

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

TRANSCRIPT OF THE PROCEEDINGS

Session No. 2

Thursday, September 29, 2005

OPENING OF THE SESSION

At 3:16 p.m., the Chairman of the Commission, Jose V. Abueva, called the session to order.

CHAIRMAN ABUEVA.

Magsimula na tayo. Sino po ang magli-lead sa atin? What's the agenda? Is there any music? Never mind. Bayang Magiliw...

NATIONAL ANTHEM

The Members sang the national anthem.

PRAYER

CHAIRMAN ABUEVA.

We are requesting Commissioner Adamat to lead us in our prayer.

COMMISSIONER ADAMAT.

Let's put ourselves in the presence of God. Almighty and Ever living Father, the Source of all Power and the Fountain of all Wisdom, we thank You for the many blessings that You have showered upon us. We come to You at this moment to seek Your guidance and enlightenment so that we may be able to discuss our agenda substantially and full of wisdom. We call also upon You, dear Lord, that we may be able to work in this particular gathering of this Commission, so that we may be able to achieve our goal within the spirit of cultural solidarity and that peace and development will reign not only among a few segment of our society but our society as a whole. This is our prayer, in Jesus' Name. Amen.

ROLL CALL

CHAIRMAN ABUEVA.

Can we have the roll call, please?

MR. GACUTAN.

Roll call of members. The Honorable Commissioners:

Abarico – present
Abueg – (absent)
Abueva – present
Acevedo – present
Adamat – present
Angeles – present
Apostol – present

Azurin – (late 3:20)
Benzon - present
Bello – present
Bian – present
Bondoc – (absent)
Chua – present
Dee – present

Dizon – present
Duavit – present
Espina – present
Garcia – present
Gonzalez – present
Jimeno – present
Jurado – present
Leviste – present
Lim – (absent)
Lorenzana – (late 4:23)
Magno – (absent)
Marohombsar – present
Matula – (late 5:34)
Mendoza – (late 3:40)

Naval – present
Ortega – present
Ortiz-Luis – present
Paterno – present
Pedrosa – (late 4:23)
Rodriguez – present
Romualdo – present
Sarmiento – (absent)
Seno – (late 3:37)
Tendero – (late 3:25)
Teves – present
Valera – present
Vilar – present
Yuchengco – (late 3:31)

CHAIRMAN ABUEVA.

Ilan? With 29 of us present, we have a quorum. Thank you.

[It was 3:21 pm.]

BUSINESS OF THE DAY

CHAIRMAN ABUEVA.

We go to the business of the day. The very first item we agreed upon yesterday is the presentation and approval of the provisional rules by our Rules Committee. Commissioner Apostol, please.

COMMISSIONER LEVISTE.

Mr. Chairman, may I have the floor, please?

CHAIRMAN ABUEVA.

Yes, go ahead.

COMMISSIONER LEVISTE.

Do we not have any minutes from yesterday's meeting?

COMMISSIONER APOSTOL.

We are still working on the minutes because we really do not have stenographers. The ones working for us are from the PMS – they are the ones transcribing it. Perhaps if we will give them a little time, we will have the minutes and distribute it to the members for approval. Maybe this afternoon.

COMMISSIONER LEVISTE.

Thank you, Mr. Chairman.

CHAIRMAN ABUEVA.

Thank you for that query. Mr. Apostol, please.

COMMISSIONER APOSTOL.

Mr. Chairman, may I request that we jump to item (B) on the agenda because we are still reproducing the provisional rules at the secretariat. We really have to apologize for the problems

we are facing because these people are new and they are not trained to work in a legislative body.

COMMISSIONER BENGZON.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, please.

COMMISSIONER BENGZON.

I would like to request that the Provisional Rules be furnished to each and every Commissioner before we include it in the agenda for approval. Is that possible?

CHAIRMAN ABUEVA.

Yes, that is a very reasonable request. So we'll do that. So we skip Item (A) and go to the next item, which is the nomination of members of the Committees. Now, you should have before you the compilation of our individual preferences for the first Committees that we talked about yesterday, namely, Parliamentary Government, Federalism, Political Party Reform, Suffrage and Electoral Reform. I hope everybody has a copy of that.

Let's distribute the copies.

COMMISSIONER APOSTOL.

Mr. Chairman, while we are distributing the copies, we will just inform the Body that for Parliamentary Government, we have 9 members, for Federalism - 6 members, for Political Party Reforms - 9 members and for Suffrage and Electoral Reforms - 6 members.

Apparently, there are 23 members who prefer to be members of the Parliamentary government Committee. Since we gave the Chairman the authority, I hope the Chairman will appoint the members.

CHAIRMAN ABUEVA.

As much as possible, the idea was to have a voluntary choice. This is a matter of personal interest and concern. Can we not stick to that? However, what is this idea of a quota for each Committee? Where did this come from, like 9 members for Parliamentary Government, 6 members for Federalism and so on? Where did this come from?

COMMISSIONER APOSTOL.

This comes from the Provisional Rules. Usually in the rules, we have different Committees and we put there the number of members. That is just a suggestion. If the Body would like to, we can increase or decrease the number of members. These are not strict numbers.

CHAIRMAN ABUEVA.

So it is just a suggestive size of each Committee. By the way, I should recognize that there are a few of us attending for the first time. May you please raise your hands so that we can present you to the Body? Anybody who is attending for the first time? We would like to recognize you...

[Silence]

So, this is suggestive. And since we are not applying any rule strictly – in fact we have not seen the rules-- so this is just indicative. As we can see, most of us desire to be in the Parliamentary government Committee.

Just to recall, yesterday we thought that as a practical matter of getting started and gathering speed quickly, we would tackle four interrelated topics represented by the various Committees and the bundle of issues of each which are also interrelated. That is why we mentioned these four first. There are other Committees, of course.

COMMISSIONER GARCIA.

Mr. Chairman, this Political Party Reforms as a Committee may seem odd if not placed side by side with Suffrage and Electoral Reforms because actually, political parties, suffrage, and electoral reforms are related to each other. In fact, in the Constitution, there is hardly a mention of a political party. The political party will come into play only pursuant to the provisions of Omnibus Election Code - how political parties may be formed, how they may be accredited. So it should not be even in the Constitution.

CHAIRMAN ABUEVA.

Well, that is a matter of judgment and opinion. I should really go back...

COMMISSIONER GARCIA.

It should be in the statute.

CHAIRMAN ABUEVA.

Commissioner Garcia, this is not the moment in our journey to already talk about such substantive matters. As a matter of fact, we should be reminded that in the Executive Order our function, our responsibility, is essentially two-fold: the first is to review existing and new constitutional reform proposals; and the second is to hold nationwide consultations with various sectors of society, etc.

These are the two-fold primary functions and responsibilities. At this stage, we should start with an overview, looking at the large, big picture, before we get lost in the details. Let us not present arguments for or against specific points at this time.

COMMISSIONER GARCIA.

I am not saying, with due respect, Mr. Chairman, that we should not include political party reforms. What I am saying is that this should be included in the Committee on Suffrage and Electoral Reforms, because political parties are organizations related to election exercises.

CHAIRMAN ABUEVA.

Again, we should not argue on fine points. We can argue that political parties are essential to Parliamentary government and also to our idea of Parliamentary - federal system. We'll get bogged down if we tackle specific issues and questions at this very start of the journey.

As I said, let us focus on the two functions before us that we have to perform throughout our existence and which is to review existing and new constitutional reform proposals with a view to formulating our own reform proposals.

COMMISSIONER APOSTOL.

Mr. Chairman, may I move for a five-minute recess because we will be distributing the rules? Thank you. The matters being raised by Commissioner Garcia is in the rules – the different

Committees. But I think, perhaps all members will need about 20 minutes to read. Or about 2 minutes only? So I move for a recess, Mr. Chairman.

SUSPENSION OF SESSION

CHAIRMAN ABUEVA.
The session is suspended.

[It was 3:32 p.m.]

RESUMPTION OF SESSION

[At 3:36 p.m., the session was resumed.]

CHAIRMAN ABUEVA.
The session is resumed. May I welcome Ambassador Yuchengco who has joined the Commission?

Can you work on this document -- the Rules?

COMMISSIONER APOSTOL.
Yes, Mr. Chairman. Apparently, you must have read a few sections here. My suggestion is that when we go over these rules, we do it section by section. Otherwise, if we go over the whole rules, there will be a lot of debate going back and forth. So if the members are ready, perhaps, we can go to Section I. If they are still reading, Mr. Chairman, I move for additional 5 minute-recess.

COMMISSIONER ORTEGA.
Just one question before we go again on recess.

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER ORTEGA.
I noticed in reading the list of Committees that Suffrage and Electoral Reforms is missing. It's the only Committee that I chose in my preference...

COMMISSIONER APOSTOL.
I am very sorry, but since I have been reading it and you chose it I intended to omit it. But we can retain it.

CHAIRMAN ABUEVA.
Let us keep it because we also suggested it early on.

COMMISSIONER APOSTOL.
So, Mr. Chairman, additional ten-minute recess.

SUSPENSION OF SESSION

CHAIRMAN ABUEVA.
The session is again suspended. *[It was 3:41 pm.]*

RESUMPTION OF SESSION

[At 3:46 p.m., the session was resumed.]

CHAIRMAN ABUEVA.

May we resume the session, please? Mr. Apostol.

COMMISSIONER APOSTOL.

Mr. Chairman, I was saying before that we should go section by section because if we go to the Committees we might not be able to finish these rules. So we are ready to answer any comments and suggestions on Section 1.

CHAIRMAN ABUEVA.

Shall we go just page-by-page to be practical?

COMMISSIONER APOSTOL.

Ok. So first page, Section 1.

COMMISSIONER LEVISTE.

Mr. Chairman, question on Section 1.

CHAIRMAN ABUEVA.

Okay.

COMMISSIONER LEVISTE.

Election of Officers. Yesterday, Commissioner Bengzon wanted to clarify processes. She did say that we should stick to Executive Order 453, which does not speak of an Executive Vice Chairman. It speaks of one Vice Chairman. I have no problem with the concept of having Regional Vice Chairman. But if we are going to follow the symmetry dictated by EO 453, should we not call our distinguished colleague Brother Rollie Dizon, Vice Chairman, and have a corresponding title for the four Vice Chairmen, without using the word "Vice Chairman."

"It shall also select by majority vote of all its members the Secretary" -- which is the correct wording in the Executive Order; it speaks of the Secretary not of a Secretary General. It certainly does not preclude us from electing a Deputy Secretary or Assistant Secretary. But I would like to get the guidance of the Chair and of the members of the Consultative Commission, in session of whether they are going to stick to the spirit and the letter of the Executive Order or are we mandated to deviate from it? So this is not an objection. It is more of an inquiry, Mr. Chairman.

CHAIRMAN ABUEVA.

Well, my personal response to that is that we follow the essence of the Executive Order that we elect the Chairman and the Vice Chairman and the Secretary. We just creatively name the Vice Chairman, the Executive Vice Chairman.

But the Executive Order allows us also to elect other officers. In that light we added these other geographic Vice Chairmen, which is a good, practical and symbolic practice. And then the matter of Secretary -- if you have to be literal, we say Secretary. But in the practice of legislative Parliamentary bodies, they call it Secretary General. Even in the House now, they call it the Secretary General. So what is the addition of a General without a military rank, anyway?

COMMISSIONER LEVISTE.

So what is the answer to my question? So we are going to deviate...

CHAIRMAN ABUEVA.

No, as I said, we are following the essence but we are modifying it as I have described it, which was approved yesterday.

COMMISSIONER BENGZON.

Honorable Chairman, may I speak?

CHAIRMAN ABUEVA.

Yes, Madam.

COMMISSIONER BENGZON.

We lawyers are really a stickler for rules and we have this in statutory construction that says where the law does not distinguish, we should not. I think for just a proper order, and anyway there is no quarrel about it, we can just follow the law and say that our Executive Vice Chairman is actually the Vice Chairman, so we do not deviate from the law. And the other four Vice Chairmen could be named something else. We can go by the essence of the law. That is my suggestion to the Body.

CHAIRMAN ABUEVA.

Thank you. Since we are saying Vice Chairman for Luzon, Vice Chairman for Mindanao...

COMMISSIONER BENGZON.

Maybe just drop the "Executive".

CHAIRMAN ABUEVA.

So we will just say "Vice Chairman" of the Commission.

COMMISSIONER BENGZON.

So, that we conform to this EO.

CHAIRMAN ABUEVA.

Thank you very much for that. A Vice Chairman and then the vice chairman as follows...

COMMISSIONER DIZON.

Mr. Chairman. Following the enlightenment of the good lawyer, maybe we can do it this way -- the Executive Vice Chairman, we change it to Vice Chairman; and then for the other geographic officers, we just call them Regional Vice Chairmen.

COMMISSIONER BENGZON.

Actually for the other Vice Chairmen, we are allowed by law to create positions as we want, but we just stick to the Vice Chairman and the other Sub Vice Chairmen you can name it however you want... Regional Vice Chairman. That is the position created now by the Body and the other three are those that are mandated by the EO.

CHAIRMAN ABUEVA.

Excuse me. So if you say Regional Vice Chairman, it's redundant because if you say Regional Vice Chairman for Luzon, that's a region, Regional Vice Chairman for Visayas, and that, it's for a region.

COMMISSIONER RODRIGUEZ.

Not only that, Mr. Chairman. There is no such thing as Regional Vice Chairman for Luzon because Luzon is not a region. I still believe that we use the phrase "Vice Chairman for Luzon, Vice Chairman for Visayas..."

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER ESPINA.

Frankly, Mr. Chairman, I see no reason for the creation of these positions. We are not going to write a Constitution based on regions or based on islands. We are reviewing a national Constitution applicable to all.

CHAIRMAN ABUEVA.

Commissioner Espina, we agreed on this already yesterday and in spirit we have agreed on that again this afternoon. May we leave it at that rather than reopen the issue?

COMMISSIONER ESPINA.

We did reopen the matter of the Executive Vice Chairman.

CHAIRMAN ABUEVA.

Yes, because...

COMMISSIONER ESPINA.

Are we selective on what we would be open about?

CHAIRMAN ABUEVA.

...Because of the legal interpretation that was suggested.

COMMISSIONER ESPINA.

The same applies with the creation of the four chairmen.

CHAIRMAN ABUEVA.

We are allowed also to elect other officers.

COMMISSIONER LEVISTE.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER LEVISTE.

I think you can address better the concerns of Commissioner Espina if you could clarify the role of the various Regional Vice Chairmen, which is I know going to follow. And I think the purpose of Commissioner Roland Dizon in making the difference between Regional Vice Chairmen for the regions is to be very clear that the first Vice Chairman is the Executive Vice Chairman, except some of us feel strongly about following to the letter the Executive Order.

CHAIRMAN ABUEVA.

The practice of having Vice Chairman for these geographic areas is in spirit to allow some kind of geographic representation and symbolic representation so that the people in these various regions will feel that there is an officer representing them. And also for very practical reasons -- when we spend about a month of consultations in the various regions, it is good to have a coordinator of these various consultations because it is rather a complex thing having so many meetings in different provinces, capital cities in a very short time.

COMMISSIONER ESPINA.

For that reason, Mr. Chairman, I will agree because if we go to Central Visayas, Pabling Garcia can provide us with what we need.

COMMISSIONER GARCIA.

And *etcetera*.

COMMISSIONER ESPINA.

Etcetera. Thank you.

COMMISSIONER APOSTOL.

Mr. Chairman.

CHAIRMAN ABUEVA.

Excuse me, may we recognize Mrs. Gonzalez.

COMMISSIONER GONZALEZ.

Honorable Chairman, I think Commissioner Leviste's question is already defined in Section 4.

CHAIRMAN ABUEVA.

Yes, that's right. May we move on, please?

COMMISSIONER APOSTOL.

Mr. Chairman, there is a mistake here in copying. There is a provision there for Vice Chairmen and the functions. I emphasized that to the typist.

[VOICE]

It is here. "As may be assigned...." Section 4.

COMMISSIONER APOSTOL.

Ok, the powers of the Vice Chairman are found in Section 4, first page.

COMMISSIONER LEVISTE.

By the way, Mr. Floor Leader, I think that is a typo error. Section B - 6 should say "or Consultative Commission." Because the Vice Chairman gets instructions from the Consultative Commission, not from the Consultative Committee. Unless my draft is wrong.

COMMISSIONER APOSTOL.

No, problem. I am amenable to the amendment. Are we amending that?

COMMISSIONER LEVISTE.

We certainly cannot leave this the way it is because this is a serious error. Mr. Floor Leader, may I ask that we stick to the words "Consultative Commission" instead of "Consultative Committee."

CHAIRMAN ABUEVA.

Yes, that is typo.

COMMISSIONER ESPINA.

Instead of "Consultative Committee," "Consultative Commission."

COMMISSIONER APOSTOL.

I would like to know if we are eliminating the word "Executive" from the "Executive Vice Chairman."

CHAIRMAN ABUEVA.

Yes, that was suggested and it was a very good suggestion, which we assented to, I think quietly.

COMMISSIONER APOSTOL.

So, please correct your Section 3 -- Powers of Executive Vice Chairman. It should be "Vice Chairman." Then (A), there is still that Executive Vice Chairman, please remove the word "Executive." Now, we are on Powers of the Vice Chairmen.

COMMISSIONER JIMENO.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, please.

COMMISSIONER JIMENO.

If we are going to remove the word "Executive" on Section 3, then Section 4 should read: Powers of the "Regional Vice CHAIRMEN."

CHAIRMAN ABUEVA.

Alright, yes. That is where we should insert that. Thank you for that clarification.

COMMISSIONER CHUA.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, please.

