

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

TRANSCRIPT OF THE PROCEEDINGS

Session No. 3
Monday, October 3, 2005

OPENING OF THE SESSION

At 3:22 p.m., the Chairman, Jose V. Abueva, called the session to order.

NATIONAL ANTHEM

The Body sang the national anthem.

PRAYER

CHAIRMAN ABUEVA.

Please remain standing while Commissioner Miguel Varela will lead us in prayer.

COMMISSIONER VARELA.

I would like to share this prayer that I have in my wallet, a prayer of Mother Teresa, all about her love:

Man is unreasonable, illogical, self-centered
It doesn't matter, LOVE HIM.

If you do good, they will attribute it to selfish motive
It doesn't matter, DO GOOD.

If you achieve your goals, you find false friends and real enemies,
It doesn't matter, DO THEM.

The good you will do will be forgotten tomorrow.
It doesn't matter, DO THEM.

Honesty and sincerity make you vulnerable.
It doesn't matter. BE FRANK AND HONEST.

What you have been building for years can be destroyed in an instant.
It doesn't matter. BUILD THEM.

Give the world your best, and they will kick you.
It doesn't matter. GIVE YOUR BEST.

PLEDGE OF NEW COMMISSIONERS

CHAIRMAN ABUEVA.

We are joined by new Members, new colleagues in this Commission and we would like them to take the pledge. We have Commissioner Omar Amin, retired Justice of the Court of Appeals; we have Mr. Jarius Bondoc of the Philippine Star; we have Commissioner Mel Sarmiento, the Mayor of Calbayog; and Ambassador Yuchengco, but he is not here yet. Is there anybody else I missed?

Please raise your right hand and follow after me...

I, (Omar U. Amin/ Jarius Bondoc/ Mel Sarmiento), as member of the Consultative Commission, created pursuant to Executive Order No. 453 series of 2005, do hereby solemnly swear that I shall faithfully discharge the best of my ability to this voluntary obligation of re-examining our present Constitution in consultation with various sectors of society, to propose changes therein that would effectively address the political, social and economic reforms needed by our country, and advance the general welfare of the Filipino people.

So help me God.

(Applause)

CHAIRMAN ABUEVA.

Welcome!

ROLL CALL

COMMISSIONER LORENZANA.

I call the roll?

CHAIRMAN ABUEVA.

Yes! Please...

COMMISSIONER LORENZANA.

I am calling now the attendance...

COMMISSIONER APOSTOL.

I am here the Floor Leader. I move that we dispense with the calling of the roll.

COMMISSIONER LORENZANA.

Do we have a quorum?

CHAIRMAN ABUEVA.

Yes, we have at least...

COMMISSIONER BENGZON.

Mr. Chairman, can we just ask the Secretariat to give us the total numbers of who are present so that we can certificate the quorum for the record.

CHAIRMAN ABUEVA.

Yes, Okay. Ladies, can you count the people who are present please.

CHAIRMAN ABUEVA.

Please make a count of all the Members present.

VOICE (Lady). 27.

COMMISSIONER LORENZANA.

We have 27 present so we have a quorum, Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, we have a quorum. Commissioner Apostol?

MINUTES OF THE PREVIOUS SESSION

COMMISSIONER APOSTOL.

I move for the approval of the Minutes of the September 28, 2005 session.

CHAIRMAN ABUEVA.

Do we have a copy of that?

COMMISSIONER LORENZANA.

Secretariat had given us all copies last week. Our problem however is that our minutes for the other day has not yet been finished because we just have a new group. So this will be given by the end of the day for approval the next day.

COMMISSIONER APOSTOL.

I have a motion for the approval of the Minutes of September 28.

COMMISSIONER LORENZANA.

I second the motion.

CHAIRMAN ABUEVA.

Any objections? There being none, approved!

COMMISSIONER ACEVEDO.

I would like to suggest that corrections be submitted in writing to the Secretariat,

CHAIRMAN ABUEVA.

Yes, especially those whose remarks are reported. Help us to have an accurate record of the minutes. Thank you for that suggestion.

COMMITTEE MEMBERSHIPS

COMMISSIONER APOSTOL.

Mr. Chairman

CHAIRMAN ABUEVA.

Yes?

COMMISSIONER APOSTOL.

We are now on the organization of the different committees. I move that the Secretary call the members and the respective committees to which they belong.

CHAIRMAN ABUEVA.

We have distributed a list of all the committees and those who have indicated their preference for different committees, please check...

COMMISSIONER ABUEG.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes?

COMMISSIONER ABUEG.

Our names are omitted.

CHAIRMAN ABUEVA.

Yes, let's make that correction immediately.

COMMISSIONER ABUEG.

There should be proper correction Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, please. Let's do that now.

COMMISSIONER JURADO.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, Commissioner Jurado.

COMMISSIONER JURADO.

Yes. I think there is a bit of overwriting. My name is included under Citizenship, Bill of Rights, and Political Rights. I would like to withdraw from that committee because I think I did not elect to be in that committee.

CHAIRMAN ABUEVA.

Can you cross out your name and we will let the secretariat take care of that?

COMMISSIONER JURADO.

Okay. Alright.

CHAIRMAN ABUEVA.

Any omissions or ...? Yes, Commissioner Abueg.

COMMISSIONER ABUEG.

Last Wednesday we were asked to submit our preference in the different committees. I submitted the list of committees that I decided to be a member of. But my name does not appear in any committee that has been listed here.

CHAIRMAN ABUEVA.

I am so sorry. There is an omission, a mistake, omitting the name of Commissioner Abueg on the list of committee members. The Secretariat, kindly take note of that.

COMMISSIONER ABUEG.

They submit though, the list of committees...

CHAIRMAN ABUEVA.

Yes, please, you can add to your list and we will show that to the Secretariat.

COMMISSIONER ABUEG.

The Judiciary, Electoral Reforms, Preamble, General Provisions and Amendments.

CHAIRMAN ABUEVA.

We said we will limit ourselves...

COMMISSIONER ABUEG.

To how many committees?

CHAIRMAN ABUEVA

...temporarily to four (4).

COMMISSIONER ABUEG.

To 4?

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER ABUEG.

I will withdraw from Preamble and instead submit the General Provisions and Amendments. So that would be for Judiciary, Electoral Reforms General Provisions and Amendments.

CHAIRMAN ABUEVA.

Take note of that, please. Any other corrections? Yes, Dr. Angeles.

COMMISSIONER ANGELES.

I would like to withdraw my membership from the Structure of the Republic, and I would like to join the Committee on Judiciary.

CHAIRMAN ABUEVA

Any other corrections? Yes, Commissioner Varela.

COMMISSIONER VARELA.

Yes, I made myself available for the Committee on Transitory Provisions.

COMMISSIONER BENGZON.

Mr. Chairman, can I withdraw from the Structure of the Republic and be in the Judiciary instead?

CHAIRMAN ABUEVA.

Yes, Commissioner Bengzon would like to be in the Committee on Judiciary.

COMMISSIONER BENGZON.

Thank you.

COMMISSIONER SARMIENTO.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes Commissioner?

COMMISSIONER SARMIENTO.

I just arrived actually from Canada to attend the MOU signing between the League of Cities of the Philippines, the League of the Municipalities of the Philippines with that of the Federation of the Canadian Municipalities and the Union of British Columbia Municipalities, and I was not able to attend our previous meetings. As the Secretary General of the League of Cities of the Philippines, I am here, together with Mayor Rodriguez, as the representatives of the League of Cities of the Philippines. And this representation would like to be included in the Structure of the Republic, Form of Government, and as politicians we have to be a part of the Suffrage and Electoral Reforms so as with the Political Party Reforms, Mr. Chairman.

CHAIRMAN ABUEVA.

Let's make sure that somebody captured all of that, you could write on a note to make sure we don't make a mistake.

COMMISSIONER PEDROSA.

Mr. Chairman.

CHAIRMAN ABUEVA

Yes?

COMMISSIONER PEDROSA.

I would like to be considered for the Amendments and Transitory Provisions. I didn't know that was already a committee.

CHAIRMAN ABUEVA

Okay. Amendments and Transitory Provisions.

COMMISSIONER BENGZON.

Mr. Chairman, can we just have a clarification about the officers, are we ex-officio members of all committees, and voting or not voting?

CHAIRMAN ABUEVA

Yes, that is a common practice. Officers of the body may attend any of the committees you wish to attend and participate.

COMMISSIONER BENGZON.

And they can vote under the Rules?

CHAIRMAN ABUEVA.
Yes, under the rules.

COMMISSIONER ACEVEDO.
I would like to withdraw from the Committee on National Patrimony and Economic Reforms and join the Committee on Amendments and Transitory Provisions.

CHAIRMAN ABUEVA.
Somebody in the Secretariat is following this?

VOICE.
Yes.

CHAIRMAN ABUEVA.
Thank you. Any other? Commissioner Bondoc, you just joined now. You must be choosing among the committees. We will give you time.

COMMISSIONER BONDOC.
I have already chosen Structure of the Republic, National Patrimony and General Provisions.

COMMISSIONER DEE.
Mr. Chairman, I would like to withdraw from the Committee on Structure of the Republic and move to Citizenship, Bill of Rights and Political Rights.

CHAIRMAN ABUEVA.
Okay.

COMMISSIONER APOSTOL.
Mr. Chairman, this is mainly a suggestion. We need good writers in the Committee on Style, so I am suggesting that at least the 3 columnists who are Members here should join the Committee on Style.

CHAIRMAN ABUEVA.
The writers. Yes.

COMMISSIONER APOSTOL.
The writers -- Carmen Pedrosa, Jarius Bondoc, Alex Magno.

CHAIRMAN ABUEVA.
We also have some colleagues who indicated their interest of being chair or co-chair of that committee. We certainly need some writers and constitutional lawyers to be in that committee.

COMMISSIONER APOSTOL.
Committee on Style, I don't know if they will agree, this is just merely a suggestion.

COMMISSIONER AMIN.
Mr. Chairman, may I signify my intention to be included in the committees? Mr. Chairman?

CHAIRMAN ABUEVA.
Yes please.

COMMISSIONER AMIN.
I would like to be a member of the Committee on Preamble, National Territory, Declaration of Principles and Policies, member only.

CHAIRMAN ABUEVA.
Please repeat that.

COMMISSIONER AMIN.
Preamble, National Territory, Declaration of Principles and Policies. I would also like to be a member of the judiciary committee because I came from the Judiciary. Also, the Committees on Accountability of Public Officers, and Amendments and Transitory Provisions.

CHAIRMAN ABUEVA.
Thank you. That is Okay.

COMMISSIONER CHUA.
May I request that I be transferred from Structure of the Republic to Citizenship and Bill of Rights and Political Rights? Thank you.

CHAIRMAN ABUEVA.
Thank you, Mr. Chua. We will make sure that the change is made.

COMMISSIONER VARELA.
Mr. Chairman, can I withdraw from the Committee on Civil Service and move to the Committee on Citizenship, Bill of Rights and Political Rights?

COMMISSIONER APOSTOL.
Mr. Chairman, withdrawal is denied. Varela will be the only one member there *eh*.
[Laughter]

CHAIRMAN ABUEVA.
Commissioner, we are volunteering you for that committee.

COMMISSIONER APOSTOL.
Mr. Chairman.

CHAIRMAN ABUEVA
Yes please.

COMMISSIONER APOSTOL.
There are two committees where there are only two (2) members, But since I am the Floor Leader, I will be the only member and the other one will be the chairman, so in case of voting, there will be no tie. I will always be winning. So may I suggest Mr. Chairman that some members should pity us and join us? One, on Civil Service, the other one is on General Provisions.

CHAIRMAN ABUEVA.
You're certainly...

COMMISSIONER APOSTOL.
We are begging.

CHAIRMAN ABUEVA.
You are encouraged to recruit more members. This is not the final list; we will still allow movements as you desire.

COMMISSIONER SENO.
Mr. Chairman, just for clarification. How many committees have been formally organized? We have...1,2,3,4,5,6,7,8,9,10.

CHAIRMAN ABUEVA.
Plus...we have 11, 12, 13, 14, 15. Fifteen.

COMMISSIONER SENO.
Are there still other committees that will be formed?

CHAIRMAN ABUEVA.
We probably have exhausted the topics to be covered by various committees. We might even combine some of these committees.

COMMISSIONER ABUEG.
Going over the list of committees, I am wondering whether there is a necessity of creating a Committee on Transitory Provisions.

CHAIRMAN ABUEVA.
We have one on that...

COMMISSIONER LORENZANA.
Amendments and Transitory Provisions?

CHAIRMAN ABUEVA.
Yes, Amendments and Transitory Provisions. We will not forget that important committee.

COMMISSIONER ACEVEDO.
I would like to withdraw from the Committee on Accounts and join the Committee on Civil Service.

CHAIRMAN ABUEVA.
Commissioner Acevedo withdrawing from Committee on Accounts and joining the Committee on Civil Service.

COMMISSIONER APOSTOL.
Mr. Chairman, if there will be no more withdrawals, we will just inform the Body that the election of chairman and co-chairman of the different committees will be held tomorrow..
Yes.

COMMISSIONER BENGZON.

Honorable Chairman, maybe the Chairman of the Committee on Rules should walk us through on how it's going to happen. If it's going to happen simultaneously then some members are also members of three or more committees. How is that going to be in terms of logistics?

CHAIRMAN ABUEVA.

Since you will be only be staying in this place...

COMMISSIONER BENGZON.

Are we gonna do this in plenary?

CHAIRMAN ABUEVA.

No. This will be in the plenary room unless we will do it in other room so we will just break into different committees. And if one is a member of two or three committees, we can just shuttle, or we can agree that the election of the chair and co-chair will be one after the other, not at the same time, not simultaneous.

COMMISSIONER BENGZON.

So it will be in plenary but then only the members will vote, and others will still be here.

CHAIRMAN ABUEVA.

Mr. Commissioner.

COMMISSIONER AMIN.

Do you have the names of the Chairman and the co-chairman of each committee?

CHAIRMAN ABUEVA.

We don't know yet. We will have nominations by the various committees and then election among them.

COMMISSIONER APOSTOL.

If we are through, we will go to item No.6 -- overview of existing drafts. The Chairman will be assisted by Vice Chairman Dizon and then the four (4) Vice Chairmen - Luzon, Visayas, Mindanao and Metro Manila. So now the Chairman has the floor now.

CHAIRMAN ABUEVA.

No, no, I am calling the Secretariat if we have the documents produced...Can you show that to me please.

COMMISSIONER AZURIN.

Mr. Chairman, before we move into this particular matter, this is just a suggestion with respect to the working process. I would like to suggest that we debate and discuss in plenary before we divide into committees the matter of whether it is parliament or presidential, and whether it is federal or unitary. The reason I am suggesting this is that the work of all the other committees will be dependent on these. And I think the work of the committees in connection with the form of the government will be based basically on...

CHAIRMAN ABUEVA.

Excuse me, may I interrupt you, in our last and second meeting, Brother Dizon moved and we adopted the idea that essentially as a Committee of the Whole or the whole commission in session, is really a combination of four committees, namely the Committees on the Structure of the Republic, Form of Government, Suffrage and Electoral Reforms and Political Party Reforms. Just to walk us over to introduce the subject so we have sense of our journey throughout the whole area of all the issues that we will be facing before the debates take place in committees. So that is what we propose to do this afternoon.

COMMISSIONER AZURIN.

I have no disagreement with that. In fact, I believe I was the one who proposed that we present the drafts first.

CHAIRMAN ABUEVA.

Yes, yes.

COMMISSIONER AZURIN.

My suggestion is before the work of individual committees begin after these presentations of various drafts, that we debate the question of the form of government and the structure of the republic as a whole, because in the Committee on Form of Government for example, the debate that will go on there will be repeated in the plenary session because it is such a fundamental question.

CHAIRMAN ABUEVA.

Yes

COMMISSIONER AZURIN.

