

**Consultative Commission to Propose the Revision of the 1987 Constitution
Committee on Suffrage, Electoral Reforms and Political Party Reforms**

Meeting No. 3

Wednesday, November 9, 2005

CALL TO ORDER

At 10:45 a.m., Committee Chairman Cecilio T. Seno called the meeting to order.

ATTENDANCE

Upon suggestion of Chairman Seno, there being no objection, the Body dispensed with the roll call. With 15 Commissioners present at the start of the meeting, the Chairman declared the presence of a quorum. The following committee members were present during the meeting:

Abueg, Alfredo Jr. E.
Abueva, Jose V.
Adamat, Ronald L.
Bello, Jose Jr. C.
Calisin, James B.
Fernandez, Alipio R. V. D.
Garcia, Pablo P.
Gonzalez, Nelia T.
Marohombsar, Emily M.
Matula, Jose Sonny G.
Naval, David C.
Ortega, Victor F.
Pedrosa, Carmen N.
Sarmiento, Mel Senen S.
Seno, Cecilio T.
Tabanda, Betty Lourdes F.
Tirol, David B.
Villanueva, Jose D.

Non-committee member Com. Raul L. Lambino also participated in the meeting.

Chairman Seno formally introduced a new member of the Commission and the Committee on Suffrage, Electoral Reforms and Political Party Reforms,

Commissioner David B. Tirol, former governor of Bohol as well as former Congressman of the second district of Bohol.

APPROVAL OF THE MINUTES

Upon motion of Commissioner Naval, seconded by Commissioner Gonzalez, there being no objection, the Body approved the Minutes of the Committee meeting on October 19, 2005.

TIMETABLE OF THE COMMITTEE

Chairman Seno reminded the members that the committee would take up the three areas of concern, namely: suffrage, electoral reforms and political party reforms, without need for creating subcommittees.

He also asked the Committee to decide on the timeline for the submission of the committee reports to the plenary, which should be before the December 15 deadline given to the Commission.

Thereupon, Commissioner Villanueva moved for the adoption of the following schedule:

Nov. 16 – submission of written recommendations on each area of concern

Nov. 23 – discussion and voting on the recommendations

Nov. 30 – committee-approved recommendations for submission to the plenary

There being no objection, the Committee approved the said schedule.

COMMENTS OF COMMISSIONER GARCIA

In response to the query of Commissioner Abueg on the consultations done by the committee members, Commissioner Garcia stated that, in view of the little time given to the Commission, the members should already have a feel of the general sentiments of the people, that is, the return to the 2-party system in the absence of a dominant political party system.

Commissioner Garcia said that for national elective positions, the COCs should only come from registered parties; and the majority parties should be able to field 80 percent of candidates nationwide.

Commissioner Garcia also suggested that each Committee member should be allowed to submit his recommendations on any of the three areas of concern.

MOTION OF COMMISSIONER GONZALEZ TO UPHOLD THE RIGHT OF SUFFRAGE

Chairman Seno opened the deliberation on the proposed amendments on the right of suffrage as recommended by the COMELEC.

On the issue of disallowing illiterates to vote, Commissioner Garcia asserted that this could be a source of misrepresentations on who is illiterate or not.

Commissioner Adamat observed that the justification for precluding squatters from voting was very restrictive and this could incite rebellion.

Commissioner Gonzalez pointed out that the majority of the members was not in favor of the restrictions in the proposed amendments, which are difficult and impractical.

Upon motion of Commissioner Gonzalez, seconded by Commissioner Adamat and there being no objection, the Committee adopted the original provision in the 1987 Constitution with no amendments.

MOTION OF COMMISSIONER GARCIA TO SCRAP ABSENTEE VOTING

Commissioner Garcia said the Constitution should not provide for a voting system outside the country's territory. The COMELEC's power, he said, does not extend beyond the country's jurisdiction except in Philippine embassies, hence, it cannot prosecute electoral cheating cases abroad. Besides, he added, candidates cannot campaign outside the country and they have no watchers abroad.

