

**Consultative Commission to Propose the Revision of the 1987 Constitution**  
**Committee on General Provisions / Constitutional Commissions /**  
**Amendments and Transitory Provisions**  
Monday, 5 December 2005

**CALL TO ORDER**

At 9:38 a.m., Committee Chairman Jose P. Leviste, Jr. called the meeting to order.

**ROLL CALL**

Upon motion of Com. Gerardo S. Espina, Sr., duly seconded and there being no objection, the Body dispensed with the roll call. The following Members were present:

Chairman Leviste Jr, Jose P.  
Abueg, Alfredo Jr., E.  
Acevedo, Anthony Y.  
Adamat, Ronald L.  
Apostol, Sergio A.F. (9:54 a.m.)  
Bautista, Andres D. (9:35 a.m.)  
Bengzon, Ma. Romela M. (9:56 a.m.)  
Catan, Gonzalo Jr. O. (9:42 a.m.)  
Espina, Gerardo Sr. S.  
Fernandez, Alipio V.R.D. (9:47 a.m.)  
Gonzalez, Nelia T.  
Leviste, Jose Jr. P.  
Peña, Fernando Martin O.

The Chairman said that the meeting would proceed despite the relatively small attendance, but that the Body would not vote on issues. He said that he had been informed that Co-Chairman Jose C. Bello, Jr. was not well and would be late.

**MINUTES OF THE PREVIOUS MEETING**

Upon motion of Commissioner Bautista, duly seconded and there being no objection, the approval of the Minutes was deferred until the

Committee had more members in attendance.

**AMENDMENTS BY COMELEC COMMISSIONER BORRA AND COMMISSIONER NAVAL**

Chairman Leviste noted that the Committee was to take up the proposed amendments submitted by COMELEC Commissioner Borra, in coordination with Committee on Suffrage Co-Chairman Naval. He asked the Committee to defer discussion of the proposal until the arrival of Commissioner Naval.

**BAUTISTA AMENDMENT**

The Chair said that the Committee would now take up the proposal of Commissioner Bautista on political dynasties.

Commissioner Bautista read the following into the record:

*No relative within the fourth degree of consanguinity or affinity of a Member of Parliament who has served for three consecutive terms of the same district shall be eligible for election as the representative of that district.*

Commissioner Bautista said he was not sure if the proposal was properly under the General Provisions, however its purpose was to regulate the term of office of members of the legislature.

The Chair opened the floor for debate on the proposed amendment.

## **COMMENTS OF COMMISSIONER ESPINA**

Commissioner Espina said he was opposed to the amendment on the grounds that real democracy means there should be no limit to the power of the people to choose their officials, just as they have the right to reject candidates. He pointed out that society does not condemn families whose members go into the same profession such as medicine or law and who could arguably be said to have medical or legal dynasties.

Commissioner Espina suggested that rather than limiting the free choice of voters, efforts should be made in order to provide ways, means and regulations to prevent cheating in elections.

## **INQUIRY OF COMMISSIONER PEÑA**

Commissioner Peña inquired as to whether the provision was intended only to be applicable to elections for Congress or Parliament, or for all electoral positions. He also asked whether the issue would still be relevant if term limits were removed.

Commissioner Bautista explained that the amendment would apply only to members of the legislature, but can be enlarged to encompass the election of other officials. He said that the issue would remain relevant even if term limits were removed.

In response to the points of Commissioner Espina, Commissioner Bautista said that in theory he agreed that voters should be allowed the freedom to choose public officials. The question, however, is whether Filipino voters are truly able to exercise free choice at this point in time, particularly as political dynasties tend to control

operations of certain local government units. He pointed out that a political dynasty differs significantly from a medical or legal dynasty. A political dynasty that is prominent in a province, for example, will have a big influence on the manner in which the province is run from an economic standpoint, and the family tends to control businesses and schools to perpetuate their power.

Commissioner Bautista added that the amendment is intended to uphold Section 26, Article II, which states:

*The State shall guarantee equal access to public service, and prohibit political dynasties as may be defined by law.*

Commissioner Bautista said that almost 18 years have passed since this provision was written, and still no law has been created to uphold it despite the very strong mandate provided in the 1987 Constitution. He therefore believed that the only way to come up with a meaningful prohibition against political dynasties was to insert an amendment into the Constitution so that the issue would no longer be subject to the whim and caprice of Congress or the legislature.

## **SUGGESTION OF COMMISSIONER ACEVEDO**

Commissioner Acevedo suggested retention of the present provision in the Constitution, for Congress to decide to act upon when it sees the need. He said that Congress evaluates the need or demand for new laws from the constituency, and will not act if the general population does not think such a provision should be made.

