

**2005 CONSULTATIVE COMMISSION
To Propose the Revision of the 1987 Constitution
Committee on Form of Government**

TRANSCRIPT OF THE MEETING
Monday, November 21, 2005

OPENING OF THE MEETING

At 10:34 a.m., the Committee Chairman, Emmanuel Y. Angeles, called the meeting to order.

CHAIRMAN ANGELES.

We are going to start this meeting on the Committee on the Form of Government with the singing of the national anthem. Do we have a tape to be played? Let's all rise to sing the national anthem.

(The Commissioners sing the Philippine National Anthem.)

PRAYER

CHAIRMAN ANGELES

Prayer will be led by Commissioner Nelia Gonzalez.

COMMISSIONER GONZALEZ.

O, Lord, thank you very much for bringing us together again this morning. December 15 is not very far away, and we have a mission. We really hope, Lord, that You will help us accomplish this mission for the good of our nation. And let me pray to You, Dear Lord, Holy Spirit, Soul of our Soul we adore You. Enlighten, guide, strengthen, and console us; tell us what we ought to do and command us to do it. We promise to be submissive to everything that You permit to happen to us. Show us only Your kind will. Amen.

CHAIRMAN ANGELES.

Thank you very much. I think we don't have to do this part, roll call/certification of quorum. Any three members of the Commission who are present in a Committee meeting are considered to be a quorum, and we have more than three members present here. May we take up the Minutes of the November 15 meeting later? We'll proceed to the business of the day—discussion on the proposed amendments to Articles VI and VII of the 1987 Constitution. I would like to ask our Chairman to discuss these proposed amendments to the 1987 Constitution, particularly Articles VI and VII. Mr. Chairman.

PRESENTATION BY CHAIRMAN ABUEVA

CHAIRMAN ABUEVA.

Thank you, Mr. Chairman. I just want to refresh our memory. In an early meeting of the Committee on Form of Government, I made an overall presentation, an overview presentation of a proposal to shift from our presidential system to a parliamentary system. And on October 10, we distributed the complete draft of the "CMFP Constitution for a Federal Republic of the Philippines with a Parliamentary Government." This was given to everybody at a plenary meeting. Then on November 15, at our Committee

meeting, I presented this in matrix form—the proposal for a parliamentary government with a unicameral parliament. Mr. Chairman, this is what I'd like to present this morning, And let me suggest, given the very limited time that we have, that we go over quickly. There are three proposed articles here, to amend or to revise Article VI, the Legislative Department and Article VII, the Executive Department in the 1987 Constitution.

We start with Article VII because in our proposal, we also start with the President. This proposal has three parts: One is Article X, the President and then Article XI, the Prime Minister, the Cabinet and the Government and then finally, Article XII, which is the Parliament. Very quickly, as we know, we have in mind a President who is Head of State but not Head of Government. And sometimes we refer to him as a ceremonial President. So this...

COMMISSIONER VILLANUEVA.

Excuse me, Mr. Chairman, parliamentary inquiry. I have no objection about the presentation of President Abueva of his proposal. I just want to call the attention of this Committee that I, too, have presented formally, and received by the Secretariat, certain proposals that might not be reconcilable with what President Abueva is, no, no, no, what I'm saying is let us have both presentations before we take a consensus and a vote on it. Because if we take a vote or a consensus prior to the presentation of my proposal, which is actually presidential...

CHAIRMAN ANGELES.

You will be given your own time. Do you have a proposal presented in a matrix like this, as prescribed?

COMMISSIONER VILLANUEVA.

I presented the matrix as prescribed by the Style Committee, which was approved in the plenary session prior to the last one.

CHAIRMAN ANGELES.

Anyway, let us not interrupt the presentation of...

COMMISSIONER VILLANUEVA.

I am not interrupting, Mr. Chairman. It's a parliamentary inquiry, because it's a question antecedent. We have to be clear about this before we make decisions on what to do with the presentations. Thank you, Mr. Chairman.

CHAIRMAN ANGELES.

Yeah, you'll be given your chance, okay? So let's proceed with the presentation of the Chairman.

CHAIRMAN ABUEVA.

So the first part of the presentation, which is an Article X, it's just made Article X, it can be changed of course later, is on the President. The proposal revises Article VII of the present Constitution, which is the Executive Department. So the President of the Philippines, as the Head of State, symbolizes the sovereignty of the people and the unity and solidarity of the nation with its various diversities. Upon election by the Parliament, the President shall *ipso facto* cease to be a member of any political party and shall serve fully as President of all the people and the whole nation.

Qualifications, the usual qualifications. There's hardly any change, except the last sentence, which says, "Every nominee for President shall be a distinguished and respected leader in his or her profession and career, and shall be duly nominated by an accredited political party." Then the election is by secret ballot, without debate, by the members of the Parliament, including the representatives of the regional assemblies in the Parliament...

COMMISSIONER BAUTISTA.

Mr. Chairman, parliamentary inquiry. Are we already supposed to comment on the proposals of Chairman Abueva or are we, because we've read this, and I don't know what the procedure would be in so far as how the Committee now is going to review this current draft.

CHAIRMAN ABUEVA.

Let's assume that we have read it. So I'm presenting the whole article on the President.

COMMISSIONER BAUTISTA.

Can we comment now on per article basis?

CHAIRMAN ABUEVA.

Shall I present it? There are only three articles, no? Just to present it formally, but as briefly as, with the assumption that we have all read the, so that's Article X, on the President. We know his, the nature of the President as Head of State, elected by the Parliament. Then on page, then there is an enumeration of the powers of the President.

(The Chairman leafs through the document.)

The next article, Article XI, is on the Prime Minister, the Cabinet and the Government, page 22 all the way. And on page 28 to the end of the document is Article XII on the Parliament. So those are the three parts of the proposed revision of Article VI, the Legislative and Article VII, the Executive.

Now I just want to refresh our minds about the nature of the Parliament. The composition of the Parliament, it is proposed here that, "The Parliament shall be composed of not more than 350 members unless otherwise fixed by law. Most of them shall be elected from the parliamentary 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 obtained in the previous parliamentary election. The members of the Parliament shall represent their respective parliamentary districts and the whole nation. Moreover, the Representatives of the autonomous regions to the Parliament shall be Members of Parliament. They shall represent their respective autonomous regions and the whole nation as well." So there are really three sets of members in the Parliament: those directly elected in the parliamentary districts, which correspond to our present congressional districts; the second would be the additional 100, or let's say, up to 100, you can reduce it if we want, to be elected through a new party list, which really includes all the regular parties. And if we wish we can include the sectoral parties but the proposal is regular parties. And then the third set of members is the representatives of the autonomous regions that will be future federal states. They will be chosen by their respective regional assemblies, a limited number.

COMMISSIONER ROMUALDO.

Mr. Chairman, I would introduce an amendment to really reduce the 100 regular party list members, and I would want to delete the representation coming from the autonomous regions because actually, every congressional district of that particular region has already representatives to the Parliament. So I think it would not be good if there will be other regional representatives when every congressional district has already a representation coming from the regions itself.

CHAIRMAN ABUEVA.

Mr. Chairman, can we take two ideas there? Mr. Chairman, can we take the first one which is to reduce the 100 to, what number do you have in mind? Less than 100, but how many?

COMMISSIONER BAUTISTA.

Mr. Chairman, parliamentary inquiry.

CHAIRMAN ANGELES.

Yes, we are still in the period of presentation.

COMMISSIONER BAUTISTA.

Yeah, what is the process? Again, that was my...

CHAIRMAN ANGELES.

Can we ask our Chairman to finish his presentation because another Commissioner would like to do his presentation about his proposal, before we can discuss amendments to such proposal.

COMMISSIONER VILLANUEVA.

In either case, Mr. Chairman, if I may, the inquiry of Commissioner Bautista is, ano bang proseso? So we will be guided accordingly.

CHAIRMAN ANGELES.

Yeah. The process is we will be asking the Chairman to complete his presentation, and then you requested the Chair to do the same. Then perhaps after you have done your respective presentations, we will go provision by provision and decide whether to amend a provision of the Constitution, particularly Articles VI and VII. That's the process that we will follow. We are not yet in the period of amendments to such proposals. We're still in the period of presentation. So maybe you must finish, Mr. Chairman.

CHAIRMAN ABUEVA.

Yes. But it's good to allow right away a reaction. And we'll take note of it, and when we go back to interpellation, amendments, we'll present those ideas again, specifically.

COMMISSIONER BAUTISTA.

Although, Mr. Chairman, if that's the case, I already had some reactions to even the first two sentences that you've made but I withheld those reactions in the hope that again, we will be following a process, orderly process.

CHAIRMAN ABUEVA.

But let me say, given the very limited time that we have, we may not be able to really go through our documents line by line. But, of course, you have every right to propose

amendments. But what I'm saying here is we have to expedite our process. Otherwise December 15 will come and we have nothing substantive to submit to the President. We should also, of course, we do realize that in the end, it is really the Congress that will propose the amendment. But we are prepared to give as good an input as we can. But we don't have the luxury of detailed discussions. Mr. Chairman, I'm through with my overall presentation.

CHAIRMAN ANGELES.

Thank you, Mr. Chairman. Can we now ask Commissioner Villanueva if he has any presentation to make?

PRESENTATION BY COMMISSIONER VILLANUEVA

COMMISSIONER VILLANUEVA.

Mr. Chairman, as I said, I submitted to the Secretariat my proposed amendments on November 15. I was told copies have been distributed. My presentation, therefore, would differ substantially to that of Chairman Abueva because as all of you know, I am proposing a presidential unicameral unitary form of government. And so, on Article II, Section 1, which provides, in the present Constitution, "The Philippines is a democratic and republican state. Sovereignty resides in the people and all government authority emanates from them." It will actually remain the same, except that the phrase, "with a presidential unitary system of government" will be inserted after "state" and before "system." So that it would now read, "The Philippines is a democratic and republican state with a presidential unitary system of government. Sovereignty resides in the people and all government authority emanates from them."

COMMISSIONER BAUTISTA.

Parliamentary inquiry, Mr. Chairman. Again with due deference to Commissioner Villanueva, I think this is contained in Article II, which is Declaration of State Policies and Principles. And I don't know whether this Committee is the proper venue for the introduction of such an amendment.

COMMISSIONER VILLANUEVA.

Well, if it is contained in another article, then we will consider that as an information.

CHAIRMAN ANGELES.

Commissioner Villanueva, I'm afraid that it is not within the responsibility of this Committee to discuss that article. As far as this Committee is concerned, we'd be limited to Articles VI and VII.

COMMISSIONER VILLANUEVA.

Six and seven? Okay, thank you.

Chairman Angeles.

We cannot be taking over the discussion of other committees.

COMMISSIONER VILLANUEVA.

Be that as it may, I shall continue. Under Article VII, Section 1, I would like to introduce as an amendment, "The unicameral National Assembly shall be composed of as many members as may be provided by law..."

COMMISSIONER ABUEG.

Mr. Chairman, may I interrupt. I think we should now proceed to consider as, a consensus has already been taken that we recommend a parliamentary system of government. And now we go on a proposed draft of a parliamentary system of government, article by article. And if there is a need for any member to introduce amendment, that would be the time for an amendment to be taken up. This way, we can expedite doing this thing. After all, we have already received presentations of different forms of government that members would like to introduce. So the proper procedure now, Mr. Chairman, I think, is that we now go on and adopt one particular form of government and then go on with it, discuss it, deliberate it, article by article, section by section. Then we vote per section or per article.

CHAIRMAN ANGELES.

That process is supposed to be the one we should follow now.

COMMISSIONER VILLANUEVA.

It wasn't clear what process we're going to follow. See, the flow in the process that was taken before should not be a matter that should now be suffered by members of the Committee. In other words, if we are going to just vote on a concept, without specific provisions, then both sides must be able to present only the concept and no provisions at all.

CHAIRMAN ANGELES.

We have specific provisions that are being proposed here. This discussion has been ventilated in previous meetings of this Committee, and at some time, I think last month, we have decided on the shift from the presidential form to a parliamentary form of government. That has been decided by a vote of 32 to 7. Now that is a settled issue. What we have to discuss now are the provisions. Are we agreeable with the proposed amendment of the different Sections of Articles VI and VII? That is what we have to decide right now. So there's a process. The reason why I'm trying to allow you to make a presentation is that because you said you submitted something in the Secretariat, it was received and we are given a copy. Yes, we are given a copy, but we are still trying to reproduce this article that you presented.

COMMISSIONER VILLANUEVA.

So question number one, we will no longer discuss any other concept except the parliamentary?

CHAIRMAN ANGELES.

Because we have already decided on it. It is the decision of the Committee, of the Commission in a plenary session.

COMMISSIONER VILLANUEVA.

It is a tentative, as I understand, a tentative consensus. I think the amendment is introduced by Commissioner Bautista, that we adopt it tentatively. We can ask Commissioner Bautista...

CHAIRMAN ANGELES.

My understanding is that that preliminary, whatever you call it, decision...

COMMISSIONER VILLANUEVA.
Is permanent?

CHAIRMAN ANGELES.

No. We should discuss now the details of such a proposed amendment, per provision. We are not going to decide here anymore about whether we will adopt a presidential unicameral, as you propose, or we'll adopt a parliamentary. That is no longer an issue here. This Committee, this Commission, this Committee and then the plenary session has made a decision already. Now what I would like to present this morning are the provisions proposed, prepared by no less than our Chairman. But I have my own comments here, per section.

COMMISSIONER TABANDA.

Mr. Chairman, may I ask a question in general? May we ask Chairperson Abueva if he considered any structure of government in preparing this, because I would like to think that the composition of the Parliament, for example, may be dependent on the structure of government we're going to adopt, because you're speaking of autonomous regions here. But if we will go federal, then you will have to be speaking of federal states. This is the reason why about two weeks ago, I was already asking that we be definite about the structure of government because these are all interrelated. Like, would you still be speaking of autonomous regions if we will go federal?

CHAIRMAN ABUEVA.

Well, since I was in the thick of preparing this over five years, I know the consistency, the relationship, between the form of government and the structure of the republic. And if you recall in our presentation of the Structure of the Republic, in that committee, what I presented was the idea of Parliament creating autonomous regions within a period of two to three years after it comes into being and at the end of 10 years, the autonomous regions become federal states with the establishment of the Federal Republic. That is why there is a mention here of representatives from the autonomous regions.

COMMISSIONER TABANDA.

But you're only speaking of autonomous regions and that's only supposed to be a transitory phase to federal states and I would like to think that the Constitution should be forward-looking and should consider already what is in the future.

CHAIRMAN ABUEVA.

Yes, precisely. That's why the wording of the transitory provisions says that 10 years from the ratification of the revision, the Federal Republic of the Philippines is, what is the exact word? The Federal Republic of the Philippines is established, and the autonomous regions become federal states.

COMMISSIONER TABANDA.

What would be the composition of the Parliament when we get to be a federal state?

CHAIRMAN ABUEVA.

That is what I was describing here. There were three members that I proposed. Most of them would be elected by parliamentary districts or congressional districts. Second are those to be elected through a proportional representation of the political parties or the party list but with regular parties as members. I mentioned up to 100. There is an idea that it should be reduced because they are too many. The third set of members consists

of representatives of the autonomous regions or the future federal states. So there are three.

CHAIRMAN ANGELES.

But those three proposals mentioned by the Chairman will be part of the process of discussion. Now, Commissioner Romualdo already made a comment about those autonomous regions having separate representation in the Parliament. I have my own proposal here, you see. Even as Chairman of this Committee, I have my own proposal here for example in Section 1. So to facilitate our discussion, I think we should go provision by provision. And then we decide whether to adopt or not to adopt this proposed amendment.

COMMISSIONER AZURIN

Mr. Chairman.

CHAIRMAN ANGELES

Si Chairman muna.

CHAIRMAN ABUEVA.

Mr. Chairman, I was just saying that I'm now presenting again Article X, the President, the Head of State, page 1 to 21. But I will not read because it's tiring to read it. You have the text anyway.

COMMISSIONER AZURIN.

Mr. Chairman.

CHAIRMAN ABUEVA

Yes, the revision to Article VII.

CHAIRMAN ANGELES

Can we hear the comment of my Vice-Chair?

REMARKS BY COMMISSIONER AZURIN

COMMISSIONER AZURIN.

Yes, Mr. Chairman, before we leave the issue of whether it is preliminary or permanent, because my impression also was that the decision even in the plenary was a preliminary decision and therefore the decision on whether it is parliament or presidential must be again presented for a final decision. On that note, can I just make a comment, the basis for the proponents to propose the shift to a parliamentary system is based basically on this particular argument, that the form of government is responsible for the Philippines' lagging behind its neighbors and that specifically, legislative gridlock will solve the country's problems and will result in an acceleration of the country's economic growth.

Now, I have already pointed out categorically why this argument is wrong. Therefore, unless this argument is supported, and you refute my argument, then there is no intellectual basis for proposing a shift to parliament. And therefore, if you still propose a shift to parliament, even if you cannot refute and you cannot support your own argument, then you must be honest enough to say that there is no intellectual basis that you are supporting that move for other reasons, whatever those reasons may be. Then it is clear that the rest of us who disagree can disagree. Just to reiterate that the reason I've said

that legislative gridlock is not the problem is because, during the Marcos years, there was no legislative gridlock, we fell behind our neighbors. During the Cory years, there is no legislative gridlock, we fell behind our neighbors. Now form of government has no relation to...

COMMISSIONER ADAMAT.

Point of order.

CHAIRMAN ANGELES

Yes, go ahead.

COMMISSIONER ADAMAT

Mr. Chairman, the reason I'm raising a point of order because the issue, with due respect to Commissioner Azurin, is that his issue has already been exhaustively discussed before and for that matter, this Committee has agreed through a votation. As the Chairman has clearly put on record earlier that the Committee has already decided as to what form of government has to be adopted. The argument of Commissioner Azurin is out of order. He can very well raise that argument in the plenary because that's where Commissioner Bautista raised the issue of preliminary agreement.

COMMISSIONER AZURIN.

Can we agree that we will put it in the plenary?

COMMISSIONER ADAMAT.

Yes, you can very well raise that in the plenary because that's where Commissioner Bautista raised the issue as to whether we will proceed by adopting the form of government already or not. But the argument, if I remember it right, is that pending our regional consultation, the Commission through the plenary cannot simply adopt or agree on the form of government. So that is no longer the issue at this level.

COMMISSIONER AZURIN.

No, the issue I'm bringing out here is, you must refute my argument because you cannot support your argument.

COMMISSIONER ADAMAT.

Precisely, you can raise that in the plenary, Mr. Chairman. That is the point of order.

COMMISSIONER VILLANUEVA.

Parliamentary inquiry, Mr. Chairman. Are we already arguing and discussing on the premise that we have already adopted the federal form of government? That is why I am asking because there are certain provisions as Commissioner Tabanda pointed out. They are already encroaching on the structure of government like federalism, as well as autonomous regions. I want an answer, Mr. Chairman, because I want to know the direction of how we will act.

CHAIRMAN ANGELES.

Well, the direction is very clear, Commissioner Villanueva. This Committee even before you joined this Commission; I don't know whether you were here already. I think you were here in the plenary session. You're one of the seven who voted for the presidential form of government, you're one of the seven; 32 of the Commissioners voted that we will

adopt the parliamentary form of government. I do not know why we are still quarreling over the form of government here.

COMMISSIONER ESPINA.

Point of clarification, Mr. Chairman. If I remember correctly and in this regard, I would like the Secretariat to produce the minutes of that meeting of the plenary, in order for us to determine what really was the decision of the plenary. Because if I remember it correctly, it was really to get the sense of the plenary on the form of government pending the result of consultation and to my mind, that puts a stop on the Committee on further deliberations on the form of government until we have received a report and collations of the opinions of the groups that went around the country on consultation. If after the consultations, the plenary can meet and decide that the consultation resulted in the confirmation of the sense of the plenary on the form of government, that is when it will be returned to this Committee for the details, for the meat of that parliamentary form of government, because it is a logical conclusion and situation. Because supposing after the regional consultation, we develop the sense that the consultation resulted in the negative opinion on the sense of the plenary to adopt the parliamentary. We should not put the cart ahead of the horse. I would reiterate my request that Secretariat bring to this meeting today the minutes of that plenary.

CHAIRMAN ANGELES.

Are you suggesting, Commissioner Espina, that we complete all the consultations first? Because the preliminary results in Visayas and Mindanao have adopted the change of the form of government.

COMMISSIONER ESPINA

Irregardless, Mr. Chairman, there are more districts in Luzon.

CHAIRMAN ANGELES

Now, there are more consultations in Luzon. That is the only remaining consultation that we have not conducted. If that is your observation, then maybe we suspend this meeting.

COMMISSIONER ESPINA.