COMMISSIONER CHUA.

Mr. Chairman, since we have a chairman, a Vice Chairman and four Regional Vice Chairmen, would it be good also that we also have a Deputy Secretary General considering the volume of the work? A Deputy Secretary General will be more helpful than just dumping all the duties of the job to one single Secretary General. I leave it to the Body.

CHAIRMAN ABUEVA.

Well, we have an overall Secretary General, who is a member of the Commission. And then we have a Secretary who heads the Secretariat. That is the distinction. One of us, a peer, does a lot of political liaison as well as to assist in the management of the meetings.

COMMISSIONER ANGELES.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, please.

COMMISSIONER ANGELES.

To distinguish these Vice Chairmen, can we name them instead of Regional Vice Chairmen, "Area Vice Chairmen" instead of Regional Vice Chairmen? Because if you call them Regional Vice Chairman, Luzon is not a region, there are several regions within Luzon.

CHAIRMAN ABUEVA.

Yes. That might be a more apt word than "regional". Because when we talk about Mindanao, it is a super region; or Luzon, there are many regions really involved. Can we agree to that?

[VOICES]

Yes.

COMMISSIONER ORTIZ-LUIS.

Mr. Chairman, just to follow up Commissioner Chua's suggestion of a Deputy Secretary General -- there might be logic in it. As the Executive Order does not really provide for a definitive place where Committees can meet, a lot of those who are in the Economic Reforms— people who would like to join that Committee, may decide in some point of time, for example, to meet in Makati, and have different schedules and simultaneously others might be meeting here. It might be good to give them a Deputy Secretary General so that meetings can be coordinated with the Commission. If I may suggest, we elect a Deputy Secretary General just in case, like today, the Secretary General is absent.

CHAIRMAN ABUEVA.

Yeah, well, he is doing his duties. That's why he's not here.

COMMISSIONER ORTIZ-LUIS.

Well, precisely, Mr. Chairman...

CHAIRMAN ABUEVA.

There is that suggestion, let's act on that suggestion to have a Deputy Secretary General to assist the Secretary—just like we have two Assistant Floor Leaders. Can we act on that suggestion? Can we agree on that?

COMMISSIONER TENDERO.

Yes, Mr. Chairman, I think we should go ahead.

CHAIRMAN ABUEVA.

So, we'll have two—oh, one—one Assistant Secretary General.

COMMISSIONER TENDERO.

Mr. Chairman, are we are now saying that we are calling the person Secretary General?

CHAIRMAN ABUEVA.
Yes, Secretary General.

COMMISSIONER ORTIZ-LUIS.
Whatever, whatever...

COMMISSIONER TENDERO.
To follow up Commissioner Leviste's point out a while ago -- the one that is written in the Executive Order is really Secretary.

CHAIRMAN ABUEVA.
Yes. But you see, there are so many secretaries. Even in the Secretariat there are so many secretaries and there are department secretaries, and all kinds of secretaries. So, we'll just give an appropriate, dignified title for a peer who is acting for us as Secretary General.

COMMISSIONER LEVISTE.
Mr. Chairman, I respectfully beg to disagree. I agree with Commissioner Tendaro. I think the prestigious position of "Secretary of the Consultative Commission" is honor enough. I think it's a great honor. And we'll follow the points raised by Commissioner Bengzon for symmetry and that's why we took out the name "Executive Vice Chairman" and created other names. Anyway, it's very clear that Attorney Lorenzana would be Secretary of the Consultative Commission, and this other office we have created would be the Assistant Secretary of the Consultative Commission. That's different from the Secretary of Economic Planning, from the Secretary of Energy, from the Assistant Secretary of Environment and Natural Resources. So, I support the position of Commissioner Tendaro.

COMMISSIONER TENDERO.
And besides, Mr. Chairman, when you use the word "Secretary General," it connotes greater responsibility other than what is specified here. Normally, the word "Secretary General" has executive functions and other responsibilities beyond what is enumerated here.

CHAIRMAN ABUEVA.
Well, that is a deficiency of the description rather than the importance of the role. You see, this role is being performed and it grows with the skills of our Secretary General. There's a lot of political liaison that has to be done everyday and let us not minimize that. What we already agreed yesterday, please, let's not take back. It's just a matter of "General" added to "Secretary." As I said, there are many secretaries, why should we diminish a peer by taking away what we agreed upon yesterday? And we can save time by moving on.

COMMISSIONER DEE.
I agree with the position of the Chair to go ahead and clearly call the position as "Sec-Gen" and we also go ahead and create the position of "Deputy Secretary General" in view of what the Chair has said that the functions are quite extensive. So I move that we now create the position.

[VOICE]
Second the motion.

CHAIRMAN ABUEVA.
Any objection? [Silence]. Okay, that's carried. Can we nominate the Assistant Secretary General? Please, yes?

COMMISSIONER APOSTOL.
Commissioner Bengzon is nominated.

[VOICE]
I second the motion.

COMMISSIONER APOSTOL.
I move that we close the nomination.

CHAIRMAN ABUEVA.
Yes, I think there's no objection.

[Applause.]

COMMISSIONER BENGZON.
Thank you, your Honors.

CHAIRMAN ABUEVA.
It's nice to have a lady Secretary General and a lovely one at that. Yes, may we continue?

COMMISSIONER ANGELES.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER ANGELES.
I would like to go back to my proposal and I'd like to present it into a motion—that the four Vice Chairmen be known as the "Area Vice Chairmen."

CHAIRMAN ABUEVA.
Yes. We implicitly agreed on that but we formally agree to it now.

[VOICE]
I second the motion.

CHAIRMAN ABUEVA.
No objection? That's carried.

COMMISSIONER APOSTOL.
Mr. Chairman, since we have created a new position, we have to put there the functions. Will you allow the Committee on Rules to put the functions?

CHAIRMAN ABUEVA.
Yes. Yes.

COMMISSIONER APOSTOL.
Anyway, I am delegating my power to Commissioner Bengzon.

[Laughter.]

COMMISSIONER BENGZON:
So you were the Acting Secretary...

CHAIRMAN ABUEVA.
Yes, Commissioner Bengzon and Commissioner Lorenzana can work on that. Thank you. May we proceed?

COMMISSIONER TENDERO.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes, please.

COMMISSIONER TENDERO.
Mr. Chairman, maybe under Section 6, or somewhere there, we need also to include statement in relation to the assistance to be provided by the Secretariat, and who is the Secretariat. We do not have that.

CHAIRMAN ABUEVA.
Let's be clean as we go along. We have approved only page 1. Okay, we move on to the next page.

COMMISSIONER TENDERO.
So if we are on page 2, Mr. Chairman, that's what I'd like to propose—that there will be an inclusion about the Secretariat that will provide support to this Commission.

CHAIRMAN ABUEVA.
Oh I see. The Secretariat of the Commission provided by the PMS, that's what we are referring to... Can we insert an appropriate provision for that, Commissioner Apostol?

COMMISSIONER APOSTOL.
Mr. Chairman, I would prefer that we keep quiet on this, because we are availing the services of the PMS. That will not be very good to put that out.

CHAIRMAN ABUEVA.
Okay.

COMMISSIONER APOSTOL.
So, Commissioner Bengzon will take care of that.

[Laughter.]

CHAIRMAN ABUEVA.
That's very nice...

COMMISSIONER ACEVEDO.
With due respect, I think we should examine a little more closely the Executive Order. The Commission is supposed to have its own Secretariat. And without offending the PMS, it is supposed to help organize that Secretariat.

CHAIRMAN ABUEVA.

Well, we have already been organizing the Commission from the start and the Secretariat support has been in existence.

COMMISSIONER TENDERO.

Well, Mr. Chairman, if I may speak, the Commissioner stated that we should be silent about this. But actually, even though we are silent about it, it's painted all over that the PMS people are the ones helping us and it's better to be transparent about this. Anyway, this is actually a Consultative Commission that was created by the Office of the President. And we are not under or beholden to the Office of the President. But I think transparency would also be helpful and we also need to give due recognition to whoever is providing Secretariat services for the Commission.

CHAIRMAN ABUEVA.

Yes, we recognize the reality that we are all enjoying the services of PMS. So, if there is no objection to that, we shall have a provision in the Rules, a reference to the Secretariat. Is that the essence of the suggestion?

COMMISSIONER TENDERO.

Yes.

CHAIRMAN ABUEVA.

So, may the Rules Committee please add that? Thank you. May we move on?

COMMISSIONER ANGELES.

Mr. Chairman?

CHAIRMAN ABUEVA.

Yes, Dr. Angeles?

COMMISSIONER ANGELES.

The proceedings of the Commission, are they tape-recorded?

CHAIRMAN ABUEVA.

Yes, we have an audio recording of everything.

COMMISSIONER ANGELES.

This being so, I would like to suggest that whoever would like to speak will identify their names first because...

CHAIRMAN ABUEVA.

Yes...

COMMISSIONER ANGELES.

How will you able to identify the voices of the members when they transcribe the tape?

CHAIRMAN ABUEVA.

Yes, thank you. That is a good, practical reminder for us. I think after a while, they should be able to recognize our voices.

COMMISSIONER ANGELES.

Yes, that observation is emanating from yours truly...

CHAIRMAN ABUEVA.

On that score, may I inform you that after we met yesterday, after the session, we had a meeting with the Secretariat and we are told that it's not been possible to recruit enough stenographers to provide full verbatim record of all our meetings? But the Plenary meetings will certainly be recorded verbatim as in Congress. Now, it was suggested, at least in the meantime, because they are negotiating for subcontracting of stenographic service that Committee meetings will just be recorded in terms of summary minutes of the discussion. But all Plenary sessions will have verbatim transcripts, just as Congress has. We are surprised at the cost involved in verbatim recording and so they are trying to arrange for that and even scrounge around for funds for it.

COMMISSIONER VILAR.

With regards to the support staff or the Secretariat, inasmuch as the Consultative Commission was created by Presidential Executive Order, Section 6 of which provides that the technical and staff support shall be provided by the PMS, there will be redundancy if we will put this technical and support staff under the Rules for transparent accounting.

CHAIRMAN ABUEVA.

We will leave it to the Rules Committee. But that suggestion will be taken by the Rules Committee. Thank you. Yes, Madam Marohombsar?

COMMISSIONER MAROHOMBSAR.

Section 6 of Executive Order 453 states that the PMS is authorized to ask for the detail of any personnel from any government office to assist the Consultative Commission. So, I think instead of hiring, the PMS can look around for a group of persons.

CHAIRMAN ABUEVA.

They are doing that. But they are also thinking of a private organization. And one of the organizations they are looking into is the Development Academy of the Philippines.

COMMISSIONER RODRIGUEZ.

Mr. Chairman, can we proceed?

CHAIRMAN ABUEVA.

Yes...

COMMISSIONER RODRIGUEZ.

On page 2, under Section 5, may we move for a little amendment? After the word "Rules" in the second line of Section 5, "Rules of Procedure" instead of only "Rules"; and then, instead of "the Committee," we shall say "the Commission."

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER RODRIGUEZ.

And that henceforth, when we refer to the "Consultative Commission," we just say for brevity and expediency the word "Commission" for all the succeeding provisions.

CHAIRMAN ABUEVA.
Thank you for that advice.

COMMISSIONER RODRIGUEZ.
I so move, Mr. Chairman.

CHAIRMAN ABUEVA.
No objection? Carried then. Can we leave page 2?

COMMISSIONER LEVISTE.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER LEVISTE.
Section 6, "Powers and Duties of the Secretary," since we did not accept the proposal of Commissioner Tendero which I seconded, and you insisted that it be "Secretary General," this has to be amended to reflect your decision, Mr. Chairman. Just for consistency's sake.

CHAIRMAN ABUEVA.
Yes? Seconded? No objection? Carried. Section 7 -- this must be lifted from the House or the Senate Rules.

COMMISSIONER RODRIGUEZ.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes?

COMMISSIONER RODRIGUEZ.
Perhaps we can make a little correction because we are leaving a portion, a provision for the Deputy Secretary General, which should be numbered Section 7 and, therefore, a little correction perhaps on the numbering.

CHAIRMAN ABUEVA.
Thank you, the Rules Committee will look into that. Yes, Commissioner Duavit?

COMMISSIONER DUAVIT.
Is it correct to presume that the Sergeant-at-Arms is not a member of the Commission?

CHAIRMAN ABUEVA.
That is right, he is not a member of the Commission.

COMMISSIONER DUAVIT.
Thank you.

CHAIRMAN ABUEVA.
May we go on to page 3?

COMMISSIONER RODRIGUEZ.

Mr. Chairman, if we are approving Section 8 practically - not Section 7 anymore - the position of Sergeant-at-Arms, may we have a little reminder that we should be electing one here? Do we have already a Sergeant-at-Arms?

CHAIRMAN ABUEVA.

I don't know of one.

COMMISSIONER RODRIGUEZ.

We are creating a position here.

COMMISSIONER APOSTOL.

Mr. Chairman, the Sergeant-at-Arms is appointed.

CHAIRMAN ABUEVA.

Has the PMS appointed one?

COMMISSIONER APOSTOL.

Not yet. It's appointed. I think we are still looking for a General.

[Laughter.]

COMMISSIONER TENDERO.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER TENDERO.

Mr. Chairman, is it possible for us, as we are now here in the Rules, to just make a statement here how the Sergeant-at-Arms should be appointed and because we don't have...

CHAIRMAN ABUEVA.

May we have the advice of a former member of Congress on the appointment of a Sergeant-at-Arms?

COMMISSIONER APOSTOL.

Usually the one that appoints is the Speaker. Here, it should be the Chairman.

CHAIRMAN ABUEVA.

Okay, yes.

COMMISSIONER TENDERO.

So do we just assume...

COMMISSIONER APOSTOL.

So I'm putting that into a motion, that the Sergeant-at-Arms be appointed by Chairman Abueva.

COMMISSIONER TENDERO.

I second the motion.

COMMISSIONER RODRIGUEZ.

Mr. Chairman, a little correction perhaps. I remember correctly that the House is electing a Sergeant-at-Arms. However, here, if we will be putting here a provision, which will give the Chairman that authority to just appoint one, it will be okay.

CHAIRMAN ABUEVA.

Thank you, I'll have extra power. Let's proceed, please. The Committees. Let's approve that motion. No objection? Motion is approved. Thank you. Rule II – Committees.

COMMISSIONER BIAN.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, Madam.

COMMISSIONER BIAN.

In the Committees, I noticed that the number of members per Committee is already stated here. Can we please be clarified as to what were the conditions used in defining the numbers per Committee?

CHAIRMAN ABUEVA.

Yes. Well, this is suggestive I suppose.

COMMISSIONER APOSTOL.

The number of members of the Committees is discretionary on the part of the Committee on Rules, which can be disregarded by this Body.

COMMISSIONER TENDERO.

But somehow we want to know the basis of these numbers given?

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER APOSTOL.

Basically, this is based on the Committees of the 1987 ConCom and the Congress.

CHAIRMAN ABUEVA.

Oh, I see.

COMMISSIONER RODRIGUEZ.

Mr. Chairman, perhaps as a basis for discussion on the numbers for each Committee, may I just ask some clarification? Of course, the Chairman, the Vice Chairman, and the other Vice Chairmen as well as the Secretary General, Deputy Secretary General, I suppose, are no longer eligible to be Chairmen of the different Committees? Am I correct in making such a statement, Mr. Chairman? If not, then I move that all these officers be not eligible anymore to be elected as Chairmen of the different Committees.

CHAIRMAN ABUEVA.

Well, may I comment on that? I think being a small organization; it will be too restrictive of the rights and interests of our colleagues to be deprived of chairmanship just because they happen

to be a Vice Chairman. We leave it to the Committees since the Committees will elect their chairman. I think that should be...

COMMISSIONER VARELA.

Mr. Chairman, will there be some limitations on the number of Committees that a Commissioner may be a member of?

CHAIRMAN ABUEVA.

Well, yesterday, we said as initial practice that we limit ourselves to a maximum of three Committees each. That was what we agreed upon as a practical matter yesterday. But probably, we can have as many as ten or so Committees. I think we used to be pragmatic about it. For example, we are getting now the lists...

COMMISSIONER RODRIGUEZ.

Mr. Chairman, again, point of clarification, if you won't mind. If I remember correctly, yesterday we agreed that we focus first on four Committees...

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER RODRIGUEZ.

...and that everyone can be a member of four Committees, therefore a membership of three of the four Committees will be I think, not in order. The first four Committees created yesterday will make the initial studies, discussion on the matter. Unless we are abandoning that, too, I suppose that the membership in these Committees - four Committees, cannot be limited to three.

CHAIRMAN ABUEVA.

Yes. The numbers seemed unduly small and restrictive. But these are suggestive, that's why we are discussing the draft. Yes, Mr. Jurado?

COMMISSIONER JURADO.

If there are 42 of us here in the Commission, and each is allowed a choice of three Committees that is equivalent to having 42 times 3 individuals - that is 126. If we have 15 Committees, 126 divided by 15, or roughly 9, would be the approximate number/size of each Committee.

CHAIRMAN ABUEVA.

So that's some kind of an optimum size.

COMMISSIONER JURADO.

Yes, it's a quick, back-of-the-envelope calculation.

CHAIRMAN ABUEVA.

No, but obviously, we go about it in a pragmatic way. With the initial listing, under "Parliamentary Government" (Committee), we have 23, 24 now who have signified interest in being a member of this. And then obviously, many more than six for "Federalism" (Committee), and beyond nine, and so on... So, I'd like your suggestions as to what would be the practical and reasonable size of the Committees instead of the numbers that were suggested... Yes, Commissioner Dizon?

COMMISSIONER DIZON.

