President.

THE PRESIDENT: What is the pleasure of Commissioner Gascon?

MR. GASCON: If it is possible, let us be liberal on this matter and not be limited to one speaker for each side. I know that we are breaking the time limit but since it is a very important issue, we should at least be more liberal and not just limit the discussion to one speaker for each side.

Thank you.

THE PRESIDENT: All right. So, we will welcome as many speakers as there are available, only that their speeches or their remarks be as brief as possible.

Thank you.

MR. ROMULO: Madam President, there should be no interpellations.

THE PRESIDENT: Yes, no interpellations.

MR. OPLE: Thank you Madam President.

The Constitutional Commission has just voted in favor of a bicameral legislature in a voting that was extremely close. I think the reason the majority voted for a bicameral legislature was that they thought a House of Representatives whose members are elected by district could be the most effective representatives of all the component districts, provinces and cities of our country and will guarantee that no specific segment of our population will ever be isolated from the concerns of government.

At the same time, they undoubtedly thought that there could be a second chamber known in the past as the Senate which could balance the more parochial interest of representatives elected by districts, with a wider national and international vision.

I submit that if the Senate is going to be regionally elected, this *raison d'être* for the existence of an Upper Chamber might actually be nullified. I know for a fact that many of the political dynasties in this country would rather have a Senate elected by region because they are fairly assured of election. They are regionally based dynasties that include a lot of my friends who are sometimes denigrated as political warlords which is an oversimplification of the role they exercise in their respective regions. But there will be a premium on regional bases of strength, on dynasties, on accumulated favors of decades. On the other hand, a nationally elected Senate freezes the members of that body from *Nero* allegiances to the political warlords in their respective regions. They can be motivated to reciprocate the support of a whole nation above any region or any segment of the national community, if only because they know that they have a mandate from a whole nation, rather than merely from specific regions.

Moreover, Madam President, under the 1973 Constitution, we had only two persons voted upon nationally, the President and the Vice-President. Of course, if we stuck to just one chamber consisting of a House of Representatives elected by district, there would still be only two persons voted upon by the whole nation, and that would be the President and the Vice-President. No matter what numerous safeguards we build into the Constitution in order to put them under leash, the mere fact that they stand out as the only two persons in the entire population of 56 million voted by every qualified citizen of the Philippines would give them a far superior dominant position in the scheme of government. Whereas, if we have a nationally elected Senate, let us say there are 24 of them, this monopoly of a mandate direct from the people, from the whole nation, would be broken. It is on these grounds, Madam President, that I ask that we support a nationally elected Senate, rather than a regionally elected one.

Thank you.

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

THE PRESIDENT: Commissioner Gascon is recognized.

MR. GASCON: Thank you, Madam President.

I will try to be brief. I would like to go back to my basic premise when I first spoke for the unicameral type of legislature. The basic premise I would like us to work on is that we are continuing a social revolution. We must make the structures of government much closer to the people and we must encourage a new kind of politics — politics based on issues so that these issues will be the guiding posts for the responsiveness of the legislature, a bicameral legislature, to the needs of the people. I feel that if we do choose, as we have already chosen, a bicameral form, we should also continue in the spirit of providing direct access to the people and empowering the people. We can only do so by voting for a bicameral legislature elected by region.

First, if the elections will be at large, the tendency would be for a gravitation or polarization among two contending parties because of the need for a well-oiled machinery at the national level. If this is the case, we

would actually be encouraging a monopoly by two political parties on the national level. This is why I would like to object to such a case and instead suggest to the body to consider bicameralism by region so that we may encourage genuine participation of the people who are really based in their regions. We would encourage regional parties to develop, to encourage these local parties — whether they be on a provincial or on a regional basis — to compete with other political parties. My basic fear is that we might tend towards a two-party system dominated by personalities, money and machinery. I feel that we should try to encourage the new kind of politics based on issues and programs. Therefore, to be most responsive, new political parties should be encouraged, and this can be achieved if the Senate were to be elected by region, because local political parties that would not be able to compete on a regional basis and would not be able to compete with large national parties for the Senate positions could now compete. Therefore we can be assured that the Senate members will not come from just one or two parties; they can come from various political parties and yet have this national perspective or have this perspective of looking at the forest instead of the trees. The issue, they say, is that we have to elect people at large or nationally because they have to take that national and international perspective.