Yes. Mr. Chairman, being the proponent of that idea, may I just...

CHAIRMAN ANGELES

There is an objection here.

COMMISSIONER ESPINA

I have not even presented it as a motion. There is nothing to object.

CHAIRMAN ANGELES

There is nothing to object.

COMMISSIONER ESPINA

Anyway, Mr. Chairman, my point is this, I do not want that we be seen by the public as having decided on the sense of the whole country simply because...

COMMISSIONER TABANDA

Point of order, Mr. Chairman. Point of order. May we ask that this be put into a motion so that the Members will vote, so that we will not be going endlessly.

COMMISSIONER ESPINA

I am still explaining the idea. I might, I might later.

COMMISSIONER TABANDA

That maybe in the discussion after a motion. So may we have a motion, Mr. Chair, so that we can discuss this?

CHAIRMAN ANGELES

Are you going to put that proposal into a motion?

COMMISSIONER ESPINA

Are we rushing up things here without...? My request has not been complied of the minutes being brought forth here.

CHAIRMAN ANGELES

Point of order?

COMMISSIONER ABUEG

Point of order, Mr. Chairman. Point of order.

COMMISSIONER ESPINA

Because if the minutes will say that we approved, then I will withdraw everything I said.

CHAIRMAN ANGELES

Actually, as far as I am concerned...

COMMISSIONER ADAMAT

Point of order, Mr. Chairman.

COMMISSIONER ESPINA

Cannot a request even for a minutes not be provided by this Committee? By God.

CHAIRMAN ANGELES

I think, as far as I can recall, excuse me, excuse me.

COMMISSIONER ESPINA

No, minutes lang. What do I mean by minutes? That's the record of the plenary.

CHAIRMAN ANGELES *(rings the bell)*

Can we please observe order here?

COMMISSIONER ADAMAT

Point of order, Mr. Chairman.

CHAIRMAN ANGELES

Just a minute.

COMMISSIONER ESPINA
One-minute recess, Mr. Chairman.

SUSPENSION OF MEETING

CHAIRMAN ANGELES
One minute recess.

RESUMPTION OF MEETING

CHAIRMAN ANGELES
The session is resumed. May I give the floor to Commissioner Abueg.

COMMISSIONER ABUEG.
Thank you, Mr. Chairman. Earlier, Mr. Chairman, I moved that we now proceed to consider the Abueva proposal and go article per article and we have started that already.

CHAIRMAN ANGELES
Would you like to put that into a motion?

COMMISSIONER ABUEG
I'm going back to my old motion which we have already started. Then an incident intervened, which is already out of order because we have already started complying with the motion earlier presented that we proceed in the consideration of the Abueva proposal. In fact, the Chairman of the Commission has already started reading Article I of his proposal when he was interrupted with the so-called sense of the plenary on a temporary agreement on adopting the parliamentary system of government. So the interruption made there on the proposal being made is already out of order. I now ask that we proceed, Mr. Chairman.

COMMISSIONER VILLANUEVA
Mr. Chairman, may I just point out that precisely because what we started was wrong. We should not have started because, as Commissioner Espina explained, the approval of the plenary session to only tentatively approve the concept of federal form of government, is precisely because we have not yet made consultations. I have raised this point even before. It would be embarrassing if we later on, we find out that the consensus we will get from the people after the consultation is negative and therefore it was the implicit conclusion that the vote of the plenary session was actually telling us all that let us suspend consideration of the form of government until after consultations.

COMMISSIONER CALISIN
Can I have the floor, Mr. Chairman? Can I be given the privilege to speak? This is Commissioner Calisin. The reason why we are topsy-turvy because starting from, there is a principle called void ab initio; we have started with this ab initio, out of order, because in reality, but not destroying, this is the sentiment. Our name is Constitutional Consultative Commission. The reason for that name is we really have to consult. But we have already formulated and approved things in the plenary and committee without the consultation. That is why in the local parlance, ang dating natin sa labas is, parang nagpapa-ratify lang tayo ng ginagawa natin sa tao. So this is not, what we're actually doing in the field is not consultation but we are presenting to them what we already approved. So we must be working of something that we consulted first. That's why, sabi

nila, we are putting the cart ahead of the horse. But since we've done this already, we have to make some remedies. Remedyohan na lang natin kasi...

CHAIRMAN ANGELES.

Commissioner, have you been involved in the consultations in Visayas and Mindanao? You're not questioning the way we conducted the consultations? Have you ever been present in the consultation conducted in Visayas and Mindanao?

COMMISSIONER CALISIN.

During our ULAP meeting, the elected officials in that region complained to me, being a member of the Commission. Only last November 18, we were at La Union and we had the vice-governors' assembly.

COMMISSIONER ABUEG

Mr. Chairman, point of order. That is your...

CHAIRMAN ANGELES.

For the information of the honorable Commissioner, the consultations conducted in Visayas and Mindanao is very democratic and we presented both sides. We did not mention to the consultation that we already adopted the parliamentary form. I, for one, I presided in three regional consultations on the form of government. There were speakers. In fact, no less than Commissioner Espina is one of the speakers for the presidential and we also had speakers for the parliamentary. We never said that this Commission has decided on the form of government. So please check on how we conducted the consultations in Visayas and in Mindanao.

COMMISSIONER CALISIN.

I am just, Mr. Chairman, airing to you because as the National Chairman of the League of Vice-Governors of the Philippines, we had a meeting there. They complained, particularly that one in Iloilo. I was commissioned to be the chair or the team leader in Bicol Region. The number of people to participate in the consultation is far from proportionate to the number of population. Imagine per province, we are just given a number of 100 per province so that is questionable. That is why I was requesting the Secretary-General through the Committee and the Secretariat if we can try to go over first with that consultation so that we can put things to order so that our work in the field may not be questioned by people up there, rather down there in the field, because there are people, we cannot say, we are in the Commission, we are the best people in the Commission. There might be best people out there but not in the Commission. That is why in order that the integrity of the work of the Commission may not be questioned, we really have to put things into order. Imagine even in the Committee on Suffrage, the proceedings could have ended at 12, but we ended almost 5 o'clock because of so many topsy-turvy matters in the discussion.

CHAIRMAN ANGELES.

Can we concentrate on this Committee's work?

COMMISSIONER ABUEG.

This issue, Mr. Chairman, has already been decided by the plenary and discussing it here now is no longer appropriate and is moot and academic. Even before we went to the consultation in Cebu, the plenary decided to proceed with the consultation even without any formal adoption of what kind of government will be adopted by the

Commission but all kinds of government will be presented during that consultation. And so I would say, Mr. Chairman, that this issue has become moot and academic for the purposes of the Committee meetings. May we now proceed, Mr. Chairman?

COMMISSIONER VILLANUEVA.

Mr. Chairman, are we going to disregard the consultations in Metro Manila and Luzon? Are we not going to take them into consideration when we finally decide?

CHAIRMAN ANGELES.

We are not disregarding these consultations.

COMMISSIONER VILLANUEVA

So are we deciding now or not yet?

CHAIRMAN ANGELES.

We are discussing here the provisions...

COMMISSIONER VILLANUEVA

Only discussing, okay.

CHAIRMAN ANGELES

...that may be amended of Articles VI and VII. If we continue bringing back the same issues and concerns that you already brought forth in the plenary session, then we will not be able to finish this work.

COMMISSIONER ESPINA

Mr. Chairman, I am not questioning...

CHAIRMAN ANGELES

Because you are only seven disappointed Commissioners whose proposal was defeated by 32 Commissioners.

COMMISSIONER ESPINA.

Mr. Chairman, that is not the point. The point, Mr. Chairman, is procedural integrity. As a matter of fact, we admit that there were only seven of us but we are not now participating with ill feelings. No, we want to contribute but we just want to avoid any questions. I would agree that we continue discussing this because baka nga parliamentary ang lumabas. Let us try to perfect it but let us not approve anything. Let us discuss. I have no problem with that. For instance, I even wanted to suggest to Chairman Abueva that if we go parliamentary, alisin na natin 'yong honorary president na walang function. Talagang mag-parliamentary na lang tayo. But as I said, in line with what we had discussed in plenary and in order to protect the integrity of the procedure of the ConCom, wala na muna tayong decision. Okay, let us try to get a sense of the various provisions as presented by Chairman Abueva, isa na nga dyan, I want to put in na wala nang presidente, Prime Minister na lang. Kung sakaling mag-presidente, give him all the powers but again I would plead to the members na wala na munang decision. Let's discuss the merits of the proposal. And if the consultation finally says okay parliamentary, then let us finalize whatever provisions you might want to adopt.

MOTION OF COMMISSIONER ABUEG

COMMISSIONER ABUEG.

Fine. Mr. Chairman, to end all these discussions, may I put to a vote the question of whether or not we consider in our meeting today the Abueva proposal. So I move that we vote.

COMMISSIONER ESPINA

I will second that provided that no final decision will be made.

COMMISSIONER ABUEG

To end all of this discussion, we vote whether or not to proceed considering the Abueva proposal, including voting article for article, if necessary.

CHAIRMAN ANGELES.

Is that a motion?

COMMISSIONER ADAMAT

I second, I second, Mr. Chairman.

CHAIRMAN ANGELES

Duly seconded. Is there any discussion, objection?

COMMISSIONER AZURIN

Objection.

COMMISSIONER BAUTISTA.

May I just ask, because I think that the point of Commissioner Espina is that while the Committee should continue its work of deliberating upon the proposed amendments to the Constitution particularly in our form of government, we should not put it into a final vote until after the consultations have been conducted which I think is a good compromise.

COMMISSIONER PEDROSA.

Mr. Chairman, I don't think anybody said anything about a final vote here. We are just saying that it's getting a sense and they keep repeating and repeating. So, there's no discussion in fact taking place on the issue itself but on the positions taken by the Members of the Committee. Thank you.

COMMISSIONER BAUTISTA

Mr. Chairman, if you will just make that clear, I think there will be no issue forthwith.

CHAIRMAN ANGELES.

So what we would like to discuss here, should the parliamentary form of government be adopted, these are the provisions or amendments to the different sections of Articles VI and VII. So why don't we, as proposed, and there's a pending motion here and duly seconded, that why don't we proceed on the discussions of these sections and let us get your input. So that our mornings will not be wasted...

COMMISSIONER AZURIN

There was an objection.

CHAIRMAN ANGELES

...because we have taken off from our work and we are all here gathered to conduct this meeting.

COMMISSIONER ADAMAT

Mr. Chairman.

COMMISSIONER AZURIN

So let's vote on the motion.

CHAIRMAN ANGELES

It has been moved and seconded.

COMMISSIONER AZURIN

But I objected. I objected.

COMMISSIONER ADAMAT.

Additional input, Mr. Chairman, before the votation. It's just a matter of request. For purposes of saving time, Mr. Chairman, may I request also the proponents of the presidential form of government to present your counter proposal in place so that while we are working on a parliamentary system, form of government, then at the other side, you have your counter proposal. So that when we go to plenary, we will no longer be fighting or struggling as to what kind of provision will be amended because we have to save time here, Mr. Chairman. We should remember that how many more days to go then we have to mandatorily be obliged to finish our deliberations.

COMMISSIONER VILLANUEVA.

I would just like to mention here that whether it is parliamentary or presidential, there are certain provisions which can be adopted in aid of form. That is why I'm telling you that whether presidential or parliamentary, we can make amendments.

CHAIRMAN ANGELES.

There is a pending motion, duly seconded. There's an objection. So we are going to divide the House. Okay? Alright. Those who are in favor to proceeding with the discussion section by section of Articles VI and VII, please raise your hand.

COMMISSIONER VILLANUEVA.

That is misrepresentation, Mr. Chairman. Section by section, with the final decision or no decision, just discuss, just a consensus?

CHAIRMAN ANGELES

Committee decision.

COMMISSIONER VILLANUEVA

Okay, I just want to be clear about it so we will know what we are voting for.

CHAIRMAN ANGELES.

This is a Committee meeting so the Committee will decide whether to proceed with the discussion or not. So, those in favor to continue with the discussion on the proposed amendment of Articles VI and VII and to be finally decided in the plenary session, we would like to take the vote of those who are in favor. Those who are in favor, can you

please take note of their names? (*Counts the votes.*) I don't know if Dean Naval, are you voting? Okay, ulitin. Raise your hand, those who are in favor to proceed with the discussion. Discussion of these proposed amendments.

COMMISSIONER ABUEG

No, my motion is discussion and decision to be recommended to the plenary. It would be useless discussing it without any decision.

CHAIRMAN ANGELES

To be recommended to the plenary session, okay. Taas ang kamay.

COMMISSIONER BAUTISTA (*off mic*)

But, Mr. Chairman, 'yong recommendation, final recommendation, will happen after the consultation.

CHAIRMAN ANGELES

Yes. Okay, carried. Any objection? There's one objection. Okay. So proceed. Let's go to Article VII, Section 1. Do you have a copy of this...? Okay.

COMMISSIONER AZURIN

Mr. Chairman.

CHAIRMAN ANGELES

Chairman Abueva now will...

CHAIRMAN ABUEVA

May I continue, please?

COMMISSIONER AZURIN

Mr. Chairman, can I just take up...?

CHAIRMAN ABUEVA

I've been very patient.

COMMISSIONER AZURIN

No, no. Commissioner Adamat made a suggestion earlier that proponents of the presidential form present this in plenary. Is that also carried?

CHAIRMAN ANGELES.

No, no, that is a separate...

COMMISSIONER ADAMAT (*off mic*)

That was just a suggestion.

COMMISSIONER AZURIN

So it is not going to be accepted?

COMMISSIONER BAUTISTA.

No, no, Mr. Chairman, I don't think that while the Committee will be tasked to provide its report, that does not stop any Commission member from presenting any of their proposal to the plenary.

CHAIRMAN ANGELES

You are free to present your proposal there.

COMMISSIONER ADAMAT

Mr. Chairman, that is the wisdom of my suggestion so that we will be able to save time, kasi nga naman baka hindi nga maging parliamentary, at least mayroon nang ready for presidential.

CHAIRMAN ABUEVA.

Mr. Chairman, do I have the...?

CHAIRMAN ANGELES

May I request that your cellphones be put in silent mode? So that we will not be disturbed with our deliberations. Marami kasi ang sumasagot, hindi ko alam kung sino sa inyo eh. Okay, Section 1 of Article VII.

CHAIRMAN ABUEVA.

Well, let me make the presentation. I already began by presenting the proposed, it's just called Article X here, but it's about the President in a parliamentary system, covered by pages 1 to 21. Section 1 just talks about the nature and role of the President in general; Section 2 on the composition; Section 3 on his election by the Parliament; Section 4 on oath or affirmation; Section 5, residents and compensations; Section 6, prohibitions; if you look at Section 7 on page 9, there is an important word that was not indicated here. Section 7, it says...

COMMISSIONER TABANDA (*off mic*)

Mr. Chairman, I thought we were voting section by section?

CHAIRMAN ANGELES.

That's what has been agreed.

CHAIRMAN ABUEVA

Okay.

CHAIRMAN ANGELES

Can we proceed section by section? Can we start with Section 1 of Article VII?

CHAIRMAN ABUEVA

The Head of State.

CHAIRMAN ANGELES

Any comment about this? Because I have my own comment. May I start it with my own comment?

COMMISSIONER ADAMAT

Mr. Chairman, clarification. This Committee will also tackle Article VI, right?

CHAIRMAN ANGELES

Yes.

COMMISSIONER ADAMAT

Is it attached also here?

CHAIRMAN ABUEVA

Yes.

CHAIRMAN ANGELES.

Yes. May I start with my own comment on Section 1 of Article VII. I would like to propose an amendment to read as follows, Head of State, "The President of the Philippines is the Head of the State upon election by the Parliament. The President shall ipso facto cease to be a member of a political party." I would like to propose that it be read the way I propose it, unless there's some comment.

COMMISSIONER ABUEG

Mr. Chairman, that should be through to the author, and if he accepts it, and if he accepts it, then there will be no need for the body to discuss unless there is an objection. So we refer your amendment to the author of this particular provision, whether he will accept or not.

COMMISSIONER BAUTISTA.

Point of order, Mr. Chairman. In so far as the base that will be considered, isn't it proper that it is going to be the Chairman's language that should be considered and let people amend the language that has been proposed by the Chairman of the Committee?

CHAIRMAN ANGELES.

No, this proposal can be referred to the Committee on Style or whatever. But my idea is just being put here as my comment because if you will see the matrix, there is an existing provision of the 1987 Constitution, and this proposed provision is just a comment. The rest can also do the same if you want to make a comment and they are being recorded, all of these comments and deliberations are being recorded by our Secretariat.

COMMISSIONER BAUTISTA.

So Mr. Chairman, how is it? Should I make a comment to your comment? Is that how it works now?

CHAIRMAN ANGELES.

You can give a comment to the proposed provision of the proponent, no less than Chairman Abueva.

CHAIRMAN ABUEVA

No, I am an ordinary commissioner here.

COMMISSIONER ADAMAT

Mr. Chairman, I think the proper process is the proposal made by Commissioner Abueg. You should address your comment to the proponent of the proposal. If he agrees, then well and good. If not, then you have to discuss it.

CHAIRMAN ANGELES

I have submitted to Chairman Abueva my comments to his proposed revisions. It is up to him now to give his comment.

CHAIRMAN ABUEVA.

I think with several comments being made, I will take note of all the comments. I have no time to deal with every comment at this time but the record will bear all the comments and suggestions.

COMMISSIONER ESPINA.

May I also make a comment to be included in that which will be taken note of by the Chairman and that is the deletion of Section 1 because I don't want a President na walang poder. If we go parliamentary, let's go parliamentary all the way.

CHAIRMAN ANGELES (*off mic*)

So your comment is to abolish?

COMMISSIONER ESPINA

Yeah, delete Section 1. No President.

CHAIRMAN ABUEVA

Okay, noted. Chairman Angeles rewording and...

CHAIRMAN ANGELES (*off mic*)

Any other comment? Commissioner Peña.

COMMISSIONER PEÑA.

Mr. Chairman, as I noted, I believe the intention of the author here would be to reiterate that the President merely is symbolic, so that's why the words might be important in the event of some interpretation to the contrary.

CHAIRMAN ANGELES

Commissioner Bautista.

COMMISSIONER BAUTISTA.

Comment, Mr. Chairman, I think some of us in this Commission are minimalist in orientation that we believe, less talk, less mistake, so that's why I sort of like to support the amendment proposed by the Chairman of the Committee but I just would like to make two additional comments: One is to state that the President of the Philippines "shall be" instead of "is," the "Head of State" not "Head of the State"; and secondly, when you say "upon election by the Parliament," I was thinking whether or not Parliament is the appropriate term here in the Philippines. I sort of like to think maybe we should just keep "Congress."

COMMISSIONER ROMUALDO

or National Assembly.

COMMISSIONER BAUTISTA

Or National Assembly.

CHAIRMAN ABUEVA.

The reason why we are really choosing this is because we are shifting to a parliamentary system and we want consistency. If we use an old term like "Congress," I think it's confusing. They would still be referring to the existing Congress of the Philippines. We

want to make a complete break even in terminology. That is very important. But I'm noting your suggestion.

COMMISSIONER ESPINA.

Another comment. In case we do adopt this, that we do remove the word Parliament, and instead put National Assembly.

CHAIRMAN ABUEVA.

I will note your suggestion. But again, the reason why we are using Parliament is that we used to have a National Assembly. Let there be no confusion. The National Assembly was the first elected legislature that we had in 1907, between 1907, the Philippine Assembly, 1916. So again, we want to use "Parliament" to stress the fact that we have a parliamentary system being proposed. Can we leave that, Mr. Chairman? Can we go to qualifications? As I said, the only additional wording is the last sentence, which I have already read before you.

COMMISSIONER VILLANUEVA.

Are we still on Article VI, Mr. Chairman?

CHAIRMAN ABUEVA

Article VII.

CHAIRMAN ANGELES

Section 2.

COMMISSIONER VILLANUEVA

Are we done with Article VI, Section 1?

CHAIRMAN ANGELES

No. We are still on Article VII. We are starting with Article VII, later on we'll take up Article VI. I have a proposal on Section 2 of Article VII. It should indicate in the provision of Section 2 the qualification of the President. I don't know if this is constitutional but I don't like to see one without any experience, any education at all, or lots of education, to be Head of State, for us to respect the Head of State. In fact, I don't know if we should require a minimum qualification of a master's degree in a reputable institution.

CHAIRMAN ABUEVA

I am taking note of that...

CHAIRMAN ANGELES

I indicated here that he must have at least a bachelor's degree from an accredited institution of higher learning.

COMMISSIONER VILLANUEVA.

How about dropouts, Mr. Chairman?

CHAIRMAN ANGELES.

I believe they should not become President of this country.