May I suggest that we just omit all these numbers? Just keep it completely open. Drop all the numbers so that we'll have more leeway.

CHAIRMAN ABUEVA.

Yes, that's a motion.

[VOICE]

I second the motion.

CHAIRMAN ABUEVA.

No objection? Carried. We'll leave that for the time being. Yes?

COMMISSIONER ORTEGA.

Before we leave this list of Committees, may I know if we have already returned what was intentionally omitted - the Committee on Suffrage and Electoral Reforms?

COMMISSIONER APOSTOL.

Not yet, not yet Mr. Chairman.

COMMISSIONER ORTEGA.

In which case there is some inconsistency because in the listings that we have there is no less than 12 Commissioners who opted to be members of that Committee that does not exist here.

CHAIRMAN ABUEVA.

Yes, this was discussed yesterday - the first four Committees and what happens in the text of this is an amendment or change of the decision yesterday. So, we would like to review that. The Committee is now so... Where is that now, what number is that? Number 3? No, no, no.. not number three. Sixteen? It's not even there.. I think there's an omission, could we restore that very important Committee.

COMMISSIONER APOSTOL.

Agreeable, we will restore but may I suggest that we go all over these Committees, so that the members can correct or delete the listing? This is merely a draft. We just made this. This is not absolute Committee. Nobody has approved this except us - except me.

[Laughter.]

CHAIRMAN ABUEVA.

Yes. We appreciate your human labor. Yes?

COMMISSIONER SENO.

Mr. Chairman, I'd like to make some comments on Section 8. It reads as follows: "The Consultative Commission shall elect the following Committees..." I'd like to state that we create Committees and we elect persons. So the proper term here should be, "The Consultative Commission shall create the following Committees..." rather than use the word "elect."

CHAIRMAN ABUEVA.

Okay. Thank you. Let's be more elegant. So, as suggested. Let's review consecutively the Committees being suggested here.

COMMISSIONER MAROHOMBSAR.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER MAROHOMBSAR.
In our meeting yesterday, it was agreed that instead of having all these Committees, we just concentrate on four.

CHAIRMAN ABUEVA.
No, no, no. We didn't say that we won't have other Committees. What we decided upon was to concentrate, to focus initially in the first several days on the four Committees...

COMMISSIONER MAROHOMBSAR.
I stand corrected.

CHAIRMAN ABUEVA.
So, let's review the suggested Committees. This is so important. This is our division of labor and specialization. "Preamble," "National Territory..." Can you guide us...?

COMMISSIONER APOSTOL.
The first Committee is the "Committee on Preamble, National Territory and Declaration of Principles." Sir, I think we cannot even touch this.

CHAIRMAN ABUEVA.
You'll be surprised.

COMMISSIONER APOSTOL.
...unless we totally touch this one. But this one, the "Preamble," as well as the "National Territory," was touched in the '87 Constitution. But to the "Declaration of Principles," they added the "State Policies." In the 1935 Constitution and the 1973 Constitution, there is that "Preamble" and "Declaration of Principles," but the "National Territory" was changed in the 1987 Constitution, which is very restricted. So, in the 1987 Constitution, they enumerated "State Policies," which is very long. I do not know why they had to put that, but I think I am... it's up for this Commission if we will adopt that or we will abandon that or we will go back to 1935, and '73 Constitution.

CHAIRMAN ABUEVA.
In the meantime, may I suggest that we just use "Principles and Policies" so that as we go along, if we decide to drop the "Policies," then we'll drop it. But we are reviewing the '87 Constitution, which has an article on "Declaration of Principles and Policies." So we'll just put it there.

COMMISSIONER APOSTOL.
You see Mr. Chairman, I suggested only three members to take care of this. There is not much change on this.

COMMISSIONER ESPINA.
Mr. Chairman. In relation to that, there are two very, very substantial issues on these Territory and Principles. In the 1973 Constitution, there was a phrase there which said, "in all other

territories over which the Philippines has historical claims..." I was the one who introduced that. It was there in the 1973 Constitution. Inalis yan, so ang sabi ko nu'ng inalis yan, when we thought of "over territories of which we have historical and legal claims," I had in mind Sabah - to keep it there. A time might come that we can really take that. But in the '87 (Constitution) that was removed. The second very fundamental issue, Mr. Chairman, in the '35 and in the '73 Constitution, we said "it is the duty of government to protect the people and the state." That word "government" was removed and replaced with "Armed Forces of the Philippines."

I have been explaining this in so many seminars and these two, to my mind, are very, very fundamental issues.

CHAIRMAN ABUEVA.

Yes. They are critical.

COMMISSIONER ESPINA.

That was the reason used by Angelo Reyes when I was Majority Leader of the Commission on Appointments. I had Angelo Reyes for three weeks until somebody explained to me the reasons why he was appointed Secretary of Defense. And with all this talk about coup d' etat, military takeover, delikado 'yan.

CHAIRMAN ABUEVA.

Yes, we know that we're going to review that particular provision. We just move on.

COMMISSIONER BELLO.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, please.

COMMISSIONER BELLO.

Mr. Chairman, for facility, this is Commissioner Bello, a retired General, and I would like to contribute my observation on this particular provision of the proposed amendment of the Constitution, and I agree with the comment of Commissioner Espina here that, not only during the term of Angie Reyes, but also during the 1986 EDSA Revolution, the Reform the Armed Forces Movement took advantage of that particular provision where the Armed Forces is the protector of the state and the people.

The definition was interpreted in so many ways, so we will have to really look into this and ensure...

CHAIRMAN ABUEVA.

Yes, we'd look into this...

COMMISSIONER BELLO.

... ensure that civilian authority will always be supreme...

CHAIRMAN ABUEVA.

Again, we're not discussing substantive matters yet.

COMMISSIONER RODRIGUEZ.

Mr. Chairman, may I move along that line. This is just creation of Committees. I move that we just read the title of the Committees if there is no objection thereto we can proceed; then, later on we'll discuss.

CHAIRMAN ABUEVA.

Thank you for that suggestion. We'll avoid substantive discussion and comments.

COMMISSIONER APOSTOL.

Mr. Chairman, I go to No. 2: "Committee on Citizenship, Bill of Rights, Political Rights and Obligations, and Human Rights."

CHAIRMAN ABUEVA.

Yes. No questions? Next.

COMMISSIONER APOSTOL.

No. 3: "Committee on Parliamentary Government."

CHAIRMAN ABUEVA.

No questions? Next.

COMMISSIONER APOSTOL.

No. 4: "Committee on Executive."

CHAIRMAN ABUEVA.

What is this? Why is there... I know this was suggested yesterday... You might as well.. if the intention is "Committee on Presidential System," then let's be honest about it, if this is what is intended.

COMMISSIONER APOSTOL.

Whether it is Parliamentary or not, you will have an executive. The executive will reign but not rule...

CHAIRMAN ABUEVA.

Yes, but...

COMMISSIONER APOSTOL.

Which is like the King of England - he reigns but does not rule. That's the way the king serves the executive here. But anyway, I put it there so that... because Commissioner Espina was raising this issue to give him little chance to raise more issues on these.

CHAIRMAN ABUEVA.

Even in Parliamentary government, we can have a debate on Parliament versus presidential and on federal versus unitary. There is nothing that restricts us to debate...

COMMISSIONER ESPINA.

As a matter of fact, I was suggesting that all of these three could be combined as one Committee -federalism, Parliamentary, and...

CHAIRMAN ABUEVA.
That's too much to bite, I think..

COMMISSIONER DUAVIT.
Mr. Chairman.

CHAIRMAN ABUEVA.
Can we.. on the Committee on Executive.

COMMISSIONER DUAVIT.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes, Commissioner Duavit?

COMMISSIONER DUAVIT.
I move that we just add one word after "Executive"—"Executive Power."

CHAIRMAN ABUEVA.
That's Parliamentary and presidential as well. There is executive power in both. Why do we have to have this when we have a Parliamentary government, which suggests that the other side of it is presidential? And therefore we'll be discussing anyway executive and legislative powers. Can we not subsume the executive...?

COMMISSIONER ESPINA.
Why not Committee on the Form of Government, Mr. Chairman? Para hindi naman masyadong ano na.. sabi ko na nga e... We are here; we are already focusing on one form of government – Parliamentary.

COMMISSIONER DIZON.
Mr. Chairman, in the light of the discussion, may I suggest we compress the two and call it "Committee on Form of Government," and then drop number four? So, keep number three but change it to "Committee on Form of Government" and then drop number four.

COMMISSIONER LEVISTE.
I second the motion, Mr. Chairman.

CHAIRMAN ABUEVA.
What is the motion? Do we have a...

COMMISSIONER ESPINA.
I adopt Mr. Chairman the point of the Vice Chairman. This was my point yesterday. I repeatedly... Because under Form of Government it can be Parliamentary; it can be presidential; it could be mixed presidential and Parliamentary.

CHAIRMAN ABUEVA.
Well, again, we should go back to the Executive Order. I delegate... Commissioner Garcia, you've made that point yesterday. Can you repeat it?

COMMISSIONER GARCIA.

Yes, Mr. Chairman, the Executive Order precisely mandates that one of the important and even the principal function of this Commission is to conduct consultations and studies in order to propose amendments to or revisions of the Constitution for a shift to the Parliamentary-federal from the executive-unitary. So that if we have to be faithful to and consistent with the Executive Order, I think we have to constitute this Parliamentary government (Committee).

COMMISSIONER DIZON.

Mr. Chairman, can we have a legal opinion? By calling the Committee “Form of Government,” are we being unfaithful to the Executive Order?

COMMISSIONER BENGZON.

With due respect to the Honorable Commissioner, my humble opinion is that I don't think so. That's why it's called the “grand debate.” So, we may discuss here the pros and cons of the presidential versus the Parliamentary, the federal-unitary, or bicameral, and then we come up — in our collegial consultations— with what we think really is the best. But we are not, that is my own reading of the law, we are not mandated to really just look into the Parliamentary system, so, it's the grand debate for both, Sir.

COMMISSIONER ESPINA.

I fully agree, Mr. Chairman. And as I've said, this has been my point since yesterday.

CHAIRMAN ABUEVA.

Yes. Let's hear different views here.

COMMISSIONER GARCIA.

We should refer to the mandate, Section 1. “There is hereby created a Consultative Commission which shall conduct consultations and studies and proposed amendments and revisions to the 1987 Constitution, principally the proposals to shift from the presidential-unitary system to the Parliamentary-federal system.” Why are we so squeamish of calling a spade a spade? Anyway, in the Parliamentary form, the debate can still push through.

COMMISSIONER APOSTOL.

Mr. Chairman, point of order. It's not really very good to debate with an empty stomach. So I move for a 10-minute recess for the snack.

SUSPENSION OF SESSION

CHAIRMAN ABUEVA:

Okay. Good break for a basic human need. *[It was 4:43 p.m.]*

RESUMPTION OF SESSION

[At 4:55 p.m., the session was resumed.]

CHAIRMAN ABUEVA.

The session is resumed.

With the benefit of a merienda, I think we are ready with new energy. We consulted with a number of us, and we thought we should really go faster in the discussion of the proposed Committees. And one way of accommodating the need to be more open and tentative about our

decisions, we say we shall just call the “Committee on Parliamentary Government,” “Committee on the Proposed Parliamentary Government” and also with the “Committee on Federalism,” “Committee on the Proposed Federal System.” Because our mandate is to review various proposals along this line, as well as additional proposals that have been made. And so, we keep within the mandate, and yet we don’t unduly restrict ourselves and appear to be not so free anymore. So, with that, we are free.

COMMISSIONER NAVAL.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes, Commissioner?

COMMISSIONER NAVAL.
Mr. Chairman, I agree with the changing of the name of the Committee from “Committee on Parliamentary Government,” to “Proposed...” whatever. But may I move that this “Committee on Executive” found on number four be just merged with this “Committee on the Proposed Parliamentary Form of Government?”

CHAIRMAN ABUEVA.
Yes, it is subsumed under the “Committee on the Proposed Parliamentary Government...”

COMMISSIONER NAVAL.
So, there would be no more “Committee on Executive?”

CHAIRMAN ABUEVA.
No. We’ll not have a “Committee on Executive” anymore. Yes?

COMMISSIONER ESPINA.
For the record, I would move that as a body, we vote on this issue. You are for a “Committee on Parliamentary Government” and a “...Federal Government,” I move that it be called the “Committee on Form of Government.” That way, we don’t show as if we are already in favor of a particular type. Even if we add “Proposed Parliamentary” it would still send the message...

CHAIRMAN ABUEVA.
Okay, let’s divide the House on the issue of whether the title of this Committee should be “Committee on the Proposed Parliamentary Government,” or the “Committee on Form of Government.” Again, the issue is we indicate our preferences for these titles—one of the two titles: “Committee on the Proposed Parliamentary Government,” and then the other is “Committee on the Form of Government.”

COMMISSIONER ESPINA.
May I just clarify so that we can vote fully understanding the issue? My proposal is “Form of Government,” and then it will include already federalism, unitary, presidential, and Parliamentary. In other words, “Form of Government” or at least two “Federalism and Unitary” and “Parliamentary and Presidential.” Why are we afraid to read “Form of Government?”

CHAIRMAN ABUEVA.
Commissioner Paterno?

COMMISSIONER PATERNO:

May I remind us; ourselves that “Parliamentary” and “Presidential” are forms of government. But “unitary” and “federal” are structures of a republic. We must not put them together. They’re separate. We can have a federal system with Parliamentary government or presidential government.

COMMISSIONER ESPINA:

So, with that Mr. Chairman, this is my suggestion: A “Committee on Form of Government,” and a “Committee on Structure of the Republic.”

CHAIRMAN ABUEVA:

We have already the motion before us to choose between the “Committee on the Proposed Parliamentary Government” and “Committee on the Form of Government.” How many are in favor of the “Committee on the Proposed Parliamentary Government?” Will somebody count? “Committee on the Proposed Parliamentary Government?” Yeah, you have counted? “Committee on the Proposed Parliamentary Government?” Okay, you have that? How many? Thirteen. “Committee on the Form of Government.” What’s the vote? Eighteen. Okay, the title “Committee on Form of Government” has it. It’s the title of the Committee. But this also includes the removal of the “Committee on the Executive.”

COMMISSIONER APOSTOL.

So, Mr. Chairman, we now go to “Committee on Judiciary” which is now Number 4.

CHAIRMAN ABUEVA.

Okay. No objection to that? Let’s go on. “Committee on Federalism.”

COMMISSIONER APOSTOL.

Next, which is Number 5 - “Committee on Federalism.”

COMMISSIONER TENDERO.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, please.

COMMISSIONER TENDERO.

So, if we are to be consistent with what we have just approved on the “Committee on Form of Government,” as was suggested earlier, then maybe we can use this as “Committee on the Structure of the Republic.”

COMMISSIONER APOSTOL.

So, we change “Committee on Federalism” to “Committee on Structure of Government?”

CHAIRMAN ABUEVA.

Okay, let’s vote. The proposition is we choose between these two titles: “Committee on Federalism” or “Committee on the Structure of the Republic.”

COMMISSIONER ANGELES:

Is that a motion or...

CHAIRMAN ABUEVA:
Yes, it was a motion and seconded.

COMMISSIONER ANGELES:
Can I make an observation?

CHAIRMAN ABUEVA:
Yes, please.

COMMISSIONER ANGELES:
Instead of having a separate “Committee for Structure...,” can we add to that recently approved “Committee on Form of Government” and we name it “Committee on the Form and the Structure of Government?” Because it is the same thing.

CHAIRMAN ABUEVA:
You are combining these two Committees? You know, when we review the proposals, you will realize how complex they are, and it’s better to separate them. Eventually, of course, we relate the two. But at this stage, we haven’t even reviewed the proposals. I don’t think we should make that decision.

So, let’s divide the House. Those who are in favor of the “Committee on Federalism,” can you raise your hands? Six. “Committee on Structure of the Republic?” Okay. Carried. “Structure of the Republic.”

COMMISSIONER LEVISTE.
Mr. Chairman, for the record, can we just get through the vote? Because we went through the process of voting... Sometimes it might be a 13 – 14. For the record, Mr. Chairman, if you don’t mind..

CHAIRMAN ABUEVA.
Paulit, okay. “Committee on Structure of the Republic?” 25. It’s carried. And the other vote, have you counted? Six. It’s carried.

COMMISSIONER GARCIA.
Mr. Chairman, although we have voted on this but just an observation, we voted on the Form of Government and yet in this Committee on Structure of the Republic, is there no.. for harmony.. Can we not probably say, change the “Republic” to “Government” to be consistent with the form?

CHAIRMAN ABUEVA.
No, no.. Yes, this is the distinction: When you change to a federal system, the title of the country will change. Instead of the “Republic of the Philippines,” it will be the “Federal Republic of the Philippines,” whereas, the change to Parliamentary from presidential will not really affect the title of the country. That is the difference. Let’s go on. “Committee on Constitutional Commissions...”

COMMISSIONER APOSTOL.
No. We are on “Committee on Jurisdiction of Central Government...”

CHAIRMAN ABUEVA.
Ah, correct.

COMMISSIONER APOSTOL.
“... and Local Government and Its Structure.”

CHAIRMAN ABUEVA.
Yes, this is subsumed in the Structure of the Republic... Yes, delete this. Now the next...

COMMISSIONER APOSTOL.
Next is “Committee on Constitutional Commissions.”

CHAIRMAN ABUEVA.
I like this because this combines the initial proposal to have one on audit reform, electoral reform, and civil service reform. Next?

COMMISSIONER APOSTOL.
This is what Commissioner Ortega was talking about on suffrage and elections are included here.

COMMISSIONER ORTEGA.
Mr. Chairman, I beg to disagree that electoral reform is only on Comelec. That’s only one small factor of electoral reforms.

