

**2005 CONSULTATIVE COMMISSION
To Propose the Revision of the 1987 Constitution**

**TRANSCRIPT OF THE MEETING
Committee on the Form of Government
Monday, 10 October 2005**

CALL TO ORDER

At 2:37 p.m., the Chairman of the Commission, Jose V. Abueva, called the meeting to order.

CHAIRMAN ABUEVA.
The meeting is called to order.

PRAYER

CHAIRMAN ABUEVA.
Commissioner Jimeno will lead us in prayer. Please rise.

COMMISSIONER JIMENO.
God Almighty, the Supreme Ruler of nations, all faiths and all religions, guide this assembly of learned persons whose hearts seek stability, progress and peace for this beleaguered nation. Grant us, in our discussions today, the wisdom to discern the needs of our people and this nation and view our respective roles as effective instruments of Your will so that this nation will attain the progress it has long been seeking for and which it rightly deserves. We ask You this in the Name of the Father. Amen.

ROLL CALL

COMMISSIONER APOSTOL
The next item is calling of the roll.

COMMISSIONER DUAVIT:
Mr. Chairman.

COMMISSIONER APOSTOL
Yes?

COMMISSIONER DUAVIT:
Mr. Chairman, may I move to dispense with the roll call?

CHAIRMAN ABUEVA:
Second? Seconded and no objection. We dispense with the roll.

COMMISSIONER APOSTOL:
We will now go to the business of the day: Item A, Discussion on the Form of Government.

CHAIRMAN ABUEVA:

Before we do that, may I just remind our Commissioners who have just joined us today to indicate their preferences among the committees of the Commission. We will provide you the list of our committees. So we call on the Chairman of the Committee.

COMMISSIONER VARELA:

Before that, I just want to express some concerns that I have received some calls about some articles that have been written in the press talking about our work here and almost predicting the outcome. I find that this might not augur well for us and I don't know what the Chair has in mind. We know that we are taking our work very, very seriously. I know that all of us have our own sentiments on these but if we get ideas like these or writings like these, the public might have a different perception of what we are doing here. And I am concerned about this, Mr. Chairman.

CHAIRMAN ABUEVA:

Thank you for bringing this to our attention. Yes, we have noted some remarks being made on broadcast media as well as in the print media. We should really respond to some of these that are quite inaccurate and quite unfair to us. When we have occasions, those of us who have been invited to talk shows and on radio interviews, I've tried to counteract some of these statements. But we should do it more systematically.

Thank you for bringing this to our attention. For example, there was a story in one of the broadsheets, already telling about our decision or our agreement to shift to a parliamentary system. That is uncalled for. I think that should be corrected. In fact, I said on ANC, when I was interviewed by Carmina Constantino and David Celdran, that we are very careful about this. In fact, I related to them the fact that we objected to the original name of the Committee on Federalism or the Committee on Parliamentary Government and we changed the names of those committees precisely not to give the impression of having prejudged the outcome of our debate. But we will certainly attend to that. Thank you.

COMMISSIONER AZURIN:

Mr. Chairman on that, Mr. Chairman.

CHAIRMAN ABUEVA:

Yes, Commissioner Azurin?

COMMISSIONER AZURIN:

Just on that matter, I think it is especially problematic when it is a member of the Commission who makes statements that indicate that there has been a decision. In this particular case, I am referring to the column of Commissioner Pedrosa. Basically, it enforces the feeling that this Body is going to be a rubber stamp, which is basically the reason I almost did not accept any membership here. And I seriously thought about resigning last Saturday. I think that is completely irresponsible.

CHAIRMAN ABUEVA:

Let us be sensitive to the fact that there are many negative, adverse attitudes towards changing the Constitution in the first place, particularly to changing the Constitution in these directions that have been mentioned by commentators. So I think, each and all of us must be sensitive to this and make sure in our statements, when asked, when interviewed, that we are still starting the debates on these issues and so...

COMMISSIONER AZURIN:
Mr. Chairman?

CHAIRMAN ABUEVA:
Yes?

COMMISSIONER AZURIN:
I think it would not be a problem if the Commissioners speak for themselves. In other words, there is no problem if, in a column, they express their own views but they should not presume to speak for the Commission. That's the problem. It's all right if somebody expresses his own particular inclination. That's no problem. The problem is when you say that the Commission has already agreed or 40 of the 41 have already agreed that it will be a shift to parliamentary. Then that makes us essentially appear like a rubber stamp.

CHAIRMAN ABUEVA:
Yeah, that's very well said. Individually, we are of course free to express our preference on the issues before us, before the Commission. I was very glad in that ANC interview where Commissioner Lim was there, Commissioner Lambino and myself, and David Celdran was saying, how come there is nobody from the opposition in your Commission? I said, well I don't know if that is a fact. But the nomination was open. The President invited all sectors, anybody to make the nominations and the final selection was made. And then Commissioner Lambino came out and said, "I am not pro-GMA. In fact, I was a lawyer for FPJ, Fernando Poe, during the campaign." That was such a welcome remark at that particular time because this was a national broadcast. And I thought it was a good luck. And may we...?

COMMISSIONER AMIN:
Mr. Chairman?

CHAIRMAN ABUEVA:
Commissioner?

COMMISSIONER AMIN:
Today is a discussion on the form of government.

COMMISSIONER APOSTOL
Amin, Amin.

COMMISSIONER AMIN
Amin.

CHAIRMAN ABUEVA
Yeah, Commissioner Amin.

COMMISSIONER AMIN
Yes, I should like, today is a committee hearing, is it not?

CHAIRMAN ABUEVA:
Yes, I am turning it over now to our Chair.

COMMISSIONER AMIN:

Yes, yes. There will be a discussion on the form of government. I should like to know in advance the particular committee to be in the agenda, business of the day, because we are non-members. We do not know whether today is a plenary session or not.

CHAIRMAN ABUEVA:

If you look at the agenda before us, it says that in the business of the day, this is a discussion on the form of government. That is why I am now turning over the chairmanship.

COMMISSIONER AMIN:

But we should be informed of the committee hearing in advance so that we should know.

CHAIRMAN ABUEVA:

It was announced before we adjourned. It was announced that today, we would have a committee meeting on the Form of Government. Tomorrow we will have a committee at 2:00, 2:00-8:00. Tomorrow, we would have a meeting of the Committee on the Structure of Government, of the Republic. And on Wednesday, we would have a committee meeting on the Economic Reforms. So, that was announced.

COMMISSIONER APOSTOL

Thursday, plenary.

COMMISSIONER VARELA:

Mr. Chairman please, on Economic Reforms, I understand there was an agreement to reset that, not on Wednesday, because of inability of some of the members.

CHAIRMAN ABUEVA:

I am not aware of that.

COMMISSIONER VARELA:

That is what I was told. So, I just want to...

CHAIRMAN ABUEVA:

We have to verify that. I am not aware that there has been a change in the schedule for that committee.

COMMISSIONER APOSTOL:

Mr. Chairman, that's very good because we will try to verify it with the Chairman of the Committee on National Patrimony and then we will substitute another committee for Wednesday. We have enough time.

COMMISSIONER VARELA:

Maybe the Secretary-General knows about it.

CHAIRMAN ABUEVA:

Are you aware of the change in the scheduling of the Committee on National Patrimony and ...

COMMISSIONER LORENZANA:

Yeah, they asked for a resetting. So, Monday, today is the Form of Government. Tomorrow is for the Structure. And the third, on Wednesday, is Joey's group, General Provisions, and they

have formed themselves into three sub-committees. And the Monday after next is the Patrimony and Economic. They were decided by the chairmen themselves.

COMMISSIONER VILAR:
Mr. Chairman?

CHAIRMAN ABUEVA:
Yes, Commissioner?

COMMISSIONER VILAR:
Clarification. In today's agenda, Item number 4, letter B, it says here, "Voting on the form of government." I believe that this should not be in the agenda today because we are just discussing the form of government and there will be a voting on it without going through the plenary session. Can this be corrected, Mr. Chairman?

COMMISSIONER APOSTOL:
No, no, no, Mr. Chairman, it cannot be corrected because this is a committee hearing. The committee should vote now which way. Then it will be submitted to plenary. Plenary will vote also. The Committee should have its own.

CHAIRMAN ABUEVA:
But the issue is whether the voting should take place now in this first meeting of the Committee on the Form of Government.

COMMISSIONER APOSTOL:
Yes, if the discussion will be finished, then we can have voting.

CHAIRMAN ABUEVA:
We may never reach the B. We might take up all the time for A.

COMMISSIONER VARELA:
Besides, Mr. Chairman, the consultations that have been scheduled might become academic if we already vote now.

CHAIRMAN ABUEVA:
So, is there a motion for ...

COMMISSIONER APOSTOL:
Yes, we let now the Committee work.

(At this juncture, Chairman Abueva relinquished the Chair to Committee Chairman Emmanuel Y. Angeles.)

CHAIRMAN ANGELES:
Mr. Chairman, let me first thank all of you for the privilege of presiding this first committee hearing on the Form of Government. I realize the apprehension of some of our commissioners regarding voting. Maybe we can discuss that. And maybe the entire Committee can decide whether we will proceed on the voting in the form of government now or shall we decide on this after conducting a nationwide consultation. It is a matter of a decision that we, maybe, have to make later.

Meantime, I would like to invite, first, I would like to invite any member of the Commission. These are the points of discussion, whether we will have the retention of the presidential form of government, unitary or the parliamentary or mixed presidential and parliamentary. The format is we would like first to hear the proponent of those who would like to retain the presidential system, if they are available now. Is there anybody who would like to speak? If there is anyone who would like to speak in this Committee meeting, please express your intention here.

Commissioner Gerry Espina has just come. Welcome, we have been awaiting your arrival in this Committee hearing. We have here two speakers on the parliamentary. Presidential muna. So, I would like to ask if...

COMMISSIONER ESPINA: *(off mic)*
Parliamentary muna, okay.

CHAIRMAN ANGELES:
So, the request of Commissioner Espina, we have two speakers here for the proposed parliamentary system of government. And we have as speaker number one, no less than our Chairman, Commissioner Jose V. Abueva. So, may we hear Commissioner Abueva about his...

COMMISSIONER APOSTOL:
Mr. Chair, I think we are supposed to give the rules. Where is Rene Azurin? He will give the rules on this Committee hearing.

COMMISSIONER ANGELES:
Ah, yes. Okay.

COMMISSIONER APOSTOL:
No, no, no. We have agreed already. The one who will give the rules will be the Co-Chair.

COMMISSIONER ANGELES:
I would like to ask my Co-Chair to give us some kind of a structure or...

COMMISSIONER TABANDA:
Mr. Chairman, this is precisely what I was going to ask. Maybe the discussion should be structured, the Committee meeting. So probably we should be informed about what the procedure will be, the rules, so we will know what to do. Like after a presentation, are we going to interpellate? Are we going to make clarificatory questions?

CHAIRMAN ANGELES:
Interpellation after every speaker. Now, each speaker will be given at least 10 minutes and then interpellation, three minutes, and the answer to the questions may be three minutes from the speaker or presenter.

Now, Commissioner Rene Azurin will now give us some kind of briefing about the framework of this Committee hearing. So, Commissioner Azurin...

COMMISSIONER AZURIN:
Good afternoon, everyone. These are just some notes, which I put together to sort of focus the discussion. This will only take five minutes, just to focus the discussion this afternoon. Let me just say first that, unlike Commissioner Magno, I do not have fantasies of waking up in the

middle of the night writing ideal constitutions. My fantasies at those times are of a more ordinary sort. But we will not discuss that here.

So anyway, let me just show you my notes to sort of focus the discussions. These are notes towards some conclusions and some implications as far as the Constitution is concerned.

One of the very first things that was said in this discussion is that a very small fraction of the population in this country controls political power and therefore, the government. The number cited by Dr. Abueva was approximately 2%. We should not assume that the interests of this economic and political elite are congruent with the rest of the population. These are just some implications. I am sure that with the brain power in this room, we will find many mistakes and we will have many other suggestions. But this is just to focus our thinking.

Some possible implications with respect to amending the Constitution are: (1) We can restructure the organization of government so that power is not simply the monopoly of elected officials. This proceeds from the fact that if this elite controls elections then they will always be in control of government.

Another implication might be that we need to introduce provisions that will hasten economic development and growth, like job creation and economic growth. That can include provisions that limit the extent of government regulation in business, that simplify taxation, that open up markets to global competition.

A third possible implication would be that, this is also in line with job creation, that we remove all protectionist provisions in the Constitution. This means provisions that specify limitations on ownership of businesses in certain sectors like retail, like power, etc., prohibitions for foreigners in owning land, etc. This is basically so that foreign investment and the new job creation that comes with it is encouraged and the business interests of the local elite are not unduly protected.

The second thing we mentioned, and Commissioner Magno showed this very clearly, is that elections in this country are decided in large part by a handful of major financial contributors and aggregators of what Commissioner Magno says, "undocumented cash." Obviously, politicians elected with the assistance of these contributors will act in line with their interest or at least not harm these interests and use political power to promote these interests. As we know, these interests are not necessarily, are often opposed to that of the population at large. So some implications might be that we amend the provisions so that elections will be less expensive so that candidates will not be dependent on these campaign contributors. And these provisions might include assistance and subsidies for campaign requirements, enforceable rules on election spending, etc. I am sure you can think of others.

The second possible implication might be that we eliminate national elections altogether and confine all political contests to district level elections. Note that this does not necessarily mean or imply parliamentary system. Conceivably, you might have a presidential system wherein the President is elected from the members of Congress. I'm just stating that as a possibility. For example, he could be elected from the members of Congress whereupon he ceases to be a member of Congress.

A third conclusion that we arrived at in the discussions here was that, or a third view presented was that the present system, the present presidential system, is blamed rightly or wrongly for the country's history of bad governance, legislative gridlocks, ineffective delivery of public

services, wasteful government spending, excessive politicking. Some possible implications might be that we transform the bicameral Congress into, this assumes that we are not changing to a parliamentary yet. This assumes that we stay with the current system. We change the current bicameral Congress into a unicameral Congress. We revise the system for electing a President. As I said, it need not be done nationally. We introduce provisions that will promote the development of real political parties. We enhance the power and independence of the Ombudsman and of the Constitutional Commissions. We create a quick and practical system for removing elected officials, for example, abbreviated processes, relaxed rules of evidence, special impeachment courts, etc, or we strengthen the judicial system to make it more efficient and effective. We devolve more power to local governments, which I am sure Commissioner Sarmiento would like, by mandating an...

COMMISSIONER JURADO:

Point of order, Mr. Chairman. I thought we were going to hear from our Vice-Chairman of the Committee the rules that will govern the debates.

COMMISSIONER AZURIN

No, this is...

COMMISSIONER JURADO

I don't want to appear as if I am stifling discussions. No, I am not. I am just wondering whether we will hear rules from our Chairman or a preliminary presentation of one argument.

COMMISSIONER AZURIN:

No. I am presenting both arguments. I am just presenting a framework for the discussion. I am not arguing for either case. What I am presenting is merely my notes from our discussion here.

CHAIRMAN ANGELES:

Excuse me, may I clarify about the role of the presenter? Perhaps we can consider this presentation as one of the presenter of this Committee meeting. So that after the presentation of Commissioner Azurin, you can ask some questions. You can have interpellation and he'll be glad to answer if there are questions. After all, we have lined up three speakers here for the parliamentary and we only have two as of now. So, may we allow him to proceed with his presentation?

COMMISSIONER APOSTOL:

Mr. Chair, I'll be the one to give the rules of the debate. We will have at least two speakers from three sides, one parliamentary, the other one presidential and the third, mixed. If there are more who would like to speak, we will allow them on both sides. Each speaker will be allowed to talk for 10 minutes. Now, interpellations will come in after one side has finished. For instance, parliamentary, there are at least four or five or two or three speakers. After they have talked, then we will allow now the interpellations. Interpellators should be allowed questions for two minutes and answers should be two minutes.

After that, comes the other side. The same thing, all speakers should finish first before interpellation is allowed. The same, two minutes, two minutes. The third side will be the mixed, parliamentary-presidential. After that, we will go to the other side where they will go unitary or bicameral. From there, we will agree whether we will vote or not. That is the rule.

CHAIRMAN ANGELES:

Can we ask the speaker if his presentation is for parliamentary, presidential or mixed?

COMMISSIONER AZURIN:

Neither. I am presenting both sides. In other words, if you go one way, these are the things that will happen.

CHAIRMAN ANGELES:

So, can we proceed with the, since we have already allowed him to speak, can we ask him to continue and finish his speech?

COMMISSIONER AZURIN:

I will finish in two minutes.

CHAIRMAN ANGELES:

In two minutes. Okay.

COMMISSIONER AZURIN:

So, these are reforming the tax systems and limiting the functions of the government. Next. Now, we have also said that the fusing of executive and legislative power in a parliamentary system concentrates enormous power in the parliamentary, in the Prime Minister and members of Parliament. So, some possible implication if we decide to shift to a parliamentary system is that we must introduce safeguards that would check the power of the prime minister and the ruling cartel. That could include restricting the functions of government, enhancing independent bodies, meaning those not reporting to the Prime Minister and whose officials are not appointed by the Prime Minister that can exercise oversight or audit functions on these public officials. Again, introducing an easy system of recall, enhancing and strengthening the judicial system, limiting the functions of government.

We also said that there is a need to curb wasteful expenditures of the government and curb the excesses of government officials. Some implications for our work of amending the Constitution might be to limit the functions and prerogatives of government officials like line item budgeting, no discretionary funds, etc., enhancing again, creating independent bodies that can exercise oversight and audit functions, strengthening the current mechanisms, enhancing the power of the Ombudsman and the Constitutional Commissions, creating quick, practical systems for removing public officials.

Another thing we mentioned is there is a need to improve the accountability of public officials. Well, I guess, this will have to do with the ones who are drafting the Commission on Civil Service, maybe a revamp of the Civil Service and improvement of systems that monitor the work of public officials might be introduced.

We spoke about the federal system, but one of the things that was mentioned, again this was from Commissioner Magno, is that the federal system will increase spending on government two to three times and will further bloat the bureaucracy. So one possible implication might be instead of federalizing, we will just increase local government autonomy. Devolve more power to local governments by mandating automatic allocations of a greater share of tax revenues to the local government, making local officials responsible for local development.

Finally, we mentioned that there is a need to make deliberate public services more effective and efficient. Well, some possible implications might be that we allow, we basically make public services that do not need to be done by government can be done by private entities, be done by private entities. Again, devolving services basically to local officials and mandating automatic allocations of funds to them. That's it, thank you.

CHAIRMAN ANGELES:

Thank you very much, Commissioner Azurin.

COMMISSIONER APOSTOL:

Mr. Chair, then we can begin the debate. I think the first one who should speak will be those on the side of the presidential because that is the one which is existing. The other side on parliamentary should come in later or the one who is advocating the mixed, presidential-parliamentary. I think we should begin with presidential.

CHAIRMAN ANGELES:

Any speaker, commissioner who would like to speak on the retention of presidential system? Commissioner Espina? So Commissioner Espina has the floor.

