

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

**COMMITTEE ON THE FORM OF GOVERNMENT**

**TRANSCRIPT OF THE MEETING**

Wednesday, 19 October 2005

**OPENING OF THE MEETING**

At 3:43 p.m., the Chairman of the Committee, Emmanuel Y. Angeles, called the meeting to order.

CHAIRMAN ANGELES.

Our meeting is called to order. This meeting of the Committee on the Form of Government will start with the singing of the National Anthem. May I call everyone to rise.

**NATIONAL ANTHEM**

[Singing of the national anthem.]

**PRAYER**

CHAIRMAN ANGELES.

Please remain standing for the opening prayer to be led by COMMISSIONER Linda Jimeno.

COMMISSIONER JIMENO.

God the Father Almighty, guide this gathering of men and women who have the common courage and the wisdom to affect change toward attaining progress for this nation. Give us clarity of mind, strength of heart, and the will to make a difference. This we ask, Almighty Father, Amen.

CHAIRMAN APOSTOL.

*(Calling the roll) (Commissioners saying "PRESENT", except those who are Non-members of the Committee and those listed here under LATE and ABSENT.)*

PRESENT were:

1. Abueg Jr., Alfredo E.
2. Abueva, Jose V.
3. Adamat, Ronald L.
4. Angeles, Emmanuel Y.
5. Apostol, Sergio A. F.
6. Azurin, Rene B.
7. Bengzon, Ma. Romela M.
8. Dee, Donald G.
9. Espina, Gerardo Sr. S.
10. Garcia, Pablo P.
11. Gonzalez, Nelia T.
12. Jimeno, Rita Linda V.
13. Jurado, Gonzalo M.

14. Lambino, Raul L.
15. Lorenzana, Lito Monico C.
16. Naval, David C.
17. Ortega, Victor F.
18. Ortiz-Luis, Sergio Jr. R.
19. Pedrosa, Carmen N.
20. Romualdo, Pedro P.
21. Sarmiento, Mel Senen S.
22. Soriano, Luz Emmanuel
23. Tabanda, Betty Lourdes
24. Varela, Miguel B.
25. Abarico, Angelo M. (Non-member)
26. Bello, Jose Jr. C. (Non-member)
27. Leviste, Jose Jr. P. (Non-member)
28. Matula, Jose Sonny G. (Non-member)

#### LATE

1. Bian, Joji Ilagan
2. Chua, Francis
3. Lim, James Marty L.
4. Villanueva, Jose D.

#### ABSENT

1. Acevedo, Anthony Y.
2. Bautista, Andres D.
3. Cariño, Noel M.
4. Duavit, Gilberto M.
5. Laus, Liberato P.
6. Magno, Alexander R.
7. Mendoza, Democrito T.
8. Paterno, Vicente T.
9. Rodriguez, Oscar S.
10. Seno, Cecilio T.
11. Tendero, Efraim M.
12. Teves, Rey Magno
13. Vilar, Antonio

#### CHAIRMAN APOSTOL.

Mr. Chair, twenty-four (24) are present, so we have a quorum. There are 41 members of this Committee.

#### COMMISSIONER LEVISTE.

Mr. Chairman, I am not a member of the Committee but may I attend and may I be registered as present?

#### CHAIRMAN ANGELES.

Why not?

#### COMMISSIONER APOSTOL

Only you are not allowed to vote.

COMMISSIONER LEVISTE.

Yes, Sir. Thank you.

COMMISSIONER ABARICO.

Ah, Mr. Chairman, I'd like to make the same manifestation that while I am not a member I want to be present and observe. Thank you.

COMMISSIONER MATULA.

Mr. Chairman, the same manifestation.

CHAIRMAN ANGELES.

Noted. Can you please take note of the manifestations? Secretariat?

COMMISSIONER PEDROSA.

Mr. Chairman, can I also make a manifestation?

CHAIRMAN ANGELES.

Yes.

COMMISSIONER PEDROSA.

I have the agenda before me of last week. And it says here as I'll state, and it says that I had made irresponsible statements in my column to the point that Commissioner Azurin wanted to quit. And he also said that my statements were irresponsible and I was speaking on behalf of the whole body – none of those I did. I want us to look into my column and to point out in which I said I was speaking in behalf of this body, and second, what are his reasons for saying that I made completely irresponsible statements. Thank you.

CHAIRMAN ANGELES.

Thank you for that comment. So our business of the day.. Is that a, Commissioner Pedrosa, is that a correction of the minutes or is there a...

COMMISSIONER PEDROSA.

Well, yes... to be fair with Commissioner Azurin, I am not making allegations where one is not given a chance to speak. So, he felt so strongly about those things. I'd like to know, by using my text rather than making a criticism without my being able to defend myself. So if you want it to be corrected with just by saying so that I want the text from which you gathered this impression, that's fine with me. But as I said, I can't let this go because I do not accept it. Thank you.

CHAIRMAN ANGELES.

Thank you very much. So may we proceed? The agenda for today of the Committee, second session of the Committee on the Form of Government, the business for the day is just a presentation of the Committee on the Form of Government. I'd like to address the distinguished members of the Committee on the Form of the Government.

Much has been said and debated on regarding the Presidential and Parliamentary forms of government. The following presentation that we would like to hear, maybe should be the final presentation that we'll make, is a consolidation of all the materials and inputs submitted by our fellow Commissioners. Together, we must emphasize that the regional consultations which we are about to conduct starting Monday next week, should not be misconstrued as a referendum to get a consensus but an information drive to give us a better understanding of

both the Presidential and the Parliamentary forms of government. After all, our mandate is to propose amendments to the 1987 Constitution, specifically as mandated, the shift from Presidential to Parliamentary form of government.

The truth is, in the context of world experience, the Parliamentary form is neither new nor strange nor unfamiliar. It is the most ancient and durable manifestation of democracy. And up to the present, it is still a prevalent and the most successful among model democracies. The only other chief structural form of democratic rule is the presidential system. But the wave of the future for democracy, to paraphrase the communist line, appears to be still towards the Parliamentary form. In the world today, nearly all of the governments under the aegis of the Parliamentary system are stable and progressive. On the other hand, nearly all the governments under the Presidential dispensation are gearing towards or are already undergoing dictatorship and arbitrary rule either to maintain stability or secure progress. In other words, whereas countries under the Presidential system are increasingly drawn towards totalitarian rule, the Parliamentary system, from statistics, generally keep faith with freedom and democratic government.

Indeed, what is Parliamentary system all about and why does it tick? Does it have any significant effect upon national growth and development? Under the Philippine setting, will the system work better than the present Presidential system? Given these facts, an in-depth study of the dynamics of the Parliamentary system becomes imperative for all, let alone for a people professing love for freedom and the democratic tradition. Moreover, for a people presently groping through the maze of various options in constitutional and democratic reforms, the need to truly understand the workings of parliamentarism cannot be any less than crucial. This presentation, however, is being offered not as a defense of the parliamentary system. It does not and never did need any. Neither is it intended to debunk the presidential system or presidentialism. In a theoretical conception, it has its own obvious and inconvertible merits.

