

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

TRANSCRIPT OF THE PROCEEDINGS

Session No. 4

Tuesday, October 4, 2005

OPENING OF THE SESSION

At 3:13 p.m., the Chairman of the Commission, Jose V. Abueva, called the session to order.

CHAIRMAN ABUEVA.

Good afternoon everyone...the session is called to order.

NATIONAL ANTHEM AND PRAYER

CHAIRMAN ABUEVA.

Let us stand for the national anthem.

[The Body sang the National Anthem]

CHAIRMAN ABUEVA

May we ask Commissioner Angeles to lead us in our prayer? No, no Commissioner Amin, please.

COMMISSIONER AMIN.

To the Muslim sector, they should raise their right hand in supplication and the non-Muslims vow your head. This is an ecumenical prayer.

In the name of God, most gracious, most merciful, grace be to God, our Lord, protector and sustainer of the world, master of the day of judgment: To thee, we worship. Show us the straight way of those whom Thou has bestowed Thy grace, those who see not wrath and who go not astray. Oh God, Lord of power, Great Architect and Supreme ruler of the universe, we reverently invoke Your blessings at this moment and days to come.

Shield and defend all the officers and members of the Constitutional Consultative Commission, their families, relatives and friends from all the evil intentions of their enemies, and support them in their trials and afflictions so they may endure all problems. Oh Almighty God, we stand in Your Holy presence. As our Supreme judge, we humbly beseech You to bless and inspire us so that what we think, say and do will be in accordance with Your will. Enlighten our minds, strengthen our spirits and fill our hearts with eternal love, wisdom and understanding so that we can be effective channels of truth, justice and peace.

In our proceedings today, give us righteousness for the fulfillment of Your greater glory. Oh Lord, grant us Your divine wisdom to enable us to display the beauties of your

Holiness to the honor of Thy Holy Word. Enrich our hearts with Your own love and goodness so that the sublime principles of justice and fortitude would enable us to render service without distinction of color, creed, religion and nationality.

And finally oh God, have compassion to the children of your creation; administer us comfort in times of trouble and save us for an everlasting salvation. Amen.

ROLL CALL

CHAIRMAN ABUEVA.

May we suspend the roll call? We have...but we want for the record I think...

COMMISSIONER ANGELES

I move for the suspension of the roll call, Mr. Chairman.

CHAIRMAN ABUEVA

No objections?

COMMISSIONER ESPINA

Mr. Chairman, we are meeting only up to December. I would want our people to know who are absent and present when we meet. This is a very important task that we are doing.

CHAIRMAN ABUEVA.

Is that an objection, then, to the motion? Okay, let us call the roll...

COMMISSIONER LORENZANA.

Abarico (present)	Leviste (present)
Abueg (present)	Lim (present)
Abueva (present)	Lorenzana (present)
Acevedo (present)	Magno (present)
Adamat (present)	Marohombsar (arrived at 4:09)
Amin (present)	Matula (arrived at 3:35 pm)
Angeles (present)	Mendoza (absent)
Apostol (present)	Naval (present)
Azurin (arrived at 3:40 pm)	Ortega (present)
Bello (present)	Ortiz-Luis (present)
Bengzon (arrived at 3:45)	Paterno (arrived at 3:42 pm)
Bian (present)	Pedrosa (present)
Bondoc (arrived at 4:09)	Rodríguez (absent)
Chua (present)	Romualdo (absent)
Dee (present)	Sarmiento (absent)
Duavit (present)	Seno (present)
Espina (present)	Tendero (absent)
Garcia (present)	Teves (present)
Gonzalez (present)	Varela (present)
Jimeno (present)	Vilar (present)
Jurado (present)	Yuchengco (arrived at 4:00)

COMMISSIONER LORENZANA

Mr. Chairman we have 29 members present as of 3:21 pm.

CHAIRMAN ABUEVA
Thank you.

COMMISSIONER LORENZANA
We have 20 absent, 1 marked excuse.

COMMISSIONER APOSTOL
Mr. Chairman.

CHAIRMAN ABUEVA
Yes?

DEFERMENT OF APPROVAL OF MINUTES

COMMISSIONER APOSTOL
Mr. Chairman, I move for the deferment of the approval of the minutes of Sept. 29, 2005 session.

CHAIRMAN ABUEVA
Yes, because this is being printed.

MOTION TO APPROVE THE RULES OF PROCEDURE

COMMISSIONER APOSTOL
Mr. Chairman, can we get to the approval of the Rules of Procedure? I move Mr. Chairman that we approve the Rules of Procedure.

CHAIRMAN ABUEVA
Second?

COMMISSIONER ESPINA
Mr. Chairman, before we approve... we are given up to when to finalize our membership in the Committees, because there were some who were absent last time. I personally would want to relinquish membership in the (Committee on) Constitutional Commissions and would want to transfer to (Committee on) Transitory Provisions and Amendments.

CHAIRMAN ABUEVA
Yes. I think we should allow these changes in membership as preferences for various Committees.

COMMISSIONER ESPINA.
Thank you, Mr. Chairman.

CHAIRMAN ABUEVA
The Secretary can you please take note of this?

COMMISSIONER ORTIZ-LUIS.
Mr. Chairman, in connection with that, I notice from the list that we have lopsided, too many members in some, very few members in some. Perhaps I for one would like to

join other Committees but not very clear yet on how to go about it. Can we have the list submitted today so that we can make a final list of the members of Committee?

CHAIRMAN ABUEVA.

Yes we have agreed that we would allow the members to indicate their preferences and still open (the membership) in light of what you have said about the fact that some Committees have many while others have few. I would like to inform you that in our usual meeting before the session among the officers, we suggested that we would focus initially for the time being on the work of 4 or 3 Committees as indicated by the interest of a big number of people who signed up for these Committees, namely: Form of Government, the Structure of the Republic, and National Patrimony and Economic Reforms. And so we thought that we would focus this afternoon's discussion and the election of the Chair and Co-Chair mainly on these three. The idea is that we will activate the other Committees a little later, if the Body is agreeable.

COMMISSIONER ESPINA.

Clarification.

CHAIRMAN ABUEVA.

Commissioner Espina?

COMMISSIONER ESPINA.

Does this mean that if a candidate for Chairmanship or Co-Chairmanship of any of these three Committees mentioned loses in the election, he can still run for Chairmanship in other Committees?

CHAIRMAN ABUEVA.

Yes. That would follow. Yes.

COMMISSIONER ESPINA.

Then I would object to the proposal because it would make the other Committees less important or a second choice. Personally I am not aspiring for any position, I have made this clear to some of my friends in the Commission. I feel that we should decide all together. And if possible, Mr. Chairman, while individual nominees may be entertained for Chairmanship of the various Committees, the members of the Commission as a whole should confirm this Chairmanship.

CHAIRMAN ABUEVA

The proposal that we...

COMMISSIONER APOSTOL

Mr. Chairman, before we continue with the debate, may I know what is the action of the Body on the rules of procedure?

COMMISSIONER LEVISTE

On the matter of the rules, I just got the rules now before session started at 3 o'clock. Can we approve this later? I just like to go through it. This is very important. I am not objecting to the rules; I participated in the debate. I just wanted the chance to read and review it. Can we defer approval of the rules a little later?

COMMISSIONER ESPINA

I second the motion of Commissioner Leviste for the simple reason that if we approve these rules now, then it will have a bearing on my observation earlier as to the manner of selecting the Chairmen of the various Committees. The request is very simple -- approve rules maybe later after 10 or 5 minutes because we just got a copy of this.

COMMISSIONER ADAMAT

Mr. Chairman, point of clarification. I think these rules that we are talking about have already been approved in our previous sessions, but without prejudice to some corrections, which will be submitted through writing.

COMMISSIONER ESPINA.

Then the agenda is wrong, Mr. Chairman. The agenda states the approval of the rules.

COMMISSIONER APOSTOL.

No, no, no. What we agreed before was in effect to approve the rules and now the amendments. So we defer only about a little later.