CHAIRMAN ABUEVA.
That’s right. If you read the proposals in the proposed changes in the Constitution, there are many provisions on electoral reforms that do not really fall necessarily under the Comelec. Although the Comelec really will have to, of course, implement policies with respect to it. So, we already retained that Committee.

COMMISSIONER ORTEGA.
It’s Committee No. 16, so I understand.

CHAIRMAN ABUEVA.
Are we now on 10?

COMMISSIONER APOSTOL.
We’re now on Number 7 – “Committee on the Accountability of Public Officers.”

CHAIRMAN ABUEVA.
Okay, no objection to that? Let’s go on.

COMMISSIONER APOSTOL.
Next is “Committee on National Patrimony and Economic Reforms.”

CHAIRMAN ABUEVA.
Okay. Next please? Yes?

COMMISSIONER LEVISTE.
I think that this is so important, that this must be divided to two Committees. The matter of national patrimony and economic reforms are two different things because you need economic reforms on matters of policy, which have nothing to do with traditional issues of national patrimony.

So, I move, Mr. Chairman, that we vote and that the Committee on Rules be authorized to delineate the division. I think there should be a "Committee on National Patrimony" and there should be a "Committee on Economic Reforms."

CHAIRMAN ABUEVA.

By the way, just a point of information in the '87 Constitution, are these not together - an article on national patrimony and economy? What is the corresponding title to this in the present Constitution?

COMMISSIONER BENGZON.

Honorable Chairman, it's called "National Economy and Patrimony."

CHAIRMAN ABUEVA.

Yes. "National Economy and Patrimony." Maybe we can use that title "National Economy and Patrimony." Yes. So, we will be tackling that particular article.

COMMISSIONER LEVISTE.

Mr. Chairman, then do I understand we stay with one Committee, in spite of the mandate of the Executive Order, Section 1 on Creation and Mandate, which among other things, says, "to refocus economic policies in the Constitution to match the country's vision for global competitiveness and to review economic policies which tend to hinder the country's competitiveness and adversely affect the people's welfare..." For example, the strict laws we have on some areas of the economy may not apply to areas, which, by definition, are global in nature. The telecommunications industry is different from the natural resources industry. Tourism is different from public utilities. So, I reiterate my request for two separate Committees. Let the Rules Committee define it better. And so I just respectfully submit to our colleagues.

[VOICES]

I second the motion.

COMMISSIONER ROMUALDO.

Mr. Chairman, on the mention by Commissioner Leviste on telecommunications, that's found in General Provisions, not on this particular subject matter.

CHAIRMAN ABUEVA.

The present article in the '87 Constitution is wide enough to comprehend both of these... Yes? Commissioner Garcia...

COMMISSIONER GARCIA.

I believe that these two subjects - national patrimony or national economy are interrelated. When we speak of economic reforms, for example, in the matter of removing certain restrictions on the equity participation in a corporation engaged in the development, utilization or exploitation of natural resources that refers to our national patrimony and that is an economic reform.

CHAIRMAN ABUEVA.

Okay, so let's vote on this.

COMMISSIONER GARCIA.

And when you speak of land ownership, that is also patrimony, and that is an economic issue. So, I don't think we can divorce one from the other.

CHAIRMAN ABUEVA.

Thank you, Mr. Commissioner. Let's vote on this proposal. "Committee on National Patrimony and Economic Reforms." Those in favor? "Committee on the National Patrimony and Economic Reforms" which corresponds actually to that particular article in the present Constitution. Keep it as it is. This is to keep them together. Please raise your hands to be counted. As worded here, "Committee on National Patrimony and Economic Reforms." Essentially, the same title as in the present Constitution. Twenty-six? Those for separating? Five. So, carried.

COMMISSIONER APOSTOL.

Okay, No. 9, which is actually numbered there as "11": "Committee on General Provisions." It's encompassing.

CHAIRMAN ABUEVA.

I don't think this is something in which we will be divided. Can we take it as agreed upon, approved? No objections? "Committee on Amendments and Transitory Provisions..." We have no choice. We have to have it. Approved? Committee on Ways and Means? This refers to the Commission?

COMMISSIONER ESPINA.

I move, therefore, that the name of the Committee be changed from "Ways and Means" to Committee on Accounts.

CHAIRMAN ABUEVA.

Would that title include the fact that we have to raise funds?

COMMISSIONER ESPINA.

Yes!

CHAIRMAN ABUEVA.

Okay.

COMMISSIONER ESPINA.

Congress has that, Committee on Accounts...

COMMISSIONER ADAMAT.

My good colleague here invoking the policy of the Rules of the House, but the House has both "Ways and Means" and "Accounts." So what we can do, Mr. Chairman, is just to be guided by the definition of the Committee, its functions, and I think it falls within the ambit of what is supposed to be the function of "Ways and Means." So we'll just have this as is, Mr. Chairman.

CHAIRMAN ABUEVA.

Okay. Any objection to Committee on Ways and Means?

COMMISSIONER RODRIGUEZ.

Mr. Chairman, I will also object to that and I will agree with Congressman Espina, I mean Commissioner Espina, there. Because when we say Committee on Accounts, we are referring to the funds of the Commission, not necessarily to the taxes, etcetera. We are referring only to our wherewithal here. "Accounts" is the proper term, Mr. Chairman.

COMMISSIONER ESPINA.

This is just the Commission, because the Committee on Ways and Means in all governments has definite meaning. But we are talking of the internal expenses of the Commission. So, Committee on Accounts...

COMMISSIONER ACEVEDO.

The functions under the Committee—I've been a treasurer for 32 years, and under the fiscal administration at UP. So, while the "Committee on Accounts" is not really as comprehensive and appropriate to define the functions of also raising funds, it is closer to the functions described here. "Committee on Ways and Means," is rather not the appropriate title of the Committee.

CHAIRMAN ABUEVA.

So, you go with the idea of "Committee on Accounts?" Okay, "Committee on Accounts," who are in favor... Yes, Commissioner?

COMMISSIONER ORTEGA.

Point of clarification. I hope I was wrong, but I heard that we may have to raise funds?

CHAIRMAN ABUEVA.

Well, that is the reality of it. Our funds may not be adequate.

COMMISSIONER ORTEGA.

My understanding is since this is a creation of an Executive Order; I suppose they will provide whatever expenses, of course, not wasteful spending, but all necessary expenses...

CHAIRMAN ABUEVA.

Yes, I think we can assume that.

COMMISSIONER ESPINA.

The members of the Committee on Accounts will take care of that.

CHAIRMAN ABUEVA.

So, okay. Let's vote on the proposal to rename this as Committee on Accounts. All those who agree?

COMMISSIONER ANGELES.

Mr. Chairman, before we divide the House, can I make an observation? I think to maintain the independence of this Commission; we should not even have this Committee because if we are to expect some donations or financial support or grants, even foreign governments may even influence this Commission by...

CHAIRMAN ABUEVA.

No, no, no...

COMMISSIONER ANGELES.

So, I would like to propose that maybe this Committee on Ways and Means must not even be mentioned in this... Because the Executive Order is funding our function here, our activity, and if I heard one of the Secretaries yesterday, that if we need additional funds, I think the President is willing to find ways and means to provide additional funding for the function of this Commission.

CHAIRMAN ABUEVA.
State your motion. Let's have...

COMMISSIONER ANGELES.
I would like to move that we delete this Committee on Ways and Means to maintain the independence of this Commission.

CHAIRMAN ABUEVA.
All those in favor of deleting this title, and therefore the Committee on Accounts or Ways and Means are deleted? For deletion. We delete this.

COMMISSIONER ADAMAT.
Mr. Chairman, can we just clarify that? Because there was an argument between the two whether we maintain Ways and Means or Committee on Accounts

CHAIRMAN ABUEVA.
But it was not yet a motion. Was it a motion already? Okay. Then, let's vote on that first.

COMMISSIONER ADAMAT.
What we can do Mr. Chairman, if I may continue is just merely substitute Committee on Accounts with the Committee on Ways and Means.

COMMISSIONER ESPINA.
That's my original motion.

CHAIRMAN ABUEVA.
Let's vote on this. Please restate Commissioner Espina...

COMMISSIONER GARCIA
You know, the objection here is in connection with a possible, we might say, charge, that we are raising funds or receiving donations... But the description of the function of the Committee to itself does not say so... It says only, "All proposals relating to the manner the Constitutional Commission.. All matters relating to the conduct, rights, privileges, safety, dignity, integrity and allowances and transportation and accommodation of the Consultative Commission members." I think these are innocuous provisions. It does not mention about raising funds.

CHAIRMAN ABUEVA.
Okay. Can you restate your motion then Commissioner Espina?

COMMISSIONER ESPINA.
Mr. Chairman, the reason I wanted to change the name of the Committee is in all legislative bodies, "Ways and Means" is looked upon as making bills, laws to raise money. I do not want that the public will have the impression that we as members of this Consultative Commission has a Committee which will be raising funds; whereas, the Committee on Accounts is management of the money of the body. Because somebody must sign, for instance, if the Commission will have to hire a bus because we're going to visit an area where we have Area Vice Chairman, someone must be in charge of that, but never to raise money.

CHAIRMAN ABUEVA.
Please restate your motion.

COMMISSIONER ESPINA.

I move, Mr. Chairman, that we change the name of Committee number 13 from Committee on Ways and Means to Committee on Accounts...

[VOICE].

Second the motion.

CHAIRMAN ABUEVA.

Can we vote now... vote on that motion?

COMMISSIONER APOSTOL.

Mr. Chair, before we start voting, there is also a motion to delete the Committee

COMMISSIONER ESPINA.

My motion was stated ahead. Because we want to have somebody really accountable for the expenses of the Commission

CHAIRMAN ABUEVA.

Okay, we know the function as explained. So let's vote on the proposed Committee on Accounts in lieu of Ways and Means. This is the proposal to change the name of Committee on Ways and Means to Committee on Accounts. Committee on Accounts? Okay, how many? How many? 26. So it's carried, it's carried.

There's no motion yet. Now, the motion to abolish?

COMMISSIONER JURADO.

Mr. Chairman, I now move for the deletion of the Committee on Accounts. Deletion.

CHAIRMAN ABUEVA.

Excuse me. We already voted to substitute the title of Committee on Accounts for the Committee on Ways and Means.

COMMISSIONER JURADO.

Mr. Chairman, but there's a Parliamentary procedure involved here, we should have voted for deletion first.

COMMISSIONER ESPINA.

Mr. Chairman, if we are to be conscious of Parliamentary procedure, then, my motion is the original motion. Now, there was another motion to delete; that cannot be entertained until my motion has been decided unless his motion is to amend my motion, which was not.

CHAIRMAN ABUEVA.

Okay.

COMMISSIONER JURADO.

Mr. Chairman, that is saying that my motion is in order; that is, to delete the Committee on Accounts.

COMMISSIONER ESPINA.

I object!

[VOICE]

I second the motion.

CHAIRMAN ABUEVA.

Okay, let's vote on the...

COMMISSIONER PEDROSA.

Excuse me, but can I just make an observation?

CHAIRMAN ABUEVA.

Yes please.

COMMISSIONER PEDROSA.

I think we are getting... *[off-mic]* We are all going to be talking and talking. There is only one function of this Commission, which is to debate the shift to a Parliamentary, federal and unitary or federal government; and then, the second would be the economic provisions; and then the third, would be the transitory provisions. And the debate that is where our efforts should be. Not on discussion on terms, or what Committees will we be. Sorry.

COMMISSIONER ESPINA.

So, we abolish the Committee on Rules.

[Laughter.]

CHAIRMAN ABUEVA.

So, should we still go on with that?

COMMISSIONER ADAMAT.

Mr. Chairman, observation. With due respect to the good Commissioner, his motion is deemed not necessary after the approval of this motion because the motion is to replace the Committee on Ways and Means to Accounts. So, his motion is not necessary anymore.

COMMISSIONER ESPINA.

Mr. Chairman, just very briefly. The public knows the amount of P10 million was appropriated for this. Somebody must be able to account for it. We need people, for instance, if we want to meet somewhere else...

CHAIRMAN ABUEVA.

We approved this already...

COMMISSIONER ESPINA.

No, but because of the motion to delete.

CHAIRMAN ABUEVA.

May we request you to withdraw your motion?

COMMISSIONER JURADO.

I bow very reluctantly... to the motion to withdraw.

CHAIRMAN ABUEVA.

Thank you for bowing reluctantly.

COMMISSIONER LORENZANA.

For the information of the members, we just had a meeting with the Office of the President regarding the budget. We have only ten million. But what we really planned out - the cost, which we were projecting, is roughly more or less fifty million when it involves us going to nationwide consultations, see? So we are trying to rock our brains on how to raise this because apparently the President, the Office of the President says, “sagad na tayo, wala na tayong pera, tigil na iyan dyan.” So, what we are looking into is the possibility of getting, let’s say... there are some people already who would like to give—let’s say ‘yung printing requirements of the primers which will be given during the nationwide consultation would come to about three to five million pesos.

Now, we are trying to work even with Congress for franking privileges where at least libre na ‘yung ating postage, ‘di ba? And then we’ll just try to see who can donate the papers. Okay? So it disturbs me very much when it is presumed that it is wrong when we try to raise funds for these. Now, we are trying to get as much to live on, because we feel that this is very important. People are willing to give paper, for example. We are trying to work out the paper now.

We have some people who have already intended to donate a machine for special printing... And our people in the PMS, in fact, we do not have enough people. This afternoon I am going out to work out and negotiate with the DAP because we have to outsource our work now.

All of these will need money in order to operate and this is at the back of what we’ve been doing. We are not going to burden you with all of these. So, let’s not assume that if we get money or we get help from outside that we are under question. No, this is the wrong assumption. Now, as much as possible we’re still trying to work out how the Office of the President can stretch budget for us. Ang malaki kasi nito is when we go into a nationwide (consultation), which we are going to do in a month from now.

So, this has a bearing on the discussions on these “Accounts” and “Ways and Means.” We have to be pure and all that. We don’t have that money. So, we’re trying to work out with the Office of the President.

COMMISSIONER ACEVEDO.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, Mr. Acevedo.

COMMISSIONER ACEVEDO.

In line with the motion, which probably reflects delicadeza and a recently scandalous event that is related to the functioning of the Consultative Commission, I would like to register on record that we should strictly observe fiscal regulations and procedures. And in the matter of soliciting or accepting donations, that should be cleared by the Commission itself. That’s all, Mr. Chairman.

CHAIRMAN ABUEVA.

Mr. Paterno, please.

COMMISSIONER PATERNO.

May I propose that any contributions or donations for the operations of this Commission be limited to agencies and instrumentalities of the Philippine Government, so that we do not get accused of favoring a private entity?

COMMISSIONER ESPINA.

I support that observation of Ting Paterno.

CHAIRMAN ABUEVA.

Thank you.

COMMISSIONER LORENZANA.

We all know very well the guidelines. These are really the guidelines as we are working out with the Office of the President. We are very discreet here. We understand also the problems with this Venable thing; has imposed on the body politic. So we are very careful, except that we have to operate, and we don't like to have all these problems being carried by all of us here because it takes the focus out from the most substantive thing, which we should be discussing. And I suppose that we should not be discussing, as Ms Pedrosa say, about columns and words. You know, let's go into the concept so that we can move ahead.

CHAIRMAN ABUEVA.

Yes, Mr. Ortega.

COMMISSIONER ORTEGA.

May I know if you have projections also on expenses for this Commission to the Commissioners? Perhaps, that is where we can all agree to use the strictest and most stringent rules for the expenses of the Commission so we will not be accused of spending too much.

COMMISSIONER LORENZANA.

As a matter of fact... One beautiful thing about us is that this is a volunteer thing, number one. Number two, let us not assume that all of us can afford, we have a lot of people especially from outside Metro Manila. We have to pay our own bills, you know, the flights from Mindanao, from Cebu... The PMS here has really tried to stretch the budget. We have this budget but we are trying to stretch this as much as possible. So, let us leave it to the good judgment of the people also, because you see, we will say let us have a sacrifice. We have a lot of people who are already sacrificing on this for three months, hindi ba? So, let's leave it at that and let us leave it to the good judgment of the PMS. They are good at this; they are professional, very good people. So, let us leave them to come up with a cost for us because they know better...

CHAIRMAN ABUEVA.

I think what has been suggested here is to make a report on the estimated financial needs.

COMMISSIONER APOSTOL.

So, may we proceed, Mr. Chairman?

CHAIRMAN ABUEVA.

So, let's go on.

COMMISSIONER APOSTOL.

Mr. Chairman, we are on Committee No. 12, which is originally numbered 14, Committee on Style.

CHAIRMAN ABUEVA.
Okay. No objection.

COMMISSIONER APOSTOL.
Now, No. 13 - Committee on Civil Service.

CHAIRMAN ABUEVA.
Okay, approved.

COMMISSIONER APOSTOL.
Commissioner Ortega was proposing a new Committee. I wish he could propose it now, about suffrage.

CHAIRMAN ABUEVA.
That was already suggested yesterday, Committee on Suffrage and Electoral Reforms.

COMMISSIONER ORTEGA.
That was already agreed yesterday.

COMMISSIONER APOSTOL.
Yes, but it is not in the copy.

COMMISSIONER ORTEGA.
It was just omitted in the printing.

COMMISSIONER APOSTOL.
Okay. So, we will include that. That will be No. 14.

CHAIRMAN ABUEVA.
Okay. Can we move on to Rule 3?

