

**CONSULTATIVE COMMISSION
COMMITTEE ON SUFFRAGE AND ELECTORAL REFORMS/
POLITICAL PARTY REFORMS**

MINUTES OF THE MEETING
Wednesday, 23 November 2005

CALL TO ORDER

At 12:36 p.m., Committee Chairman Cecilio T. Seno called the meeting to order.

ROLL CALL

The Committee dispensed with the roll call.

The following members were present:

Calisin, James B.
Garcia, Pablo P.
Sarmiento, Mel Senen S. 12:56 p.m.
Seno, Cecilio T.

**SUMMARY OF ACTIONS OF THE
COMMITTEE**

Chairman Seno presented the nine-page Summary of Actions taken by the Committee on Suffrage, Electoral Reforms and Political Party Reforms. He asked the members present to review the proposals identified by the Committee during the previous meetings which shall be submitted to the plenary for approval. Such summary, he pointed out, included the statement of the original provisions from the 1987 Constitution, the proposed amendments and proponents, some explanations and annotations to the proposed changes, and actions taken/agreements. He stated that in the last column, certain sections, which the committee had not yet acted upon, remained blank.

Section 1, Article V

Chairman Seno pointed out the proposal of Commissioner Romualdo, to emphasize

actual residence in order to address flying voters in Section 1, Article V. He mentioned that Commissioner Romualdo in his sponsorship remarks, proposed that the provision should read as follows:

*“Suffrage may be exercised by all citizens of the Philippines, not otherwise disqualified by law, who are at least eighteen years of age, and who shall have **ACTUALLY** resided in the Philippines for at least one year and in the place wherein they propose to vote, for at least six months immediately preceding the election. No literacy, property or other substantive requirement shall be imposed on the exercise of suffrage.”*

As this was approved during the Committee meeting held on November 16, 2005, Chairman Seno moved for its acceptance by the Committee and its submission to the Plenary for consideration and approval.

Commissioner Calisin clarified that the only modification in the provision was the supplement of the term “actually” referring to actual residence.

Commissioner Garcia commented that he did not believe that the addition of the word “actually” would serve its purpose because the intention was to prevent flying voters. He said that there could be misunderstanding on the terms “actual residence” and “legal residence.”

Commissioner Calisin agreed, saying that his legal residence according to COMELEC's list of registered voters is Tabaco, Albay but he is actually residing in Legazpi, Albay, as necessitated by the functions of his position in the provincial government which is based in Legazpi. He said that if the Body would approve this amendment, the Committee should distinguish between legal and actual residence because it would affect a person's right to run in a certain city.

Commissioner Garcia gave another example of students staying for a year in a different city to study but might be disqualified because of the 6-month residence requirement for registration.

Nonetheless, Commissioner Calisin pointed out that this was already approved in the committee level and subject to approval by the plenary.

Upon motion of Commissioner Garcia, there being no objection, the amendment was adopted by the Committee. He proposed that the proponent, Commissioner Romualdo, explain or defend it during the plenary session.

Sections 3 and 6, Article VI

There being no objection, the proposed amendment on "actual residency" as it relates to Sections 3 and 6 of Article VI was approved by the Committee.

Section 2, Article VII

Chairman Seno noted that the amendment to Section 2, Article VII was still related to actual residency. Commissioner Garcia noted that this amendment was already quite removed from the idea of preventing flying voters considering that it already involves a candidacy issue.

However, there being no objection, the proposed revisions were accepted by the Committee.

Section 2, Article V

Upon suggestion of Chairman Seno, there being no objection, the original provisions of Section 2, Article V were retained.

Paragraph 2, Section 2, Article IX-C

Upon motion of Commissioner Garcia, the Committee discussed the proposed removal of quasi-judicial powers of the COMELEC.

Chairman Seno and Commissioner Calisin noted that if the quasi-judicial powers of COMELEC would be removed, these should be given to the special election courts under the Judiciary.