ELECTION OF COMMITTEE CHAIRMEN AND CO-CHAIRMEN

COMMISSIONER APOSTOL

We will go now, Mr. Chairman, to the election of the Chairs and Co-Chairs of the different Committees, particularly Form of Government, Structure of the Republic and Economic Reforms. The officers are disqualified to be elected as Chair and Co-Chairman; the elected Chairman or Co-Chairman for one Committee is disqualified to be elected as Chairman or Co-Chairman of another Committee. Now, that is in effect what we have agreed, I don't know if the Body is amenable.

CHAIRMAN ABUEVA

Let me proceed with the other rules that we agreed upon -- for the Body to know in addition to those, we said in that officers' meeting before the session, the rules of procedures that we have adopted will be applied to the Committees, to the conduct of the Committees. Only Committee members can vote in a particular Committee. All other Commissioners may attend any Committee that they would like to attend. In the selection of the Committee Chairmen and Co-Chair, we suggest that whoever gets the most votes will be the Chair, and one with the second largest number of votes will be the Co-Chair. Then as I said, we suggest that we focus first on this three large...

COMMISSIONER APOSTOL

The first Committee that we will have an election of the Chair and Co-Chair will be the Form of Government.

COMMISSIONER ESPINA

Mr. Chairman, I have an earlier observation raising the point that we should elect the Chairmen of the various Committees sabay na, wag na una tatlo muna, to preclude the possibility of members of the Commission running for Chairman in practically all Committees if they are defeated in an election of the Committee.

COMMISSIONER APOSTOL

The problem Mr. Chair is that all members were allowed to become members of the four Committees, kung sabay-sabay natin, papaano yung pagboto nila? So isa-isa lang muna, mahina ang kalaban.

COMMISSIONER ESPINA

No, isa-isa pero tapusin na ngayong araw na ito. Hindi ko naman sinabing sa ibang araw yung iba. Unahin natin yung tatlo pero lahat tatapusin natin ngayon.

CHAIRMAN ABUEVA

What we are saying is that we have to adopt the order or priority of the three Committees.

COMMISSIONER ESPINA

I agree...pero ngayong araw na ito.

CHAIRMAN ABUEVA

We have assigned today the task of electing our Committee Chair and Co Chair. We will proceed with that in a moment. For other rules that we suggest, we of course have the nominations for Chair of these Committees -- if you are agreeable to the suggestion that the one who gets the highest votes becomes the Chair and the one with the second highest number of votes becomes the Co-Chair. We will do that. After the nomination, we will adopt a secret voting. We will distribute ballots for that purpose. This is how we proceed. Starting with the largest Committees, because of the physical, space constraints we have. Anyway, we will announce what Committee we are attending to and we will request only the members of the Committee to stay here; the others will kindly step out for a short while, while the nomination and election of that Committee takes place. After which, we will call you in and we will say what next Committee we are going to call for our...

COMMISSIONER ORTEGA

Mr. Chairman, may I suggest that the non-members do not have to step-out of the room, but just stand up on the side. This is only to facilitate the distribution of the ballots; only the voting members of that particular Committee who will remain on their seats.

CHAIRMAN ABUEVA

Yes, that is a good suggestion. Please feel free to step aside or go out.

COMMISSIONER ABUEG

Mr. Chairman, before we proceed with the election I would like to state that yesterday, I have opted to be included as member of Suffrage and Electoral Reforms, Amendments and Transitory Provisions, and Judicial Reforms. But in the list that has been submitted earlier which is supposed to be as of October 4, 2005, my name does not appear in the said...

CHAIRMAN ABUEVA

We will correct the name; we will add the names that are omitted.

COMMISSIONER ESPINA

I move for a 5-minute suspension because there are several others who have not been able to submit their Committee preferences, like Commissioner Magno for instance.

COMMISSIONER ADAMAT

Mr. Chairman, before a suspension, one thing maybe that we have overlooked is the issue of nomination by absentia. What will happen to that, because if you look around...

COMMISSIONER APOSTOL

No more...if you are not around, you are not interested in becoming a member.

COMMISSIONER ADAMAT.

I am raising this Mr. Chairman because one of our members called me up to support his suggestion that if we can nominate somebody who is absent.

COMMISSIONER ESPINA

I would like to support the position of the Floor Leader because it was previously announced that today would be the election of officers. And if they are not present, I agree with the observation of the Floor Leader that they might not be interested so they did not come. Personally, I am not interested, but I came.

SUSPENSION OF SESSION

[The session was suspended at 3:36 pm.]

COMMISSIONER APOSTOL.

Mr. Chair, I move for a five-minute recess.

CHAIRMAN ABUEVA

Let us use the recess to correct the list of members of the various Committees. If you have been omitted or if you want to transfer to another Committee, please do that now; please let us know.

RESUMPTION OF SESSION

[The session was resumed at 3:41 pm.]

COMMISSIONER LORENZANA

Mr. Chairman, i-definite muna natin ang members ng Committee, kung ilan bawat Committee.

CHAIRMAN ABUEVA

To ensure that our lists are updated, let's call the names listed here in the three largest Committees. Form of Government. Can you kindly call the roll?

COMMISSIONER LORENZANA.

The Form of Government. The members are:

Abarico
Abueva
Adamat
Angeles
Apostol
Azurin
Benzon
Bian
Chua
Dee

Duavit
Espina
Garcia
Gonzalez
Jimeno
Jurado
Lorenzana
Mendoza
Naval
Ortega

Ortiz-Luis
Paterno
Pedrosa
Rodriguez
Romualdo
Sarmiento

Seno
Tendero
Teves
Varela
Vilar

COMMISSIONER ESPINA
Ilan yon for the purpose of counting?

COMMISSIONER LORENZANA.
There are 31 members of the Committee of the Form of Government. So this is going to be the final one. And these are the only persons allowed to vote.

So let me read also the Committee on the Structure of the Republic. These are the people who are allowed to vote.

Abarico
Abueva
Adamat
Apostol
Azurin
Bian
Bondoc
Espina
Garcia
Gonzalez
Jimeno
Jurado

Leviste
Lorenzana
Marohombsar
Paterno
Pedrosa
Rodriguez
Sarmiento
Seno
Teves
Vilar
Yuchengco
Angeles

COMMISSIONER ESPINA.
How about Angeles?

COMMISSIONER ANGELES.
Yesterday, I requested to be deleted from the list, can I restore my name?

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER LORENZANA.
Angeles is restored. For the Structure of the Republic, there are a total of 24 members who are allowed to vote for their Chairman. The next would be the Committee on Patrimony and Economic Reforms. These are the members who have signified and these are the only ones allowed to vote their Chairman:

Abarico
Adamat
Angeles
Apostol
Azurin

Bello
Benzon
Bian
Bondoc
Chua

Dee
Duavit
Espina
Garcia
Gonzalez
Jurado
Leviste
Lorenzana
Matula
Mendoza
Marohombsar

Ortiz-Luis
Paterno
Pedrosa
Rodriguez
Romualdo
Tendero
Teves
Varela
Vilar
Yuchengco

Those whose names were not called are not allowed to vote for the Chairman.

COMMISSIONER ABUEG
Mr. Chairman.

CHAIRMAN ABUEVA
Yes Commissioner Abueg?

COMMISSIONER ABUEG
How about the officers of the Commission who are automatically members of the standing Committees?

CHAIRMAN ABUEVA
They are ex-officio members.

COMMISSIONER ABUEG
Are they still allowed to vote?

CHAIRMAN ABUEVA
Yes. They are allowed.

COMMISSIONER ESPINA
Except Mr. Chairman to run for Chairman of the Committee.

CHAIRMAN ABUEVA
That's correct.

COMMISSIONER ESPINA
And the Vice Chairman...

COMMISSIONER LORENZANA
This is now the new list as of two minutes ago. Pahabol ito ha, ang additional names are the following... in the Form of Government, si Commissioner Dee dropped out of the Form of Government. Ah bumalik? Okay. The others are James Lim, Alex Magno and Ortiz-Luis. Actually ang kuwan lang are Alex Magno and James Lim. The members are 33.

In the Structure of the Republic ang nandito are Ortiz-Luis and Angeles. So instead of 24, we have 25. And the last Committee is the National Patrimony and Economic Reforms, at doon ay si Alex Magno. Yun lang. So 32. These are the only Committees whose Chairmen will be elected today.

COMMISSIONER ESPINA

Mr. Chairman, correction as earlier agreed, we will elect the Chairmen today, uunahin lang natin yung tatlo.