He advised the Committee not to adopt a provision that is not marketable as yet. He said that the existing provision in the Constitution is

adequate, and that it is not for the Committee to push the issue further as this will only increase possible opposition to the Commission, and adds to their burden of advocating the other provisions that they wish to introduce.

Commissioner Bautista replied that while the amendment may affect the marketability of the revised Constitution, the Commission must not be blackmailed by a threat of nonsupport but must do what is right, and advocate provisions on the merit of their rightness. He averred that a provision exists in the 1987 Constitution, but in the 18 years since this has been passed, there has been no action from Congress on the issue. Bills thereon have been filed but have not seen second reading, so apparently Congress was acting on its own self-interest in not obeying the mandate of the Constitution. He said that because of this failure of legislature, it is now the responsibility of the Commission to come up with a provision that would work.

#### **REJOINDER BY COMMISSIONER ESPINA**

Commissioner Espina said that while Commissioner Bautista had very dramatically presented the weakness of the present system with regards to the limitation in the choice of voters in electing officials, the real problem lies not in the dominance of blood relations during elections but in the extralegal machinations practiced during elections, which can be carried out by non-relatives who control the economy of a district. He strongly advocated that focus be shifted to the mechanics of elections instead.

In addition, Commissioner Espina said that by disallowing a qualified relative to succeed in office, the door is thus left open for the election of the unelectable, resulting in the election into

office of unqualified individuals. This, he said, is a greater evil than allowing a family member to run for office. He reiterated that in a true democracy, people should be allowed the freedom to choose their leaders.

Commissioner Bautista replied that there is no monopoly in ability and competence, whether in the context of a provincial government or private corporation. In addition, it is natural to provide for certain limits of governance, such as in setting term limits for officials, because this recognizes the fact that nobody is irreplaceable. He also pointed out that it is good sense to give opportunity to other people to render public service and it is, in fact, not healthy for any entity to be run by one family for a long period. It is good to have fresh ideas and initiatives to make things run better, he said.

#### **STATEMENT OF COMMISSIONER APOSTOL**

Commissioner Apostol stated that in the context of the politics of the world, such as the United States, for instance, it is not easy to dislodge an incumbent. He noted that Philippine politics is a family affair. He suggested that an enabling law should be passed to remedy this issue.

Commissioner Bautista noted that Congress has not been true to its task of implementing the law. He suggested that a sentence or two would be able to cover the provision adequately. He cautioned the Body that Philippine democracy should not be likened to First World democracy as majority of the Philippine population does not enjoy the same comfort and this is a reality of Philippine politics.

## **STATEMENT OF COMMISSIONER FERNANDEZ**

Commissioner Fernandez stated that in Philippine politics, a good mayor could easily win in any elections. He noted that it is actually *utang na loob* or debt of gratitude which still counts in elections. He added that as of present, the country is unable to give the necessary social infrastructures for the people which is one of the reasons why people go to their politicians to seek assistance. He emphasized that not all electables are bad leaders but the country should develop a mature politics wherein new and young blood should step in - young blood who value politics of performance.

## **STATEMENT OF COMMISSIONER ACEVEDO**

Commissioner Acevedo commented that Commissioners Espina and Apostol were probably biased because they come from political dynasties. He noted that a discussion on political dynasties may be a subject that is too lengthy to be debated on and the 1986 Commission must have realized it. He suggested that the definition of political dynasties should be left to Congress because the debates on these would require a lot of studies. He noted that Congress believes that now is not the time to limit the candidacies of those in office.

Commissioner Espina explained why Congress has not acted on the issue of political dynasty. He noted that young politicians who took over their parents' positions, for example, are in fact better qualified than their parents. Commissioner Espina cited the case of the Escuderos wherein the son has outstanding academic records in an American law school. He asked the Members if the Commission should disallow these qualified youngsters from

servicing the country. He emphasized the right to freedom of choice of the voters rather than limiting that freedom. He noted that the Commission should concentrate on the use of guns, the use of money, and preventing cheating rather than limiting the choice of voters as this is destructive of a real democracy.

## **INTERPELLATION BY COMMISSIONER BONDOC**

Commissioner Bondoc asked the Members to clarify what exactly it is that people abhor about political dynasties. He noted that this may be cheating on the elections or anything that is violative of the law. He suggested that these should be underscored rather than the proposed amendment which, to his view is discriminatory. He expressed that there is no need to bar scions of good political leaders.

Commissioner Bondoc also posed a question regarding a situation wherein there are two relatives who are bitter political rivals and neither one will be given the chance to serve because of the provision.