CHAIRMAN ABUEVA.

May I comment on that proposal of Chairman Angeles. What I'm saying here is more important than an AB or a master's. "Every nominee for a President shall be a distinguished and a respected leader in his or her profession and career and shall be duly nominated by an accredited political party."

(Commissioner Espina speaks off mic.)

CHAIRMAN ANGELES.

Okay, noted.

COMMISSIONER ABUEG.

I would join Commissioner Espina for the deletion of the last sentence. It may not be necessary if it will be Parliament that will elect.

CHAIRMAN ABUEVA

Okay, I've added Commissioner Abueg for the deletion.

COMMISSIONER TABANDA

Mr. Chairman.

COMMISSIONER CALISIN

Mr. Chairman.

CHAIRMAN ANGELES

Can we give a chance to Commissioner Calisin and to Commissioner Tabanda?

COMMISSIONER ESPINA.

Can I ask that the Secretariat rearrange my copy? Bali-baligtad eh. I cannot follow the paging, it's confusing. Was this intended to confuse me?

(Laughter)

CHAIRMAN ANGELES

That was not the intention. Proceed, Commissioner Calisin.

COMMISSIONER CALISIN.

Thank you, Mr. Chairman. I, for one, still believe strongly that based on experience, that in order that, our President of the Philippines should he be elected by the Parliament, should still have qualifications provided in the Constitution because of past experiences. We have heads of the state or presidents in other countries, in order that at least we can be at par with them as to personality and qualifications.

CHAIRMAN ANGELES.

Can you mention and indicate your proposed qualifications? Does he have to be an actor? Basketball player?

COMMISSIONER CALISIN.

I am referring to academic qualifications.

CHAIRMAN ANGELES.

Academic? So are you saying, are you in conformity with my proposal that at least, he must have a bachelor's degree in a reputable institution?

COMMISSIONER CALISIN.

Yes, at least a minimum requirement of a bachelor's degree.

CHAIRMAN ANGELES.

Not necessarily graduating cum laude?

COMMISSIONER CALISIN.

Not necessarily, having a master's degree is already too much, so that is a minimum requirement

CHAIRMAN ANGELES.

Too much, for the President of the state?

CHAIRMAN ABUEVA

Noted, Mr. Chairman.

CHAIRMAN ANGELES

Noted, noted.

COMMISSIONER TABANDA

Mr. Chairman.

COMMISSIONER CALISIN

So, if it's not going to be considered, because the clamor of my constituency and including also the League I am representing is that a qualification for a candidate for a President should be specified and provided in the Constitution. Thank you for that consideration, Mr. Chairman.

CHAIRMAN ANGELES

Noted, noted.

COMMISSIONER TABANDA.

Mr. Chairman, two points. In the Committee on Suffrage, there is a proposal that the residence should be actual residence. It's simply stated here, "resident of the Philippines for 10 years," because there is the question on animus rivertendi, actual residence. The second point is: I would agree with the proposal of Chairperson Abueva that the candidate should be a leader in his profession, not necessarily a college graduate, not necessarily a master's degree holder, as long as a leader in his profession or his career. This will open the gates to leaders not necessarily college graduates, which I think is the more democratic way of selecting candidates, except that probably this will be subject to style.

CHAIRMAN ANGELES.

Who will decide on the leadership issue of the candidate, for example, basketball player? He is the highest pointer in the basketball games he has played. Now, if he is an actor, how many films does he have to produce in order to qualify for President?

COMMISSIONER TABANDA.

The President will be elected by Parliament. We will have to trust the Parliament will elect somebody who will ably represent the Philippines. Remember, it's no longer election at large, it's election by Parliament.

CHAIRMAN ANGELES

So in the parliamentary form, it is no longer by popularity?

COMMISSIONER CALISIN

Mr. Chairman, if I may be considered?

CHAIRMAN ABUEVA

Mr. Chairman, can we move on?

CHAIRMAN ANGELES

Commissioner Bautista has the floor.

COMMISSIONER BAUTISTA.

You know, in so far as constitution drafting is concerned, I think we should as much as possible try to be precise in the words that we use. We should not use words that are debatable or open to too much discussion. I agree with the concept that the President should be a leader but when you use words such as "distinguished" and "respected," again this is subject to interpretation and opinion and as much as possible, we should do away with that.

CHAIRMAN ANGELES.

Are you saying that you are in favor of a bachelor's degree at least?

COMMISSIONER BAUTISTA.

No, I'm not in favor of that either.

CHAIRMAN ANGELES

Master's degree?

COMMISSIONER BAUTISTA

No, I'm not. I think it should all be taken out. We should just put a period after "preceding such election."

CHAIRMAN ABUEVA

Thank you.

COMMISSIONER CALISIN.

Your honor, I still maintain my position after hearing the comments of Commissioner Tabanda. The provision of the qualifications of a candidate of President in the Constitution should be objective rather than subjective. Providing a proviso in the qualification in the Constitution makes a qualification of the candidate objective rather than subjective to the political party; because to determine the leadership via a political party is still subject to some imaginary reasons and not determinate. While if it's determinate, then it applies to everybody and there is no more reason for us to be debating on something. Be it semantically, it should be provided specifically and determinate in the Constitution the qualification of the candidate of the President. Even

Parliament in their determination of a qualification, such as distinguished leadership in their profession, would still be a subjective one rather than objective one.

CHAIRMAN ANGELES.

Noted. Section 3, Election. Is there any comment on election?

COMMISSIONER TABANDA.

Clarification, Mr. Chair. Will the President be elected from among the members of Parliament? I think it should be clearly stated here that the President shall be elected from among the members of the Parliament. Second, you said that upon election, the President shall cease to be a member of a political party. Should there be a dissolution of Parliament and there will be a new dominant political party; will the President still continue to sit as president? Or would that mean a new president, too? How many dissolutions of Parliament will there be regardless of changes in the dominant political party in Parliament? The President shall remain as President for five years. Fixed term.

CHAIRMAN ABUEVA.

Yes, the idea is to have continuity. He is the symbol of national unity and solidarity. He would not be a symbol if he is changed every two years. That's why we give a term of five years and no reelection, one solid term of five years.

COMMISSIONER CALISIN.

For purposes of argument and let me be at this point the devil's advocate. One school of thought insists that the President as the Head of the State in order to maintain check and balances and that the President may not be subservient, from the time of his election up to the end of his term, subservient to the Parliament. One school of thought insists that the President of the Philippines be popularly elected by the people with limited powers such as national economy, foreign affairs and the national defense.

CHAIRMAN ABUEVA

Noted.

CHAIRMAN ANGELES

Okay, noted. Section 3. Any comment on Section 3?

COMMISSIONER TABANDA.

Commissioner Tirol has a proposal on oath of office or affirmation. It was already submitted. May we just bring it to the attention of Chairperson Abueva?

CHAIRMAN ABUEVA

Okay, thank you. Who was that again?

CHAIRMAN ANGELES

Commissioner Tirol. So, Section 4...

COMMISSIONER CALISIN.

Excuse me, may I be clarified when the Chair and Professor Abueva comments "noted," what does that mean? Because we have to discuss and approve in the Committee level because if it's just noted, that's noted by the Chair.

CHAIRMAN ABUEVA.

We have the Secretariat taking verbatim everything said here.

CHAIRMAN ANGELES.

So it is very well noted. Don't worry, your voice is recorded by our recording studio.

COMMISSIONER CALISIN.

I mean it should not just be noted but has to be approved by a consensus of the Committee. I do not just accept a comment "noted" because there is no approval or disapproval.

CHAIRMAN ANGELES.

The final draft which later on may be presented again, so we are trying to take note of all of these ideas, comments, being made by each and everyone of you, that is the session that we are conducting now. We are not yet finally approving the session. They are still going to be there, being noted by no less than our Chairman who is the proponent of these suggested amendments to different sections of Article VII.

COMMISSIONER CALISIN.

Thank you, Mr. Chairman. That is also noted.

CHAIRMAN ANGELES

So Section 4, is there any? Yes, Commissioner Gerry?

(Commissioner Espina speaks off mic.)

CHAIRMAN ABUEVA.

My comment, Mr. Chairman, is that in parliamentary systems, they really separate the role of Head of Government from the Head of State. There is still a need for a Head of State.

COMMISSIONER ESPINA.

Let's make our own. Why always refer to other governments? If we have to copy at all, the number one richest country and the most powerful is the US. If this is the strategy, copying, we might as well copy the most powerful and the most wealthy.

CHAIRMAN ABUEVA.

That's selective adaptation.

COMMISSIONER CALISIN.

I suggest, Your Honor, that the word "copying" be rephrased because we do not want to be accused as a copier Commission. *(Laughter)* So I suggest that that be stricken out from the minutes.

CHAIRMAN ANGELES.

Noted.

COMMISSIONER ESPINA.

I object, Mr. Chairman, to the removal from the minutes. Let's call a spade a spade.

CHAIRMAN ANGELES.

Okay. May we proceed to Section 5, Residence and Compensation.

COMMISSIONER BAUTISTA

Comment Mr. Chairman. Just on the residence, I note that the President and the Prime Minister both have an official residence. But as, you know, we only have one residence for our Head, which is in Malacanang. Is it envisioned that they will be sharing Malacañang?

CHAIRMAN ANGELES.

Maybe that can be settled later once we have adopted the change of the form of government, whether they will be bed, room neighbors or whatever.

CHAIRMAN ABUEVA.

Right now, there is the office that Cory used. It's not the borloloy. What is it called? No, I mean the guesthouse, what used to be the guesthouse.

CHAIRMAN ANGELES.

We may not even have the Malacañang as the official residence. I think there is even a proposal to move the national government to Clark, Pampanga. Can we move on to Compensation, Section 6? Delete Section 6 eh, di ba?

COMMISSIONER CALISIN.

Your Honor, may we know the reasons for the deletion? In some of the matrix, we always have justifications in one column, in the tabulation form. Can we just be informed on the reason why these sections are recommended for deletion?

CHAIRMAN ABUEVA.

Because many of these refer to the presidential system and since we're moving into parliamentary and we are talking of a Head of State, not the Head of Government. Again, all references to Congress are taken up when we take up the article on Parliament and the article on the Prime Minister and the Government.

COMMISSIONER ESPINA.

May I have an omnibus comment, Mr. Chairman? And that is, all those sections which have been submitted for deletion under this proposal be retained. Suggestion lang 'yon.

CHAIRMAN ANGELES.

Noted. *(Laughter)*

COMMISSIONER ESPINA.

All those sections that were deleted be retained.

CHAIRMAN ANGELES.

Noted. Proceed to Section 6. Any comment on Section 6? Okay, Section 7?

CHAIRMAN ABUEVA.

No, this is where I, there is a typographical error. In Section 7, "The President shall proclaim," not "appoint," "shall proclaim the Prime Minister within seven days following the latter's election by the Parliament." He is not going to make the appointment. It's a ceremonial duty for him to proclaim the election of the Prime Minister. "Shall proclaim

the Prime Minister,” or “declare the election,” words to that effect. Section 7, page 9. “The President shall proclaim the election of the Prime Minister within seven days following the latter’s election by the Parliament.”

COMMISSIONER CALISIN.
Comment, Your Honor.

COMMISSIONER ESPINA.
Mr. Chairman, who is elected first? The Prime Minister or the President?

CHAIRMAN ABUEVA.
The Prime Minister.

COMMISSIONER ESPINA.
And then the Parliament elects the President after that.

CHAIRMAN ABUEVA
The Prime Minister elects the President, yeah.

COMMISSIONER ABUEG
It should be so.

COMMISSIONER ESPINA
And then the President proclaims the Prime Minister, the one who is chosen before...?

CHAIRMAN ABUEVA.
It’s a ceremonial duty. As a Head of State, he does that, like the monarch or the...

COMMISSIONER ESPINA.
Then should he not be elected first so that he can proclaim?

COMMISSIONER ABUEG.
The President be elected first?

CHAIRMAN ABUEVA
Who will appoint him if the Parliament has not been formed?

COMMISSIONER ABUEG
The Parliament should first be organized with the election of their corresponding officers, before it can hold an election for the President. There will be no other way to manage an election of the President if the Parliament is not yet organized. The Parliament is organized with its election of its officers.

COMMISSIONER ESPINA
We have to remember, take note, that the membership of the Parliament, they are all there together all at once, di ba? I suggest, if we are to do this, that they will be simultaneously elected, because you have here a person, appointed or elected as Prime Minister and then together they elect somebody to proclaim the Prime Minister. Simultaneous na lang, they be elected together. So anyway, the President will be out of the party where he belongs.

COMMISSIONER PEÑA
Mr. Chairman.

CHAIRMAN ANGELES.
Noted. In other words, your proposal is simultaneous election. Commissioner Peña.

COMMISSIONER PEÑA.
One has to also contemplate that only happens the first time around. After that, it will probably more than likely not happen because of the fixed term of the President and not knowing if there will be a vote of no confidence or how long the parliamentary or the Prime Minister stays. This first problem, I think, only happens initially. And after that, more than likely there would be a sitting President when governments come and go. So one has to...

COMMISSIONER ESPINA.
Maybe, with that point being raised, this calls to mind the need for a transitory provision on this, at least during the first election of officers of the Parliament. We should have a transitory government. I will discuss that later.

CHAIRMAN ANGELES.
Your proposal is noted.

(Laughter)

COMMISSIONER ESPINA.
Mr. Chairman, my comments which were noted actually brings about the possibility of a transitory period or a transitory government.

CHAIRMAN ABUEVA.
That's what you're proposing?

COMMISSIONER ESPINA.
Yes, Your Honor.

CHAIRMAN ANGELES.
Noted.

COMMISSIONER CALISIN.
Mr. Chairman, this is a reconsideration of the comment of Commissioner Espina.

CHAIRMAN ANGELES.
Go, ahead Commissioner Calisin.

COMMISSIONER CALISIN.
Yes, thank you. He requested or he moved that those that are deleted in the proposed be retained. Those that are deleted and moved to be retained and as noted by the Chair are still supposed to be amended because of some terminologies and subject of each of the sub-paragraphs because we are now in the parliamentary, while in the old, it's the Congress. So it still has to be amended. At least those subjects and terminologies that are adaptable to parliamentary.

COMMISSIONER ESPINA.

The reason I moved for an omnibus motion to retain all those deleted, because as you remember, we are for the retention of the presidential system. It will lessen our work if eventually after consultation or for whatever event or reason, we might finally adopt the retention of the presidential system.

COMMISSIONER CALISIN.

Yes, but I'm just, please take note, Mr. Chairman of...

CHAIRMAN ANGELES.

We already noted your observation.

COMMISSIONER CALISIN.

Oh, okay.

CHAIRMAN ANGELES.

We now proceed to Section 8.

COMMISSIONER BAUTISTA.

Mr. Chairman, may I just beg the indulgence of the Committee? I got lost a bit. May I just insert some other potential amendments on Section 4 with respect to the oath or affirmation? It says there, "do justice to every citizen." And I think we should just place instead of "citizen" we should use "person," because aliens also, when they are here in the Philippines, they are also within the jurisdiction of our Constitution.

And then on Section 6, in lieu of that phrase, "special privilege granted by the national government, any autonomous region or local government, etc" I think we should just use the language, "government or any subdivision or agency or instrumentality thereof including government-owned or -controlled corporations." Section 6, Prohibitions, Article X, the proposed Article X. Medyo nagulo ako because of the order. 'Yon sa Prohibitions

CHAIRMAN ABUEVA

Yes, what do you want to...?

COMMISSIONER BAUTISTA

Yes, after the word "granted," I would just take out that phrase, "national government, any autonomous region or local government, any agency or instrumentality of these Governments" and just say "by the government," small "G" because that would comprehend all those, "or any subdivision, agency or instrumentality thereof including government-owned or -controlled corporations."

CHAIRMAN ANGELES.

Would you like it deleted...?

COMMISSIONER BAUTISTA.

Deleted and replaced.

CHAIRMAN ANGELES.

Can you write it down? We cannot take note...

COMMISSIONER BAUTISTA.

Okay. We can do that. And on Section 7, what happens if the Prime Minister-elect dies? Should we place a provision that says, "That in case of permanent disability, death, removal from office or resignation of the President, the Speaker of the Parliament shall act as President until a successor has been elected for the unexpired portion of the term of the President"?

CHAIRMAN ABUEVA.

Mr. Chairman, I would appreciate the wording to be given.

CHAIRMAN ANGELES.

To facilitate all of these recommendations, can we ask the proponent of such changes to reduce these in writing? Because verbalizing it here, orally, we may not be able to take note in verbatim the words that you would like to be expressed. In any case, in any section or provision that you wish to contribute your ideas on how to proceed with the amendments of the charter, we would request that it be reduced in writing.

COMMISSIONER CALISIN.

Mr. Chairman, are we now in Section 7?

CHAIRMAN ANGELES.

We are on Section 8...

COMMISSIONER CALISIN.

Can we please go back to Section 7 first? Because it says in the amendment, in the proposed amendment, "appoint the Prime Minister"—"The President shall appoint the Prime Minister within 7 days..."

CHAIRMAN ABUEVA.

Hindi na, hindi na 'yan.

CHAIRMAN ANGELES.

It has been amended, "shall proclaim," or "declare."

COMMISSIONER CALISIN.

Ah, okay, "proclaim," that's the proper term. Thank you.

CHAIRMAN ANGELES.

We now proceed to Section 8. I think there's no amendment here, "The President may address messages to the Parliament." State of the nation?

CHAIRMAN ABUEVA.

No. We're not saying that. The Prime Minister might do that but not the President.

CHAIRMAN ANGELES.

So there's no more SONA by the President?

CHAIRMAN ABUEVA.

No more. It's the Prime Minister who is the Head of Government. He is presenting a program of government.

CHAIRMAN ANGELES.

So any comment on Section 8? There being none, we proceed to Section 9.

COMMISSIONER TABANDA.

Mr. Chairman, Section 9 will presuppose that the Constitutional Tribunal is going to be constituted, approved. And can I just ask for a shortening of the phraseology of this to simply say that, "The President shall receive reports of the Supreme Court and all other courts," and probably also, "and constitutional commissions." But I was just wondering, how about the other agencies in government like, for example, is she also to receive a report from Parliament? Or is going to be limited only to the judiciary and constitutional commissions?

CHAIRMAN ABUEVA.

That is the intent here.

COMMISSIONER TABANDA.

To whom does Parliament make an annual report? Not to the President?

CHAIRMAN ABUEVA.

Well, to the people. If you wish, that can be added to the reports to be received by the President.

COMMISSIONER TABANDA.

Because I was just wondering, what is the rationale for her to be receiving reports from the judiciary when her function is merely ceremonial? Shouldn't the judiciary and constitutional commissions, to whom should the judiciary and constitutional commissions be reporting? We will still observe the principle of separation of powers. But what will the President do with the report of the judiciary?

CHAIRMAN ABUEVA.

This is just to get symbolically, as the Head of State, all the reports from the entire government.

COMMISSIONER TABANDA.

May I suggest that be studied, reviewed, and probably if she is supposed to receive reports on a ceremonial capacity then it be the entire operations of government, not restricted only to the constitutional commissions and the judiciary.

CHAIRMAN ABUEVA.

Okay, so reports for the entire government.

CHAIRMAN ANGELES.

Noted. Okay, let's proceed to Section 10. Any comment on Section 10, proposed comments on Section 10?

CHAIRMAN ABUEVA.

This is really the ceremonial function par excellence, representing the nation to the outside world.

COMMISSIONER BAUTISTA.

Mr. Chairman, I don't know if, this is more of a style comment, but I note in Section 11 that the President is provided...

CHAIRMAN ANGELES.

10 muna...

COMMISSIONER BAUTISTA.

No, no, no. It is related because you can see that in a way, 8, 9 and 10 are all also part of the powers and functions of the President. So perhaps it makes more sense to put it all just under one...

CHAIRMAN ABUEVA.

Ah, I see, bring them all together?

COMMISSIONER BAUTISTA.

Yes, bring them all together.

CHAIRMAN ANGELES.

Under one section.

COMMISSIONER BAUTISTA.

Yes.

CHAIRMAN ANGELES.

Noted. Very well taken. So let's proceed to Section 12. Section 11.

CHAIRMAN ABUEVA.

Section 11.

CHAIRMAN ANGELES.

Naayos na di ba?

CHAIRMAN ABUEVA.

Yes, we're bringing them all together.

CHAIRMAN ANGELES.

The proposal is to merge Sections 9, 10 and 11 under one section.

COMMISSIONER BAUTISTA.

No, but then these powers, we could still comment on.

CHAIRMAN ANGELES.

Then, later on we can comment on those powers. Section 11 pa?

COMMISSIONER ADAMAT

Mr. Chairman.

CHAIRMAN ANGELES.