Nevertheless, a comparative analysis of the two systems, particularly respecting their bare and authentic performance in leading countries under sway is inescapable. For our people at this time, these issues are most urgent and pressing. And whichever way these issues are eventually resolved by the Constituent Assembly, the consequences to the nation will be momentous.

So may I present briefly these advantages and disadvantages of the Presidential and the Parliamentary forms of government.

Can you please show them on screen?

The advantages, in a Presidential system, the President is directly elected nationwide which gives him more legitimacy to govern. However, these are the disadvantages: expensive elections center on personalities where the politically illiterate are allowed to vote in favor of more popular and wealthy candidates who are not necessarily qualified; the nationwide character of election is given undue advantage to name recall and who are popular although not competent.

The tripartite concept of government is co-equal, independent and coordinated. The disadvantage is that it polarizes the political powers in the President and makes him supreme in the government scheme.

Advantages. Government functions on the theory of checks and balance. A presidential system establishes the Presidency and the Legislature as two parallel structures. Check and balances, these are the disadvantages. Checks and balance often result to gridlocks caused by endless debates; the President may be held hostage by the Congress when he does not support the administration or his programs.

Advantage. A President by virtue of a fixed term may provide more stability than a Prime Minister who can be dismissed anytime. The disadvantage is that after the elections, politicians become immune from accountability because of their fixed term of office; people lose participation in government after the elections.

Advantage. The presidential system can respond more rapidly to emerging situation especially with the strong President who can enact changes quickly. The disadvantage is that there's an imbalance in the exercise of powers among the three branches of government because the legislative and the judicial departments de facto become subordinates to the chief executive.

Now let us proceed to the Parliamentary form. Advantages. People elect members of the Parliament as their direct representatives. This brings the electorate into political power interaction with the government and becomes the immediate brace and fulcrum of political power. Disadvantages. Parliamentarism allows an election to take place at any time, and the lack of a definite election calendar can be abused.

Advantage. The fusion of the executive and legislative branches can address the gridlock in government. Disadvantage. There is no clear-cut separation of powers between the executive and legislative branches.

Now, advantage. The Prime Minister, Cabinet and Members of the Parliament are directly accountable to the people. The disadvantage is that it lacks the ability of a separate and vigilant legislature to investigate and curb the abuse of power by an arbitrary or corrupt executive.

Advantage. A party can only stay in power for as long as the party government fulfils its electoral mandate, being a party government. The disadvantage, the parliamentary form needs strong parties to work properly, something that the Philippines' personality-driven politics notably lacks.

Advantages. Opens the political system to a greater number of political players other than the very rich and famous, thereby allowing the entry of more qualified national leaders. Disadvantage. Elected officials in our country switch parties with ease, making a parliamentary government vulnerable to being toppled anytime.

Advantage. Government programs respond more efficiently to the constituency; reduces the very high cost of electing a head of government; facilitates speedy legislation because the executive branch is dependent upon the direct or indirect support of the legislative branch; favourable to ethnically divided nations. Malaysia, Singapore, South Korea, Taiwan and PR China shed their colonial status after World War II and chose the parliamentary system which resulted to their steady growth and progress. It is easier for voters to tell who is responsible for inaction than in a presidential system.

Now, I would like to show on screen the contemporary statistics.

Out of 31 countries that have had continuous democracy since 1967, only 4 have presidential systems, Colombia, Costa Rica, United States and Venezuela.

Only 7 out of 31, or 22.6 percent, presidential democracies have endured at least 25 consecutive years, compared with 25 of 44, or 56.8 percent, parliamentary systems.

Since 1946, our leaders and our people have tried to make the current system work, straining it to the limit.

We have endured two types of breakdown -- first in 1972 when authoritarianism was imposed; second, the 1986 EDSA I and the 2001 EDSA II.

Now, on the screen is the structure. You will see here that in a Presidential system we have the Legislative, Executive and Judicial; and below, the electorate. Now, the dynamics of this system is that the Executive, which is supposed to be co-equal with Legislative and the Judicial becomes virtually, what I mean the legislative and the judicial become subordinate to the Executive after elections and the people are left out.

Now, in the parliamentary system, the structure is, the Prime Minister, the Cabinet and the Parliament are working together because of the fusion of the Executive and the Legislative Departments, while the Judiciary maintains its own independence. Now, the electorate are still involved, very much involved in the matter of governmental functions. If there is a call for a special election then the people will participate again in electing the right people for the right positions.

Now, the dynamics is that the Prime Minister and the Cabinet work very well and in close coordination with the Parliament, they being members of Parliament. And as I've said, the electorate still, are very much involved.

So that's about all. I would like thank the opportunity of again, given this opportunity to present these comparative advantages and disadvantages of both the presidential and the parliamentary forms of government. Before I, I would like to ask now our Chairman to make a statement before we proceed to Item No. 5. So may I request the Chairman to please take over?

CHAIRMAN ABUEVA.

Mr. Chairman, I don't speak as Chairman of the Commission. I am just speaking as a member of the Committee, if I may.

COMMISSIONER ESPINA.

Mr. Chairman, just one...we don't have a copy of the order of business. We are talking of number five we don't have anything on it, so we...

COMMISSIONER ANGELES.

We are trying to save on paper so we just furnished the Chairman and myself and the Secretary General. But we can furnish you a copy, I'll...can I request Secretariat to forward the agenda to Commissioner Gerry Espina?

COMMISSIONER ESPINA.

Because we don't know what number five is.

CHAIRMAN ABUEVA.

Thank you, Mr. Chairman. While you have made a comparative presentation of the presidential system and the parliamentary system, I would like to make a case for changing our presidential government to a parliamentary government. We don't need an introduction because we are so familiar with the circumstances that make us propose this. But this presentation is divided into two parts. I will concentrate on what is wrong, not with presidential system in abstract or in general but with our present presidential government. Or why do we, what are its defects and deficiencies such that we want to change it? That's the first part.

The second part is why do we want the parliamentary system to take the place of our presidential system? What are its expected advantages over our presidential government?

The first part -- separation of executive power of the President and legislative power of Congress causes intense rivalry and competition for power among them especially because, like the President, the 24 Senators, our 24 Senators are elected nationwide. Constant conflict and gridlock between the President and the House and the Senate, and very often, too many congressional investigations delay and obstruct legislation and reforms.

Two, because of the power of the media and cinema, candidates for President and the Senate are increasingly being selected for their personal popularity or winnability and wealth rather than political leadership.

Three, it is very difficult and divisive to change the President by impeachment as we have learned from painful experience.