COMMISSIONER ESPINA:

Thank you. I would suggest to the Committee to retain the presidential system and improve on its present defects by identifying these defects and coming up with amendments rather than completely abandoning the concept of a presidential form of government and adopt instead a parliamentary form of government, which up to this point we don't know what kind of parliamentary system. Is it based on the Egyptian, on the English, on the French? Anyway, we are being made to discuss this question on the form. Let me just concentrate on citing some of the arguments used against the retention of the presidential system.

One of them is that it has produced a dictator, I am sure, in the person of former President Ferdinand Marcos. Let me just remind everybody that we have elected several other Presidents, Magsaysay, Quirino, Macapagal and several others. And one becoming a dictator, to my mind, is not a good example of condemning or reason to condemn the whole system. There can also be dictatorship in a parliamentary system of government. Although it is a party dictatorship because the head of government exercises both executive and legislative power and the head of government or the Prime Minister, he's often called, exercises both executive and legislative power. And he is elected by a few groups of party leaders. This is why we have produced a party dictatorship in Japan for many years, a party dictatorship in India for many years and several other parliamentary form of government existing in some countries. So dictatorship is possible under both systems. The presidential system, not so much because it is presidential but because of the adopting of the bicameral system of government or legislature. We have produced, as you said, points of conflicts. Are the two Houses of Congress often fighting against each other? And either one of the Houses or both fighting or going into conflict with the executive power. This is also true in a parliamentary system where gridlocks happen. A good example is what is happening now in Germany when up to this point they have not actually chosen a Prime Minister because not one party has been able to gain dominance after the election.

The presidential system has also been characterized as very expensive because a candidate for president campaigns all over the country. And that requires a lot of expenses. Some have given the amount of P6 to P8 billion pesos needed for a person to run as President. And it has been said that because of this, a candidate for President immediately becomes a slave of donors of campaign funds. According to a discussion given to us, only about 12 people control the funds needed, contribute the funds required to elect a President.

This can also be true in a parliamentary system. If you remember in Japan, the political party that controlled Japan for many years also controlled the big business in Japan and that has happened in other countries where the big political figures are themselves businessmen. And

because of that, they have direct control over government through party leaders who might not even stand for elections. This has been proven in Japan. And I believe that parliamentary system could become more expensive because there will be several levels of expenses during the campaign. I am sure that a candidate for Prime Minister would spend for his district candidates, so that he can be assured of the votes of these district candidates when the election for Prime Minister takes place. But I ask, is this an assurance that a candidate for Prime Minister, after spending for the district election, is that an assurance that he will get the votes of these district representatives? I say no because anything can change in a few days, even on major policy directions, by those elected in these district elections. So, there might be a need to spend again in the actual election of Prime Minister.

After that, there could be other possibilities of election campaign or campaign expenses to retain the position of Prime Minister because a main feature of a parliamentary system, there being a fusion of executive and legislative power, is the power of the members of Parliament to vote lack of confidence on the Prime Minister, which would, in many parliamentary countries, trigger the dissolution of Parliament. To avoid that, and you know, when Parliament is dissolved, the Prime Minister himself runs again.

CHAIRMAN ANGELES:

Excuse me, last three minutes.

COMMISSIONER ESPINA:

Thank you. So, he might have to spend again to prevent the vote of lack of confidence. So everyday, the Prime Minister elected is politically indebted to the members of Parliament. And this could come in political favors in appointment. And this could be weekly, monthly or annually.

It has been said that the presidential system lacks responsiveness because it is very difficult for government or for the President to be removed because he has fixed term. They say impeachment is a very difficult process. I agree. But because of this, should we totally abandon the presidential system? I say no. I say we improve the system. How? Perhaps, if we shift to the unitary system thereby avoiding a situation where you have the Lower House acting as prosecutor and the Senate, presided over by the Chief Justice, acting as the judge. If we become unitary, then the impeachment process will be shortened and perhaps we can strengthen the other provisions on accountability of public officials so that possibility of abuse would be greatly reduced. So, I say that perhaps shifting to unicameral system can answer the question of lack of responsiveness on a presidential system.

Let's take the same issue on the parliamentary system. They say it is very responsive because when there is conflict on the programs of government, either the Prime Minister dissolves Parliament or Parliament voting lack of confidence on the Prime Minister. Therefore, the issue is brought to the people for them to decide. If they are in favor of the program of the Prime Minister, they can elect the members of Parliament to support the program of the Prime Minister. If not, they will vote for another set of members of Parliament. They say that this is responsive. I say yes it is. But it can also be abused. We can have elections every six months, as what happened during the Fifth Republic of France. This has happened in Italy where they had elections every two and one-half months. I do not know the level of political maturity of our people to prevent such often dissolution of Congress and changing of Prime Ministers every four or five or six months.

It has been argued that this can be prevented by the proposal that we will not allow dissolution for vote of lack of confidence within one year after the election for the Prime Minister or one year

before. I ask, if there is really grave abuse within three months after the Prime Minister is chosen, should we wait for several months before we declare a lack of confidence? If the survival of the country and of the people is threatened within three months after the choice of leadership, should we wait and complete the one year period before we can vote a lack of confidence on the Prime Minister or the Prime Minister dissolving Parliament for that matter?

So I can say that the danger is actually present in both systems. So, I would argue that rather than jump to a completely new political system or form of government, that we make use of the long experience that we have had under a presidential system. We have dramatically shown the various defects and weaknesses. I say we improve on these weaknesses and retain the presidential system.

One last point, a major requirement of a successful parliamentary system is a strong political party. We must go back to the two-party system and perhaps improve the electoral process, so that we can be party- and program-oriented.

Another fundamental requirement of a successful parliamentary system is a strong public opinion. Why? Because in the decision, as to the dominance of the Prime Minister on certain issues or the dominance of the members of Parliament on certain issues, it is fundamentally important that people are aware of the issues. We must not only have public opinion but strong and wise or intelligent public opinion.

CHAIRMAN ANGELES:

Time is up. Let's ask. It is now the period of interpellation.

COMMISSIONER ESPINA:

Just a closing statement.

CHAIRMAN ANGELES:

Okay, please.

COMMISSIONER ESPINA:

I am sorry that I am the only one in this Committee.

COMMISSIONER APOSTOL:

No, there is another one. Don't worry. You are not alone. Hindi ka nag-iisa, Gerry. *(Laughter)*

COMMISSIONER ESPINA:

Anyway, history will be the final judge on our actions today. I hope it will have a kind judgment on us. Anyway, my last point is this. From the beginning, Congress or those of us who were in Congress will remember that I was really one of the first who filed resolutions calling for amendments, but not necessarily to go to parliamentary system. And that I would accept a presidential system with this modification: that the members of the Cabinet or majority of them should come from the elected members of a unicameral legislative body. I don't know how you would call it, mixed perhaps because you adopt the parliamentary system of having the Cabinet chosen from the legislature. That is why another name of a parliamentary system is Cabinet system.

I have been batting for that since the beginning. I wrote a textbook on that mixed form of government. And that will be my fallback. I am not in the habit of playing double games. I stay with my position. And as I have said, my primary ideal is to retain the presidential system but

with substantial modifications to improve it. Failing that, I would still go for one President with full powers. I do not want a President without power or only symbolic power because we do not have that tradition. I want a President with full powers. And if you call it mixed presidential, allow the choosing of members of Cabinet from the members of the elected unicameral legislature. Thank you.

CHAIRMAN ANGELES:

Let us give a big hand to Commissioner Espina. (*Applause*)

COMMISSIONER APOSTOL:

The next speaker on the presidential system is Commissioner Acevedo.

COMMISSIONER ACEVEDO:

Principally, I got convinced by the lone presidential proponent, Congressman and now Mayor Gerry Espina. You may say that have I not learned the lessons because I have been for 46 years, a public servant, 32 years of which I spent as Chief Financial Adviser of three Governors and four Manila City mayors. I have worked with them very closely, observed them very closely and I have seen the defects at the national level and the local level.

On the other hand, I have been listening to the pitfalls that we might fall into, as reflected by the presentations here of the proposed parliamentary government. Although, in the beginning, it was my decision not to be identified because to me, parliamentary but not federal, although federal is not yet to be discussed today, and presidential would be okay with me.

But the more I hear about the defects of parliamentary system and weighing it with the defects of the presidential system, it would seem that there are really more dangers in a parliamentary system than in a federal system. Also, with the tendency to adopt the federal system, which up to now, has not been discussed as to viability financially, many will recall perhaps that about a month or more ago, there was a panel discussion among the present Chairman, former Governor Garcia with former National Treasurer Briones. I can still recall that when Treasurer Briones asserted that the Philippines, especially now, cannot afford a parliamentary- federal system and the other side was not able to give any answer at all. That bothered me. Although I was planning to propose in this Body the creation of a Task Force using the detail authority under 453, detailing from the National Tax Research Center, the Bureau of Internal Revenue, the Bureau of Local Government and Finance and forming them into a special Task Force to gather financial data of a tentative parliamentary system and tentative parliamentary-federal with a calibrated, as proposed let us say, four or five states in the beginning.

With this, if we have the best case scenario that this Consultative Commission will become also a consultant of the ConAss, if it will be convened, as hinted by Congressman Jaraula, then we will have all these data prepared when the time comes. Right now, the data book is blank on whether we can afford a parliamentary-federal, a prospect that we would have to contend with if we adopt a parliamentary system.

But what continues to ring in my mind is the contention that in the parliamentary system, it might even be more difficult to change the Prime Minister than it is now to change the President. And, the Filipino culture is inclined more on changing parliamentary leadership than allowing stability with a Prime Minister. If we look back, especially the pre-war values, which apparently have been forgotten by most of our citizens, the presidential system is the more stable of the two because, in fact, we need a more strict turn-over of Presidents or leaders than a leader who can be changed just anytime, especially at the dictate of the vested interest in power.

So, I think that is, to my mind, one argument of retaining the system where it is difficult, I would rather that we have a system where it is more difficult to oust the leader, the President. With these initial arguments, your honors, I think I rest my case with Commissioner Espina.

CHAIRMAN ANGELES:

Thank you very much. We now proceed with the interpellations. We can see the hand of Commissioner Magno. You can raise your question to any of the two speakers.

COMMISSIONER MAGNO:

Thank you, Chair. Let me begin with a remark on the presentation by Commissioner Azurin and then transform that into a question for the two speakers. I think the presentation of Commissioner Azurin magnifies the concern I have already expressed here that in jumping directly into a debate on parliamentary and presidential forms, we straightjacket our inquiry and we will be unable to utilize new knowledge from management theory, political economy and the social sciences, to identify precisely what problems we are trying to solve and what design solutions we are capable of proposing. I think that is very clear, the sort of problem-solution type of presentation that Commissioner Azurin presented.

Having said that, let me now ask either of the two presentors on the presidential form. How would the presidential form solve three problems I have listed: One is the cost of election, which I elaborated on in my plenary presentations and which has become unsustainable. Elections at large have become unsustainable, given the specific political economy of campaign financing in this country. Second, how could the presidential system address the problem of a crony bureaucracy, which is the outcome of deep presidential appointive powers? What do we do about the power of the President to appoint 4,620, more or less, appointive positions to as deep as bureau chief level? And third, how would retaining this form address the problem of what, for want of a better term, I would refer to as the aristocracy of the bureaucracy? While protection of the Civil Service is good, we know from our experience that the Civil Service has become a self-perpetuating aristocratic interest. For instance, we could do nothing about the National Food Authority because that is the seat of the COURAGE union and it is now the biggest loser for government and the biggest item in our consolidated public sector deficit. Over the last three decades, it is the bureaucrats who have hindered reforms, entrenched and protected by what, otherwise, we thought was a correct Civil Service protection regime. And so we are in danger of approaching the same problem of a fossilized and ossified bureaucracy that is now killing the Japanese economy. The biggest threat to Japan's well-being is its own bureaucracy. For the last decade, it has been an exasperating and intractable problem. And it has been for us as well, although we would rather bury our heads in the sun than take the politically correct position that civil servants ought to be protected. We have an ironic situation where you have a bureaucracy that has constituted itself into a virtual aristocracy...

CHAIRMAN ANGELES:

Okay, time's up.

COMMISSIONER MAGNO:

...and at the same time a crony bureaucracy.

CHAIRMAN ANGELES:

Time's up.

COMMISSIONER MAGNO:

Thank you, Sir.

CHAIRMAN ANGELES:

To whom is your question directed? To both. Okay, may we ask Commissioner Gerry to answer first.

COMMISSIONER ESPINA:

There were three questions. Three questions, one was how do we address the problem of the cost of election which has been described as one of the weaknesses of the presidential system. Let me just remind everyone that many years ago, we had presidential elections which were not expensive. I remember that when I was very young. I was Grade 5, Grade 6. And it was even the leader who was spending for the candidates. The question is, what happened? I think the presidential system did not fail. I think we failed the presidential system.

Another answer to that is this. Where there is poverty, then use of other convincing functions other than identity to ideas or programs become the dominant element, money. So, I say that if we improve the middle class, so that they will not need a centavo to choose a President, I think we can reduce the expenses. And when the big contributors realize that the people are going to be program-oriented and not personalistic, they will also be rational in handing out contributions.

Number two question: how do we address crony bureaucracy in the presidential system? Let me remind again our members that the parliamentary system breeds also crony bureaucracy. This was exemplified again in Japan when those who were in big business were friends of the party leaders. But let me also address that this could be used to enhance and improve the lives of the people, when those who are experienced in certain industries are given the authority and the freedom in the government help to make use of that expertise, so that the total economy of the country could be addressed by people who are experts in these particular areas and these people also have the money. So, finally, crony bureaucracy is potential in all forms of government. We can address this by the legislation of the unitary legislative body.

The third question is aristocracy of the bureaucracy. I agree with Professor Magno that we have politicized the Philippine bureaucracy. It used to be that the undersecretary was only one. But now, we have so many. If one is defeated in the election, he is appointed as undersecretary.

CHAIRMAN ANGELES:

Mr. Commissioner. Okay, go ahead.

COMMISSIONER ESPINA:

Thank you. I would like to say here that I have not received an appointment position by one person since my entry into public life. I would say that 80% of my political victories, I was in the opposition. I think you know that Biliran is very small. And yet, two presidential candidates visited my island, all campaigning against us. FPJ was there with seven helicopters and all his senatorial candidates. Estrada was there campaigning against us when he ran for President.

I was appointed Deputy Minister of Trade and Industry, Minister of State for Labor but that was in connection with my being an elected member of Batasang Pambansa representing the whole of Metro Manila, 17 municipalities and four cities.

CHAIRMAN ANGELES

Thank you, Mr. Commissioner.

COMMISSIONER ESPINA

So finally, I agree that we should reduce political appointments in various levels of government, but we should improve our Civil Service. We should believe in what has been written by Public Administration professors that politically elected officials are birds of passage. They come and they go. But if bureaucracy has remained politically neutral and capable, perhaps we can adopt the British system where there is a regular upgrading of the skills of government employees. Thank you.

CHAIRMAN ANGELES:

May we proceed with Commissioner Acevedo to answer the question of Commissioner Magno?

COMMISSIONER ACEVEDO:

With the consent of Commissioner Magno, I take over from the third point, the aristocracy of the bureaucracy. That is, of course, a subject close to my heart because I worked my way through college. I had continuous government service since 1954, almost 46 years of continuous government service. I saw the evolution of the bureaucracy as it is now.

Before, the career Civil Service was very strong. That is one reason why I proposed that Committee on Constitutional Bodies because at first I was thinking that we can provide the structure to restore the old Civil Service system, especially the career Civil Service system. There was a time that for every position, an applicant has to pass an appropriate Civil Service Eligibility. I experienced that and in my curriculum vitae that I submitted, I have 11 Civil Service eligibilities because for every position you are promoted, an appropriate eligibility is required.

Also, the Civil Service Commission used to approve appointments. Little by little, they lost this authority. Just allow me to focus on the local treasurers. When I came into the service in 1967 as the Provincial Treasurer of Aklan, my own place, where I was born and involved in local politics because my family was a political family also, but this does not even detract on your effectiveness as a career official. The Local Treasurer before was part of a national career service. He is appointed by the President of the Philippines, confirmed by the Commission on Appointments. The local executive does not have supervision over him. He is under the administrative control and supervision of the Secretary of Finance. And the worst that can happen to him, if he does not agree with the local chief executive or is afraid of the prospective liability, he is only detailed with the Secretary of Finance. Well, I can stop on that because anyway, Commissioner Espina has already also explained the other points.

CHAIRMAN ANGELES:

Are there other speakers for the presidential system? Ah, interpellation, go ahead.

COMMISSIONER PATERNO:

Thank you, Mr. Chairman. The discussion, I think, has been gearing towards the dangers of presidential versus parliamentary. I would like to urge that we try to be balanced in our approach and look at the effectiveness of both systems when evaluating them. It is my contention, Mr. Chairman, that we are, as a people, obsessed with checks and balances. But alas, we have evolved into a situation where there are many checks but very little balance. And this hampers the effectiveness of government.

The other thing is that in a presidential system, we have gotten too many presidential appointments which are incursions into the Civil Service regulations. It is not, I submit, the bureaucracy that is at fault for this. It is the practice of Presidents who have really damaged the bureaucracy. In this administration, that extends up to the Foreign Service Organization. That

makes our government difficult even abroad, not just domestically. So, I cite this as an evil of the presidential system, Mr. Chairman. Thank you.

CHAIRMAN ANGELES:

Thank you very much. Is there any, Commissioner Duavit.

COMMISSIONER DUAUIT:

Thank you, Mr. Chairman. With the permission of the presentors of the presidential system, I'd like to look at the situation, our situation first before delving into the system of government, whatever it may be. May kasabihan po tayo sa Pilipino, kahit anong sobra, masama. Anything excessive is counter-productive. We have over-poverty, to define it more emphatically. We have over-population. I don't know how we can lessen that. We have excessive politics, in all branches, whether elective or appointive. We even have a bloated Constitution, where work of Congress or Parliament has actually been encroached on, resulting with having bloated bureaucracy. Add to that the practice of some Presidents as mentioned by Commissioner Paterno.

In the last presentation of the gentleman from, or Commissioner, from Biliran, because he agreed with Commissioner Leviste, they are one in saying that the presidential system did not fail us. It is we who failed the presidential system.

CHAIRMAN ANGELES:

Question please.

COMMISSIONER DUAUIT:

Just a minute, Mr. Chairman. Question? Precisely, we are getting there. I am just laying the predicate, Mr. Chairman. I am not embracing the microphone, Mr. Chairman, not a habit.

Would you accept or say that from Roxas to the incumbent President, we have made a wrong choice of leaders to aggravate gradually the situation of the country?

COMMISSIONER ESPINA:

Is that the question addressed?

COMMISSIONER DUAUIT

Well, whoever is in favor of the presidential.

COMMISSIONER ESPINA

My answer is this. Maybe the factors used in the choices of political parties of official candidates and of the people of their elected officials have worsened.

COMMISSIONER DUAUIT:

So, there is something wrong not necessarily of the entire system but some parts of the system.

COMMISSIONER ESPINA:

That is the point that I have been all along trying to point like...

COMMISSIONER DUAUIT

Yes, precisely, your honor.