CHAIRMAN ABUEVA

Yes that's true; we will elect the officers for the Committees.

COMMISSIONER APOSTOL

Mr. Chairman.

CHAIRMAN ABUEVA

Yes Mr. Floor Leader?

COMMISSIONER APOSTOL

I move that the Vice Chairman be appointed as supervisor of the election.

CHAIRMAN ABUEVA

Any objection?

[VOICE]

I second...

CHAIRMAN ABUEVA

As moved and seconded that our Vice Chairman be the overseer of the elections...he doesn't want the title of being the COMELEC Chairman.

COMMISSIONER ESPINA.

Is the table open for nomination on Form of Government?

COMMISSIONER APOSTOL

Mr. Chairman, it is already Chairman Ortega ... COMELEC...there is now a motion if your table is now open for nomination on Form of Government.

CHAIRMAN ABUEVA

The floor is now open for nomination for the Chair of the Committee on Form of Government.

COMMISSIONER ESPINA

I nominate Mr. Emmanuel Angeles.

COMMISSIONER DUAUIT

I second the motion.

COMMISSIONER ESPINA

... Because he is for the Parliamentary.

CHAIRMAN ABUEVA
Commissioner Angeles has been nominated.

[VOICES]
I second...

CHAIRMAN ABUEVA
... and seconded. Any other nomination? There being no other? We would not need a secret voting.

COMMISSIONER ESPINA.
How about for the Co-Chair?

CHAIRMAN ABUEVA
But we need nomination for the Co-Chair.

COMMISSIONER VILAR
Can the nominated Chairman and the elected Chairman to select, choose his Co-Chair...

COMMISSIONER ESPINA
Mr. Chairman, I am worried about giving authority to the Chairmen to always appoint. I suggest Mr. Chairman that all the members of the Committees except those who will announce that they are not interested be taken as automatically nominated and then the highest vote gets the Co-Chairmanship. That way it will be more democratic. Anyway, we have the listing of the members already. And I will start by saying I am not interested.

CHAIRMAN ABUEVA
Ok. We are open for the nomination of the Co-Chair.

COMMISSIONER APOSTOL
The motion is all members are nominated.

CHAIRMAN ABUEVA
And then we have a secret voting.

COMMISSIONER APOSTOL
The motion is for all members to be candidates.

CHAIRMAN ABUEVA
There's a motion that all members of these Committees are nominated for Co-Chair. If this is carried then we will have to vote.

COMMISSIONER ESPINA
Only for the members of the Committee...

CHAIRMAN ABUEVA
Any objection to the motion?

COMMISSIONER DEE

Mr. Chairman, that could be unwieldy and also if we do that process we would not even know if the person is willing to accept or not. And therefore I suggest that we do a nomination.

COMMISSIONER CHUA

Could we have a volunteer, just in case, Mr. Chairman?

CHAIRMAN ABUEVA

Okay, shall we proceed to have nomination for Co-Chair?

COMMISSIONER ORTIZ-LUIS

May I nominate Mr. Azurin for Co-Chair?

COMMISSIONER ESPINA

Except that we have earlier approved that those who are not present...

CHAIRMAN ABUEVA

That's right.

[VOICES]

He is here.

CHAIRMAN ABUEVA

Mr. Azurin is here.

COMMISSIONER ESPINA

Then I second the nomination.

CHAIRMAN ABUEVA

Mr. Azurin is nominated. Any other nomination?

COMMISSIONER DUAVIT

I move to close.

COMMISSIONER BIAN

I second.

CHAIRMAN ABUEVA

There being no other nominee, Commissioner Azurin is our Co-Chair for the Form of Government. Now we go to the Structure of the Republic Committee.

COMMISSIONER BIAN

Mr. Chairman, I would like to nominate Mr. Rey Teves.

CHAIRMAN ABUEVA

Mr. Rey Teves is nominated to the Structure of the Republic Committee. Any other nominee?

COMMISSIONER JURADO
I move to close the nomination.

CHAIRMAN ABUEVA
The nomination is closed and therefore Mr. Rey Magno Teves is the Chairman of the Committee on the Structure of the Republic. Now for the Co-Chair.

COMMISSIONER ESPINA
I nominate Prof. Magno for Co-Chair of the Committee on Structure of the Republic.

COMMISSIONER DUAVIT
I second the nomination.

COMMISSIONER 41*18
I move to close.

COMMISSIONER
Second the motion.

CHAIRMAN ABUEVA
Moved and seconded and no objection, therefore, Commissioner Alex Magno has been elected Co-Chair of the Committee on the Structure of the Republic.

We now go to the Committee on Patrimony and Economic Reforms.

COMMISSIONER PEDROSA
Mr. Chairman, I would like to nominate Mr. Paterno because he has wide experience in this.

CHAIRMAN ABUEVA
Mr. Paterno has been nominated for Chair of this Committee.

COMMISSIONER ESPINA
I nominate Donald Dee.

CHAIRMAN ABUEVA
Mr. Dee has been nominated. Any second?

COMMISSIONER ABUEG
Mr. Chairman, I nominate Commissioner Jose Leviste.

CHAIRMAN ABUEVA
Mr. Leviste has been nominated and seconded, any other nominations? We have three.

COMMISSIONER ESPINA
I move to close.

[VOICES]
I second.

CHAIRMAN ABUEVA

So we are closing the nominations, we have three. As we agreed we would have a secret voting for this and the one who gets the highest number of votes is the Chairman.

COMMISSIONER CHUA

How about the Co-Chair, do we also have to nominate at this time?

CHAIRMAN ABUEVA

No, no more.

COMMISSIONER ORTEGA

The second highest will be Co-Chairman.

COMMISSIONER CHUA.

In that case, could I nominate Mr. Sergio Ortiz-Luis?

CHAIRMAN ABUEVA

Mr. Ortiz has been nominated and seconded, we have four now? Any other nomination?

COMMISSIONER LEVISTE

Mr. Chairman, I respect the three gentlemen who have been nominated. I thank my colleagues in the 1971 Constitutional Convention, Delegate Abueg for nominating me and Delegate Espina for seconding my nomination. But I want to make life easier for the Committee; I'd like to serve as an ordinary member. I'd like to withdraw my name from the nomination.

CHAIRMAN ABUEVA

Commissioner Leviste's name has been removed. He has declined his nomination. So, we have three nominees. Mr. Donald Dee, Mr. Vicente Paterno and Mr. Sergio Ortiz. Now, may we ask the Secretariat to give pieces of paper, the ballots?

COMMISSIONER LORENZANA

I will read again those who are allowed to vote...

COMMISSIONER ESPINA

Mr. Chairman, just clarification before we vote. I suggest that only one name be written in the ballot.

CHAIRMAN ABUEVA

Only one, okay.

COMMISSIONER LORENZANA

Those who are allowed to vote are: Abarico, Adamat, Angeles, Apostol, Azurin, Bello, Bengzon, Bian, Bondoc, Chua, Dee, Duavit, Espina, Garcia, Gonzalez, Jurado, Leviste, Lorenzana, Marohombsar, Matula, Mendoza, Ortiz-Luis, Paterno, Pedrosa, Rodriguez, Romualdo, Tendero, Teves, Varela, Vilar, Yuchengco, Magno and Abueg. These are the only people who will be allowed to vote. Those names who were not called, please stand up and stay aside do our staff can give the ballots...

COMMISSIONER BENGZON

Mr. Chairman, can I have a privileged motion? Since we are actually voting for two, a Chairman and a Co-Chairman, I would like to propose that we vote two names. Otherwise, the three will be polarized. It doesn't make sense because we're really actually voting for two so if we can vote for two names in one ballot.

CHAIRMAN ABUEVA

I think that is a very wise suggestion that since that we have a chance to vote for two positions, it is suggested that we not only vote for the Chair.

COMMISSIONER BENGZON

Whoever gets the second highest will automatically become the Co-Chair without indicating...

COMMISSIONER ORTIZ-LUIS

I join the suggestion.

COMMISSIONER APOSTOL

No objection to that? You are to vote for 2 names, without indicating who is Chairman or Co-Chairman. Our election supervisor said if you vote for 3, your vote is invalid.