So what I am suggesting is that in plenary, we debate first on the form of government and the structure of the republic, and having decided that, the work of the committees will be much easier. In other words, if the whole already decided that we will go parliamentary or we will go federal, then the committees' work on these specific provisions become much simpler.

CHAIRMAN ABUEVA.

Yes, Mr. Espina.

COMMISSIONER ESPINA.

I fully subscribe to the suggestion that we first decide on this fundamental issue particularly on the two committees - the Committee on Form of Government and the Structure of the Republic, which actually, the records will bear me out, that I just wanted one committee on these, because indeed our decision on the allocation of government authority would be interrelated with the other functions of government as per division of the major committees of this commission. It would affect for instance civil service, to some extent the judiciary, especially if you go into federal system, national defense and all other possible provisions of the amended Constitution. So I think the suggestion has merit. As a matter of fact, on these two issues, this Commission should become a Committee as a Whole.

CHAIRMAN ABUEVA.

Yes. That could be, because they are so interrelated. So I propose now that before....

COMMISSIONER APOSTOL.

Mr. Chairman, before a proposal is made since this draft was just distributed a while ago, I move for a ten-minute recess.

CHAIRMAN ABUEVA.

Let me explain before we have the recess. Let me explain what we have intended to do. This is to follow the motion, which we adopted, made by Commissioner Dizon. We are using one of the major proposals for constitutional change just as a working document, a guide. We will walk through it. We take turns in presenting this, and before we suggested that we tackle these two areas -- structure of the republic and form of government.

With your permission, this is the CMFP draft Constitution which is our initial working document to be followed by the contributions of the Nachura document, the House of Representatives and any other documents. Since this is under the auspices of the Citizens' Movement for Federal Philippines, I would like to call on Rey Magno Teves. He is the Chairman of our committee. I would like him to have the honor of introducing this, but in his absence, let me just say that since 1999, a nationwide organization known as the Citizens' Movement for a Federal Philippines has been making studies and holding regional consultations and forming what is now a nationwide civil society organization for the promotion of a federal republic with a parliamentary government.

With that introduction I would like to just walk you through the document. As I said I would like to call on the area vice chairman and other officers to follow me. I don't like to bore you with my voice. I would like to have other voices reading this just to get moving.

The preamble is essentially the preamble of the 1987 constitution. By the way, we will not debate as we go along; if you need clarification, we will clarify. But no debates at this stage; we will just see the lay of the land, starting the journey and looking at the territory that we are going to cover. The preamble is essentially what it is now in the Constitution. What is added are just the words underlined, for example, "in order to build a peaceful," that is a new word there, then "establish a new government of integrity and competence," that is new, and later on "secure to ourselves and our posterity the blessings of independence, democracy and a thriving national economy, as an addition. And towards the end, "do ordain and promulgate this Constitution of the Federal Republic of the Philippines," if that is what we will agree. But this is what the movement has been promoting.

Article 1 is essentially as in the 1987 Constitution except that we may certainly amend that article.

Article 2 is essentially an entirely new proposal. This is *Ang Republica Federal ng Pilipinas*. Section 1, the Federal Republic of the Philippines, consists of the federation or *federacion*, and New Manila, the federal capital to be planned and built in the Clark Special Economic Zone in Pampanga, and the 12 constituent assemblies, and the 12 *estados* or states and their local governments. The 12 *estados*. Each *estado* or state is an autonomous regional government of the federal republic. The territory of the different *estados* is determined by a combination of geographic contiguity of their component areas, their ethnic, linguistic and other cultural aspects, and their socio-economic potential and viability, from South to North to change the usual order of North to South. The *estados* are the following: Bangsamoro with the various provinces there; the Davao region and Central Mindanao or essentially Region 11 and Region 12; Zamboanga

Peninsula and Northern Mindanao, Region 9, 13; Central and Eastern Visayas... May I request the Secretariat to distribute the map? The regionalization map. We have color scheme to show you visually the proposed federalization.

COMMISSIONER AZURIN.

Mr. Chairman, there seems to be here an inconsistency in numbers. I think there are only eleven listed. And in Section 1, it says only 10.

CHAIRMAN ABUEVA.

No, no, no... I don't know why this is...I think I will correct this as we go along. This is a typographical error. From the Visayas, Central and Eastern Visayas; Western Visayas and Palawan; Bicol; Southern Luzon; Metro Manila will be a separate state; Central Luzon; Ilocos region; Cordillera; and Cagayan Valley. I don't know what I missed here.

Declaration of Principles and State Policies -- Again basically we are saying, we agree at least now with the other principles and state policies, but these are the ones that we propose to amend. By the way, you will notice that in our draft, we are departing from the usual format of our Constitutions by giving a title to every section. We find these very, very helpful when you have a very long document. Because when you look at the Section you also have the title that gives you the subject matter of every section. This is just a stylistic...

COMMISSIONER DEE.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes please.

COMMISSIONER DEE.

Before we leave the 12 estados, can we have at least the demographics of each of the proposed estados, their income and their populations so at least we know if it is possible.

CHAIRMAN ABUEVA.

Yes, we are requesting NEDA to give us socio-economic demographic data on each of the regions because they have that data.

In Section 1, Representative Democracy, Federal and Parliamentary. – “The Philippines is a democratic federal republic with a parliamentary government. Sovereignty...” that is the same, only the underlined words are new.

Section 3, many of you have ideas for this, civil-military relations. “Civilian authority is at all times supreme over the military. Under civilian authority, the Armed Forces of the Philippines assists the federation and the *estados* in protecting the people, in securing the sovereignty of the federal republic and the integrity of the national territory.” I'm sure you have other wordings for that.

Section 4, The Federal Republic and the Citizens. “The prime duty of the federal republic is to serve and protect the people. The federal republic may call upon the people to defend itself and in the fulfillment thereof all citizens, etc..” That is in the present provision.

Section 5, The Blessings of Democracy and Good Governance. “The maintenance of peace and order, the protection of life, labor and property and This is new “The promotion of economic growth and efficiency and the enhancement of the people’s well-being and general welfare are essential for the enjoyment by the people.”

State policies. We have only 1,2,3,4,5,6 proposed amendments. Effective Party System. The federal republic shall promote the development of an effective party system for the proper functioning of representative democracy and the parliamentary government in the *federacion* and in the *estados*...

COMMISSIONER ESPINA.
Mr. Chairman, just a clarification here.

CHAIRMAN ABUEVA.
Yes?

COMMISSIONER ESPINA.
Earlier you mentioned that those, which are underlined, are new, new of what? Of the present Constitution? Because we now have 3 drafts.

CHAIRMAN ABUEVA.
No, no, no. The basis is the 1987 Constitution and we are amending it here.

COMMISSIONER ESPINA.
So these are new to the 1987 Constitution, not to any of the...

CHAIRMAN ABUEVA.
Yes, to 1987 Constitution. So you have at once an idea or a sense of how we are proposing to modify the 1987 Constitution.

So this is entirely new. “Effective party system. (t)o promote the development of the party system, the proper functioning of representative democracy and the parliamentary government in the federation and in the states.”

“Civil society. The federal republic shall empower civil society, through its non-governmental...community-based or sectoral organizations,” and the addition...”and its professional and civic associations and foundations that promote the welfare of the nation.” We are mentioning more organizations in civil society to make the enumeration complete.

“Economic Development.” This goes with the economic reform. “The federal republic shall develop a self-reliant, productive, and competitive economy that will best serve the interest of the Filipino people.” This is essentially lifted from the preparatory commission on constitutional reforms.

COMMISSIONER AZURIN.
Clarification, Mr. Chairman.

CHAIRMAN ABUEVA.

Yes please.

COMMISSIONER AZURIN.

The word “self-reliant” often implies protectionist, is this the intention?

CHAIRMAN ABUEVA.

Not necessarily. This is like saying we should rely on ourselves as much as possible, but not exclusively.

COMMISSIONER AZURIN.

...this is not implying protectionism?

CHAIRMAN ABUEVA.

No. That is why it’s stressing “productive and competitive” and “that will best serve the interest of the Filipino people.”

COMMISSIONER AZURIN.

Mr. Chairman, “self-reliant” implies import-substituting instead of export...

CHAIRMAN ABUEVA.

Yes, it’s only in the sense of being resourceful rather than self-sufficient. The idea of self-sufficiency is of course an oxymoron.

COMMISSIONER AZURIN.

Mr. Chairman, is the phrase “that will best serve the interest of the Filipino people” not protective in itself, reserved only for the interest of the Filipino people?

CHAIRMAN ABUEVA.

No, it doesn’t say that. “A productive and competitive economy that will best serve...”

COMMISSIONER SENO.

Mr. Chairman...

COMMISSIONER PEDROSA.

Mr. Chairman... I think that we are already going into debate and..

CHAIRMAN ABUEVA.

I wanted to be permissive but we are already debating.

COMMISSIONER PEDROSA.

This is only a suggestion. I wonder if it’s possible for us to read this on our own rather ...because the temptation to differ would always be there...

CHAIRMAN ABUEVA.

I think there is something if we read this together. There is a rhythm; there is work in progress together at least....

COMMISSIONER BENGZON.
Mr. Chairman, Honorable Chairman

CHAIRMAN ABUEVA
Yes madam?

COMMISSIONER BENGZON.
I hope I am not encroaching into your style of presenting, but I would like to suggest that before we go through each and every provision of your proposed Constitution. Can we have a diagram of what the structure is all about and then the rest of your provisions will put meat into that diagram. Right now, I think some of our fellow commissioners may have a very sketchy idea of what your proposed form of government is and the structure. I've read it, I did my own, but I would like to confirm whether what I read and understood was in fact your proposal. I may get lost if we, or I personally may get lost if we go through the reading of each and every provision. It would be helpful if we see the overall view of your diagram, where does the parliament come in, is it bicameral?

CHAIRMAN ABUEVA.
Yes, alright. Thank you. Let me pause then and give you an outline or an image of the structure of the republic and the form of government that is being proposed. First of all, the structure of the republic -- as in all federal systems, and we have studied in particular 25 federal systems but some of them more intensively than others. There is of course the distribution of powers and functions between the federal government and the states or regional government. We have said that we are proposing 12 regional governments and as in all federal systems, what are to be retained at the national level by the federal government are the usual powers and functions pertaining to that level, mainly national security and defense, foreign relations and foreign policy, the monetary system and banking system, citizenship, national territory, customs and immigration, the appellate courts -- the supreme court and the court of appeals especially because we intend also to have a regional judiciary. And we have what the Indians call the federal list, the state list and the local government list.

So what go essentially to the state level or the regional governments are a few functions that we normally associate to be national government functions namely, agriculture and fisheries will be out of the federal governments primarily, and be devolved upon the states, natural resources, environment and energy, labor and employment, transportation and communication, except only for federal infrastructure like international airports and the like, and the federal highways. Trade and industry and tourism will be state functions, local government functions, education especially basic education and vocational and technical education, even eventually the state universities and colleges, health - primary health and secondary health. The health function will essentially become a state and local government function. Of course law and order, the police should have been devolved in the states or the local governments. I don't know why it was retained. Under authoritarian rule, it was understandable to centralize, the police became the national police. But essentially the elected officials, the local government officials are really expected to maintain peace and order and therefore, this function is rightfully devolved to local governments. So these are very important functions.

And when we say that all of these are primarily national government functions and services will become state or regional government functions and services, it shows you how substantial the reform is, the re-structuring is, of our proposed federal republic; and

it is not just local autonomy. We have had the local autonomy code since 1991; we have devolved health, some of the environment, agriculture and so on... but the champion and the author of the Local Government Code of 1991, Sen. Pimentel, has admitted that local autonomy via the local government code, has reached a dead end. It cannot move forward because there is resistance by people who are used to having centralized power. It is only by the drastic move of the federalization that you can really devolve.

Federalism is sometimes referred to as the logical culmination of decentralization or local autonomy, although I must say that there are many unitary states in the world that are working very, very well. Why? Because they are highly decentralized unitary systems. A good example is the parliamentary system of the United Kingdom -- Scotland has its own parliament; Wales has its own government and government functions are devolved unto the local governments. Japan doesn't have a federal system but because of decentralization, it is able to function very well. But in our system, our experience is and you have Sen. Pimentel to say that, John Osmeña, Cong. Candazo and a number of Congressmen are saying that we have reached a dead end. Without federalizing, we are stuck with the centralized government.

Now the overall structure of the parliamentary system...As we know, presidential system is distinguished by its separation of powers between the executive or the president in our system and the legislature which is the bicameral Congress of the Senate and the House. I don't have to remind you of the problems that we are experiencing in the conflicts and gridlock between the Executive and the legislative, and between the two branches of Congress.

As you all know, in the parliamentary system, we fuse or we combine the executive powers and the legislative powers in parliament. The prime minister is the head of government. He is the one who leads the government with the council of ministers in forming the government of the day. Essentially, as the government of the day, they wield both the executive and the legislative powers. And of course the party is supposed to be a party in power -- a majority party if possible, or a coalition of parties if necessary. So Commissioner Espina was absolutely right that here -- the idea of political parties becomes germane because unless we transform our existing political parties, we cannot really make a parliamentary system function. But it is not true as some would argue that dynamic functional parties are a pre-condition to parliamentary government. Those who argue also that an efficient, loyal and honest civil service is a pre-condition of a parliamentary form of government. We can develop the parliament, the political parties, and the civil service together.

The advanced parliamentary democracies look very functional in parliament, in their political parties and their civil service, but they were not that way when they started. So we trust that with the transformation, with the reforms in our political parties, we will be able to make a parliamentary democracy function. How do we do this?

Essentially, two important electoral reforms and political reforms -- the first is the composition of the parliament. The parliament will have essentially the membership of the House now, roughly 225 members of parliament. We will be converting the congressional districts into parliamentary districts. But beyond that, we propose in this document to create 100 extra seats in parliament to be shared or distributed among the political parties on the basis of proportional representation or what you call the party list now, except that regular parties will be vying, will be competing for the 100 seats that are

reserved. The purpose of this is to provide tremendous incentive for the parties to rethink their structure and their functions. Instead of being the loose factions or alliances that they are, loose alliances of politicians who are parties that primarily promote their candidates to be elected during elections and later on manage the patronage that comes with the party in power. The reformed political parties will have a very different function, but before I explain the reformed political functions, let me say that you have the incentive of 100 extra seats, for the parties to compete with each other for.

A basic electoral reform is this - our voters when they have their ballot will see that there is a space for writing the names of their candidates for members of parliament. But immediately below that there is a space that says – political party of your choice, the political party that you would like to govern in the parliament. You vote for the political party because you want that political party to be a strong party in parliament. Although this has something to do with the structure of republic, the same thing will happen at the state or regional level. The voter will vote for the assemblymen or assemblywomen for the state assembly, and immediately under that the voter will also indicate the party that he favors, he would like to be a strong party in the assembly. The incentive of having strong, united, stable, loyal party members, program-oriented parties is -- the party that has a majority in parliament and in the state assembly, is the one whose leader becomes the prime minister. It is the party that will choose the ministers in the council of ministers. There is a great incentive for parties to think very seriously about who are the candidates they are posting, to campaign and to be elected and also to campaign for party support on the part of the electorate.

And then the matter of the platform of the party, which will be the program of government of the party, becomes the organizing principle of the party, the commitment of the party. It is on the basis of the party platform that the parties will campaign for electoral support. And it is on the basis of the party platform as promises to the electorate that people will support the different political parties. And of course when party A achieves a clear majority of the seats in the parliament on the basis of its elected candidates and on the basis of its party list or proportional representation candidates, then that party has the mandate to govern. Expectedly, that party is held responsible for implementing its program of government and the people will be hold the party accountable, answerable, for the fulfillment of its promises and its policies embodied in the party platform.

So we envision a legislature that is a very powerful combining legislative and executive powers, assuming responsibilities for governing the whole nation in relation to a platform of government that was the basis of its electoral campaign and a program of government which is the basis for legislation and governance of the whole country.