COMMISSIONER ESPINA

...for instance, the appointment of people to the foreign service who may not be qualified. I fully disagree with that observation. But you don't solve that by changing form of governments. You solve that by making laws.

COMMISSIONER DUAVIT:

I am not even asking you to change it, your honor. I am just asking some clarificatory or guidance productive questions. Previously, in the earlier meetings of the Commission, there were even comments that why even call our system parliamentary or presidential? Why can't we just call the Philippine system the Constitution or System of the Republic of the Philippines? Why even refer to the presidential or parliamentary form of government? Will you be agreeable to that approach in terms of language, your honor?

COMMISSIONER ESPINA:

Yes, as a matter of fact, I proposed that when I initially suggested the retention of the presidential system, although I am using the word now. What we can just do is in the Constitution, we write the executive, the legislature, without saying it is presidential.

COMMISSIONER DUAVIT:

A matter of style, then, your honor.

COMMISSIONER ESPINA:

It is a matter of style.

COMMISSIONER DUAVIT:

Thank you, Mr. Chairman. We are just paving the way to convince Commissioner Espina. Thank you very much, Mr. Chairman.

CHAIRMAN ANGELES:

Thank you very much, Commissioner Duavit. Now, may we hear from Commissioner Tabanda.

COMMISSIONER TABANDA:

Thank you very much, Mr. Chairman. I think our two good Commissioners really argued for the presidential system of government very convincingly. But I would just like to say that the system of government will be largely dependent, too, on the psyche and culture of the people. So, I have several questions, which they would probably have to answer one by one.

The first question is, can it not be said that the presidential system has done us good in the past considering the culture and psyche of the people? Because one of the major arguments today against the presidential form of government is the over-concentration of power in the executive or the President. But could that not have done us good in the past so that probably now, circumstances may warrant that there should be a decentralization and a lessening of the powers vested in the executive to make it relevant to the times? If this were so, would our good Commissioners probably give some possible solutions or what they say addressing the shortcomings of the present system to be put into the Constitution?

And the third observation or probably question that I would like to pose is that can it be said that the transition to parliamentary, no, can it be said that actually, we have presidential now, you would like a modified presidential, would it mean that we are on a transition to eventually have a parliamentary system of government in the Philippines?

CHAIRMAN ANGELES:

That is addressed to the two commissioners. Commissioner Espina first.

COMMISSIONER ESPINA:

Yes, I agree that the presidential system has also done a lot of good in the past. But if it has been a failure in recent years, maybe we look for other reasons rather than the form of government. For instance, we have one of the highest population rates of increase, 2.3%, one of the highest in the world. And when you have a lot of people, it becomes a grave burden to the government. The other is poverty because of some economic policies which have allowed, for instance, the closure of opportunities for more investments not only locally but from foreign sources. In other words, we have very, very nationalistic provisions, which actually, in the end, prevent the opening up of opportunities for employment and prevent the increase in the purchasing power of the people, which adds to the difficulty of government to generate funds.

So, I say that if in the past, the presidential system may have been effective and now it is less effective, it is not because of the system but of certain conditions which have effectively reduced the effectiveness of the system.

So, what do we do? I say, we don't change the system. I say we improve the system and, as I said, I am even willing to have members of Parliament become members of the Cabinet. Why do I want them from the Cabinet? Because they will have political accountabilities, the Cabinet members. Not like now, a Cabinet member, let me repeat, can be very, very corrupt and he has nothing to worry because he is not going to seek election. All he needs is the constant support of the President who appointed him. So, let us correct that without changing from presidential to parliamentary.

CHAIRMAN ANGELES:

Is that question for both the speakers? Yes, Commissioner Acevedo.

COMMISSIONER ACEVEDO:

Mr. Chairman, I would like to answer the questions more on the, or at least, in the affirmative. Because of the delicate reaction that can be obtained by a cause that I would, I am hesitant to bring to the public. I will refer to an old opinion on why apparently, the traditional values of the Filipino has somehow deteriorated after the post-war era. And this came from a visiting professor that is, I think, known, if not a friend, of Dr. Abueva, Dr. Madic of Birmingham University. In 1969, that is long ago, a newspaper, one of the local dailies, was presented at the University of Birmingham about Filipino corruption. So, I asked Dr. Madic what seems to be wrong with this. At that time, I said that the Filipinos are amateurs compared to India and other places. But usually, according to him, a study they have conducted showed that the moral values usually deteriorate after a world war. But it should have returned maybe five or ten years after. What seems to have stopped or way-laid the Filipino values from returning to the post-war and maybe beyond the post-war era, in matters of honesty, integrity, sense of fair play, all these basic Filipino traits? Why is this relevant? Because apparently, you cannot blame, as many are prone to blame, the politicians. It is a cycle brought about by this social system and the pressures that they are exposed to in the service.

So, what is my point? Apparently, medyo galit na rin, outraged na rin ang portion of the Filipinos that will not tolerate anymore further corruption, deterioration of the system. So what is our job? Let's provide the mechanism, the structure that will, these outraged citizens start reacting and preventing what we have been criticizing. They have the structure and the means. It is only a

matter of those in the bureaucracy to start cooperating and the reforms will naturally shape in, whether parliamentary or presidential.

CHAIRMAN ANGELES:

Okay, our next commissioner who would like to ask some questions. Hindi po, you would be next. May I ask Commissioner Matula to have the floor now?

COMMISSIONER MATULA:

This is addressed to both commissioners. I would like to ask the proponents concerning our politics in our present system. It appears that our present system for the past 50 years is more on a personality politics or the politics gravitated only to persons and not to issues and programs of government. I think with the present presidential form of government, we are not moving because instead of addressing the issues and concerns of the citizenry, we are more concerned with the personalities and not on ideologies and issues.

COMMISSIONER ACEVEDO:

May I answer, your honor? The personality aspect of politics is, I think, in fact a minor factor, a minor defect of the present system because, after all, our citizens have the right to choose whoever they want. And apparently, the defects in the political system can be blamed for this. Now, once in a while, we focus on the, as I heard in one of the speeches, the oligarch, the politicians, as if they are the ones responsible for this. To me they are also victims of the social system. They cannot survive if they do not play the rule of the game. From birth to death, the pressure is on them. Provide this or else, you cannot stay in power. And this seems to be caused by the lower, the masses. Maybe they are 80% to 70%. But I daresay that lately, society has been getting tired and the segment that can wield power here, let us say the middle middle class and the upper middle class, can influence the thinking of that level and minimize the pressures that are brought to bear on our politicians. And because, I think, they are already starting to be outraged. And that is what filters to the higher level of society. I am optimistic that the mechanism, the structure that we are able to provide for a number one, clean election, for a strong Civil Service, for an Ombudsman who does not resign because he develops insomnia for his decisions that he cannot exercise because of the system. I am optimistic that somehow, we will not be frustrated if we have that idealism that not long in the future, there will be social, political, economic reforms in this country.

CHAIRMAN ANGELES:

Thank you Commissioner Acevedo. May we ask now Commissioner Espina to answer.

COMMISSIONER ESPINA:

I was outside when I was told that the question was raised on how to solve the role of personalities in the presidential system. I have always maintained this, that in any system, if the level of poverty is very, very low, personalities will come in as a major factor side by side with material consideration. I agree that if we improve the level of rationality.

First, in party choices, perhaps going back to the two-party system so that we do not experience what we have experienced in the past where we had nine presidential candidates. Several presidential elections, we experienced that, resulting on a President elected by at most, 32% of the voters. If we, for instance, institutionalize debates among presidential candidates making it through some major campaign as a valid measure of a presidential candidate's capabilities to solve the problems, that would help. Again, I say, through these measures, without necessarily throwing outside the window the present presidential system, we can solve that by economic reforms, by electoral reforms.

You know, my experience, I have had the chance to run as an urban, represent a district and then a rural. I have been able to run and win as a legislature and then as a Municipal Mayor. So I have this sense of identity with several sectors and levels of our political society. And as I said, we can improve this by legislation, maybe more participation by our educational system, the Church. This should be a total effort, not just relying on the provisions of the Constitution. Maybe we will reduce the role of personalities in the electoral process.

CHAIRMAN ANGELES:

Thank you very much. The next commissioner will be Commissioner Vilar. Please, your question.

COMMISSIONER VILAR:

Thank you very much, Mr. Chair. This question is addressed to both the speakers. Having heard all of the questions propounded and the answers thereto, questioning and stating the defects of the present system like the over-abundance of the power of the appointing power, the defect of the Civil Service, the question I am proposing is: Would this Body consider now other systems of government or forms of government that could change this present system, not necessarily the parliamentary or any other form? Thank you.

CHAIRMAN ANGELES:

To whom is that directed?

COMMISSIONER VILAR:

To any of the speakers.

CHAIRMAN ANGELES:

Would you like to answer that, Commissioner...?

COMMISSIONER ESPINA:

I said I was amenable to a mixed system like during the Marcos era but without the provisions introduced by amendments through barangay assemblies. So, I am amenable to, as I said, because the question was whether we would consider another form. I said yes. Yes, I said a mixture of these two because I have to admit that the parliamentary system's best... Seated with us were the Secretary of Defense, Secretary of Public Highways, so we do not have to call the DPWH because right there with us everyday, the Cabinet members were there and we could bring immediately to their attention the problems of our district. So I admit that as a good feature, so I am willing to accept a system which has a President, strong President with a mixed presidential features like Cabinet coming from the House of Representatives but I will definitely argue against electing a President through a national election and making him only as a symbol of the government without meaningful powers because number one, we don't have that tradition in our culture and I don't think we need to include that or adopt that at this point in our history. That will only be creating another possible area of conflict because the President with little powers may in fact, develop into a powerful personality to contest the dominance of the party in the legislature. So yes, I am amenable to consider other, I will not call it forms of government, but other system of allocating government authority.

CHAIRMAN ANGELES:

Thank you very much. May we ask now Commissioner Pedrosa to ask a question?

COMMISSIONER PEDROSA:

Yes, I have difficulty understanding Commissioner Espina's presentation because I disagree with him on a very basic question. I think his thesis is that we don't need to change the form of government because the problems are elsewhere. My own feeling is that the problems are also precisely because of the form of government. So what I'd like to tell him is to describe to me the presidential form of government and why it has encouraged gridlock, which to me, is the cause of many economic problems today because of the non-passage of bills, the reluctance of investors to come in. All these things come in to the form of government not because of other factors. All the factors become involved in it because there's already the dissatisfaction on the inadequacy of the system. Thank you.

CHAIRMAN ANGELES:

Thank you very much. Would you like to answer that?

COMMISSIONER ESPINA:

Yes. Actually, just comment on it. I can understand why Commissioner Pedrosa cannot understand my presentation of the presidential system because she is proposing the opposite form of government that I am proposing. But let me, at this point, I don't want to mention it, but from the point of culture and tradition, I don't think we are, I am ready. Ako na lang, 'wag na kayo. I don't think I am ready to remove the role of the people in actually choosing their national leader. That is why I would propose, Mr. Chairman, that our discussions here be published and distributed so that we may be able to get the feedback from certain sectors of society. Let me ask this procedurally. Are our statements fully recorded?

COMMISSIONER APOSTOL

Yes, yes, yes. Mr. Chairman, yes.

COMMISSIONER ESPINA:

Is it possible that what is debated, the questions and the answers, be possibly reprinted?

COMMISSIONER APOSTOL

Yes, all discussions, Mr. Chairman, during committee hearings are recorded.

COMMISSIONER ESPINA:

Thank you.

COMMISSIONER APOSTOL:

The only thing is that we are not transcribing. Later on we will transcribe.

COMMISSIONER ESPINA:

What are we recording them for if we don't transcribe them?

COMMISSIONER APOSTOL

Our problem is simple; we do not have enough funds. Later on, we might be able to raise funds, then we will transcribe them.

COMMISSIONER ESPINA:

But will it be made available to the people before we formally decide on this issue as a Commission?

COMMISSIONER APOSTOL

Yes, yes. On plenary, on Thursday, we will treat the same matter. It will be recorded and transcribed.

COMMISSIONER ESPINA:

You mean, today, it is not recorded?

COMMISSIONER APOSTOL

It's recorded but not transcribed. We will have only the minutes.

COMMISSIONER ESPINA:

Because this is a very fundamental issue which touches on the lives of the people: the role of the government, the authority of the government to regulate lives of people, lives of corporations, lives of organizations. And in this connection, the more people know about it, the more they can have access to the discussions. It would be of great help to us. We should not decide this in full isolation of those who will decide eventually because I am worried that if they do not get enough information, especially on feedback, we might be rejected by Congress and worse, rejected by the people.

COMMISSIONER PEDROSA:

I'm sorry, but my question was not answered. He went...

COMMISSIONER ESPINA:

I did. I said I understand why...

COMMISSIONER PEDROSA:

No. That was not a reply because I was saying that the basis of your thesis is, in fact, we should not change. The difficulties we encounter today are not owed to the form of government but to other problems. And this is what I am asking you. Despite the fact that we have, before us, the problems arising from the gridlock of the form of government.

COMMISSIONER ESPINA:

Okay. For instance, gridlock. This can also happen in Parliament. I just said the example of Germany now. As I said, this is possible in all systems. So what we do is reduce the possible points of this total conflict between sectors of government. Let us go to the unitary system. At least, naalis natin 'yong possible delay because we have two Houses. Maybe we should, you know, we are the only country in the world that holds elections every one year and a half. And our terms of office are only three years. So hindi pa tapos 'yong galit, especially in the local areas, galit na naman because of another elections. So perhaps we can modify the presidential system. Instead of three years, make it four years or five years, 'yong rational term. So there are many solutions. For instance, we can agree to a real meaningful population regulation policy, not necessarily following China's one-child policy. Perhaps if we really have to study the economic imbalance, maybe we will not fail the presidential system because I fully believe even right now, if we move to the parliamentary, but we have the same level of poverty and we have increasing population every year so the economic side could not keep up with the needs of the growing population. Kahit mag-parliamentary system tayo bukas, we have the same problems.

COMMISSIONER DEE

Mr. Chairman, if I may, Mr. Chairman. Mr. Chairman, point of order lang. I think we are going around the bush here because the presentors never really gave importance to the form of

government that's why they are even agreeable to a mestizo form. What I'd like to see is, what I'd like them to explain is, how do we plug the loopholes in the present Constitution as...?

CHAIRMAN ANGELES:

Commissioner Donald, you will be given the chance to speak.

COMMISSIONER DEE

Okay, thank you.

CHAIRMAN ANGELES

Can we proceed with our order of interpellators here? Commissioner Tendero, please. Then followed by Commissioner Sarmiento, then Commissioner Donald Dee.

COMMISSIONER APOSTOL

Mr. Chairman, before the interpellator speaks, may I propose that we pass a resolution thanking Governor Commissioner Romualdo for giving us lanzones.

(Laughter. Applause.)

COMMISSIONER ESPINA

Unanimously.

COMMISSIONER APOSTOL

Lanzones from Camiguin.

COMMISSIONER TENDERO:

Okay, Mr. Chairman, do I now have the floor?

CHAIRMAN ANGELES *(off mic)*

Yes.

COMMISSIONER TENDERO

I would like to address this to Commissioner Espina. He mentioned earlier that he does not want that the people will not be given the chance to choose their national leaders. But maybe, I'd like him to comment or interact on the issue of how we have prepared our people in terms of maturity in making choices for national candidates. What we have seen is, there are some problems in the maturity of our people in making choices, particularly when it comes to national government leaders. That is why the issue of popularity comes in. And with the problem that we have in the electoral system, which has not been automated, then the problem again of credibility of elections comes in because of the nationwide scope of the choice that is being done by the electorate.

COMMISSIONER ESPINA:

I will repeat what I said that the level of poverty is a fundamental factor in the development of a mature political society. That's one. When I ran for Congressman the first time in 1995, I was in the opposition, running against the first cousin of the wife of the President and I was practically not given the opportunity to organize. What I did was I resorted to writing brief weekly thesis on government, the role of government, citizens, political parties, the opposition in a democratic society. And I had a microphone with the people so I can be interrupted anytime. But I won, in spite of the fact na pinatay 'yong dalawang kandidato ko for councilors the night before the elections at 7 o'clock. So I am not ready yet at this point in time to condemn the potential for political maturity of our people, provided we give them the pathways to progress: economic

freedom, economic justice, more opportunities for jobs, more opportunities for education, more opportunities for access to information and education. I still believe we can still develop political maturity. But what is important is heart, 'yong puso. You know, we produced Magsaysay. He was not a lawyer. He was not an academician, but he was loved by the people and that is one factor in identity with governance, identity with the leader through their shared aspirations and hope. We produced a President from a small island of Bohol, a Garcia. In other words, let us not forget the contributions that the presidential system, if I may use the term, has made to our development as a sovereign nation.

COMMISSIONER TENDERO:

Just a follow-up to that. The answer that you gave, actually, is an argument for having a localized election, wherein you limit the choices. The example that you gave actually limits the playing field where people can make the choices rather than making it as a nationwide choice of the electorate. I would also like to say that on the problem of poverty, we go back to the question, the circular question that it's the form of government that hinders the delivery of efficient system that could alleviate the poverty of the people.

COMMISSIONER ESPINA:

I say not the presidential system, but the way the system is being implemented or used as an instrument to serve society and the country because you can have the same problem in a parliamentary system also. Now on the question of more local opportunity for choice, I fully agree. As a matter of fact, I am against a national Senate, even against a regional Senate. We should have only one legislative body. I am for the retention of the present presidential system with modification. If we had produced good Presidents under the system, produced one dictator, that is not enough reason for me to change form of government.

CHAIRMAN ANGELES:

Excuse me. I think the next commissioner who would be given a chance to ask his question is Commissioner Sarmiento.

COMMISSIONER SARMIENTO:

Commissioner Espina here is trying to sell a product, but I am convinced that the product of Commissioner Romualdo is the best. *(Laughter)* Lanzones from Camiguin.

COMMISSIONER ESPINA

I agree.

COMMISSIONER SARMIENTO

Commissioner Espina, I really don't care if a Prime Minister runs a country for 10 or 12 or 14 years as long as the Prime Minister is doing well. Just like, probably if I own a company and this particular President is raking in the money for the company, I would not want to change the President who's running the company. So, as you are trying to sell something that is quite different from the models that has been presented to us, my question is: Is your proposal under the system you are trying to sell, what is going to be the term limit of the President, the product that you're trying to sell?

COMMISSIONER ESPINA:

Maybe adopt the present. Six years? Five years? But not definitely three years or longer. We will retain the term and in line with this approach or direction to amend our Constitution, improve on the system. I am in favor of removing the term limits. Senator Edward Kennedy has been senator for the last 40 years. He has become an expert on social and labor legislation. Senator

Wayne Moss of Oregon has been there for years. He has become an expert on foreign policy. And here we have when somebody has been elected three times, what normally happens is the one he defeated three times, the second choice becomes the successor or a member of the family. So let us remove that term limit and I think it will improve the system, modified presidential system. There are other things we can look into, especially in the electoral portion of it and the economy.

CHAIRMAN ANGELES:

Thank you. May I ask now Commissioner Donald Dee to ask his question.