COMMISSIONER ADAMAT

What if there is a tie, who will break the tie? Mr. Chairman, may I just give my impression that this is a Committee level election and the Chairman, the presiding officer now, is not the Chairman of the Committee involved but the overall Chairman of the Commission. I think we have to rule on that Mr. Chairman. If there is a tie, we will allow the Chairman who is at the same time the Chairman of the Commission to break the tie.

COMMISSIONER ESPINA

I object Mr. Chairman let it be by toss coin rather than giving authority to appoint and appoint...

CHAIRMAN ABUEVA

Yes I think we let chance decide. We will toss a coin.

COMMISSIONER VARELA

Mr. Chairman clarification. We will write 2 names?

CHAIRMAN ABUEVA

Yes two names.

COMMISSIONER SENO

One or two?

CHAIRMAN ABUEVA

No, no, two names.

CHAIRMAN ABUEVA

Each member of the Committee should vote for two. You can write only one but we advise you to put two names.

COMMISSIONER BENGZON

So the motion is therefore approved Mr. Chairman?

CHAIRMAN ABUEVA

Yes, it is approved. Thank you for the suggestion.

COMMISSIONER ORTEGA

Just to clarify matters, you may vote for one and that one will be counted in the name you voted for. You can also vote for two in which case there will be a mark for the 2 candidates. You may vote for three, but you would have negated yourself.

COMMISSIONER LORENZANA

The members... this is secret ballot. We will collect...

COMMISSIONER GARCIA

Clarification, we are allowed to vote for two. Are we allowed to indicate to which, for which vote, the Chairman or Vice Chairman?

CHAIRMAN ABUEVA

Commissioner, we don't have to do that because we just count the totals.

COMMISSIONER GARCIA

What I mean is if you have a preference for Chairman and you vote for two then you cancel each other... I think each one of us here has preference for Chairman because if you vote for two, the other name will cancel your preference for Chairman because that will be also counted.

COMMISSIONER LORENZANA

After you finish voting, please fold your ballots because our Secretariat will go and pick it up, please.

CHAIRMAN ABUEVA

Just a moment, I'm consulting with the supervisor, the overseer of the election.

COMMISSIONER ORTEGA

It is very easy for you to show your preference for the Chairman by writing one name. If you can take either of two names than you write two names. If you do not like any of the three, write three names and you have negated your votes.

Excuse me please; may I have your attention for just one second? May I have the raising of hands of those members who have not yet been given the ballot? So I may know how many more. Sino po ang miyembro na hindi nabigyan ng papel?

Please give your ballots to the staff by the time you're finished.

COMMISSIONER AMIN

Mr. Chairman, clarification. What about the non-members -- they cannot vote, can they participate in the debate?

CHAIRMAN ABUEVA

Yes.

COMMISSIONER ADAMAT

Mr. Chairman, while we canvass the votes, may we suspend the session?

CHAIRMAN ABUEVA

Yes.

CHAIRMAN ABUEVA

I just have a few announcements to make before we suspend the session.

COMMISSIONER ESPINA

Pwedeng malaman kung ilan na yang balotang andiyan?

COMMISSIONER ORTEGA

I have 29 ballots with me. So 31. May isang missing.

COMMISSIONER ABUEG

Mr. Tendero is absent.

COMMISSIONER ORTEGA.

Okay. Shall we start opening the ballots now? Because the moment we start opening, we will not be interrupted until we finish the whole.

COMMISSIONER ESPINA

I move that we count the votes.

COMMISSIONER ORTEGA.

And every time I mention the name score it on the board. Everybody is a watcher.

[The result of the election for the Chairmanship of the Committee on Patrimony and Economic Reforms was: Commissioner Paterno got 21 votes; Commissioner Dee got 14 votes; Commissioner Ortiz-Luis got 15 votes.]

COMMISSIONER ORTEGA.

The Chairman elected is Commissioner Paterno; the Co-Chair elected is Commissioner Ortiz-Luis with 15 votes.

COMMISSIONER ORTIZ-LUIS

I never meant to be Chair; may we give it to Commissioner Dee?

COMMISSIONER ESPINA

He should have withdrawn before the voting

COMMISSIONER DEE

I object to that. The election has been done, Mr. Chair. I think we should respect the election.

COMMISSIONER ORTEGA

Thank you, Commissioner Dee. That is the highest form of statesmanship. If there are no more comments on the election of the Chairman and Co-Chairman of the Committee on National Patrimony and Economic Reforms, we will now destroy the evidence.

SUSPENSION OF SESSION

COMMISSIONER APOSTOL

Mr. Chair, I move for a 5-minute recess.

COMMISSIONER ORTEGA

Teka muna, destroy the evidence, tapos na ito.

[The session was suspended at 4:22 p.m.]

RESUMPTION OF SESSION

[The session was resumed at 4:34 p.m.]

CHAIRMAN ABUEVA

Let us resume our session. Before we proceed to the nomination and election of the leaders of the remaining Committees, remember that we have 15 Committees, and we have thought about this a lot, considering the logistics of having many Committees, I have a proposal for combining related Committees, which have very few members, as indicated. For example, we might combine Suffrage and Electoral Reforms and Political Party Reforms because they are so related.

COMMISSIONER ESPINA

I agree.

CHAIRMAN ABUEVA

And other Committees that are quite related are Accountability of Public Officers and Civil Service. If we could combine those, we will reduce the Committees from 15 to 13. We might consider collapsing the Committee on Preamble and National Territory, Declaration of Principles and Policies, Citizenship, Bill of Rights, Political Rights.

COMMISSIONER ESPINA

Mr. Chairman, on this Citizenship and Preamble, siguro naman, wag natin pagsamahin. Maybe we can collapse Preamble at saka...kasi kung may pagbabago roon konti lang.

CHAIRMAN ABUEVA

Pagsamahin natin with Citizenship, Bill of Rights, Political Rights ...

COMMISSIONER ESPINA

No, Bill of Rights and Citizenship should remain.

CHAIRMAN ABUEVA

As two different Committees?

COMMISSIONER BENGZON
Maybe, Preamble and General Provisions.

CHAIRMAN ABUEVA
Well, Preamble is already combined with the National Territory, Declaration of Principles and Policies.

COMMISSIONER ESPINA
Mr. Chairman, on National Territory...during the Concon I was the one who principally proposed na isama natin sa definition ng National Territory yung "and those territory over which we have historical and legal claims", the reason for that...

CHAIRMAN ABUEVA
No, but please.

COMMISSIONER ESPINA
..inalis na sa '87 yun and that is why from the beginning I was in favor of amending the Constitution because I want to put that back. I have in mind the Sabah claim.

CHAIRMAN ABUEVA
We have a Committee that will address the issues of National Territory. What I am proposing is to reduce the 15 Committees to a fewer number, to combine 2 separate Committees as of now which are Preamble, National Territory, Declaration of Principles and Policies on one hand, and Citizenship, Bill of Rights and Political Rights on the other.

COMMISSIONER ESPINA
So minus one Committee?

CHAIRMAN ABUEVA
Minus one Committee if we combine the 2. To repeat, what we are proposing is the combining of the Committee on Suffrage and Electoral Reforms and Political Party Reforms, that is one; then General Provisions, Amendments and Transitory Provisions; and Accountability of Public Officers and Civil Service; and Preamble. So we are reducing the number of Committees by 4. We will have 11 instead of 15.

COMMISSIONER ESPINA
For the record among Committee yung na-collapse?

CHAIRMAN ABUEVA
Again, Suffrage, Electoral Reforms and Political Party Reforms. Somebody maybe if we could project that on the board. Kindly, who is in charge of the board there? These 2 are very related, as you know. The others are Civil Service and Accountability of Public Officers; third, General Provisions and Amendments and Transitory Provisions; then Preamble, National Territory, Declaration of Principles and National Policies, Citizenship, Bill Of Rights and Political Rights.

COMMISSIONER APOSTOL
I now move that we combine Preamble, National Territory, Declaration of Principles and National Policies with Citizenship, Bill Of Rights and Political Rights, second is ...

CHAIRMAN ABUEVA

One at a time. So let's vote on that. No objections? So we have combined those 2 Committees.

COMMISSIONER APOSTOL

Second is combine Accountability of Public Officers and Civil Service.

CHAIRMAN ABUEVA

No objection? Approved.