You want to comment on the powers?

COMMISSIONER ADAMAT

No, no, may I just...?

CHAIRMAN ANGELES

He still has the floor.

COMMISSIONER BAUTISTA.

Just on Section 11, there is that phrase, “upon the advice of the Prime Minister and not without such advice the President shall...” I know that what we are trying to do is to make the President a ceremonial president but by providing this language, it would really seem that we are making him, well, a mere figurehead. So I guess, I do not know whether this is something we can take out or we can try to phrase more subtly.

CHAIRMAN ABUEVA.

Mr. Chairman, in our discussions when we were framing this, over the years, I really say over the years, there is always this apprehension that the President might act without the prior decision of the Prime Minister, and that would be a conflict. We want only one center of power, which is the Prime Minister. So this is a bit redundant but it is to emphasize the fact that it's ministerial and ceremonial on the part of the President to exercise these powers and functions.

COMMISSIONER CALISIN.

Comment, Your Honor, Mr. Chairman. The United States is considered the super power of the world. The United States, in its presidential form, is very powerful. But in the constitution of the United States, it's not the President declaring war but it's the Congress. The state congress is the one that declares war. So if in this case, it will be given to the Prime Minister, although in a Parliament the Prime Minister is the most powerful, but for me it's not supposed to be. It should be the Parliament who shall declare war, not the President, not the Prime Minister.

CHAIRMAN ABUEVA.

Mr. Chairman, in fact, that will be the case if we go to the provisions on the Parliament. But the action of the Parliament is conveyed by the Prime Minister to the President.

COMMISSIONER CALISIN.

And in fact, if the state Congress declares war with another territory, he still needs the scrutiny and concurrence of the United Nations.

CHAIRMAN ANGELES.

Ok, noted. Those are details. We proceed to Section 12. Any question on Section 12?

COMMISSIONER ADAMAT.

Prior to Section 12, can I just be clarified on Section 7? I got lost somewhere, just for my consumption, Mr. Chairman. What happened to Section 7 which states that, “The President shall appoint the Prime Minister”?

CHAIRMAN ABUEVA.

Shall “proclaim” or “declare.”

CHAIRMAN ANGELES.

Can I just make some observation? Instead of going back and forth, I just made a suggestion here, specifically when Commissioner Bautista was making his own comment, that all comments here or recommendations be reduced in writing and given to the Chairman. Those that you missed, for example, if we keep on coming and going back to the previous sections that has been discussed, that we have discussed already, we will not be able to finish our session today.

COMMISSIONER ADAMAT.

Thank you for that information, Mr. Chairman. But mine is just to be updated on that. I'm not introducing any amendment.

CHAIRMAN ANGELES.

I see, okay, noted.

CHAIRMAN ABUEVA.

Question, Mr. Chairman, Commissioner Bautista would you like also these reprieves and all of these into that one section on the powers and functions? Into Section 11? There will be stylistically...

CHAIRMAN ANGELES.

Even immunity from suits?

CHAIRMAN ABUEVA.

No, no, no. Not that. Iyong 12.

CHAIRMAN ANGELES.

So it will be 9 to 12 now.

COMMISSIONER BAUTISTA.

Mr. Chairman, some more comments on Section 11. On the third power, "dissolve the parliament when the government loses a vote of confidence..." perhaps we may add "and call for a general election." Isn't that as provided here because when he dissolves Parliament, I think he is duty bound to call a general election?

CHAIRMAN ABUEVA.

I think that may be covered in the article on the Prime Minister and Parliament, but I'll take note of that now.

COMMISSIONER BAUTISTA.

And then on the 11th power, it says, "appoint other senior officers," and who are those senior officers? It says, "as provided in Section XII, Article 11." But that is with respect, I think, to the Prime Minister?

CHAIRMAN ABUEVA.

Yes, yes. That would be, yes.

COMMISSIONER BAUTISTA.

So its not, so again it's a ministerial function. It's really the Prime Minister...

COMMISSIONER ABUEG. *(off mic)*

It's the Prime Minister who determines, sends it to the President for appointment. The President exercises power of...in a ministerial manner. Without the Prime Minister's advice, then the appointment being made by the President is...

CHAIRMAN ABUEVA.

For example now, what is referred to as "the senior officers" in Subsection 11 of Section 11, in Section 12 being referred to here, "The Prime Minister shall have control and supervision of all national ministries, bureaus, agencies and offices and shall ensure that the laws are faithfully executed and programs implemented." These are the senior officers of the ministries, bureaus, agencies of the government.

COMMISSIONER BAUTISTA.

Mr. Chairman, again, when you use the term "senior officers", up to what level is the President's appointment needed? I think we have to be specific.

CHAIRMAN ABUEVA.

Yes, we'll specify that in the right place.

COMMISSIONER ESPINA.*(off mic)*

On that, Mr. Chairman, you said, upon the ratification of the Prime Minister, the President shall appoint. Shall appoint, what is the word here?

CHAIRMAN ABUEVA.

Appoint here, but it is a final ceremonial act of appointment but always on the advice of the Prime Minister and not without such advice.

COMMISSIONER ESPINA.

But supposing that the President tries to test his, we should try to remove all possible constitutional questions. Can the President be removed? Is the President removable if he does not follow the advice of the Prime Minister?

CHAIRMAN ABUEVA.

We have no provision here but we can insert such a provision.

COMMISSIONER ESPINA

I think there should be.

COMMISSIONER ANGELES.

Can Parliament remove the President?

COMMISSIONER ESPINA.

If you develop a President who has ministerial function, but along the way he develops strong appeal from the people, making popular siya and he will create a situation where there will be conflict. Remember, he is a member of Parliament. He can resign and still be a member of Parliament and fight the Prime Minister.

CHAIRMAN ABUEVA.

No, he, it is understood that he ceases to be a member of Parliament.

COMMISSIONER ESPINA.

Yes, but he can create a situation where the people will have to choose. Ito bang posisyon ng presidente mas maganda?

CHAIRMAN ABUEVA.

Well, we can provide for safeguards.

COMMISSIONER ESPINA.

That's why I said that we should provide for a reasonable period, maybe if he does not sign in 30 days, assumed as appointed.

COMMISSIONER ABUEG.

Probably the President should be required within a certain period of time to exercise such prerogative of appointment.

COMMISSIONER ESPINA.

Yes, because we want to avoid possible areas of conflict.

COMMISSIONER ABUEG.

Yeah, the words to be used there is, "shall appoint within."

COMMISSIONER ESPINA.

Yes, lagyan niyo ng period.

CHAIRMAN ABUEVA.

We'll put that.

COMMISSIONER ESPINA.

Iyon na nga eh. What do we do? Supposing he does not?

CHAIRMAN ABUEVA.

Well put another provision on what Parliament can do with a recalcitrant President...

COMMISSIONER ESPINA.

Yes, because we want to avoid going to the Supreme Court for interpretation.

COMMISSIONER VILLANUEVA.

Parliament can appoint; Parliament can impeach.

CHAIRMAN ABUEVA.

That is a gap. We have to fill that gap.

COMMISSIONER ABUEG.

Siguro, "shall appoint within 10 days from receipt of the advice of the Prime Minister."

CHAIRMAN ABUEVA

Pardon me?

COMMISSIONER ABUEG

"shall appoint within 10 days or 5 days from receipt of the advice of the Prime Minister."

COMMISSIONER ESPINA.
But supposing he does not?

COMMISSIONER ABUEG.
That is a violation already.

COMMISSIONER ESPINA
What happens?

COMMISSIONER ABUEG
Then he should be subjected to administrative sanctions.

CHAIRMAN ABUEVA.
Okay. We'll work that in. That is a very good, you have discovered a very important gap.

COMMISSIONER ESPINA
Thank you.

CHAIRMAN ABUEVA
Mr. Chairman, that ends the article on the President.

CHAIRMAN ANGELES.
May we proceed to Article VI.

COMMISSIONER BAUTISTA.
Mr. Chairman, Section 13, "immunity from suit." May I propose the deletion of the last sentence?

CHAIRMAN ABUEVA.
What is that, Mr. Chairman?

COMMISSIONER BAUTISTA.
Section 13. Immunity from Suit.

CHAIRMAN ABUEVA
Yes?

COMMISSIONER BAUTISTA.
May I propose the deletion of the last sentence because it makes the provision vague.

CHAIRMAN ABUEVA.
So remove the last sentence.

COMMISSIONER TABANDA.
Would it mean that after the term of the President she may now be subjected to suits?
For acts committed during her...

CHAIRMAN ABUEVA.
That is the implication.

COMMISSIONER BAUTISTA.

No, Mr. Chairman. This language is already found in previous constitution and so also copied from the US model. And it would seem that the interpretation is that for so long as these acts were committed in an official capacity that they will always be immune from suit.

CHAIRMAN ABUEVA.

So we'll remove the second sentence?

COMMISSIONER BAUTISTA

Yeah, remove the second sentence.

CHAIRMAN ABUEVA

Second sentence is deleted.

CHAIRMAN ANGELES.

Proceed to Article VI, Section 1.

CHAIRMAN ABUEVA.

Page 22, Article 11, the Prime Minister, the Cabinet and the Government.

COMMISSIONER ESPINA.

Mr. Chairman, just a suggestion, that we delete this article completely.

COMMISSIONER TABANDA.

Consistent with the stand. Noted. *(Laughs)*

CHAIRMAN ABUEVA

Noted.

COMMISSIONER ABUEG.

Mr. Chairman, may I suggest that whenever "Cabinet" is used, it be replaced with "Ministry". Ministry, instead of Cabinet, it be replaced with the word "Ministry".

CHAIRMAN ABUEVA.

Mr. Chairman, that would not be appropriate. If you don't want "Cabinet", you can say "Council of Ministers" but not "Ministry," because ministry, you can say the Ministry of Labor, the Ministry of Foreign Affairs, the ministry of that, but different parliamentary systems use different terminology. Some say "Cabinet", some say "Council of Ministers" but not "ministry" because "ministry" refers to the equivalent of a department in our presidential system. Is that alright, Commissioner Abueg?

COMMISSIONER ABUEG.

I will submit to the wisdom of the proponent of this article.

CHAIRMAN ABUEVA.

I'm not sure about my wisdom but it's just the practice. Thank you.

COMMISSIONER BAUTISTA.

Mr. Chairman, I have some suggestions as to how Section 1 should read? "The Prime Minister is the Head of Government of the Republic of the Philippines. The Prime

Minister shall form the Cabinet by appointing the Ministers, with or without portfolio and has the sole discretion to remove any member of the Cabinet.”

CHAIRMAN ABUEVA.

Mr. Chairman.

CHAIRMAN ANGELES.

Again the proposal is noted and you will be submitting in writing the appropriate wording for every section that is being amended, proposed to be amended by Commissioner Bautista.

CHAIRMAN ABUEVA.

But I want to make a point. The point is that in a parliamentary system, we refer to the government, *the* government, and what that means really is the Prime Minister and his Cabinet together. So the Prime Minister is forming the government by appointing the members of his Cabinet. But the government has a different personality, has an existence of its own, different from the Cabinet. So, who is the Cabinet? Unlike in our presidential system, when we say it's the government, we mean the whole structure of governance, national government, local government even. But when you say government, it is really the Prime Minister and the Cabinet, assuming responsibility and accountability for the program of government and governance of the nation. So these are two different entities we are talking about.

COMMISSIONER CALISIN.

I think, Mr. Chairman, this Section 1, line 1 and line 2 can be rephrased as one. I go also with the former suggestion of amendment. I think this can be rephrased or worded this way, "The Prime Minister as the Head of the Government of the Republic of the Philippines shall..." in order to avert redundancy of the noun "Prime Minister." It can just be fused into one sentence instead of...

CHAIRMAN ABUEVA.

You know, we have a Committee on Style. We are leaving many of these details to the Committee on Style. So we will save time if we'll just...

CHAIRMAN ANGELES.

But your comment is noted.

COMMISSIONER CALISIN.

Thank you.

CHAIRMAN ANGELES.

Can we proceed to Section 2? Any comment on Section 2? Proceed to Section 3.

COMMISSIONER BAUTISTA.

Mr. Chairman, on Section 2...

CHAIRMAN ANGELES.

Section 2, Commissioner Tabanda.

COMMISSIONER TABANDA.

I think, Mr. Chairman, Section 2 has to be made consistent with the section on the President. Section 7 says, "The President shall proclaim the Prime Minister within seven days" while in Section 2 it becomes three days.

CHAIRMAN ABUEVA.

Okay.

COMMISSIONER TABANDA.

So there has to be consistency. And it will not be "appointment" therefore; it shall be "proclamation".

CHAIRMAN ABUEVA.

Okay, thank you, and "proclaim" na lang, "and proclaim within seven days".

CHAIRMAN ANGELES

Okay, it's noted. Commissioner Bautista now.

COMMISSIONER BAUTISTA.

And also on Section 2, I note that for the election of the President, it is by secret ballot and without debate. But for the election of the Prime Minister, it's just by secret ballot. Is there a reason why?

CHAIRMAN ABUEVA.

I missed your...

COMMISSIONER BAUTISTA.

Well, if you look at the election of the President, it states there that it is by secret ballot and without debate. But here in the election of the Prime Minister it is just by secret ballot and I just, is there really a reason for that?

CHAIRMAN ABUEVA.

I think so, because here we have different parties that you have to give them a chance to the opposition, shall we say, to be heard. This is a more contentious process than the selection of the President.

COMMISSIONER BAUTISTA.

And also a comment, Mr. Chairman, when you say, "by a system of elimination and subsequent secret voting," again, I think this are terms which can be subject to interpretation. I don't know if we can make it more precise or just take it out and let Parliament decide how they're going to elect the Prime Minister.

CHAIRMAN ABUEVA.

Or we can leave it to the Committee on Style.

CHAIRMAN ANGELES.

Anyway, we will be submitting a written recommendation on how to amend this section.

COMMISSIONER TABANDA.

Mr. Chairman, clarification. Are you envisioning a run-off election here?

CHAIRMAN ANGELES
Ramos election? (*Laughter*)

COMMISSIONER TABANDA
Run-off election, because it's going to be different for the election of the President. It is easier to elect the President. It's going to be more difficult to elect the Prime Minister because here you will have a run-off election.

CHAIRMAN ABUEVA.
Yes, and to be able to get a majority vote, it may be necessary to have a run-off election, because it is a requirement to have a majority.

COMMISSIONER PEDROSA.
Can I make an observation, on how the Prime Minister is selected in the UK? In fact, by the time Parliament is open, there is already a Prime Minister and that is the leader of the party that wins. In another sense, this is also procedural rather than the selection of a person.

CHAIRMAN ABUEVA.
But Mr. Chairman, we are assuming a strong two-party system. We may have, the largest party may not have a majority in the first voting. You have to organize.

CHAIRMAN ANGELES.
May I make an observation, Mr. Chairman? In the recent election in Germany, there was a coalition of parties because there were not enough votes to elect a prime minister. So they agreed, I think five political parties have agreed and they coalesced and they elected that German lady to become the Prime Minister. So the observation of Commissioner Pedrosa is very well taken. Even before the election of the Prime Minister, you will already know the Prime Minister.

COMMISSIONER PEDROSA.
Even in a case where there is a coalition, the parties will decide for themselves and then they bring it to the table.

CHAIRMAN ANGELES.
In other words, from my understanding, is that it becomes just a formality or procedural to be electing a Prime Minister because even prior to that election, we already know who is going to be the next Prime Minister.

CHAIRMAN ABUEVA.
Mr. Chairman, provided there is really a clear majority party. That is the requirement.

COMMISSIONER ABUEG.
Normally, it is the head of the dominant political party who is the logical Prime Minister.

CHAIRMAN ANGELES.
Okay, proceed to Section 3. Any question about Section 3?

COMMISSIONER ABUEG.
Mr. Chairman, the Speaker here seems to exercise merely duties of a presiding officer. The Speaker of the House of Representatives at present and the Senate President is the

executive or administrative officer of each chamber. Shall we limit the duty of the Speaker merely presiding the sessions or they will have administrative functions in Parliament?

COMMISSIONER VILLANUEVA.

In most of the countries, the Speaker is also the administrative head of that chamber.

COMMISSIONER ABUEG.

Here it's limited to presiding the sessions...

COMMISSIONER VILLANUEVA.

...and administrative head.

CHAIRMAN ABUEVA.

I'm open to suggestions. And we can rephrase this, in the plenary we can get...

COMMISSIONER ABUEG.

Some phrase that will indicate that the Speaker is also the administrative officer.

CHAIRMAN ABUEVA.

Okay, I will add that.

COMMISSIONER TABANDA.

Mr. Chair, may I just volunteer the information that under the present Constitution the functions of the Speaker are not mentioned. It simply says Congress shall elect a Speaker.

CHAIRMAN ABUEVA.

But the Speaker is the political head.

COMMISSIONER CALISIN.

Then that's the role of the presiding officer.

COMMISSIONER TABANDA.

Precisely, just to preside.

COMMISSIONER CALISIN.

So what more should be added? Powers and functions of the Speaker?

COMMISSIONER TABANDA.

I think it's based on the internal rules.

COMMISSIONER BAUTISTA

Maybe, Mr. Chairman, we can just delete that phrase. "shall preside over its sessions," just say that "Parliament shall elect a Speaker from among its members who shall continue in office at the pleasure of the Parliament," and just, in fact, in the UK, is there a Speaker, Commissioner Pedrosa? Is there a Speaker?

CHAIRMAN ABUEVA.

Yes, I have observed the House of Commons and the Parliament in Singapore. The first person to enter the session hall with pomp and glory is the Speaker with his wig and is

followed by his retainers to show the symbol of authority in the Parliament. But in fact what I observed is that the Speaker was really presiding because the Prime Minister wants to be free to talk, to look at the political situation and relate to his party and to the opposition and to the substance of what's going on. So you need a presiding officer in the Speaker who is given an honorific but important role as well.

CHAIRMAN ANGELES.

May I recognize Commissioner Duavit?

COMMISSIONER ESPINA

Mr. Chairman.

CHAIRMAN ANGELES

Commissioner Duavit first.

COMMISSIONER ESPINA

Mr. Chairman, may I ask for the suspension of the rules so that our Deputy Secretary-General, Dr. Gacutan, can give us some insights into the previous issues. He was a member of the International Secretary-Generals' Association as to the role of the Speaker.

COMMISSIONER DUAVIT

Mr. Chairman, this is just for input. This is not a question of substance. As stated by Commissioner Tabanda, actually it's the rules of the House for the Parliament in this case that actually define the roles, powers, authority of the Speaker. So all we have to do is to let Parliament craft one for them. Thank you, Mr. Chairman.

CHAIRMAN ABUEVA

Mr. Chairman, in relation to Commissioner Duavit's remarks, we'll just simplify really, "The Parliament shall elect a Speaker from among its members and shall continue in office at the pleasure of the Parliament." But his actual functions are left to the rules of the Parliament.

MR. GACUTAN.

Thank you, Mr. Chairman, good afternoon. I have attended a number of inter-parliamentary union conferences for at least five or six years, and have observed a number of proceedings, mostly in Europe and one in Singapore and in Thailand. The Speaker is the presiding officer of the Parliament, or national assembly, whatever you call it. The primary function is to preside, although what Commissioner Duavit has stated is actually correct because it's all in the rules. The administrative function belongs to the Secretary-General, which is a professional civil servant. He is elected for as long as up to the age of 65 unless he resigns earlier. This is in order to provide continuity between the Parliament and the civil servants of the Parliament itself and the members of Parliament. Anyhow, it is stated in the rules that the relationship would be with the Speaker of course, the Secretary-General who will run the day-to-day activity of Parliament and the staff itself, because there may be instances wherein there are also a number of changes within Parliament so it is necessary that there will be continuity in the parliamentary bureaucracy. Thank you, Mr. Chairman.

CHAIRMAN ANGELES.

Okay, so let's proceed with Section 4. Any comment on Section 4?

COMMISSIONER BAUTISTA.

Again, this is more for my own clarification, Mr. Chairman. Well, it says here that the Prime Minister and the Cabinet shall present the program of government. What does that mean? And also when you say, "recommend for the consideration of the Parliament such measures." Measures, is that equivalent to bills? And the program of government, what would that be? Is that sort of like the agenda? The legislative agenda?

CHAIRMAN ABUEVA.

This is what we say that in a parliamentary system the majority party or all parties have their own platform and program of government. So they assume responsibility and accountability for that while they are in power. So it is really the totality of the program of governance that the Prime Minister will be presenting. But there are specific measures from time to time that the Prime Minister may propose for Parliament to act on.

CHAIRMAN ANGELES (*off mic*)

The general platform of government that was presented to the electorate by the party...

CHAIRMAN ABUEVA

And formalized once they...

COMMISSIONER BAUTISTA.