COMMISSIONER DEE.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER DEE.
Before we move out of the Committees, I know that you are leaving it up to the Committees to get organized and elect their chairs, may I suggest for the sake of uniformity and also to ensure continuity that each Committee be asked to elect their chair and their co-chair. There's no mention here of the setup of a Committee. We just created a Committee and we leave it. My motion is to ask all Committees to appoint a chair and a co-chair.

[VOICE]
I second the motion.

CHAIRMAN ABUEVA.
Any objection? That's carried.

COMMISSIONER DEE.

Elect, elect... I stand corrected.

COMMISSIONER APOSTOL.

Mr. Chairman, the agreement yesterday was for the Chairman to appoint the members of the Committee and for the Committee to elect their Chairman. So, I think the Committee should have a Chairman and a Vice Chairman. So, it is the Committee members who will elect their own Chairman.

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER APOSTOL.

But that was approved already yesterday.

COMMISSIONER DEE.

But there's no mention here.

COMMISSIONER LEVISTE.

Mr. Chairman, may I ask a question from the Floor Leader?

I just want to clarify because the position here as I heard it, Commissioner Donald Dee's proposal is two Co-Chairmen. You are saying that the members will be selected by whom?

COMMISSIONER APOSTOL.

By our Chairman.

COMMISSIONER LEVISTE.

By our Chairman, Chairman Abueva.

COMMISSIONER DEE.

Mr. Chairman, the reason I brought this out is that the Honorable Vice-Chair has suggested earlier that we pick out the limits on the number of membership. That means we leave it to everybody to choose, which is fine with us. But we have a uniform organization, and for the sake of uniformity and to insure continuity, in case somebody, unfortunately, cannot attend and cannot function, he must have somebody to take over. So my motion is it is up to the members to elect their Chair and Co-Chair.

CHAIRMAN ABUEVA.

Okay, is there any objection to that? *[Silence]* Motion is carried. Each Committee will elect its Chair and Co-Chair.

COMMISSIONER LEVISTE.

Matter of clarification, Mr. Chairman. Therefore, there will be no Vice-Chairman.

COMMISSIONER APOSTOL.

Wala na, Co-Chair.

COMMISSIONER LEVISTE.

The next question: membership in these Committees, we are asked to submit three of our choices. Do we get automatic seats or....?

COMMISSIONER CHUA.

Mr. Chairman, I think we just agreed a while ago that there will be no limit as far as the number of membership is concerned.

COMMISSIONER APOSTOL.

What will happen if no member will submit his name to a particular Committee?

CHAIRMAN ABUEVA.

We will volunteer some members to those Committees. So, let us go on. We are through with the various Committees.

COMMISSIONER APOSTOL.

Mr. Chairman, in Section 9.....

COMMISSIONER VARELA.

Mr. Chairman, I have noticed there are quite a number of media that participates and joins us in observing all our proceedings. What about creating a Committee on Public Information that will be able to coordinate the activities as far as public relations is concerned?

CHAIRMAN ABUEVA.

There is a suggestion to create a Committee on Public Information.

COMMISSIONER ESPINA.

Mr. Chairman, siguro sa Secretariat na iyan. Yang public dissemination of information, siguro sa PMS na o sa Secretariat of the Commission rather than members of the Commission being in charge of information.

CHAIRMAN ABUEVA.

I'm sorry; I was distracted by my cell phone. Will you summarize what you just...

COMMISSIONER ESPINA.

I was just reacting to the point raised that we would need a public information sort of body. I was thinking that perhaps, we will leave it to the Secretariat, maybe the Chairman of the Commission yung ating staff na lang.

CHAIRMAN ABUEVA.

In fact, our Secretary-General has already functioned in that capacity. We will be approached by the media from time to time and everybody is free to talk to the media of their choice.

COMMISSIONER ORTEGA.

Mr. Chairman, shall we go now to another item? When do the Committees organize? Do we have a timetable for that?

COMMISSIONER APOSTOL.

Mr. Chairman, let's finish the Rules first and then we can go there.

CHAIRMAN ABUEVA.

Yes, can we go to the Rules first?

COMMISSIONER APOSTOL.

Mr. Chairman, Section 9, Rule 3, I made a mistake: "The daily sessions shall be from Monday, Tuesday, Wednesday and Thursday which shall commence at three o'clock in the afternoon. The Commission may hold sessions on Fridays, Saturdays, and Sundays if it so desires."

So the words, "except on Fridays the sessions shall commence at nine o'clock" should be deleted.

CHAIRMAN ABUEVA.

Okay, no objection? The Commission may hold sessions on other days if it so decides.

COMMISSIONER APOSTOL.

If the Commission decides, then we can hold sessions on Fridays.

CHAIRMAN ABUEVA.

Quorum now.

COMMISSIONER APOSTOL

Quorum. Call to order.

COMMISSIONER ORTIZ-LUIS.

On the schedules, I think we have to differentiate between the Committees and the Commission. The Committees themselves may decide to meet on...

CHAIRMAN ABUEVA.

That's right. That is understood.

COMMISSIONER LORENZANA.

We will also find ourselves... maybe the Commission itself may have to meet in other places aside from this

CHAIRMAN ABUEVA.

Yes, our Executive Order allows that. Let's go on please. Commissioner Apostol, can we move on?

COMMISSIONER APOSTOL.

Call to order. Section 11.

COMMISSIONER GARCIA.

Mr. Chairman, before we go to Section 11, there is a clause here that says, "and compel the attendance of absent members..." Do we have that authority?

COMMISSIONER ESPINA.

We make our own rules, yes. If we adopt the rules, yes.

COMMISSIONER GARCIA.

But this is not an official body. How can we compel attendance? We cannot compel. The word "compel" is rather strong.

COMMISSIONER BENGZON.

"Encourage," Honorable Chairman. How about the word "encourage"?

COMMISSIONER TENDERO.

Mr. Chairman, maybe there's no need for us to include that statement. We are all here on a voluntary basis. Because we volunteered, we have that kind of commitment to give as far as it is possible for everyone to be here at all times. Maybe there's no need for us to have that kind of statement.

COMMISSIONER GARCIA.

"From day to day, and..." maybe "...take measures to ensure the attendance..."

COMMISSIONER PEDROSA.

Can I make a suggestion? "A majority of all the members of the Commission shall constitute a quorum to do business, but a smaller number may adjourn day to day and require the attendance of absent..."

CHAIRMAN ABUEVA.

"Require" would be better than "compel." Persuasively require. Shall we move on?

COMMISSIONER APOSTOL.

"At every session, the National Anthem shall be sung, followed by a one-minute silent prayer or meditation, or by an invocation delivered by any member designated by the Chairman."

CHAIRMAN ABUEVA.

Do we have to have that in the rules, or just be a convention, a practice? We have been doing that. It is expected anyway.

COMMISSIONER APOSTOL.

Usually in all rules, it's always there.

CHAIRMAN ABUEVA.

Okay.

COMMISSIONER APOSTOL.

Section 12. "Every member shall be present in all sessions of the Commission, unless expressly excluded by it or prevented from doing so by sicknesses or other unavoidable circumstances duly reported to the Constitutional Commission through the Secretary General."

CHAIRMAN ABUEVA.

There is a suggestion here. Do we really have to discuss all of these details now? Can't we leave it to the Rules Committee to do the best to it? We trust our Rules Committee. Thank you for that suggestion.

COMMISSIONER AZURIN.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER AZURIN.

I'm perfectly willing to leave these to the Rules Committee except for one thing, which is in the manner of the resolution of proposals, which is the voting. I think that is a substantive issue that we need to resolve. So that is, I think Rule VIII...

COMMISSIONER ESPINA.
Rule VIII.

COMMISSIONER AZURIN.
Rule VIII, Voting. I think we can discuss this and we can leave everything else but I think we should resolve this particular rule.

COMMISSIONER ESPINA.
I support that observation, the voting.

CHAIRMAN ABUEVA.
Yes, we are following more or less the Congress procedure.

COMMISSIONER AZURIN.
Now on this matter, Mr. Chairman, Sec. 39 says that provisions or drafts of the Constitution shall be approved by a majority vote of all the members of the Commission. I have a little problem with this. Majority means 50% plus one, which essentially means that on that provision or on that draft, this group is divided. It essentially means that. It means that that provision or that draft was not persuasive enough to carry a bigger number of members. In other words, the house is just divided. So, my suggestion which I'm not putting into a motion yet, but I'm proposing for ventilation, perhaps we should adopt a higher percentage like maybe three fourths, since even Congress uses three-fourths to approve amendments to the Constitution. In other words, I think consensus or unanimity is impractical and unreasonable, but I think a proposition, an amendment or a draft is sufficiently persuasive, then I think a larger number of this group should be convinced of that particular amendment or provision. So my initial proposal is three-fourths. So, maybe this is something we can discuss?

CHAIRMAN ABUEVA.
How about two-thirds? Two-thirds.

COMMISSIONER PEDROSA.
Excuse me, excuse me.

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER PEDROSA.
Can I make an observation please again? My understanding of the mandate is that we are debating proposed amendments and bringing it to the public to bring about an awareness of charter change within the country. I know about these rules, but I find that it's going to hinder us from doing what is the essential mandate of this group.

Again, I'll repeat that. I think that it is not really a draft that I thought I was supposed to do, but I thought that I would have the proposals for amendment on specific areas and then to be tossed to us to debate. And after debating it, then we now put it in a draft form, the amendments only, not the entire constitution. That's my understanding of it.

CHAIRMAN ABUEVA.

Yes, yes, this is correct. This rule is on voting to decide finally on those proposals.

COMMISSIONER RODRIGUEZ.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER RODRIGUEZ.

May I have a little rebuttal on that? I think it will be very, very difficult for us to go on, to proceed and complete our task here if we will be very stringent on the application of the three-fourths vote. Very, very difficult, that is only an observation. If it will be put into a vote, then I will be against it because it will not speed up the process of drafting something that we will be finally proposing to Congress through the President. I have observed many discussions in many organizations. If we put ourselves in that kind of predicament, then I am afraid we will not finish our job here.

COMMISSIONER ESPINA.

Mr. Chairman, I suggest that Rule 9 be also considered because it is in this area where there could be possible conflicts, the motion for reconsideration, precedents of motions...

CHAIRMAN AZURIN.

Excuse me, we are not finished with the Rule 8.

COMMISSIONER GARCIA.

Yes, yes, we'll go back to Rule 8. But in Section 39, I believe, Mr. Chairman, this should not be the final draft of the Constitution. The final draft of the proposals to amend or revise.

CHAIRMAN ABUEVA.

Of the proposals, yes.

COMMISSIONER GARCIA.

Because we shall vote for each proposal to amend.

CHAIRMAN ABUEVA.

Yes, yes.

COMMISSIONER GARCIA.

It should be the proposal. So every proposal should be voted on, not the entire Constitution, on every set of proposals because they are interrelated.

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER GARCIA.

So I believe it is not the Constitution, we should change that to proposals.

CHAIRMAN ABUEVA.

But the issue raised here is: Would a simple majority be enough or should it be a higher majority, like two-thirds of the majority?

To facilitate consensus and to speed up our work, a simple majority would be okay. After all, in our discussions, a simple majority could be exceeded in most cases, anyway.

COMMISSIONER PATERNO.
Mr. Chairman.

CHAIRMAN ABUEVA.
Commissioner Paterno.

COMMISSIONER PATERNO.
I would like us to remind ourselves that we are not supposed to amend the Constitution but merely propose revisions and then consult with the people. The way these rules are framed, it looks as if we are a legislative body. We seem to be forgetting that our job is to consult the people on certain proposals.

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER PATERNO.
But the way these rules are worded appears to me that we are supposed to be here all the time.

CHAIRMAN ABUEVA.
No, Commissioner, but it is true we have here a working draft on the basis of which we consult with the people. But we come back here and we make such revisions as we feel necessary. But at the end of our mandate, as we reach the deadline of our calendar, we have to make a decision. We have to adopt our proposals. And that is where the voting will come in here, in the adoption of our proposals.

So, there are various stages of drafting our proposals. We are talking about the final adoption by the Body of our proposals.

COMMISSIONER PEDROSA.
Is that going to be the totality or the page by page?

CHAIRMAN ABUEVA.
Well, we do it part by part, but in the end there is also the practice of approving the whole thing.

COMMISSIONER PEDROSA.
So it can happen that I will be for Parliamentary, I will be for Federal, and I will not be for some of the economic measures?

CHAIRMAN ABUEVA.
Yes, yes, we are free to vote on each issue, each proposal that we formulate. So far, there has been no objection to the simple majority. You make it a motion so that we make a decision.

COMMISSIONER AZURIN.
Yes, Mr. Chairman, that is exactly what I am going to do.

My point, again, is that, if the proposal is meritorious, I think it should be easy enough to get a larger number. Okay, maybe, not 3/4, maybe 2/3. But a simple majority means essentially that we do not agree. It is half-half.

So, I would like to make a motion that we change the Section 39 to reflect a 2/3 vote instead of a simple majority vote.

CHAIRMAN ABUEVA.
Is that seconded?

COMMISSIONER MATULA.
Mr. Chairman, a comment.

CHAIRMAN ABUEVA.
Yes, please, Commissioner Matula.

COMMISSIONER MATULA.
Mr. Chairman, I think the majority vote is enough, but we encourage the members to vote ... more than one half. It is difficult. We will put strict measures against ourselves if we will adopt a 2/3 or 3/4 vote.

CHAIRMAN ABUEVA.
There's a motion before the Body duly seconded. Can we vote on that?

COMMISSIONER GARCIA.
It will be noted that the majority is of the entire membership, it's not a simple majority. It is quite difficult to obtain this because some members may not be present. So that even if there is a majority of the members present that will not carry the day. It is of all the members that refer to the entire membership of the Commission.

So for example, in this case, we have 40 above; majority of all the members will more or less require a bigger number of votes.

CHAIRMAN ABUEVA.
Let's divide the house on the duly seconded motion, to require a 2/3 vote for the approval of each of our proposals.

[VOICE]
Clarification, Mr. Chairman. Is it 2/3 of those present or total membership of the House?

CHAIRMAN ABUEVA.
All members. So, those who are in favor of that motion to require a 2/3 vote of all the members of the Commission for the approval of each proposal, please raise your right hand.

Those against? It's carried, overwhelming.

COMMISSIONER VARELA.
What happens if in the Committee, there will be some disagreements? Will this be presented to the Body as a whole for decisions?

CHAIRMAN ABUEVA.

Yes, decisions are always by the whole body... Within the Committee there can also be decisions but before it becomes final, it has to be approved by the entire Commission...

COMMISSIONER VARELA.

No, but there could be a voting in the Committee?

CHAIRMAN ABUEVA.

Yes, of course. There could be..

COMMISSIONER PATERNO.

Mr. Chairman, one question. May the Committees go into consultation on what they believe should be the proposal before coming to this body for approval of the proposal?

COMMISSIONER ESPINA.

I think we should allow it. We should allow that.

COMMISSIONER PATERNO.

Because Mr. Chairman, if the Commission will go to the people on a set of proposals, gulo lamang yan. Hindi na maiintindihan ng tao kung ano ang sinasabi natin. Halo-halo. But if we go on a basis of ito ang Section on National Economy and Patrimony, mas madaling kausapin. Mas maliwanag kung sino yung constituency na dapat mong kausapin.

CHAIRMAN ABUEVA.

Consider that. We're not going to make consultations on the whole draft that we have done as of the first four, five weeks. But we can have consultations on specific areas, like the Committee areas.

COMMISSIONER ESPINA.

So, Mr. Chairman, can we formalize that thing, can you make that into a motion?

CHAIRMAN ABUEVA.

Commissioner Paterno, can you make a motion on your proposal?

COMMISSIONER PATERNO.

My motion is that this Commission will authorize the respective Committees to do consultations on the draft proposals that they evolved and approved in the Committee before such proposals as amended by the consultations are presented for Plenary debate and approval.

COMMISSIONER ESPINA.

I second the motion.

COMMISSIONER AZURIN.

Point of order. Point of order. Is that under... We're still basically discussing the rules. You want that to be included under Rule VI? I just want to be very clear. I agree with you but will that fall under Rule VI? You would like to include that?

CHAIRMAN ABUEVA.

Yes, if it is approved then it is included under Rule VI. Because we are distinguishing between the whole proposals of the body all put together for consultation as a whole draft and partial consultations on Committee proposals/ drafts actually of Committee proposals.

COMMISSIONER ESPINA.

Mr. Chairman, may I just add a very simple sentence under the Rules after Section 20 or before Section 20 on Committee reports?

CHAIRMAN ABUEVA.

Yes. Can you just...

COMMISSIONER ESPINA.

Subject to Style.

CHAIRMAN ABUEVA.

Yeah, subject to Style. Can you just propose the idea?

COMMISSIONER ESPINA.

The idea is to allow the Committee to conduct consultations.

CHAIRMAN ABUEVA.

Yeah, we are asking Commissioner Paterno to propose that.

COMMISSIONER PATERNO.

...May conduct consultations on drafts approved by the Committee and after such consultations, such shall be admitted for approval by the Plenary or shall be presented for consideration by the Plenary.

CHAIRMAN ABUEVA.

No, it is understood that at certain points the Committee reports will be submitted to the Plenary for discussion and... But this is before it is given to the Plenary, that's what you're saying.

COMMISSIONER PATERNO.

Well, I presume that the Committees are expected to inform the Plenary of the progress of their discussions

CHAIRMAN ABUEVA.

.. and be provided copies of the latest version of the proposals of the Committees. Yes.

COMMISSIONER PATERNO.

But will the Committees have to go to the Plenary for approval of their proposals before they go out to consult?

CHAIRMAN ABUEVA.

No. What we understood from your proposition, your proposal is that even before the Commission as a whole acts on it, you're conducting consultations on your draft.

COMMISSIONER PATERNO.