Commissioner Garcia suggested that the Committee provide a section under the Commission on Elections on "all contests relating to elections, returns and qualifications of all elected officials." This section, he said, would not be under the Judiciary, or part of Section 2, Article IX-C, but they should assign a separate section on such election issues. He suggested devolving cases involving elective provincial, city and municipal candidates under the Regional Trial Courts, while barangay cases would be settled before the city or municipal courts.

As proposed by Commissioner Garcia, there being no objection, the Committee approved a separate section for the issues related to elections, returns and qualifications of all regional, provincial and city administrative officials under the jurisdiction of the Regional Trial Courts, and those involving elective barangay officials under the city or municipal courts. Furthermore, the Committee agreed including a provision, subject to style, that the Supreme Court would be allowed to designate branches of the Regional Trial Courts to try election cases.

Commissioner Calisin asked Commissioner Garcia how this provision would be defended before the plenary. In reply, the latter suggested that the proponents start by giving a historical origin of the barangay official. He explained that from the beginning, barangay elections were supposed to be non-partisan because they could not afford to divide small barangays or barrios into political clans. However, he pointed out that this is not the prevailing situation because any election process tends to divide communities. He suggested that the Body cushion the impact of these appointments by putting safeguards to possibilities of abuse.

Commissioner Calisin said that different sectors of the barangay could be tapped to recommend appointees to the Mayor, subject to the scrutiny of the city council.

Commissioner Sarmiento mentioned that politicians were now involved even in the elections of the board directors of state colleges and universities were approaching politicians.

Commissioner Garcia and Commissioner Sarmiento pointed out Singapore's situation and the Prime Minister's stand of "discipline first before democracy." Commissioner Garcia averred that there was too much politics, too much democracy and little discipline in the Philippines.

Commissioner Calisin expressed his concern that not all barangay captains in the council had the necessary qualifications proportionate to the executive, legislative and judicial powers given to them by law. He said there was a need to include the qualifications for barangay captains.

In this connection, Commissioner Sarmiento noted the highly politicized system where the mayor is the general manager of the locality and the barangay captains are supposed to be the branch managers. He said that when 100 barangay

captains are informed about programs to be implemented, 50% would implement them, while the other 50% would sabotage it.

Commissioner Calisin said that the Local Government Code mandates the barangay council to pass revenue generation measures but most of the barangays would not pass such measures because the officials would think they might not be reappointed anyway, or if reappointed, they would have a task to fulfill. He said that there is a culture of dependence among barangay captains. He cited a presentation made by the Liga ng mga Barangay which stated that over 64% of barangay captains were dependent on LGUs, while 70% of them were not capable to handle their mandates. He noted that barangays have their own self-declared constitutions that could not be suspended easily.

Commissioner Sarmiento clarified that there would still be election of barangay officials, even as he averred that dividing the people is really more difficult in barangay than in the municipalities, considering the latter's size.

Commissioner Calisin suggested setting a transition period to avoid disturbing the incumbency of the barangay officials. He said there was a need to set the qualifications, because in terms of finance and the economy, the country could save billions of pesos by foregoing with the barangay elections. Commissioner Sarmiento affirmed that there are many good leaders in barangays who do not want to run during elections because of the expense. Commissioner Calisin said that popularity politics reigned in local elections, where those with many relatives were the ones who won.

Section 8, Article X

Commissioner Garcia suggested that local chief executive or the mayor should appoint barangay officials with the

concurrence of the sanggunian which would choose the qualified applicants. But Commissioner Calisin stressed that expertise should be the basis of their qualification.

Commissioner Garcia said that since the elected mayors are responsible for the entire city or municipality, legislation should be based on hopes rather than regrets.

The members of the committee also cited some experiences regarding the distinction between municipal and national roads. Commissioner Garcia informed the Committee that in Cebu, the local government was paving national roads. In this connection, Commissioner Sarmiento stated, on the other hand, that he had to lobby with JIBC, because some mayors were not paving national roads, and the lobbying done the previous week, resulted in the invitation to bid some P2 Billion worth of projects.