Formalized in the form of bills, I would think, legislative act.

CHAIRMAN ABUEVA.

Well beyond that. There are goals. There are purposes. There is a vision of what the party would like to guide its governance and so on, so the measures are the implementing bills to that program of government.

COMMISSIONER BAUTISTA.

So can we just change measures to bills if that? Again, only because this is something that is more understood in legal parlance.

CHAIRMAN ABUEVA

Oh, I see, "such bills"? Yeah.

CHAIRMAN ANGELES

Noted.

COMMISSIONER CALISIN.

If you may permit, particularly the Honorable Bautista, we have a distinction between terminologies. The word "platform of government" had been used, during, in the past by traditional ones, well what they called *trapo* but in the present system there is what you call *guapo*, genuine alternative politics. Instead of using platform of government or program, they appropriately termed it "agenda," so that is inclusive of executive and legislative, instead of "bills," if you may permit that this be replaced by a term "agenda."

CHAIRMAN ABUEVA.

I think "bills" would be more very specific. These are actionable proposals of the government of the day presented to the Parliament.

COMMISSIONER CALISIN.

But bills, Your Honor, are particular to legislation. When you speak of agenda, that is inclusive of both branches.

CHAIRMAN ABUEVA.

Well, if you talk about the agenda, that's part of the program of government; that's really the overall agenda of the party in power.

COMMISSIONER CALISIN.

Can we just replace the term "program of government" to "agenda"?

CHAIRMAN ABUEVA.

The trouble with "agenda" is that it has a very mundane meaning also. Every meeting you have an agenda. But this is the vision and the purpose and the goals of the party in power, that's the program of government, not just an agenda.

CHAIRMAN ANGELES.

So may we proceed with Section 5? Section 5 has been proposed to be deleted. Now we proceed to Section 6?

CHAIRMAN ABUEVA.

Deleted ba iyong 5?

CHAIRMAN ANGELES.

It's a proposal by Commissioner Espina.

CHAIRMAN ABUEVA.

No, no, no, that is if we go presidential.

CHAIRMAN ANGELES.

Any comment on Section 5?

COMMISSIONER TABANDA.

Just for consistency, Mr. Chair, instead of "appointment," "proclamation".

CHAIRMAN ABUEVA.

Yes, or election. Okay, the change is made.

COMMISSIONER BAUTISTA.

Another comment, Mr. Chairman, when you are elected though, you do not become Prime Minister automatically. I think you have to wait for the appointment of the President.

CHAIRMAN ABUEVA.

Yeah, for proclamation, proclamation, why not? Wait for proclamation. Yes, we have to be consistent.

CHAIRMAN ANGELES...

Any other comment? Okay, so we proceed to Section 6?

COMMISSIONER BAUTISTA

Mr. Chairman, what is the role and function of a Deputy Prime Minister and again, as distinguished from the Speaker perhaps?

CHAIRMAN ABUEVA.

He is really the second in command of the government of the day, next to the Prime Minister, because the party is in control, the party is responsible. So the Prime Minister should appoint the Deputy. He is his man, his woman.

CHAIRMAN ANGELES.

Mr. Chairman, is he subject to confirmation or ratification of the members of Parliament?

CHAIRMAN ABUEVA.

No, no, that is understood. That's a convention. It's a tradition that you negotiate with your fellow members of the party.

COMMISSIONER DUAUIT.

Mr. Chairman, on Section 5, 6. We're done with Section 5. So on Section 6, Mr. Chairman, this actually limits the authority of the Prime Minister to appoint more than one Deputy Prime Minister. Supposing it could come to the desire of the Parliament to have three Deputy Prime Ministers, one for Luzon, Visayas and one for Mindanao, for more efficient delivery of goods and services...?

CHAIRMAN ABUEVA

That will be very Filipino also. Our custom is to have one Speaker, Deputy Speaker for Luzon, Visayas and Mindanao. So how can we...?

COMMISSIONER ABUEG.

There is no such as Deputy Speaker for Luzon, Visayas and Mindanao, except that the practice in the House was one is elected coming from Luzon, another one from Visayas, and another from Mindanao. The rules of the House did not say Deputy Speaker for Luzon, Deputy Speaker for Visayas...

CHAIRMAN ABUEVA.

It's just in the newspapers that...

COMMISSIONER BAUTISTA.

Maybe what we can do, Mr. Chairman, is just take it out, because like for example, in our Constitution, there is no such position for Deputy Speaker, so let Parliament decide.

CHAIRMAN ABUEVA.

Let it be in the rules of Parliament.

COMMISSIONER ABUEG.

That is already internal rules.

COMMISSIONER PEÑA.

Mr. Chairman, a point of inquiry. In reference to the permanent secretaries, these should also be deleted. It's my understanding that...

CHAIRMAN ABUEVA.

No, no. It's not deleted. Only the Deputy Prime Minister.

COMMISSIONER PEÑA.

Yeah, because my understanding, reference, permanent secretaries, wouldn't these be those of the bureaucracy running the departments?

CHAIRMAN ABUEVA

Civil servants.

COMMISSIONER PEÑA.

The civil servants? While the cabinet officer to be appointed by Parliament will be the secretary; there are permanent secretaries from the civil service. Is that the understanding?

CHAIRMAN ABUEVA.

Yes, exactly.

COMMISSIONER PEDROSA

Mr. Chairman, may I just add another observation on this Deputy Prime Minister. As practiced in the UK, the most important helper of the Prime Minister is the Chancellor or the Checker. He is really the guy as the second in importance, in stature. He is equivalent to our Budget Secretary but it does not work that way here with us. We don't give enough importance to someone who decides how to spend the money of the people and how to raise it. So in the Parliament of the United Kingdom, they have realized that the most important role for anybody, well the Prime Minister has policies, but the Chancellor is the actual guy who handles how to raise the money and how to spend the money of the people. Thank you.

CHAIRMAN ABUEVA.

Mr. Chairman, but here we leave it for tradition to evolve, for practice to evolve.

CHAIRMAN ANGELES.

So we leave it to Parliament. The observations are noted.

CHAIRMAN ABUEVA.

Same in Japan, by the way, the Ministry of Finance is the most powerful. Mr. Chairman, we retain therefore the Subsection 2 which will now become, "The Prime Minister shall appoint the Permanent Secretary," and so on. It's very important, the appointment of top career people in the civil service.

COMMISSIONER BAUTISTA.

Mr. Chairman, again, how is this envisioned? It is as if, this would be like the permanent undersecretaries right now who would be there regardless of the Minister.

CHAIRMAN ABUEVA.

That is the analogy. I'm using the experience in India, also in the UK, where there is a permanent secretary and they call him the permanent secretary. He is a career civil service person, maybe, roughly analogous to our undersecretary, except that we have so many undersecretaries now.

COMMISSIONER BAUTISTA.

So there will only be one permanent secretary for each...

CHAIRMAN ABUEVA.

Yes. There can be assistant secretaries...

COMMISSIONER BAUTISTA.

So this practice of having several undersecretaries will be done away with, essentially.

CHAIRMAN ABUEVA.

Well, not necessarily but they will be subordinate to the permanent secretary of a ministry.

CHAIRMAN ANGELES.

Mr. Chairman, would it not confuse the minister of the ministry, of the particular ministry of the government with that permanent secretary? In the presidential system, we call them Cabinet secretaries. Now what would they be? Cabinet Secretaries? Permanent Cabinet Secretaries? How about the Minister now? What happens to the...

CHAIRMAN ABUEVA.

Well the minister is Minister of Foreign Affairs, minister of whatever, and then you can have a deputy minister. But here we're talking about the career civil service supporting the Parliament for implementing the laws. No, no, no, the deputy is a political officer.

COMMISSIONER ABUEG.

No, Mr. Chairman, there are two classes of Deputy Minister. The other one is the permanent minister, which is a civil service, with civil service qualification. This is so in order to bring in continuity of program. And then there is the political deputy minister of the Cabinet, which comes from Parliament.

CHAIRMAN ABUEVA.

Yes. But to avoid the confusion in terminology we reserve the "Ministry", "Ministers" to the political and members of Parliament who are made part of the Cabinet. And the Permanent Secretary is a bureaucrat really, the head bureaucrat.

COMMISSIONER ESPINA.

What would be his title? The permanent bureaucrat?

CHAIRMAN ABUEVA.

Well, in India they use Permanent Secretary.

COMMISSIONER ESPINA

What about in UK?

CHAIRMAN ABUEVA

The Indians have copied the British.

COMMISSIONER ESPINA.

I would suggest, Mr. Chairman, that we do away with the word "Secretary" because that might confuse us because under the present system, meron tayong Secretary. I would suggest that we have the Cabinet member as the political head of a particular

department, actually under our present system, department iyon. The other one is termed as birds of passage; they come and go depending on the dominant political party in power. But under the Cabinet or Minister, you have the Deputy Minister who should be the regular and permanent. Wala nang Secretary. And then there is also another position which could also be political, the Minister of State. Sa policies lang siya, wala siyang operational function but he is the one that liaisons the President's office or the Prime Minister's office and the Cabinet.

CHAIRMAN ABUEVA.

Here, Mr. Chairman, we make a clear distinction between Ministers or Deputy Ministers who are members of Parliament, political officials, political leaders, And here we are talking of the civil service. We are adopting a terminology which is used in UK and in India.

CHAIRMAN ANGELES.

Can we leave that to the Committee on Style?

COMMISSIONER DUAVIT.

It is not a matter of style, Mr. Chairman. We want to really clear it up. We want and it is imperative to have a strong bureaucracy precisely. That is why the Permanent Secretary title, whatever you want to call it, is important, because of the nature of the parliamentary form where at times there is no government, the Permanent Secretary becomes very, very important so that there is always continuity in the delivery of goods and services to the people. In short, you have to depoliticize that particular area of responsibility. Call it by another name is probably also welcome but we should emphasize, Mr. Chairman, the point of bureaucracy and civil service. Thank you, Mr. Chairman.

COMMISSIONER PEÑA.

Mr. Chairman, may I follow on that trend of thought, particularly on the unpoliticizing of the Permanent Secretary. So we are to understand that though he be appointed by the Prime Minister, he will be subject to the rules and regulations of his tenure and no abuse of discretion on his part. Is that how we are to understand that?

CHAIRMAN ABUEVA.

Yes. We have to protect these seniors, these are very senior officers of the bureaucracy of the civil service and that is why we talk about the career executive service because this is already in place.

COMMISSIONER PEDROSA.

Mr. Chairman, also an added observation, the importance of the civil service becomes heightened in a parliamentary form of government because of the shadow government. It needs all the facts, as bear as they can be, so that when it functions, it knows what's happening. This is the essence of a parliamentary government. Thank you.

COMMISSIONER BAUTISTA.

Mr. Chairman, just also an observation, and this may be a matter that should be taken into account also by the Committee on Transitory Provisions. But who will become the Permanent Secretary if there are three undersecretaries who are all career executive service officers?

CHAIRMAN ABUEVA.
Isa lang.

COMMISSIONER BAUTISTA.
Isa lang ba?

CHAIRMAN ABUEVA.
Per ministry, only one permanent secretary.

CHAIRMAN ANGELES.
The name is not just secretary. It will be known as permanent secretary until his retirement, death or incapacity.

COMMISSIONER BAUTISTA.
But I think right now, there are certain departments in our government, which have two or more permanent undersecretaries.

COMMISSIONER ESPINA.
That is why we need a transitory government.

COMMISSIONER ABUEG.
The political undersecretary...

COMMISSIONER BAUTISTA.
No, no, there are about four, if I am not mistaken, two are permanent, two are political.

COMMISSIONER ABUEG.
Only one is permanent in order, if there is a change of government, no vacancy will be created because of the presence of a permanent secretary.

COMMISSIONER BAUTISTA.
No, but right now, I don't know, but in practice, it is more than one. And so, the problem is how do you choose? Who would become the permanent secretary and how do you...?

COMMISSIONER ABUEG.
In the actual practice now, in the presidential system, in the department, it is the department secretary who chooses his undersecretary. That is why we see that in case of the change of the secretary of the department, undersecretaries are also changed, except one.

COMMISSIONER BAUTISTA.
The point is, there are two who are at least permanent every time, that they cannot change.

COMMISSIONER ABUEG.
Isa lang. We are talking about departments or ministry, not the Prime Minister.

COMMISSIONER BAUTISTA.
Sa DOJ, meron dalawang...

COMMISSIONER ABUEG.

No, DOJ it's only Liwag. There is only one permanent undersecretary there; it's Undersecretary Liwag. The others are brought in by the secretary's internship.

CHAIRMAN ANGELES.

Although that is a practice, it is still the prerogative of the President whether to allow these undersecretaries to continue serving as such. It is still the presidential discretion.

CHAIRMAN ABUEVA.

Mr. Chairman, this is one of the, shall I say, abuses really of the President. There was a time when there was only one undersecretary, and he was a permanent undersecretary. That is very important. We are starting a new system.

CHAIRMAN ANGELES.

So, let us just proceed with this.

COMMISSIONER ESPINA.

Mr. Chairman, may I just reiterate that let us not encourage misinterpretations of our terms. Kasi, kung tawagin natin siyang Permanent Secretary, it might confuse us with the present secretaries of the government. Second, yung word na "permanent" might give an impression that these are people that cannot be removed. Anyway, during the time of President Marcos, we had Cabinet members who were called ministers. There was also a Deputy Minister. There were several deputy ministers during Marcos' time, and then there was Minister of State, the Minister of State. For instance, I was appointed Minister of State for Labor; I was deputy minister of Trade and Industry. Labor, because being the head of EPZA, we were always threatened with labor problems, so I was appointed by the President as Minister of State for Labor. But I was acting operationally as Deputy Minister of Trade and I was a member of Congress.

Perhaps, we can have a minister as the head and member of the Cabinet of the Prime Minister. But the one who should run the office, regardless of who is in power, is the deputy minister of that particular ministry.

CHAIRMAN ABUEVA.

Mr. Chairman, we cannot use "minister" for a career civil servant as a title. We are making a clear distinction between ministers who are members of Parliament, deputy ministers who are members of Parliament and the senior officer corps of the civil service, which is headed by the Permanent Secretary.

COMMISSIONER ESPINA.

I would want that point raised also in plenary because the trabaho, whether regular or not, can be described in the Constitution itself or in the rules of Congress. All it needs is a statement that, itong Deputy Minister is really the career officer.

CHAIRMAN ANGELES.

So, may we proceed? All of your observations are noted by the Chairman. May we proceed to Section 7, Oath or Affirmation. Is there any observation on this?

Okay, proceed to Section 8, Official Residence and Salary. Any observation?

CHAIRMAN ABUEVA.

That is just a figure to fill the blank but it can be...

COMMISSIONER DUAVIT.

Mr. Chairman.

CHAIRMAN ANGELES.

Commissioner Duavit.

COMMISSIONER DUAVIT.

The Committee on Style, if I may report, is thinking that maybe no amounts should be included in any provision of the Constitution.

CHAIRMAN ANGELES.

In fact, I have a proposal here, which I would like to read to amend Section 8 as proposed, "Official Residence, Salary. The Prime Minister shall have an official residence and his salary to be fixed by the Parliament."

COMMISSIONER TABANDA.

But, Mr. Chair, I have a question. During the first Parliament, there is a constitutional provision that they may not increase, decrease or even do any money matter during their term. Who will fix their salary then?

CHAIRMAN ANGELES.

Parliament.

COMMISSIONER TABANDA.

But you cannot. There is a constitutional provision, during your term of office, you cannot increase, decrease or even fix the rate, so, you do not put a constitutional provision, unless there is a transitory provision.

COMMISSIONER ESPINA.

Again, there is a need for a transitory government.

COMMISSIONER TABANDA

Maybe a transitory government will do that; otherwise, there is no salary.

CHAIRMAN ABUEVA.

We can leave it blank. We can really leave it blank, I think. That is the safest thing, leave it blank. Anyway, Congress will fill it up.

CHAIRMAN ANGELES.

So, are we referring to the same Section 9 also? Section 8 & 9? Refers to salaries eh.

COMMISSIONER PEÑA

Yes, delete.

CHAIRMAN ANGELES

Leave it to Parliament.

COMMISSIONER PEDROSA.

Can I make another suggestion? Official residence, you know the British Prime Minister pays rent on the house that he takes because some people think the official residence is theirs. That happened to us so many times already. They live there but they pay for that out of the money that is given to them, rent of a hundred thousand.

CHAIRMAN ABUEVA.

That is No. 10 Downing Street?

COMMISSIONER PEDROSA.

No. 10 Downing Street is rented by the Prime Minister.

CHAIRMAN ABUEVA.

I did not know that.

COMMISSIONER PEÑA.

Maybe we can leave that to Parliament as well, anything to do with monetary or rental matters.

CHAIRMAN ANGELES.

So, can we proceed to Section 10, Prohibitions? Any observation? There being none, we proceed to Section 11. No observations, comments? There being none, we proceed to Section 12, 13.

COMMISSIONER TABANDA.

I have an observation, Mr. Chairman. May we ask that this be reconciled with the appointments to be made by the President upon the advice of the Prime Minister? If you look at the other section, it says, for example, that the President shall appoint upon recommendation of the Prime Minister, justices of the Supreme Court. But if you will notice here in Section 13, it says, "The Prime Minister shall recommend to the President the appointment of justices of all national courts below the Supreme Court."

CHAIRMAN ABUEVA

What rewording do you...?

COMMISSIONER TABANDA.

I think that it should only, in the judiciary, I had consultation with judges in Baguio and Benguet, the recommendation is that the President or the Prime Minister shall only appoint up to the level of collegiate courts. But lower courts, the suggestion is that this should be done by the Supreme Court itself, the Chief Justice of the Supreme Court. Only the collegiate courts like Supreme Court, Court of Appeals, because this will insulate appointments in the judiciary from politics.

CHAIRMAN ABUEVA.

Mr. Chairman, may I request Commissioner Tabanda for a rewording of this?

COMMISSIONER TABANDA.

I will submit a rewording because this has to be reconciled, like I said. If you will notice, we are not certain which the Prime Minister is going to recommend to the President appointment of which offices. Because it says here, it includes heads of national bureaus, agencies and offices. Who is supposed to recommend, to appoint them? Is it

supposed to be the Prime Minister or is it the Prime Minister recommending to the President?

CHAIRMAN ABUEVA.

It is really the Prime Minister. But ministerially, ceremonially, the President proclaims or makes the appointment.

COMMISSIONER ABUEG.

Mr. Chairman, in order to provide uniformity in matters of appointment, probably the phrase may be changed that, "The Prime Minister shall recommend" instead "upon advice of the Prime Minister, the President shall appoint". Use the word "advice" instead of "recommend."

COMMISSIONER TABANDA.

But there is a provision already. Section 11 of the previous article says, "Upon the advice of the Prime Minister and not without such advice..." Oh no, not that. There is some other one here on the appointing power of the President. Maybe you just have to reconcile that with the appointing power.

COMMISSIONER ABUEG.

'Yong word na "recommend," we change to "advice," so that it will have uniformity in the manner of appointment.

COMMISSIONER TABANDA.

Maybe we will just clarify which is to be appointed by the Prime Minister.

COMMISSIONER ABUEG.

The Committee on Style will take that into consideration.

COMMISSIONER TABANDA.

Okay. Section 11 indicates who the President should appoint upon the advice of the Prime Minister. And it says, "appoint the Chief Justice and all members of the Supreme Court" and so on. But there are offices indicated in Section 13 where the Prime Minister is supposed to recommend to the President the appointment of which such as, for example, "all other national officers," ah no, no, "heads of national bureaus, agencies and offices." So, we have to clarify who the President is supposed to appoint, or are all appointments supposed to be upon the advice of the Prime Minister to be done by the President?

COMMISSIONER ABUEG.

That is correct.

CHAIRMAN ABUEVA.

All appointments.

COMMISSIONER TABANDA.

All? Then the listing has to be consistent.

COMMISSIONER ABUEG.

The President only exercises his prerogative of appointments without any advice, on officials and employees in the Office of the President. Other than that, outside of the Office of the President, it should always be upon the advice of the Prime Minister.

COMMISSIONER TABANDA.

So, maybe a reconciliation of Section 13 with Section 11?

CHAIRMAN ABUEVA.

Can I get your help on that, Commissioner?

COMMISSIONER TABANDA.

Yes, Sir.

CHAIRMAN ABUEVA.

Thank you. Our Chairman just stepped out and will be here in a moment. May we proceed to Section 14?

COMMISSIONER CALISIN.

Mr. Chairman, a while ago, I queried on whether the President of the Philippines be powerful or not. But I said there are limits in the powers of the President and I enumerated at least three: the foreign affairs, national economy and national defense or national security. How can that be reconciled with Section 14, that the Prime Minister is the Commander-in-Chief?