Commissioner Garcia asserted that the right of suffrage can only be exercised in places where the Constitution is enforced.

Commissioner Garcia also cited the likely long drawn-out electoral process if the 800,000 Filipino workers in Saudi Arabia would be allowed to exercise their right of suffrage. On this basis, he moved for the scrapping of absentee voting.

In response, Commissioner Naval stated that since the country derives so much from foreign remittances, OFWs have as much right as their local counterparts to exercise their right to vote.

Commissioner Villanueva felt that if there is anything wrong with absentee voting, it could be the electoral system. He believed that the OFWs can maintain their right to vote and at the same time the sanctity of the ballot can be preserved by putting safeguard measures.

Commissioner Naval reminded the Body that the present law on absentee voting allows foreign-based Filipinos to vote only for national candidates. With the proposed parliamentary form of government, there would be no more national candidates, only local ones. He wondered how OFWs can still exercise their right to vote for district or local candidates.

Commissioner Pedrosa proposed the empowerment of Filipinos abroad through regional representation based on their geographical groupings (Europe, Asia, etc.). This, she said, was similar to the federalist mode during colonial times when foreign-based Filipinos campaigned for representation in the Spanish *Cortes*

Commissioner Villanueva averred that if the country would adopt a federal form of government, absentee voters may easily participate in the electoral process voting for regional candidates.

However, Commissioner Garcia contended that while the right of suffrage is a constitutional right, it can only be invoked within the country's territorial limits.

REOPENING THE DISCUSSIONS ON LITERACY REQUIREMENTS

At this juncture, Commissioner Adamat read once again Section 2, Article V as proposed to be amended by COMELEC and asked if the minimum literacy requirement which the Body earlier rejected would be reconsidered.

Com. Emily Marohombsar asked how the literacy requirement can assure the sanctity of the vote.

Commissioner Pedrosa maintained that since literacy is not just confined to writing, the Commission may have to devise a system where the voter need not write, instead just punch their votes, or any device that will allow the indigenous people to vote.

Commissioner Adamat expressed his reservations on the literacy issue. Literacy, he said, can be relative, especially to some indigenous people, and they are the sector most affected by this issue. He suggested coming up with an enabling law that will "indigenize" education.

Commissioner expressed the belief that the basic principle of democracy is universal suffrage, therefore she was not in favor of putting any literacy requirement on the electorate. She concurred in the proposal for Congress or the COMELEC to come up with a system which does not require writing to vote.

Commissioner Garcia maintained that the issue is acceptability of the electoral results whether it is computer-generated or manual.

Commissioner Adamat moved that the literacy issue be waived in the proposed amendments of the COMELEC.

Chairman Seno clarified that the Committee had already adopted Section 2, Article V of the Constitution without amendment.

MOTION OF COMMISSIONER ADAMAT TO ELIMINATE DELIBERATION OF PRE-PROCLAMATION CASES

Upon motion of Commissioner Adamat and seconded by Commissioners Abueg and Garcia, there being no objection, the Committee approved the elimination of the deliberation of pre-proclamation controversies.

Commissioner Garcia explained that such applies in the case of congressmen and all cases, which, he said, greatly delay proclamation. He suggested further that after June 30, all pre-proclamation protest cases should be dismissed.

COMMISSIONER LAMBINO'S PROPOSAL TO REMOVE THE JUDICIAL POWERS OF COMELEC

Commissioner Lambino then proposed the removal of the judicial powers of the COMELEC as he pointed out that some members of the COMELEC are not lawyers. He added that appearances or participation in judicial proceedings requires more sensitive and delicate knowledge of the rules of evidence and that the lack of such knowledge leads to delays.

Adverting to the documents submitted by the COMELEC, Commissioner Naval stated that there was a proposal for the creation of special election courts.

Commissioner Lambino, in agreeing to the creation of these special courts, said that these courts should be under the Judiciary and not the COMELEC.