Yes, because the idea is that if the Committee agrees on certain issues but then the consultation says that the public is opposed vehemently to these views of the Committee, then the Committee should change its proposal to what is more acceptable publicly.

COMMISSIONER ESPINA.

May I contribute an experience on that Mr. Chairman? Having been in Congress for three terms and in all these terms, we conducted public hearings. What the Committee does is it receives the proposed amendments then we go to Cebu, Samar or wherever and we discuss, we ask the public or a sector to give their comments. Then, we go back to the Committee, we meet and we decide.

In other words, before the Committee decides, maybe the initial step should be after getting the proposals referred to the Committee by the Secretary General or by the Secretary, then, you go on... maybe you can meet several times and then go to the public meetings.

COMMISSIONER GARCIA.

Mr. Chairman, I suppose that the Committee conducts the consultations on the proposed Resolution with the people before it submits its final report to the Plenary. And in that report, the Committee can include already the observations, objections of the public for the consideration of the Plenary. But the Committee should make its final report.

CHAIRMAN ABUEVA.

We can visualize two stages of consultation. One is, let's say within Metro Manila where you have your first draft your proposals, you would like to avail yourself of the ideas, the advice of our peers in the society, in the community and so you do that before you go to Plenary. Then you incorporate whatever changes you want to make.

Then there is that long period of four-five weeks when we go around the country. That's the second stage of consultations. If you wish, 'no? No, we have no choice. That is required, that's a mandate. But the first consultation may be just here within Metro Manila. In either case, all that is required is to inform us, the body as a whole, about your consultations and the feedback and then proceed with your Committee work until you are ready to submit your proposal to the Plenary.

COMMISSIONER VILAR.

Mr. Chairman.

CHAIRMAN ABUEVA.

So there may be two stages of consultation. It's optional.

COMMISSIONER VILAR.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, Commissioner?

COMMISSIONER VILAR.

I believe that the proposal of the Honorable Secretary... Just a clarification on what to present to the people for consultation -- the proposed amendments and the idea of the Committee. His proposal was how do we present it to the public? If we present it on our own, there will be a chopsuey presentation to the public. So what will be the stand of the Body on such proposal to the public?

CHAIRMAN ABUEVA.

Commissioner Lorenzana?

COMMISSIONER LORENZANA.

Mr. Chairman, let's not discuss that yet because that will be coming later. The PMS and our group now are still going over this discussion later on if this is necessary. We will assure you that we will come up with a very good plan for nationwide consultation. In fact, to give you an idea, the Regional Development Councils have already been informed of a possible visit by us. We don't know when yet and how we will conduct ourselves, but this is very necessary as part of the E.O. But we will discuss that when the time comes, if necessary. At this point, I don't think that we should. Thank you.

COMMISSIONER DIZON.

Mr. Chairman, time is sort of running out. I would like to make a motion that we try to end the discussion on the proposed rules by accepting the remaining sections that we haven't discussed yet, accepting this in principle and if anybody has any comments or observations, they put them in writing, submit them to the Floor Leader and maybe next Monday we can still entertain any changes, so that we can get over this and move on to other very important matters. So, I'd like to make a motion that we approve the remaining rules in principle and anybody with any suggestions, comments or whatever, please submit in writing to the Floor Leader. And if there are suggestions or recommendations, we can take them up again next week.

COMMISSIONER ABARICO.

I second the motion.

COMMISSIONER ROMUALDO.

Mr. Chairman.

COMMISSIONER APOSTOL.

Mr. Chairman, before we approve the motion, may I just make a correction? That all referrals to the Steering Committee, the so-called Steering Committee should be removed and it should be changed to Rules Committee. So that's it.

CHAIRMAN ABUEVA.

Okay. Yes, Commissioner Romualdo.

COMMISSIONER ROMUALDO.

Yes, Mr. Chairman. You know the schedule Monday up to Thursday, some of us are in government, we will be abandoning our position as Governor. In the first place, I don't know for how long we'll have plenary sessions. Because according to the rules, practically everybody, we will have plenary sessions, Monday...

CHAIRMAN ABUEVA.

Thursdays...

COMMISSIONER ROMUALDO.

Now it will be more of Committee work. Practically we cannot anymore serve our respective constituencies with that kind of schedule. So I hope you will also help us adjust—that is, if you want our presence.

CHAIRMAN ABUEVA.

We do want your presence.

COMMISSIONER ROMUALDO.
Thank you so much.

CHAIRMAN ABUEVA.
Thank you. Let's decide on the motion. Restate it, please.

COMMISSIONER RODRIGUEZ.
I am seconding the motion.

CHAIRMAN ABUEVA.
Yes, okay, no objection to that? The motion? Carried.

COMMISSIONER APOSTOL.
Thank you very much. The next matter to be considered is the approval of the Minutes of yesterday. It has been distributed to you.

CHAIRMAN ABUEVA.
May I suggest that we read the Minutes and then take it home and next time we meet we might go over it and approve it? Monday.

COMMISSIONER ROMUALDO.
Mr. Chairman, I move to dispense with the approval of the Minutes until next meeting.

CHAIRMAN ABUEVA.
Yes, that's for Monday.

COMMISSIONER LORENZANA.
Spoken like a true congressman.

CHAIRMAN ABUEVA.
We'd like to thank our Rules Committee for doing admirable work on the proposed rules, which we have approved. And we go to the next item on the agenda... Yes?

COMMISSIONER LORENZANA.
In-house first. The staff has prepared dinner for us and we have the option of having dinner at our convenience. Would you like to have it served? It's only 6:15. Would you like to have it served at 7:00 o'clock? Or at 10:00 o'clock? So you have a choice. 7:00 o'clock. Okay.

COMMISSIONER APOSTOL.
Mr. Chairman, we go again to the nomination of members. Since we agreed that the Members will just submit their preference on the Committee they like. Yesterday we just chose four. Today we have already all the Committees. Now, I think it would be better if we distribute again papers for the Members to choose the different Committees.

COMMISSIONER LORENZANA.
The staff is preparing to give you a white sheet of paper for you to list down your name at saka 'yung preferred Committees.

COMMISSIONER APOSTOL.
You should only list three Committees.

COMMISSIONER LORENZANA.
As many Committees as you want.

CHAIRMAN ABUEVA.
Are we still confined to the four Committees now, or we have here or all the Committees this time?

COMMISSIONER LORENZANA.
All the Committees you want to join, hindi ba?

COMMISSIONER APOSTOL.
But only three.

COMMISSIONER LORENZANA.
We will just give you the list of your own and then tayo na rin ang mag-adjust, so that way, it's faster.

COMMISSIONER LEVISTE.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER LEVISTE.
We're sticking to the decision yesterday of three Committees per Member, correct?

COMMISSIONER LORENZANA.
Iba na 'yon.

COMMISSIONER LEVISTE.
Ah, erased na 'yon?

COMMISSIONER LORENZANA.
Bago na ito...

CHAIRMAN ABUEVA.
Well, okay.

COMMISSIONER LEVISTE.
Can a Member apply to all the Committees?

CHAIRMAN ABUEVA.
Yes, last time we agreed that we would make our preferences for membership in three Committees. Does that agreement hold or do we increase the number of Committees?

There is a suggestion to increase the number to four per Member, because we are going to have a number of Committees. So, we are free to indicate our preferred membership in four different Committees.

COMMISSIONER LORENZANA.

I suggest six, instead of four.

COMMISSIONER PATERNO.
Mr. Chairman, point of inquiry.

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER ROMUALDO.
Everybody might be tempted to be a member of all the Committees. But, believe me, even we in Congress with seven maximum, it's difficult to attend in the seven Committees.

CHAIRMAN ABUEVA.
Well, seven maximum.

COMMISSIONER ROMUALDO.
No, no, that's too much.

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER ROMUALDO.
Now, this is just an inquiry -- is a quorum in a Committee hearing considered? Because that's the most difficult thing to do. The Chairman will always find difficulty in having a quorum in his Committee.

CHAIRMAN ABUEVA.
Did the Rules include the quorum in Committee meetings?

COMMISSIONER APOSTOL.
Mr. Chairman, on the Committee does not include the quorum. Because I am well experienced on this, when I was Chairman, I have to beg for one member to be present. So, if you have one member, as long as the issue of quorum is not raised, that will be okay.

CHAIRMAN ABUEVA.
[*Laughter*] Yes. Please indicate your preference for four now, not just three, but four.

COMMISSIONER APOSTOL.
So, Mr. Chairman, we now go to Item 4-C, "Election of Chairpersons of Respective Committees." I move that we defer this up to Monday.

CHAIRMAN ABUEVA.
There's a proposal to move to Monday the election of the Chairmen—yes, because we are still forming the Committees. Monday, we'll be electing the Chairpersons.

COMMISSIONER DUAVIT.
Mr. Chairman, Mr. Chairman.

CHAIRMAN ABUEVA.
Yes, Commissioner Duavit?

COMMISSIONER DUAVIT.

I noticed something missing here, Mr. Floor Leader. Usually, officers like the Chairman, Vice Chairman, etcetera, are automatically ex-officio members of all the Committees. Maybe we should incorporate that in the Rules.

CHAIRMAN ABUEVA.

Say that again, Commissioner.

COMMISSIONER DUAVIT.

All the elected officers of the Commission should automatically be ex-officio members of all the Committees.

CHAIRMAN ABUEVA.

And all the members are voting?

COMMISSIONER DUAVIT.

And voting members, yes.

COMMISSIONER LORENZANA.

But cannot be Chairmen?

COMMISSIONER APOSTOL.

Mr. Chairman, we will insert that at the end of Rule 2.

CHAIRMAN ABUEVA.

Yes, please.

COMMISSIONER APOSTOL.

Rule 2. All elected officers of the Commission shall be ex-officio members of all Committees, with the right to vote.

COMMISSIONER ORTEGA.

Mr. Chairman, may I suggest that in the matter of determining quorum in the Committees, we include in the Rules that the presence of three—any three Members of the Committee—will be a sufficient quorum.

CHAIRMAN ABUEVA.

Three?

COMMISSIONER ORTEGA.

Chairman and two members.

CHAIRMAN ABUEVA.

Rather than saying sufficient quorum, any three member will be sufficient. And the three members will be needed to...

COMMISSIONER ORTEGA.

'Wag namang any three member, kasi baka wala iyong Chairman, e, 'yung three members ang magko-convene ng meeting. Chairman and two members...

CHAIRMAN ABUEVA.

May we have your views on that? Any three members of the Committee including the Chairman.

COMMISSIONER RODRIGUEZ.

Yes, Mr. Chairman, I agree.

CHAIRMAN ABUEVA.

Or co-chair...

COMMISSIONER RODRIGUEZ.

I second the motion of Commissioner Vic Ortega here.

CHAIRMAN ABUEVA.

Yeah, this ensures that the Committee work continues because there's a determination to really work. Well, that's persuasive on the Members to really participate because the meeting will go on with or without Members beyond the minimum of three. Okay, that's been adopted. No objection, Mr. Floor Leader.

COMMISSIONER APOSTOL.

Yes, Mr. Chairman. I'm looking for an area where we will include it. May I know from the movant in what section or rule will we insert this motion?

COMMISSIONER RODRIGUEZ.

You are given that mandate, Mr. Floor Leader.

CHAIRMAN ABUEVA.

You will have to find that, Mr. Floor Leader.

COMMISSIONER ORTEGA.

You can always include it under the Rule on Committees or under the Rule on Quorum.

CHAIRMAN ABUEVA.

We leave it to the Rules Committee.

COMMISSIONER ADAMAT.

I suggest that we give that to the Committee on Style.

CHAIRMAN ABUEVA.

No, no, no. The Rules Committee.

COMMISSIONER APOSTOL.

So, the Deputy Floor Leader Ortega has the right to insert it anywhere he likes. *[Laughter]* He has the privilege to insert it. Letter 4-d is the Orientation and Overview to be done by the Chairman of this Commission. So the Chairman has the floor now.

CHAIRMAN ABUEVA.

Mr. Floor Leader, something might have disappeared among our Committees - the "Committee on Political Parties and Electoral Reforms." No. no. no. "Suffrage and Electoral Reforms" is one thing, "Political Party Reforms" is another.

COMMISSIONER APOSTOL.

Yes, we agreed that we will insert that.

CHAIRMAN ABUEVA.

So, what will be the name of the Committee?

COMMISSIONER APOSTOL.

“Political Parties”—“Committee on Political Parties.” The other one is “Committee on Suffrage.”

CHAIRMAN ABUEVA.

Ah, so separate, separate. But it’s not here in the listing. You will add it?

COMMISSIONER APOSTOL.

Yes, we will add it.

CHAIRMAN ABUEVA.

Okay, thank you. Okay, what’s next?

COMMISSIONER DIZON.

Okay, Honorable Members, since we have a limited time, I think we need to respond to Chit Pedrosa’s impatience. I think we need to look ahead. We’ve gotten a lot of small stuff out of the way. We have to start getting to the heart of our mandate, which is to really start debate. By now I’m sure all of you; most of you have looked at the three drafts or proposals that are available: the Center for Movement for Federal Philippines, the draft of Congress, and the draft of Nachura. So, I was thinking—we don’t have to decide this now, but maybe by way of proceeding, looking at the whole process, what might be efficient, what might also maximize our time and our energy—is to just have first round of discussions. Just think about this. Internal lang muna.

So for the next, let’s say maybe, three weeks, the easiest way to proceed, I think, is to just take the three drafts. But of the three drafts, I feel, having seen them all, the Movement for the Federal Philippines draft, or if I may just call it the Abueva Draft—I know, he... oh, it’s not—so the Federal Philippine draft, perhaps we can start with that and look at that. And in the first round of discussions, just give our, you know, initial comments—what we like about it, what we don’t like about it, you know, just comments. Then, after we finish that, we go through the proposals of the two other drafts, or it could be done simultaneously. You know, it’s the basic draft, or benchmark—whatever you want to call it that we can use, just again, for working draft for efficiency purposes, could be the Federal Philippine draft.

Okay. Then after the first round, this is before we go out to the regional consultations, that’s when we can make an effort now to see if we can come up with our own, our own set of proposals, you know, after having discussed the three proposals. So that should take us into November, and so by the time we go out to the regions, we can already have parang our own working draft, which we have culled from the three initial drafts. ‘Di ba? It could be very similar, it could be very different, basta we have something. So that, as I said, when we go out, we have a common draft to use in the regional consultations.

Then after that, we come back, we take all the feedback from the provinces, from the regions, and we finalize our proposals. So, as I said, it’s an overview of the process that you might want to consider. What do you think, any reactions?

COMMISSIONER ABARICO.
I strongly support that, Mr. Chairman.

CHAIRMAN ABUEVA.
Comments, yes.

COMMISSIONER ROMUALDO.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes, Mr. Romualdo?

COMMISSIONER ROMUALDO.
The mentioned drafts that we are to peruse or perhaps study are all for Parliamentary-federalism. Now, others may want purely unicameral Parliamentary, purely Parliamentary. So, we have to produce another draft to be perused, because the three drafts you mentioned, Brother (Dizon) -- Nachura, no-longer-Abueva-draft, but let's call it Rey Teves draft, and then the Joe de Venecia's draft; the Congress — are for Parliamentary-federalism. All of them.

COMMISSIONER DIZON.
Yes, Mr. Commissioner. It's just to point the fact that these are the only drafts we have. But if anybody can produce another draft...

COMMISSIONER ROMUALDO.
That is what we are starting to do.

COMMISSIONER DIZON.
Okay.

CHAIRMAN ABUEVA.
Yes. So, that is in light of what the Executive Order says that the Commission shall review existing and new constitutional reform proposals as a basis for formulating our own - just a matter of facilitating the work.

COMMISSIONER DUAVIT.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER DUAVIT.
Clarification only, Mr. Chairman.

CHAIRMAN ABUEVA.
Commissioner Duavit.

COMMISSIONER DUAVIT.
So, it is in order, Mr. Chairman, for us just to, probably in all practicality, submit our proposals in writing?

CHAIRMAN ABUEVA.
Yes...

COMMISSIONER DUAVID.
As comprehensive as we can make it.

CHAIRMAN ABUEVA.
Yes, yes. Because even—according to our mandate, we will also consider your proposal...

COMMISSIONER DUAVID.
Thank you, Mr. Chairman.

CHAIRMAN ABUEVA.
... along with the existing ones. Those will be new proposals.

COMMISSIONER GARCIA.
Mr. Chairman, are we agreed on the proposal of Commissioner Dizon, or Vice Chairman Dizon, that during the first few weeks, we concentrate on the draft, the three drafts mentioned and whatever drafts to be submitted by the Commissioners?

CHAIRMAN ABUEVA.
We would like to act on that. It's a motion, really.

COMMISSIONER AZURIN.
Mr. Chairman, comment.

CHAIRMAN ABUEVA.
Comment? Yes?

COMMISSIONER AZURIN.
This is in connection with the approach to speed up the work and I think I personally am very eager to get into these substantive issues. I would just like to make a suggestion in connection with the speeding up. We mentioned we have three drafts we may have more subsequently. But what I'd like to suggest is that we allow the proponent of each draft - for example, the Abueva Draft, the Nachura Draft to make a presentation to this group. A one-hour or two-hour presentation arguing on the merits of this particular draft, and allowing the group to interpellate and to ask questions and clarifications. In this way, I think the proponent himself will be able to point out and to argue why he proposes a certain provision. And the group can ask questions and be clarified as to these matters. And I think this would go a long way towards speeding up the understanding of why a particular draft is like this or not. Thank you.

CHAIRMAN ABUEVA.
Thank you, Commissioner.