CHAIRMAN ABUEVA.

Well, the Head of Government has these powers normally. The President is largely a symbolic and ministerial leader. So, the powers are really lodged in the Prime Minister. As you know, these are vested in the President in our presidential system. But since we are shifting to a parliamentary system, they are all moved to the, as powers of the Prime Minister. And we are following the very cautious process borne of the reaction to Martial Law. This is just a rehash of what is already existing except that it is the Prime Minister rather than the President that exercises the powers.

COMMISSIONER BAUTISTA.

Although again, Mr. Chairman, is this not copied from the current provisions of the Constitution? And many people are saying that it was an overreaction to the excesses committed during Martial Law. But on the other hand, it also has emasculated the powers of the Commander-in-Chief to declare Martial Law.

CHAIRMAN ABUEVA.

In the period of amendment, in the plenary we can change it.

COMMISSIONER BAUTISTA.

Just a question, Mr. Chairman, on Section 13, on the Commission on Appointments, what would be the composition of that? Would that be members of Parliament essentially?

CHAIRMAN ABUEVA.

Yes. I had my doubts when I put it here. But the Commission on Appointments in a parliamentary system will really be dominated by the party in power, the majority party.

So, essentially, it is left to the majority party how much participation of the opposition would be allowed. We are silent on that because it is the majority party that assumes responsibility and accountability for governance; it should therefore have a great deal of leeway in appointing key officers.

COMMISSIONER DUAVIT.

Mr. Chairman, some enlightenment on the Commission on Appointment, it has always been by ratio to party representation in the Parliament or Congress, so that a small party having so many Parliament members will definitely have representation in the Commission on Appointments. It goes without saying, it is the better system, I think, because nobody appoints anybody except the party represented.

CHAIRMAN ABUEVA.

It is already a tradition that we have established.

COMMISSIONER DUAVIT

Yes, yes. Thank you, Mr. Chairman.

CHAIRMAN ABUEVA

Mr. Chairman, we are discussing Section 14. Commissioner Bautista noted that this is a, of course, complete reproduction of the existing provision on the role of the President as the Commander-in-Chief and the suspension of it but this can be open to amendments during the plenary.

CHAIRMAN ANGELES.

Do you have any proposal to amend this Section 14?

COMMISSIONER BAUTISTA.

Maybe we should bring back the language found in the '73 or the '35 Constitutions.

CHAIRMAN ANGELES.

May we ask you to submit a proposal in writing?

COMMISSIONER BAUTISTA.

With my pleasure, Mr. Chairman.

COMMISSIONER DUAVIT.

With this proposal, Mr. Chairman, please. And to have as many shorter paragraphs as possible because apparently, there are so many subject matters involved in one paragraph here, actually. So, if we can really just do shorter paragraphs, then it might be better understood.

CHAIRMAN ANGELES.

The style or the proposal to adopt the 1973 where our distinguished Commissioner Duavit was a member of the ConCon.

COMMISSIONER DUAVIT.

This can be improved, Mr. Chairman.

CHAIRMAN ANGELES.

It can be improved.

COMMISSIONER PEÑA.

It is my understanding basically that the emasculated powers of the now President, in reference to the writ and as far as the Martial Law provisions are concerned, would be looked into? I definitely feel that the people out there might look upon this as a serious change, in fact, with present political situations in light.

CHAIRMAN ANGELES.

We will take note of your observation. We will now proceed to Section 15. The proposal of Commissioner Bautista, perhaps, can be submitted before the next Committee meeting, on all the provisions that you mentioned. Is two days enough for you? This week maybe, before the next committee meeting of the Form of Government. Can we proceed to Section 15?

COMMISSIONER BAUTISTA.

Mr. Chairman, on Section 15, I would like to know how the President and the Prime Minister share this power to grant reprieves, commutations, remit fines, etc. Is it the Prime Minister, again, who has the ultimate say and the President, basically, carries out the wishes of the Prime Minister?

CHAIRMAN ABUEVA.

That is the arrangement. That is the understanding here. By the way, I want to report to you and I may have already done so on some other occasion. But I had an opportunity to visit with the President of India whom we gave an honorary doctorate to at UP. I had an opportunity to ask him, "Mr. President, are you really a ceremonial President as described in the Indian Constitution?" He said, "Yes, but I have been a member of Parliament before." And he said, "When I don't like what is going on in the Parliament, I call up the Prime Minister and we talk. And in a few times, I was able to influence the Prime Minister." So, there is the informal process of consultation and influence that the President can exert.

And let me recall that in the Golden Anniversary of Queen Elizabeth, I watched a program on BBC where Prime Minister Tony Blair said, "How fortunate we are in UK that we have a Queen, a Head of State, who knows every Prime Minister since 1946." So she is the repository of a lot of what happened in political history. And the Prime Minister, I understand, sees the Queen every other week or so. There are these informal opportunities when the Prime Minister can talk with the Queen and the Queen can make sentiments felt. So, there is in fact an informal process of consultation and personal influence that can go on.

COMMISSIONER BAUTISTA.

Mr. Chairman, again here, I think this is a problem that was already found in a previous provision. What if the President does not follow the advice of the Prime Minister?

CHAIRMAN ABUEVA.

We have already dealt with that and we said that we should fill that gap, that in case of a recalcitrant President, we should be able to straighten him out. And I would welcome any advice on how to tame the recalcitrant President.

CHAIRMAN ANGELES.

So, proceed to Section 15? Any other observations? Section 16? I would like to make an observation with Section 16 regarding foreign loans. "The Prime Minister may contract or

guarantee foreign loans upon the recommendation of the Monetary Board and prior approval of the Parliament.” It is not just simply the recommendation of the Monetary Board, “prior approval of the Parliament” will be inserted after, the provision will read, “The Prime Minister may contract or guarantee foreign loans upon the recommendation of the Monetary Board and prior approval of the Parliament.” There must be an approval by the Parliament in securing foreign loans because it becomes national debt. Kasi ang pangungutang, pangungutang ng bansa, if you leave it to the Monetary Board, whose membership is just about ten or eleven? Seven? That is dangerous. It must be subject to confirmation by the Parliament, kasi utang nang utang, utang nang utang ang Prime Minister, tapos we end up, pangungutang ito ng bansa eh. Umutang ka, halimbawa, ng 10 billion from China, hintay muna, ipa-approve muna natin sa Parliament.

COMMISSIONER PEÑA.

Mr. Chairman, I think one of our resource speakers, Gabby Singson, mentioned that as a serious problem, though in principle you are right that Parliament should be part of the process. But I think with the Prime Minister himself signing brings that already that it is part of the process because in loan giving, you do not have the leeway of such a long period of which the loan is extendable to the government, since loans do change in a matter of days. So I think resource speaker Gabby Singson specifically mentioned that if you want the loans, securing of loans, be depoliticized, that could be taken into context of this provision.

COMMISSIONER TABANDA.

Mr. Chairman, I would think that the securing of loans should be included in the program of government, which should be submitted by the Cabinet to the Parliament, for approval by the Parliament. If it is included in the program of government, then it will necessarily have Parliament’s go signal already.

CHAIRMAN ANGELES.

Okay. Noted. Shall we proceed to Article XII, Section 1?

COMMISSIONER VILLANUEVA.

Mr. Chairman, in as much as we are proposing a presidential-unicameral form of government, and therefore would propose a National Assembly, I would like to present an omnibus motion to delete the whole article.

CHAIRMAN ANGELES.

Noted. It has been moved. Is there anybody who seconds?

COMMISSIONER BAUTISTA.

No, it is a proposal. Noted.

CHAIRMAN ANGELES

Noted.

COMMISSIONER VILLANUEVA.

It is just a proposal. Just so to give us a leeway when we present the same in the plenary session.

CHAIRMAN ANGELES.

Noted. So, the entire Article XII is about Parliament. Any other observation? Ah, section by section? Section 1 of Article XII, is there any observation? There being none, Section 2.

COMMISSIONER BAUTISTA.

Mr. Chairman, maybe we can just take out the word "unicameral" only because if it is really unicameral, you do not have to describe it as such. Because, for example, now, you do not say that Congress is bicameral. But the fact of the matter is, there is Senate and there is a House of Representatives. So, I think we should just be silent if the Parliament is ...

CHAIRMAN ANGELES.

The reason for that is like in the case of UK, they have two houses of parliament. It might be misconstrued. That is why we are trying that this is specifically a parliamentary-unicameral because in the case of the parliament in UK, they have an upper house and a lower house of parliament. We do not like a repetition of this gridlock that may arise even in a parliamentary form.

COMMISSIONER BAUTISTA.

Although, Mr. Chairman, my understanding is the upper house in a parliamentary form of government also has mainly ministerial powers. Again, you can correct me if I am wrong. In fact, I would like to ask the Chairman if he is aware of any parliamentary government that is unicameral because my understanding is most of them are bicameral but the other house being merely also symbolic and ministerial in its functions.

CHAIRMAN ABUEVA.

Mr. Chairman, Commissioner Bautista is certainly right that in all our studies, the reference is most parliamentary systems are bicameral, although the second chamber can be very weak. In fact, some members are even appointed. In the case of UK, the aristocracy is also represented there. But there is also a second chamber. The second chamber becomes particularly important when you have a federal system where state rights, state powers and interests must be represented in Parliament. This is where in the US Federal System, you have the states represented by two senators; each of them represented by two senators. The practice is that way. That is why we are proposing here that the regional assemblies, the future federal states, should also be represented except that they will not form a second chamber. What we are adopting is a one and a half chamber where the representatives of the state or the autonomous regions just mingle or be part of the Parliament. But they are there just in case the powers or interests of the states are endangered or violated; they are there to exert the influence on their peers.

CHAIRMAN ANGELES.

Commissioner Peña? On the same article?

COMMISSIONER PEÑA.

Yes. Mr. Chairman, though most are bicameral, a country that was born in this century, the first one to be stepmothered by the United Nations, East Timor, is a unicameral legislative parliamentary form of government. I just wanted to bring to light. Some people are looking at this part of the world. There are systems which we can emulate.

COMMISSIONER ABUEG.

In the composition of Parliament, will this not create an impression where the regional representatives are superior members and the district representatives are second class members in the same way that the feeling of senators and congressmen that the Senate is more superior than that of the so-called Lower House, when there is no upper house and lower house? And also, there are party lists in the House where the impression is such that the party lists are second class members of the regular members of the House of Representatives.

CHAIRMAN ABUEVA.

Mr. Chairman, our sense is not yet gelled completely but the sense is that there is approval of the idea of a number not more than 100. A number of seats in Parliament will be reserved for proportional representation of the various political parties according to their share of the party votes in the parliamentary elections. A figure of 100 is questioned; maybe it should be lower than 100 seats. But these 100 seats are to be contested not only by the party list. In fact, Commissioner Romualdo says, no more party list in our present sense of marginalized sectors and so on, basic sectors, but regular parties. Certainly, the party list will include regular parties.

Then your question is whether there would be an **invidious** comparison of those directly elected in the parliamentary districts and those elected through the party list. I would imagine that with the regular parties as being part of the party list, and with regular parties campaigning very hard for the support of their party in the popular vote, those who will be filling up the seats that will be shared by various political parties will not be regarded as inferior to those directly elected.

However, there is the third kind of member, which I mentioned, who represents the federal states or the autonomous regions. There is a rationale for the participation there if we have a federal system where the states have to be represented. In consultation with the governors, they seem to be receptive to the idea. There are two ways we are proposing for constituting the regional assembly of the future federal states. One is to appoint the governors and vice-governors and even the senior member of the provincial board to the regional assembly provided that it follows this logic. Small states, we are classifying the states or autonomous regions on the basis of their population. We are suggesting to ULAP that those provinces with less than one million votes will have one representative to the Parliament. Those with between one million and two million will have two. And those with over two million will have three. So, in the case of those over two million, the governor, the vice-governor and the senior member of the board might be the members of the regional assembly. In the case of those between one million and two million, just the governor and the vice-governor; and in the case of the smaller provinces, just one, just the governor. This is under negotiation. It is being negotiated.

The alternative way of constituting the regional assembly is by electing assemblymen in each of the congressional districts or parliamentary districts except that this will amount to too many assemblymen. We will really be vulnerable to the charge that we are bloating the government. Can you imagine, total, as many assemblymen as there are members of Congress, of Parliament, directly elected? So it looks like there is no closure on this but it looks like our consulting with ULAP, in particular with Governor Aumentado, they are considering the idea that governors, vice-governors and even senior members of the board will be ex-officio members of the regional assembly.

The advantage of this is that, you know, there was this feeling that the federal system will dilute the powers of the local government. In this particular case, it will enhance the power of the governors and the vice-governors. And instead of looking at it as a second tier between the federal government and the local governments, provinces, cities, you are just really forming a state assembly or a regional assembly by assigning the governors or provincial officials elected by the people. So, they are already there. They are already elected. They have a position. But it will enhance their position in a parliamentary system at the regional level where there will be both provincial executives as well as state executives and state legislators. This is under negotiation and consultation.

COMMISSIONER VILLANUEVA.

Mr. Chairman, how about the city mayors?

CHAIRMAN ABUEVA.

We have not thought of the city mayors, although the idea crossed our minds that the city mayors of the capital city of the province might also be a member of the regional assembly, but not all the mayors of the cities. In Metro Manila, the variation is this, subject to consultation with the mayors of Metro Manila, all the mayors, 17 of them, will be members of the regional assembly or state assembly. So they have a dual role. They are chief executives of their city but they are legislators for the...

COMMISSIONER VILLANUEVA.

Like the MMDA?

CHAIRMAN ABUEVA.

No. more than the MMDA because the MMDA is appointed. These are people with mandate, with electoral, popular mandate. The regional assembly has powers recognized in the Constitution.

COMMISSIONER VILLANUEVA.

Mr. Chairman, the mayors of Metro Manila are members of the Metropolitan Consultative Council. They are members of the Council so it is a little bit similar except with the appointment of the MMDA Chairman.

CHAIRMAN ABUEVA.

Well, it is very different in the sense that you will have a state assembly of Metro Manila who are really elected officials with the mandate of their cities and with the mandate in the Constitution to be legislators for the state assembly.

COMMISSIONER ADAMAT.

Mr. Chairman, can we go back to the parliamentary form because we are already talking about federal. Anyway, if you notice, I have circulated my proposed amendment to Section 2, no Section 5 of Article VI of the Constitution, which is now Section 2 of the proposed amendment by Chairman Abueva, which talks about composition of the Parliament. So, if you have a copy of that, it reads the proposed composition of parliament and modified party list system. If I may read, Mr. Chairman, Section 5, Paragraph 1, "The Parliament shall be composed of not more than 300 members, unless otherwise provided by law. There shall be 240 seats for district representatives to be elected from electoral districts apportioned among the provinces, cities or states in accordance with the number of their respective inhabitants." That is as far as Paragraph

1 is concerned of Section 5 Article VI of the present Constitution. In your proposal, it is Section 2. That was my amendment of Section 5, Paragraph 1, which is Section 2, Paragraph 1 of your proposal.

May I proceed to the second paragraph, Mr. Chairman? "Political party shall, aside from the district representative, be elected simultaneously in the electoral districts." In a parliamentary system, you will not be only voting for district representative but as well as the political party in the electoral districts. It follows in Section 3, Mr. Chairman, no, Paragraph 3, I should say, if I may continue, "For equitable and proportionate representation, the winning political party in the national level shall be entitled to additional seats." This is also in line with your proposal. "...in the Parliament based on actual percentage of vote garnered, who shall be nominated from sectors such as women, labor, indigenous peoples, urban poor, peasants and youth. Provided, the total number of party list representation in the Parliament shall not exceed 20%." So if the total proposed number is 300 members, then 20% of that will come from the party list.

COMMISSIONER ESPINA
Mr. Chairman, comment.

COMMISSIONER JURADO.
Mr. Chairman.

CHAIRMAN ANGELES
We recognize now Commissioner Jurado.

COMMISSIONER JURADO
I have to confess the difficulty following this particular part of Section 2, which says that, "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 obtained in the previous parliamentary election." Is this saying that members of Parliament are elected from their respective parliamentary districts? But then, in addition to these people, there will be some number, 100 according to this, who will be chosen by the parties on a nationwide basis on the basis of the proportion of votes that the parties obtained in the election.

Now, I do not find any justification for the inclusion of this 100. If we are already electing people direct from the districts, what justification can there be for giving the party, you know, it says here chosen, therefore, the parties will just choose, will just appoint a total of 100 people taken nationwide to positions that are normally reserved for elected members?

CHAIRMAN ABUEVA.
Well, this is a common practice...

COMMISSIONER JURADO
Yeah, it's a practice but...

CHAIRMAN ABUEVA
I, I, let me finish. This is a common practice in parliamentary systems. This is the device by which you ensure that we develop political parties that have really roots that have strength nationwide. The idea here, in fact, in the Federal Republic of Germany, 50% of

the members of Parliament are chosen according to this method, 50%, half of all the members of parliament. This gives a premium to the political parties that are solid, united, with loyal members, who stick it out through thick or thin, who adhere to their program of government and so on, who will therefore assume accountability and responsibility and become the majority party. This is the aspect of the parliamentary systems that will transform our party system. You give a premium on a kind of party which we do not have now, with those characteristics that I mentioned.

COMMISSIONER ESPINA
Mr. Chairman.

COMMISSIONER ADAMAT
Mr. Chairman.

CHAIRMAN ANGELES.

Can I make my personal observation about what has just been said by Commissioner Jurado? If ever we decide to adopt a parliamentary form, can we not adopt a Filipino style parliamentary form of government? This party list who have been so-called, with question mark, elected, by what percentage of their members, a very small percentage, then they become members of Congress in our present system, they are enjoying the same privileges of a regularly elected congressman of a district. And then they are suspected financing their activities that are detrimental to the interest of the nation. Now, this has been an information that has been passed on to me by many of our colleagues and friends, not just who are the members of this ConCom, who are just as concerned citizens as we are. We may adopt a law. The so-called sectoral representatives are already represented by our district congressmen. In this particular proposal, they may be represented by the member of Parliament elected in that parliamentary district.

COMMISSIONER ADAMAT.

Mr. Chairman, I still have the floor, Mr. Chairman, because I presented a proposal in that particular section of the Constitution particularly on the composition of Parliament. And now we are pinning down already the relevance of coming up with a party list representation. Precisely, what I am saying, Mr. Chairman, is we've got to have a modified party list system, a Filipino type.

CHAIRMAN ABUEVA.

May I interrupt? I have a commitment to have a press conference 30 minutes ago. If I may be excused, Commissioner Abueg will take my place, please.

CHAIRMAN ANGELES.

There has been an observation already made.

COMMISSIONER ADAMAT.

May I just be allowed to continue, Mr. Chairman, because I still have the floor? You have not ruled on my proposal.

COMMISSIONER JURADO

That is to be noted, Commissioner Adamat.

CHAIRMAN ANGELES

We do not approve proposals here. We only take note of your proposal.

COMMISSIONER ADAMAT
You did not even take note of my proposal.

(Commissioners simultaneously shout, "Noted.")

CHAIRMAN ANGELES.
Noted. Is it in writing?

COMMISSIONER ADAMAT.
Thank you, Mr. Chairman, I have submitted it and I will continue to insist on this.

COMMISSIONER TABANDA
Mr. Chair?

CHAIRMAN ANGELES
Your proposal is noted.

COMMISSIONER ADAMAT
No, but may I just react, Mr. Chairman? Because...

COMMISSIONER JURADO
My proposal also...

COMMISSIONER TABANDA.
Noted.

COMMISSIONER ADAMAT.
May I just continue? Because you are so negative about sectoral representation...

COMMISSIONER GONZALEZ
No naman.

COMMISSIONER ADAMAT
No, but that is the language of the Chairman if I followed it...

COMMISSIONER TABANDA.
We move to delete that statement.

CHAIRMAN ANGELES.
May I correct that impression?

COMMISSIONER ADAMAT.
No, no, no. Can I just continue? Allow me, Mr. Chairman, to continue.

CHAIRMAN ANGELES.
I still have the floor, I am the Chairman, okay?

(Laughter)

COMMISSIONER ADAMAT.
We will not finish if that is the attitude of the Chairman.

CHAIRMAN ANGELES

No, excuse me.

COMMISSIONER ADAMAT

You talk less, Mr. Chairman. You allow the members to talk more.

CHAIRMAN ANGELES.

Proceed.

COMMISSIONER ADAMAT.

Thank you, Mr. Chairman. May I take exceptions to your word, Mr. Chairman, earlier that we better get rid of the sectoral representation. That is your word. My point, Mr. Chairman, is through my proposal, maybe we can reconcile things out, precisely because our sector will be directly affected by your negative impression of this sectoral representation. And what I am saying here is instead of completely neglecting the issue, if we can come up with a compromise or a reconciled proposal.