COMMISSIONER APOSTOL

The third is General Provisions, Amendments and Transitory Provisions.

CHAIRMAN ABUEVA

No objection? Approved.

COMMISSIONER APOSTOL

The fourth one is to combine Suffrage and Electoral Reforms with Political Party Reforms.

CHAIRMAN ABUEVA

No objections? Approved. We will now proceed to the nomination and election of the Chairmen of these respective Committees. Let us start with the combined Committees that are now one Committee.

Preamble, we look for a shorter title, Preamble, National Territory, Declaration of Principles and National Policies, Citizenship, Bill of Rights and Political Rights. On your list, the first two columns being combined. Nominations for these combined areas?

COMMISSIONER PEDROSA

I nominate Francis Chua.

CHAIRMAN ABUEVA

Commissioner Francis Chua is nominated.

[VOICE]

Second...

CHAIRMAN ABUEVA

...and seconded

COMMISSIONER APOSTOL

I move to close the nomination.

CHAIRMAN ABUEVA

Any objection? There being none, Commissioner Francis Chua is elected Chair of these combined Committees.

COMMISSIONER CHUA
Thank you.

COMMISSIONER ESPINA
How about the Co-Chair?

CHAIRMAN ABUEVA
The Co-Chair is now open for nomination.

COMMISSIONER ESPINA
I nominate Miguel Varela

[VOICE]
I move to close the nomination

CHAIRMAN ABUEVA
So we have the Chair - Commissioner Chua, and Co-Chair - Commissioner Varela. Mr. Floor Leader...

COMMISSIONER APOSTOL
I move that we combine Accountability of Public Officers and Civil Service.

CHAIRMAN ABUEVA
We have already approved all of the... Now we proceed with the nomination and election.

COMMISSIONER APOSTOL
The table is open.

CHAIRMAN ABUEVA
For Civil Service and Accountability of Public Officers, nominations for Chair?

COMMISSIONER CHUA
May I nominate Commissioner Donald Dee?

CHAIRMAN ABUEVA
Commissioner Dee is nominated.

[VOICE]
Second.

COMMISSIONER APOSTOL
Just a minute Mr. Chairman, Donald Dee is not a member unless he would like to become a member.

CHAIRMAN ABUEVA
Thank you for that quick ah...let's remind ourselves that only members of this Committee can vote. Again nominations for Chair?

COMMISSIONER BIAN

Mr. Chair, I would like to nominate Commissioner Jurado as Committee Chair.

CHAIRMAN ABUEVA

Commissioner Jurado is nominated. Commissioner Jurado?

COMMISSIONER JURADO

May I decline the nomination and at the same time thank our colleague who nominated me.

CHAIRMAN ABUEVA

Commissioner Jurado has declined the nomination. Any other nomination?

COMMISSIONER APOSTOL

I nominate Mr. Tony Vilar.

CHAIRMAN ABUEVA

Commissioner Vilar is nominated. Anybody seconding the nomination?

COMMISSIONER ORTEGA

I second the nomination.

CHAIRMAN ABUEVA

Any other nomination?

COMMISSIONER ANGELES

I move to close the nomination.

COMMISSIONER ESPINA

Second...

CHAIRMAN ABUEVA

No objection? Well Commissioner Vilar is elected as Chair of these combined Committees. *[Committee on Civil Service and Accountability of Public Officers.]* Nominations for Co-Chair?

COMMISSIONER APOSTOL

I nominate Commissioner Bian. Para naman may kasamang babae si Tony Vilar.

CHAIRMAN ABUEVA

Commissioner Bian is nominated.

COMMISSIONER BENGZON

I second.

COMMISSIONER ANGELES

I move to close the nomination.

CHAIRMAN ABUEVA

Commissioner Bian is elected Co-Chair of this Committee on Civil Service and Accountability of Public Officers. Let's proceed to the next Committee, please.

COMMISSIONER APOSTOL

Mr. Chairman, Suffrage and Electoral Reforms and Political Party Reforms.

COMMISSIONER ORTEGA

Mr. Chairman, I nominate Commissioner Alfredo Abueg, ah officer na siya. I withdraw that nomination.

CHAIRMAN ABUEVA

Professor Marohombsar, yes?

COMMISSIONER MAROHOMBSAR

I nominate Commissioner...

COMMISSIONER APOSTOL

Disqualified. He is also an officer.

COMMISSIONER AZURIN.

I nominate Commissioner Nelia Gonzalez.

CHAIRMAN ABUEVA

Commissioner Nelia Gonzalez is nominated. This is for Suffrage and Electoral Reforms and Political Party Reforms. Nominations? Nelia Gonzalez has been nominated. Any other nomination?

COMMISSIONER MATULA

Mr. Chairman, I respectfully nominate Commissioner Cecilio Seno.

CHAIRMAN ABUEVA

Commissioner Seno. Any other nomination. Yes, Madam Marohombsar.

COMMISSIONER MAROHOMBSAR

I nominate Commissioner Matula.

COMMISSIONER MATULA

I decline my nomination in favor of Commissioner Seno.

CHAIRMAN ABUEVA

Commissioner Matula has declined his nomination. So we have 2. Commissioner Gonzalez?

COMMISSIONER GONZALEZ

May I also decline in favor of Commissioner Seno?

CHAIRMAN ABUEVA

Commissioner Gonzalez has declined in favor of Commissioner Seno. Any other nominee? No other? I consider Commissioner Seno elected as Chairman of this combined Committee. Mr. Floor Leader, any more?

COMMISSIONER APOSTOL
I nominate Commissioner Bello as Co-Chair.

[VOICE]
I move to close the nomination.

CHAIRMAN ABUEVA
Wala pang nomination for Co-Chair.

COMMISSIONER APOSTOL
Bello is Co-Chair, Seno is Chair.

CHAIRMAN ABUEVA
Commissioner Bello is nominated for Co-Chair.

COMMISSIONER BELLO
Decline. May I decline the nomination?

CHAIRMAN ABUEVA
Oh, we still need a Co-Chair. Any other nomination? Co-Chair is a very interesting, important Committee.

COMMISSIONER MATULA
I respectfully nominate Commissioner Marohombsar

CHAIRMAN ABUEVA
Commissioner has waived her hand to decline. For Co-Chair Commissioner Gonzalez, would you consider?

COMMISSIONER ESPINA
May I nominate Commissioner Bondoc?

COMMISSIONER BONDOC
Decline.

CHAIRMAN ABUEVA
Commissioner Bondoc has declined. Let us finish the election of the Co-Chair for these combined Committees.

COMMISSIONER ADAMAT
I highly nominate Commissioner Naval.

CHAIRMAN ABUEVA
Commissioner Naval has been nominated. Any other nomination for Co-Chair?

Moved and seconded the nomination. So we have Commissioner Naval as Co-Chair of this combined Committee on Suffrage and Electoral Reforms and Political Party Reforms. Is there one more?

COMMISSIONER APOSTOL

Next is General Provisions combined with Amendments and Transitory Provisions.

COMMISSIONER ESPINA

I nominate Mr. Chairman, Commissioner Joey Leviste.

COMMISSIONER BENGZON

Second...

CHAIRMAN ABUEVA

Commissioner Leviste is nominated.

COMMISSIONER PEDROSA

I nominate Mr. Jarius Bondoc for Chairman.

CHAIRMAN ABUEVA

For Chairman? Jarius Bondoc is nominated for Chairman.

COMMISSIONER BONDOC

Mr. Chairman, may I decline in favor of anybody else?

CHAIRMAN ABUEVA

Commissioner Bondoc has declined.

COMMISSIONER ANGELES

I would like to move for the closing of the nomination.

CHAIRMAN ABUEVA

So we have Commissioner Leviste as Chairman of these combined Committees [*General Provisions, Amendments and Transitory Provisions*]

COMMISSIONER LEVISTE

Thank you Mr. Chairman, thank you members of the Commission. I guess this time I cannot withdraw.

CHAIRMAN ABUEVA

Are there any more combined Committees? Civil Service tapos na ba yun?

COMMISSIONER APOSTOL

For Co-Chair.

CHAIRMAN ABUEVA

Oh, Co-Chair.

COMMISSIONER CHUA

I would like nominate Commissioner Donald Dee.