Now, since the prime minister is head of government, we still need a head of state. As you well know in the United Kingdom or Thailand or even in Malaysia, it is a monarch that is the head of the state, which is the tradition of political systems of those countries. While we have no tradition of monarchies, we elect a president; however the president, in our system, the head of the state, is not to be elected nationally, unlike our president now, because he is only the ceremonial head of the state, ceremonial official. Ceremonial but very important because the president is symbolic of the unity and solidarity of the nation and represents the sovereignty of the people. Upon his election by the parliament and by the state assemblies, the president resigns from his political party to symbolize that he is president of all the people and not a member anymore of a party. The important function of that ceremonial president is that he promulgates all the

laws and the important decisions of the parliament. The president is ceremonial but it's the president who proclaims the election of the prime minister.

COMMISSIONER ANGELES.

We appreciate the presentation of the proposed Federal Republic of the Philippines, can we leave these to the committee to discuss the details on how we will structure the..

COMMISSIONER LORENZANA.

We are trying merely to give flesh to the EO where a lot of us don't believe in some principles of the unitary government, some of us perhaps still cling to the bicameral presidential. We have to give chance to the EO to be fleshed out. This is where the interest and the excitement are. This is how we have to elicit debate among ourselves before we start debating outside; we have to debate here. This is the only way how we go through. Dr. Abueva is laying the predicate of the EO. A lot of you have already been expert here but perhaps if we will give a chance to put ourselves to the level so we get to see our point of arrival, we are now establishing the point of departure. So I thought we should go through it first because when you say "let's assign this to the committee," then you will have the problem of what to assign to the committee. So we still go back to what principles we have to assign to the committee. So I suggest that we take a little more pain to go through these, try to internalize these. Anyway we are only on the 3rd day, I know a lot of us would like to jump into it, and then come up with our proposal, but let's keep our horses tamed. We are going to be able to debate this among ourselves but first let's go through this in a more desperate manner. We have agreed already that the CMFP position will be presented first.

COMMISSIONER GARCIA.

Last Thursday, before we adjourned and upon the very sensible and practical suggestion on the part of the Vice Chairman, we were supposed to study the three drafts and this week, after our study, we are to give our impression, reaction, observation, on these three drafts. And I am prepared to submit mine.

CHAIRMAN ABUEVA

Yes, we will invite...I'd like to extend the invitation to all of us who have proposals for change in the 1987 constitution.

COMMISSIONER BELLO.

Mr. Chairman?

COMMISSIONER APOSTOL.

Yes Commissioner Bello?

COMMISSIONER BELLO.

We know you have walked us through your proposed federalism-parliamentary form of government. Perhaps it would be easier for us to absorb this if there is a sort of a diagram or an organizational chart in order for us to realize the relationship between the federal, which is the national government, to the different states that we are talking about – the 12. How do they relate, and then enumerate the functions which are already presented in your thesis, so that we can absorb more readily rather than reading it from your script there, although we have already gone through the same motion. I myself have read your CMFP proposal.

CHAIRMAN ABUEVA
That is very easy to do.

COMMISSIONER ADAMAT.
Point of observation. This constitutes an amendment to our order of business. I found out that there is no item on other matters and adjournment. If we can include an item on other matters, which will now become number 6, and number 7, adjournment in our order of business. So after having heard your report, we can proceed to the other matters. I so move.

COMMISSIONER BENGZON.
I second. We will instruct the secretariat to include that in the order of business.

COMMISSIONER BELLO.
May I proceed, Mr. Chairman?

CHAIRMAN ABUEVA
I would like to call on our Area Vice Chairman for Luzon to lead us with the State Policies and the Bill of Rights. Now, the Bill of Rights, we are not proposing any amendments to it, but we have a bill of duties and obligations.

COMMISSIONER BENGZON.
Honorable Chairman, before anything else, are you finished with the structure of government? Not yet, no?

CHAIRMAN ABUEVA
I've not gone to the states. Do you want me to elucidate?

COMMISSIONER BENGZON.
I just want to know what Mayor Rodriguez is going to talk about. Because I was following your trend of thought, I'd like to know, since you said there's a parliament, there's a federation, and there are the estados. In the federation, that's where you have the parliament and the judiciary. In the parliament, you have bicameralism. I want to go through the whole picture.

CHAIRMAN ABUEVA
Yes, good. You see I stopped, because some people were impatient with my presentation because they probably know it all. Thank you for reminding me.

COMMISSIONER BENGZON.
Yes sir, we studied that but we also want to confirm that what we have done, in fact, I even made a diagram, whether what we have studied and what we know is exactly what you are saying.

CHAIRMAN ABUEVA
Thank you. Learning from our hard experience with the bicameral system, we are proposing a unicameral parliament. But being a federal system and we have studied these 25 federal systems and each one of them has a second chamber. Each one of them has a second chamber because there are states rights, states powers and authorities that have to be protected in parliament. That's why there is the *bundestag*, the lower house in the German parliament, and the *bundesrat*, the second chamber.

There are the House of Representatives and the Senate in the United States. And so on. There is always a second chamber. But we want to be inventive, original.

To avoid this conflict and gridlock and so on, our proposal is to have a unicameral parliament but have representation of the states to protect states rights, states welfare in the same parliament, in that same body by allowing the 12 state assemblies to designate 2 or 3 of their members, depending on the size of their region, to be members of the parliament representing the states. They will join the deliberations of parliament. When it comes to states rights and states issues where they feel that they have to protect their interests, they can vote as a bloc and campaign with other members of parliament to protect states rights but without the disadvantage of having a second chamber going over every bill or proposal of the larger chamber.

COMMISSIONER CHUA.

What do you mean by designate? The Senate, they are being designated by the assembly? You used the word designate. You talked about the Senate.

CHAIRMAN ABUEVA

There is no Senate. Well, they are really state representatives in parliament.

COMMISSIONER CHUA.

How are they being chosen?

CHAIRMAN ABUEVA

They will be chosen by the state assemblies. We have 12 state assemblies. Depending on the size of the assembly, they will designate 2 or 3 representatives. The state representatives will be members of parliament but representing essentially the states rights, authority and power.

COMMISSIONER LIM.

Mr. Chairman, it's like the U.S. setup, except that it's parliamentary. They have state senators...?

CHAIRMAN ABUEVA

No, no, no. At present, every legislation passed by the House has to go to the Senate. But here, they are all together deliberating together...

COMMISSIONER BENGZON.

I see. Ok. Actually, Honorable Chairman, I thought since you were espousing the *Balay Sambayanan* or the *Balay Estados*, I thought that was bicameralism.

CHAIRMAN ABUEVA

Originally, we said we would have 2 houses – the *Balay Sambayanan* (larger house) and the *Balay Estados* (the Senators). But after consulting with the governors, they said, no it's better to have a unicameral body.

COMMISSIONER BENGZON.

How do you call it now? *Balay Sambayanan*?

CHAIRMAN ABUEVA

No, Parliament. Just parliament.

COMMISSIONER ESPINA.
Mr. Chairman, point of order.

COMMISSIONER PEDROSA.
I have a very fundamental difficulty with the way the discussions are going. For me the most important thing is for us to be able to convey this message to the people -- the need for an amendment of our constitution. I hate to sound like a very difficult person. I don't want to. What I want is for you to give us an idea, an overall picture, the vision, rather than the trees. Can I put it that way? If we have the document before us, we will really be bogged down, it is natural, (and) this is human...

CHAIRMAN ABUEVA
Excuse me. I thought I was just outlining the form of government and the structure of the republic.

COMMISSIONER PEDROSA.
No, you have a diagram here saying...

COMMISSIONER AMIN.
Clarification, Mr. Chairman. We would like to know from the Chair what are these Spanish terms being used like *Figuracion, Estados, Parliamentos*. What are these for? Why should we not use the English and adopt the English language?

CHAIRMAN ABUEVA
Well, very quickly, this is a matter of style, and I hope we don't get bogged down on that. If we use the common English terms, it can be confusing. If we say the President, nationwide election, and so on, if we say *presidente*, ano ba yung *presidente*?

COMMISSIONER ESPINA.
Perhaps rather than going through a discussion as to where we are going, maybe we should start with analyzing the defect of the present system? What are we going to do with the allocation of the powers of government which will touch on federal or unitary, and even on the form of the legislative body? What do we wish to correct from the system?

The Chairman remembers that when I was representing Manila in the ConCon, I stood firmly to retain the presidential system, but modified. For instance, I am in favor of a parliament but the members of the Cabinet to be chosen from the elected members of parliament, because I wanted to establish political accountability among the members of the Cabinet. Right now, a Cabinet can be as corrupt as it can be as long as it has the support of the president, then it really doesn't matter to him. But if they are members of parliament that have to stand elections, to my mind, they will be closely observing the law. So what are we going to correct, really? I think that we should start with that, Mr. Chairman.

CHAIRMAN ABUEVA.
Well, first, we were asked to outline the big picture, about the form of government, about the structure of the republic, and that's what I did. Now you are asking for some details. I don't think...

COMMISSIONER ESPINA.

Not details, Mr. Chairman, but the framework of the present government. What is the framework now and what are we substituting it for?

CHAIRMAN ABUEVA

We thought of walking over the whole terrain quickly to get a feel of...

COMMISSIONER AMIN.

What we meant is the basis. The basis should be the 1987 Constitution.

CHAIRMAN ABUEVA

What we are asked to do in the Executive Order is to review existing proposals and new proposals for changing the '87 Constitution. So the document being changed is the '87 Constitution. And this is one proposal. It just happens to be the most comprehensive proposal because the others are partial. So, we are using this as a first working document to survey the whole terrain.

COMMISSIONER BENGZON.

Point of order, Mr. Chairman. I think that the last time we met, we agreed that we will give the three proposals a chance to explain their structure and form of government as proposed, and maybe after that, then we can debate about what is....

CHAIRMAN ABUEVA

Well, this is the first proposal I'm presenting. We'll invite Cong. Nachura to also present their plan. We agreed on that.

COMMISSIONER BENGZON.

I think we'll do that. Then having all those views, we can start to debate on whatever we want. That was what we agreed.

CHAIRMAN ABUEVA.

As I said, the idea is not to debate the details of the proposals but to familiarize ourselves with the proposals as a whole.

COMMISSIONER GARCIA.

I have something in my mind which I am afraid will alter radically the course of action we are about to take. Last Thursday, we agreed to study the three proposed amendments or revisions to the Constitution – Nachura, De Venecia, *et al.* and the Citizen's Movement.

But before I proceed, and as the ancient philosopher Aristotle was believed to have said, "Before we enter into a discussion or debate, let us define our terms." Number 1, we are here by virtue of EO 453. And we are here to fulfill a mandate. And what is that mandate? That is spelled out in no uncertain terms in the EO. We are only to take up, study, undertake consultations in order to propose amendments or revisions for a shift from the presidential-unitary to parliamentary-federal, to focus economic policies to achieve global competitiveness, and to review existing policies that hinder our achievement of the so-called global competitiveness.

We are to amend the 1987 Constitution for that purpose. Having said that, Mr. Chairman, these basic principles or realities must be said -- we are here merely to

propose amendments or revisions to the 1987 Constitution. We are not writing a new Constitution. And the aspects or the portions of the 1987 Constitution are also pointed out in the EO. All along, from beginning to end, the 1987 Constitution shall be the full star by which all of us here must take our bearings in our deliberations.

With that, Mr. Chairman, I went over the three drafts, Nachura, De Venecia, et al and the CMFP, and studying, or even pondering over the impact of proposals on existing political institutions in our country. In light of the 1987 Constitution, I have come to realize that we cannot and we must not propose a shift to parliamentary and at the same time go federal. These two things cannot be done at the same time.

CHAIRMAN ABUEVA.

We are debating now, Mr. Commissioner.

COMMISSIONER GARCIA.

With the consent of the body, this will change even our attitude towards what we are supposed to do. Mr. Chairman, if you will allow me, we will even, I think, have to go back to our principal, because we are here only as agents of the President. And we have to go back to our principal and say, "Your Honor, we cannot do..."

COMMISSIONER RODRIGUEZ.

A little point of order, Mr. Chairman. I go back to the previous question of Commissioner Bengzon. This is Commissioner Rodriguez. Her point of order is in order. We agreed last week that we will start listening to the different proposals -- the three proposals. We are doing that now -- I believe that the Chairman should be allowed to proceed with outlining the structures envisioned in the first proposal.

But in passing can I just state a little that I disagree with the contention of the honorable Gentleman from Cebu? If he remembers correctly, the final draft of this Constitution now prevailing was previously set on a parliamentary setup. It was only the decision of then Commissioner Fely Aquino that changed the entire picture and the present one, the presidential... I believe that we are on the right track, allowing the presentation of the outline of these three drafts, and I am therefore moving, Mr. Chairman, that we follow what we have agreed last week -- the presentation of the three drafts. Then thereafter, a debate can be perhaps started. With the contention of the honorable Gentleman from Cebu, if we will be doing that and agree to his proposal, then practically it will change everything and we will become meaningless with his contention.

COMMISSIONER GARCIA.

This is just a judicial question that we must really tackle, because if we really cannot go federal, then we limit ourselves to parliamentary. So what's the use of discussing a federal form of government, if it cannot be done, if it's constitutionally not permissible at this time? That is the reason why the De Venecia draft and the Nachura draft...

CHAIRMAN ABUEVA.

Commissioner Garcia, I appeal to you that we have decided in a particular course of discussion, which we have approved and we have started. You are already contending a very substantive issue and we cannot decide that this afternoon, some time tomorrow, we should be through with the review of the whole document; we can go faster.

SUSPENSION OF SESSION

COMMISSIONER APOSTOL.
I am moving for a five-minute recess.

VOICES.
I second the motion.

CHAIRMAN ABUEVA
Session is suspended.

It was 4:51 p.m.

RESUMPTION OF SESSION

The session is resumed. [It was 5:05 p.m.]

COMMISSIONER APOSTOL.
Mr. Chairman. By virtue of the resignation of our Vice Chairman by reason of health, I am now moving that Commissioner Victor Ortega, the governor of La Union be elected as Vice Chairman of this Committee.

COMMISSIONER LORENZANA.
I second that motion.

CHAIRMAN ABUEVA
I should explain that the Vice Chairman has resigned for personal reasons and I know for a fact that his health is not well and in fact this is why he stepped down as Chairman of the Commission on Higher Education. So this is an unexpected turn of events but we have to respect his desire.

COMMISSIONER ESPINA.
Is he resigning Mr. Chairman from the Commission?

CHAIRMAN ABUEVA.
From the Commission. Not just as Vice Chairman. Evidently for health reasons. So there's a nomination of Commissioner Ortega to be our Vice Chairman.

VOICE.
Mr. Chairman, I understand it was duly seconded. I therefore move that we close the nomination for the position of Vice Chairman.

COMMISSIONER ESPINA.
I second.

CHAIRMAN ABUEVA.
Nominated and closed. (Applause)

COMMISSIONER APOSTOL.
May I just request Vice Chairman Ortega to stand and introduce himself.

CHAIRMAN ABUEVA.

Commissioner, may I invite you to sit beside me, and share the heat? (Laughter) But I like it. It's a passionate heat. Strong convictions.

COMMISSIONER ORTEGA.

Mr. Chairman, may I have half a minute? First of all, to thank all the members of the Commission for their trust and confidence although Chairman Abueva and most of the commissioners know that at the start I begged off from any position of responsibility in the Commission and that I will do my part as a plain member considering I have another mandate as a local executive. However, in view of the circumstances, I humbly accept and I pledge I will do whatever I can to the best of my ability time permitting for the work that we have ahead of us. Thank you again.

COMMISSIONER APOSTOL.

Mr. Chairman, we go back to you on your overview.

CHAIRMAN ABUEVA.