Section 6, Article 1X-C

Commissioner Garcia commented that there is a contradiction in the concepts in Section 6, Article IX-C regarding a “free and open party system” and the “two dominant party system.”

Upon motion of Commissioner Calisin, there being no objection, the term “be allowed” was deleted by the Body from the provision. He suggested that the provision read “The present party system shall evolve towards a two dominant party system.”

Commissioner Garcia suggested that the provision be stated in the affirmative sense to read “The state shall take steps towards evolution of a dominant two party system.”

Proposed Article on Political Parties

Commissioner Calisin suggested the substitution of the term “can” with “shall” in the proposed article on political parties, so

that the provision would read, “Each political party must adopt its party platforms and programs of government that they **SHALL** present to the people.”

Upon motion of Commissioner Calisin, there being no objection, the second paragraph on the proposed article on political parties should read “No public elected official shall change party or affiliation during his tenure of office without forfeiting his position.”

Section 8, Article IX-C

Upon motion of Commissioner Calisin, there being no objection, on Section 8, Article IX, the term “two major political parties” was replaced by “two dominant political parties.”

Paragraph 2, Section 5, Article VI

Commissioner Garcia suggested retaining the term “party list” because according to him, only sectors could vote if the term “sectoral” was used.

Commissioner Sarmiento said that laws on sectoral representation were a modification of the party list provisions because the intention was to remove the parties. Commissioner Calisin said sectoral party votes would not rely on the votes garnered by the 2 dominant parties as the parties of the different sectors (labor, peasant, urban poor, etc.) depend on the votes they garnered in the preceding election.

Commissioner Garcia said they could still retain the party list through the sectors, but it would no longer be the same number. Commissioner Calisin said the proposal was for dominant parties to appoint according to the proportionate ranking in votes. Commissioner Garcia suggested adjusting the number in parliament to about 50 sectoral representatives.

Commissioner Sarmiento pointed out that proposal was 60. Of the total 300 members of parliament to be appointed by the dominant parties, there would be 40 slots for the majority, and 20 slots for the minority parties.

Chairman Seno suggested using the term sectoral instead of party list. However, Commissioner Garcia said that the term sectoral limits the scope of the discussion, and that party list should be used in the provision. He added that it would remove the clout of the two dominant political parties.

The Committee gave different suggestions on how to reword the provision, taking into account the number of representatives of the two dominant parties, and how the sectoral representatives should be a modified Filipino version of the "party list" as suggested by Commissioner Garcia.

The PMS Secretariat read the finalized statement, which reflected the change from sectoral to party list representatives which would exclude the religious sector. Commissioner Calisin suggested that the phrase "except the religious sector" be not included because it sounds discriminatory. He suggested ending the statement with the sector of youth because providing for "other sectors" could lead to further addition of other sectors.

The final approved provision would then read as follows:

"The party-list representatives shall constitute 20% of the total number of representatives; provided that the party-list representatives shall be filled as determined by the two dominant political parties which shall come from labor, peasant, urban poor, Indigenous cultural communities, women and youth."

APPROVAL OF THE MINUTES AND MATTERS ARISING FROM THE MINUTES

Adverting to the minutes of the previous meeting, Commissioner Calisin noted that in the first paragraph, second column of page 4 regarding his experience with the SK, the term "boundaries" should be removed, and that he was referring to basketball tournaments, not basketball courts.

Commissioner Calisin suggested that the Commission compile all minutes of all committee meetings and plenary sessions. The Body was informed by the Secretariat that such was already being done.

Upon motion of Commissioner Calisin, pending his correction, the Minutes of the last meeting were deemed approved by the Committee.

ADJOURNMENT OF MEETING

Upon suggestion of Chairman Seno, there being no objection, the meeting was adjourned.

It was 1:52 p.m.

CERTIFIED CORRECT:

Commissioner Cecilio T. Seno
Committee Chairman