[VOICE]
Mr. Chairman. I read in the papers that the Office of the President before had a study group on charter change headed by I think the Honorable Camilo Sabio. So I think we could have access to that study from the Office of the President.

CHAIRMAN ABUEVA.
We will invite all sources of these proposals, surely.

COMMISSIONER GONZALEZ.

Honorable Chair, I would like to suggest that we put in a matrix the three drafts that we already have. So that like we did in '87, '73—so nandyan na ho 'yan, nakalagay na sa table. So we read through this and we discuss on that, instead of going one by one. Simultaneous ho 'yung ating study.

COMMISSIONER ESPINA.

I support that suggestion, Mr. Chairman, because dito, sa draft na ito, 'yung '35, '73 and '87, may comparison in every area of public governance. There is clear comparison already on legislative power, executive power, political parties, basic principles. Because for instance Mr. Chairman, I have no draft of the Constitution. But I have 18 individual proposals; for example, I want to go back to the two-party system because the multiparty system has resulted in three elections where the winner did not even get majority of the vote. So those are individual amendments and it can fit either a Parliamentary or a unitary government.

CHAIRMAN ABUEVA.

As an elucidation, or an elaboration of the proposal of Brother Dizon, the proposal of Commissioner Gonzalez is to arrange these major proposals, main proposals, in a matrix, so that we can compare the various proposals. And if we have the staff to do that, we can certainly do that.

COMMISSIONER ESPINA.

There is already one, Mr. Chairman, this one.

CHAIRMAN ABUEVA.

Yes. We are comparing '73, '87 and '35. But I don't know if we have the staff. We have to inquire.

COMMISSIONER LORENZANA.

I guess the staff is not so... I guess we'll have to go to the Committee na lang. We will do the matrix kung tapos na tayo. That's what we do. After the Committees and the plenary, then that's the time ime-matrix na natin ito.

CHAIRMAN ABUEVA.

Well, we can assign this to the Committees - to prepare the matrix. But that requires staff just as well. So we'll just have the three drafts before us... We can do it section by section anyway. Section by section. So, it's easier to compare. Committees have specialization, anyway. So we select the parts of the three proposals that belong together. Yes...

COMMISSIONER LEVISTE.

Just an inquiry. Should we not also take into account the previous Constitutions, which were approved? The 1973 Constitutional Convention came out with a draft Constitution, it's here, plus the '35 Constitution because I want to include it in our discussion-studies; because I want to start with a semblance that we are not eliminating the Presidential system. A, parang masama ang dating sa tao if we're limiting ourselves immediately...

CHAIRMAN ABUEVA.

But that is not restricting us because we study different sources, not only existing and new proposals. But of course, we cannot be blind to existing Constitutions. And that includes '35. If you want to go back to Malolos, you can. They exist, and there is already a matrix of '87, '73

and '35 - the UP Law Center. So that takes care of it. It should be easy to consult them. At least the three, and then, I have a copy of the Malolos Constitution if you want to go back to 1899.

COMMISSIONER VARELA.

Mr. Chairman, as a term of reference, the bulk of the Committee.. the bulk of the work, I see, is in the Committees because the result of the Committee work is what to be presented to the Plenary, to the Body as a whole.

CHAIRMAN ABUEVA.

Yes, after consultations.

COMMISSIONER VARELA.

But can the Body as a whole look into it all over again?

CHAIRMAN ABUEVA.

Oh, yes. Finally, it will have to. Yes.

COMMISSIONER VARELA.

Or will it be confined to the reports of the Committees, the recommendations of the Committee?

CHAIRMAN ABUEVA.

Well, the Committees initiate the proposals to the Plenary, of course, yes.

COMMISSIONER VARELA.

But then, the Body does not have to focus on these? They can open up and look into everything once again?

CHAIRMAN ABUEVA.

Yes, but the way we do it... there's the proposal by the Committee and then, cumulatively the whole draft of our proposals. Because the end set of proposals of the Commission is really the accumulation of the proposals of the Committees. We'll be integrating them.

COMMISSIONER VARELA.

... In the interest of time because the Body might like to look at other drafts or other options in spite of the recommendations of the Committee.

CHAIRMAN ABUEVA.

Commissioner Gonzalez.

COMMISSIONER GONZALEZ.

Supposing we are able to get a group of people to help put the matrix together...are we authorized, supposing I could get some of our students to help us?

CHAIRMAN ABUEVA.

Yes...Welcome. We welcome volunteers.

COMMISSIONER GONZALEZ.

Okay, I just want to make that clear.

CHAIRMAN ABUEVA.

Yes, that would be a service to all of us.

COMMISSIONER ACEVEDO.
Mr. Chairman...

CHAIRMAN ABUEVA.
Yes, Commissioner...

COMMISSIONER ACEVEDO
May I suggest if it is feasible to include in the matrix the 1987 Constitution with the inclusion of what are the possible articles that are being amended?

CHAIRMAN ABUEVA.
Yes, specially the '87 Constitution because that is what we are amending and revising.

COMMISSIONER ACEVEDO
...in the matrix, the three drafts plus..

CHAIRMAN ABUEVA.
Yes, absolutely. And it already exists anyway.

COMMISSIONER AZURIN.
Mr. Chairman...

CHAIRMAN ABUEVA.
Yes, Commissioner Azurin?

COMMISSIONER AZURIN.
Earlier, I made a suggestion on these three drafts, getting the proponents to present and argue their proposals. If the suggestion is deemed meritorious by this group, now we can immediately start by having the Abueva draft presented to this group on Monday. It can be a quick presentation...

CHAIRMAN ABUEVA.
We can make presentations, and our team; we have our own specialization also. Rey Magno Teves on federalism, I will handle the one on Parliamentary system, and so on. Yes, we'll be glad to make that overall presentation, an abbreviated presentation, not a very lengthy one. As a matter of fact, I would like to propose, after we have eaten if we have a little more energy to start I would like to give an overview of what we are about to present. What I propose to do is this: We are reviewing the '87 Constitution with a view to amendments and revisions. We are proposing revisions and amendments. We have to do mostly with modifying or changing existing institutions in our Constitution - the Executive, the Legislative, and the various other institutions of governance.

And what I propose to do tonight is this: our work as constitutional reformers has a context. The context, of course, is Filipino society. So it would be good to have a short discussion on what kind of society we have now. What is the structure of this society, which is the context, the environment of our work? What is the political structure that we have in our country today, which we would like hopefully to modify and to improve? What is the state of governance of the country today, which we would like to improve? After all, charter change is to improve governance. It's to bring about good governance. So what's the state of the present governance of this nation that we would like to change, to improve? So we would like to start from where we are. What is the society that we have? What is the nature of the social classes that comprise our

society? The issue of equality and inequality, the issue of inequities in our society. And when it comes to the political structure of society, as the scholars say, power is concentrated in the ruling class, however you call it—the political elite, the ruling class, the power elite; it exists in every society.

And so I'd just like to point to these variables, to these factors in our society just to have a contextual basis for starting our work on Monday. This will not take more than maybe thirty minutes, and I would like to call on a colleague to join the discussion after which we'd like to invite anybody who's interested in the analysis of the environment or the context of our work because we have to have our bearings, and we have to have a common view of where we are as a people, as a nation, as a society, and where we'd like to move through our reforms. So, that's what I would want to propose to do, but after we have eaten.

COMMISSIONER LORENZANA.

Dinner is ready to be served.

SUSPENSION OF SESSION

CHAIRMAN ABUEVA.

The session is suspended for ten minutes.

[It was 7:04 p.m.]

RESUMPTION OF SESSION

[The session resumed at 7:14 p.m.]

CHAIRMAN ABUEVA.

Yes. I said I need to start discussion on the context of our work as reformers. One way to appreciate where we are is to recall our ideal for our society, for our country. It is not true as some people say that as a nation, as a people, we have no national goals, or no vision of an ideal society. Those who say that have not studied the 1987 Constitution.

Of course, it's not easy, even if you study the '87 Constitution because there is no article, no label that says this is our vision of the good society. But I knew instinctively that there would be if you looked hard enough. So I conducted a content analysis of the '87 Constitution, what are the key words used and how often these words were used in order to discover what is really there. That is why it is a long constitution partly because it really articulates so many ideas. But the features of the good society o *Ang Mabuting Lipunan* in our times. And every nation has this kind of an idea, the American dream, we call it. But this is what I think corresponds to our vision of the good society.

Fortunately, it is an authoritative vision, it is not that somebody dreamt about it or a group of people visualized it. But since it is in the fundamental law of the land, it is an authoritative vision of our ideal of the good society. And it is a vision of a well-governed society and as I said, embodied in the text of our Constitution. And these are the features. I think we always discuss, speak here in English, but mas maganda ang dating if you translate the words, the ideas in Tagalog. No I won't say Filipino. I'll just say Tagalog, which is the basis kuno of Filipino.

Malaya at mapayapa; mabuting pamamalakad, well-governed especially in the Preamble; maramihan, that is pluralistic and magkakaiba or diverse; magkakaisa, maka-bansa,

makabayan, demokratiko, pagkapantay-pantay, may karunungan, enlightened, resourceful; masagana, maunlad, makatarunungan, maka-tao, maka-kalikasan, maka-Diyos, makakatotohanan, truth is there, honesty, probity; mapagmahal, mapagkalinga, loving, caring; at nananalig sa isang mundo na mapayapa, nagkakaisa, makatarungan, at maka-tao.

Beautiful concept of the ideal society. I think the framers of the Constitution did not intend really to formulate such, but it's embedded in the text of that Constitution.

And then what kind of ideal government do we have in mind? Since we ratified the Constitution, it is as well our concept and ideal of a good government. You know it too well. The purpose is to build a just and humane society, repeating and stressing what I have just read off; a government that shall embody our ideals, promote the common good, conserve and develop our patrimony and secure to ourselves and our posterity the blessings of independence and democracy under the rule of law and regime of truth, justice, freedom, love, equality and peace. Again, you add more variables, more ideals and goals. For that purpose that the Constitution was promulgated, we have also a vision of good government or good governance.

So in light of that vision of the good society, what is the actual situation? A shortcut to describing our society is to just summarize common place descriptions of our country -- pervasive poverty, unemployment, low incomes, homelessness of millions, widening social inequality, injustice, criminality, endemic rebellion, terrorism, a weak rule of law, a lack of public accountability of government, political parties, the private sector, and the media, graft and corruption in government and the private sector, mounting government deficits and indebtedness indicating our leaders irresponsibility and unwillingness and inability to raise adequate revenues.

We stand out among our neighbors in Asia in this respect.

Of course shortfalls in education, health, safe water, electricity, infrastructure and transportation; low competitiveness in attracting foreign direct investments and tourists compared to Thailand, for example; slow development in science and technology and industrialization.

Then there is one factor where we excel all our neighbors: rapid population growth and the degradation of the environment; lack of a sense of national identity and commitment to the common good; growing public demoralization, cynicism and discontent with their government and political system.

In the midst of political instability, violent and authoritarian alternatives to our dysfunctional democracy are promoted by demagogues and, of course, rebels.

These are manifestations of what scholars call a weak nation and a soft state. A state that is dominated by powerful economic interest and powerful individuals and families, that make it difficult to have a rule of law, and to make needed policies and decisions and to implement them.

So, this is nothing new to you, but it bears recalling and repeating. If we are to use social survey data, this is the structure of Filipino society.

[Chairman Abueva showed a transparency slide of the structure of the Philippine society.]

Ito po ang structure ng ating Lipunan. Ito'y nakabatay sa Social Weather Stations Survey. In every survey that is conducted, the interviewer looks at the dwelling, the house where

interviewees live. It is very hard to get income data. So the market research people will look at the dwelling and the house use classifications: upper class AB, then the upper middle class, the lower class, that's already lower middle class, lower class and then the E, which is the extremely low class.

I have the description of the various classes.

The lowest class, the extremely low class are those who are really suffering from hunger from time to time. They're below survival, barely in subsistence existence, really hard up. You can see that's 20% at that level. Then, the lower class - mahirap din sila – 71%. The upper middle class... we're talking now of the middle class... A of course is... AB is upper class, C is middle class. So you have 20% extremely low class, 71% lower class, 6.8 or say 7% in the upper middle class and 1%, it's actually less than 1%, the AB, upper class.

As against that actual distribution of the social classes, in 1992 and in 1999, our respondents, our people around the country were asked their idea of an ideal Filipino society – the distribution of the social classes, if we attain the ideal society, the mabuting lipunan that I described a short while ago. And it's this:

In both 1992 and in 1999, they were asked: What would be the ideal distribution? To make it simple for them, there were different shapes of pyramids presented to them and the pyramid was explained to them, and they selected from among 5 pyramids, which pyramid to them reflected the ideal, after each class was explained to them. Collectively, the respondents' answers were translated into percentages. As you can see, look at the big middle class. This is the most apparent part of the pyramid, of the social pyramid. A very big middle class and a much smaller lower class compared to the actual that I showed you a short while ago and also a much smaller upper middle class, upper class AB, and then, this is the upper middle class.

Ordinary people around the country when shown different profiles of pyramids, and when the pyramids and distribution of social classes are explained to them, are able to indicate what distribution of income and the socioeconomic status would be like.

So, this is a figure that is very different from the first one that I showed you. And there is a theory of democracy all over the world, and political scientists say that industrialized democracies are characterized distinctively by a very large middle class - that very broad middle class. Why? These are the people who have sufficient income, are able to educate themselves and their children, have leisure, have access to information, not beholden to political bosses or even their own bosses in their companies or corporations. So a degree of a feeling of having a comfortable life, a meaningful life, and this kind of broad middle class correlates across the industrialized democracies of US, Canada, Australia, and Western Europe. And whereas the democracies that are struggling and having difficulties and so on are associated with the kind of profile that I showed you earlier. Now, of course, socio-economic development is not necessarily tied to democracy. There are authoritarian systems that are also doing well and in our neighborhood doing better than we are. But anyway, we are talking just about our society.

I also have the Social Weather Stations self-rating of poverty. They asked, "Kayo ba ay mahirap, hindi mahirap, o in between? That is a better picture than the one I showed you initially. About 40% will say mahirap; 40% to 47% from survey to survey say they are mahirap, self-rated; and then there is about 24% who say they are in the middle borderline, not mahirap, hindi rin mayaman; and then there is that 10 to 15% who say they are okay.

Now what are the political consequences of this? When you have such a large proportion of the population who are mahirap, or really in subsistence economy - poor, vulnerable, who are preoccupied with tomorrows' meals, whose children have to take turns going to school, and who may not be able to finish school at all, with the problems of health, illness, and so on. These are the vulnerable, insecure, people and the young people in these families don't have a stake in our society. What has society done for me? What has the government done for me? And I am not imagining what they are saying.

And we talk about EDSA I, EDSA II and EDSA III. EDSA III was the attempted siege of Malacañang on May 1st 2001. After President Estrada had been arrested and detained, there were hoards of people, thousands of poor people who marched to Malacañang and knocking at the gates of Malacañang. And many were asking if this was really people power or was this mob of poor people who were incited by their leaders to march to the seat of power. But the fact is, that was a preview of the rebellion of the poor. As a consequence of the kind of society that we have, we have a mass of people that can be mobilized by astute leadership. As I said, many of them don't feel they have a stake in the society or they have any expectations of government; they are really disgruntled people.

In November of 2001 or 2003, I conducted a national survey for UP and I asked the students to agree or disagree to three statements:

In our society, the poor people are oppressed or exploited by the rich or powerful people. Agree/disagree? Two-thirds or 65% of the respondents agreed to the statement as against 16% who disagreed. A two-thirds majority for a margin of plus 49%. What is significant is that the margins did not differ across the regions and it mattered only little between the classes. In fact, in the higher classes, respondents tended to agree more. Plus 50% among the ABC class, 51% not much different, in class D slightly lower, 42% in class E.

Similar issues were obtained on the statement: Because the poor people are oppressed or exploited by the rich, it is difficult to have trust and unity among the people.

Again, because the poor people are oppressed or exploited by the rich it is difficult to have trust and unity among the people. Two-thirds again or 66% agreed as 14% disagreed with a margin of plus 52%.

So, what this tells us is that there is a feeling of antagonism between the poor and the rich and mobilization of the poor can be done. We've had demonstrations of this aside from the so-called EDSA III. We see some of this mobilization coming, happening in the last few weeks. Although they did not measure to the people power revolts in 1986 and 1991, there are indications. But as I said, properly led, properly organized, you have here a constituency that could really challenge our authorities and our government.

I found my figures on self-rated poverty. Not poor, hindi mahirap, encouraging – 26%; On the line - 25%; Poor, mahirap, this was asked in various languages, 45%; Mahirap – self-rated poverty. So very quickly now, of the political structure that we have, there are various concepts and theories to describe this. One is the idea of an oligarchy of the very powerful and rich families that govern, that control government, that dominate the economy. One concept is the idea of booty capitalism where the powerful with access to resources are able to promote their personal interests and make it difficult for the State to be autonomous in making decisions and in implementing policies and decisions. I shall not belabor the point because I am sure you are familiar with this. President Marcos, just to recall, justified the imposition of martial law on two

grounds: 1) to save the republic from the rebels and; 2) to reform society or to go against the oligarchy. Of course the outcome of that is very different from the intention.

And President Ramos, I have the book, I wanted to cite the quotation, was also saying we have to do something about this oligarchic society. So every President promises to level society, to reduce social inequality but in fact, social inequality is probably, if not just stagnant, may be increasing. The gap between the very rich and the poor as they say simply -- the poor get poorer, the rich get richer. Now, there may be exaggeration in some of these generalizations but we know that generally true descriptions of our society and of our politics.