## **SUGGESTION OF COMMISSIONER ANGELES**

Commissioner Angeles noted that there is a general sentiment that there are only a few families controlling the political districts. He added that it does not mean that these are the only ones good in that district but it may also mean that they are the only ones with money. He emphasized that if political dynasties continue to exist, bright guys without money do not stand a chance in serving the country. He proposed that the two or three terms be given as a limit to an incumbent congressman then the bright guys should be given the chance as well.

## **COMMENT OF COMMISSIONER BAUTISTA**

Commenting on Commissioner Bondoc's statement, Commissioner Bautista reiterated that the Constitution says that *the State shall guarantee equal access to opportunities in Congress*. For the past years, Commissioner Bautista noted, Congress has failed to act on this provision. This suggested amendment aims to fill the void that Congress has left.

## **REJOINDER OF COMMISSIONER BONDOC**

Commissioner Bondoc commented that the failure of the Congress to act on the said provision cannot be resolved by going after the political dynasties. He expressed his concurrence in the equality of access to opportunities but noted that going after political dynasties may not solve the problem. He opined that one possible way to resolve the problem is by limiting or by going after the so-called dynasties' source of funds.

## **STATEMENT OF COMMISSIONER FERNANDEZ**

Commissioner Fernandez stated that the Body was actually barking at the wrong tree. He expressed concurrence with Commissioner Bondoc idea that the Committee should focus on the accountability on the use of public funds. He then cited the case of Singapore wherein it is the father, the son, and the uncle running the country and this is backed by social infrastructure and social support.

At this point, the Chair informed the Members that the Committee has to adjourn the meeting at 11:45 a.m. to give way to the Committee on National Patrimony. He noted that Commissioner Bengzon's presentation on the transitory provisions is the third

topic on the agenda and this sequence should be followed.

## **INTERPELLATION BY COMMISSIONER BENGZON**

Commissioner Bengzon stated that she was in favor of the equitable distribution of power and wealth. She cited the ADB and World Bank studies noting the monopoly of power of families in Philippine politics, bad governance and family-oriented politics as some of the reasons why the Philippines does not progress. She expressed the need to dismantle the power held by a few families in the Philippines. She added that accountability is lost.

## **SUGGESTION OF COMMISSIONER GONZALEZ**

Commissioner Gonzalez commented that there are some political dynasties which are good and these families should not be prevented from running. She then proposed that the provision should be left as it is. Commissioner Bautista contended that Congress will not pass the law because it is against their interest.

## **SUSPENSION OF MEETING**

Upon suggestion of the Chair, there being no objection, the meeting was suspended.

*It was 10:48 a.m.*

## **RESUMPTION OF MEETING**

At 10:54 a.m., the session was resumed.

## **MOTION OF COMMISSIONER PEÑA**

Upon motion of Commissioner Peña, there being no objection, the discussion on political dynasties was deferred.

## **PRESENTATION OF COMMISSIONER BENGZON**

Commissioner Bengzon informed the Members that consultations were held regarding the transitory provisions. She stated that she also came out with a press release concerning the transitory provisions. She indicated that the matrix is a summary of the three recommendations, namely: Commissioner Espina's proposal; the postponement of all elections until 2010 with all elective officials' term extended until 2010; a hybrid of the first two proposals, with the election for the legislature to be held in 2007, and 30% of the Cabinet will sit as Members of the legislature.

## **THE ESPINA PROPOSAL**

Commissioner Espina proposed the cancellation of the 2007 elections and the setting up of a unicameral legislative body if and when the revised Constitution is approved. The unicameral legislative body shall be composed of the incumbent members of the House of Representatives, the incumbent members of the Senate, at least 30% of the present Cabinet, and 50 members appointed by the President. The appointed members of the legislative body should be experts, academics, economists, and the like.

Commissioner Angeles remarked that such a big number of legislators would be possible provided that there is no-pork barrel. Chairman Leviste also cautioned that the provision for 50 appointed members may be misinterpreted by the public as the Commission members taking care of themselves.

Commissioner Espina said that the postponement of the 2007 elections would allow for a transitory period of 10 years. He explained that the transitory

period with a transitory legislature would be needed in order to come up with laws that would put in place the changes. He also said that the transitory period would allow for a healing period of at least 3 years. Finally, he said that the estimated P10 Billion to be spent for the 2007 elections can instead be used for other worthy purposes such as building an estimated 35,000 classrooms.

Commissioner Espina informed the Body that his proposal was discussed and was formally endorsed by the League of Municipalities of the Philippines during their 15<sup>th</sup> National Assembly. He added that in a dinner on Saturday, December 3, President Arroyo informed him that his proposal was catching fire and that Secretary Ermita also remarked that it is practical. He also said that a core group of governors supports the transition government.