Four, it is unstable because the President may want to extend the term of his office by amending the Constitution. Manuel L. Quezon did it in 1940; or by Martial Law, Ferdinand Marcos did it in 1972. It is unstable because of people power and military intervention and politics in changing an incumbent President without impeachment, Joseph Estrada in 2001.

Five, the rising cost of elections especially national election of President and senators, corrupt the system. It takes long to determine the results of nationwide elections, especially without automation.

Six, because our political parties are weak, undemocratic, unstable, and not program-oriented, our leaders and political parties cannot be held responsible and accountable to the people. With power diffused and leadership fragmented, it is difficult to know who is responsible and who is accountable for the success or failure of governments.

Those are the defects and deficiencies of our presidential government which we have had since 1946, except for the interruption between 1972 to February of 1986.

Now the second part. Why do we want a parliamentary government? What are its expected advantages over the presidential government that we propose to change?

I have 11 points on these but very, very briefly.

One. In a parliamentary government, Parliament exercises both legislative power and executive power, as we know. Parliament will therefore ensure the coordinated, efficient and effective exercise of legislative and executive powers in making of laws and policies and their implementation, especially if we have a unicameral Parliament.

Two. The Prime Minister and the government, the governing party headed by the Prime Minister, assume collective responsibility and accountability to the Parliament and the people for governance. Because of this, the people will know whom to reward for good governance and administration and whom to punish for failure and corruption.

Three. Parliamentary government is more likely to ensure the election of the head of government, that is the Prime Minister, for his leadership and experience, not only in the party but also in public service. And he's known to party members.

Four. Parliamentary government will prevent election of the head of government on the basis largely of wealth, personal popularity or winnability, not on proven competence and experience.

Five. The Head of State will be the ceremonial President, elected by the Parliament. He will be the symbol of national unity and the people's sovereignty in our democracy. It would be very vital and very helpful to have a national leader who is about partisan powers, whom the nation can look up to as a symbol of solidarity of the people. We don't have a monarchy, no tradition of monarchy, but next only to a monarch like the King of Thailand or the Queen of the United Kingdom, a President who is above partisan politics would be such a symbol which is lacking now. The incumbent head of government is open to all kinds of direct attack and criticism, being the wielder of so much power; whereas the ceremonial President would not be subject to that.

Six. It will be easier to change the Prime Minister or head of government and the ruling party whenever it becomes necessary -- easier but not too easy either, by a vote of no-confidence in Parliament. No need for impeachment, people power revolts, and military intervention that cause severe political instability, disrupt the economy, discourage foreign investors, and hurt the people, especially the poor.

Seven. Parliamentary government will develop political parties that are democratic, disciplined, united and effective in making and carrying out of a program of government that can secure popular support.

Eight. Parliamentary government will empower the people to choose not only the candidates for the Parliament but also the political party they want to govern the country and the regional and local governments.

Nine. The people elect the members of the Parliament among candidates in parliamentary districts and also by proportional representation of the rival political parties in the parliamentary election, the party list of all political parties. It will be easier and faster to administer elections and proclaim the winning candidates.

Ten. Parliamentary government will reduce the high cost of electing the head of government by choosing the leader of the majority party or coalition in Parliament as Prime Minister.

Eleven. The selection of the additional members of Parliament through proportional representation of the political parties will let the leading political party select competent leaders, professionals, business leaders, labor leaders, scholars, to serve in Parliament and the Cabinet. These are competent leaders who are not willing, or who may not be willing, to run for public office.

So those are the arguments against our present presidential system and in favor of shifting from current presidential system to a parliamentary system.

In sum, Mr. Chairman, the parliamentary government will help us to have good governance, ang mabuti at mabisang pamamalakad ng ating gobyerno at bayan. Charter change to a parliamentary government along with decentralization and devolution of powers to regional and local governments will enable us Filipinos to respond more efficiently and effectively to our problems to meet our many challenges within and outside the country to achieve our goals as a nation and of course to compete in the global economy. Charter change to a parliamentary government will help us to reduce poverty and corruption. It will empower us to achieve the peace, prosperity, justice, and security we all want for ourselves and our children. Government will better able to help in attracting investments, creating more jobs, raising incomes, providing better education, health, welfare and security to our people. And we can build and maintain more schools, hospitals, water works, roads, bridges, sea ports and airports. This is an appeal we can make directly to the people starting with our consultations. Thank you, Mr. Chairman.

*(applause)*

COMMISSIONER PEDROSA  
Mr. Chairman.

CHAIRMAN ANGELES.  
Thank you very much, Chairman.

COMMISSIONER PEDROSA.  
Mr. Chairman.

COMMISSIONER JURADO.  
Mr. Chairman...

CHAIRMAN ANGELES.  
Okay, Commissioner Jurado. You have the floor.

COMMISSIONER JURADO.  
I thank that the Chairman of the Committee, Dr. Angeles, and the member of our own Committee, Commissioner Abueva. I think the two of them have presented a very careful and meticulous summary of the ideas that have been presented in our Commission these last several days. I think also that at this point we now have just about all or many of the arguments, pro and con, in front of us to be able to bring a decision, however tentatively. For that reason, and secondly, in the spirit of the decision we already have made with respect to the structure of the government the other night. And thirdly, in order to enable our Commission to move forward and be ready for the consultations that are awaiting us. I move Mr. Chairman that we now vote to shift, to effectuate the shift, towards the parliamentary form of government.

COMMISSIONER PEDROSA.  
Mr. Chairman, I did tell you that I have a separate presentation which will amplify...

CHAIRMAN ANGELES.

(unintelligible)...Commissioner Pedrosa and then after Commissioner Pedrosa we will listen to Commissioner Gerry Espina, and then followed by Commissioner Lambino, and then Commissioner Joey Leviste, then Commissioner Lim, and then Commissioner Ortiz, then the last comment will be delivered by Commissioner Matula, in that order, please. So proceed please, Commissioner Pedrosa.

COMMISSIONER PEDROSA.

There's another angle in which I want to tackle this topic and for me there is, it is no longer a question of choice because the presidential system, returning to the presidential system or retaining it, is no longer an option. And I will read from my paper, that I may, so that am, because I tend not to be able to express myself just like that. I need a paper before me.

There are two issues we have to confront when debating this issue. One, a discussion of the pros and cons of a presidential system versus parliamentary. This is necessarily abstract, and as it has already been said many times. It may have been successful in the US but it failed in the Philippines and other countries in which the system was exported. This has led political scientists to question the system as a model for exporting to other countries. The other is the reality of Philippine politics, because it has adopted a system that has proved to be ill-suited for its democratic development.