So what has this to do with charter change? We want charter change because we want to improve governance, the quality of governance which we just define briefly as good governance being the capacity of the state or the political institutions to... in an institutionalized way, to make the right kinds of policies and decisions and to implement, to carry them out in order to solve the problems that we face, poverty in particular. But the problems that I just recounted would show us that good governance is very far really in operation. What we have is very short of this concept of good governance. So, I relate therefore, the structure, the condition of our society and the nature of our politics to the task of reform. So, in the end, for constitutional reform to be meaningful to our people, it would have to bring about the kind of good governance that is necessary. And in the end, as we go around explaining our proposals to the people, they will really be asking: Will it reduce corruption? Will your proposals really reduce corruption? Will it really reduce poverty? Will it really give me better chances in life, good jobs, continuing good jobs? Will it really bring about better education, better health and so on? The challenge ultimately is to translate our proposals into the felt needs of our citizens. That is difficult, I tell you. You have done it. We go around and we explain our proposals and really force us to say what good would it really bring us knowing the problems as we do.

So thanks for your presence. I just wanted to give this very brief overview. But I would like to ask my colleague, the economist, to supplement what I have said, Professor Jurado.

COMMISSIONER JURADO.

Really I hardly know what to add to Dr. Abueva's impromptu lecture but a thought or two perhaps. I don't have the numbers right now, but basically the same phenomenon, which Dr. Abueva described in political and sociological terms, can be described in somewhat more archaic economic terms. In economics, when you talk of distribution of power, first we want quantifiable, quantified measures. First one is income differences. All right. Second is wealth differences. Those of us who are in business know the difference between the two. Even if at the beginning we are poor in wealth, your asset is only your labor power. But on your income side, if you work hard enough, earn good, spend less, so that we have a surplus that will enter the balance sheet, in the course of time even the poorest person will become richer. All right.

So, I'm thinking now of the income statement of the Filipino people. I'm saying I don't have the numbers right now but I'm referring to the structure that Dr. Abueva painted on the white board over there.

We have in economics one measure of income inequality. It is called the Gini Coefficient. I can see Senator Paterno and the other economists; the Gini Coefficient is a number. If it moves towards 1, that means perfect equality. Everybody, 10% of the population earns 10% of total income, 20% earns 20%, etcetera. They're all equal.

That is a line along the transversal of that particular box. Now, as the so-called Lorenz Curve moves towards that line, it approaches the No. 1. However, as it moves towards the interceptive right hand side corner, that measure approaches zero. A measure of total equality, perfect equality approaches one. A measure of almost absolute inequality approaches zero. What is the measure on the Philippines? It is about 0.39. Is that high inequality or low inequality or medium inequality? Science will not enable us to answer that. We can only answer that by comparison with other countries.

In terms of equality of income distribution we have to admit it -- it is the socialist countries that are living in the area. They're very good in equalizing. There are problems there, but we will not go into those problems. Less equal is what Dr. Abueva called booty capitalism. We have this small group at the very top, a somewhat fatter middle, but a much fatter bottom.

You have that kind of income distribution where, easily, 40% of the people at ground level, means an income of zero pesos, one meter from ground level is P10,000, another meter by 10,000. All right? I can only refer to American numbers, but comparatively, the Philippines is no different.

In the Philippines, most of the families will be about ... the average will be 5 meters off the ground level because our per capita income is 57,000 today. Now, but the richest amongst us, if they will reach up to the stratospheric clouds that cannot be measured, that's how far the real wealthy in our country are from ground level. That is corresponding to the top, what Dr. Abueva was calling the elite.

Income distribution in our country is so unequally distributed that we can envision that pyramid. Wide bottom, but as it tapers up, there is that rod sharper than a chariot of fire shooting up to the sky, where the very top will be earning incomes by the hundreds of millions. Whereas at the bottom here, this is describing the so-called poverty line is something like, yeah...

One dollar a day, that is 400 dollars times... that is something like 22,000 pesos. That is about two meters from ground level. That is where the poor people are. They are two meters off ground level. All right. So you get that pyramid.

Now in economics, we know that wealth is very closely correlated to income or even vice versa. That is to say when people are wealthy they tend to earn high income, and when they earn high income they also tend to acquire tremendous political power, economic and political power. It is when you combine these things that you produce that concentration of power, which Dr. Abueva described there, the power consisting of wealth, income and political clout.

Now, ideally as an economist, I would argue the so-called Lorenz Curve, should be right across, it should be the transversal where incomes will be more or less equally distributed. As a result of which something can be done with the distribution of wealth. My other friends from UP will argue that, "Let us not leave the solution of wealth inequality to purely modifications by income." In other words, let us go out there, expropriate the property and redistribute. That is one way. But history does not quite support the soundness of that argument. Historical record shows that even... it's some kind of rags-to-riches story, that even a poor person, you know, who puts in to practice what his or her parents teach him or her, to work hard and study hard. Any person doing that, in the course of time, manages to acquire good enough income not just to acquire wealth by himself, but by that means succeed in diluting or rather in making somewhat more equal the distribution of wealth. In other words, you can forcibly, politically grab and redistribute

but you can also do something more moderate than that which the historical record says has been very successful in history.

That would be a movement from what Pepe - my boss Pepe, Dr. Abueva-- describes as the movement from the current state of affairs where power is tremendously concentrated in the hands of a thin elite, deprived at the bottom to that what he called that kind of ideal situation, that goal.

And if I got his message right, I think he was saying that our duty is to find ways to transform that highly unequal society in to the somewhat more equal society that the respondents in those SWS surveys indicated we should aim at.

COMMISSIONER AZURIN.

May I make a comment, Mr. Chairman?

CHAIRMAN ABUEVA.

Professor Azurin of College of Business, UP, is recognized.

COMMISSIONER AZURIN.

I think we know the income and social situation here, and I would like to relate this to our work here on charter change. I think we all know this kind of concentration of power means essentially that political power will be concentrated, and that the elite, the ones in the stratosphere, as Dr. Jurado points out, necessarily will control the government. This is a given, this is in the nature of things. If you have this kind of wealth, you will control government, you will control political power.

Consequently, decisions and actions of government would logically tend to promote the interest of this particular group. This is a natural conclusion. So my own ideological bias is, as far as in the effort to restructure the government is concerned, is to argue that given that this is to be expected, we cannot change the income and wealth distribution, to begin with. The conclusion should be that we must, therefore, diminish the power of government, if government is in the control of this elite, and we would expect that this elite would act in their interests, of course, and the elite means the elite and the politicians that they control because this is the nature of things.

Then, the only remedy possible in terms of structural change is to reduce the power and functions of government so that the government officials and the government and politician-controlled government can do us less harm. The problem with government controlled by people with their own agenda and with their own interests to promote means that essentially they will not make decisions and will not take actions in favor of the public interest.

Now, if you cannot change that immediately, then probably the only remedy that you can resort to is diminish the power and the functions so that they do the public, they do us, less harm. Give them the power to do less so that they can do less harm.

Admittedly, that is not a very optimistic or positive action to take. But I submit that it is probably the best approach under the circumstances. But that is my ideological bias. Thank you.

COMMISSIONER GARCIA.

Mr. Chairman.

CHAIRMAN ABUEVA.
Yes, Commissioner Garcia.

COMMISSIONER GARCIA.

Well, we can agree no less to your observations, the facts and figures you have stated, in short, the ills of Philippine society, and the immemorial ruin and injustices injected to the poor. However, at this time and place, the question is: Is the mandate of this Consultative Commission to correct these ills, remove these ills and right the immemorial wrongs and injustices inflicted on the poor?

We must bear in mind that we are here not to write a new Constitution. We are here not to correct the present society with our limited powers and authority. And the mandate of this Consultative Commission is spelled out very clearly in EO 452 and we ourselves even without EO 452 know what is wrong with our present system. There is a saying, which goes something like this: "If it ain't broke, why fix it?" We are here, I repeat, not to write a new Constitution. A Constitutional Convention would be a more adequate vehicle for that purpose, but not this Consultative Commission because we are mandated to conduct consultations and studies and propose amendments and revisions to the 1987 Constitution. We are not to write another Constitution other than the 1987 Constitution. And principally, proposals to shift from the Presidential Unitary System to Parliamentary Federal, to refocus economic policies in the Constitution, to match the country's vision for global competitiveness and to review economic policies, which tend to hinder the country's global competitiveness and adversely affect the people's welfare. We know what these constitutional provisions are and these refer to the restrictive, ultra nationalistic provisions of the Constitution which deny foreigners to own property, which restrict foreign control of business and industries involved or engaged in the development, exploitation of natural resources, also in the operation of public utilities.

The EO mentions global competitiveness and these are the provisions, which hinder or prevent the Filipino from global competitiveness. It is a romantic idea to say "give the Philippines to the Filipinos - Filipino first policy." What happened is our "Filipino first" ended in "Filipino last." In the 1960's, we were next only to Japan in economic development. But what happened 20 years after? We were found at the bottom, next only to Bangladesh. Now, we are trying to attract foreign investments in the country, to develop our natural resources, and yet, how can we attract foreign investors if we do not allow them control of their businesses and industries, we do not allow them to own land even under limited conditions. Now, these are the very provisions in the Constitution that we must address; that this Consultative Assembly must address. Look here, "to refocus economic policies in the Constitution to match the country's vision for global competitiveness." The country's North of the Philippines and South of the Philippines, they have oil. But we have not discovered oil in the Philippines. Why? Because of our restrictive economic policies, we cannot attract investors for exploration. Since 1900 until now, we had only about, two or three years ago, 60 explorations in the Philippines, explorations for oil. In Indonesia, they have 60 explorations every year so they have more chances of finding oil.

Now, the good Chairman mentioned that we have to also review existing and new constitutional reform proposals. But we must take note that this provision of the EO pointed out by the Chairman begins with "for this purpose," for the purpose of shifting from the presidential unitary to Parliamentary federal and for the purpose of refocusing our direction in our economic policies in order to make us globally competitive. This is the time when we will refer to other proposals to amend the Constitution. I believe that we should at the start, at this time, already establish the parameters of our work.

First, are we to write a new Constitution, or are we to limit ourselves to the task set out for us by EO 452, which is that we make studies and consultations to submit proposals for a shift from the presidential to the Parliamentary?

Second, to correct, to take a second hard look at our restrictive, ultra nationalistic provisions in our Constitution. We are losing out to other countries.

Because we are now, may I say this, Mr. Chairman? I think, we're veering away, far, far away from the task assigned to us if we speak of these imbalances in income and wealth and the distribution of wealth because this is not our task. I believe, I humbly submit, that we have a very limited mandate.

COMMISSIONER ABARICO.
Mr. Chairman.

CHAIRMAN ABUEVA.
May we now allow others to intervene? Yes, please.

COMMISSIONER ABARICO.
I think it's high time to hear somebody from Mindanao.

CHAIRMAN ABUEVA.
May we limit our interventions so we can hear from others? Yes.

COMMISSIONER ABARICO.
You have heard the gentleman, Honorable Commissioner from Cebu. I think we should focus on the most vital aspect of the problem of our country, which is poverty. The bottom line here has been shown to us by our Chairman. In Mindanao for instance, as a journalist, I'm not a politician, I'm not a lawyer, I'm not a businessman, I have nothing to represent. In fact, I could hardly make it yesterday because I had problems coming here to Imperial Manila, not to speak of Imperial Cebu. But I have been crisscrossing Mindanao for the last 30 years I see the same poverty stricken people in the hinterlands. Every year I go to Cagayan de Oro, to Iligan, to Butuan, to Surigao because that's my job, I see the same faces of the people along the highways in the hovels. Poverty is written in their faces. That's why when a foreign journalist visited Davao a few years ago, and he also went around Mindanao and Davao, and I hosted dinner for him whom I met when I was a foreign grantee to Boston. He said: "My friend, how come Mindanao is so rich, but its people are very poor?"

That was really a very provocative statement from a foreign observer. Mayaman ang lupa ng Mindanao pero iyong mga tao pobre. How come? This is the bottom line, and I can speak only for Mindanao because I am from there. But, time is running out. Mindanaoans are becoming more wasted.

In fact, Ambassador Dee was there in Davao recently. He spoke at the MinBisCon, Mindanao Business Conference, and he heard our Mayor Rodrigo Duterte tell him and the others, the visitors of Davao, that time is running out. And he said, the least intervention from Manila, the better for Mindanao. We can solve our problems without you telling us what to do because we know what to do.

So, I hope this message will sink in your poor minds. We have heard the economists, the politicians, we have heard the businessmen, but the bottom line is poverty. And I agree with Professor, Chairman Abueva.
Thank you.

COMMISSIONER PEDROSA.
Can I add?

CHAIRMAN ABUEVA.
Yes, Commissioner Pedrosa?

COMMISSIONER PEDROSA.
I agree anything is so noble sounding but we have work to finish. So I would stick to the practical way of addressing this.

And to me, looking at the Constitution and the amendments we'd like to make, I would prefer if somebody pointed out to me 6 amendments or, whatever, let us say, Section 6 or Section 4 or Section 7. That's what we're going to amend. And there are about 3 sentences each and say, these... Then that would shift us to Parliamentary, and then local government shifts this to federalism and this phased development of federalism is about ten years but with a commitment now... That is how I see it. And it should not involve a lot of this discussion, you know. I completely agree about poverty, about the unequal... If you involve our minds you know on these then we will end up really I think longer than two years...not even three. Since time immemorial we have had this, but if our job is to restructure government to enable us to create wealth then that should be done in the simplest formula available and that's what we should do rather than... No, this is not to criticize anybody. But I'm just saying to relate what is being said to the work we will do, I must say that we must do it in the quickest possible way and that is to simplify it rather than to complicate it. That is what I'm trying to say. That's all. Thank you.

COMMISSIONER VILAR.
Mr. Chairman.

CHAIRMAN ABUEVA.
Thank you. You have the floor.

COMMISSIONER VILAR.
As a member of this Commission we should stick to the mandate given to us by the Executive Order, and I would agree with Commissioner Garcia on his point of view that we should limit our discussion to whatever it is mandated and said within the context of the Executive Order. So to reduce our parameters to these points that have been mandated to us because I observe that whatever result of this Consultative Commission, whatever work has been done is to be submitted to Congress for approval. That is what I believe in.

COMMISSIONER MATULA.
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes?

COMMISSIONER MATULA.

Mr. Chairman, I support the suggestion that we will identify the particular provision of the Constitution that we are going to discuss and have some proposals. I understand... I think my proposal is that we have to identify three areas, I think, the articles pertaining to the structure of government that is Article 6, 7, and 8; the provision on the national economy in Article XII; and the third one is the Transitory Provisions.

COMMISSIONER PEDROSA.

So our work is to identify...

COMMISSIONER AZURIN.

Mr. Chairman. Are you done?

CHAIRMAN ABUEVA.

Yes, Commissioner.

COMMISSIONER AZURIN.

Let me just quickly say that there's no dispute with what Commissioner Garcia was saying. In fact, we are ideologically on the same side - we are for less regulation, open markets, and such. I think there is no dispute. I think the entire purpose of the Chairman and the comments of Professor Jurado are to lay the criteria, to lay the ground when we discuss provisions or amendments, whether the amendment is good or bad. I think we need criteria and the criteria should be based on what we discussed in terms of this provision or this amendment leading the way to a better society.

Let me give a practical example as to why perhaps a very simple approach will not work. For example if you say let us just look at the provisions moving the government from Presidential to Parliamentary. Well, there are problems there. When you have Parliament, you concentrate power and therefore, in the context of what we just said that power is concentrated in the very few, then you are allowing power to be better wielded by allowing a Parliament. You have a ruling coalition that can easily wield this power. Now I have no inherent objection to a Parliament, but when we propose a Parliament, we must include provisions that allow us to check this power, which is going to be more concentrated than it is in a Presidential system. This is an example of how the previous discussion has relevance to what we are going to do here. Thank you.

COMMISSIONER MENDOZA.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER MENDOZA.

Let us confine ourselves to the mandate that has been given us, and as we go on in these coming days, I think, let's not only study, but I think let's think of the future so that at least we can already have a good grasp of what ills the society has today. So we better go home tonight so I think we had a hard day. Thank you very much.

CHAIRMAN ABUEVA.

Yes...

COMMISSIONER LEVISTE.

Mr. Chairman, I thank you and Commissioner Jurado for your explanations. But I think you were pointing out to what the problem was and I think the solution was articulated by Commissioner Garcia. I associate myself with every single thing he said and you know I am willing to give up my time more for him if he needed to add something else. Mr. Commissioner, I defer my time to you.

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER GARCIA.

Mr. Chairman, these beautiful ideas and lofty thoughts on the actual condition in the country are worth considering but these ills, inequalities; injustices cannot be corrected by Constitutional provisions because it can be corrected by laws. The Constitution is not self-executory. Look at the Preamble -- to create a just and humane society. Now I spoke because of Commissioner Leviste. Now we have here a beautiful Preamble, Statement of Principles and Policies but these Principles, these State Policies, still have to be translated into laws.

We are a government of laws. We believe in the rule of law. So we are limited here to introducing, proposing amendments to the Constitution.

CHAIRMAN ABUEVA.

But please can we allow others to... Thank you.

COMMISSIONER PATERNO.

Mr. Chairman, I think we have been fed so much not with food but brain that I think it is time for us to go to sleep and I would like to move for adjournment.

[Applause]

COMMISSIONER ESPINA.

Mr. Chairman, may I reserve my time to comment on this next meeting?

ADJOURNMENT OF SESSION

COMMISSIONER APOSTOL.

I move to adjourn. Mr. Chairman.

[SEVERAL VOICES]

Second.

CHAIRMAN ABUEVA.

Yes, so we meet again on Monday, but we will have an election of Committee Chairs on Tuesday. The session is adjourned.

[It was 8:27 P.M.]