I would like to support Commissioner Bennagen's position that you do not have to be elected at large or nationally to have that perspective. We have seen through our constant day-to-day struggle for freedom, justice and democracy that the real factor towards having such an international and national perspective is the love of the peoples the love for the masses — the workers, the peasants, the urban poor, the fishermen and the youth. So, we must provide in this bicameral system, in the Senate, an avenue for the local parties to develop and an avenue for these local parties to compete with other parties so that we will not go back to a system monopolized by two parties that essentially would not have too much contending ideologies.

So, I would like to encourage the group to support; the bicameral form, the members of which to be elected by region.

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

THE PRESIDENT: Commissioner Aquino is recognized.

MS. AQUINO: Thank you, Madam President.

I speak for a nationally elected Upper House. The paradox is this: A divided legislature is essentially the stronger legislature, pitted against the tentacles of an executive that would want to encroach upon the domains of the legislature. The executive is effectively foreclosed by the internecine relationship between an Upper House and a Lower House. If the fear of my colleagues is that a nationally elected Upper House would only consolidate the position of the elite and traditional politics, let me share with you my reading of the political situation.

It is my firm resolve that the people's organizations, the cause-oriented groups, are now in a position politically and logistically to successfully launch organic leaders who would transcend parochial interests and be able to capture popular imagination for national leadership. In other words, a nationally elected Upper House and the locally elected, regionally elected Lower House now lead us to an era of new people's politics.

Thank you, Madam President.

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

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, what else and what more can one say if logical arguments are expressed especially by a lady?

Arguments just expressed by Commissioner Aquino tell in no uncertain terms the points I wanted to state: But let

me just say in addition to that that the concepts of freedom, justice and democracy are certainly not parochial. They transcend and they know no bounds insofar as the country and the people of this country are concerned. So, when we talk of parochial interests, we are not talking of people who would want justice, who would want freedom, and who would want democracy. When we talk of people, Senators who should be elected by region because they have to be closer to the people they represent, we are forgetting that we already have the Congressmen, the members of the Lower House. If we still have to elect the Senators by region, then we will have a situation where a Senator will only look after the interests of his region.

Originally, I must admit that I was going to advocate that Senators be elected by region because, as I said in the past, even if the Senators were elected nationally, they still looked after the interests of their respective regions, coordinating with the various Members of Congress in the regions. For example, Region I at that time had five Congressmen in Pangasinan. Together with the other Congressmen in Ilocos Norte, Ilocos Sur, Abra and the other provinces in Region I, the Senator who represented Region I was naturally partial in favor of that region. But I overlooked the fact — and I was only reminded by the arguments I have heard recently, particularly today — that the Senators who were elected nationally, although they had unconsciously perhaps lent themselves and preferred to work for the interest of their region; had in their minds their obligation to the national interest. That really made me think, and now I say that it is enough that the Congressman attend to the day-to-day and close needs of the constituents, and that the Senator who hails from the same region as the Congressman be the one to act as the catalyst that would not only insure the best interest of his region but would coordinate and insure further the best interest of the nation. As I said, I originally wanted regional representation but now I am convinced that to elect Senators at-large is the best for our nation.

Thank you.

MR. ROMULO: Vice-President Padilla would like to be recognized.

THE PRESIDENT: The Vice-President is recognized.

MR. PADILLA: Madam President, mention was made that if Senators are elected nationwide, it may be limited to only two parties. In the past, electoral campaign was limited to two major political parties because our electoral system recognized the rights of the parties that received the highest number of votes and the one that received the second highest number of votes. But that was not because Senators were elected nationwide. In fact in 1957, I recall a political phenomenon, we might say, when there were four sets of candidates for President and Vice-President and for Senators. They were from the Nacionalista Party, the Liberal Party, the Progressive Party and the Nationalist Citizens Party. Madam President, if we vote for regional senatorial districts, I am reminded of the former senatorial districts which had expanded territories of the congressional districts. Thus, there was a second senatorial district composed of La Union, Pangasinan and Zambales. That was quite unfair to the smaller provinces of La Union and Zambales because Pangasinan was so big in population and in registered votes that it enjoyed undue preference in that senatorial district — I am not referring to the regions under President Marcos, but the same principle remains. That undue advantage of a candidate coming from a big province which may happen in the different regions may again prevail to the disadvantage of the smaller provinces; whereas, an election nationwide will not suffer from such handicaps or disadvantages.