The Commissioners concurred with Commissioner Lambino, as Commissioner Ortega suggested that, as a consequence of this position, all the provisions regarding this matter should be removed.

As proposed by Commissioner Lambino, duly seconded and there being no objection, the Committee agreed to place the election courts under the jurisdiction of the Judiciary and to remove COMELEC's power and jurisdiction on this matter.

Upon motion of Commissioner Garcia, there being no objection, the Committee members agreed to include their individual written proposals regarding the matter of special courts to be submitted in the next meeting on November 16, 2005.

Commissioner Villanueva then inquired whether proposals could still be made regarding matters which have been acted upon by the Committee, to which the Chairman answered in the affirmative.

COMELEC'S PROPOSAL TO DESYNCHRONIZE ELECTIONS

Commissioner Tabanda sought clarification regarding the COMELEC's statement (in the memo circulated addressed to Atty. Pio Jose S. Josen) that synchronized elections increase administrative costs while desynchronized elections decrease them, as she said that the Committee members were under the impression that it was the other way around. She added that this statement would be important to the Committee in its discussion of transitory provisions.

Commissioner Lambino pointed out that under the present system, the COMELEC was correct in saying that

synchronized elections are more expensive than desynchronized elections. He explained that the teachers assigned to watch the polls and tally the votes are also responsible for bringing these documents to the municipal board of canvassers and watching until the municipal board of canvassers has finished with the copying which usually takes long time because of the long list of candidates. The salaries of these teachers make up the bulk of the administrative expenses, he said.

Commissioner Garcia, however, did not agree that desynchronized elections would be less expensive than synchronized elections. He added that modernization simplifies the process of synchronized elections. Commissioner Naval averred that although synchronization increases administrative costs, the total election expenses are lower.

Adding to the statement of Commissioner Garcia, Commissioner Ortega said that the Commission has to consider that elections in a parliamentary system would be different because the people would vote for only one national official and the rest would be local officials (governor, vice-governor, mayor and vice-mayor). He then said that amendments regarding this matter should be left to congress/parliament.

There being no objection, the Committee rejected the COMELEC's proposal on desynchronized elections.

COMELEC'S PROPOSAL ON THE THREE-LOSS RULE

As proposed by Chairman Seno, duly seconded and there being no objection, the Committee rejected the COMELEC's proposal regarding the three-loss rule.

Commissioner Adamat suggested that since the COMELEC has the power to remove nuisance candidates, those that fall under the three-loss rule be categorized as nuisance candidates and such can be put in the law and not in the Constitution.

COMELEC'S PROPOSAL ON CANVASSING

As proposed by Chairman Seno, duly seconded and there being no objection, the Committee rejected COMELEC's proposal for the canvassing by the provincial boards of canvassers of the votes for President and Vice-President.

NEW COMMISSIONERS

At this point, the Committee acknowledged presence of two new Commissioners: Com. James Calisin, Vice-Governor of Albay, National Chairman of the League of Vice-Governors of the Philippines and PRO/Spokesperson for ULAP; and Com. Alipio Fernandez, Vice Mayor of Dagupan City, Executive Vice-President of the Vice-Mayors League of the Philippines.

COMELEC'S PROPOSAL TO RETURN TO A TWO-PARTY SYSTEM

Upon the motion of Commissioner Naval, duly seconded and there being no objection, the Committee rejected COMELEC's alternative proposal of maintaining a multi-party system.

Commissioner Naval then suggested that the Committee proceed to the on the proposal to return to the two-party system.

Commissioner Bello stated that although there would be multiple parties

in the parliamentary system, there would be two major parties.

Commissioner Lambino commented that the return to the use of Board of Election Inspectors (BEI) would be timely, eliminating the impression that teachers have been bought by candidates. Commissioner Villanueva clarified that the two major parties being referred to here are national parties.

However, Commissioner Tabanda inquired whether local parties would be required to register for accreditation. Commissioner Naval clarified that the registration or accreditation requirement for political parties should be under the election code and not the Constitution.