COMMISSIONER ANGELES

I would like to nominate Commissioner Bello as Co-Chair.

[VOICES]
Second...

CHAIRMAN ABUEVA
Seconded.

[VOICE]
Commissioner Dee has withdrawn.

COMMISSIONER APOSTOL
I move for the closing of the nomination.

CHAIRMAN ABUEVA
Nomination has been closed. So, we have Commissioner Leviste as Chairman and Commissioner Bello as Co-Chair.

COMMISSIONER APOSTOL
Next Committee, Mr. Chair, is Judiciary.

CHAIRMAN ABUEVA
No, no, no Civil Service and Accountability, have we done that? Okay, Judiciary.

COMMISSIONER ANGELES
I nominate Commissioner Omar Amin as Chair.

COMMISSIONER ADAMAT
I move to close the nomination Mr. Chairman.

CHAIRMAN ABUEVA
Any objection? Any other nominee?

COMMISSIONER APOSTOL
For Co-Chair I move to nominate Commissioner Jimeno.

CHAIRMAN ABUEVA
Commissioner Jimeno is Co-Chair of the Committee on Judiciary. Committee on Style?

COMMISSIONER ESPINA
I nominate Commissioner Duavit.

[VOICES]
I second the motion.

CHAIRMAN ABUEVA
No objections? Commissioner Duavit is the Chairman of the Committee on Style.

COMMISSIONER APOSTOL
Mr. Chair, last time I moved for the inclusion of our 3 columnists in this Committee and they agreed except Commissioner Magno who was absent. But this time, he is also

agreeing... We need them badly because the present Constitution is flawed because it was not reviewed by columnists and writers.

COMMISSIONER ESPINA

Then I move Mr. Chairman that they be exempted from the earlier approved rule that Chair or Co-Chairman cannot be elected...

CHAIRMAN ABUEVA

No, no, no, they can be...

COMMISSIONER APOSTOL

So the three (3) should become members on the Committee on Style.

CHAIRMAN ABUEVA

I think this is a general wish and I wish they would accept.

COMMISSIONER APOSTOL

They accepted already yesterday.

CHAIRMAN ABUEVA

Commissioner Duavit has been elected, and we have three additional members as mentioned, and now we open the nomination for Co-Chair.

[VOICE]

May I nominate Mr. Alex Magno as Co-Chair?

COMMISSIONER ADAMAT

No, no. Co-Chair na yan. Si Jarius Bondoc na lang.

CHAIRMAN ABUEVA

Commissioner Jarius Bondoc has been nominated as Co-Chair of the Committee of Style.

COMMISSIONER ORTEGA

And this time he will not be allowed to decline.

COMMISSIONER ANGELES

I move for the closing of the nomination.

CHAIRMAN ABUEVA

No objection? Commissioner Bondoc is elected as Co-Chair of the Committee on Style.

COMMISSIONER APOSTOL

Mr. Chair, I move that we combine Constitutional Commissions and Accounts.

CHAIRMAN ABUEVA

We have already elected by the way the Chair and the Co-Chair of our Constitutional Commissions.

[VOICE]

Delete na lang yang accounts.

CHAIRMAN ABUEVA

It has been suggested that since the finances of our Body are being attended to by the PMS, let them account for their funds. We don't have to account for these funds. We're just using their funds.

COMMISSIONER APOSTOL

Mr. Chair, we have not acted on this Constitutional Commissions. My suggestions is..

CHAIRMAN ABUEVA

No, we have already. We have Commissioner Vilar and Commissioner Bian for the Constitutional Commissions.

COMMISSIONER APOSTOL

No, they are the Accountability of Public Officers combined with Civil Service.

CHAIRMAN ABUEVA

I'm sorry, I'm sorry. They are the Chair and Co-Chair of Civil Service and Accountability of Public Officers. Correction.

COMMISSIONER APOSTOL

So, Mr. Chair, the Constitutional Commissions, I move that this be combined with the General Provisions, Amendments and Transitory Provisions.

[VOICE]

I second the motion.

CHAIRMAN ABUEVA

Excuse me. I want to explain -- we have already combined General Provisions and Amendments and Transitory Provisions. Are you saying that you will add Constitutional Commissions to the two as well? Three. All three of them. No objection? So we have merged...

COMMISSIONER AMIN

Objection, Mr. Chairman, because the Constitutional Commissions... are very important. They are also independent Constitutional bodies. Like for instance the Commission on Audit. Like for instance the COMELEC. Like for instance the Commission on Human Rights. They are Constitutional Commissions.

CHAIRMAN ABUEVA

Yes, but the fact that we are merging this with the two others does not diminish the importance of this. For example, the matter of the Commission on Elections will also be dealt with by the Committee of Suffrage and Electoral Reforms. And the Committee on Civil Service has already been merged with Accountability of Public Officers that will also deal with the Commission of Civil Service. So, we have reduced our 15 Committees to 10.

Because when we say Constitutional Commissions we include COA.

COMMISSIONER APOSTOL

If there is really a need for revival of this collapsed Constitutional Commissions, then the Body can revive.

COMMISSIONER ORTEGA

It does not preclude us from merging the other Committees as we go along.

CHAIRMAN ABUEVA

So we have concluded the elections.

SUSPENSION OF SESSION

COMMISSIONER APOSTOL

Mr. Chairman I move for a 5-minute recess.

CHAIRMAN ABUEVA

We'll be producing the list of our elected officers.

[The session was suspended at 5:00 p.m. and resumed at 5:19 p.m.]

RESUMPTION OF SESSION

CHAIRMAN ABUEVA

I'll start with a couple of announcements.

COMMISSIONER APOSTOL

I understand that the Chair has certain announcements.

CHAIRMAN ABUEVA

The first report I'd like to make is that after yesterday you gave me the opportunity to present the overall plan of the Citizens' Movement for a Federal Philippines. You suggested that we invite also Congressman Nachura to present the document he has, amending the Form of Government and also Structure of the Republic. I invited him and he very graciously agreed to come here at 6:30. So we will give him an opportunity.

Now the other point I'd like to report is that I have received an e-mail from Canada, from Atty. Bayani Abesamis. He is the President of the Philippine Canadian Center. I met him when the Canadian Embassy sponsored an International Conference on Parliamentary Government and Federal Systems just a month ago. He e-mailed me to say that the World Forum of Federations is proposing to assist us, if we wish, by inviting speakers from Canada and one of the other members of the Forum of Federations, to lead a workshop for us on Comparative Parliamentary and Federal Systems. He said we would like to know if there is another topic you'd like the workshop to address. But they said that they are aiming for a November date, knowing our deadlines. Now, the forum will defray all the expenses of the resource persons to be invited here in the country. But they suggested that the Commission provide the venue and the meals for the workshop. The venue is not too difficult. The Philippine-Canadian Center will be helping us in organizing this. So I will give this to our Officers to mull over, and come out with a recommendation to all of us.

COMMISSIONER ESPINA
Mr. Chairman

CHAIRMAN ABUEVA
Yes, Commissioner Espina?

COMMISSIONER ESPINA
As it is I am the only one listed in favor of the Presidential system, I am already overwhelmed. Tapos mag-iimbata pa tayo ng ibang tao para sa Parliamentary. Alisin nyo na lang ang pangalan ko diyan. Overkill na masyado. And we have a limited time. December lang tayo.

CHAIRMAN ABUEVA
Well, if you wish, we could suggest that they invite Presidentialists to this meeting so that there can be a debate. We know how pressed we are with time, but if our Officers can come up with advice...

COMMISSIONER ESPINA
Baka dito lang makumbinsi na ako.

CHAIRMAN ABUEVA
... what we can do whether we agree or not. But I must say that today and yesterday, the Embassy of Switzerland sponsored that conference in Manila Peninsula, and I attended the sessions yesterday morning and this morning, and there were really very, very relevant, very, very suggestive of... for example this morning I attended the session on the transition from a Unitary system to a Federal system. And we have a presentation of the former President of the Federal Republic of Micronesia, how they moved from Unitary to a Federal form.

COMMISSIONER ESPINA
Finally, Mr. Chairman, as a member of Congress for 3 terms, I have gone all over the country as a member of the Committee of Constitutional Amendments -- Cebu, Davao, in the North, and several other provinces -- mas importante sa akin yung thinking ng Filipino e. Yung Filipino, yun ang...