COMMISSIONER TABANDA.

Mr. Chairman, may we have the floor?

CHAIRMAN ANGELES.

He is not yet finished.

COMMISSIONER TABANDA.

Ah, he is not yet finished?

COMMISSIONER ADAMAT.

I'll just make, to put this on record that I will pursue this in the proper time.

CHAIRMAN ANGELES.

May I correct your impression that the removal of the party list or sectoral representative is not my idea. It is the proposal of Commissioner Jurado, and I was just in favor of it.

COMMISSIONER ABUEG

Mr. Chairman.

COMMISSIONER ADAMAT

I cannot help but react to that, Mr. Chairman, please.

COMMISSIONER ESPINA

Mr. Chairman, I have been raising my hand, from the beginning, on this issue.

COMMISSIONER ABUEG.

Gerry, sandali lang.

COMMISSIONER ESPINA

Very briefly lang.

COMMISSIONER ABUEG

Just to solve the query of Commissioner Adamat, in the notes here of Commission Chairman Abueva, he noted in Section 2 here, Commissioner Adamat, "300 members, 240 for distribution, 20%." So, it is here in the notes of Chairman Abueva.

COMMISSIONER ADAMAT.

Thank you, Mr. Chairman.

COMMISSIONER JURADO.

So yeah, Mr. Chairman, let me just conclude.

COMMISSIONER ESPINA

Kanina pa ako. I will support...

COMMISSIONER JURADO

Alright, Mr. Chairman, I was saying that it doesn't matter whether we call them sectoral representatives or chosen on a nationwide basis by the parties. What I am objecting to is the idea of getting people to sit in Parliament who have not been elected directly by the people.

COMMISSIONER TABANDA

Mr. Chairman.

COMMISSIONER JURADO

The present party list business is even worse. But I am not going to discourse on that at this stage. But all this talk I am making, Mr. Chairman, I am ready to allow the Chairman to conclude it with the word, "noted," just like...

(Laughter)

CHAIRMAN ANGELES.

Observation noted. Commissioner Gerry Espina.

COMMISSIONER ESPINA.

When I was member of the Batasan, this idea of sectoral representatives was presented to the caucus. And I strongly objected to it because I feel that if there should be members of Congress, it should all be elected. We should not have two kinds of lawmakers, the elected and the unelectable who will seek appointment to get into there. I said, when I am elected congressman of a district, I assume I represent the farmers, the fishermen, the women, the elderly and even the young.

COMMISSIONER ADAMAT

But not the indigenous.

COMMISSIONER ESPINA.

Who says I am not indigenous? I was here.

(Laughter)

COMMISSIONER ESPINA

I did not come from any other place. We have overused this word "indigenous". That is of course a personal opinion. Am I less of a Filipino than the so-called indigenous? I was born here. My parents were born here. My lolos were born here. My lolo even served in the revolutionary, my great grandfather. We are too protective of certain, let's be, I'll be honest about this. Mr. Peña, Commissioner Peña, is he indigenous or is he not, simply because he looks mestizo? But he was here even before the Republic was born.

Anyway, Mr. Chairman, just to show you the fallacy of the position that this will strengthen political parties, look if we have five political parties participating and one party gets 40%, the other party gets 15% and another one gets 15%, another one, 12%, another one, 8%. You are to appoint the 100 on the basis of their percentage. What do you do? Gano'n din ang mangyayari. It does not serve any purpose at all.

COMMISSIONER JURADO

Exactly, the proportions are the same.

COMMISSIONER ESPINA

My compromise is, if we go into sectoral, 'yong sectoral should let the voters know who they are going to appoint. So, that when you vote for a sectoral group or a party list, alam mo na kung sino yung pupunta doon sa Congress. Hindi yung blangko, parang blanket authority to the party. They only submit to the COMELEC but the people do not know who are these, the voters do not know. See? I am willing to compromise on that basis. Halimbawa, Liberal Party, ito yung regular candidate namin per district; ito din 'yong aming i-a-appoint kung sakaling we are entitled to a party list representative. That would be acceptable to me.

CHAIRMAN ANGELES.

Noted. Commissioner Tabanda.

COMMISSIONER TABANDA.

Mr. Chairman, I am in favor of sectoral representation. But I would like the sectoral representatives to become part of the mainstream of the political system. This is why I submitted, in fact this was what I originally voiced in the Committee on Suffrage because I am completely against the complete abolition of party list representation. Now, my proposal which I submitted, is that every party list should become a political party. And since a parliamentary system works through the party system, to be a dominant political party, you may need to coalesce to include the political parties of party list representatives. So, the party list becomes part of the mainstream political system. In that way, it cannot be said that special preference is given to party list representatives. They will be part of the political mainstream. But...

CHAIRMAN ANGELES.

May I interrupt you? Can you submit this in writing?

COMMISSIONER TABANDA.

I already submitted it in the Committee on Suffrage.

CHAIRMAN ANGELES.

Yes, we will take note of it.

COMMISSIONER TABANDA.

But I would just like to raise a few points. One is, while it is true that a representative represents all the concerns in his district, undeniably, he does not represent them on the same footing. I am especially speaking of women. It is a fact that in Congress, the major bills on women were initiated by the women representatives especially when there was a women sectoral representation. So, with due respect to Commissioner Espina, I know that he is for women, but he may not have, this is why. My stand is, should it not be possible to put in this provision on sectoral representation in political parties? I will ask for another provision that political parties should be mandated to comply with the parity requirement. Meaning, political party candidates should have a percentage specifically allotted for women.

COMMISSIONER ABUEG.

In a parliamentary system, there are no more party list.

CHAIRMAN ANGELES.

Commissioner Peña has the floor.

COMMISSIONER PEÑA.

Just to refer back to Chairman Abueva's stand earlier. He mentioned here, "proportional representation of political parties". I think what has happened is, we are only analyzing it based on our experience today of sectoral. This is not how I understand it. My understanding here is, when we vote in a district, dalawa ang boto niyan: One for your representative and one based on the party platform that these political parties bring about that create the cohesion on a national perspective. So, that is why I believe that maybe we should not look at it on a sectoral basis because that will not exist because the COMELEC's version of only accepting sectoral based on marginal sectors, supposedly, and not allowing political parties, hindi iyon ang, sa tingin ko, nandito. The presumption here is, these are political parties because the electorate now will not only study his individual district leader but the platform in which he carries. And then he puts the vote. So, when he votes to one of the dominant parties, that creates the national perspective. I think, in fairness, though Chairman Abueva is not here, that's how I believe he is looking at it in the European, etc. experience.

CHAIRMAN ANGELES.

Noted.

COMMISSIONER CALISIN.

Query, Mr. Chairman. I have a query with Commissioner Adamat. What made you come up with this figure, 240 over and above 100 as additional appointees to the Parliament, over and above 300 elected members of the Parliament?

COMMISSIONER ADAMAT.

Mr. Chairman, this is the exact text of the present Constitution on Article XII, Section 5 but I merely added or deleted some of the paragraphs and instead introduced a new paragraph which is now Paragraph 2 in my proposal, which states among other things, "Political party shall, aside from the district representative, be elected simultaneously in the electoral districts". This is also the line of thinking of both the Chairman and Commissioner Peña because in the district, you will be voting not only of your district representative but as well as the political party, which has the program of government; so that, in electing or choosing 20% of the composition of Parliament, the political party

that won a certain percentage in the national level will consider the representation of the various sectors I mentioned in my proposal namely, the women, labor, indigenous peoples, urban poor, peasant and youth. That is the wisdom of my proposal. It fits with the proposal of Commissioner Tabanda, Commissioner Peña and no less than the Chairman of the Commission, except that we differ in the figures. The Chairman proposed 100 additional seats while mine is just 20% of the total number of Parliament which is amounting to something like 60 representations, 60 representatives. But the consideration of the 60 representatives by the winning political party should come from the various sectors indicated in my proposal.

CHAIRMAN ANGELES.

Anyway, your proposal is in writing?

COMMISSIONER ADAMAT

Yes, Mr. Chairman.

CHAIRMAN ANGELES

That will be noted.

COMMISSIONER ESPINA.

Mr. Chairman, being not a member of the Committee on Suffrage, but believing that provisions on the elections especially in membership in the legislative body in a parliamentary system cannot be isolated from each other, may I reserve in plenary to speak against the proposal for retaining any form of membership in parliament except by direct election of the people?

CHAIRMAN ANGELES.

You reserve that in the plenary session.

COMMISSIONER ESPINA.

Because this reservation could be true even if we retain the presidential system.

COMMISSIONER ESPINA.

Okay.

COMMISSIONER TABANDA.

Another matter, Mr. Chairman. On the composition, as far as representatives of autonomous...

CHAIRMAN ANGELES.

What section are you?

COMMISSIONER TABANDA.

The same, Section 2, composition as far as autonomous regions are concerned. I think this is very important because this is related to the possible shift to federalism. For example, there are autonomous regions. Will the autonomous regions have their own autonomous state legislatures? They will have their legislatures. And in addition to that, you will still have representation of the autonomous regions in the Parliament. In addition to that, you will still have the district representatives in Parliament, which are also coming from the regions. Maybe this has to be studied and reviewed if it is really wise to have regional representatives still present in the districts or probably, I don't know how,

do away with district representatives and put them all in the state legislatures. But we cannot fully discuss this because we have not decided on the structure of government. But should we decide on a structure of government, it is very important to determine who gets to represent what so that we will not argue against federalism of a bloated bureaucracy.

COMMISSIONER CALISIN
Privilege motion, Mr. Chairman.

COMMISSIONER BAUTISTA
Mr. Chairman.

CHAIRMAN ANGELES.
So, are we still in the same section here?

COMMISSIONER BAUTISTA.
Yes, Mr. Chairman, in fact, taking off now from the point of Commissioner Tabanda, I would like to move that for the subsequent draft for this Committee, all references to a shift to a federal form of government be taken out because it tends to confuse the issue. We are the Committee on the Structure. Therefore again, to simplify matters, we should take out...

COMMISSIONER ANGELES
You mean Committee on the Form.

COMMISSIONER BAUTISTA
I'm sorry, form, yes, not on structure. So, I think we should take it out. That is a motion that I am submitting for the Committee to vote on.

CHAIRMAN ANGELES.
That is a motion.

CHAIRMAN ANGELES.
So, duly seconded. Any objection?

COMMISSIONER ADAMAT.
Clarification, Mr. Chairman. May I know from the proponent if he is actually talking about deleting the provision on national representation?

COMMISSIONER BAUTISTA.
I am talking about deleting all provisions relating to a shift to the federal, including sort of like, you know, references to autonomous regions, regional assemblies, etc.

CHAIRMAN ANGELES.
In other words, are you proposing that if ever any proposal for the adoption of federalism, must be contained in the transitory provision?

COMMISSIONER BAUTISTA.
No, no. It should come from the Committee on the Structure of Government.

CHAIRMAN ANGELES.

We leave that to the Committee on the Structure of Government. Okay. I think that's well taken.

COMMISSIONER TABANDA.

In other words, premature at this point, but it may possibly come in when we decide to make a preliminary recommendation of a shift to federalism.

COMMISSIONER CALISIN

Mr. Chairman.

CHAIRMAN ANGELES.

Okay, any objection? There is a motion. There being none, the motion is approved.

COMMISSIONER JURADO.

What is the motion, Mr. Chairman?

CHAIRMAN ANGELES.

Will you repeat it again for the benefit of Commissioner Jurado?

COMMISSIONER JURADO.

Ah, yes, yes.

CHAIRMAN ANGELES.

No more problem?

COMMISSIONER CALISIN.

For the record, Mr. Chairman, may I be permitted to leave because I am invited by the Committee on Suffrage to attend the technical, TWG? For purpose of record.

CHAIRMAN ANGELES.

The request is granted. So, we proceed with this Committee even if we are just three. *(Laughter)* We will proceed. Let us go to Section 3.

I request that Commissioner Bautista will stay. *(Laughter)* And Commissioner Pedrosa. Do not leave the hall. You are hereby commanded to stay. Commissioner Gonzalez, are you leaving? Suffrage? You are more needed here than in the Suffrage. There is a lot of suffering already there.

COMMISSIONER ABUEG.

Mr. Chairman, this Section 3 is already covered by the Bautista motion. So, we proceed to Section 4.

COMMISSIONER BAUTISTA.

Just on the political parties, Mr. Chairman. And it is good that Commissioner Pedrosa is also here because I am just curious as to whether or not we should return to the two-party system. And again, I am not familiar, in parliamentary democracies, what is the norm? Are there usually two parties?

COMMISSIONER ABUEG.

May I venture this information? In the last meeting of the Committee on Suffrage and Electoral Reforms, the Committee decided to adopt the recommendation of the Commission on Election that we return to the two-party system.

COMMISSIONER PEDROSA.

Well, just to give my view, it differs from country to country. Depending on what we have at the time that we will adopt the parliamentary system, then we can probably evolve to two-party or it can evolve to very strong parties that they will coalesce when the time comes. But you cannot quickly remove the party list that are, all of it. I think that it is not a matter of decision; it is something that evolves politically.

COMMISSIONER ADAMAT.

Mr. Chairman, privilege motion. Before I leave because I am needed also in the other Committee, may I just call the attention of the Chair that on November 15, 2005 committee meeting of the Committee on the Form of Government, I was present but my name is not listed present in the minutes. May I just request, Mr. Chairman, that this be corrected?

CHAIRMAN ANGELES.

Okay, Secretariat, take note. Correct the minutes.

COMMISSIONER ADAMAT.

Thank you, Mr. Chairman.

COMMISSIONER ABUEG.

Mr. Chairman, may we now proceed to Section 4?

COMMISSIONER BAUTISTA.

Mr. Chairman, though, with the revelation of Commissioner Abueg about the decision on the Committee on Suffrage, in a way this is now going head-on against the current draft of our committee report, which essentially envisions a multi-party system.

COMMISSIONER ABUEG.

This can be rectified or reconciled by the plenary and the Committee on Style.

COMMISSIONER BAUTISTA.

That would be interesting. But I just wanted to flag that issue because it is, I think, a major issue that needs to be resolved.

CHAIRMAN ANGELES.

We will now proceed to, Commissioner Abueg will now take over.

COMMISSIONER ABUEG.

Section 4, The Qualification of Members of Parliament.

COMMISSIONER JURADO.

Mr. Chairman, on qualifications of members of Parliament, if the future symbolic President is to come from elected members of Parliament, the qualifications that we think that a symbolic President should possess should also be possessed by all

prospective members of Parliament because it is from them that that person is to be chosen.

COMMISSIONER ABUEG.

Are you suggesting that one of the qualifications of a President must be that he is a natural born citizen?

COMMISSIONER JURADO.

Well, Mr. Chairman, we were not too clear when we tackled this earlier. But this idea that he is at least 25 years old, able to read and write. I think this was the thing that most of the Commissioners were disputing, just able to read and write? In fact, the Chairman...

CHAIRMAN ANGELES.

That is why I wanted to add the qualification that they must have a bachelor's degree...

COMMISSIONER JURADO

That's it.

CHAIRMAN ANGELES

...obtained from a reputable institution of higher learning before they become a member of Parliament. Just imagine somebody who is a college drop-out who has not even completed, become a member of Parliament. What will he do there? Just draw the salary and the pork barrel? That is what's happening now. We have a lot of members in the Senate who are all outstanding members of the committee on silence. They are drawing 200 million of pork barrel. What kind of senators do we have there? Even if I will be elected by the people, I do not like to sit in that Senate. I do not want to be identified with incompetence. I am sorry to say it.

COMMISSIONER JURADO.

Very understandable, Mr. Chairman.

CHAIRMAN ANGELES.

Now, people who are concerned about this Republic, like all of us here, must really put in writing, in black and white, what should be the qualifications of members of Parliament. We should not tolerate anymore incompetence to be representing us in the...

COMMISSIONER JURADO.

So, Mr. Chairman, shall we agree to recommend that the members of Parliament should be in possession of at least a bachelor's degree? Because we did not agree on any such thing earlier.

COMMISSIONER BAUTISTA.

Mr. Chairman, parliamentary inquiry. As an educator, are you aware of the number of Filipinos who have or who possess a bachelor's degree? And again, just in terms of the percentage.

CHAIRMAN ANGELES.

I do not know the percentage of educated Filipinos but it is the obligation of the state to provide quality education to its citizenry. That is why even the structure of the educational system, there must be a restructuring of the educational system because a

number of our institutions are diploma mills. Let's face it. They produce graduates who cannot even speak, write correct English.

COMMISSIONER BAUTISTA.

But, Mr. Chairman, we live in a democracy where the majority should govern, whether we like it or not. I think less than 20% has a bachelor's degree. In any case, you are going to be dispossessing a lot of Filipinos from aspiring for high political office by coming up with this recommendation.

CHAIRMAN ANGELES

There are a lot of changes that we have to introduce in the system. But it is not in this Committee to discuss this. We are limited to discussing the form of government. There is a lot of things that we need to correct in this society of ours. Like for example, how can we eliminate maybe two or 3,000 traditional politicians who are misguiding and misdirecting this country? If the power of imagination can only kill, they have been killed already many times. But the thing is, I am trying to find a way on how we can save this country. Have we recorded this? Can we put it off the record? But I think everything that we say here is recorded that is why it is very difficult to say something here that, maybe in a private conversation, I can tell you what would be the solution to the ills of our country.

COMMISSIONER JURADO

Mr. Chairman, excuse me.

COMMISSIONER ABUEG.

Mr. Chairman, in the qualification here, "able to read and write"...

COMMISSIONER JURADO.

Perhaps, we can say, "preferably able to..." I was listening to Dean Bautista's point. We do not want to disenfranchise anybody.

COMMISSIONER ABUEG.

We are talking about qualification to be a member of Parliament.

CHAIRMAN ANGELES.

For example, the ones who can qualify to vote. How can you allow anybody who is not a taxpayer to be able to vote? Maybe there must be some kind of a policy here. Pinagbabayaran ang mga nandidiyan sa paligid ng ating bansa na mga pobre. They are being exploited so that they can get elected into position, those who are living in the squatter areas who had not had the opportunity to study or who has been given opportunities but did not take advantage of it. Ayaw nilang mag-aral, so they become illiterate. They have been given an opportunity to study in our public school system. Bakit hindi sila nag-aral? Ano ang ginagawa nila? Naging squatters sila, ang dami nilang mga anak. Pagkatapos, gano'n din ang mangyayari sa mga anak nila. Hindi rin makapag-aral kasi they follow what their parents, their models are their parents. Then we have a problem on population control. *(Laughter)* There's a lot of problems here.

COMMISSIONER BAUTISTA *(off mic)*

Sandali lang. We are veering away.

CHAIRMAN ANGELES

Precisely, now we go back to the provisions here. Qualifications. The members of Parliament must have a qualification.

COMMISSIONER BAUTISTA.

Mr. Chairman, I am now going to serve as your lawyer. I will have to ask you to stop talking about your other, because this is being taped. *(Laughter)*

COMMISSIONER ABUEG.

The suggestion here is to eliminate, "able to read and write," and substitute it with qualification, "at least a bachelor's degree".

COMMISSIONER PEÑA

I have some...

COMMISSIONER JURADO

Mr. Chairman

COMMISSIONER ABUEG

Qualification for members of Parliament, not for voter.

COMMISSIONER PEÑA.

I know. May I, may I make mention, I think we all agree that the system can be improved. But I think, in the form of government which we are proposing today, the parliamentary, the improvement is being set forward. Because even though a member of the Parliament is elected, that by no means means that he will become head of government. So, I put a caution, because part of this whole process is a marketing effort for we're going to have to go back to the people of the Philippines and market these bigger things. And I believe if we could relax a little bit on the qualifications of being a member of Parliament, though a person may be voted in that district, the next election, most likely, if he does not perform, he will not be reelected. And among the 300 members of Parliament, if he does not have the political savvy, he will not be a head of any strong political parties.

May I put a word to caution over the bigger picture of marketing these very important parts of changes to improve the country that we may relax on the asking of a bachelor's degree on a candidate and maybe realize that it will find itself anyway once the person is elected and now he vies within his own political party for some position of power.

CHAIRMAN ANGELES.

Noted. Commissioner Abueg will proceed.

COMMISSIONER ABUEG.

Section 5, Term of Office, five years.

CHAIRMAN ANGELES.

No comment? Proceed to Section 6.

COMMISSIONER ABUEG.

Section 6 is related to Section 5 and also Section 7.

CHAIRMAN ANGELES.

May I just make an observation, Commissioner Abueg? That in the revised matrix, let us not anymore mention that this is adopted from the constitution of India or constitution of the Federal Republic of Germany. Let us reword it to make it a truly Filipino proposal.