Mention was made of political dynasties by Commissioner Ople. Really, if a warlord governs one province or one region and if he has a secret army which he uses illegally for intimidation or violence or even assassination, the chances of an honest but capable candidate in a particular district or region may be unduly jeopardized by the presence of such a political dynasty or warlord. Whereas, if the election of Senators is made nationwide throughout the country, even if a small district is unduly controlled by a warlord, still a good candidate,

acceptable to the majority of the people throughout the nation will be elected.

I recall, Madam President, that in 1957 when I was first a candidate of the Liberal Party for the Senate, I was supported not only by the Catholics but also by the Iglesia ni Kristo. But during my first term as Senator, I filed a bill on qualified coercion — that is the provision in Article 286, Revised Penal Code, that prohibits a person to compel another to do something against his will or to prevent another from doing something not prohibited by law. And the second paragraph of the Revised Penal Code made coercion qualified if it referred to any religious act. I thought there was no more coercion on religious matters but probably only on political matters. And my honest and simple bill was the introduction or the insertion of the word "political" between "religious" and "act" which was misinterpreted by many who I think poisoned the mind of the leaders of the Iglesia ni Kristo: saying that Senator Padilla directed that bill against the Iglesia. So, I was not supported in my next reelection in 1963. In fact, Iglesia ni Kristo campaigned actively against my candidacy. Fortunately, even if this very important and solid bloc of one million votes was no longer available to me in the 1963 election, I fortunately managed to get elected because the election was nationwide through the independent votes of not only the political party-inclined but likewise those who were not active with political parties but who represented the independent votes of the people. That might be the experience of others not only in the past but in the future. What I am saying is that even if a strong political leader, a warlord, is against a candidate for the Senate, that candidate need not be intimidated nor threatened because nationwide he can be elected, if he counts on the majority support of our sovereign people throughout the country.

Thank you, Madam President.

MR. ROMULO: For closing remarks, may I ask that Commissioner Sarmiento be recognized?

MR. SARMIENTO: Madam President, during and after martial law, many of those who fought for freedom, who fought against the forces of tyranny, dictatorship and darkness were Senators who were elected at large. They know deep in their hearts that they have national support — that people from all walks of life, from the north to the south, are behind them. We have names like Tañada, Aquino, Diokno and, of course, the Members of this Commission — Senators Padilla, Rodrigo, Sumulong, Rosales and last but not the least, Alonto. They fought for freedom because they know they have the support and the love of people on a national basis. They transcended provincial, regional and familial interests. As a matter of fact, one died and others suffered financially.

If we vote for Senators who will be elected regionally, we will be electing men who will be tied by regional and parochial interests.

So, on the basis of this manifestation, Madam President, I am favoring the election of Senators on a national basis.

MR. ROMULO: Madam President, I move that we vote on the question of whether a Senator should be elected on a national basis or on a regional basis.

THE PRESIDENT: So, how will the question be posed to the body?

MR. RODRIGO: I think we can start by raising hands if we are in favor or against Senators elected at large.

MR. ROMULO: Yes, Madam President.

VOTING

THE PRESIDENT: As many as are in favor of an election at large or on a national basis for the Senate, please raise their hand. (Several Members raised their hand.)

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

As many as are abstaining, please raise their hand. (One Member raised his hand).

The results show 31 votes in favor of a Senate elected at large, 8 against and one abstention.

The proposal for a Senate elected at large or on a national basis is approved.

MR. RODRIGO: Madam President, I am a member of the Committee. I would like to ask the Chairman of the Committee, Commissioner Davide.