COMMISSIONER DEE:

Yes, Commissioner Espina, it's very clear in your dissertation that the form of government is not necessarily the problem. What I want to ask you is, given the stated problems identified by Commissioner Magno, can these problems be solved by amending the present Constitution?

COMMISSIONER ESPINA:

Yes, definitely. That is why I might go even to the pre-adoption of this Constitution. As I said earlier, I campaigned against this Constitution, against its approval in Metro Manila because I believe that, tama 'yong sinabi ni Bibit Duavit, bloated.

COMMISSIONER DEE:

How fast can you give us a paper on this, Mr. Commissioner?

COMMISSIONER ESPINA:

That's the problem. I don't write my...I have been in Congress for years, I have not written a speech.

COMMISSIONER DEE:

But you know, we are listening but you are convincing us only half-way. You have to show us that irregardless of the form that you are talking about, that these problems identified by Commissioner Magno can in fact be solved.

COMMISSIONER ESPINA:

Yes, yes. And again, I will repeat. If we can amend our economic system, 'yong problema ng poverty, which contributes to lack of rationality in our political choice, can be changed.

COMMISSIONER DEE:

Your Honor, now you are telling us, "Let's forget all this discussion on form and structure and let's go first on economics." Is this what we're gonna tell the people?

COMMISSIONER ESPINA:

I will agree with that. I will agree with that because to my mind that is the root of our political problems, poverty.

COMMISSIONER DEE:

So, Your Honor, you're telling us now that we go back to the President and say we're just going to study the economic aspect of the Constitution and the rest we will worry about it later on?

COMMISSIONER ESPINA:

I am not saying that. What I'm saying is that I am agreeable to focusing on economic first and then while we are at it anyway, let us go into a review of other provisions of the Constitution.

There is one provision, just to dramatize. The Constitution provides that when the President is seriously ill, the following persons cannot be prevented from seeing him: the head of security and two others. I say this is wrong. These two others are all appointed by the President. I say this is wrong. I say that the Senate, the Chief Justice maybe or the Speaker should not be prevented.

COMMISSIONER DEE:

Your Honor, if I may say that this doesn't drag? If your problem is only to get people to sit down and write, I will volunteer to get you the people if you just sit down with them because we would need a paper for us to be convinced.

COMMISSIONER ESPINA:

Yeah, I have distributed a pamphlet, pero specific, specific lang 'yong aking binigay like I agree with allowing foreigners to own land, but provided there is a safeguard that they should develop this within two years or three years. In a way, they cannot take it home with them. I would gladly accept that opportunity to sit down with your people.

COMMISSIONER DEE:

Then that's what I propose. I will volunteer if you tell us how many people you need and when you can sit down because I think a lot of us here would need a paper in order to digest your proposal. Thank you, Your Honor.

COMMISSIONER ESPINA:

I need a good one who can take dictation and listen and just transcribe it and then type it and then I go over it. I think I can come up with it within 24 hours.

COMMISSIONER DEE:

Your Honor, make it very clear that the points brought out by Commissioner Magno must be taken cared of, whether it is cronyism, aristocratic bureaucracy. These are the things that we are really very worried about.

COMMISSIONER ESPINA:

Yes, I fully agree with the weaknesses of the present running of government, not necessarily the defect of the allocation of authority, which is actually, form of government.

COMMISSIONER DEE:

Thank you, Your Honor. Mr. Chairman, I will make sure that we will get somebody to work with Commissioner Espina.

COMMISSIONER ESPINA:

Thank you.

CHAIRMAN ANGELES:

Thank you very much, Commissioner Dee. Commissioner Adamat, take the floor.

SUSPENSION OF SESSION

COMMISSIONER ADAMAT:

Yes, I think we need a five-minute break. I so move, Mr. Chairman.

CHAIRMAN ANGELES:
Okay. Five minutes break.

CHAIRMAN ABUEVA:
Before we leave our seats, I would just like to announce, we have the very good service provided us by Commissioner Bengzon. We are distributing now a legal opinion on the legality of our Commission and the Executive Order that organized us. This will now be distributed. By the way, this came very handy, Commissioner Bengzon, because I was interviewed this noon by Carmina Constantino and Failon, and they asked me this question, so I was ready with my answer.

COMMISSIONER BENGZON:
Thank you. I'm glad to be of help, Mr. Chairman.

CHAIRMAN ABUEVA:
And there is an invitation of our colleague, Commissioner Yuchengco, for a dinner Thursday evening this week. If we could, it's about 7:00 at the Rizal Commercial Banking Corporation in Makati, with entertainment to go with dinner. No, no Thursday night. So we might adjourn a little earlier on Thursday night.

CHAIRMAN ANGELES:
Five-minute break.

RESUMPTION OF SESSION

CHAIRMAN ANGELES
Session is resumed. So may we, who is asking for ah...?

COMMISSIONER LAMBINO:
Mr. Chairman.

CHAIRMAN ANGELES
Yes, Commissioner Lambino.

COMMISSIONER LAMBINO
Before the Committee will proceed with the discussion of the form of government, may I propose that we issue a commendation, resolution to Commissioner Bengzon for coming up with a good report or confidential memo on the issue. But with the indulgence and permission of Commissioner Bengzon...

(Applause)

COMMISSIONER BENGZON:
It's part of my job. Sorry, I don't mean to sound ungracious or something. It's part of my job so I don't need a commendation.

COMMISSIONER LAMBINO:
Thank you. But if I may add, Mr. Chairman, with the permission and indulgence of Commissioner Bengzon, on two issues raised here in the legal opinion regarding the status of the members of the Commission. Let me point out to you, Mr. Chairman, that previously we had a precedent to this: the Preparatory Commission on Constitutional Reform that was created by

then President Estrada sometime December of 1998, which continued functioning until December of 1999. And one of the issues that was raised during the meeting of that so-called commission was the status of the Commission headed by no less than retired Chief Justice Narvasa. And I think everybody has a copy of this report, the Preparatory Commission report, economic part.

If I may invite you on page 100, it is stated here and I quote, "Among the principal issues resolved by the Commission was one that had to do with the status of the Commissioners. It was the opinion of the Commission that the chairman and the members are not public officers in the strict legal sense, but would serve as an independent study group composed of members of the academe and the private sector whose goal would be to review the need for and advisability of revising certain portions of the Constitution."

In addition to that, Mr. Chairman, if I may point out, there is already a decided case by the Supreme Court on this issue. That is the case of Ramon Gonzales vs. Narvasa and Zamora, primarily straight to this issue on the legal status of the Commissioners of the PCCR and the validity of the appropriation of P3 million that was used also for the operational expense. And the Supreme Court dismissed the case that was filed by a certain Gonzales. And the Supreme Court said that the appropriation made by the President to finance the operation of the PCCR was not actually an appropriation. It was a fund set aside by the President pursuant with his power under Article 7, Section 25, Paragraph 5. And if I may quote, "No laws shall be passed authorizing the transfer of appropriations." However, the President, the President of the Senate, the Speaker of the House, the Chief Justice of the Supreme Court, the Constitutional Commission, may, by law, be authorized to augment any item in the General Appropriations Law from their respective office from savings of their respective appropriations."

I have reviewed the Executive Order issued by then President Estrada and the language of this Executive Order issued by President Gloria Macapagal-Arroyo regarding the appropriation. The language is identical, Your Honor. It is stated here under this Executive Order that, "The initial amount of P10 million is hereby appropriated for the operational expenses of the Consultative Commission to be sourced from available funds subject to the usual accounting and auditing rules and regulations."

Following the Gonzales vs. Narvasa doctrine, therefore, the appropriation of P10 million is valid because it is not an appropriation that is made by Congress. It is an augmentation of savings from the Executive Department of the funds that is available in the Executive Department. And in relation, of course, to Section 6, as cited in this legal opinion by Atty. Bengzon's office, we have no problem regarding the validity of the appropriation as well as the creation of this Consultative Commission. Thank you, Mr. Chairman.

CHAIRMAN ANGELES:

Thank you very much for that additional...

COMMISSIONER BENGZON:

Mr. Chairman, I made this as simple as possible because, I guess, with the instruction from the Chairman that we don't want to engage in a debate about this, but for the legalese and for the lawyers, I have a more in-depth study that includes more jurisprudence. But, I think, for the purposes of the Body, this should suffice for talking points. Thank you.

COMMISSIONER LAMBINO:

If I may share also this information that I gathered from reliable sources, there are people now who are preparing for a case to be filed with the Supreme Court. And, in fact, they have even come up with a media statement that they are going to file a case with the Supreme Court within the week. And so we are waiting for that, Mr. Chairman.

CHAIRMAN ANGELES:

Thank you very much.

COMMISSIONER ESPINA:

Mr. Chairman, we should welcome that action by this group because this would open awareness to what we are doing. And to my mind, even if we are illegal, which we are not, the fact that we are contributing to public discussion is service enough.

CHAIRMAN ANGELES:

Thank you very much. Can we now proceed to, is there, Commissioner...

COMMISSIONER NAVAL:

Naval. May we request, Mr. Chairman, the Secretariat to give us tomorrow copies of this Executive Order issued by President Estrada before and the decision of the Supreme Court in this Gonzales vs. Narvasa case.

COMMISSIONER LAMBINO:

Yes, the Gonzales vs. Narvasa case is found in Vol. 337 SCRA, Page 733. It was decided 2000.

COMMISSIONER NAVAL:

Page 733. How about the Executive Order of Estrada?

CHAIRMAN ANGELES:

Secretariat, please take note.

COMMISSIONER LAMBINO:

The title of the case is Ramon Gonzales vs. former Chief Justice Narvasa.

COMMISSIONER NAVAL:

The Executive Order of the President?

COMMISSIONER LAMBINO:

The Executive Order issued by President Estrada, I think, is Executive Order No. 43 as amended by Executive Order No. 70.

COMMISSIONER BENGZON:

I think, if I am not mistaken, we have a copy of that Executive Order in the draft that was given to us by the proposed, we have that, di ba mayroon doon? In the economic, by Virata's group. It was there because that was their group that, because I think that Concom or whatever that body was only limited their functions to looking at economic provisions in the Constitution. I think we have that if you look in your...

COMMISSIONER NAVAL:

Mr. Chairman, may I know if the Secretariat will be instructed to give us copies of those.

CHAIRMAN ANGELES:

They have taken note of this request.

COMMISSIONER NAVAL:

Thank you, Mr. Chairman.

CHAIRMAN ANGELES:

May we proceed with the speakers who are proponents for the parliamentary system of government. Our first speaker will be, no less than our Chairman, Dr. Jose Abueva.

CHAIRMAN ABUEVA:

Thank you, Mr. Chairman. In 10 minutes, that's all the time I have. I'm supposed to present to you an overall plan for shifting from the existing presidential system to a proposed parliamentary government.

We have had almost 60 years of experience with the presidential system if we count only from 1946. But as a colonial democracy under America, we are more or less also practicing a presidential type. But midway in these 60 years, starting in 1972, 1971, we had the Constitutional Convention of 1971. And there, by an overwhelming majority, the delegates crafted a proposed parliamentary government in place of our presidential system, so this is not a new idea. Arguments have been marshalled some time ago. All of us are familiar with the deficiencies of our presidential system and also, many, all of us are familiar with the expected advantages of a parliamentary system. So, I will just go on with the main features or highlights of the proposed parliamentary system.

But before doing that I would like to underline the fact that our proposals for charter change are made to solve problems, problems in society, problems that our people face and suffer from, problems of our political process and political structures, problems of governance, problems which have made us stagnate and fall behind our more progressive neighbors in Asia, problems that have sent hundreds of thousands of our fellow men and women abroad to seek better chances in life.

Now, the parliamentary system that we are proposing is described in this document which has just been distributed this afternoon, the "CMFP Draft Constitution for a Federal Republic of the Philippines with a Parliamentary Government," which the national convenor submitted to me this afternoon. And if you look at the table of contents, fellow Commissioners, the proposed parliamentary system, parliamentary government are included or covered by Article IX, Political Parties, Article X, The President, Article XI, The Prime Minister, the Cabinet and the Government, Article XII, The Parliament and the Party, Article XV, The State Assembly, Batasang Estado. So these are the various articles embodying the idea of a parliamentary system. But, very quickly, let me say that the kind of parliamentary system being offered is more of the British type where the Prime Minister is the head of the government and, of course, the combining of the executive and legislative powers in the Parliament.

So let me go straight to Article X, that is page 12. In the British system, of course it is the Monarch which is the head of state, but in other parliamentary systems, there is an indirectly elected President, largely a symbolic official, symbolizing the sovereignty of the people and the unity and solidarity of a nation that is pluralistic and diverse. The head of state here proposed, the President, is to be elected by Parliament. As a head of state, we are familiar with the functions of it. But let me emphasize that the powers and functions enumerated on page 14, Section 11, which are very weighty powers: declaring state of war or national emergency,

convene the Parliament, dissolve the Parliament, call the Parliament to special session, etc., are actually powers that he wields, or she wields, only upon the advice of the Prime Minister and not without such advice, to underline the fact that it is really a ceremonial President. But being a ceremonial President does not, make him an important national leader as a non-political, non-partisan, national leader who may also have his own idea for governance as well as to provide moral leadership.

Then we go straight to the Parliament, page 18. The legislative and, Section 1, "The legislative and executive powers of the federation shall be vested in a unicameral Parliament except to the limited extent that legislative power is reserved to the people by provisions on initiative and referenda." The composition of the Parliament, very quickly, not more than 350 members of Parliament unless otherwise fixed by law. Most of them shall be elected from the parliamentary districts, which are the existing congressional districts, "provided that 100 more members shall be chosen nationwide based on the principle of proportional representation of the political parties according to the votes each of them obtains in the previous parliamentary elections."

Now, we say it is a unicameral Parliament, so how do we if we should also decide to adopt or propose the adoption of a federal system. How do we propose to represent the federal states in Parliament? Instead of having a Senate like in the United States, we are proposing that the various state assemblies designate two or three of their own representatives to represent them in Parliament, not as a second chamber but to participate in the deliberations of the Parliament and, when necessary, when the interests of the state need to be protected or enhanced, they will act for that purpose. The usual powers of the Prime Minister to form the Cabinet and designate a deputy Prime Minister are provided. The provisions for a vote of no confidence or the initiative of a majority in the Parliament to move for a dissolution of Parliament and also the country, which is the proposal coming from the Prime Minister himself to dissolve the Parliament are provided. (*Bell rings.*) My time is up. Ten minutes can...

CHAIRMAN ANGELES:

Sorry, Mr. Chairman, you can answer those other issues and concerns in the interpellation.

COMMISSIONER ESPINA

I move that he be extended another five minutes.

CHAIRMAN ABUEVA:

May I have ah, I am not the one requesting directly. It is my colleagues who are requesting.

CHAIRMAN ANGELES:

The request is granted.

COMMISSIONER APOSTOL

Extension for five minutes.

COMMISSIONER AZURIN

Mr. Chairman, can I make a suggestion? Perhaps the presentor, given that there is only five minutes, instead of explaining the features of the proposal which we can, to give us the justification that lies on the track of whatever it is he is proposing.

CHAIRMAN ABUEVA:

Yes, I thought I didn't have to say that because of our review of the presidential system and our experience of the presidential system which led us to think about an alternative, which is the

parliamentary system. But the essential features, of course, are these. One is to have a coordinated exercise of the executive power and the legislative powers. We have this parliamentary system where both are fused in Parliament and both are wielded by the government of the day headed by the Prime Minister.

And one very important feature of parliamentary government is accountability for governance, which is absent in the presidential system that we have had, especially because of the type of political parties that we have. But the parliamentary government that is being offered would have that principal feature of accountability by the government of the day, accountability of the party that is the governing party in Parliament and, of course, the Prime Minister.

And this parliamentary government has the virtue of inducing the development of political parties that are really functional. Our political parties, I don't have time to describe our political parties. We are so familiar. These are really alliances, tentative, opportunistic alliances of politicians to elect their members to office and then distribute patronage afterwards without any sense of responsibility or accountability for a program of government or a set of policies to be pursued when that party comes into power. But because of reforms in our political party system, we have an article on that, and because of certain reforms in the electoral system, we will be able to develop this responsibility and accountability of the party in power. When we allow 100 additional seats in Parliament to be distributed among the political parties according to their share of the votes in the parliamentary election that they participated in, this will be a great incentive for the political parties to take their role very seriously. First of all, they have to be united. They have to be loyal as members of the party. They have to select the best candidate so that they could elect as many of their members to the Parliament and they should be able to get as large a share of the party votes throughout the country so that they can get a larger share of the premio seats, the reserved seats for the parties...for electing their own party leader as the Prime Minister. This will discipline the parties to put the emphasis on their platform during their campaign for parliamentary election; a platform which will be their program of government once they become the party in power.

And another good feature of the parliamentary system is this electoral reform that we have, which is implied in what I have said, that voters will vote not only for the member of Parliament in their parliamentary district, they will also vote for the party they would like to be in power in Parliament. Now, the parliamentary principle is also followed at the state level if we should have a federal government. So, these electoral reforms will transform our party system and the transformed party system in turn will assure us of a party in power that has a program of government that has been submitted to the people as part of the electoral campaign. I think I should end, Mr. Chairman. Thank you for the additional time.

COMMISSIONER VILAR
Mr. Chairman.

COMMISSIONER APOSTOL
Next speaker. Interpellation na ata 'tong kay Tony.

COMMISSIONER VILAR
Yeah.

COMMISSIONER APOSTOL
And then next speaker. Interpellation should come in after all the speakers amending the parliamentary.

CHAIRMAN ANGELES :

So can we adopt that system that we adopted earlier? Let's hear all the speakers first then after which all questions may be asked to any of these speakers. So, the second speaker here is Commissioner Jurado. May we hear Commissioner Jurado?

COMMISSIONER JURADO:

Thank you, Mr. Chairman. After our distinguished Floor Leader, Commissioner Apostol, informed me last Wednesday that I would be allowed to speak the following day, I spent the evening of Wednesday putting my thoughts together on the subject matter. I did that for one real good reason, so that I would not exceed the time limit, which Congressman Apostol said should govern the length of my talk, which is 15 minutes. What I did was to compose something of the length of four and a half pages. If I spend three minutes on a page, this would require only 13 and a half minutes.

I would like to argue in favor of a shift to the parliamentary system of government. In putting forward that argument, I present a view from above as well as a view from below. Before I do that, I would like, first, to sum up what I believe have been the points raised by many distinguished colleagues in the day's discussions and second, to outline a way of proceeding towards an understanding of these points.

The arguments raised in favor of a shift to the parliamentary system have centered on a number of considerations. One, these have been enumerated already by our distinguished friend, Espina, repeating nevertheless. Elections in our current presidential system have been extremely expensive, with estimates ranging from three billion to six billion for one single presidential election alone. Of these orders of magnitudes, only the rich, or the poor under the control of the rich, can afford to run at the presidential level. It is little wonder that our government is dominated by a small elite.

Two, when there are no poor ready to play the role of servants to the rich, those who have names or faces that are easily recalled by voters are the ones who decide to run for the presidency. It does not matter that their educational preparation is minimal or that their experience in public service is limited. The ubiquitousness of their images in motion pictures or television programs appear to them to guarantee sure success in the elections. As the Hon. Commissioner Pablo Garcia observed last week, in contemporary Philippine politics, even a Recto or a Tañada will be no match to a Sharon Cuneta or a Dolphy.