I appreciate very much the offer of Commissioner Bengzon, who has very quickly and accurately made a diagram of the structure of the republic and the structures of the parliamentary government. Is this the one being distributed? We are also distributing the proposals for the change of the Constitution of Com. Emmanuel Angeles, and we also invite your own proposals.

COMMISSIONER SARMIENTO.

Mr. Chairman, as we said earlier, we are here as representatives of the League of Cities of the Philippines. We in the LCP have been espousing a shift to a participatory form of governance. In fact, in my city, we already have a people's council for our cities to be inclusive so that instead of working for the people, we are now working with the people. We would appreciate it if all the proposals that you can probably provide us, with a visual aid, that we can probably provide the same to all our members. In the LCP, in this particular term as officers of the league, we have shifted the league. We started out as a social club of mayors, shifting to the city-sharing program of the best practices, then partnering with the...

CHAIRMAN ABUEVA.

Commissioner, we are still on the overview, the presentation of our draft, could you sum up your point?

COMMISSIONER SARMIENTO.

We have already set up the infrastructure. We have shifted, as I've said, to a lobby unit. We now have a policy advocacy unit. We have invested almost a million pesos in the infrastructure so that we can easily communicate with the 117 city mayors. Whatever things we are going to show to us here, as the representative of the league, I would want to be the voice, together with Mayor Oscar Rodriguez, not the voice of Mel Sarmiento, but the voice of the LCP. With this infrastructure laid down already, we have an E-unit already. All the mayors are connected so that whatever presentations there are, I would like to put it on our web right away, so we can call up all the city mayors for them to comment on it. Before we go into debate I would want to get the sentiment of all the mayors.

CHAIRMAN ABUEVA

Thank you. We welcome that infrastructure of communication, but as we have said, it is only after we have reviewed the major proposals, and then after the committees will have debated these proposals within the scope of the committees, when the committees have proposed working drafts, and then the plenary will have reviewed the working drafts of the different committees, it will only be at that stage that we can say that the Commission as a whole has now a working draft as a basis for consultation. When we reach that point, probably 4 weeks from now, then we can send out communications to the cities, provinces, and other interested sectors of society. But thank you for that information about the communication infrastructure.

COMMISSIONER PATERNO.

I believe that the general public does not have access to the proposals that we are going to be reviewing. I believe that the proposal of Com. Sarmiento will not be posted on the web as proposals of the Commission but rather as proposals being considered by the Commission. If we can get comments from local executives on these proposals, it would be much additional ideas for us to consider.

CHAIRMAN ABUEVA

Even as we discuss and debate here, we inform them about the various proposals we are reviewing.

COMMISSIONER SARMIENTO.

That is the very reason why I suggested that so they know what the proposals are. At the end of the day, if we're going to push for this, the mayors will campaign for this or against it. We have to involve them as early as now, present whatever proposals there are so that as early as now they can provide us with their comments.

CHAIRMAN ABUEVA

This goes with the other leagues, as well, league of provinces, municipalities. Discuss this with Sec-Gen because he is working with PMS to prepare these documents, which we can then disseminate.

COMMISSIONER ACEVEDO.

As additional input, I would like to suggest if we can secure the latest proposal on local government, the Local Government Code, which is now Senate Bill 2111 that is the latest on local government, decentralization, autonomy and devolution.

CHAIRMAN ABUEVA.

Secretariat, please note we want to get a copy of the proposed amendments to the local government code.

COMMISSIONER ACEVEDO.

It is entitled as "The New Code on Local Governance in the Philippines," the latest proposal.

CHAIRMAN ABUEVA.

We'll include that.

COMMISSIONER ADAMAT.

Can I just make an additional suggestion to the input of the good mayor? Instead of confining the welcoming of suggestions from the league of municipalities and other local officials for that matter, we may also welcome the suggestions of other sectors, all sectors for that matter.

CHAIRMAN ABUEVA.

We make it public invitation to all interested parties to submit their proposals for charter change to us. We will do that.

COMMISSIONER JURADO.

I would like to make as the point of departure of my little talk, the point raised by Ms. Bengzon, that is, perhaps a diagram or some diagrammatic representation of the difference between a unitary and a federal system on the whiteboard which will be very helpful in speeding up the clarification process in our minds. Once that is projected on the whiteboard, the distinguished Chairman can proceed with clarifying the principles involved, in the wisdom of moving from one structure to another. With that kind of preparation in our minds, we'll be ready to make a comparison of the three proposals in front of us, until the principles have been clarified, there is no way of guaranteeing that the discussions will remain on the point. There will be a temptation to go tangential and so on. I think that the proposal to have some kind of diagrammatic representation, to permit the clarification of one system from another is very well taken.

CHAIRMAN ABUEVA

We are indebted to Com. Bengzon for producing the diagram. All of you will be supplied copies of that. She has also taken pains to prepare another summary of the long document.

COMMISSIONER BENGZON.

That's just for you, Honorable Chairman. The Secretariat supplied all the honorable commissioners a copy just of the diagram. The additional one are just the roles - the meat that goes into the diagram.

COMMISSIONER ANGELES.

I have submitted today, my humble study on the Presidential and Parliamentary system, which has also been presented to the distinguished delegates to the 1971 Constitutional Convention on September 12, 1972. This is a comparative study on the presidential and parliamentary systems of government. I hope that for whatever this is worth I am submitting this to the Members of the Commission.

CHAIRMAN ABUEVA

We will duplicate this and make sure that everybody has a copy.

Let me proceed with my presentation. In the book, p. 70, I will not read the various provisions, there is Article 3, Declaration of Principles and State Policies, with just a few items there proposed to be changed. The Bill of Rights, we have no proposal for changing it. Then, we have Article 5, Bill of Duties and Obligations. It has 8 sections. I don't want to read them, because they are there on page 71. They have to do with Section 1, loyalty, obedience and cooperation; Section 2, that every right has a correlative duty; Section 3, human life, dignity and rights; Section 4, duty to work; Section 5, civic, political participation; Section 6, the promotion of equity and social

justice, the responsibility of the youth, the responsibilities and obligations of the citizens concerning health, ecology and environment.

Citizenship, just one line there on dual allegiance and dual citizenship.

Article 7 is the important meat of the jurisdiction respectively of the federal government or the federation and the states. And this is where we have the enumerated powers and functions of two orders of government – the federation and its parliament on one hand, and the states and its state assemblies on the other.

We start with the exclusive jurisdiction of the federation -- Section 1, I we'll not read them; Section 2, the primary jurisdiction of the states; and Section 3, the concurrent functions and powers of the federation and the states; then very important series of sections.

You know, everywhere we go, there is the fear of fragmentation of our country, the fear that federalism might foster secessionism in so many regions and so on. Although, from all our consultations, we have the assurance of our Moro brethren, as I already said, that they are willing and able to live a federal structure of government. But, we have a series of four provisions that will assure our people that we will be a cohesive nation and we will try to protect and preserve that unity and cohesion of our federal republic.

In Section 4, Resolution of Conflicts and Doubts on Jurisdiction. We are proposing a special court, a special high court called the Constitutional Tribunal that will decide on all conflicts between the parliament and the states, between the federal government and the states, and among the states. Our Supreme Court is so clogged with civil and criminal cases and we want a special court - this is an idea we adopted from the Federal Republic of Germany.

Then Section 5, a very important principle - The Supremacy of Federal Laws. When a law of the *Batasang Estado* or State Assembly and local government is inconsistent with the law of the Parliament, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid. Now in federations like America, Canada and Federal Republic of Germany where the independent, autonomous entities preceded the federation, there is the reserved power of the State. But here, we are in effect, saying we have the reserved powers of the federal government in order to hold us together.

Section 6 – Legislation of the *Parlamento* and the *Batasang Estados*. The state assemblies have the right to legislate insofar as this Constitution does not confer legislative power on the parliament - again, giving precedence to the parliament.

Then Section 7 - Exclusive Legislative Power of the Parliament. In matters within the exclusive legislative powers of the parliament, the state assemblies have the power to legislate only where and to the extent that they are given explicit authorizations. And then the residual powers, as I said, legislative powers not granted in this Constitution to the Parliament or to the *Batasang Estado* are powers reserved in the Parliament. So there is this idea of having the national government, the federation, ensuring that the federal republic will cohere and be stable.

The next Article is on Political Parties. This is an entirely new article. None of our past constitutions had any article on political parties. And it is because of the importance that

I explained to you very briefly that we feel there is need for such an article on political parties. And let me just read the first section which explains why we are proposing this Article.

Section 1 – The Indispensable Role of Political Parties. Meaningful, responsible and accountable political parties are indispensable to the effective functioning of representative democracy and a parliamentary government. As political organizations or institutions, they shall enable their members and the party to select candidates for public office to mobilize support for their elections, to shape and influence public opinion and educate the people politically, and to determine the principles, policies and program that shall guide their members as they and the political party seek and exercise governmental power. Party platforms and programs and public morality and ethics are the bases for holding political parties and their members responsible and accountable for their performance in and out of office. So they're just a few sections there to implement these principles, ideals of functional parties in parliamentary system.

In Article X, the Article on the President, which I described as a head of state symbolizing the sovereignty of the people and the unity and solidarity of the nation with its diversities. Qualifications, Elections - election by the Parliament and the State Assemblies. These are the powers and functions of the Head of State. Upon the advice of the Prime Minister, and not without such advice, so it's really ceremonial, the President shall exercise the following power and functions, an enumeration of functions: declare a state of war, convene the parliament, dissolve the parliament, call the parliament to a special session, promulgate all laws, treaties and international agreements, appoint the regular members of the judicial and bar council, appoint the Chief Justice and members of the Supreme Court, but only with the advice of the Prime Minister, appoint the Chair and members of the Constitutional tribunal, appoint Chairperson and members of the Federal Constitutional Commission, appoint the Chief of Staff and heads of the all armed forces, appoint other senior heads of the Federation, but all only upon the advice of the Prime Minister.

Let me say a word about this ceremonial president. After the University of the Philippines conferred on President Rao of India, an honorary doctorate, he invited me to visit him in India. He very kindly received me. I asked him, "As a ceremonial President, as you are described, what influence can you exert on Parliament?" The president had political experience. His reply was, "the Constitution describes my role as ceremonial, but in fact, when I really want to have my views, my opinion on a piece of legislation that I feel is very important, I invite the Prime Minister to my office and we discuss this and so on."

Informally, the Head of State can still exert moral influence and political influence on the parliament. During the 50th anniversary of Queen Elizabeth's tenure as the Queen of England, Tony Blair was interviewed on BBC and he said, "You know, every two weeks, I meet with the Queen. This Queen has known every Prime Minister since Churchill. And she has been meeting with them from time to time and they talk about policies, ideals for the nation." He said that this Queen is a repository of such wisdom and knowledge, which every Prime Minister is able to tap.

We don't intend to have this kind of Head of State because the term is only 5 years. The point is that although the President, as head of state, is primarily ceremonial, if he is a wise leader, an intellectual, moral leader, he is still a significant leader of the nation.

COMMISSIONER AZURIN.

Mr. Chairman, just a clarification. So all the appointments from 7 to 11 are upon the recommendation of the Prime Minister? Because it's not stated, and if it's not stated, it is not just a ceremonial president. This is all upon the recommendation of the Prime Minister?

CHAIRMAN ABUEVA

That's right, upon the advice of the Prime Minister and not without such advice. This is very clear.

COMMISSIONER AZURIN.

Maybe we should clarify it. I have another question. The election of the president indicates... wala na ba yung Batasang Estados? It says here Batasang Estados and parliament...

CHAIRMAN ABUEVA

Batasang Estados that's there; these are the states assemblies. Not only members of parliament but members of states as assemblies will also elect.

COMMISSIONER AZURIN.

Will the votes be consolidated or they will have to have majority in the Parlamento and majority in the Batasang Estados? Are they to be considered separate or will the votes be consolidated?

CHAIRMAN ABUEVA

There is what we call some kind of an electoral college. And the votes will be brought together.

COMMISSIONER AZURIN.

So the votes will be consolidated. It's majority of all, because it says voting separately. I am not sure about what that means, voting separately.

CHAIRMAN ABUEVA

So you are envisioning a possible disagreement between Parliament and the State assemblies.

COMMISSIONER AZURIN.

The language is not quite clear whether the President will be elected by a majority of the consolidated vote because it specifically says voting separately. What does this mean? I'm just clarifying.

CHAIRMAN ABUEVA.

Well, maybe we have to study that carefully, in light of your...

COMMISSIONER AZURIN.

But what was the intention? Was the intention that all together they would vote, then the majority, whoever has the majority vote will be the president? Is that at the intention?

CHAIRMAN ABUEVA

Yes, but voting separately.

COMMISSIONER AZURIN.
But the votes all put together?

CHAIRMAN ABUEVA
Yes. For this voting separately, then they have to be counted separately. Ideally...

COMMISSIONER AZURIN.
So there can be a majority of Juan de la Cruz in one and a majority of Pedro Santos in the other?

CHAIRMAN ABUEVA
That is why I said, now that you asked the question, this has to be clarified. It poses a problem the way it is worded.

Then, we go to the Prime Minister. Article 11 - The Prime Minister, the Cabinet and the Government. Actually, the Prime Minister and the Cabinet make up the government. A major distinction that we have to explain to our people is that the government or *gobierno* will have a different meaning under the Parliamentary system. Under our Presidential system, the government is the *gobierno*, that is the whole structure of government – the Executive, Legislative, Judiciary and Local Government. In a Parliamentary system, the government is really the government of the day, the political party, the majority party and the majority coalition represented by the Prime Minister and the Council of Ministers or the Cabinet. We have to get used to do that. This is a new terminology.

The role of the Prime Minister. I don't want to go into details because we are already familiar with the role of the Prime Minister, so I think I should skip the details here. There is still to be a Speaker in Parliament who just presides over the proceedings.

COMMISSIONER ESPINA.
Mr. Chairman. Very briefly. I would want to go to the point raised earlier by Prof. Jurado. He said we should perhaps have some idea on the concepts. Listening to the Chairman, I noticed that we might be treading on a very dangerous area by adding to the possible levels of conflicts. We are proposing a president who is symbolic, and a Prime Minister who under the described proposal will really have the real power of government. Then we are proposing a Federal system wherein we will be adding another level of political authority. I was just thinking that the Philippine system now is so conflict-oriented. We have a lot of political democracy. In what manner? We have created the barangays; we have sectoral representatives; we have youth elections. So we are having elections every 2 years.

CHAIRMAN ABUEVA
Yes, Com. Espina, we will be discussing this in the committees, maybe.

COMMISSIONER ESPINA
No, no. This is important because these are the concepts, the principles as Prof. Jurado mentioned...
VOICE.

Mr. Chairman, may I interrupt? Inasmuch...

CHAIRMAN ABUEVA

No, let Com. Espina proceed please. Please go on.

COMMISSIONER ESPINA

I just want to point this out so that we may really be able to understand what we are going to do. We have a lot of legal justice. As Magsaysay said, those who have less in life should have more in law. We have a lot of social justice. We don't have a caste system in the Philippines. A poor man can become rich; a rich man can become poor; a poor man can marry a rich woman and vice versa. What we need really is economic justice and perhaps removal of areas of possible conflicts in society. If we are to consider further the character of the Filipino, for instance, a very good example is that we have more lawyers than any country per capita. That gives us a picture already of conceptual...

CHAIRMAN ABUEVA.

Yes, we'll discuss this at the committee level.

COMMISSIONER ESPINA.

Ok, I just wanted to bring that up.

COMMISSIONER VILAR.

May I interrupt? I believe we are being walked through by the Chairman through these different systems of governance. If I may suggest, let the Chairman walk us through the three different proposals, so that we'll each understand what this is all about.

CHAIRMAN ABUEVA

Thank you, that's what we have been doing. But when there are interventions of deep-felt ideas, we cannot ignore them. I think it is good to honor them.