THE PRESIDENT: Commissioner Rodrigo is recognized.

MR. RODRIGO: I would like to ask the Commissioner if he also wants a vote on the issue which we discussed in the Committee; that is, on how the members of the Lower House should be elected. The issue was whether the election should be by province, by city like in the last election, or by district.

MR. DAVIDE: Madam President.

THE PRESIDENT: Yes, Commissioner Davide is recognized.

MR. DAVIDE: The Committee has already recommended the manner of choosing the Members of the National Assembly. It would be by district. So, I understand that that mode of representation by district may be made applicable to the Lower House. I think the Committee will just reassess that matter.

MR. MONSOD: Madam President.

THE PRESIDENT: Yes, Commissioner Monsod is recognized.

MR. MONSOD: I believe there is more than just an issue of electing by province or by legislative district because there is also a proposal that some of the representatives be elected on a party list basis. So, it is more than just a two-cornered decision.

THE PRESIDENT: Shall we leave this to the Committee to study and reassess, and later submit their report?

Yes, the Acting Floor Leader is recognized.

MR. ROMULO: Madam President, the Committee would like to study those questions and, therefore, in the meantime, they suggest that we adjourn the session until nine-thirty tomorrow morning.

MR. SUAREZ: Parliamentary inquiry, Madam President.

THE PRESIDENT: Commissioner Suarez is recognized.

MR. SUAREZ: The Commission has voted in favor of a bicameral system of legislature, and we have not discussed the composition of the Senate. But I was wondering whether the multiparty theory, which was already espoused on the National Assembly level, would escalate to the level of the Senate because as I understand it, 20 percent of the Members of the National Assembly would come from the multisectoral organizations or multiparty system. Do I take it that the same proportion would apply in the case of the Members of the Senate? I think that is also a prejudicial question.

THE PRESIDENT: Does the Commissioner not believe that that is a matter that should be studied by the Committee?

MR. SUAREZ: Yes, that is why I am passing that on to the Committee for consideration tomorrow morning.

MR. ROMULO: Madam President, Commissioner Bengzon would like to be recognized before we adjourn.

THE PRESIDENT: Commissioner Bengzon is recognized.

MR. BENGZON: Madam President, now that we have finished voting on those two crucial issues on the report of the Committee on the Legislative, I was speaking to the Chairman and he said that it would take his Committee one day to make the necessary adjustments, in accordance with the results of the voting we had today. So, the Committee on the Legislative will be off tomorrow, and I also understand from the Chairman of the Committee on Accountability of Public Officers, Commissioner Monsod, that their Committee will have to make the adjustments likewise because their report was attuned to the unicameral assembly. Therefore, I suggest that tomorrow the Committee on the Executive — and I would like to alert Commissioner Sumulong on this — be on deck to make its report. So, with the approval of this body, we would go into the period of sponsorship and debate of the committee report of the Committee on the Executive while we wait for the adjustments to be made by the Committee on the Legislative and the Committee on Accountability of Public Officers.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Since we have already started with the Committee on the Legislative, and there are a number of provisions in the report of the Committee that do not have to be changed, I was wondering if the Chairman of the Steering Committee would consider that instead of jumping from one area of concern to another, we continue the discussion on the report of the Legislative Committee, subject, of course, to the approval of our Committee Chairman and leave the controversial matters to be discussed by us during our luncheon meeting, because jumping from the Committee on the Legislative report to that on the Executive and going back again to the Committee on the Legislative report may be a little confusing for us. Perhaps this suggestion might be better, since there are many provisions anyway in the proposal of the Committee that were not affected.

MR. BENGZON: Madam President, the Chairman of the Committee on the Legislative would prefer to go on recess to make the adjustments.

THE PRESIDENT: Yes, but when shall we continue the consideration of the report of the Committee on the Legislative?

MR. BENGZON: They need only one day. I would like to yield to the Chairman, Madam President.

THE PRESIDENT: Commissioner Davide may proceed.

MR. DAVIDE: Thank you, Madam President.

I think the Committee on the Legislative will be able to submit an amended report already embodying the approved decision of the Commission on the aspect of a bicameral legislature and the mode of representation for the Upper House. So, we can start the sponsorship again on the basis of the amended report on the 23rd Wednesday.