Three, the presidential system's scheme of checks and balances is conducive to gridlock. Gridlock leads to atrophy if not paralysis. As the executive and legislative branches of government neutralize each other in unyielding stand-offs, the country's problems worsen and the people suffer.

Four, and this is strange, despite the supposed equality of the three branches of government and the existence of checks and balances, the Chief Executive nevertheless manages to acquire tremendous political power to the point of practically being able to become a dictator. Before long, the government, too, under his or her administration is transformed to an agency serving elitist interests.

Five, political campaigns center on personalities, rarely on programs of government. As a result, political leaders interpret their mandate in the way they please, not in the way of a solemn commitment that must be fulfilled in promotion of the best interest of their constituents.

Six, the presidential system, as practiced by Philippine politicians, results in a corruption of the electorate. Votes are swayed by candidates, not by the flow of reasoned arguments, but by the flow of cash.

Many more points have been raised in favor of a shift that are not enumerated here. As persuasive as these arguments are, these are turned around by those who oppose this shift. This side argues on three grounds. One, these defects and shortcomings are not peculiar to the presidential system. These are endemic to the parliamentary system as well. Two, assuming them to be true, their existence does not necessarily call for a shift in systems because they can easily be remedied by legislation, decentralization, restructuring, resource reallocation, etc. And three, even if we change the system, if we do not change the people who run it, our efforts will be for nothing.

These counter-arguments are compelling in their own right, but when well-articulated by the Honorable Commissioner Gerardo Espina, the one-man demolition team of the presidential side until it changed its mind a few days ago. These are insurmountable. How can a sincere, well-meaning and uncomplicated human being, whose intentions in participation in this august Commission, is to respond positively to E.O. 453's mandate to study revisions to the Constitution, including particularly a shift from the current unitary presidential to a federal-parliamentary system, how can this human being find his or her way in the maze of this persuasive but opposing arguments? Let me try to answer that question by recalling a fact that we all know. Absolute certainty is affirmed only in the field of deductive logic, particularly in mathematics. In the real world where we all function, logic is inferential, building up from the particular to the general and conclusions can achieve only near certainty. Even the science of statistics can only show correlation, not causation or determination. In weighing the contending arguments before us, let us not look for absolute certainty, instead let us be satisfied with moderately persuasive arguments, even if they are not as inexorable as the axioms and theorems of mathematics.

At some point, I suspect, we have to make a leap of faith. I believe that a shift from the presidential system to the parliamentary system is called for. And here, I view, I present what I call a view from above. The total separation of executive and legislative functions in our present system already mentioned by Dr. Abueva, although impeccable, impeccably sound in theory, has severe weaknesses in practice. From the Constitution, the duty of the legislature is to legislate. That is to make laws, and making laws means to think, to conceptualize, to cogitate, to form ideas that can be made the basis for actions. In the best of God's circumstances, not many men and women can measure up to that task. To compound the difficulty, over the years, almost all the matters in the society have already been addressed by legislation and new problems lose their esoteric character because of the ready availability of expert advice. In this context, the area for originality of thought, for freshness of idea, becomes extremely small and limited indeed.

On the other hand, the functions of the executive are physical and the response required of it, to confront problems is action. For this reason, the executive is always busy initiating or pushing one developmental project or another. This leaves even the most intellectually capable of legislators feeling rather helpless and frustrated. Being independent-minded and perhaps belonging to a party, they cannot even announce affinity with any of the government's projects, much less lay claim even to partial ownership of it. In due time, the legislators conclude that the problems of the nation lie not in the inadequacy of legislation, but in the ineffectiveness of execution. Not wanting to be idle or appear to be so, they're obliged to participate, whether welcome or not, in the functions of the executive.

These, they do in three ways: One, carry out investigations in aid of legislation; two, check and counter-check government projects in pursuit of their oversight function; and three, follow up the disposition of their economic development fund. Sadly, these activities have a way of paralyzing government, wasting away much needed financial resources and slowing down the overall pace of development. This undesirable state of affairs brought about by the complete divorce of legislation from execution in our system can be corrected by the parliamentary system. In a parliamentary system, MPs will remain responsible for legislation, but in due time, they will have the opportunity to carry out executive functions as well. I think that is what Dr. Abueva meant when he said a fusion of legislative and executive power. Those in the government will have the opportunity of carrying out both legislative and executive responsibilities, satisfying the opportunity of carrying out, satisfying both their craving for both intellectual and physical work.

On their part, the members of the opposition will be busy preparing themselves for program implementation even as they concentrate on their legislative duties, anticipating that their time to become the government will come sooner than later.

In addition to the clear superiority of the parliamentary system at the macro level, its positive impact can be appreciated on ground level. And here, I present a view from below. One, programs of government are more responsive to the needs of constituencies in a parliamentary system than in a presidential system. Two, these programs have a higher probability of being carried out in a parliamentary system than in a presidential system. And third, when promises are not delivered or commitments are not honored, punishment of neglectful officials is more certain and is swifter in a parliamentary system than in a presidential system.

As is widely known and acknowledged, matters of nationwide significance is less interesting to voters than are matters of local concern. Such problems as poverty, income inequality, stagnant GDP, the fiscal crisis, a depreciating currency, these are all stocks in trade of Presidents and Senators, but they are of little moment to the voter on the ground. The voter's main concern is whether he can have a job or be secure in it, whether he can earn enough to support his family, whether he can pay for his children's medicine or education, etc. These are the issues that engage the attention of candidates and voters in a parliamentary system. For this reason, promises made by candidates in a parliamentary system tend to be more responsive to these needs of constituents. Campaign platforms tend to be concrete; commitments tend to be unambiguous. Though made by politicians at the local level, promises in a parliamentary system are backed up by the candidates' political party at the national level. Indeed, these promises may be integral components of the party program of government itself. Such being the case, the party feels itself committed to the fulfillment of the local promise. *(Bell rings.)* So, my calculations were wrong after all. *(Laughter)*

Not so, in the presidential system. There, the individual politician is left to paddle his own canoe. However sincere and heroic, he is likely to fail to deliver on his promise simply because he does not have institutional support. Well, I should end here. I have only one and a half pages to go.

COMMISSIONER ESPINA

Mr. Chairman, I move that Commissioner Jurado will be given enough time to finish reading his paper.

COMMISSIONER LAMBINO *(off mic)*

Second the motion.

CHAIRMAN ANGELES

Granted. Proceed, please.

COMMISSIONER JURADO

Accountability in the parliamentary system is unmuddled. In the event of a failure to comply with a promise or a commitment, the guilty party is easily identified and is easily meted out an appropriate punishment, a resounding repudiation at the polls. Not so in a presidential system, where the agent can, not only fail to fulfill his mandate, but can proceed blatantly to overthrow the interest of his principal without fear of any political retribution whatsoever. These contrasting characteristics of the presidential and parliamentary systems can be considered by concrete examples. Consider the North Rail Project. This project was negotiated over a period of time by the executive. Not only will it provide in the long run a powerful stimulus to the growth of the Central Luzon economy, but in the immediate term, provide employment to thousands of workers along the Metro Manila-Malolos corridor and incomes in billions of pesos to them and their families and through the multiplier, to many other people as well. Just when the project was about to begin, it was upset by a member of the political opposition. The strange thing is that only the national leadership seems concerned that the delay will postpone the creation of the much needed jobs for the unemployed and the generation of much needed income for their impoverished families. The local congressman seemed indifferent to the project. The very people who will be benefited directly by the project seem unconcerned. The lawmaker who is questioning seems in no fear of repudiation by the affected voters.

This state of affairs is not likely to happen in a parliamentary system. There, the local MP would have proudly owned the project and presented this to his or her constituents as part of his or her party program or that of the government. And his constituents would have given him or her their resounding endorsement. Beyond that, the constituents would have developed a keen anticipation of the project's completion. Last page. Imagine what bitterness the constituents would suffer if the project was not realized. Without a doubt, there would be a swift and severe punishment to whoever was guilty of torpedoing the project.

NAIA-3 can be cited as another example of a snafu which is an impossibility under a parliamentary system. This \$500 billion air terminal brought into being by the private sector at no cost to the government except a piece of land with no alternative gainful use will create several thousand jobs, generate many billions of pesos worth of income to families, pay the government a guaranteed revenue of at least P1 billion a year and project to the world a Philippines with a technology that is cutting edge. But lo and behold. The opening and operation of this terminal has been blocked and not by any opposition party or individual, but by the very lawmaker in whose geographic domain the terminal is located. Strangely, only the national leadership is concerned about the dire consequences of this non-operation. The people who will directly or indirectly benefit from it also seem unconcerned. The politician responsible for this snafu feels he should be congratulated. How different things would have been if ours were a parliamentary system. In a parliamentary system, the MP whose jurisdiction the project belongs would have owned the project and presented it with pride to his or her constituents who, in turn, would have supported the project and, in due time, would have come to expect the fulfillment of that promise. Woe to the politician who torpedoed the project before you could say parliamentary, he would be banished from the political landscape.

Politicians in a parliamentary system, whether as individuals or as party members, are more closely linked to the people they represent than our politicians in a presidential system. In the parliamentary system, the people are warm-blooded human beings, interacting with political

candidates at the local level, seeking assistance for the realization of their dreams or redress of their grievances.

In the presidential system, the people are an abstraction, a convenient theoretical construct to which to appeal when professing undying commitment to the masses. These considerations can be added to the quantum of evidence needed to constitute a basis for favoring a shift to the parliamentary system. Thank you.

(Applause)

CHAIRMAN ANGELES:

Now, we'll have a third speaker, Commissioner Pedrosa, is lined up to speak.

COMMISSIONER APOSTOL *(off mic)*

Wala na, no more.

CHAIRMAN ANGELES

Or do you waive your...?

COMMISSIONER PEDROSA:

I am now subject to, because I have not prepared for this. I would not make a paper out of it as I was just discussing with Commissioner Paterno that an argument can be made for parliamentary government without reading through a paper and I can touch on several, I can begin now, in other words. Okay.

I think the argument for a parliamentary government, as I have already said before, is simply because what is happening to our country today. It is obvious that a presidential system has not served us well. As Congressman Espina has stated that there are other problems. But the problems arise precisely from this form of government which is not addressing the problem and indeed making it worse by gridlock, by lack of stability and accountability. And with regard to the relationship between the voted and the voter, a parliamentary system brings that closer and it is a manageable constituency. It's not like in a presidential system where the President has to address millions of people who don't know the presidential candidate, who don't know him or her. And the same is true with him, he is not really interested in what a general constituency would react to what he does. There is no real connection between the voter and the voted, and that is very, very important, I think. And that is what a parliamentary system does. It brings the relationship between the candidate and the voter closer into manageable units and accountability is certain.

Now, on a question of, I think a very important part of the parliamentary is the continuity of the programs of government when you have a shadow government. In other words, when a government is replaced, you already immediately have people who understand what's happening to government. Not like what we have in the presidential system where after a president is voted out, you have an entirely new government who brings in different people who absolutely have no knowledge of what the previous government has done. While in a parliamentary government, there is continuity, there is accountability and a general environment of cooperation. That is how I would put it in layman's language. There is party belonging. There is an adherence to the goodness, to the well-being of a group rather than a person. So that that continues and that something goes through, evolves in a number of years. It's not something like, one day, I wake up and say, oh this is the most popular actress or the most popular actor and he will get the votes, the nationwide votes.

It's very similar to previous presentations, but I will just amplify on that this is the essence, I think, of parliamentary government is the fusion between the executive and legislative and that avoids fusion, eh gridlock. And there is also the group government where there is a collective responsibility rather than a person.

And the third very important thing is the continuity of a program of government. I remember very well when I met Prime Minister Mahathir and I asked him, "How long did it take you to accomplish what you did in Malaysia?" And he said, "40 years," which is not to mean that is the length of time, but if you have a program, it does take time and that's what's been happening to us. We have been going in lurches of reform and then promises that are not brought into reality precisely because you can't bring into reality. Somebody who says I'm going to be the President in the next six years and I'm going to turn the economy around is dreaming. So we have to take that into account that that is not the way it works in the real world. In the real world, a program takes years much more than terms. So even in a presidential system when you have six years, it's nothing compared to what needs to be done. But on the other hand, if you have a party, if you voted a party and a program, then it can stay as long as they are performing and they are doing what they had said they would do. If they don't, then you change the party. This is really the superiority of the parliamentary government over presidential. Thank you.

(Applause)

CHAIRMAN ANGELES:

Thank you very much, Commissioner Pedrosa. We have lined up here interpellations. We have listed the name of Commissioner Magno. I think there are no other speakers for the interpellation. May I get their names, please. Commissioner Jimeno.

COMMISSIONER APOSTOL
Vilar, Vilar.

CHAIRMAN ANGELES
Hindi meron pa doon eh.

COMMISSIONER GONZALEZ:
Mr. Chairman, mine will not be an interpellation, but I would just want to...

CHAIRMAN ANGELES:
Sandali lang po, sandali lang po. Any other commissioner?

COMMISSIONER APOSTOL
Lambino, Lambino.

CHAIRMAN ANGELES
Commissioner Paterno. So may we start with the interpellation of Commissioner Varela?

COMMISSIONER APOSTOL
Naval, Naval.

CHAIRMAN ANGELES
Commissioner Naval.

COMMISSIONER VARELA :

Thank you, Mr. Chairman. Well, I agree that there are many defects in the present system and one of these defects is too much centralized power on the Office of the President, which makes it very difficult to implement accountability, but my concern is that it seems that under this proposal, all these powers are now being lodged on the Prime Minister. I'm trying to look at the system of check and balance where it is. Of course, we see the political parties there, but we seem to assume a maturity of the political parties immediately, not taking into consideration the culture of politics that we have right now.

Well, if you're a member of the majority, you're expected to toe the line. So, what happens to the minority? Who protects the minority? Who protects the citizenry or the people in government? This is one of the problems I consider here. Of course, maybe if, I also don't know the process. When the Prime Minister exercises his powers, let us say, to declare a state of war or national emergency, what does he do? Does he consult the Parliament or does he do it on his own? As well as the other powers? If he does, I think this is where maybe some kind of participation can be given to the Parliament. Not by a majority vote, but at least for selected activities or functions by at least two-thirds. When you appoint the members of the judiciary or when you declare a war or national emergency, there must be two-thirds, so that the minority can also participate, or when you approve the budget. Maybe, this is just looking at that. Now in so far as the election of a National President who will only be there on a ceremonial basis, I think that position can be done away with. I don't think there is necessity for that. That is only added expense and the possibility that if the elected National President comes from another party, you see some kind of confrontation, which we have been trying to avoid. So these are some initial observations I have, Mr. Chairman.

CHAIRMAN ANGELES:

You have no question?

COMMISSIONER VARELA

The system of check and balance, where does it...?

CHAIRMAN ANGELES

You're questioning Commissioner Abueva?

COMMISSIONER VARELA

Yes.

CHAIRMAN ANGELES

Commissioner Abueva, can you please answer the question?

CHAIRMAN ABUEVA:

The check and balance. First of all, within Parliament, you know, those of us who have either personally witnessed the House of Commons or the Parliament in Singapore or in India in its daily work will see that the majority party, the party of the Prime Minister and the government of the day, is seated on one side of the chamber and the opposition party or parties are on the other side. And regularly, not everyday, but many days of the week or as calendared, the opposition has the opportunity to ask questions of the ministers and of the Prime Minister on problems of the country and on existing policies and programs of the government of the day. So, in other words, there is ample opportunity to question the actions and policies of the majority party or government of the day and this is responded to by the Ministers as well as the Prime Minister. So there are constant debates and exchanges of opinions. So that's one, it's really a

confrontation, if you will, but a very civil confrontation between the party in power or the government of the day and the opposition. And of course, the media also participate in the public discourse, in the affairs of Parliament and of course, there are various groups in society: business groups, economic groups, all kinds of interest groups, civil society organizations that make themselves heard by the party in power, by the government of the day. So, the checks are there, the counter-power is there. And you talked about power concentrated in the Prime Minister. Now, with respect to the issues that you mentioned, Delegate Varela, in case of national emergency or declaring martial law, there are many safeguards that we have developed from our presidential system as well as the parliamentary system. *(Bell rings.)*

CHAIRMAN ANGELES:

Thank you, Commissioner Abueva. The next commissioner who will be asking questions would be Commissioner Vilar.

COMMISSIONER VILAR:

Thank you very much, Commissioner Abueva. And as a follow-up question to what was answered by the honorable Chairman in relation to Commissioner Varela's question. As you said, both parties represented in the parliamentary, the Parliament, the majority and the minority are represented and there are discussions to certain questions. But at the end of the day, a voting will proceed and the majority party in this Parliament will still win a voting. So, where is this check and balance in there?

CHAIRMAN ABUEVA:

If the majority party has the, they have the numbers certainly, but this is it. This is the rule of the majority party. But if there is a serious flaw or scandal performed by the party in power or the Prime Minister, there can be a challenge to the party in power in the form of a vote of no confidence. And if there are enough votes to topple the Prime Minister, not necessarily the party in power, because if there is a vote that would pass a vote of no confidence, or for example, the General Appropriations Act which is the embodiment of the program of the party, if that ever loses the support of the majority, it would result in the loss of power of the majority party. But we have the safeguard that in case the issue might only be dissatisfaction with the leadership of the Prime Minister, the party in power can offer another leader of the party, who will continue in office if he can get a majority support in Parliament, not that this would prevent the dissolution of the Parliament. But that is the essence of democratic parliamentary government, the majority is the one that governs and is responsible and accountable to the Parliament as a whole and indirectly to the people.

COMMISSIONER VILAR:

Mr. Chairman, at the end, when all of these questions had been answered and as we are experiencing now in the presidential form of government, all of these sounds and fury that we read in the newspapers. At the end, when a vote is cast, the majority party still prevails. Will it be the same in the parliamentary system?

CHAIRMAN ABUEVA:

Well, your analogy is, I would question your analogy. At the moment, for example, first of all, there are two chambers, two Houses, but in the Senate, for example, which party is in power? It's so fragmented. There are only individuals; there are no parties really. So the analogy would not happen in a parliamentary system. The parties are well delineated. Their policy and program positions are very clear and they vote according to their party platform and commitments.

COMMISSIONER VILAR:

Would a, I mean a proposal if it is acceptable, would a safeguard of voting within the Parliament of a limitation of at least let us say, a vote of two-thirds or majority or whatever it is on certain issues that affect the public as a whole. Would that be a good solution?

CHAIRMAN ABUEVA:

No, as a general rule, we follow the simple majority in supporting the party in power, the government of the day. In case of emergencies and so on, there are special rules for voting.

COMMISSIONER VILAR:

A majority will not solve the problem because the majority party in power will still prevail. So we are proposing safeguards on the Parliament as a whole.

CHAIRMAN ABUEVA:

What safeguards do you have in mind? Two-thirds? We can look at that. It's not in everyday contestations in Parliament would you require two-thirds. You would paralyze government if you require that much of a majority.

COMMISSIONER PEDROSA:

Can I...