COMMISSIONER VILAR.

Thank you Mr. Chairman.

CHAIRMAN ABUEVA

So we have the role of Prime Minister in Section 1 of Article 11. Election of Prime Minister, and Election of Speaker. By the way, some trivia -- I witnessed the meeting of the Singaporean Parliament. Like the British parliament, the structure of parliament is physically divided, such that the government and party of government are on one side and the opposition on the other.

First to enter the session hall is the speaker with his British wig and so on. But it's such a solemn ceremony, there's complete silence. The legislators do not have individual tables; they have no space so they will not be walking around. They have to sit in the space given to them. They really have to face each other and concentrate on their work; everybody listens to whoever is speaking. That's some kind of a commentary.

Then there will be Vice Prime Minister. Then there are permanent secretaries of the Federal Civil Service, the career officers they are permanent secretaries. The national bureaucracy is under the Parliament. We'll have judicial review here, the lawyers know that. As we know in the British system, there's no judicial review, because the parliament is supreme. They don't even have a written constitution of course.

Appointment of Federal Officers - Commander in Chief. The Prime Minister is the Commander in Chief, the other functions of Prime Minister, foreign loans and so on.

Parliament - Article 12. I will not go into the details except that this is an old copy, already revised so we are still talking of senators here or a Senado. As I said, we are proposing a unicameral parliament.

COMMISSIONER AZURIN.

Mr. Chairman, just a clarification. There is no mention of the Philippine National Police. Is it the intention that there will be no more Philippine National Police?

CHAIRMAN ABUEVA

It will not be a national police because it is devolved to the states and local government. There will be local police.

COMMISSIONER BELLO.

Mr. Chairman, it's good that you have mentioned that because right now we have a police that is national in scope. There might be a strong objection on the part of the existing department. We should take a second look on that when we debate, because I represent the military as well as the national police, so I have to contribute my share on that particular area of interest.

CHAIRMAN ABUEVA

Yes, that would be welcome, Commissioner and General. Then, the very important question hour, which is so characteristic of parliament. Well, that's it. The provisions are there for you to read. The states or - do we have the diagram now commissioner? We have them before us. Visual representation of the ideas we have in the text. Federacion and the Estados.

COMMISSIONER BENGZON.

Just a few typo, Honorable Chairman. In the diagram, the parliament, the parlamento, punong ministro should be head of government. And I guess in the new draft, the number 2 bullet point should be 100 or more elected nationwide by the party list of accredited political parties.

CHAIRMAN ABUEVA

Yes, not 60 but 100. And there's a limit of 350. There are the existing congressional districts or representatives who will be elected, who will be called members of parliament. Then in addition, the 100 extra seats reserved. We should correct this because this is still based on the old. What we call the party list now, we can continue to call party list but in most jurisdictions and in political science literature we really call it proportional representation or PR. It's the same thing except that regular parties will compete for the 100 seats.

COMMISSIONER ORTEGA.

If I may just add one thing -- The difference between the existing party lists as we understand now are members of Congress who represent a particular sector of society. While the party list here represents political party list. That is the basic distinction.

CHAIRMAN ABUEVA

I was invited by party list representatives to a meeting where they appealed -- because they read our proposed document as abolishing the party list, sectoral representation, marginalized sector representation. I explained to them that something of the history of the party list, which is probably forgotten. The idea of representation of sectors, the so-called marginalized constituencies of societies, is really a practice in authoritarian regimes to give the impression that the authoritarian regime is interested in representation. They create this idea and it's no surprise that this was invented during the authoritarian regime. In other states they did that also in authoritarian regimes. But in parliamentary systems they really have the proportional representation of regular parties so the issue raised by the party list representatives -- "Are you going to abolish us altogether or should we not have a transition? Allow us to exist for a few more years until we get used to the old system." We'll leave that to the committee to discuss.

COMMISSIONER AZURIN

Clarification on the proposed organization of the courts -- I just wanted to find out if the state courts or states assemblies will be authorized to pass laws on criminal and civil law and on judicial procedure. If the answer is yes, then conceivably, the rules in each state, for criminal, civil law, and penalties, what are crimes, can be different from state to state.

CHAIRMAN ABUEVA.

The committee will have to discuss that. What we are proposing here is simply that the federal judiciary shall consist of Supreme Court and the Court of Appeals, except that the Court of Appeals branches and so on will be in every state or regional capital -- the decentralized court of appeals. The Regional Trial Courts and other low courts will form part of the state judiciary.

COMMISSIONER AZURIN.

The state judiciary is not responsible to the Supreme Court, right?

CHAIRMAN ABUEVA

We will have to spell that out -- the relation between...

COMMISSIONER AZURIN

What is the intention? According to this, the state judges are appointed by the state governor, not by the Chief Justice of the Supreme Court. It implies that this is a separate judicial organization.

CHAIRMAN ABUEVA

Yes, but we'll leave the detailed specifications of the relationship between the state judiciary and the federal judiciary. So the committee on the judiciary would have to spell out...

COMMISSIONER AMIN.

Mr. Chairman, I would like to comment only on one item here, which is the judiciary. In the judiciary, the last one, we have the *Mataas na Hukuman ng Estado*, the State High Court. We have the Regional Trial Courts. We have the Municipal Trial Courts, Municipal Circuit Trial Courts, Municipal Trial Courts in the cities, Shariah Circuit Trial Courts and other courts. Now, Shariah Circuit Trial Court is equivalent to a Municipal Trial Court. We have the Shariah District Court not mentioned here. That is mentioned under PD 1083. We have to study the implications.

CHAIRMAN ABUEVA.

The committee will have to look into that. As I said, this is just a first approximation. We have already jumped through to the judiciary. We have gone over the states and the state governor and state cabinet and so on.

I would like to say that one of the most contentious issues is how to constitute these states assemblies. We originally proceeded on this premise, that the composition of the state assemblies be determined in this manner.

In every congressional district, which is the parliamentary district, we say that this is also the state assembly district. In every parliamentary district and assembly district, the people in the region will elect an assemblyman or woman to the state assembly. In this way there will be a proportionate representation in the state assembly on the basis of the population of all the provinces in the region. There is an alternative, which arises from the unhappiness of the governors. They are saying that you are abolishing us, abolishing the province. There will be no more provincial governors, vice governors, provincial board. What will happen to us? There's this issue to be tackled by the appropriate committee. What is really the role of the province in the new setup? Because we are introducing a new level which is the regional level without abolishing any level, we are really adding levels in our govt. system, so one thought was in concentration with the governors' league, the league of provinces was to elect at the provincial level 2 members of the state assembly so the constituency for the state assembly will be province-wide. Instead of electing the governor and vice governor, they elect 2 or 3 assemblymen depending on this population of the province and they will go to the state assembly and they will be at once executive and legislative because they are members of the parliamentary unicameral state assembly. And it seems appealing to the governors. These are the two ways of electing the members of the state assembly, which the corresponding committee will have to debate and decide which is the more appropriate and I must say we should be in touch with the governors again. And there are some governors or ex-governors here.

COMMISSIONER ESPINA.

Clarification, Mr. Chairman. The idea of having to elect state assemblyman, as explained would create the possibility of provinces having unequal representation. The United States solved this problem by having geographical representation – 2 per state regardless of the size. On the problem of proportional representation on the basis of population, the United States also solved that by having districts. May mga states na maraming Congressman, may mga states na konti lang Congressman. My worry with that possible idea is we will have a big province like Cebu having more state assemblyman and a small province having only two or one. So I suggest that we try to solve these.

CHAIRMAN ABUEVA

So that's why I said we leave it to the committee.

COMMISSIONER ESPINA.

I just wanted to bring that out.

CHAIRMAN ABUEVA

Yes. May we hear from you as a governor.

COMMISSIONER GARCIA.

Under the Local Government Code, there are provinces with more provincial board members than smaller provinces. Now I think the same situation will obtain in the state assemblies. But my concern Mr. Chairman is this -- considering that we are still in the regime of the 1987 constitution, did your group perhaps consider the provision of the existing Constitution which says "no province, city, municipality or barangay may be created, divided, merged, abolished or each boundary substantially altered except in accordance with the criteria established in the Local Government Code and subject to approval by a majority of the votes cast in the plebiscite in the political units directly affected?"

CHAIRMAN ABUEVA

We have incorporated that in the provision.

COMMISSIONER GARCIA.

No, I mean to say this draft of the CMFP proposes to abolish provinces, proposes to merge provinces and cities into another political unit. Now, these will require a plebiscite. That is why I said that we may not be able to shift to parliamentary and go federal at the same time. I am sure that the moment...let us say Congress approves the proposed amendment, the affected provinces or individuals can go to the Supreme Court and this is subject to the judicial review as held in the case of Gonzales versus Comelec, And Tolentino versus Comelec. Now we are saying that we are not writing a new constitution. We are only amending but this proposal must be in conformity with the existing constitution.

CHAIRMAN ABUEVA

We are amending and revising the Constitution.

COMMISSIONER GARCIA.

Yes but you cannot revise it in a manner that will violate the provisions of the Constitution. That's why I said that if we will seriously consider this, there might be a change in our direction.

CHAIRMAN ABUEVA

Commissioner, we will have a discussion on that in the committee.

COMMISSIONER GARCIA.

No. Will you please listen to me? In the draft proposed by Congress, Speaker de Venecia and maybe hundred congressmen, this shift to a federal is in the transitory provisions. Because under the draft of... May I finish please? If you will listen to me. Here, for purpose of shifting of the presidential to parliamentary federal form of government, Parliament shall one year after ratification of this Constitution shall enact the law that will cause the establishment of at least ten states. The law shall define the territories and criteria for statehood. In other words, this federal government, these states will not be created yet. Also in the draft of Nachura, these are still proposals. I'm not saying that there is no merit in the proposal of the CMFP.

Yes, it may be meritorious but irrespective of the merits or demerits we must consider the existing realities of the situation. There are cases in the Supreme Court. You cannot merge municipalities. You cannot divide provinces without conducting a plebiscite. Now,

one example that I would like to point out to you is the situation of the Autonomous Region in Muslim Mindanao...

CHAIRMAN ABUEVA
Commissioner, I think we are...

COMMISSIONER GARCIA.
May I finish here? I am speaking; I am trying to develop a point. Now in the creation of Muslim Mindanao autonomous regions it says here in Section 16 "the Congress shall enact an organic act..." How can you create a state without an organic act? You cannot just say "you will be a state"..."for each autonomous region with the assistance and the participation of the Regional Consultative Commission composed of representatives appointed by the President from a list of nominees from multi-sectoral bodies." The organic act -- this is what we did in the 8th Congress.

CHAIRMAN ABUEVA
Commissioner...

COMMISSIONER GARCIA.
"...shall define basic structure of government for the region consisting of executive department and legislative assembly, both of which shall be elective and representative of the constituted assembly. The organic act shall however provide for special courts with personal, family and property law jurisdiction." Now here is the important point. The creation of the autonomous region shall be effective when approved by a majority of the votes cast by the constituted units in a plebiscite called for the purpose provided that only provinces, cities and geographic areas voting favorably in said plebiscite shall be included in the autonomous regions. That is why! Originally the autonomous region in Muslim Mindanao was composed of 13 provinces. Now in our organic act, these were defined but there was a plebiscite.

CHAIRMAN ABUEVA
Yes please...

COMMISSIONER GARCIA.
And the plebiscite... may I request the indulgence of the Chairman to please allow me to develop my...

COMMISSIONER BONDOC.
Point of order, Mr. Chairman.

CHAIRMAN ABUEVA
Yes, the point of order, Commissioner Bondoc.

COMMISSIONER BONDOC.
My point of order is to clarify that we are not to revise the Constitution but to recommend amendments or revisions and also to remind the Body that the de Venecia draft is but one of several drafts we are going to study. And finally that whatever we recommend to Congress, Congress may decide to constitute itself into a constituent assembly or convene a constitutional convention and either way any amendment will have to pass through ratification to a plebiscite anyway.

CHAIRMAN ABUEVA

Yes.

COMMISSIONER BONDOC.

So I don't see any point in this presentation.

CHAIRMAN ABUEVA

Yes. The point has been made, Commissioner Garcia. But you are also quoting the 1987 Constitution, which we are revising. Once we revise that, some of your points may no longer be valid.

COMMISSIONER GARCIA.

Precisely Mr. Chairman. We are revising parts of the Constitution but these are constitutional provisions, which recognize the entity and the political integrity of local government units like municipalities and provinces. For our information, municipalities and provinces initiated the existence of the Philippine National Government. The municipal law was passed in 1901 before there was a national government. The provincial law was passed also in 1901. And so, all along in our constitutions, these local government units were recognized and also Mr. Chairman, the national government, the Philippine Government was organized only under the provisions of the Philippine Bill of 1902. When the Americans came, we were governed by the United States through a military governor and this military governor recognized the existence of the municipalities and provinces created under the Spanish colonial administration. Now in a...

CHAIRMAN ABUEVA.

Commissioner, can we conclude so that we can move on... there are...

COMMISSIONER GARCIA.

Honorable Chairman, if perhaps they consider this very vital information or provision in the Constitution...

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER GARCIA.

In the case of Tolentino versus Comelec, the Supreme Court declared as unconstitutional a resolution passed by the constitutional...

CHAIRMAN ABUEVA.

Commissioner, can you conclude now please?

COMMISSIONER GARCIA.

Can you conclude it?

CHAIRMAN ABUEVA

No I won't! You have the floor.

COMMISSIONER ADAMAT.

Privilege motion please! For purposes of expeditious presentation of your draft, can we not just suspend any remarks or questioning until after the proper time will come?

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER ADAMAT.
I so move Mr. Chairman.

COMMISSIONER GARCIA.
I second the motion. Mr. Chairman, I was listening patiently and I didn't interrupt but when I observed that the Chairman engaged in exchange of ideas with other commissioners that's why I also wanted to share my ideas.

CHAIRMAN ABUEVA.
Thank you.

SUSPENSION OF SESSION

COMMISSIONER GARCIA.
Mr. Chairman, 5-minute recess.
CHAIRMAN ABUEVA
Let's have a 5 minute recess.

It was 6:11 p.m.

RESUMPTION OF SESSION

CHAIRMAN ABUEVA
The session is resumed. [*It was 6:18 p.m.*] The missing table is now distributed to you. This is one way of constituting the state assemblies and we have determined that in the existing setup, each one of the proposed regional government or states has the corresponding number of congressional districts. The first column. So under this proposal, we elect members of the state assembly according to this numbers. They represent the actual congressional districts or parliamentary districts, which we will use in this scheme to be the basis for electing the assemblymen or members of the assembly.

So Bangsamoro has 8 congressmen now or congressional districts. They will have 8 assemblymen elected; Davao region and Central Mindanao have 17; Western and Northern Mindanao 23 and so on and so forth. Except that in Manila, instead of congressional districts we are proposing that the 17 mayors will be members of the state assembly. But all the others are the number of assemblymen per regional government or per state.

But in addition to that, we will have roughly half the number of additional seats per state assembly for proportional representation, again to induce the development of the political parties. So, we have the total of the elected members and the PR members in this middle total column. Then for the representation of states in the parliament we have this last column to the right. Bangsamoro will have 2 state representatives in parliament; Davao region will have 2; Western and Northern Mindanao will have 3 and so on and so forth. In all, there are 29 state representatives who will be members of parliament representing their respective states.

So, this is our idea of maintaining a unicameral system and yet having representation of the state assemblies and the various states. Now, I would like our Vice Chairman to preside while I finish quickly the rest of my presentation.

[At this juncture, Chairman Abueva relinquished the Chair to Commissioner Ortega.]

CHAIRMAN ABUEVA.