With this perspective, can I repeat that the issue is no longer a choice if our intention is a system of governance that will be conducive to our nation-building. In a previous report, I, and many others, have already stated the unfortunate consequences of having adopted this presidential system. I contend that it is no longer a choice between the parliamentary and presidential system with this perspective. Retaining the presidential system is no longer an option. This position is best supported by the crisis in the country today. Scientists studying how other presidential systems have been exported to Latin America by the US, would say that we are already at the dead end of the presidential system. There is no other way out of the present situation except to change to parliamentary system as it was explained. A presidential system deteriorates to military rule. It is the consequence of the system and it is not because of the evil men who run them. On the contrary, the form of government engenders a sure fire formula for democratic disaster. That is the situation we are in now. If we retain the presidential system, we become a banana republic as it has happened in Latin American countries that have adopted the presidential systems and failed. I believe that they are no less dedicated as we were for political reform.

This is so because there is no political mechanism to challenge and remove the sitting President. Impeachment is a not a workable method for redressing political abuse. More so in the case where we have losers who do not accept defeat. The question is to protect the State. Our job here is to protect the State from a military regime because that will aggravate and pull us back from democratic development.

Let me repeat, the advocacy for charter change to enable us to shift to parliamentary government for the Philippines is not a matter for choice and debate. It is past that. We either shift or we retain. What we are going to retain is the presidential system in full decay. It may be true that constitutional change per se will not solve our problems, but it will solve one. It will save us from a military takeover which is the only way the presidential system will go given the advance stage of its deterioration...Do I still have some time? Okay.

That is why the presidential system as far as the reality of our situation is concerned is no longer an option. It may have been optimal and workable when we first adopted it after independence in 1946, but that has changed. We need to shift to parliamentary system because it is the life boat we have to take us back to shore. Professor Bruce Aikenman, an American political scientist, argues, and I agree with him, that the export of the American system, even if it worked in the US, is unfortunate. He favors instead what he calls constitutional practices of Germany, Italy, Japan, India, Canada, South Africa and many other nations. He calls their models of government as constrained parliamentarism. He argues for a constitution that would not create an independently elected presidency to check and balance a popularly elected Congress. Instead, it should authorize a Prime Minister and her, or his, Cabinet to remain in power as long as they can retain the support of a democratically elected Chamber of deputies. Constrained parliamentarism tries to check the power of the Cabinet and the Chamber, however, by granting independence to a variety of other checking institutions including a constitutional court. This model offers a more promising path to constitutional development than with the American approach. He shows how to generate a variety of institutional strategies that better serve the three great principles that motivate the modern doctrine of separation of powers – democracy, professionalism, and the protection of fundamental rights...I still have time, I can go on. I am just going to go and distribute this around.

COMMISSIONER ESPINA.  
Mr. Chairman...

CHAIRMAN ANGELES.  
Thank you very much Commissioner Pedrosa. Can we just limit our commentary to at least 3 minutes? Commissioner Espina is on the floor now.

COMMISSIONER ESPINA.  
Excuse me, there's a pending motion but which was not duly seconded.

COMMISSIONER ROMUALDO.  
I was going to second that, Mr. Chairman, on the basis of the fact that all the bases mentioned by the proponent, to which I agree, and since time is of the essence to all of us here, we are all aware of the pros and cons of a presidential and a parliamentary situation, I am now seconding the motion of Commissioner Jurado.

COMMISSIONER LIM.  
Mr. Chairman, is it possible after everyone has presented?

CHAIRMAN ANGELES.  
It has been moved and duly seconded. Is there any objection?

COMMISSIONER LIM.  
Mr. Chairman...

COMMISSIONER ESPINA.  
Mr. Chairman...

CHAIRMAN ANGELES.  
Is there an objection? If there is an objection, we have to move to the division of the house...

COMMISSIONER LIM.

Mr. Chairman, is it possible after everyone has presented before we proceed to the voting?

CHAIRMAN ANGELES.

Commissioner Lim, not yet, you are not yet given the time to speak. We are trying to resolve the pending motion. But before the motion could be seconded properly, I saw the hand of Commissioner Pedrosa, so I have to give her...in fact, before the motion was presented by Commissioner Jurado, Commissioner Pedrosa was already raising her hand and she would like to say something and make a statement. So, since there is an objection to the motion, we will now have to proceed with the division of the house whether we will proceed hearing the additional comments or questions by our fellow Commissioners. So can we take a vote?

COMMISSIONER ESPINA.

Mr. Chairman, prior to the voting...

CHAIRMAN ANGELES.

Yes, Commissioner Espina.

COMMISSIONER ESPINA.

I am just worried if we have given the opportunity to the proponents to, three of them coming up with presentation in favor of shifting to the parliamentary and without giving opportunity to the other side, we will now vote. Anyway, I am not duly, really concerned about this because we still have the plenary session. I just want to point out that having opposed the proposal to shift from the beginning that those who will be voting against the proponent be allowed to speak in plenary in favor of their position. That is all we are asking, I will not object to the motion now if we are going to vote to propose to shift.

COMMISSIONER GARCIA

Mr. Chairman.

CHAIRMAN ANGELES

Floor Leader?

COMMISSIONER GARCIA

No. I am not the Floor Leader.

CHAIRMAN ANGELES.

May I ask the opinion of the Floor Leader? There's a pending motion duly seconded...

COMMISSIONER GARCIA.

Before we go to the motion with the Chairman, I am just taking a plea for fairness. I am for parliamentary but I would rather observe fairness in the sense that we have allowed the proponents of the parliamentary to speak, and the Chairman has announced that there are a number of us also who will speak. Now the others, who would like to speak, would not be able if we go on with the voting...

CHAIRMAN ANGELES.

We really understand the comment, Commissioner Garcia. Can we request the movant to postpone the motion, or hold the motion in abeyance, so that we can hear also the...

COMMISSIONER APOSTOL.

Mr. Chairman, there are objections. So, it is in accordance with the rules for the person objecting to be allowed to say something. I think there are two who are objecting, Commissioner Lim and Commissioner Ortiz-Luis. So, 3 minutes.

COMMISSIONER LIM.

Yes, Mr. Chairman...

CHAIRMAN ANGELES.

That is a motion duly seconded. I am asking the movant of the motion to temporarily withdraw his motion...and listen to the comments of our fellow commissioners.

COMMISSIONER JURADO.

I was about to say, Mr. Chairman, very gladly, 'coz I am very ready to suspend action on my motion to...

COMMISSIONER TABANDA.

Point of order, Mr. Chairman.

COMMISSIONER JURADO.

...in order to give other colleagues to express their thoughts on this subject...

COMMISSIONER TABANDA.

Point of order.

COMMISSIONER JURADO.

So, of course after the presentation of those positions, ideas, I would vote for my original motion. So, no problem.

CHAIRMAN ANGELES.

Thank you very much.

COMMISSIONER TABANDA.

Point of order, Mr. Chairman...

CHAIRMAN ANGELES.

Commissioner...

COMMISSIONER TABANDA.