CHAIRMAN ANGELES:

Mr. Speaker, I think this continuing interpellation is preventing the others from asking. But well taken.

COMMISSIONER PEDROSA:

Can I comment?

CHAIRMAN ANGELES:

I am sorry. We have to proceed with this list.

COMMISSIONER PEDROSA:

No., I'm not...

CHAIRMAN ANGELES:

You will be given a chance to speak if you wish to be listed. So I would like to...

COMMISSIONER PEDROSA

I want to comment on...

COMMISSIONER APOSTOL

The next interpellator should direct the question to Commissioner Pedrosa.

COMMISSIONER PEDROSA:

Originally, I thought that the idea was to make all our presentations and then when the questions are asked, then any of the presentors will be able to answer. That is how I understood it.

CHAIRMAN ANGELES

Proceed.

COMMISSIONER PEDROSA

Because I think there is something fundamentally wrong with asking for a check and balance even before a government is able to govern. This is what's happening in our presidential system. You keep on worrying about these checks and balance thing, you will not be able to govern. And in the parliamentary, what they do is put governing ahead of check and balance. It's there any way, the check and balance, in the sense that if they do not perform they get out. But it's not as if like what's happening now. Every time something is proposed, you check. Well, you'll never be able to govern. This is what's happening to us. So, I think it's more of a common sensical question that is arising as well as a philosophical problem. When you want to do something, do you want it to be done or do you want to be sure that it is not done wrongly? I don't know. I have no answers. But this is what is happening in our country today.

CHAIRMAN ANGELES:

Thank you, Commissioner Pedrosa. So, let's proceed. We will now ask Commissioner Azurin to ask his question. Can you direct your question to a particular speaker?

COMMISSIONER APOSTOL

There are three: Jurado, Pedrosa and Chairman Abueva.

COMMISSIONER AZURIN:

I would like to direct it to Commissioner Jurado, but I have two questions. The first question is a very blunt, practical one. When we say that the country has many problems, we look at the way Congressmen perform, we look at the way senators perform, we look at the way Presidents perform. And we are exasperated and frustrated, I think that is a common feeling among all of us. Now, if we shift to a parliamentary system, it is the same people who will be elected members of Parliament. I mean, let us not fool ourselves that this is going to be a whole new set of politicians. It is exactly the same politicians. Now, how do you justify saying that the country's problems will now be solved by giving more power to a group of people, who, in our perception, are the problems anyway. Giving them more power doesn't seem to me a very correct solution. I have another question after this.

COMMISSIONER JURADO:

As an economist, I abstract from personalities as well as from structures, as a matter of fact. Because economics just assumes structures and assumes personalities. The question that is important to my mind is this one: Given that we must operate through structures, which structure is capable of responding faster to the challenges of contemporary Philippine society and responding more adequately? That word to be defined, of course. I think that between the two, so I agree that we'll be using the same people. So, we focus now on the system. I think that the parliamentary system is more responsive. It's faster in responding and in so doing...

COMMISSIONER AZURIN:

Except that, what would the response be? Because if we do not like our politicians to begin with, how does giving them more power result in a response that we will like?

COMMISSIONER JURADO:

Well, no. It is not right of us to pass judgment on, let's say, the quality of our political leaders. We just assume they're well-meaning, that they have the best interest of our country at heart. But that the speed of the response is nevertheless affected by the structure. I think that the parliamentary structure permits a faster response than does the presidential system.

COMMISSIONER AZURIN:

Next question, I will not argue the point. I think the point has been made. Anyway, next question is, much of the discussion arguing for the parliamentary system seems to imply the mindset that the government is the solution to our problems. Let me suggest that, in fact, government is the problem. I think much of the economic backwardness of the Philippines is because of government and essentially, what I'm arguing is, let's have less government so that, let's get government out of the way. Government is not the engine for development. The engine for development is going to be business. The problem is that government gets in the way. Now, the contention that the parliamentary system is going to solve these problems, I think, begs the issue. I think it is completely beside the point. I will welcome any response from any of the presentors.

COMMISSIONER PEDROSA:

I think, I think that ah, do we want government? I'm merely discussing if we want government then we choose what kind of government. It's not whether we're debating less government or more government. We assume that. Is this discussion all about what kind of government or are you saying, let's have less government. I mean, that's another question, completely another question.

COMMISSIONER JURADO:

Can I put in another? I don't want to lecture on economic theory. But the functions of a government are very clear in economic theory. Where there is market failure, I don't want to use jargon. When there is market failure, that is where the government can come in. What is the meaning of market failure? It is that when a good that is not subject to the exclusion principle, needs to be produced but is not being produced. For example, by the private sector, for example, when you buy an air conditioner, you pay for it then you enjoy its benefits. The fellow who didn't pay for it, too bad, naturally he didn't pay for it he wouldn't enjoy that. But let us say the atmosphere, now an atmosphere gives benefits to all of us whether you pay for it or not. So the pollution of the atmosphere needs to be prevented but since nobody owns it, if it's not subject to the exclusion principle, the private sector could not care. But there is need to protect the environment. This is where the government comes in. There are specific, clear roles for government. It is when the government expands, you see, its sphere of influence, that is when things go wrong and that's where your very good point, your point is very good as well as very relevant, because our government is spreading itself out too thinly. You see, if it will only concentrate its resources on what it can do well, we will go very far. Many people in our country also....

COMMISSIONER AZURIN:

I agree with you completely.

COMMISSIONER JURADO:

Yes. Just one more. Many people seem to think that if the government steps in there, regulates, etc., the job will be done. The national interest will be served. False. In reality, most regulating agencies end up being regulated by the regulated. Hence, sometimes, I suspect, those who continuously argue for the expansion of government role, in fact, have a hidden agenda. That is, so that they will have something to attack and attack relentlessly.

COMMISSIONER AZURIN:

I agree completely, Dr. Jurado. In fact, you're making my case.

COMMISSIONER JURADO:
Correct.

COMMISSIONER ANGELES:
Thank you very much. Let's proceed with the next interpellator, Commissioner Magno. Not around? So let's proceed to Commissioner Jimeno, please.

COMMISSIONER JIMENO:
Thank you, Mr. Chairman. I would like to direct my question to Dr. Abueva. Doctor, you said in your proposed composition of the Parliament that you proposed to reserve 100 additional seats to be filled in by proportional representation from the political parties themselves. I'm not a big fan of the party list representatives we have now, but I think this is point that you have to contend with when we present this proposal to the public because they will now question what will happen to the marginal representation which the party list representatives are supposed to be representing.

CHAIRMAN ABUEVA:
In fact, a group of, about a dozen, party list representatives asked to meet with me and I did. And said, what will happen to us, we are doing well, we have really proposed new legislation which were not introduced before and so on. Well, we have this problem that all over the parliamentary world or the countries that have parliamentary systems, they really have proportional representation. They call it PR, proportional representation, what we call party list. Now our party list confines, as interpreted by Congress and by the Supreme Court, confines the representation of parties through the so-called marginalized sectors of society. But in regular proportional representation around the parliamentary world, it's regular parties that really compete for the reserved seats. So, this is, we have to emphasize the fact that there are two advantages of proportional representation. One is what I've already said. It is a great incentive to the parties to really function properly so that they will be attractive to the voters. The voters will vote for their candidates because they are superior candidates, we hope, and because they have a program of government. But also because the voters will know that if they vote for a particular party in strong numbers, that party will really assume power in Parliament. The head of the party will become Prime Minister and will form the government, the Cabinet and the government of the day. So, you need that incentive to strengthen the development and expedite the development of our political parties.

So what to do with the party list? Right now, I think, we allow a maximum of 50 representatives, according to the party list. We are saying a maximum of 100. So, we might, as a compromise, we might allow a phasing out of the party list. Let's say, give them six more years or eight more years to continue on but they'll have to realize that under a parliamentary system, with the kind of party system that we will develop, they don't have to have their tiny parties. They can join the major parties to have a chance of helping govern the country in Parliament. All they have to do is to ensure that their interests are represented in the program of government, in the party platform of the major parties. Because if we fragment the parties, we will have this difficulty of not having a majority party. We will have coalitions all the time. It's good to have parties. Eventually, we hope to have two major parties that can alternate in power. And if we have that then we have choices. People will have choices. If they are dissatisfied with the party in power, they vote the opposition into power. That is the experience of parliamentary countries.

COMMISSIONER JIMENO:
One more question, Doctor. In your qualifications of a parliamentario, you say to the basic, the minimum requirements, which is a natural born citizen, he must be at least 25 years old, able to

read and write. I think there are more qualifications required in applying in a call center or in a clerical position. Can't we raise the qualifications in this proposal, Doctor?

CHAIRMAN ABUEVA:

That is always a temptation. That is a temptation but part of the democratic philosophy that there should be equal access to public office to gaining power, to serve in the government and so there has to be, unless there is a really weighty argument which we can all subscribe to, I think that is a good democratic principle to maintain, not requiring educational qualifications and so on. By the way, there are so many people I know in academia who exceed, excel in their fields without even a degree. (*Bell rings.*)

CHAIRMAN ANGELES:

Can we give a chance to the other, may I ask now Commissioner Magno to ask his question.

COMMISSIONER MAGNO:

Thank you, Mr. Chairman. I have a question for Dr. Jurado regarding the pork barrel state but before that, a small note on proportional representation. All studies on proportional representation demonstrate that this leads to populist governments.

Regarding the pork barrel state, we all know that we never elect legislators. We elect representatives based on their efficiency in bringing the pork to the district. As a consequence, we do have a hybrid government in place, meaning that Congress does not only have control of the purse, Congressmen also administer projects using pork barrel funds and congressional initiatives or congressional insertions and this has undermined the coherence of public spending, to say the least. So we do have a hybrid government in place where the legislative actually exercises functions that are proper to the executive and the fear is that if we go to a full-fledged parliamentary system, there will be no remedy to a drift towards a full-blown pork barrel state. Malaysia provides us a fine example where AMNO has invested billions of dollars in public funds in white elephants similar to the 11 major industrial projects of the Marcos government when we were under a quasi-parliamentary system. So that is the practice here that we elect representatives for purposes of dispensing the pork barrel. I know we can, on paper, deconstitutionalize the pork barrel but that will probably cause whatever recommendation, we might have to lose support among the current legislators but what is the design remedy to this? Thank you.

COMMISSIONER SARMIENTO:

So there is no question there. Just an observation?

COMMISSIONER JURADO

There is a question.

COMMISSIONER ROMUALDO

Mr. Chairman. Mr. Chairman, please.

COMMISSIONER JURADO

So can I answer it, Mr. Chairman?

COMMISSIONER ROMUALDO

Before Professor, Commissioner Jurado will answer that, now let me give out a backgrounder. How did this CDF come into about? When democracy was restored in 1987

CHAIRMAN ANGELES

Excuse me, Mr. Commissioner. Go ahead, go ahead. How many minutes do you need to do this? Three minutes?

COMMISSIONER ROMUALDO

Very short. Okay, I attended all budget deliberations in Congress, having been a Congressman in '87. The allocations of funds were practically for Metro Manila. My friend, Lex, remembers that I was surprised that for Region XII, those are provinces in Mindanao, for capital outlay of DTI and I cannot forget this, it was P17,000 for the whole year. So, there was disparity in distribution of funds. So, it started in our MDF, we demanded, we Mindanaoans demanded for proportionate allocation. It started with Mindanao Development Fund. We likewise saw to it that the Visayas will not be, generally also the Visayas area were not given the proper allocation. So there was also VDF, Visayas Development Fund. The following year, we noticed that practically all the Bicol Region, wala rin. So that's how the CDF came into about. But in parliamentary system, I don't think that will happen. Thank you.

COMMISSIONER LAMBINO

Mr. Chairman, before Commissioner Jurado will answer that, may I give this input regarding the pork barrel funds. The Supreme Court, in the case of PHILCONSA versus Enriquez, said there's nothing wrong with the so-called pork barrel funds or the so-called Countrywide Development Fund or the Public Development Assistance Fund, as it is called now. In fact, according to the Supreme Court, in that case, this is an innovation in our budget system that should be applauded. So the Supreme Court came up with that language. But of course, I agree with the observation of Commissioner Magno here that the pork barrel fund has been the source of some abuses in the way that it's being implemented.

CHAIRMAN ANGELES:

Thank you very much. Commissioner Jurado, would you like to answer that?

COMMISSIONER JURADO:

Yes. The pork barrel fund or the EDF, the Economic Development Fund, has a very useful function to perform. No doubt about it. It constitutes an addition, an augmentation to resources that, one, are not evenly distributed in the country as Commissioner Romualdo or Rene has pointed out. It will contribute to evening that thing out. Plus, it will add, if not create, that impact that is so necessary in our countryside which, in the scheme of things, given imperial Manila, tends to be neglected.

Alright, having said that, made that point, my point to Alex's question goes something like this. In our current democracy, the pork barrel fund becomes necessary to Congressmen in order to assure their constituents that they are doing something, so that there will be something physical, concrete that the constituents can see and appreciate as coming from the efforts of their Congressmen. Now, it comes to pass, it gets to that point because of the point I tried to make earlier. There is not enough in terms of purely cogitative functions that will keep Congressmen, brilliant people in Congress active 365 days in a year. Many of our problems already have been legislated upon. New ones, as I said, as esoteric as they are become easy because of the existence of available technical advice. What will Congressmen and Senators do? I use the word legislators in order not to discriminate. What will legislators do? These are brilliant people, well meaning, wanting to serve their country. On the other hand, the executives, acting continuously all the time, because it is executive, are doing so many high profile projects all over the country, implying that the Congressman or rather the legislators are doing nothing. That is, of course, a perception and it is wrong. To correct that perception, in my judgment, there is need

for the pork barrel to balance the issue a little bit except that in a parliamentary system, Alex, I think that the pork barrel will be incorporated into the development programs of that government and therefore, since the MP's are closely identified with that government, in any case, in fact they are the government. They will feel no compulsion to own any particular pork barrel for their individual selves because any project of the parliamentary government, they can own to be their own. Now, that's one point.

But the point you were raising, some other point is somewhat more difficult. Now, what do we do if the government converts all of the resources into a gargantuan pork barrel a la Malaysia, meaning, you put up a development program there, flesh it all out. Good. Fine. It looks neat, good, but it is really intended to prolong the political life of that political party. I think, I'll leave that to the political, to answer. Honestly, I do not know. (*Bell rings.*)

I do not know how that can be prevented given that, as Dr. Abueva said, the majority in a democracy rules. I suspect that it's just a fact of life we have to accept including its very painful consequences.

CHAIRMAN ANGELES:

Thank you very much. Let's proceed with this interpellation. May I now give the floor to Commissioner Gonzalez.

COMMISSIONER GONZALEZ:

Mr. Chair, mine will not be an interpellation. I would just want to put in some thoughts about the job that we are supposed to do. If you will allow me, Mr. Chair? Do I have three minutes? Okay. Thank you very much.

I would like to believe that age has wisdom and the impatience as well of achieving dreams, dreams of our heroes, of our great leaders, of forebears who had come and gone. Dreams just get overtaken by events and the realization veers away for new leaders to dream again. But, my colleagues, we have some action to take. We have to act now. We have something to do for a change. I had the great honor and privilege working as a young graduate of Agriculture with a man who was born so much ahead of his time, the first President of the Philippine Constitution Association and that was Dr. Salvador Araneta, whose dreams like our former President with whom I also worked are there. The dreams are there. They want to do something for our country. Their vision has been translated into a proposed draft we call the Constitution.

Well, Dr. Araneta did one in 1972 and my thesis should focus, therefore, now on arguments of three great leaders. Men who have given of themselves to country and people and so we should make their experience give us some, a direction on what to do. Therefore, we must really have some change in our Constitution. In 1970, Dr. Araneta declared that democracy is a mirage without clean elections and with the intervention of gold, guns and goons. He believed in the cardinal rule that in boxing, a heavyweight is not allowed to fight the lightweight. A level playing field is necessary to enable new and qualified persons with perhaps better qualities and qualifications to get into office. A change of faces would be excellent. He was joined by former President Carlos P. Garcia as he said, "The use of terrorism, force or violence, frauds, falsification of documents, vote buying and other corrupt practices destroy the freedom and purity of election and will seriously, vitiate, pollute and nullify the sources of government authority and power." President Garcia, one election, crime breeds hundreds of others by imitation or retaliation. All these evil doings go into the national consciousness, demoralization, and most negative attitude towards the government. These may ultimately decree our national dissolution. Now, the third man, former President...

COMMISSIONER JURADO:

Excuse me, Commissioner Gonzalez. Do you have any question?

COMMISSIONER GONZALEZ:

No, I said I was not going to interpellate but will present. No, it's not a privilege speech. It's just hoping that we will be enlightened by these three previous gentlemen. Okay. Former President, I will be very quick. Former President Diosdado Macapagal emphasized that not only the President, but members of Congress, have powers that are so vast and potent that economic interest enter into a mutually protective alliance which results in a concentration of economic benefits in their combined hands. President Macapagal, in his lecture of May 15, 1969 at the University of Santo Tomas, warned that the common man has been taken for granted, has been so neglected, and has been so exploited, that if this traditional default is not corrected, the common people, unable to bear their cross of poverty, misery, and social injustice any longer, may use violence to achieve their redemption.

So, on a parliamentary system, just a few more minutes, a unicameral legislative body was the consistent and logical choice of three Constitutional Conventions of the Philippines, 1898, 1935 and 1972. So Dr. Araneta believed a unicameral body can avoid conflicts, wastage of materials and human resources. The withdrawal of confidence, and this is very important, the withdrawal of confidence from the President or the Prime Minister can only be done at the beginning of the fourth year of an administration to give ample time for the President or the Prime Minister to prove their worth. Otherwise, magpapalit tayo nang magpapalit. Bigyan natin ng panahon na maipakita nila ang worth nila. And so, I feel that this is very important as we try to diagnose what we want to say.

Alright, on the spirit of the Constitution, we must look at creative solutions with an open mind. We must not only look at the letter of the Constitution but at the spirit of the Constitution. It is the spirit of the great charter over which we must stand guard to prevent its purity and integrity and to preserve democracy. We must decide to device new rules of the game and must be willing to pay the initial price for the flowering of a better tomorrow for humanity. Thank you.

(Applause)

CHAIRMAN ANGELES:

Thank you for that sharing. Let's proceed with the interpellation of Commissioner Lambino.

COMMISSIONER LAMBINO:

Mr. Chairman, actually, I would like to follow the line of Commissioner Gonzalez that instead of me asking questions to the three proponents of a parliamentary system of government, I would like to have my two minutes be devoted to some comments.

CHAIRMAN ANGELES:

Two minutes. Okay.

COMMISSIONER LAMBINO:

Well, looking at the mandate given by Executive Order 453 to this Commission, and that is, "To submit proposals to shift from the presidential, unitary system to parliamentary-federal system of government, to refocus economic policies in the Constitution to the vision for global competitiveness, and to review economic policies which tend to hinder the country's global competitiveness and adversely affect the peoples welfare." Reading this provision of Section 1,

does not mean that we are already stifled to just focus on shifting the system of government from presidential to a parliamentary system of government.