Mr. Chairman, we have now reached Article 13. Actually we also jumped into the judiciary. But let me go back to a primary issue raised by Commissioner Garcia. In his presentation he said that it is proposed and it was originally proposed by Speaker de Venecia that we establish a parliamentary system first. We revise the Constitution just to establish a parliamentary government -- changing Presidential to Parliamentary government and not establish the Federated system. And the idea was -- establish the parliament and then the parliament will decide when and how to create the federation. The federal states and those of us who believe very strongly on a federal system are saying, "No, it cannot be done". We would be back to the unitary system. When you leave it to the Parliament in lieu of Congress to decide when and how to federate, they may never decide to federate. And they will be more powerful. You know, a parliament with fused executive and legislative powers will be so powerful. And they would like to retain. They might want to retain all the powers on the national government level and goodbye decentralization. Goodbye state and regional governments. Then, we can never have a Federation.

So our thinking and after wide consultations around the country and especially with the backing of the local government executives we are saying that "No, the two major changes should happen at the same time." In other words, the proposed revision of the constitution that will be proposed by the constituent assembly or a constitutional convention will already establish the Federal Republic of the Philippines with a parliamentary government and we already determine the various state governments.

So, it's a federal republic to be established kasama ng parliamentary government. If you do it the other way around, it may not happen at all. Because this is the whole political history of our country -- when you allow a unitary system you go to the motions of a local government autonomy code, in practice it won't go forward because to us, it is very dangerous to have just a parliamentary government without decentralization, without a federal setup because you have now a very powerful parliament, with the executive and legislative powers exercised by the prime minister and the government of the day. So, this is a major issue that the committees will have to look into.

COMMISSIONER AMIN.

Mr. Chairman. Clarification lang. I noticed that in Metro Manila, the 17 mayors are also elected members of the *Batasang Estados*. We know that the mayors have administrative functions and we add legislative functions to the mayors. Are they not inconsistent?

CHAIRMAN ABUEVA.

While there is a vice mayor, there is a city administrator. There is a professional city administrator to handle administration and we are progressive in our thinking. We have the resemblance of states of a metropolitan assembly in the... but a very weak one in (MMDA) Metro Manila Development Authority. As we can see, an appointive chairman is really powerless against elective mayors. When the mayors decide that "well, you're not

elected, you're appointive, we are elected; we have a mandate..." So, we feel that if we get the mayors together and the 17 mayors of Metro Manila elect one of them to be the state governor and a second one to be state vice governor...

COMMISSIONER AMIN.

There seems to be inconsistency Mr. Chairman because the mayors have administrative functions and they govern cities in Metro Manila.

CHAIRMAN ABUEVA

Let's debate this on the committee level.

COMMISSIONER AMIN.

No, they are also legislators. Are they not inconsistent?

CHAIRMAN ABUEVA

No because in the parliamentary system, legislative power and executive power are combined. Let's debate this point at the committee level.

COMMISSIONER ADAMAT.

I presented a privileged motion a while ago and I don't know if it was acted upon that before we will proceed with any clarificatory question or remarks, may we please allow the presenter to continue first. Then at the proper time we will ask him any question or any remarks. Otherwise we will not go anywhere in this presentation Mr. Chairman.

CHAIRMAN ABUEVA

Thank you. I conclude my presentation. So your fears of my going on and on and on are really unfounded.

VOICE.

Mr. Chairman, can I ask a question then.

COMMISSIONER APOSTOL.

Mr. Chairman, may we recognize now the newly elected vice-chairman who comes from La Union. He has been a congressman for three terms and I remember him as a very talkative chairman of the committee in public works. So, if Rene has some question, I think it can be directed to the new vice chairman.

COMMISSIONER AZURIN.

This question is directed to the presenter. Clarification -- you mentioned and I fully agree to the fact that in a parliament, power is concentrated; and this precisely has always been my reservation about parliamentary system. The crucial issue in deciding for a parliamentary system is if we are able to come up with structures, mechanism and procedures that can be checked - these concentrated power in parliament. And based on the draft, clearly the finding of the Citizen's Movement preferably in the Philippines is that it is adopting the mechanism of the federal system to check and disperse power. My question is, did you explore, did this Citizens' Movement for Federal Philippines explore any other mechanisms or structures or procedures for checking the power of a parliament?

CHAIRMAN ABUEVA.

Yes. One is the representation of the states legislatures in parliament. As we said, every one of the federal states will have representatives in parliament and that's one.

COMMISSIONER AZURIN.

My question was not based on federal system. In other words you have concluded that the federal system will be the best check on the power of a very powerful parliament. My question was in the course of your studies, did you explore any other systems or mechanisms whereby the power of the parliament can be somehow limited and checked other than the federal system other than through a federal or for the federalization of the country?

CHAIRMAN ABUEVA.

In all parliamentary systems, the parties play a very key role and therefore the opposition, all the opposition parties together would be the check and balance on the majority party or majority coalition. In addition to that, fortunately as our contemporary experience tells us, we have a very awakened civil society and sometimes too awakened maybe, very insistent and persistent and very militant civil society groups. In addition, we have the media of course. These are standard institutions of society to check on the powerful parliament. But essentially, by taking away those many functions that I mentioned and giving it to the state of legislatures -- that is really the check on it. We are reducing the powers of the parliament.

COMMISSIONER AZURIN.

What you're saying Mr. Chairman is that this is the only way that you can see to check the power of the parliament. The only way in your studies is through the federalization of the country.

CHAIRMAN ABUEVA.

Yes, because we have a long history from Spanish colonial times to American colonial times since independence in 1946, where we have this highly centralized government. Power concentrated in the President and in Congress and if you fuse these powers and so on, it would be such an overwhelming power. To check that is to decentralize and federalize.

COMMISSIONER AZURIN.

Let me ask a more specific question. For instance, more divestment of powers to the current political subdivisions, in other words more local autonomy short of federalization, is that in your study? Would that be sufficient to check the power of the parliament?

CHAIRMAN ABUEVA.

No, it is not. As I have repeatedly said here local autonomy is at a dead end and the author of the Local Government Code is the first to acknowledge that, Senator Pimentel. If you depend on so-called local autonomy, we will not be able to disperse power away from the central government. This late stage, I should really call on Rey Magno Teves, our National Convenor of the Citizens' Movement for a Federal Philippines, because he has thought about this very deeply and I'm sure he has a lot to say about your question about dispersing power, about checking a very powerful national government.

COMMISSIONER TEVES.

Point of clarification Mr. Chairman. Are we going to...immediately after the presentation, are we now allowed to make clarificatory questions? Or are we going to allow the presentation of all the drafts before we will make some comments or ask queries?

VICE CHAIRMAN ORTEGA.

Mr. Chairman if I may be allowed to make a suggestion so that we can move forward. I would suggest that we discuss things one item at a time. For example, we have to establish first what the consensus of the commission is. Do we have to change or shift from a presidential to parliamentary?

So perhaps, in our next meeting if not now, we can start discussing simply and only what are the good features of a parliamentary as against a presidential in the same manner what are the good features of a presidential as against the parliamentary that can determine more or less a sense of direction of this Commission. Then that can be referred to the proper committee which we will be organizing very shortly and then in the committee now they will discuss the details. For example, they say parliament is better because of the following reasons and that will be the subject of debate in the committee level. Perhaps we can have an overall view of what are the good features of a parliamentary. Why would we benefit if we change into a parliamentary? To determine that, then we will know the direction we are going in. Otherwise, if we will be talking of one item and hopping to another, going back to this item again, going back to federalization and as we have seen this afternoon -- there are so many complex questions that cannot be answered... there are certain issues that will arise that will need really in-depth study and perhaps more study and more debate before we can really decide wisely.

VICE CHAIRMAN ORTEGA.

Yes, Mr. Jurado.

COMMISSIONER JURADO.

Following the suggestion of the Chairman, perhaps the second item next to the discussion of the pros and cons of the parliamentary shift will be the shift to a federal system. That will be a separate item so that we do not move from one topic to another. Therefore when we debate, let us, say the shift to federalism then the question of timing can come in, because there is a difference between opposing federalism and just only arguing a different timetable.

COMMISSIONER LEVISTE.

Gentlemen and ladies of the Commission, I'd like to associate myself with the views of our Vice Chairman to approach it that way. I'm very much concerned that if we handle the parliamentary and federal at the same time, this is equivalent to having a double somersault - the trapeze without a safety net. So, I subscribe to the views of the Vice Chairman.

VICE CHAIRMAN ORTEGA.

Commissioner Paterno.

COMMISSIONER PATERNO.

Mr. Chairman I have just finished reading the statement that Commissioner Manny Angeles made at the 1972 Constitutional Convention. His statements about the faults of

a presidential system is as true now as before and perhaps even truer than they were at that time. I would like to propose perhaps next or one of those who would talk to us about presidential versus parliamentary from a thirty years time point may be Commissioner Angeles.

VICE CHAIRMAN ORTEGA.

Will take note of that Commissioner Paterno. Yes, Commissioner Mel Sarmiento?

COMMISSIONER SARMIENTO.

I subscribe to the suggestion of our Vice Chair. I do not want to go into debate only with my own position. I would always consult the members of the league and the very first question that I would like to raise from them is first, "Are we amenable to changing the Constitution? Is there a real need?" So we have to come up...probably Commissioner Angeles' presentation here...so that we can decide whether there is really a need for us to change. Second, the models that will be presented here are just like going to a fast food chain choosing what particular combo meal they're going to choose. Then later on whatever position they'll take, majority rules - that's going to be the position we are going to defend before this Commission. So I agree with the suggestion of our Vice-Chair so that right away we can consult our members at the soonest time and within two days using the technology of today, we can get their position.

I move to carry the suggestion of the Vice Chair.

COMMISSIONER LEVISTE.

Second the motion.

VICE CHAIRMAN ORTEGA.

Yes Commissioner Azurin.

COMMISSIONER AZURIN.

I think that the beginning of the session in fact, I had suggested that the whole body debate first the issue of 1) parliament versus presidential and 2) federal versus unitary as a whole and then decide on that question we debate ...

VICE CHAIRMAN ORTEGA.

That's precisely the suggestion of the Chair a while ago that we take them one by one and I do not know what the consensus of the body is, if you want to start the debate on parliamentary and presidential now or our meeting tomorrow as our agenda in which we shall take up the issue of federalism.

COMMISSIONER ESPINA.

I move Mr. Chairman.

VICE CHAIRMAN ORTEGA.

There is already a pending motion so we support on the motion of Commissioner Sarmiento. Will you restate your motion, Mr. Commissioner Sarmiento?

COMMISSIONER SARMIENTO.

I move to support the suggestion of our Presiding Officer.

COMMISSIONER ESPINA.

I second the motion. Because earlier I said ...

VICE CHAIRMAN ORTEGA.

It has been moved and seconded that we take up the very first issue -- to decide whether there is a need for us to shift to parliamentary system. Is there any objection to the motion as seconded? Ok, there being none, the same is approved.

Therefore our next item...or either tonight if you can stay here until 12 because I think it will take us until 12 to discuss this item or for our meeting tomorrow we will have on the agenda principally. I didn't say "only". I said "principally" the debate on presidential versus parliamentary.

CHAIRMAN ABUEVA.

Mr. Chairman, so many interventions took place. I have suggested that we hear Mr. Teves, the Chairman of the Citizens' Movement...

VICE CHAIRMAN ORTEGA.

Yes. We have already decided; it is already the consensus that on our meeting tomorrow will talk of nothing but presidential vs. parliamentary. So we will have a consensus already on what is our direction. Okay, in the meantime, anyway it's a little bit early we have here a guest or rather a member of the Commission who has made a study on this matter and we would like to have a few minutes time to talk about it. It's an overall view. Commissioner Magno Teves.

COMMISSIONER APOSTOL.

Let's have another 5-minute recess.

COMMISSIONER LORENZANA.

Mr. Chairman, we are going to serve dinner at seven o'clock as usual. We are going to continue our talk while we are eating so we will take effective use of our time but we promise you that we will end this debate at 3:30 in the morning. Not later than 3:30 in the morning.

VICE CHAIRMAN ORTEGA.

Commissioner Leviste.

COMMISSIONER LEVISTE.

Is that a serious proposal by the Secretary General? I thought we are supposed to adjourn at 8 everyday?

VICE CHAIRMAN ORTEGA.

Yes. We just hear out Commissioner Teves with his prepared...

SUSPENSION OF SESSION

COMMISSIONER APOSTOL.

Mr. Chairman I made a motion for 5-minute recess.

VICE CHAIRMAN ORTEGA.

The Chair declares a 5-minute recess.

It was 6:45 p.m.

RESUMPTION OF SESSION

VICE CHAIRMAN ORTEGA

Session resumed. [*It was 7:06 p.m.*]

COMMISSIONER BENGZON.

Announcement -- we are going to print our calling cards for each and every Commissioner. So we have selected our logo based on the number of votes on a particular logo and that's the one that is printed in our memo pads and then of course we will have the names. They will submit to us. But those of you who would want to have also their master or your original calling cards in your offices, you can have them printed back to back with the Consultative Commission's logo so you will have a different address. In the front where it says you are a Commissioner, it will have the address of Seameo. So, if you could kindly submit your card to the secretariat. It might not look like your card anymore. It will follow and adopt the style and even the color of the paper that we're going to choose but at least you will have all your particulars at the back of your card. Thank you.

VICE CHAIRMAN ORTEGA.

Thank you Commissioner Bengzon. Yes Commissioner Gonzalez.

COMMISSIONER GONZALEZ.

The paper given to us? We were asked to put our address. Is that going to be individual or this address?

COMMISSIONER BENGZON.

No, Madam. In fact, Commissioner Gonzales, I raised that question with the secretariat and what were going to do now is on the face of the card where it states "Consultative Commission" and then our name it will have actually the address of Seameo and probably the general phone number in case of emergency. So, that's why it is necessary that you're particular where you are and where you can really be found, your offices, will have to be in the back.

COMMISSIONER GONZALEZ.

Very good. Thank you.

VICE CHAIRMAN ORTEGA.

Any other question or point of clarification regarding the calling card? Ok. There being none, may we call now, while we are having our sumptuous dinner, Commissioner Teves to...

COMMISSIONER TEVES.

I could not measure up to the constitutionalists here. We measure up to the collective wisdom of this body. I describe our partnership to Dr. Abueva that I am the passion and he is the wisdom. So, itong aspect na ito is just a perspective of what we feel is the need for structural change. Just one perspective -- to highlight our difficulty with the existing unitary system. So, 5 acetates lang ito. So we just like to highlight the fact of a need for a

structural change from the perspective especially of civil society types from the provinces.

Our unitary system seems that the farther that you're away from the center, the least likely you are to get adequate services. Papalayo ka sa sentro ng Metro Manila, paliit nang paliit yung prospects mo for receiving services. This is our present setup. 79 provinces i- ma-mark lang natin ang Metro Manila sa sentro. Considering that the system is such that the provinces have to relate with the center all the time. The country is subdivided as regions presently, 17 regions to include already Mimaropa.

Let me put this with the perspective of Mindanao. In 1988, Senator Pimentel gave a privilege speech in the Senate, the essence of which can be summed up in that statement which goes "Mindanao is a cash cow that is served dog food." That's the story of Mindanao -- so rich in natural resources, so vibrant people, dynamic mixture of cultures and settlers and yet at the end of the day, Mindanao only gets so much. Alam na natin itong sad story na ito. Yung lament ng taga-Mindanao all the time.

Poverty incidence by region: Year 2000. The national average or rate is 28.4%. You see how ARMM, Region 5, Region 12, Caraga, Region 9, Region 6, Region 8, fair. Of the poorest ten, six are from Mindanao. Of the remaining six that are less poor, none are from Mindanao and the Visayas. But Bicol and Western Visayas are among the poorest six.

These are just 3 or 4 indicators -- to show the families with no access to electricity by region, year 2002: Republic of the Philippines 21% had no access to electricity but ARMM had 55.2%. ARMM by the way includes Lanao del Sur which is the source of a lot of power in Mindanao. I'm talking about Lake Lanao and by the way it might interest you know that only less than 50% of the communities surrounding Lake Lanao from where power is drawn have electricity.