Mr. Chairman, I'd like to find out what the rule is if, for example, we allow those who are in favor of presidential to speak this afternoon. Will it mean that in plenary tomorrow those who will not be in accordance with the decision of the Committee shall still be allowed to speak or shall they no longer be allowed to speak? We would like to find out because if we will be listening to the same arguments tomorrow. Because that was the question raised by Commissioner Espina if they will not be allowed to speak today, can they be allowed to speak tomorrow?

COMMISSIONER ESPINA.

Mr. Chairman that is not the position...

COMMISSIONER APOSTOL.  
Mr. Chairman.

CHAIRMAN ANGELES.  
Wait, wait...there are the...the question is will we allow them to speak today and also tomorrow? I think the Chairman will allow them to speak also tomorrow.

COMMISSIONER ESPINA.  
Mr. Chairman, let me just clarify...

CHAIRMAN ANGELES.  
We may decide to allow them...I don't know the feeling or the sentiment of the house.

COMMISSIONER APOSTOL.  
Mr. Chair, the rules is very clear. Those who are objecting should be allowed to say what they are they objecting to and after that there will be voting in the Committee. The Committee members whether he is in favor of those winning the motion or not is not allowed to talk on Plenary anymore, unless today he will signify his intention to waive.

COMMISSIONER ESPINA.  
Let me just state my position, I wanted to present.

CHAIRMAN ANGELES.  
Can we proceed to the next speaker?

COMMISSIONER APOSTOL.  
Mr. Chairman, there is no speaker yet. Commissioner Espina said that he's waiving his right to say something.

*(voices)*

COMMISSIONER ESPINA.  
Thank you. Let me clarify my position. I did not object to the motion. What I was trying to say is that let's go ahead and vote, I will not state my position on the presidential here but I will certainly request or reserve, which is the right of every member, to reserve time to speak against the proposed shift to the parliamentary system in plenary tomorrow because the Plenary is the final act of anybody. But today, I even told the Majority Floor Leader, I even told Commissioner Jurado, that I will not be objecting to any motion for the Committee to approve a shift to the parliamentary system, or in principle, to approve to shift to the parliamentary system because I don't want to be repeating my arguments today and tomorrow. Thank you.

COMMISSIONER APOSTOL.  
Mr. Chairman, Mr. Chairman...

CHAIRMAN ANGELES.  
So the next one, the next speaker here is Commissioner Lambino.

COMMISSIONER LAMBINO.  
Thank you, Mr. Chairman.

COMMISSIONER APOSTOL.

No. No, he is not objecting to the motion why should he be allowed to talk?

COMMISSIONER ORTIZ-LUIS

No, the motion was withdrawn actually. The motion was withdrawn.

COMMISSIONER APOSTOL

There are two who objected to the motion and they should be the one allowed to talk and state their positions. It is Commissioners Lim and Commissioner Ortiz-Luis. Lambino is not objecting to the motion unless he will object now.

COMMISSIONER LAMBINO.

I understand, Mr. Chairman, that a while ago you recognized Commissioner Espina, then myself, Commissioner Leviste, and Commissioner Matula, and then Commissioner Lim to say something about the issue at hand before we proceed to voting.

COMMISSIONER ORTIZ-LUIS.

I don't think we should be voting because the motion is withdrawn.

COMMISSIONER LAMBINO.

That is right, if the motion is withdrawn, Mr. Chairman...

COMMISSIONER APOSTOL.

No, the motion was not withdrawn.

COMMISSIONER JURADO.

The motion is still on the table.

COMMISSIONER LAMBINO.

Okay.

COMMISSIONER ANGELES.

Can we now hear Commissioner Jurado...

COMMISSIONER JURADO

Myself?

COMMISSIONER LAMBINO

Commissioner Lambino has the floor. Can we allow Commissioner Lambino to speak now.

COMMISSIONER LAMBINO.

Thank you, Mr. Chairman. I just would like to emphasize here the advantages and disadvantages of both the presidential and parliamentary systems based on what I observed in the country today. First, the advantages of presidential form of government are the following: the powers of government are divided into the three departments – the executive, legislative and the judicial, thus it ensures the deliberation primes over dictatorship; it captures the essence of democracy; supporters of the system claim that this arrangement allows each structure to supervise the other, preventing abuses and increases accountability. Second, winning a Presidential system requires candidates to develop broad support across the country which makes President take a national perspective in issues; executive powers vested solely to the elected President which provides stability and effectiveness of governance. To

some, this makes the President's power more legitimate than that of a leader appointed indirectly. The President's fixed term provides continuity in the executive. A President by virtue of a fixed term may provide more stability than a Prime Minister who can be dismissed at anytime. The President provides national symbol for a new order, offering a familiar face on domestic and international audiences. Next, presidentialism embodies speed and decisiveness. Some argue that the President's strong power can usually enact changes quickly, and that the separation of power slows the system down.

Here are the disadvantages. A Presidential system establishes the presidency and the legislature as two parallel structures. Critics argue that this creates undesirable gridlock and that it reduces accountability by allowing the President and the legislature to shift blame to each other. Dangers of deliberation-turned-into-stalemate where excessive fragmentation yields the system as unstable. Next, there is a question of how the President should be elected. Currently, we elect the President through a direct vote within which people have no participation in the choice of the candidates. Political parties and other groups whose competence, integrity and leadership are questionable do the choosing and all the people does would be to eat whatever that food is being offered to them by electing that candidate who is not actually their choosing at the first place. All or nothing, politics is unsuited to a regime where political trust is not developed because the President is voted directly and given the short and limited campaign period, the assumption that the vote reflects people's judgment of the best choice is doubtful. Unless the winner wins by a big margin, the integrity of the result of the election is constantly questioned. This is truer in a multiparty election like the one now we currently have.

Presidentialism has proven to be an impediment to a leadership change. The difficulty in removing an unsuitable President from office before his term has (unintelligible) further presents a significant problem. Fixed terms of office are rigid, specified, and dated which proves to be inelastic to change. Presidentialism is not constitutionally stable. Some argue that Presidentialism has fallen into authoritarianism in every country it has been attempted, except the United States. Presidents may turn into a dictator inhibiting the development of the rule of law.

Now about the Parliamentary form of government, here are the advantages. Since the Prime Minister is elected from the Parliament, there is greater probability that among those elected will be the one who possesses leadership and capability. Governance will be more cohesive with the merging of the legislative and executive departments. There is collective leadership...(unintelligible)

COMMISSIONER ANGELES.

I am sorry. Time is up.

COMMISSIONER LAMBINO.

May I, 1-minute extension, Mr. Chairman, just to finish the advantages...just 1 minute.

COMMISSIONER ANGELES.

1 minute, go ahead.

COMMISSIONER LAMBINO.