MR. REGALADO: Madam President.

THE PRESIDENT: Commissioner Regalado is recognized.

MR. REGALADO: As Vice-Chairman of the Committee on the Executive, I agree with Commissioner Guingona that we should still wait for the outcome of the changes by the Committee on the Legislative because we will also have to make adjustments. There are a number of provisions in the Article on the Executive which are attuned, dependent and referred to sections in the report of the Committee on the Legislative. I notice, however, that we also have on deck the matter of accountability of public officers so that if instead of going directly to the

Executive, we could go to the Article on Accountability of Public Officers and then confer with Commissioner Davide and make our corresponding changes. We are also going to submit a corrected committee report.

MR. MONSOD: Madam President.

THE PRESIDENT: Commissioner Monsod is recognized.

MR. MONSOD: The Committee on Accountability of Public Officers will have to amend its report because our assumption was based on a unicameral legislature. So, we have to review our report and change it.

THE PRESIDENT: I think our point is that we do not want to lose the day tomorrow. In other words since it may not be a useful day, we are trying to see what particular subject can be discussed by the body so as to make use of the time.

MR. GUINGONA: Madam President.

THE PRESIDENT: Commissioner Guingona is recognized.

MR. GUINGONA: Madam Presidents the committee report of the Committee on the Legislative was scheduled for six sessions. So, if we take up the report of the Committee on the Executive tomorrow. many of the Commissioners, myself included, would not be prepared; we will again be playing these things by ear. I think the reason the Steering Committee had given us a schedule is to allow us to do some studying in spite of the very limited time we have outside of session. But if they start the consideration of an article on so important a matter as the executive without preparation on our part, we will not be able to participate intelligently and give whatever suggestion we may want to give because of lack of time to prepare.

THE PRESIDENT: May we hear the Chairman of the Committee on the Executive on this matter?

Does the Chairman of the Committee on the Executive prefer that we discuss the report of his Committee tomorrow or shall we have it after that of the Committee on the Legislative?

MR. SUMULONG: Madam President, I really think that if the Committee on the Executive will be asked to begin sponsor our committee report tomorrow morning, it will only lead to more confusion. We should definitely know the form, content and the substance of the report of the Committee on the Legislative because it may turn out that after they have submitted their amended report. we will have to amend again and make some adjustments. I think it is better to finish the report of the Committee on the Legislative before we start our discussion of the report of the Committee on the Executive.

THE PRESIDENT: I think that is clear enough. Commissioner Bengzon, how about the Committee on Local Governments? Does the Gentleman think its report will be ready for tomorrow?

MR. BENZON: Madam President, I spoke to Commissioner Nollado and he said that they are still marshalling a lot of their arguments. I am wondering if the Committee on Declaration of Principles and State Policies would be ready for tomorrow.

THE PRESIDENT: Not yet.

MR. BENZON: Because if the committees on the Legislative, Accountability of Public Officers, the Executive and Local Governments will not be ready, the next one on deck is the report of the Committee on Declaration of Principles. We have Committee Report No. 28.

MR. TINGSON: Madam President, the Committee on Declaration of Principles would not be ready tomorrow because while we have finished half of our report, we still have much to amend and change.

SUSPENSION OF SESSION

THE PRESIDENT: The session is suspended.

It was 5:51 p.m.

RESUMPTION OF SESSION

At 5:58 p.m., the session was resumed.

THE PRESIDENT: The session is resumed.

MR. BENGZON: Madam President.

THE PRESIDENT: The Acting Floor Leader is recognized.

MR. BENGZON: After discussing with the Chairman of the Committee on the Legislative, it was agreed that tomorrow at nine-thirty in the morning, the Commission will take up those provisions in the report that are not affected by the decision of the body taken today.

In the meantime, the Chairman has requested me to also announce that immediately after adjournment today, the Committee on the Legislative will meet in this hall.

On that basis, Madam President. I move for the adjournment of the session 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.

It was 5:59 p.m.

[*] Appeared after the roll call.

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