So, it says something about how services, even of resources that are already available in the area, do not benefit the residents of the area. I'm from Davao, so I'm familiar also with this goldmine in Mount Diwalwal. The way we describe it all the time is that we have millions of pesos worth of gold dug from Mount Diwalwal year in and year out. Twenty-five years ago, if you have a chance to go to Mount Diwalwal, the means of transportation there is what they call *habal-habal* or yung peculiar na tawag na *skylab*. A skylab is just a motorcycle and they put a plunk across...sa likod ang passengers. They have to be balanced so, I don't know if they use weighing scales to see to it that medyo equal. Habal-habal or skylab. My point is 25 years later, so many millions of resources or worth of gold dug from that area, and the area remains poor. So it says something about how resources are also distributed or made available to those who are supposed to also, not only, benefit from it.

Simple literacy. The Philippines' rate is 92% and again andiyan na naman -- ARMM, Region 9, Region 12, Region 8, Region 11, Region 10. Of the 10 least literate regions, six are from Mindanao. Of the top three least literate regions, all are from Mindanao. But of the literate regions, five are from Luzon and Region 6. Again, ang sinasabi nga namin, the farther away you are from the center, parang humihina yung capability o ability to benefit from the distribution of resources and benefits.

Ito yung concern. It's an honest concern. In other words, it's not the question of being enamored of new ideas, romanticism about certain ideas like federalism. May actual na situasyon and 25 years or so, ibalik na lang dun sa that time that Nene Pimentel said that Mindanao is a cash cow that is served dog food. How much changes had there been since 1988? 1988, first local election yun ng local, 3 years later we have the Local Government Code. The Local Government Code was supposed to address precisely situations like this. Ano ba talaga ang situasyon?

Ito, just one area -- government allocation, General Appropriations Act. Allocation of expenditures, years 2000, 2001, 2002, 2003 using the DBM categorization of five major items or categories nationwide. I suppose this refers to projects that are implemented in various areas of the country. Nationwide ang sabi dyan and then you have an item called Central Office. Then you have Luzon, Visayas and Mindanao. From year 2000-2003, how the allocation for Mindanao and the Visayas for instance tapered down. Paliit nang paliit and during this time maraming mga incidents that necessitated national government into responding to such situations.

As usual, yung gulo sa Mindanao. A little pyrotechnics here and there nasa news na naman ang Mindanao. We get into the news only on that basis or front page at least. So pag may gulo o nagkaroon ng gulo, nagkaroon ng kidnapping lalo pa na ng mga foreigners, ang national government naka- focus na naman ang attention duon. Although there are two sides -- sometimes it's a military approach as in the case or experience with Erap. Military approach. All out war! Now, 2001, 2002, 2003 pababa ng pababa kahit na heightened na yung concern about the Mindanao situation. Isa lang yan.

Pangalawa, parating nire-reiterate na ang Mindanao is the food basket of the entire country. Food basket siya pero ang allocation ng General Appropriations Act paliit nang paliit. So, papaano yun? Is it a question of unconcerned national leaders? But we have a succession of leaders starting from Cory as the plain housewife, to a military strategist, to an actor who had a great charisma, and to an economist. So tuloy-tuloy yan. Nag change naman. Nagpalit naman tayo ng mga officers.

COMMISSIONER AZURIN.

Can I ask a question about the draft?

COMMISSIONER TEVES.

Yes, Commissioner Azurin.

COMMISSIONER AZURIN.

Because you are pointing out the distribution, I just noticed that Luzon has not really changed. The reduction of Visayas in the total allocation has gone down more than Mindanao has gone down. So, where is the budget actually going? Because Luzon has not changed, Visayas has gone down; Mindanao has gone down, where is the rest of it going?

COMMISSIONER TEVES.

Take note Commissioner. The rest has been going to Central Office. Do you notice Central Office -- 11.99%, 31.54%, 36.7% and 42.19%?

COMMISSIONER AZURIN.

What does Central Office mean?

COMMISSIONER TEVES.

All the national head offices of all the departments and I suppose Malacanang...I suppose somebody would have educated me about this. Malacanang and Congress are included there as central offices. The records show that of the so many thousands of government personnel, a good chunk of that is in Metro Manila, in central offices, and yet, the fact remains that the 90% of the problems that this central offices are handling occur in the provinces. So dun sa province ang sitwasyon natin. Sinasabi dun, kulang kami ng personnel, walang tao at walang budget, not only that, walang authority. So, kailangang ipasa mo dito sa sentro.

I'd like to believe that's part of the answer to your question, Commissioner. So, yun bang nagpalit na ng administrations, meron ng mga bagong realizations and may commitments expressed publicly, whether there are elections or no elections? Ganito pa rin ang takbo! Year 2004-2005, lumaki ang central office. Yun ang tanong namin sa baba. Sabi kailangang pumili tayo ng magaling na leader na may concern tungkol sa mga probinsya, sa mga regions and particularly in Mindanao. Eh nagpalit-palit na nga tayo! So, there is an honest musing and questioning. Ano ba talaga ang dapat mangyari dito sa bayan na ito?

So, given all these, we say mukhang hindi nakaka-respond na ang present unitary centralized system. "Centralized" means inefficient, in the sense that development becomes unbalanced and unequal. So, given these indicators, one will not be surprised about the results - yung literacy, yung access to electricity, access to potable water and the rest of the... there's a lot of data about this. So ang tinatanong nga dun particularly in Mindanao is paano ba talaga magbabago ang sitwasyon. Can we do it by just continuing with the status quo? It seems to me that there is a general consensus already in Mindanao na yung status quo is no longer an option and in fact our problem now in Mindanao as advocates for a federal republic of the Philippines is the emergence of a movement that's calling for Mindanao independence. So real yan. We are proposing a federal republic of the Philippines. Some of our people there are already saying "matagal yan hindi mangyayari yan!". Separate na lang tayo and just create our own federal system in Mindanao as a separate country.

COMMISSIONER GARCIA.

That will hasten the independence of Mindanao.

COMMISSIONER TEVES.

Which one?

COMMISSIONER GARCIA.

The creation of federal government in Mindanao.

COMMISSIONER TEVES.

Yes, that's why!

COMMISSIONER GARCIA.

So...

COMMISSIONER TEVES.

Precisely we are proposing a Federal Republic of the Philippines.

COMMISSIONER GARCIA.
Federalization is a prescription for secession.

COMMISSIONER TEVES.
No, on the contrary Commissioner Garcia...

COMMISSIONER BONDOC.
Mr. Chairman.

VICE CHAIRMAN ORTEGA.
Order please!

COMMISSIONER BONDOC.
I would like to inquire Mr. Chairman if we are going to debate this tonight or we will just listen...

VICE CHAIRMAN ORTEGA.
No, we will not debate at all tonight and I hope Commissioner Teves can start winding up his presentation.

COMMISSIONER TEVES.
I'm done!

VICE CHAIRMAN ORTEGA.
Are you done?

COMMISSIONER TEVES.
I'm done! I'm just saying...I'm just trying to share with you a perspective of the Movement kung papaano kami nagsimula dun and what kind of questions we have in mind. This is an honest and serious effort.

VICE CHAIRMAN ORTEGA.
The Commission thanks very much Commissioner Teves for his information, inputs which we can consider later on. Thank you Mr. Commissioner. Yes, Commissioner Sarmiento?

COMMISSIONER SARMIENTO.
Yes I'm not going to debate of course. The feeling of the local government units in the Visayas and Mindanao is that, for the past few Congresses, out of the 24 senators that we have, 19 are from Luzon, 5 from the Visayas and Mindanao. The same with the last Congress... that is always the case.

Then additional information. We don't really have to change the Constitution, probably just an amendment of the present local code. For example, all the banks are paying in Makati. Believe it or not. This has been a point of discussion in the League of Cities of the Philippines. One bank in Iloilo City was about to pay P15.00 to the city of Iloilo in payment of their business tax and the mayor of Iloilo told the manager if ever you are going to be held up you call the policemen of Makati to respond. The number one taxpayer in the City of Manila for example is Unilever. The gross sales of Unilever throughout the country, be it accrual in the payment of business permits, go to the City of Makati. Our question in the countryside is, are they selling shampoos and soaps in the

City of Manila alone? So these are some of the questions; just an additional information to the presentation of Commissioner Teves, that is really one of the problems that is being discussed now in the LCP.

VICE CHAIRMAN ORTEGA.

Thank you for the inputs Commissioner Sarmiento. Commissioner Tendaro.

COMMISSIONER TENDERO.

While the presentation is being done on the increasing central budget, does that include the national debt that we have? Is that the budget for the total year? Could it be that the national debt is included in the central that's why we have an increasing volume in the central? And then secondly, the implication that I'd like to ask for our discussion later on would be as we move towards federalism, how do we transition the apportionment of this national debt that we have? So, those are some of the concerns.

VICE CHAIRMAN ORTEGA.

Thank you Commissioner Tendaro. Commissioner Leviste.

COMMISSIONER LEVISTE.

I yield to Commissioner Bondoc.

VICE CHAIRMAN ORTEGA.

Commissioner Bondoc is recognized.

COMMISSIONER BONDOC.

Kasi dini-debate na natin ang mga puntos ano po, although hindi pa malinaw sa marami pa sa atin kung yung presentation na katatapos lang ay dapat mauwi sa mere amendments to the present law, yung Local Government Code and devolution o kung kailangan ng amendments sa Constitution and what amendments that should be -- whether it should not necessarily switch from unitary to federal but certain provisions now.

But my point is, not to cut this debate, but by way of suggestion lang po sa final product natin. I feel we have to make compelling arguments on why we have to amend or revise the Constitution. Yung final output na ibibigay sa Presidente na maaaring ibigay sa Congreso should be strong arguments na, that is, what's wrong with our centralized unitary system and this is what we see na hindi puwedeng amendment lang to the Local Government Code or amendment to the law. Halimbawa, yun yung kauuwian natin -- a federal form. But then, lakasan lang natin ang arguments. But 'I don't think we should go into all of these details. Like for instance, if we go to the parliamentary form, I don't think we should go into, not even the committees should go into the details of how many persons will sit in the parliament or what are the committees. Kasi, aabutin tayo ng dalawang taon. We're beginning to act like a Constitutional Convention when we are a mere consultative commission. Thank you.

VICE CHAIRMAN ORTEGA.

Thank you Commissioner Bondoc. We see your point. However we would like to hear everyone who has something to say in so far as gathering inputs are concerned. Especially when these items will reach the committee level we have already something to work with from what we have heard from all the commissioners as well as resource persons that we may have in the future pakinggan natin sila. Does not mean na that's it!

It may mean a little something, it may mean a big thing, it may mean nothing but we do not lose much by listening to all so that we may be able to come up and choose what is best. I hope that is clear Mr. Bondoc.

COMMISSIONER BONDOC
One last point if I may.

VICE CHAIRMAN ORTEGA.
Yes.

COMMISSIONER BONDOC.
Ang inaalala ko lang po kasi na we had only until mid-December and we are all very busy people and we need to wrap things up. We were meeting only four days in a week and from 3-8 pm. Baka hindi tayo makatapos if we will try to hear and yet we have a tremendous task because we are consultative in two senses of sense of the word. Consultative in the sense that we are going to make recommendations to the President and the Congress and yet we are expected to consult with certain sectors, local officials, or sectors of society. Baka hindi tayo makatapos lahat.

VICE CHAIRMAN ORTEGA.
That is very correct Mr. Bondoc and since we are almost through with the preliminaries which usually medyo matagal ng konti yung foreplay kung tawagin nga. Pero anyway if we get through the real thing we can go a little faster.

CHAIRMAN ABUEVA.
Fellow commissioners, this is only our third day and let me sum up what we have accomplished. In three days we have elected our officers, we fashioned and approved our rules, we have formed the committees, we had the presentation of one of the principal proposals for charter change and tomorrow we will elect our committee chairs and co- chairs. I think it is a substantial progress in three days. I wish to make this point because sometimes we feel that we are bogging down but in fact in three days we have achieve so much together and with the coming presentations of other proposals and we are inviting our colleague Commissioner Angeles to make a presentation, another proposal, Congressman Nachura, and the House, maybe Congressman Jaraula. We should have surveyed the principal proposal for charter change before we go on with the committee level discussions and debates. So, I'd like to share this perspective of achievement by this body. Being a new body, we are just getting to know each other and it takes a lot of articulation and sharing and so on. But, I would like to thank all of you our colleagues for the progress that we have achieved in just three days. Maraming salamat sa ating lahat!

(Applause).

VICE CHAIRMAN ORTEGA.
Definitely we are all in a hurry to wrap this up but let us not sacrifice quality for the time that we put in. Commissioner Espina you had your hand up a while ago.

COMMISSIONER ESPINA.
Perhaps we can achieve more if we are able to decide whether there will be a need for instance for change as a result of the presentation. Maybe, ordinary amendment to present law will suffice.

VICE CHAIRMAN ORTEGA.

Yes. We will discuss that when we come already to the features of the different proposals starting tomorrow hopefully. Yes, Commissioner Chua?

COMMISSIONER CHUA.

I think for the past three days we have been seriously looking at the presentation of Chairman Abueva and we have observed that this dwelt most on the government structure, the political side. We are wondering whether the economic issue is...is there another version that would include...?

CHAIRMAN ABUEVA.

Mr. Chairman one of the main proposals distributed earlier on was the report of the Preparatory Commission that President Estrada created. The Narvasa Commission. You have all copies of that.

COMMISSIONER CHUA.

I do understand. I'm specifically referring to the book because I just wanted to know maybe you also have a version as far as the economic provisions are concerned.

CHAIRMAN ABUEVA.

No. The CMFP has no proposals in that area.

VICE CHAIRMAN ORTEGA.

But may I add? The Commission will be willing to consider any proposal that is submitted to us on national patrimony and economy of the nation.

VICE CHAIRMAN ORTEGA.

Mayor Rodriguez... As I was suggesting, probably the Chair should sit at the end so that he can have a better view of everybody. You know as if I'm watching a tennis game.

COMMISSIONER RODRIGUEZ.

Point of clarification again, Mr.Chairman. Earlier, the Body decided to decide once and for all if we will go for parliamentary or stick with the presidential form of government and we have agreed to debate on that later. It seems to me that there was an abandonment of the original agreement that we allow the presentation of the different drafts. I think it's geared towards end because we will be wasting time if we will allow the presentation of the different drafts when we have already agreed upon that we will decide once and for all after debate of course whether to shift from the present to parliamentary. What is our status now, are we foregoing with the presentation of the...

VICE CHAIRMAN ORTEGA.

I will leave that to the members of the Commission. If the majority of the commissioners would want to hear the others, we will hear them out. If majority says that's enough, we can go ahead with the work, the Chair would be willing to go along with that. Yes Mr. Espina.

COMMISSIONER ESPINA.

Clarification Mr.Chairman. I think the point raised with Commissioner Rodriguez is valid because if we had decided earlier that we devote the first opportunity to decide as to the direction of the form of government, then the rest would become an easy work.

VICE CHAIRMAN ORTEGA.

Ask the Commission itself. How many would want to go ahead with more presentations on the major proposals?

COMMISSIONER ESPINA.

No, on the form -- that was what we decided earlier -- to start with the discussion on concepts of the form of government.

VICE CHAIRMAN ORTEGA.

From the way Commissioner Rodriguez was talking he did not say form.

COMMISSIONER RODRIGUEZ.

Shall we shift from the present to a parliamentary form of government? Do we have to debate on that? If that is the case then I think I believe that we have to scrap the original arrangement that we allow the presentation of the different drafts because we will be wasting our time.

VICE CHAIRMAN ORTEGA.

Ok, why don't we just ask the members if they want the presentations...Yes, Commissioner Vilar?

COMMISSIONER VILAR.