There is no need for impeachment proceedings which is strongly divisive and scandalous. People power will be exercised more efficiently and effectively for the representatives in Parliament. The Constitution need not be shattered, and the Supreme Court need not be a

party to any political upheaval. Parliamentarism has a simple, more efficient and less expensive organization. But here are the disadvantages. Committee decision-making which characterizes parliamentarism yields second-rate compromises. Second, because there is a lack of obvious separation power, a parliamentary system can place too much power in the executive entity which renders the legislature, or the judiciary to have little scope to administer checks of balances on the executive. Parliamentary system has shown frequent collapse of governing coalition. Parliamentarism can display characteristics of dominant party system, that is why the nation is democratic and only one party has the realistic chance of winning. For instance, in Japan, the LDP has ruled almost continuous since World War II.

COMMISSIONER ANGELES.

Thank you.

COMMISSIONER LAMBINO.

Thank you, Mr. Chairman.

COMMISSIONER ANGELES.

The next speaker will be Commissioner Leviste.

COMMISSIONER LEVISTE.

Mr. Chairman, since I am not a member of this Committee, I defer and give up my time to the others who may want to speak. Thank you, Mr. Chairman.

COMMISSIONER ANGELES.

Thank you very much. So, let's proceed to the comments of Commissioner Ortiz-Luis.

COMMISSIONER APOSTOL.

Mr. Chair, these are the two people who are objecting to the motion. That's why I was insisting that they should be allowed to say something. What are the grounds of their objections. So it is Ortiz-Luis and Commissioner Lim.

COMMISSIONER ANGELES.

Go ahead. Go ahead. Please, Commissioner Ortiz-Luis. You have the time now.

COMMISSIONER ORTIZ-LUIS.

Objection or my comment?

COMMISSIONER ANGELES.

You have the floor, go ahead.

COMMISSIONER ORTIZ-LUIS.

Well, if it's about my objection. I objected on the basis that I don't think we should be voting here at this point of time prior to the consultation whether we're going Parliamentary or Presidential. We are being already pilloried outside already that we are just being a rubber stamp. And what is the point of going to consultation to sell the idea of Parliamentary even if...I'm inclined to be in parliamentary, but that is beside the point. The point is, we will be going on a consultation and rather than consultation, we will do advocacy. Because we are voting, where we are going. I don't think that we are doing the Commission any good neither the members of the Commission any good and on the result because if it's not taken, having been done in the proper context, proper procedure and is not a rubber stamp of a ...perceived as a rubber stamp only...then our work will be useless. The Con Ass will just tow it away. We

cannot even have the moral, moral basis to defend our recommendation in the Constitutional Assembly if we short cut the process. We are supposed to do consultation and here we are, we are already deciding what we are going to tell those we will consult. And even then, I was even, even before the meeting, I was already going to ask what is really the process for the consultation. Who will be there? Who will be going to speak? What kind of presentation are we going to make? Will it be like the one of Marcos, that, who likes, what they are saying that, who likes siopao, and everybody raised their hands. Is that how we are going to do it? I mean, we have to be sure on how we do the process.

COMMISSIONER ANGELES.

Okay, thank you for your comments. We would like to ask the Chairman to say a few words.

CHAIRMAN ABUEVA.

We have discussed this point earlier on. We already said that we are not going to consult the constituents around the country with an open-ended set of questions. They expect us as a Consultative Commission to have definite ideas to propose to them to get reactions and feedback. We say that we are reformers, we are supposed to propose specific reforms, on the bases of which, we consult with our people, constituents. Otherwise, they will also be asking us "What do you really want? What are you consulting us on? What have you done? What preparations have you made?"

You are supposed to be, our definition of our role should be that of people who, as our mandate says -- review of all existing and new proposals for amending the Constitution and prepare our own position, tentative as it is, as basis for consultation. It's leadership. It's advocacy. That is our role.

COMMISSIONER ORTIZ-LUIS.

Mr. Chairman, is it our position that will be made, will be after the consultation? And I would suppose in the consultation, you don't take a position yet whether we are parliamentary or presidential, but we do ask questions which they would like to hear and we tell them, do you really, for instance, want to give away check and balance? What is the advantage, the disadvantage?" And at the end of the day we might end up crafting an indigenous classes because of the consultation...

COMMISSIONER ANGELES.

May I interrupt the Commissioner Ortiz-Luis. Just a minute, please. We cannot hear you so please place your microphone near, as near as you can. May I remind you that in my opening statement, I mentioned that, we must emphasize that the regional consultations which we are about to conduct starting Monday, should not be misconstrued as a referendum to get a consensus. We are getting a, we are consulting the different sectors of society in our regional meetings. So, I would like to emphasize that what you are expected to do, and pardon me if I'm correct, correct me if I am wrong, we are going to Cebu and the rest, in Mindanao and other parts of the Visayas to conduct information. In fact my presentation in the...

COMMISSIONER APOSTOL.

I'll interrupt, we are not doing that. You do not have to inform them, they already know. We are consulting them, this is our position...

*(male voice) Then that is not consultation.*

COMMISSIONER APOSTOL

..you agree or not? Then they say we do not agree...then we give it to the President.

COMMISSIONER ANGELES.

No, I am sorry, that is not the position that we'll take. That is not the position we are taking here as a Committee. We are going to conduct information to the different regional consultations. And we are not getting a consensus because we are not the body to get the referendum. It is, perhaps, that will be the appropriate time when, we are going to present our position. In fact, in the form of government, I am preparing a primer, the one that I discussed here to present the advantages and the disadvantages of a Presidential system... the advantages and disadvantages...

### **SUSPENSION OF MEETING**

COMMISSIONER RODRIGUEZ

May I have, may we have a 2-minute recess, Mr. Chairman?

COMMISSIONER APOSTOL

Okay, two-minute recess.

*It was 4:45 p.m.*

### **RESUMPTION OF MEETING**

*The session resumed at 4.48 p.m.*

CHAIRMAN ANGELES.

Okay, two minutes is over. Can we resume? Committee meeting on the form of government is resumed. So the last comment, we will hear from Commissioner Lim.

COMMISSIONER LIM.

Are we in session, Mr. Chairman? Are we in session, Mr. Chairman?

CHAIRMAN ANGELES.

You are recognized to say your piece.

COMMISSIONER LIM.

Okay, Mr. Chairman, in support of what Commissioner Ortiz has mentioned Of course, I do not understand if we are just here to convince the people on a pre-meditated position. With all due respect, I am also going to present my position, maybe, in plenary tomorrow instead of here today. What I would like to share with the Commission is just this morning, together with Commissioner Dee -- we have consulted with about eight hundred barangay officials in Fontana. As a matter of fact, I presented almost the same pro and con with the parliament and the presidential and after which we just simply asked them, "How many of you are in favor to shift?" and all that. Less than three, out of eight hundred, raised their hand that they are willing to shift.