Commissioner Garcia said that the two-party system can evolve by providing for the cancellation of political parties that are unable to garner certain number of votes and requiring candidates applying for certain positions to have their certificates of candidacy endorsed by their political party, eliminating independent candidates. He added that subsidies would be given only for the two major national parties. In the case of three or more major parties, he said that the size of the subsidy should be based on the proportion of their votes.

For his part, Commissioner Calisin said that, though he does not object to the two-party system, the Committee should be ready to answer queries regarding the new system. Commissioner Villanueva then said that breaking dynasties and eliminating district voting might be necessary.

In this connection, Commissioner Calisin reminded the Committee of the joint declaration of the ULAP and the Commission as signed by Chairman Abueva which includes the provision to prohibit political dynasties.

At this point, Commissioner Matula registered his reservation, saying that he was for a multi-party system. He suggested that multiple parties can coalesce and be considered a majority party. But Commissioner Lambino clarified that a dominant coalition cannot be considered a political party as such coalition is usually formed with a single purpose or goal in mind. Thereupon, Committee determined that coalescing to be considered a major party would not be permitted.

PROPOSAL FOR A MODIFIED PARTY-LIST SYSTEM

As proposed by Chairman Seno, duly seconded and there being no objection, the Committee approved the proposal to abolish the current party-list system to be replaced by a modified system with provisions for proportionate representation.

Commissioner Tabanda, supported by Commissioner Gonzalez, suggested including specific provisions for the representation of women. Commissioner Adamat added that a similar provision be made for the marginalized sector.

Commissioner Adamat said he would assist Commissioner Tabanda in crafting the appropriate provisions which would be submitted in the next meeting.

MOTION OF COMMISSIONER LAMBINO TO DEFER DISCUSSIONS ON ARTICLE IX

Thereafter, Commissioner Lambino moved that Article IX be discussed in a joint meeting with the Committee on Constitutional Commissions. According to him, the Committee on Constitutional Commissions had already discussed some of the points in the COMELEC's proposal for this Article, and it would be better if the two committees would come

up with just one summarized proposal regarding the Article.

As the schedule of the joint meeting has yet to be arranged, Chairman Seno said that the Committee would wait for the notice of the Committee on Constitutional Commissions.

There being no objection, the motion of Commissioner Lambino was approved by the Committee.

REFERRAL OF CHAIRMAN ABUEVA'S PROPOSAL FOR COMMISSIONER GARCIA'S STUDY

Upon suggestion of Commissioner Villanueva, there being no objection, the Committee referred the proposals of Chairman Abueva to Commissioner Garcia for study.

REQUEST OF COMMISSIONER FERNANDEZ

At this point, upon request of Commissioner Fernandez, Chairman Seno pointed out that among the proposals adopted by the Committee were the retention of the provisions of Article V without amendment; and the creation of special election courts under the Judiciary and that all provisions pertaining to the adjudication of elections would be transferred to the Article on the Judiciary.

PROPOSAL OF COMMISSIONER LAMBINO ON THE SIZE OF LEGISLATIVE DISTRICTS

Commissioner Lambino noted that in the ordinance appended to the 1987 Constitution, the population requirement for a congressional district is 250,000. However, he said that there are provinces with populations smaller than this, so he suggested that the number be lowered to not more than 200,000. In reply, Commissioner Villanueva stated

that, in his proposal, division of provinces and cities into districts would not be needed. Commissioner Garcia commented that the proposal by Commissioner Villanueva simplifies matters.

Commissioner Adamat asked whether such a system would increase the possibility of political dynasties or perhaps give rise to popularity voting. Commissioner Garcia commented that it would be more difficult for a political family to yield its influence in a province rather than a district. Commissioner Abueg added that the two-party system could upset popularity voting as the party would be the one to elect its candidates.

ADJOURNMENT OF MEETING

Upon suggestion of the Chair, duly seconded and there being no objection, the Committee meeting was adjourned until the next meeting on Wednesday, November 16, 2005 at 10 a.m.

It was 1:20 p.m.