There was a move and duly seconded by Mr. Sarmiento to follow the suggestion of the honorable Vice Chairman concentrating on the form -- to shift on the parliamentary form of government. Can we refer to the minutes?

VICE CHAIRMAN ORTEGA.

The issue now is -- do we now want to hear more presentations on the form of government or shall we go into the debate? Yes Commissioner Garcia.

COMMISSIONER GARCIA.

I supposed each one received a copy. In fact, it was suggested that over the weekend we would study this copy. So I believe that it would not be extremely necessary to hear the ...because they have the drafts and we can go immediately go into the discussions on the proposal by the distinguished Vice Chairman.

VICE CHAIRMAN ORTEGA.

Ok, there are two different ideas here. One is to hear out all the presentations more before we go into the debate. Others want to go into the debate and forego with the presentations. So, I think we can decide. Yes. Commissioner Naval.

COMMISSIONER NAVAL.

Before I go into the point, Mr. Chairman, may I remind everybody that we are here as a mere creation of Executive Order 453 and the executive order gives us the mandate that we should study, in consultation with numerous sectors of society, the shift from presidential unitary system to parliamentary federal system. So that is what we have to do only -- to study the shift from the presidential unitary to parliamentary federal and thereafter to make the report to the President.

VICE CHAIRMAN ORTEGA.

That is correct.

COMMISSIONER NAVAL

So we are not supposed to discuss here anymore whether there should be a shift or not. Because the mandate says that we should study the shift from the presidential unitary or...

VICE CHAIRMAN ORTEGA.

And our recommendation is either we have to shift or we do not need to shift. And to arrive at that, we have to discuss the merits and demerits of each form of government.

COMMISSIONER NAVAL.

If we believe that there is no need for us to shift, then we just tell the President.

VICE CHAIRMAN ORTEGA.

Correct! But how do we arrive at that conclusion? First, we have to hear the sides, then we have to debate on it, then we will decide.

COMMISSIONER NAVAL.

Otherwise, this body has no reason to exist if we will still be discussing whether to shift or not to shift because we are mere creation of executive order.

VICE CHAIRMAN ORTEGA.

One by one. Commissioner Gonzalez, please.

COMMISSIONER GONZALEZ.

Honorable Chairman, the last time that we met here, I sat down with Vice Chair Dizon and we discussed the fact that there are three proposals -- that one of Congressman Nachura, of Speaker Joe de Venecia and the other one which has already been discussed by President Abueva. Now, I am trying to put together a matrix where we have the 1987 Constitution. Ito yung papalitan natin. Yung ba ay aamendahan natin? Then, I'm putting up the proposal explained already by Chairman Abueva and then another one of the Speaker and the one of Congressman Nachura. I have already finished but the reason that I have not given it to you, is I have only finished over the weekend up to Judiciary. Pag natapos na yun and it is ready tonight then I will submit it tomorrow to the committee. I have already told Secretary General Lito that I am going to submit that. That will make our work easier because it's already in a matrix. Titingnan na lang natin comparatively and then we can have points of discussions.

VICE CHAIRMAN ORTEGA.

Thank you, Commissioner Gonzalez. That will definitely be a big help and it will hurry up our work without sacrificing quality. I have recognized Commissioner Espina, then Commissioner Leviste.

COMMISSIONER ESPINA.

Mr. Chairman, as I have said earlier, I am inclined to the presidential system but I am open to be convinced to shift to the parliamentary system. And that is why I fully disagree or strongly disagree to the position earlier mentioned that we are already directed to adopt or shift to the parliamentary system. What I want, Mr. Chairman, could be a result of consensus among the members. As I said, you were with us in the Concon and Pepe was with us in the 1971 Constitutional Convention. I was elected chairman of the committee which had jurisdiction over the form of government but I am ready to accept new ideas which could convince me to adopt a parliamentary system of

government. I noticed that one basic defect there is the lack of accountability, political accountability especially of Cabinet members. I'm worried that if we adopt the parliamentary system, we might experience what France experienced during the 5th Republic when the prime minister was dissolving the parliament and the the members of the parliament were voting for lack of confidence on the prime minister, so they had elections every few months. They had to appeal to the...who was the hero ...to intervene. We just saw what happened in Japan when Koizumi failed to convince the party members to vote for reforms. He just dissolved parliament practically by calling another election.

Now, considering the character of the Filipino people, I am worried and this is a strong reason why.... as I said I'm hesitant to to change from the presidential to the parliamentary. I am however willing to adopt certain measures not necessarily through constitutional amendments to help dramatically improve political maturity. As I said to Commissioner Garcia, all of these ideas are good, but a basic and fundamental element is the level of poverty. If the people are poor and hungry, they will be more influenced by their situation in life. As I said, I am open but I certainly will argue the merits of the system I want.

VICE CHAIRMAN ORTEGA.

Thank you Commissioner Espina. Last Commissioner Leviste.

COMMISSIONER LEVISTE.

Thank you, Vice Chairman. May I request that I be given 1/3 of the time of our distinguished Commissioner Rey Teves so I could present to you same chart he presented and give you may own analysis of it. I'm just asking 1/3 of his time. He spoke about 15 minutes, give me five minutes and I'll use the same chart.

COMMISSIONER ESPINA.

I move that he be given the time, five minutes, Mr. Chair.

VICE CHAIRMAN ORTEGA.

Yes.

COMMISSIONER LEVISTE.

As someone who goes to Mindanao often, someone who's got a lot of my constituents in Batangas and my fellow Ilocanos in Mindanao, I was taken aback -- and it's not his word but the word of Senator Pimentel -- that Mindanao is a cash cow that is served dog food. I think it's a little heavy. I got a little sensitive to that. But let's look at the chart and let's see what the chart says. Same sequence and let's look at it very fast. (Presentation of regional setup, same chart). That's the regional setup and that doesn't change. The geography doesn't change. By the way, may I just comment that Caraga region has just got the largest and greatest mineral potential in this country. World-class mines are waiting there to be developed, much greater than Diwalwal.

Next, poverty incidence by regions. ARMM is the poorest for obvious reasons. You know the reason ARMM is in the bottom relative to poverty, at least to my point of view, is not because of the unitary form of government. It is because of the severe peace and order situation there. That's my personal view. All the concerns about the rankings of poverty - - it's true that the regions closer to Metro Manila, I, II, III and IV, are fairly doing better. There's better infrastructure here. But I think the resolution here is to liberalize the

economy so we can focus infrastructure budget of the government to the Visayas and Mindanao. I have no problem with that.

The access to electricity -- we do not have to change the form of government because there is very poor access in ARRM and the other regions. What we need to do is call Undersecretary del Callar, who runs Napocor, we have to call President Dr. Allan Ortiz of Transco, we have to call Secretary Lotilla, we have to call the oversight committee of Congress and the Senate which oversees an energy program and find out why we cannot trust the privatization of the power sector. That's all we need to do. This thing will change. There is so much power in Mindanao but I understand there's a lot of bombings.

There are peace and order problems. No questions. Peace and order and poverty are interrelated. But I don't think it's because of the unitary form of government or for that matter the presidential form of government. And I want to say that I have my misgivings -- I have said it's a dangerous thing because it's like a double somersault, the parliamentary to federal. But I have an open mind. Proof I have an open mind is I went to Peninsula first thing this morning and I was not able to stay very long but I got the materials and I truly studied our constitutional systems.

Literacy -- what we need is more money for the educational sector. We are engrossed and obsessed in putting in every computer in every school. What we need is to put more good textbooks into the school. What we need is to program our schools so that we have 2 shifts of students. What we need are better teachers and more educators. This is a resource problem. This is not a government structure problem.

Allocation of expenditures -- I agree absolutely there is so much expenditure in the central office. Mr. Tendero however raised the question of national debt. I don't know the answer. I really want to invite Secretary Neri who is very progressive as Minister of Planning and now Minister of the Budget; he can explain these things to us. Just forget the central office first and the nationwide thing. The Luzon, Visayas, and Mindanao distribution is really just a function of distribution. There are more people in Luzon fortunately and unfortunately. But distance from Luzon does not necessarily make one poor. Cebu is fantastic. It's growing by itself. It needs no support from Luzon. But if we take out Cebu and the areas which have great industrial growth, what will happen to those who are sending people to Cebu.

Allocation of expenditures -- I don't know the answer. Let's look at it but gentlemen, I really appeal to you, let's look at this through the economic stand point. Actually our problems are not really problems of structure of government or form of government. I just think we need better governance. I think we just have to tighten our belts. I think we obviously have to lessen corruption and I think we can solve many of our problems.

Lastly, let me give you...the statistics are just the same. It's like blood chemistry. We want to shift to the parliamentary system and to shift to the federal system at the same time. It's just like treating somebody with diabetes, with chemotherapy. Thank you.

(Applause)

VICE CHAIRMAN ORTEGA.

Thank you, Commissioner Leviste. Commissioner Jurado and then Commissioner Pedrosa.

COMMISSIONER JURADO.

I cannot disagree with what Commissioner Leviste has just said but if I were to take the view points of our colleagues from Mindanao, I will simply say "I've heard that one hundred times before". The limits of unitary system have been reached. Mindanao needs a new ballgame, not a repetition of old broken promises. That's all, Mr. Chairman.

COMMISSIONER PEDROSA.

I beg to disagree with Commissioner Leviste because he was in fact stating the problems that aroused...that have made us want to understand why it is happening.

Why is it a problem? Why is not money going there? It seems to me precisely because we think of a unitary way instead of letting the region, ARMM in Mindanao for example, decide for itself. The very essence of federalism is dividing power so that the people in the areas that are being neglected can be self-sufficient.

You know about the IRA, sometimes they just need school desk. They just can't get it why? Because they have given the money that they earned to central treasury and then when it goes back to them it's already one-half. So I don't think it's that simple. We are restructuring the government precisely because of the problems you said. There's no money going to them.

VICE CHAIRMAN ORTEGA.

Thank you, Commissioner Pedrosa. May I recognize first Commissioner Tendero and then Commissioner Bello?

COMMISSIONER TENDERO.

I think from that perspective you say that the problem is not only form of government but even in the economic situation as pointed out earlier. Let's take for example the mining corporation in the Cebu. Let's take for example mining corporations. The head office of these mining corporations is based in Manila and so the mining companies pay their taxes in Makati. And the main complaint of the people for example in Palawan or in many other places when it comes to the benefits from the mines is that the taxes that are supposed to go down are not actually going back because they are allocated here in Manila.

So it's not necessarily an issue of form of government but it's really how the government operates and how these funds are reallocated back. Because you cannot have your mining company operation as well as your headquarters in the area of the mines. It has to be somewhere where it is easy accessible to other international partners and so it's not just structure of government; it's also how the operation is being done.

VICE CHAIRMAN ORTEGA.

Thank you, Commission Tendero. May we now call on Commissioner Bello?

COMMISSIONER BELLO.

I know that we have no luxury of time and we were given a time frame within which we are going to submit our proposal to the President. I would like to go back to the original problem which the Chair has presented -- whether we should continue with hearing the various proposals. As Commissioner Gonzalez has suggested that she can come up with a table or a matrix with which to compare all these three proposals, it might not be necessary anymore for us to hear the presentations.

But it might also be important to listen from the proponents to stress the points of their proposals. For instance, all of these are proposing a parliamentary form and I had browsed all documents and most of them are proposing a parliamentary form of government. So, that might reinforce the concept for those of us who are still doubting whether a parliamentary form of government is necessary or not. We can have a little time for these presentations, Mr. Chairman.

VICE CHAIRMAN ORTEGA.

Thank you, Commissioner Bello, very well taken. In fact, let me state before I call on Mr. Garcia, the thinking of the Chair right now is to stop for the time being the other presentations and tomorrow we start with the debate. For all of those who would want to speak in favor of a shift as well as those who would want to espouse that there is no need for a shift, please have your names listed with our Floor Leader so that we could list down and go orderly. We do not want to be unfair to anyone. You can be sure of that. We would like to follow the order that will be set up by our Floor Leader who is very capable person on parliamentary procedures and I'm sure we can be more orderly tomorrow. But that does not preclude this Commission from later on wanting to hear more presentations if they so desire. Eto naman we are not putting aside...for a time being lang...In fact, tomorrow the honorable Chairman will start contacting the proponents of the other papers like Congressman Nachura or Jaraula when they can be available to spend one hour or two hours with us and we will hear them out. We will not try to keep away any input that could possibly in any small way help us in our work. As I said, we make use of time, we hurry up but we do not sacrifice the quality of our work. Thank you. Yes, Commissioner Abueg.

COMMISSIONER ABUEG.

I just would like to inquire whether there is a time allotment or time limit for each speaker tomorrow.

VICE CHAIRMAN ORTEGA

Tomorrow noon the Chairman has planned to call a meeting of a small group, the officials of the Commission elected by you, so we could sit down and thresh out the program for the three o'clock session. We will meet tomorrow at 12 noon with all the area vice-chairmen and the other officials so we can arrive at a very reasonable program without being very unreasonable to the other commissioners. We would like to give the most leeway also to those who would want to espouse their advocacies. Yes, Majority Leader.

COMMISSIONER GARCIA.

I just like to add a few thoughts about poverty as a socio-economic problem and the solution is also socio-economic not political and on the question of allocation especially the...this can be solved by just changing the sharing proportion of the national government. For example in mines, this is controlled by the national government. The provinces are only given the right to tax sand and gravel but other minerals, no. Supposed in the Local Government Code, the local government units are given a bigger share in the national wealth -- 30% for the barangay; 30 % for the municipality or city; 30% percent for the province. If all or 80% of the taxes will be given to the local government units, that would be a big wealth.

Another thing, on the question of allocation. The present sharing in the IRA is 60%-40%, 60% for the national government and 40% only for the local government units. Suppose we revise that -- 40-60. During the early part of the American colonial administration the

sharing was 25% for the province, 50% for the municipality, and 25% for the national government. Later on it was 50-50, 50% for the province and 50% for the national government. So, it's just a question of adjusting the sharing arrangement.

Also, shifting to federal may be more expensive. To maintain the ARMM in the budget for 2006, the appropriation is 2 billion pesos and every year since the organization. The allocation from the national government to maintain the legislators in the ARMM is now five billion pesos. Multiply that by the number of states that we propose to create, because we will be electing state legislators and other officials of the state government. What is wrong with this country? Many people of service; too much government. Too much election!

VICE CHAIRMAN ORTEGA.

Thank you for the inputs, Mr. Garcia. Yes Majority Leader.

COMMISSIONER APOSTOL.

A proposed agenda for tomorrow -- approval of the Minutes of the previous session; approval of the rules of procedure; election of the committee chairmen and co-chairmen; and the unfinished business on the debate on the form of government.

VICE CHAIRMAN ORTEGA.

Any objection to the agenda?

COMMISSIONER ESPINA.

We move that we adopt the proposed agenda for tomorrow.

VICE CHAIRMAN ORTEGA.

It has been moved and seconded that we adopt the agenda as read by the Majority Leader. Any objection? There being none, the same is approved.

COMMISSIONER APOSTOL

May I now have the names of those who would like to talk tomorrow?

VICE CHAIRMAN ORTEGA.

Even those who will so express themselves tomorrow can still be accommodated. But those who are here now and who would want to speak, we'll, they will be ahead in the listing. As I said, it will be on a first-come, first-served basis.

COMMISSIONER APOSTOL.

Mr. Chairman, whoever will give the presentation tomorrow will be given a limited number of minutes.

VICE CHAIRMAN ORTEGA.

I would like to believe that we give everybody a chance to talk. But if there are fewer speakers for one side, let us give them a little more time, only to be fair to both sides.

ADJOURNMENT OF SESSION

COMMISSIONER APOSTOL

Mr. Chairman, I move to adjourn.

VICE CHAIRMAN ORTEGA.

There's a motion to adjourn. Is there any objection? There being none, the meeting is adjourned until three o'clock tomorrow.

It was 8:27 p.m.