So, for me, I think the position being taken by Commissioner Ortiz is but correct that we should not just simply present it and let the people later on do a reverse. And what we are really going to do is to railroad and say, and tell them that, hey, you know, this is what we believe in, we shove it to them and then later on, are you just gonna say yes or no? Because

tomorrow, if we go to Cebu, for example, and I send you, let's say, one hundred barangay officials in the consultation, what happens if they all say no, will you disagree? Do we go back to the Commission and do we change our position? What will we do? I think this is something that we should take into consideration.

COMMISSIONER PEDROSA

No. I think. Sorry. Can I ask...

CHAIRMAN ANGELES.

Commissioner Jurado has the floor.

(voices) Jurado?

COMMISSIONER JURADO.

So, Mr. Chairman. I, I do not want to appear. Are we now on session? I do not want to appear..

CHAIRMAN ANGELES

We are in session. We are in session.

COMMISSIONER APOSTOL

We were never on recess.

COMMISSIONER JURADO

Mr. Chairman, I do not want to appear as if I am stifling debate. There must be a full ventilation of ideas. And it is in that spirit that I agreed to postpone action on our motion. Now, having heard our colleagues, I could see that the position of Mr. Lim, Commissioners Lim and Ortiz are procedural, whether to do it now or later. Taking all of this into, and the points raised by my seatmate here, Commissioner Lambino, is in addition...as well as of Commissioner Pedrosa...reinforcing the presentation.

CHAIRMAN ANGELES

Alright.. Commissioner...

COMMISSIONER JURADO

Therefore, Mr. Chairman, I am voting for... an action for action on my original motion.

CHAIRMAN ANGELES.

No, no...excuse me...

COMMISSIONER PEDROSA.

I second the motion.

COMMISSIONER JURADO

That we now shift..

*(voices) Second the motion*

CHAIRMAN ANGELES.

Commissioner Jurado, you now restore your motion. You are given the floor. Please restate your motion.

COMMISSIONER JURADO.

Alright. I move, Mr. Chairman, that we now vote to shift to the federal form of government...

*(voices) No. No. Parliamentary muna. (laughter)*

COMMISSIONER JURADO

I am very sorry. To the parliamentary form of government. Yeah.

COMMISSIONER RODRIGUEZ.

I have seconded the motion and I will ask for the previous question.

CHAIRMAN ANGELES.

Excuse me. I cannot now understand the motion. Can you please make it again?

COMMISSIONER JURADO

Alright.

CHAIRMAN ANGELES

Restate it.

COMMISSIONER JURADO.

I would like to restate the motion, Mr. Chairman, and it is this. I would like that we now vote to shift, to recommend to shift to the parliamentary form of government. That is it. Period.

CHAIRMAN ANGELES.

Duly seconded?

COMMISSIONER RODRIGUEZ.

Yes, I am seconding..

COMMISSIONER PEDROSA

I second the motion.

CHAIRMAN ANGELES.

Any objections?

*(male voice) Still objects.*

COMMISSIONER APOSTOL

There is an objection. There were two who...

COMMISSIONER RODRIGUEZ

We are now moving to the division of the house.

CHAIRMAN ANGELES

Alright. Since there is an objection. We will now for the division of the house. All those who are in favor of the motion, will you please rise?

*(voices) To shift?*

COMMISSIONER JURADO  
Rise sabi..

CHAIRMAN ANGELES  
To shift to a parliamentary form of government. Please, huh?

*(voices) Nakatayo? Shift to vote muna. Shift to vote.*

CHAIRMAN ANGELES  
Eh meron ng motion, I approved..

COMMISSIONER VILLANUEVA.  
No, no, no. Point of order, Mr. Chairman. We are voting on the motion to vote. We are not voting on the main motion of whether we are going to shift to parliamentary. There is a motion that we vote, seconded...so we will now vote...

*(voices) No.*

COMMISSIONER JURADO.  
Mr. Chairman. Point of order, Mr. Chairman. My motion was for us to shift, to recommend to shift to the parliamentary form of government. I thought it was an unambiguously stated.

COMMISSIONER AZURIN.  
There was an objection to the motion. I think that is why we will. Was there an objection to the motion?

COMMISSIONER RODRIGUEZ.  
Well, Mr. Chairman,. It is basic. Mr. Chairman, it is basic, when are voting, there could not be any interruption. We can proceed with the voting.

CHAIRMAN ANGELES.  
We now proceed with the voting because there is a motion pending here and it is duly seconded. Those who are on favor of the motion presented by Commissioner Jurado...

COMMISSIONER TABANDA.  
Please state the motion.

CHAIRMAN ANGELES.  
...to shift to a parliamentary system of government...

*(voices) To recommend.*

CHAIRMAN ANGELES  
... to recommend, to recommend the shift from the presidential to the parliamentary form of government. Those who are in favor, please rise.

*[Many Commissioners rose]*

*(voices)*

CHAIRMAN ANGELES  
Votes in favor... Those who are against the motion, please rise. Okay.

*(voices) Ilan?*

COMMISSIONER ESPINA.

Mr. Chairman, for the record, may we vote by roll call. This is such a very important issue. I think it should be recorded. This is a major step, we are taking a major issue, we are deciding.

CHAIRMAN ANGELES.

Okay, roll call vote. Floor leader, can you please, roll call?

COMMISSIONER APOSTOL.

Roll call vote. Abueg.

COMMISSIONER ABUEG.

Yes sir.

COMMISSIONER APOSTOL.

Abueva. Ah yes yan.

COM ABUEVA.

Yes.

COMMISSIONER APOSTOL.

Acevedo...Adamat, ano ka?

COMMISSIONER ADAMAT.

Yes.

COMMISSIONER APOSTOL.

Angeles

CHAIRMAN ANGELES

Yes

COMMISSIONER APOSTOL

Apostol...Azurin?

COMMISSIONER AZURIN.

No.

COMMISSIONER APOSTOL.

Yes. Yes. Yes. Bautista...Bengzon...ano ka?

COMMISSIONER BENGZON.

Yes.

COMMISSIONER APOSTOL.

Bian.

COMMISSIONER BIAN.

Yes.

COMMISSIONER APOSTOL.  
Cariño...Chua

COMMISSIONER CHUA.  
No.

COMMISSIONER APOSTOL.  
Bakit ka No?... Dee.

COMMISSIONER DEE.  
No.

COMMISSIONER APOSTOL.  
Duavit...Espina.

COMMISSIONER ESPINA.  
No.

COMMISSIONER APOSTOL.  
Garcia.

COMMISSIONER GARCIA.  
Yes.

COMMISSIONER APOSTOL.  
Gonzalez, Nelia.

COMMISSIONER GONZALEZ.  
Yes.

COMMISSIONER APOSTOL.  
Jimeno.

COMMISSIONER JIMENO.  
Yes.

COMMISSIONER APOSTOL.  
Jurado.

COMMISSIONER JURADO.  
Yes.

COMMISSIONER APOSTOL.  
Laus...Lim.