CHAIRMAN ABUEVA
Well, we provide that. And if there is a consensus on having this opportunity, then we'll accept that invitation. But I am seeking the advice of our fellow officers.

COMMISSIONER PEDROSA
Mr. Chairman.

CHAIRMAN ABUEVA
Yes, Madam.

COMMISSIONER PEDROSA
I've been invited also by the group to Brussels, and I've met most of them. And it's not really that they're forcing their system of federation to people. They are just telling you why they studied that, because now, that's the newest idea in terms of how to govern people of diverse religions, diverse ethnic origins. The idea is really how to consolidate a

country with all these differences. They always say unity in diversity. And that's happening all over the world. We've seen it in so many countries, including ourselves, of course, it's so important to us to understand how these other countries did it. They all started with resistance to it because it's something new, but it doesn't mean that you cannot listen to other people just because some of our people do not understand it yet.

COMMISSIONER ESPINA

Mr. Chairman, the Federal system and the Parliamentary have been invoked for centuries. It's not new.

COMMISSIONER PEDROSA

Well, Federalism is now the concern..

CHAIRMAN ABUEVA

Well, I was just reporting to you this invitation, and by tomorrow I think we will have a report to you on the advice of our officers.

COMMISSIONER ESPINA

It is important to me, Mr. Chairman, because I seem to be in the minority on the Form of Government. *[Laughter]* At least, well, tatal matatalo naman ako sa botohan *[Laughter]* pero pakinggan natin yung pag-iisip ng iba.

CHAIRMAN ABUEVA

Wala pa, malayo pa tayong sa botohan. Mr. Floor Leader, can we proceed?

PRESENTATIONS ON THE FORM OF GOVERNMENT

COMMISSIONER APOSTOL

We are now on Item No. 5 – Unfinished Business. I move that we convert the body into a Committee as a Whole.

COMMISSIONER ANGELES

I second the motion.

CHAIRMAN ABUEVA

There is a motion to have the whole body as the Committee of the Whole to proceed with the presentations on the form of government...

COMMISSIONER APOSTOL

We have the following, Mr. Chairman, as speakers, Commissioner Angeles, Commissioner Pedrosa, and Commissioner Garcia. And later on, if Commissioner Espina will change his mind, he will speak later.

COMMISSIONER ESPINA

I will not change my mind. Because if I change my mind, I will not speak anymore.

[Laughter]

COMMISSIONER APOSTOL

But if Congressman Nachura will arrive, he's supposed to arrive at 6:30, we suspend to hear his presentation. This will be about only one hour, less than one hour.

So Mr. Chairman, may we recognize now, Commissioner Angeles.

CHAIRMAN ABUEVA

Commissioner Angeles is recognized to make a presentation.

COMMISSIONER APOSTOL

Oh, by the way, we should include Commissioner Azurin. He has no position whether Parliamentary or Presidential.

CHAIRMAN ABUEVA

Well, he has a position.

COMMISSIONER ESPINA

Will there be a period for interpellations or clarification after each presentation?

CHAIRMAN APOSTOL

Yes, there can be interpellations.

COMMISSIONER ANGELES

Distinguished members of this Commission, I would like to briefly present a study that was made way back in 1971, which was presented to the distinguished delegates to the 1971 Constitutional Convention. This study refers to the comparison & contrast of the Presidential and the Parliamentary systems of government. The intention is to convince Commissioner Espina. Then once I've convinced him, we will be unanimous, perhaps adopting a change or a shift of our system of government. The next slide please.

I will start with the Presidential system.

The Presidential system polarizes the political powers in the President and makes him supreme in the governmental scheme. All departments of government become subordinate to the President.

Therefore the separation of powers becomes a myth and the alleged system of check and balance creates a deadlock whenever a government program does not mutually serve the self-interest of the people in the government, even if such program is for the benefit of the people.

Because of this deadlock inherent in the Presidential system, we suffer tremendous waste, inefficiency, and corruption.

Now, that figure shows the structure of the Presidential system, wherein we have the Legislative, Executive, Judicial, which are supposed to be co-equal, independent and coordinated.

The people participate in the election of public officials. But after the election, they are left out.

Government functions on the theory of check and balance.

That is the structure of the Presidential system. But the actual dynamics of the Presidential system indicates that:

The President lords it over all branches of the government, as we have experienced during the last 60 years.

People lose participation in the government after elections.

Imbalance in the exercise of governmental powers among the three branches of government.

As you will see, the President is on top and the rest are co-equal departments of government. They subordinate themselves to the powers of the President. Whatever the President says goes. So it becomes a dictatorship.

Next [slide].

Here we see a modified Presidential system, wherein there are proposed remedies.

The schematic diagram describes the absurdity of the proposals.

1. What is the purpose of all these "independent constitutional bodies?"
2. Will it make the government more efficient? I believe not.

Next slide please.

Proximate negative results of the Presidential system:

1. After the elections, politicians become immune from accountability because of their fixed term of office.
2. The powerful Office of the President cannot be questioned or brought to account by virtue of its independence and supremacy.
3. Because of such non-accountable power, the legislative and the judicial departments, de facto, become subordinate to the Chief Executive.
4. The whole machinery of the government thereby becomes the instrument of existing oligarchy, rather than the political agency to serve the people's interest.

Next [slide].

In contrast with the Parliamentary System:

The concentration of powers in this system lies in the Parliament, with all the other departments, except the Judicial, subordinate to it. It brings the electorate into political power interaction with the government.

The electorate, by a compelling dependence of both the Parliament and the Chief Executive directly upon the support of the people, becomes the immediate base and fulcrum of political power.

Now as you see in this structure, the Prime Minister, Cabinet, and Parliament are working together, and they separate the Judiciary, as well as the Executive Department, and then as you will see in the diagram, the electorate is always involved in this process.

Collective leadership in government functions.

People elect members of the Parliament as their direct representatives.

And then Parliament is responsible to the people.

Now, the dynamics of the Parliamentary System in the case that the President, Prime Minister, the Cabinet, and the members of the Parliament as well as the Electorate; it provides more efficient, responsive and effective governmental system. People through their Parliament participate actively. Prime Minister, Cabinet, and other members of the Parliament are accountable to the people.

Now, I would like to show some statistics here on government stability. [*Comparative Statistical Summary on Government Stability.*] The types of government of 133 states of the world, we have:

18 Absolute Monarchies
56 Presidential Systems
44 Parliamentary Systems, and we have
15 Communist Governments

So, a total of 133 states.

Now, the Comparative Data on the Parliamentary and the Presidential:

We have 44 Parliamentary so far on record; there are only 5 who were overthrown. While the Presidential, there are 56, and of this, 36 governments have been overthrown, representing 64.28%.

Now this is an analysis since World War II: Out of every 9 Parliamentary governments, 1 is overthrown; while out of 3 Presidential governments, 2 are overthrown.

The ratio represents that the Parliamentary System is 80% less susceptible to violent change than the Presidential System.

Now, more details of the comparative data indicate that:

In Asia, 6 Presidential System, 1 Parliamentary (Overthrown) ... there is only 1 stable Presidential system, and the 4 are Parliamentary Systems.

While in the Western Hemisphere, 13 Presidential, there are no Parliamentary (Overthrown), so the more stable governments in the Western Hemisphere -- there are only 2 remaining Presidential, while the Parliamentary there are 6.

Now in Africa, there are 11 Presidential and 3 are Parliamentary. Stable Presidential, 11, and Parliamentary, 6.

Europe, 0 – Presidential, Parliamentary – 2, and stable governments – 18.

While in the Middle East, the most stable [Parliamentary] governments are 2.

While in Oceania, there are 3 Parliamentary that are very stable.

So, I am presenting this study not to really convince Commissioner Espina. *[Laughter]* I'm presenting this study for whatever it is worth. I believe it's about time that perhaps we should give our country a chance for a change. Because I think our people are clamoring for a change -- a government with leaders that will be responsive to the needs of our people. Not only responsive but also responsible and be accountable. The current system of government, as I have mentioned earlier, does not respond to the needs of our people, considering that the Presidency is elected and cannot be removed. There have been attempts to impeach the President but because of the tremendous or the vast power of the Presidency, even the members of Congress cannot accumulate enough majority to unseat the Presidency.