Mr. Chairman, if I remember right, the product of any Constituent Assembly which is the Constitution, must be something that will embody the past, that is going to reflect the present and something that's going to anticipate the future. We cannot be acting just because of passing fancies, the mood of the present times, or be persuaded because of some defects, or misgovernance, or the whims and caprices of the people in power that we are going to change the Constitution. Otherwise, the product of the Constituent Assembly to have a new Constitution will again be subjected to proposed changes in the future.

Following the dissertation made by Commissioner Espina and listening to the three speakers proposing parliamentary system of government, I can feel strongly that there really is a problem in the 1987 Constitution with regards to the system of government which is strong presidential system. The gridlock that has been spoken in many fora is not only apparent but it's real, more especially so that we have a bicameral legislature. The President also is subject to a lot of inhibitions and prohibitions in the present Constitution. The economic provision as well as the provisions on the judiciary, and the judiciary is part of the government, Mr. Chairman.

Mr. Chairman, listening from my students in Political Science and in Political Law, the last 15 years that I've been teaching this subject, everybody keeps saying that we have a defective 1987 Constitution but they have not set their mind what kind of system of government they would like to be implemented, whether parliamentary or presidential. Personally, when I was invited here, I had hesitation to accept because as I mentioned in a program that Chairman Abueva and I were present, we were branded as pro-GMA or pro-Joe de Venecia and then I said categorically, I was with the opposition in the last election. I was counselling for FPJ and Loren Legarda and did not expect that I would be invited in this Commission. But I came here because I believe that the issue is not GMA or Joe de Venecia but the issue is the Constitution that we have to propose to the President to submit that to Congress as a start to the so-called great debate in Congress.

My proposal, Mr. Chairman, is in order that we can really answer the so-called embodiment of the past, reflection of the present, anticipation of the future, we should not readily get rid of the Office of the Presidency but I'm willing to submit to a stronger unicameral Parliament, exercising executive powers. We are going to retain a presidency that is going to exercise perhaps the Commander-in-Chief or the military powers and the foreign relations power and the pardoning powers, subject of course to some limitations. Only in these areas that the President is going to exercise, all the rest of the executive powers will be given to a Prime Minister to be elected in a Parliament and then we are going to have a unicameral legislature who's going to answer the so-called problems on gridlock between the executive and the legislature. In this way, Mr. Chairman, I believe that we are not just going to answer the future demands, but we are going to reflect also the present as well as we are going to give to what the past has done for us. Thank you, Mr. Chairman.

CHAIRMAN ANGELES:

Thank you very much. Let's proceed with Commissioner Paterno as the next interpellator.

COMMISSIONER PARTERNO:

Thank you, Mr. Chairman. I have been in business management for a long time. I've been in practice for 50 years. I would like to say that the structure of management of a business organization is possible on a presidential type, analogous to what we have in the Philippine

government, only if the corporation is small or is family-owned. In a larger corporation where there are many shareholders, there will be a board of directors elected by the shareholders and it is the board of directors that selects a president and officers of the corporation on an annual basis and their selection is on the basis of the performance of the president and the officers. I would go so far as to say that there is a legitimate analogy between the business corporation and the business of government and that's one of the reasons why I think that we must go to a different system than the present presidential system.

First of all, how does a President get elected by 80 million people? He gets elected either on the basis of popularity, basketball star, TV talk show, movie star or great amounts of money. My question only is this: The 1971 Constitutional Convention already proposed a parliamentary government except that, of course, using his Martial Law powers, Mr. Marcos made a number of amendments which distorted the intent of the 1971 Constitution. My question really is directed to Dr. Abueva. Why have we not considered the 1973 Constitution before the Marcos amendments as one of the proposals that should be considered by this Commission?

COMMISSIONER PEDROSA

I agree. Is that a motion?

COMMISSIONER PATERNO

This is an interpellation, that is why...

CHAIRMAN ANGELES

It is an interpellation.

CHAIRMAN ABUEVA:

We can get a copy of the proposal of the Constitutional Convention before Martial Law overtook the Convention and the country was taken over by the dictator. We have that in the archives in the College of Law, UP.

COMMISSIONER ROMUALDO (*off mic*)

I have a copy of the original.

CHAIRMAN ABUEVA

The original. Oh, thank you. You have solved our problem of looking for that. I would like to underline the fact that as early as 1972, I said this before, I'm repeating myself, there was already great consensus in shifting but when President Cory assumed power, she really said, I want to be opposite of Marcos. So the option, there were those who were advising her, continue to rule after all you were elected under the 1973 Constitution, therefore continue with the 1973 Constitution. But she decided to set aside the 1973 Constitution and have, first of all, a provisionary constitution for one year followed by the '87 Constitution. So, yes, there's the distillation of one and a half years of deliberations. So we can use that as a major reference for our deliberations.

COMMISSIONER ESPINA

Correction lang, for the record, just very briefly. Without the intervention of Marcos, the government could have retained, the Convention could have retained the presidential system. As a matter of fact, we already won in the committee. In the same manner here, I was practically alone. But eventually, when the committee voted, secret voting, and Dr. Abueva knows this, the presidential system retention was approved. The problem was we insisted that if the presidential system will be retained, we insisted that the banned Marcos provision which does not allow the extension of not more than eight years, be included. This became the real

question and after the election of local officials, the members of the committee were invited to Malacañang and the next thing that happened is a motion for reconsideration of the previous decision of the committee was practically dictated upon us. That is why the Constitution was approved, parliamentary, but there were several who did not sign.

COMMISSIONER ROMUALDO

Mr. Chairman, that is not so. I'm sorry to stop. We can ask Amor here. He was a member. You can ask Victor. You can ask myself. We are three.

COMMISSIONER ESPINA

May I ask that the record...?

COMMISSIONER ABUEG

I'm sorry I was not one of those invited.

CHAIRMAN ANGELES:

Excuse me, let's put order here. We are listening to Commissioner Espina who has a...

COMMISSIONER ESPINA

Just to put on record it was not overwhelmingly approved by the ConCon. It was approved after the committee had approved, after long debates, the retention of the presidential system with modification. As a matter of fact, the picture of a breakfast was published in the papers and I used that when I argued against the motion to reconsider. So just to place it on record that it was not overwhelmingly approved. There was interference at that time from the executive department.

COMMISSIONER ORTEGA

Mr. Chairman, Mr. Chairman, this may be a little bit out of line but may I ask for just one minute. I was with the '71 Constitutional Convention. I was elected as a delegate against the two candidates of the late President Marcos in my district. I voted for a parliamentary system not because I was dictated upon by Malacañang but because I believed that it is a superior form and more responsive form of government and than the presidential. Let it be on record. I'm sure a majority of the delegates had the same decision when they voted for the parliamentary system.

CHAIRMAN ANGELES:

Thank you. Commissioner Espina, you'll have your chance to, may we proceed to his interpellation. Commissioner Naval. Is he still here?

COMMISSIONER NAVAL (*off mic*)

I have no more question.

CHAIRMAN ANGELES

Ah, no more question. So, do you have a question Commissioner Espina? This is your chance to ask question from the speakers. Can you specifically direct your questions to any of the three speakers?

COMMISSIONER ESPINA:

Just on certain points. First to Professor, Dr. Abueva.

CHAIRMAN ANGELES:

Okay, proceed.

COMMISSIONER ESPINA:

Are the benefits mentioned like a mature political party system also a potential possibility under a presidential system without going to a parliamentary by improving our electoral process, by widening the access to political recruitment so that more qualified persons may run for public office? Is not, may I repeat, is not the development of a strong party system based on programs not also possible in a presidential system? Taking our present system but subjecting it to improvement and modification without shifting to a system of government where there is concentration of executive and legislative powers in one man who is controlled by a party which is dominant at a particular point in time.

CHAIRMAN ABUEVA:

If it were possible in 60 years minus of course the authoritarian interregnum, we would have developed a strong party system under our presidential system but the forces at work in our presidential system with the emphasis on personalities and with, there's no expectation that the party is to have a program of government with the President being the one who actually formulates the program of administration. It's not the program of the party in power but the administration program where members of her own or his own party do not adhere to that program because it is her or his own program rather than the party program. We could not develop it under the presidential system.

COMMISSIONER.ESPINA:

In other words, if the other factors as you mentioned, the factors were discussed and attuned to the development of a mature political system, then it can fully develop under a presidential system. Factor like poverty...

CHAIRMAN ABUEVA:

I very much doubt...Citizens organizations becoming oriented to parties that present alternative programs of government as the basis for the elections of candidates as a basis of getting that bigger share of the reserved seats in Parliament. When we begin to think to shift our focus and emphasis on personalities to collectivities like the party, then we begin to change the way we expect government to be governed and we begin to expect of the party in power the execution of its promises and its policies of governance as contained first in the party platform during the campaign and in the program of government once the party assumes power.

COMMISSIONER ESPINA:

In other words, Dr. Abueva, there are other factors that can allow the development and growth of mature political parties. If certain conditions are addressed without necessarily, again let me emphasize, shifting to a system where two very, very powerful powers are placed in one person, the executive and the legislative.

The other point I want to ask and dramatize is, why is there a need for a party list? I remember when this was presented when I was representing Metro Manila in the Assembly, the idea really was to assure certain votes for the President. That is why it started as sectoral representatives appointed by the President. I was surprised when President Aquino included it in the New Constitution. Anyway, my point is, one cannot be Prime Minister unless he has the majority of the party members in Parliament and all these majority members of his party supports him. So why is there a need for another group belonging to a party also, to be made member of Parliament? The weakness of that is that the people will be under a member of the legislature

who is not known to the people before his choice because the party chooses him on the basis of proportional representation based on the results of the election.

And finally, in that connection, why is there a need for two kinds of members of Parliament: those elected and known by the people before they are chosen and those who will be nominated later on by the party on the basis of the votes received by the party during the election. I see no practical use for the party list.

COMMISSIONER JURADO (*off mic*)
Tama, agree.

CHAIRMAN ABUEVA:
Majority of the political systems around the world are parliamentary and it must be for some good reason. One reason is that they want responsible and accountable governance, responsible and accountable exercise of legislative power, policy-making and law-making power, and executive or implementing powers. And one advantage of having a party list is that there are many individuals of superior qualifications and experience and very important experience relevant to governance who are not maybe interested in running for public office at all. They may be businessmen, they may be scholars, they may be labor leaders, whatever professions and callings they may be pursuing, who are not interested in partisan politics, in running for public office, who may be tapped by the party in power to help in governing the nation. And this is tremendous talent, tremendous assets, wisdom, experience, professional training and so on that can be harnessed by the party in power to help in governing the nation.

COMMISSIONER ESPINA:
Then, why not make them regular members of the party if they're so talented and make them run for the position for district representatives?

CHAIRMAN ABUEVA:
They might not be interested, as I said, in running for public office and they may be the type who will not be elected. So, let the country not be deprived of these kinds of people to help in governing the nation. In fact, we can reach out to them to help in governing the nation.

COMMISSIONER ESPINA:
You know, I might have some radical ideas, Mr. Chairman, but would you agree that without shifting to the parliamentary system, we could possibly hasten the development of political maturity and rationality in our electoral process by, let's say, introducing an amendment to the electoral process, not allowing those who cannot even read and write to vote? I saw this with my own eyes, illiterate being sabak by the teacher to sign. I heard the comment of Commissioner Paterno, "Try it." Why should we be afraid to face the people on something which we believe, if it will improve governance? We should face the problem frontally. Mr. Chairman, don't you agree that you don't really have to change the system if we want to have more access of good men to government? Let us have qualifications.

CHAIRMAN ANGELES:
Thank you, Commissioner Espina. We will now proceed to Commissioner Adamat.

COMMISSIONER ESPINA:
I haven't heard the answer. Okay, if that cannot be answered.

COMMISSIONER APOSTOL (*off mic*)
Sa Election Code naman 'yan, Gerry...not in the Constitution eh.

COMMISSIONER ESPINA

No, that's my point. We don't have to change the system. We can improve it in some other areas leading to an efficient presidential system, more responsibility, shorten the process of impeachment by having only one unicameral body so that you don't have two. That is my point all along, do we really have to?

CHAIRMAN ABUEVA:

Yes, for the many reasons...

COMMISSIONER ESPINA

As a matter of belief.

CHAIRMAN ABUEVA

...presented here. Putting them all together, there is a compelling reason to shift from our presidential system, with all the ill effects and defects that we have experienced for 60 years, to an alternative form of governance.

COMMISSIONER ESPINA:

Last question, how about the sad experience as dramatized here by several speakers, like what happened in Malaysia where a collective leadership of cronies practically ruled the country for years and this happened in Japan. So nothing is perfect but let us not jump overboard.

CHAIRMAN ABUEVA:

The example of Malaysia is not really very pertinent to us. Malaysia is a single party parliament and a semi-authoritarian system and so, I don't think our people will allow that kind of single party, authoritarian continuous rule, unbroken rule as in the case of Malaysia. At least in the case of Japan, although the LDP ruled for almost four decades and in India where you had the Congress Party also governed for a few decades, that monopoly has been broken and so the only way that the Liberal Party...

COMMISSIONER PEDROSA

Can I make a comment on this point because that's a very important point. Where does the Philippines stand in comparison to these countries? Where does the Philippines stand, the economy, right, of the Philippines stand in comparison to these countries which had this long, single rule because of a party program?

CHAIRMAN ABUEVA

If we are talking about Japan and Malaysia and even India, particularly with Japan and Malaysia, of course, Japan, there's no question. We are not in that league at all. In Malaysia, they are way ahead of us in the economic and social development. Way ahead. And as you can all witness now and read and hear on TV, India is also surging ahead. It's a miraculous country, politically miraculous country of so much population, so much diversity and yet, being able to govern itself as a democracy, the largest working democracy, parliamentary-democracy in the world and a federal system at that.

CHAIRMAN ANGELES:

Thank you, Mr. Speaker. Can we proceed with Commissioner Adamat? Any question? Can you direct your question to a speaker.

COMMISSIONER ADAMAT:

Thank you, Mr. Chairman. I would like to direct my question to the good Chairman. Very soon, Mr. Chairman, we will be going out for consultations and I'm sure that one of the questions that we will be meeting from the grassroots level is that how different is local governance under the parliamentary system. For example, how effective can...

COMMISSIONER APOSTOL (*off mic*)

Bukas na 'yan, structure 'yan...

COMMISSIONER ADAMAT:

No, maybe as an advance information. (*Laughter*) I will still pursue. I would like an advanced information to that because it concerns me, Mr. Chairman. I just came from Mindanao and this was the question put forward by some of the local officials in Mindanao. How can a local government or local governance be better when we are in a parliamentary system given the fact that we have a Local Government Code nowadays? Once it is implemented to the letter and spirit, it can also be a solution for the furtherance of our development, especially in the local level.

CHAIRMAN ABUEVA:

You are really pushing me to another committee subject. But what I would like to say is that if we were to adopt only a parliamentary system, only a horizontal structural change using executive and legislative, and keeping power at the top or in the central government, then we will not improve governance materially. This is why many of us who are advocates of parliamentary government also couple this advocacy with a shift to a federal system to decentralize power from the national government, which is very powerful, overwhelmingly powerful, in relation to the local governments. So the horizontal restructuring in using these two powers must be matched by a vertical restructuring. I'm sorry to have to answer you because you asked that question. It's supposed to be for tomorrow.

COMMISSIONER ADAMAT

Thank you anyway for the effort, Mr. Chairman.

COMMISSIONER ROMUALDO:

Mr. Chairman, we had a meeting of all the ULAP this morning and yesterday and I requested the members of the League of Governors that what generally is the sentiment of the local officials because they will be the key in our campaigning. If the mayors and governors will junk our work, we're nothing. They want greater, greater autonomy for decentralization. So we have to strengthen the provisions on local government. I think that's the answer to your question, Commissioner. Greater autonomy.

COMMISSIONER ADAMAT:

So after all, Mr. Chairman, my question was just timely. It was answered appropriately by Governor Romualdo.

CHAIRMAN ANGELES:

I think that can appropriately be taken up tomorrow in the Structure of Government. So, may I ask now Commissioner Emily to please direct your question to the particular speaker.

COMMISSIONER MAROHOMBSAR:

Well mine is not an interpellation actually. I just want to share with this Body what some people have been telling me. You see, these past few days, a lot of people had been talking to me and they tell me that they are happy that we are now into a charter change because they strongly

believe that there is a great need to amend the charter and to change our system of government. But the fear, however, especially the people from Mindanao, the Muslims especially, is that once we have shifted to the parliamentary system of government, Parliament might not implement, or might delay the implementation of federalism in the country. So that is their fear. It's as if sabi nila, your major interest now, the major interest of the government now is to shift to a parliamentary system of government. They have no quarrel with that. We believe that there is a need to change our system of government now and we are willing to take our chance on any kind of government. But, their only fear is that eventually, implementation of federalism in the country might just be forgotten or might even be delayed and we have long waited for this according to them. So, what assurances do they have that federalism will eventually be implemented?

CHAIRMAN ABUEVA:

That is a very important point, Madam Commissioner. For some three or four years, the campaign of the proponents of parliamentary government has been limited solely to a shift to a parliamentary government and with the retention of the unitary system that we have under the 1987 Constitution. But after two years of argumentation and campaigning around the country, we were able to gather very strong support for the simultaneous shift from presidential to parliamentary and unitary to federal precisely because of the fear of those who are interested in local autonomy and in regional government or federal government. That if you allow a shift to a parliamentary system without a simultaneous establishment of a federal republic, we'll have just more centralized and concentrated power at the top or at the center at the expense of the rest of the country. And that is why, I think we will be able to convince a number of our proponents for parliamentary government to make the shift simultaneously. We are really proposing, those of us who are proposing a federal system, we are really proposing that the proposals that will be submitted by Congress, if it should be a Constituent Assembly or a Constitutional Convention, should already establish the Federal Republic of the Philippines with a parliamentary government and not leave it to Parliament to decide when and how to establish a federal system. Well, I hope so but this has to be debated in the next committee.

COMMISSIONER ACEVEDO

Mr. Chairman, I would like to give a relevant feedback from Governor Marquez of Aklan who was coming to attend ULAP that he is worried about the Abueva draft. He mentioned that specifically to me.

CHAIRMAN ABUEVA:

Correction. CMFP.

COMMISSIONER ACEVEDO

No, I'm just reporting on what Governor Marquez told me because to him, he is of the impression that after studying the Abueva draft, that it will affect local autonomy, especially the provinces. So maybe before we go out, this has to be answered because, you know, on the whole, the other feedback is that I was given a testimonial by the local officials of the province and they appreciate and respect the function of the Consultative Commission.

CHAIRMAN ANGELES:

Commissioner, can we reserve that for tomorrow, the Structure of Government?

COMMISSIONER ACEVEDO

No, because it was opened and it was mentioned so I would be on record only that is also, the feedback that I am giving.

CHAIRMAN ANGELES:

Okay, we have one last interpellation here, Commissioner Tabanda.

COMMISSIONER TABANDA:

Thank you, Mr. Chairman. May I just share that in this morning's activity at the Manila Hotel where there was a gathering of the ULAP and the President made a speech, she categorically stated that she is committed to greater autonomy and in fact, she categorically stated she is committed to federalism. That was her speech this morning. But my question, Mr. Chairman is, the shift to parliamentary will require a greater degree of political maturity on the part of the people and highly distinguished and also politically mature political parties. My question is, this has to be coordinated with the committed dealing on transitory provisions because we will have to make sure that the people will be ready for the shift to parliamentary. And this, I think, should be provided for in the transitory provisions.