COMMISSIONER LIM.  
No.

COMMISSIONER APOSTOL.  
Lorenzana.

COMMISSIONER LORENZANA  
Yes.

COMMISSIONER APOSTOL.  
Magno...Mendoza...Naval.

COMMISSIONER NAVAL.  
Yes.

COMMISSIONER APOSTOL.  
Ortega.

COMMISSIONER ORTEGA.  
Yes.

COMMISSIONER APOSTOL.  
Ortiz-Luis.

COMMISSIONER ORTIZ-LUIS.  
No.

COMMISSIONER APOSTOL.  
Paterno...Pedrosa.

COMMISSIONER PEDROSA.  
Yes.

COMMISSIONER APOSTOL.  
Rodriguez.

COMMISSIONER RODRIGUEZ.  
Yes.

COMMISSIONER APOSTOL.  
Romualdo...Sarmiento...Seno...Soriano.

COMMISSIONER SORIANO.  
Yes.

COMMISSIONER APOSTOL.  
Tabanda.

COMMISSIONER TABANDA.  
Yes.

COMMISSIONER APOSTOL.  
...Tendero, wala ba dito?...Teves.

COMMISSIONER TEVES.  
Yes.

COMMISSIONER APOSTOL.  
Valera.

COMMISSIONER ADAMAT  
Varela.

COMMISSIONER APOSTOL  
Varela...nandito yun, ah, nasa kabila...Vilar...Villanueva

COMMISSIONER VILLANUEVA.  
No.

COMMISSIONER LAMBINO.  
Mr. Chairman, may I know how my vote, how my vote is recorded?

COMMISSIONER APOSTOL.  
Are you a member? Okay, what is your vote?

COMMISSIONER LAMBINO.  
I don't know if I am a member, but I think I am a member. I did not hear my name called by the Floor Leader.

COMMISSIONER APOSTOL.  
Actually, you are marked. Your vote here is No. Unless you want to change?

COMMISSIONER LAMBINO.  
I was not called to vote, Mr. Chairman.

COMMISSIONER APOSTOL.  
I did not call you because I am sure you are voting for No.

*(Laughter)*

COMMISSIONER LAMBINO.  
Is that the way of a modern dagdag-bawas, Mr. Chairman?

*(Laughter)*

May I register my negative vote, Mr. Chairman, to the motion because I followed the line of Commissioner Ortiz that we should not, at this point, decide on what form of government should be presented to the people.

COMMISSIONER APOSTOL.  
This is merely a committee...tomorrow, you say, we should not decide anything, because this will be submitted tomorrow for plenary.

COMMISSIONER PEDROSA  
(unintelligible) deciding at any point...

COMMISSIONER LEVISTE  
Mr. Chairman.

*(male voice) Result. Show us the result.*

COMMISSIONER GARCIA.  
What's the result?

COMMISSIONER JURADO  
May we hear the result of the counting, Mr. Chairman.

COMMISSIONER APOSTOL.  
I am still counting...

*(laughter)*

*(voices) Mahina ang kalaban...*

COMMISSIONER APOSTOL  
Those who voted yes are twenty. Those who voted no are eight. So, the result 20-8, Yes-20, No-8.

COMMISSIONER ESPINA.  
Was there any abstention, Mr. Chairman?

COMMISSIONER APOSTOL.  
Nobody abstained. I was thinking that Commissioner Lambino was intending to abstain, but he did not abstain.

CHAIRMAN ANGELES.  
Thank you very much, Floor Leader. Now the motion is carried.

COMMISSIONER LEVISTE  
Mr. Chairman.

CHAIRMAN ANGELES  
Any other matters?

COMMISSIONER VILLANUEVA.  
No, no, just an inquiry. Since this is nominal voting, I assume that the results will be reflected in the Committee Report according to the way the person voted.

CHAIRMAN ANGELES.  
Of course. Yes.

COMMISSIONER VILLANUEVA.  
Thank you.

CHAIRMAN ANGELES.  
We now proceed with the other matters in the agenda.

COMMISSIONER ESPINA.  
Mr. Chairman.

CHAIRMAN ANGELES.  
Commissioner Espina.

COMMISSIONER ESPINA.

In connection with the result of the voting, under normal procedures, the members of the committee are committed to follow the decision of the committee, unless one makes a reservation. So, I am reiterating that request for reservation to argue still in plenary in favor of the retention of the presidential system. I know we will lose but I would just like to put on record.

CHAIRMAN ANGELES.

Thank you. The next comment will be made by Commissioner Azurin...ah, Commissioner Villanueva.

COMMISSIONER VILLANUEVA.

May I also make the same reservation?

COMMISSIONER APOSTOL.

But you voted no? But anyway.

COMMISSIONER VILLANUEVA

That is why. That is why. Because I made the same argument before already that I am not comfortable making a decision right now. And so I would like to reserve also the right to speak against the motion.

COMMISSIONER DEE.

I make likewise that request, Mr. Chairman.

COMMISSIONER AZURIN.

Mr. Chairman.

CHAIRMAN ANGELES.

Noted. May I ask now Commissioner Azurin to say his piece?

COMMISSIONER AZURIN.

This is just a comment. Since clearly the Commission is going to recommend a ...committee, and I think ultimately the commission will recommend the shift to parliamentary, I would just like to suggest that we now address the question of the consequences of a parliamentary system in the other committees, particularly, for example, the judiciary committee that Mr. Lambino now heads and the Constitutional Commissions. My reason for saying this is that... the ...my primary objective, my primary objection, and I think the objection of those who voted against the parliamentary system, is that the fusion of executive and legislative power in a parliamentary system will result in a very powerful prime minister and a very powerful ruling coalition. There will be no checks except basically the judiciary and whatever other mechanisms we might introduce in this Constitution.

If, for example, we were worried and we are appalled at the graft and corruption that we see today – the pork barrel, graft and corruption on public work expenditures, these will, is potentially worse under a parliamentary system because the ones who will decide the government program, the ones who will approve the budget for that program and the ones who will execute the program are one and the same body.

Hence, if we are, in fact, recommending this, may I suggest that we now think seriously about how the heck we are going to check this power? We should have measures to check this power. Those of us who are working on other parts of the constitution should perhaps address this particular issue. Thank you.

CHAIRMAN ANGELES.

Thank you very much. So, Mr. Chairman?

COMMISSIONER PEDROSA

Can I answer that?

CHAIRMAN ANGELES

Motion for adjournment? Is there motion for adjournment?

### **ADJOURNMENT OF SESSION**

COMMISSIONER APOSTOL.

I move to adjourn.

CHAIRMAN ANGELES.

Okay, duly seconded, the committee meeting on the form of government is hereby adjourned.

COMMISSIONER TABANDA

Clarification, Mr. Chair.

CHAIRMAN ANGELES

Thank you very much.

*It was 5.05 pm.*