Commissioner Ortega however cautioned that it might be improper for elected governors to campaign for an extension of their terms since it may be construed as self-serving. He also said that he was in favor of a transitory government but without cutting or extending the terms of incumbents.

## **ABUEVA-ABUEG-ADAMAT PROPOSAL**

Commissioner Bengzon endorsed to the Body a proposal by Chairman Abueva and Commissioners Abueg and Adamat which also calls for the postponement of the May 2007 elections, and holding it in May 2010 instead; all the terms of elected local officials, Senators, Congressmen will be extended.

Commissioner Abueg explained that the postponement would allow the present traditional political system to adjust to the proposed new political

system; the term of all incumbent local officials would be extended from 2007 to 2010, or for a period of 3 years. He said that in the consultations, there was support for members of the Senate whose terms would be until 2010 to become Members of the Parliament, and Senators whose term would end in 2007 would be extended until 2010. Also, he said, the term of all members of the House will be extended until 2010. The postponement and extension of terms will allow for the synchronization of elections for the full implementation of the proposed federal and parliamentary form of government, he explained.

#### **SUGGESTION OF COMMISSIONER LEVISTE**

Chairman Leviste proposed that a small group be formed, headed by Commissioner Bengzon, to reconcile, harmonize and rationalize the proposals that were presented to the Body. He said that all the proponents, with two concurring members, should meet with Commissioner Bengzon to harmonize the proposals.

Commissioner Bengzon briefly described the rationalized proposal: there will be a clean slate (as described by the House proposal), the terms of offices will be extended (as described by Chairman Abueva and Commissioners Adamat and Abueg), and the details will be supplied by the proposal of Commissioner Espina.

Commissioner Paterno suggested that the Body formulate each proposal succinctly and include it in the plebiscite. He said that the matter is too important and that the people should vote on it.

Commissioner Adamat made an amendment to the proposal of Chairman Leviste. He moved that instead of convening a small group to discuss the

proposals, these should be referred to the sub-committee of Commissioner Bengzon. The motion was seconded by Commissioner Espina.

#### **PROPOSAL BY COMMISSIONER APOSTOL**

Commissioner Apostol proposed that in order to save time, the sub-committee should finish the harmonized proposal by Wednesday and submit it to the Plenary for approval.

Commissioner Varela said that the Committee should also avail of the expertise of advisers that the President appointed to the Commission. Commissioner Bengzon said that the sub-committee has been in touch with these advisers including President Ramos, Central Bank Governor Singson, former Prime Minister Cesar Virata, Justice Feliciano and Secretary Ermita. She continued that in the interest of time, she would ask these advisers and the proponents to submit their proposals and views.

Commissioner Varela added that the sub-committee should also seek the opinion of the advisers on the proposed federal republic. He said that the summary report on the proposals would be presented to the Plenary acting as a Committee of the Whole.

#### **ADAMAT AMENDMENT**

Commissioner Adamat introduced an amendment on the Ordinance for the districts of Maguindanao. Commissioner Apostol however said that the proposal would be for Congress and not the ConCom. Commissioner Adamat explained that the proposal has not pushed through in Congress. He said that he was appealing to the Committee to make a stand on the issue.

Commissioner Espina agreed with Commissioner Apostol, pointing out that including the proposal would appear as a rider in the Constitution. He said that the proposal would need the approval of the residents of the affected geographical area and not of the whole country.

Commissioner Fernandez supported the proposal of Commissioner Adamat but suggested another venue. Commissioner Abueg suggested that the proposed amendment be introduced in the Plenary when the annexes to the 1987 Constitution would be discussed. Commissioner Adamat agreed and also asked for the Committee members' support to his proposal once it is taken up in the Plenary.

#### **ENDORSEMENT OF THE COMELEC AMENDMENTS TO THE COMMITTEE ON SUFFRAGE**

Chairman Leviste proposed the endorsement of the amendments prepared by the Comelec to the Committee on Suffrage.

Upon the motion of Commissioner Apostol, duly seconded by Commissioner Abueg, there being no objection, the Body endorsed the Comelec amendments to the Committee on Suffrage and Electoral Reforms.

#### **APPROVAL OF THE MINUTES OF THE MEETINGS ON NOVEMBER 21 AND 29**

Chairman Leviste also suggested to the members of the Committee to take up directly with the Secretariat any changes in the minutes of the Nov. 21 and 29 Committee meetings. He then asked that some of his statements be properly attributed to him and not to Chairman Abueva.

Upon the suggestion of Chairman Leviste, duly seconded, and there being no objection, the Body approved the minutes of the Committee meetings on November 21 and 29, as amended.

#### **ADJOURNMENT OF MEETING**

Upon motion of Commissioner Apostol, there being no objection, the meeting was adjourned.

*It was 11:56 p.m.*