COMMISSIONER BAUTISTA.

Mr. Chairman, I think for the purposes of the Committee, it's good to identify the source. But if indeed this will later on be presented to the public, then we should take it out. In fact, I am curious as to where these things are coming from.

CHAIRMAN ANGELES.

It comes from Commissioner Abueva.

COMMISSIONER BAUTISTA.

You know, is it just his head or is it based on...

CHAIRMAN ANGELES.

Pinag-aralan niya for the past 50 years. This is a study for more than 50 years. We were not born yet, Commissioner Bautista. So, please proceed Commissioner Abueg.

COMMISSIONER ABUEG.

Section 7.

COMMISSIONER BAUTISTA.

On Paragraph 1, I find this a bit intriguing. In fact, I wanted to ask again Commissioner Pedrosa, is this regular wherein the Prime Minister gets to request a vote of confidence where a bill is put to vote? So, every bill, you can basically ask for a vote of confidence. I do not know if this is the...

COMMISSIONER PEDROSA.

Again, Mr. Chairman, it depends upon what the bill is. If the bill is a controversial one, this is what makes a parliamentary government superior to a presidential government, the constituency is always there. The reason why a Prime Minister asks for a vote of confidence is to get public opinion behind him. This is the habit. It happened in Japan recently when Koizumi made a suggestion for a bill for privatization, he went to the public. It is a device that strengthens his position, something he can take or not take. Thank you.

CHAIRMAN ANGELES.

Okay, noted. Proceed. Section 8.

COMMISSIONER ABUEG.

Procedural ito. I think there should be no kuwan here. We go to Section 9 now, Mr. Chairman.

CHAIRMAN ANGELES.

Section 9?

COMMISSIONER BAUTISTA.

Mr. Chairman, on Section 9, again, who dissolves the Parliament? Is it the President or is it the Prime Minister?

COMMISSIONER ABUEG.

The Prime Minister calls a vote of confidence on any vital issue that will sustain or dissolve the majority party. So, it is the Prime Minister who initiates it and throws it to Parliament for a vote. After which, the Prime Minister advises the President to dissolve Parliament and call for a parliamentary election. That is the procedure.

COMMISSIONER PEDROSA.

Mr. Chairman, I will just add that point that the President's role here is again procedural or ministerial as they call it. But the actual power to dissolve really comes from the Prime Minister deciding that his government, he is putting his government at stake when he asks for a vote of confidence.

COMMISSIONER ABUEG.

May we now proceed to Section 10, Mr. Chairman?

CHAIRMAN ANGELES.

Go ahead. Section 10.

COMMISSIONER ABUEG.

This is providing the regular election on second Monday of November for every five years.

CHAIRMAN ANGELES.

Any observation?

COMMISSIONER JURADO.

Are we on Section 11 now?

CHAIRMAN ANGELES.

No, Section 10.

COMMISSIONER JURADO.

Sorry.

COMMISSIONER ABUEG.

The election of members of Parliament, which is set on the second Monday of November.

COMMISSIONER BAUTISTA.

I am curious as to where the proponent got that date.

COMMISSIONER ABUEG.

This is in accordance with the old...

COMMISSIONER BAUTISTA.

Why November?

COMMISSIONER ABUEG.

I presume this is in accordance with the old election code before Martial Law where elections are held on the second Monday of November.

COMMISSIONER BAUTISTA.

So that their term of office can start in January, I think that's how.

COMMISSIONER ABUEG.

Probably, yes. The term of office of the duly elected officers starts in January, the first calendar day of January.

COMMISSIONER JURADO.

Mr. Chairman, on Section 11, I think what the Chairman of the Style Committee suggested earlier makes a lot of sense. That is, we do not mention specifically exact amounts that are to be paid by officials but we are only to say that the salaries are to be set by law. I agree with that.

CHAIRMAN ANGELES.

I suggest that we do not indicate any amount as far as salaries are concerned. When it refers to salaries and benefits, they have to be determined and approved by the Parliament and applicable not to the incumbent but maybe the next, succeeding members of Parliament.

COMMISSIONER BAUTISTA.

So, what would the salaries of the initial group be?

CHAIRMAN ANGELES.

Initially, maybe that can be determined by, that can be mentioned in a transitory provision maybe. I don't know how...

COMMISSIONER BAUTISTA.

That is what was done in fact in the '87 Constitution.

COMMISSIONER ABUEG.

At present, the salary of incumbent members of Congress and the House of the Senate is 35,000 a month. So probably, we can have a take off there. An initial amount should be placed as a minimum but without prohibition from being increased at the next term of Parliament. Anyway, symbolic lang iyang 35 na 'yan. It's not the kuwan...

COMMISSIONER GONZALES.

Mr. Chair, I would like to go back in the question of the Commissioner here. What is the basis of November? The reply was because November was for the House of Representatives, already ongoing policy. But if you look at what we are correcting, the House of Representatives are elected on the 30th day of June, hindi November.

COMMISSIONER ABUEG.

Under the '87 Constitution, the election is on the second Tuesday of June for every three years.

COMMISSIONER GONZALES.

June. May is Senate.

COMMISSIONER ABUEG.

Yes, second Tuesday of May. I stand corrected. And they assume office at noon of June 30. That is under the present Constitution. Chairman Abueva must have taken this from

the old Election Code that is prior to Martial Law, where the old Election Code provided the election on national offices, national officials, including the President, for every four years, President, senators, members of Congress on the second Monday of November. I assume this is where Chairman Abueva adopted this.

COMMISSIONER GONZALEZ

I'm just trying to correct the previous statements.

CHAIRMAN ANGELES.

Any other comments? We will proceed to the next section so we can finish.

COMMISSIONER ABUEG.

Section 13, Immunities.

COMMISSIONER BAUTISTA.

Where did Section 11 go? Ah, 12, where did Section 12 go?

CHAIRMAN ANGELES.

Walang 12 eh. We are jumping from one section to another. And I am tempted to really work closely with Commissioner Bautista in proposing definite acceptable provisions here that may lead to the adoption of a parliamentary form or presidential, whatever. But the thing is, we need to, maybe the best reference we can utilize is the 1973 Constitution that has not been fully implemented. Those delegates to the 1971 Constitutional Convention are duly elected as representatives of the people. The rest of those who drafted our Constitution thereafter, they are only appointed by Presidents. And that is why we have a topsy-turvy Constitution.

COMMISSIONER BAUTISTA.

Although, Mr. Chairman, I beg to disagree. Is it your position that just because you are elected that you are more capable of drafting a Constitution as opposed to one who is appointed? In fact, that goes against your earlier pronouncement that, in a way, our electorate has not been putting in place leaders that can lead this country.

CHAIRMAN ANGELES.

Unfortunately, the results of the so-called Cory Constitution is the evidence of all the chaos that we are experiencing now, the problem that confronted the country. We never had party list before. It is invented by that Cory Constitution in 1987. Now we are supporting how many party lists, with the X number of millions of public funds?

COMMISSIONER BAUTISTA.

Mr. Chairman, may I again stop you from further commenting on that? *(Laughter)* No, but then again, I think what we should...

CHAIRMAN ANGELES.

No, I am willing to go to jail here provided I will be visited by Commissioner Pedrosa, and Andy Bautista will be my lawyer, and I will be visited by Commissioner Amin, my good friend, Commissioner Jurado. *(Laughter)*

COMMISSIONER ACEVEDO.

Mr. Chairman, if you continue, we might not be visiting you in jail.

CHAIRMAN ANGELES.

You will be visiting me in the memorial park.

COMMISSIONER PEDROSA.

Mr. Chairman, I think that most of our difficulties arise from the fact that we are going at this section by section. If we can go by, what you call broad strokes of the principles of parliamentary government, we will finish our work, but we already decided.

COMMISSIONER BAUTISTA.

We are almost there.

COMMISSIONER PEDROSA.

Okay.

COMMISSIONER ABUEG.

Section 12 is not provided here in the proposed draft of Chairman Abueva. But Section 12 of the '87 Constitution reads, "All members of the Senate and the House of Representatives shall, upon assumption of office, make a full disclosure of their financial and business interest. They shall notify the House concerned of a potential conflict of interest that may arise from the filing of a proposed legislation of which they are authors." Can we include this, Mr. Chairman, for purposes of plenary discussion?

CHAIRMAN ANGELES.

Yes.

COMMISSIONER ABUEG.

Section 12 of the '87 Constitution? On the disclosure of...

COMMISSIONER BAUTISTA.

Mr. Chairman, that is in Section 14, I think, here in the draft.

COMMISSIONER ABUEG.

Ah, nasa 14.

COMMISSIONER BAUTISTA.

Oo, nagkamali lang sa number.

COMMISSIONER ABUEG.

Ah, tama, tama. Yeah, okay, the numbering is Section 14 which was taken from Section 12 also.

COMMISSIONER BAUTISTA.

Although, ang problema dyan sa proposed Section 14, Mr. Chairman, is 'yong last sentence. They have introduced this concept of a blind trust. Baka mabulag tayo niyan, Mr. Chairman.

CHAIRMAN ANGELES.

I agree with the observation. The observation is noted.

COMMISSIONER ABUEG.

So, we proceed, Mr. Chairman, to Section 13, Immunities, which was taken from Section 11 of the '87 Constitution.

CHAIRMAN ANGELES.

Proceed to Section 14, now. Okay na, ano? Section 15.

COMMISSIONER ABUEG.

Section 14, Disclosure.

CHAIRMAN ANGELES.

14, there is no question anymore.

COMMISSIONER BAUTISTA.

Except 'yong blind trust. Blind trust, pakitanggal.

CHAIRMAN ANGELES.

Blind trust is being questioned. Maybe our draft will remove that word, blind trust. So let's proceed to Section 15.

COMMISSIONER ABUEG.

I move now that we proceed to Section 16.

CHAIRMAN ANGELES.

16?

COMMISSIONER ABUEG.

Ito taken from 17.

CHAIRMAN ANGELES.

Okay din 'yan.

COMMISSIONER BAUTISTA.

Although, 'yang 17, Mr. Chairman, is not how it is right now na members of Congress as opposed to members of the executive branch are allowed to practice. What they cannot do is personally appear. That's a major change, that Section 17. In fact, there is a reference, "including work in the media or cinema," which would prohibit many officials. Like, for example, even the current Vice-President of the Philippines who has a radio program and also many members of both the Senate and the House. This is a more prohibitive provision that is being proposed.

CHAIRMAN ANGELES.

May I remind you that we can only use this room up to 3:00. What section will be next?

COMMISSIONER ABUEG.

Section 21. Electoral Tribunal, taken from the old Section 22, taken from '87 Constitution.

COMMISSIONER BAUTISTA.

Where are we, on electoral tribunal?

COMMISSIONER ABUEG.

Yes.

COMMISSIONER BAUTISTA.

Again, I want to ask, in a parliamentary form, is there usually an electoral tribunal? For example, in the UK, they have a different commission that counts the votes. Why do we have an electoral tribunal here?

CHAIRMAN ANGELES.

Would that be under the Commission on Elections?

COMMISSIONER BAUTISTA.

I would think.

COMMISSIONER PEDROSA.

I think even a Commission on Elections becomes redundant within a parliamentary system because it's party government; it is not individuals who are protesting elections.

COMMISSIONER BAUTISTA.

Who counts the votes, Commissioner Pedrosa?

COMMISSIONER PEDROSA.

Let me find out because I am not so sure about that. You are right. Some kind of a canvassing group but it is not a tribunal. They do not decide that. But let me find out so that I can help.

COMMISSIONER ABUEG.

In this case, Mr. Chairman, probably the electoral tribunal should be not on the present composition where justices of the Supreme Court sit, as these are presidential and vice-presidential electoral tribunal. But what will be subject of a contest here are the district representation.

CHAIRMAN ANGELES.

You mean the members of Parliament? Where will they bring their protest?

COMMISSIONER ABUEG.

Now, it is with the House Electoral Tribunal in case of the qualification and the election. There is no pre-proclamation controversy for members of Congress. In case the eligibility of a proclaimed candidate is being questioned by the losing candidate, it is brought before the House Electoral Tribunal or the Senate Electoral Tribunal. But the composition will probably be subject to some changes.

CHAIRMAN ANGELES.

Noted. Section 23? 24? 25? 26?

COMMISSIONER BAUTISTA.

Is the word "determine" the proper term? I would think that it should be "declare."

COMMISSIONER ABUEG.

In the preceding section, the powers of the President, it's the President who declares the same through the advice of the Prime Minister with a vote coming from Parliament.

CHAIRMAN ANGELES.

So, what you are saying, the Prime Minister or the President or both cannot declare war without the concurrence of the Parliament?

COMMISSIONER ABUEG.

Yes. It should first be a result of a parliamentary vote of two-thirds of its members before the Prime Minister advises the President to declare.

CHAIRMAN ANGELES.

Can I make a suggested correction here? Two-thirds of all the members of Parliament, not just two-thirds of members. It might be interpreted as two-thirds of the members of the Parliament present constituting a quorum. It must be two-thirds of all the members of Parliament. That is my suggestion.

COMMISSIONER BAUTISTA.

Mr. Chairman, my point is with respect to the difference between the power to wage war as opposed to the power to declare the existence of the state of war because if the invaders are already there, you cannot wait for Parliament to essentially declare the existence but you have to give the power already to the Prime Minister in order to call out the armed forces in order to repel invaders. Again, this is a distinction. That is why I think this “determine” maybe wrong and it should be “declare”. It should be the Prime Minister though, who has the power to wage war. I think that is the point I would like to raise.

CHAIRMAN ANGELES.

Okay, noted.

COMMISSIONER BAUTISTA.

In Paragraph 2, Mr. Chairman, I think that the Parliament by law may authorize the Prime Minister. It should not be the President.

CHAIRMAN ANGELES.

Okay. Section 27, Budget.

COMMISSIONER ABUEG.

It is like the present Constitution, where Congress cannot increase the proposed budget recommended by the President.

CHAIRMAN ANGELES.

So, proceed. Section 15 has several numbers here, one to seven, seven items. Section 28? Approved?

COMMISSIONER ABUEG.

Section 29.

COMMISSIONER BAUTISTA.

Well, 29 & 30, again, Mr. Chairman, there are references to each chamber, which seem to envision a bicameral. That has to be...

CHAIRMAN ANGELES.

That has to be corrected.

COMMISSIONER BAUTISTA.

29, 30 also. In fact, 30 talks about each chamber voting separately. What is this? What is that banana?

CHAIRMAN ANGELES.

Remove that "each chamber voting separately" because it is inconsistent with the unicameral. Delete. The same is true with Section 29, "each chamber deliberating and voting separately." Delete. Okay? 31, Taxation.

COMMISSIONER BAUTISTA.

On Paragraph 3, Mr. Chairman, there is reference to charitable institutions and other churches that are being given some tax exemption. Doesn't that go against the principle that the separation of church and state shall be inviolable which is found in Article II?

COMMISSIONER ABUEG.

"Shall be exempt from taxation," this is taken from the existing '87...

COMMISSIONER BAUTISTA.

Which is also taken from the 1935, I think. It is because there is a very powerful, note n'yo na lang. Note.

COMMISSIONER ABUEG.

Probably the word "non-profit" should be included here for those charitable institutions. Kahit schools run by church are exempt from taxation because of the provision of the separation of the church and state.

CHAIRMAN ANGELES.

Should we delete this?

COMMISSIONER ABUEG

Further discussion.

CHAIRMAN ANGELES

Unless you want to be excommunicated.

COMMISSIONER ABUEG.

32. This is also the provision 29 of the 1987 Constitution. Move to Section 33.

CHAIRMAN ANGELES.

Okay. Section 34.

COMMISSIONER BAUTISTA.

Why, Mr. Chairman, are we going to not allow Congress to grant a title of royalty or nobility?

COMMISSIONER PEDROSA.

I find this redundant because we are already a democracy. Why is there such a thing? Delete.

COMMISSIONER BAUTISTA.

I think it is because of that, that it will be inconsistent if we are a republican form of government, then all of a sudden Congress comes up with a law that they are putting up a king.

COMMISSIONER PEDROSA

But, you know, we could, in fact...some people declare themselves god and it happens.

CHAIRMAN ANGELES.

Section 35.

COMMISSIONER BAUTISTA.

Delete. This should not be here, Mr. Chairman.

COMMISSIONER JURADO

This is transitory.

COMMISSIONER BAUTISTA.

Even 36 is also transitory.

CHAIRMAN ANGELES.

Delete. Thank you very much. Any motion for approval, ay, for adjournment?

COMMISSIONER ABUEG.

Oh, wala na. I move, Mr. Chairman...

CHAIRMAN ANGELES.

Let's send this back to the proponent.

COMMISSIONER ABUEG

...we approve the same.

COMMISSIONER BAUTISTA.

No, but again Mr. Chairman, what is going to happen next? When is our next Committee meeting? And secondly, what is going to happen in that next Committee meeting?

CHAIRMAN ANGELES.

This is the way I look at this. We will ask Chairman Abueva to revise his proposal.

COMMISSIONER BAUTISTA.

I disagree, Mr. Chairman. I think that he has already presented his proposal to the Committee. I think that the Committee now should come up with its own revised draft taking into account all the proposals that have been submitted.

CHAIRMAN ANGELES.

So, it will not be Commissioner Abueva anymore. Is it a motion?

COMMISSIONER BAUTISTA.

No, I think that is how it should be. I don't think that the Committee should vote on this. I think that should just be the proper procedure.

CHAIRMAN ANGELES.

Okay, since you are committed to rule on this, henceforth, Chairman Abueva has nothing to do anymore on the proposal of this Committee. It will be drafted by a small committee that I will form to draft the proposal, a semi-final draft proposal.

COMMISSIONER BAUTISTA.

No, the next draft for presentation to the Committee.

CHAIRMAN ANGELES.

For presentation to the Committee. So hindi na siguro si Commissioner Abueva. It will be a small committee that I will form.

COMMISSIONER GONZALES.

Mr. Chair, I suggest that you have a committee of three to review the wordings.

CHAIRMAN ANGELES.

I have already designated the committee. It is composed of yours truly, Commissioner Bautista and Commissioner Jimeno.

COMMISSIONER BAUTISTA.

Mr. Chairman, 'yan bang committee na 'yan will get some form of honorarium from the Angeles University?

CHAIRMAN ANGELES.

Yes.

COMMISSIONER BAUTISTA.

Ah, meron. *(Laughter)*

CHAIRMAN ANGELES.

Not only that. They will be entitled to a title of nobility. *(Laughter)*

COMMISSIONER GONZALEZ

That being the case, may you include me in your committee?

CHAIRMAN ANGELES

Sorry, it's limited to three eh. Why can't we involve also Commissioner Pedrosa?

COMMISSIONER BAUTISTA.

I think that is most appropriate since she is the repository of ...

CHAIRMAN ANGELES.

Can I invite you Commissioner Pedrosa to be a member of this small committee?

COMMISSIONER PEDROSA.

No because I do not do any drafting. I will just...

CHAIRMAN ANGELES.

You ventilate your ideas and we will try to put it in the proper form.

COMMISSIONER PEDROSA.
I will be very happy.

CHAIRMAN ANGELES.
So, I am going to request that we schedule a meeting. Kailan ba ang available mo, pare? Kailangan 'yong available tayo muna.

COMMISSIONER BAUTISTA
Right now, mga January 4 po ang best time for me. *(Laughter)* Because I have other paying commitments.

CHAIRMAN ANGELES
So Commissioner Bautista, you have to sacrifice a little bit for the country, you know. I will increase the committee to five. I will include Commissioner Jurado to be a member of our committee.

COMMISSIONER JURADO.
I would want to say yes enthusiastically, Mr. Chairman, commitments in the other committees, you know...

CHAIRMAN ANGELES.
This is the most important committee.

COMMISSIONER JURADO.
Okay.

CHAIRMAN ANGELES.
So, lima na tayo to draft this. We will get the available time of our legal luminaries like Commissioner Bautista and Commissioner Jimeno. Kunin natin ang schedule nila then we will notify you.

COMMISSIONER JURADO
But you have mentioned only four names, Mr. Chairman. Who is the fifth one?

CHAIRMAN ANGELES
I am the fifth one.

COMMISSIONER JURADO
Correct. One, two, three.

CHAIRMAN ANGELES
Commissioner Jimeno.

COMMISSIONER JURADO
Who is the fifth one?

CHAIRMAN ANGELES
Commissioner Jimeno, Commissioner Pedrosa, so we have two muses.

ADJOURNMENT OF MEETING

CHAIRMAN ANGELES.

So, there is a motion to adjourn. Any objection?

COMMISSIONER GONZALEZ

No objection.

CHAIRMAN ANGELES.

I appreciate your joining me in this Committee hearing. Thank you.

It was 2:57 p.m.