I would like to find out if there is any idea about what is going to be done to be able to work out a timetable to prepare everyone for the shift to parliamentary should this be adopted. Then the second point that I would like to raise is that, from all the discussions it is very obvious that there are provisions in the presidential system which some would like to be included in the proposed parliamentary and vice-versa. So I would like to find out from our Chair if there is going to be a speaker for the mixed type because I don't think we can have it tonight. Mr. Chairman, may I ask is there a speaker for the mixed type of government, if there is such a thing?

CHAIRMAN ANGELES:

As of this moment, there is no speaker for that system of government or form of government.

COMMISSIONER TABANDA:

Should there be no speaker, Mr. Chair, is it possible to request that the Secretariat can probably cull out the important suggestions given now which can compliment the parliamentary proposal and vice-versa?

CHAIRMAN ANGELES:

Commissioner Abueva will answer that.

CHAIRMAN ABUEVA:

How do we allow or even encourage those proponents of what you call the mixed system? In other words, borrowing or retaining some of the features of the presidential system in the parliamentary system that is being proposed. That will come when the Committee will have prepared a working draft on parliamentary government, if there is a sense that we should now shift to a parliamentary government. And that working draft which will be debated again in the Committee, that's when, also at the plenary...

COMMISSIONER APOSTOL (*off mic*)

No more committee, plenary na.

CHAIRMAN ABUEVA:

Pardon me?

COMMISSIONER APOSTOL

No more committee. We should go to plenary.

CHAIRMAN ABUEVA:

At the plenary, that is when modifications may be proposed.

COMMISSIONER APOSTOL

Amendment, period of amendment.

CHAIRMAN ABUEVA

Period of amendments.

COMMISSIONER TABANDA:

In other words, Mr. Chair, in case this will be put into a vote in the committee level, we may vote for parliamentary in principle without necessarily agreeing to all the details in the CMFP draft?

CHAIRMAN ABUEVA:

Yes, that's right. But to your question Madam, are our people or leaders mature enough to make the shift? I think the question is not really that. It's should really be, it's also put in another way, "Are we ready?" I recall I've said this before, being able to interview Prime Minister Nehru just about two years before he passed away and at that time, General Ayub Khan was the military President of Pakistan, and without mentioning Pakistan, I asked Prime Minister Nehru, "What do you say, Mr. Prime Minister, to the proposition that some countries are not ready for democracy? You have to go through a preparatory period of authoritarian rule to prepare the people for democracy." And he had a very simple answer, a layman's answer. I expected a philosophical answer knowing him to be a man of deep thought. But he said, "The only way to learn how to swim is to jump in the water. And so, you want into, adopt a democracy or start a democratic system, you go into it."

But positively, my answer is, yes. As I said, this is not the first time we've talked about the parliamentary system. It's been on the agenda, at least of the politically-conscious Filipinos, for at least 30, 35 years. If we should decide really to shift, for that shift, this will be our opportunity as we go around the country to explain and to persuade people to give this alternative a chance.

CHAIRMAN ANGELES:

Thank you very much. That ends our, Commissioner Bengzon?

COMMISSIONER BENGZON:

Just in response to the good Commissioner's question on the Committee on the Transitory Provisions. We are going to have a meeting on Wednesday and that is included in the committee that is chaired by Joey Leviste. General Provisions, Transitory Provisions, and I happen to be the chairman of the Sub-Committee for the Transitory Provisions. The sense is that when we meet on Wednesday, we'll gather their thoughts but we're thinking it will, to a large extent, really be dependent on what form of government and structure of government we're going to adopt.

COMMISSIONER ACEVEDO (*off mic*)

Yeah, definitely.

COMMISSIONER BENGZON

So we have committee on that.

CHAIRMAN ANGELES:

Thank you. Can we give the floor to our Floor Leader, please?

COMMISSIONER APOSTOL:

Mr. Chairman, we have finished already the Committee work and in the Committee, there must be something to be approved. Apparently, we are not very decisive so I propose this one. This is already for plenary on Thursday. First is, why is there a need to shift to parliamentary government from presidential government. Second is, why is there a need to shift from unicameral Congress to bicameral Congress? These are the two matters covered in the Form of Government. If the Body will approve this, then we are ready to face the plenary.

CHAIRMAN ANGELES:

Are you presenting that to the Committee?

COMMISSIONER APOSTOL:

To the Committee.

CHAIRMAN ANGELES:

To the Committee to decide tonight?

COMMISSIONER APOSTOL:

Yes.

CHAIRMAN ANGELES:

So there is a proposal here by the Floor Leader as to the first, are you putting that into a motion?

COMMISSIONER APOSTOL:

I move that we approve this matter. The question is, why is there a need to shift to parliamentary government from a presidential government? Second is, why is there a need to shift...

CHAIRMAN ANGELES:

The first one. Again, again. Restate it, please.

COMMISSIONER APOSTOL:

Why is there a need to shift to parliamentary government from the presidential government system?

CHAIRMAN ANGELES:

I think the motion must be positive, instead of a question.

COMMISSIONER APOSTOL:

So, I change the motion. I move that there must be a shift to parliamentary government from presidential government.

CHAIRMAN ANGELES:

Is there anybody who seconds the motion?

COMMISSIONER JURADO

I second the motion.

CHAIRMAN ANGELES:

duly seconded. Anyway, is there any objection and discussion?

COMMISSIONER AZURIN

Just a question Mr. Chairman. A lot of people have left and I think if they were informed that there was going to be a voting, they might not have left because I think the original agreement is that we will not vote today.

COMMISSIONER APOSTOL:

No, no, no. This is Committee hearing. After the Committee, there must be voting.

CHAIRMAN ANGELES:

There was no agreement. It's a Committee decision. The Committee is still in session and if they left, they forfeited their right to vote.

COMMISSIONER APOSTOL:

But this matter will again be presented to the plenary. And the sponsor here is the Chairman and the Co-Chairman.

CHAIRMAN ANGELES:

Anyway, this will be presented to the plenary. Ah, we would like, it is duly seconded and ...

COMMISSIONER ABUEG

Mr. Chairman, may I clarify? The motion is in effect that the issue, the change of form of government be included in the agenda on Thursday's session. So that is the motion.

CHAIRMAN ANGELES:

The motion is we are voting whether we are in favor, in principle, whether we are in favor of the shift in the form of government from presidential to parliamentary because this Committee will submit a draft to the plenary session on Thursday. That's what it means and then we can deliberate on this draft when we meet in the plenary session on Thursday. That is the proposal of the Floor Leader and it has been duly seconded. So, any other discussion? Objection?

COMMISSIONER ACEVEDO

Mr. Chairman, is the question of quorum also still valid in this Committee in the absence of rules?

COMMISSIONER LAMBINO

Well, if nobody's going to question the quorum, then that can be carried out. But if somebody questions the quorum, then...

CHAIRMAN ANGELES:

Well, if we are going to, if we'll have a head count of those who are physically present here right now. I think we have a quorum.

COMMISSIONER APOSTOL:

The determination of quorum was at the beginning of the...

COMMISSIONER BENGZON

What is the rule on the voting? Should it be majority of the members of the Committee? Because in the plenary, it's the majority of all the members. In the committee?

COMMISSIONER APOSTOL

Majority of those present?

COMMISSIONER LAMBINO
Majority of those present on voting.

COMMISSIONER BENGZON
Where did you have that in your Rules?

COMMISSIONER APOSTOL:
That's the rule.

CHAIRMAN ABUEVA
Majority of those present who are members of the committee or ex-officio members who are allowed to vote as well.

COMMISSIONER APOSTOL
So is it approved, Mr. Chairman?

CHAIRMAN ANGELES:
Any objection? Discussion? There being none the proposal is hereby approved. Second proposal?

COMMISSIONER APOSTOL:
Second proposal, there must be a shift to unicameral Congress from bicameral Congress.

COMMISSIONER BENGZON (*off mic*)
Was that in the agenda?

COMMISSIONER GONZALEZ (*off mic*)

CHAIRMAN ANGELES:
Are we going to vote on it?

COMMISSIONER APOSTOL:
Yes, Mr. Chairman.

CHAIRMAN ANGELES:
Okay. Let's proceed to take the vote. Can you raise it again, the motion please?

COMMISSIONER APOSTOL:
I move that we approve a motion by shifting our government to unicameral Congress from bicameral Congress.

COMMISSIONER LAMBINO
May I propose amendment to that motion, Mr. Chairman. Not Congress. Can we use unicameral legislature?

COMMISSIONER APOSTOL:
Body, body.

COMMISSIONER LAMBINO
A shift from bicameral legislature to unicameral legislature.

COMMISSIONER APOSTOL
Agreed.

COMMISSIONER ADAMAT
Mr. Chairman.

CHAIRMAN ABUEVA:
Mr. Chairman, if you say legislature only, that may not be the Parliament. Parliament is both executive and legislative. Legislature can be misleading if it is taken to mean a legislative body without executive power.

COMMISSIONER APOSTOL
Body, it should be body.

CHAIRMAN ABUEVA
Parliament, the unicameral Parliament.

COMMISSIONER LAMBINO
So from a bicameral legislature to a unicameral Parliament. Will that be acceptable, Mr. Chairman?

CHAIRMAN ANGELES
Yes. So the observation is well taken. So...

COMMISSIONER ADAMAT
Mr. Chairman, observation. I thought that question will be most appropriate tomorrow when we discuss the structure of the Republic because it has something to do with the unicameral or unitary to federalism.

COMMISSIONER BENGZON (*off mic*)
No, no. That's form of government.

COMMISSIONER ADAMAT
Can I just ask the proponent of the proposal to restate his proposal for clarity, Mr. Chairman.

COMMISSIONER APOSTOL:
I move that we approve a motion to shift from bicameral body to unicameral parliament.

COMMISSIONER LAMBINO
My amendment, Mr. Chairman, which I think was accepted, is a shift from a bicameral legislature to a unicameral Parliament.

COMMISSIONER APOSTOL
Accepted, accepted.

CHAIRMAN ANGELES:
It has been moved and there's anybody who seconds the amendment?

COMMISSIONER ADAMAT
Mr. Chairman, may I just...?
CHAIRMAN ANGELES

Duly seconded and so we are now going to take a vote regarding the first motion that you represented.

COMMISSIONER APOSTOL:
Kung walang objection, eh di approved na.

CHAIRMAN ANGELES
Walang objection? No, we have to vote on it.

COMMISSIONER APOSTOL
O di siges, vote. If there is no objection there is no need for voting.

CHAIRMAN ANGELES:
There being no objection, there is one objection here. So it could be recorded that there is one objection here. Commissioner Azurin. You object to that motion. The first motion. There's one who objected to it. So are there other, the motion is carried. We'll now proceed to the second motion.

COMMISSIONER APOSTOL
'Yong co-chairman cannot object. *(Laughter)*

CHAIRMAN ANGELES
Mr. Floor Leader, proceed to the next motion.

COMMISSIONER APOSTOL
Second motion is to shift from bicameral legislature to unicameral ...

COMMISSIONER MAGNO
Point of order. Point of order, Mr. Chairman.

CHAIRMAN ANGELES:
Yes.

COMMISSIONER MAGNO
Any objection calls for a division of the House, so you cannot count the objection just as one.

CHAIRMAN ANGELES:
Well, you have a point. So, let us proceed with the division of the House. For the first motion...

COMMISSIONER TENDERO
Mr. Chairman, the motion is just to put it in the agenda for votation for tomorrow or...?

COMMISSIONER BENGZON
It's in the agenda already. Voting on the form of government.

COMMISSIONER APOSTOL:
It will be in the agenda on Thursday.

COMMISSIONER TENDERO
The way I heard it a while ago, when he first mentioned it, to put it as agenda on plenary on Thursday, the shift from presidential to parliamentary.

COMMISSIONER RODRIGUEZ *(off mic)*

It cannot be included for the agenda in plenary if there is no approval by the committee.

COMMISSIONER LAMBINO

Yes, correct.

CHAIRMAN ANGELES

So there's going to be a debate or discussion on Thursday, during the plenary. Now, we'll proceed to the voting of the first motion. Now, those who are in favor of the motion presented by Commissioner Apostol, will you please raise your right hand.

COMMISSIONER LAMBINO

Parliamentary inquiry, Mr. Chairman.

CHAIRMAN ANGELES

Yes, parliamentary unicameral. *(Laughter)*

COMMISSIONER APOSTOL

There is no parliamentary inquiry when it is a period of voting.

CHAIRMAN ANGELES

Okay, let's proceed with the count of the votes. Again, again. Raise your right hands, please. Okay, thank you. Those who are against, please raise your left hand. So we have two, is there any other vote there?

COMMISSIONER LAMBINO

May we register our abstaining, Mr. Chairman? We are abstaining with regards to the first...

CHAIRMAN ANGELES

We will proceed to that. We have two who registered their objection. Now, is there anybody who abstain? So we have three or four who abstain. Okay. So, we have two who objected, four who abstained and the rest are in favor of the motion. So the motion is carried.

COMMISSIONER ABUEG

Mr. Chairman, since this issue will now be calendared for plenary debate, in the plenary session of the Commission, in effect, the issue now is removed from the Committee.

COMMISSIONER BENGZON:

Mr. Chairman, can we just direct the Secretariat to get the numbers of all of those members present. Count those members who are all present. Thank you.

COMMISSIONER APOSTOL:

Roll call, Mr. Chairman, was waived at the outset.

COMMISSIONER ABUEG

It will be a majority of those members present constituting a quorum.

COMMISSIONER BENGZON:

In accordance with the rules, Mr. Majority Floor Leader.

COMMISSIONER ABUEG *(off mic)*

A majority constitutes a quorum. If we have a quorum, the majority of the votes constituting a quorum, makes the decision.

COMMISSIONER BENGZON

Oh yes, yes.

CHAIRMAN ANGELES

We shall now proceed to the second motion. Please restate your motion, Commissioner Apostol.

COMMISSIONER APOSTOL:

The motion is to shift from bicameral legislator to unicameral parliament.

COMMISSIONER DEE (*off mic*)

Legislature.

COMMISSIONER APOSTOL

Legislature nga. Kung Amerikano, legislator.

COMMISSIONER PEDROSA

Second the motion.

(Laughter)

CHAIRMAN ANGELES:

Again, will you please restate it. Your motion is...?

COMMISSIONER APOSTOL

Second is, motion to shift from...

CHAIRMAN ANGELES

Order, please. Can you please listen to the motion? Excuse me. Second motion.

COMMISSIONER APOSTOL

Motion is to shift from bicameral legislature to unicameral parliament.

CHAIRMAN ANGELES

Is that a motion? Anybody who seconds? Okay, duly seconded. Any objection? Discussion?

COMMISSIONER APOSTOL

Approved. Wala nang discussion. No objection. Hindi na nag-object si Rene.

CHAIRMAN ANGELES:

So, there being none, the proposal is hereby approved. *(Laughter)*

COMMISSIONER APOSTOL:

So, Mr. Chair, these two motions will be on the agenda on Thursday on plenary and this is your job and your Co-Chair to defend this, to make a report and defend this on the floor.

COMMISSIONER LAMBINO

Mr. Chairman, that's my inquiry a while ago, because the Vice-Chairman is opposing the first motion. How can he defend that in the plenary when he voted against the first motion?

COMMISSIONER APOSTOL:

He's not the vice-chairman; he's the co-chairman.

COMMISSIONER LAMBINO

So the co-chairman.

COMMISSIONER APOSTOL

On the first motion, he voted against, he cannot defend it. But on the second motion, he was quiet so let's assume that he voted in favor. *(Laughter)*

CHAIRMAN ANGELES:

I think, may I make this comment? I think my Co-Chair will have to defend the approved motion because we are going to prepare this. I'm going to involve him in the preparation of this motion for the submission in the plenary session. I think the majority is carried.

COMMISSIONER APOSTOL

Sponsor it.

CHAIRMAN ANGELES

So, we will present it with the help of Commissioner Apostol.

COMMISSIONER LAMBINO

Mr. Chairman that will be unprecedented that somebody who voted against the measure in the committee level and then in the plenary, he will be forced to defend. I don't think the Co-Chairman can defend that.

COMMISSIONER APOSTOL:

No, this is not unprecedented. In case of voting, you vote against and you lose, you ought to defend the majority's decision. We are not like Escudero. *(Laughter)*.

COMMISSIONER LAMBINO

I submit to the wisdom of the Floor Leader, Mr. Chairman.

(Laughter. Applause.)

COMMISSIONER APOSTOL

That's why Rene has to defend. *(Laughter)*

COMMISSIONER GONZALEZ:

Mr. Chair, can we get the acceptance of the Co-Chair?

CHAIRMAN ANGELES

You want to hear his comment?

COMMISSIONER GONZALEZ

No, his acceptance.

CHAIRMAN ANGELES

Acceptance of what?

COMMISSIONER GONZALEZ

That he will present with you the proposal in the plenary session.

CHAIRMAN ANGELES:

So, may we hear the comment of my Co-Chairman?

COMMISSIONER AZURIN:

I will help the Chairman.

(Applause).

CHAIRMAN ANGELES:

There you are. So you can see that there's a teamwork here in this Committee. So, I'd like to, again, Mr. Floor Leader?

ADJOURNMENT OF MEETING

COMMISSIONER APOSTOL:

So we go to now, Item number 6, Adjournment. I move to adjourn.

CHAIRMAN ANGELES

Thank you. Thank you.

COMMISSIONER APOSTOL

Before the adjournment...

CHAIRMAN ABUEVA:

I'd like to remind you of the invitation of our colleague, Commissioner Yuchengco, an invitation to dinner on Thursday evening. We have to be there about 7:00 at the RCBC Tower in Makati. Please don't forget that, Thursday evening, 7:00, RCBC Tower with Ambassador Yuchengco as our host.

COMMISSIONER LAMBINO

Mr. Chairman, I think we have a plenary session on Thursday. And if the invitation is at 7:00, do you think we can finish the plenary before 6:00 so that we can travel to Makati?

CHAIRMAN ABUEVA

I would like to appeal to you and also in writing and our Secretariat should contact every commissioner, let us please start on time.

COMMISSIONER LAMBINO

Can we now agree that we are going to start earlier instead of 3:00?

CHAIRMAN ABUEVA

At 2:00. We're supposed to start at 2:00. Some of us still thought it's 3:00. But committee meetings are held starting at 2:00.

CHAIRMAN ANGELES

Mr. Chairman, can we ask the Secretariat to advise the Commissioners who are not here present? Because those who are present here, we have no more...

CHAIRMAN ABUEVA

Yes, individually, they should be contacted individually. May I remind you, I think I will have to do this in writing as well. May I remind you to write your one-page CV, one-page CV, so that we can have a uniform sized set of CVs to tell ourselves and the country who we are and how we would like to be known to each other and as a record of history.

CHAIRMAN ANGELES:

Okay, so Committee meeting is adjourned.

It was 7:42 p.m.