So we have tried this Presidential form of government, which we've copied from the United States. And the experience shows that even in the United States, there has been a problem in their system of government. They cannot remove President Bush because of the vast power of the Presidency even if he commits a lot of blunders and boo-boo he is still there. He continues managing the government of the United States. And I have heard a lot of comments about the way the government of the United States is being managed by the current President. But what choice do they have? He is elected with a fixed term. And he's supported by a majority of the Republicans in Congress, and he cannot be impeached. He has a very vast power. Just like our system, we copied this from the United States, this form of government that currently we have in the Philippines.

So I submit this for whatever it is worth. I am also submitting additional materials, which I shared with the 1971 Constitutional Convention. I am privileged to be a member of this Commission, and I would like to take this opportunity to thank you for your trust to be your Chair of the Committee on the Form of Government. Maraming salamat po.

COMMISSIONER APOSTOL

The table is open for interpellations.

COMMISSIONER AMIN

Mr. Chairman.

CHAIRMAN ABUEVA

Mr. Amin.

COMMISSIONER AMIN

I would like to know from the proponent, what does he mean by that part that the separation of powers has become a myth? What does he mean by that?

COMMISSIONER ANGELES

Mr. Commissioner, the Presidential system as I mentioned, it is only good in theory that we have such a Presidential system, but in actual experience, the one that dominates the whole government system is the Presidency, and the rest of the co-equal departments, they are subordinate to the Presidency. In actual practice, because, for example, in the Judiciary, who appoints the members of the Judiciary? The President. So experience will show that the current membership of the Supreme Court, majority of them now, have been appointed by the current President of the Republic.

Secondly, the members of Congress -- they also subordinate themselves to the Presidency because they ask a lot of favors from the President, like appointment of judges, their recommendations for appointments for various departments and Constitutional bodies.

COMMISSIONER AMIN

Now what about in the Parliamentary form of government?

COMMISSIONER ANGELES

Well, in the Parliamentary form of government, the Prime Minister must have the support of the whole Parliament before they are given appointments. And after they are appointed they are not anymore beholden to the appointing power.

COMMISSIONER LIM

Is it not the same, Mr. Chairman? I think it is the same.

COMMISSIONER ANGELES

Well, after an appointment is made, then the appointee owes it to the people. The responsibility -- what I mean is the appointee does not owe anyone after they are appointed, because it is a collective decision of the Parliament. It becomes a collective decision because the Prime Minister represents the whole Parliament. It is not just a single person appointing a certain official now.

COMMISSIONER LIM

Is it not an issue of patronage, Mr. Chairman?

COMMISSIONER ANGELES

Well, in governmental system even in a Parliament, you cannot avoid the practice of patronage. It's part of the government practices and systems. Even in the most successful Parliamentary governments, that's practiced. But it's minimized; it is not like what we have now. It's like practically, in a Presidential System, it's a one-man rule or one-woman rule. While in a Parliamentary, it is a collective decision representing the whole Parliament whose members are the direct representatives of the people.

COMMISSIONER ESPINA

Mr. Chairman, question.

CHAIRMAN ABUEVA

Commissioner Espina.

COMMISSIONER ESPINA

I remember that the same presentation was made during the '72 Constitutional Convention, especially on the Committee on the Form of Government?

COMMISSIONER ANGELES

I was not a member of the Constitutional Convention, but what I did was I distributed my studies about the forms of government in 1972.

COMMISSIONER ESPINA

Yeah, we took cognizance of that. As a matter of fact, this was supported by then President Singco of UP and Felixberto Serrano and two senators, three justices who were members of the Committee. But the Committee decided to retain the Presidential system with modifications. Then the Concon had a recess because of the local election. But the Committee already decided to retain the Presidential System. After the recess and after the local election, President Marcos invited some members to a breakfast in Malacañang, and in the next session day, I was faced by the motion to reconsider the previous decision of the Committee to adopt the Presidential system and instead to adopt the Parliamentary system. And I stood on the floor, and lambasted the fact that the President tried to influence a Committee that has already decided. Anyway, that is just a bit of history.

Mabini said, and I'm sure you must be aware of this, that in a democracy, government must have an intellect – the Legislature; it must have the will – the Executive; and a conscience – the Judiciary. You don't agree with this obviously.

[Laughter]

COMMISSIONER ANGELES

I cannot disagree with those, with Mabini. In fact, it is not in conflict with the change of the form of government. The fact that we respect the independence of the Judiciary. What we would like to propose is or what we would like to see...

COMMISSIONER ESPINA

Is the proponent conscious of the fact that the ideal Parliamentary system is England, the Mother of Parliaments, as a matter of fact. And in England, is the Judiciary equal with Parliament?

COMMISSIONER ANGELES

I think, as far as I know it is independent from Parliament.

COMMISSIONER ESPINA

Let's refer to the statement of Chairman Abueva, on the first day or second day, on this, the relationship between the Judiciary and Parliament. Anyway, let's pass over that. Let me ask: In Japan, how long did one political party govern or control Japan?

COMMISSIONER ANGELES

I have no record at the moment.

COMMISSIONER ESPINA

The LDP – more than 45 years; one party practically dictating the economic and government policies of Japan, from the end of the Second World War up to just a few years ago.

In India, what party controlled the politics for years? Just one party -- the Congress Party of the Gandhi's, from one Gandhi to another. The point is, we are scared of the Presidential system, I understand, and we are told, because the Presidential system is prone to dictatorship. Are we agreed on this?

COMMISSIONER ANGELES

Well, we've experienced a dictatorship for more than 20 years during the past 60 years, almost 60 years...

COMMISSIONER ESPINA

How many countries in fact have been ruled by just one party under the Parliamentary system? And the party simply chooses, sino leader ng partido, siya na rin ang Prime Minister.

COMMISSIONER ANGELES

As I mentioned in my presentation here...

COMMISSIONER ESPINA

No, but you presented some data on how many are Presidential, how many are Parliamentary, but I want to know a comparative study also of the longevity of control over a country and under what system, Presidential or Parliamentary?

COMMISSIONER ANGELES

Maybe that will require another time to be presented here.

COMMISSIONER BONDOC

Mr. Chairman.

CHAIRMAN ABUEVA

Yes...

COMMISSIONER BONDOC

Corollary to the questions of Commissioner Espina, I would like to ask Commissioner Angeles, is not Mexico a Presidential system and has not one party ruled Mexico for more than 50 years - the Partido Revolucionario Institucional? In much the same way that one party also has ruled Japan with the Parliamentary form of government for 45 years. My point is, is it because this long tenures of single party in Mexico under the Presidential system and Japan under the Parliamentary form – is it not more a problem of, or an issue of political parties and political reforms than the form of government?

COMMISSIONER ANGELES

I believe so.

COMMISSIONER ESPINA

Mr. Chairman, I still have the floor. And Commissioner Bondoc in fact said, corollary to my questions...

COMMISSIONER APOSTOL

May we just announce the interpellators, after Commissioner Espina, then Commissioner Pedrosa, then Commissioner Azurin, then Commissioner Magno, then Commissioner Lim.

Please limit the interpellations to 5 minutes.

COMMISSIONER ESPINA

Then I will stop asking questions on this very important issue and we are gagged, and then as I said in the first day, let's get out or...

COMMISSIONER ANGELES

No, excuse me...

COMMISSIONER ESPINA

This is a very fundamental issue that touches on the lives of millions of Filipinos. At least let them...

COMMISSIONER ANGELES

Mr. Chairman, this presentation is just to show added information about these two systems of government. I think the debate...

COMMISSIONER ESPINA

This is not a debate. I am only asking questions.

COMMISSIONER ANGELES

I think the discussion on the pros and cons of the form of government that may be adopted by this Commission maybe can be discussed at an appropriate time when this Committee which you humbly entrusted to me as your Chair, maybe at that time, we'll be having very lively debate and discussion about the form of government. And then at that point after we have exhausted all these discussions, perhaps the Committee will decide which form of government we are going to adopt. So every member of the Committee will be given the chance to say his own piece.

COMMISSIONER APOSTOL

They are just clarifying. But we are now acting as a Committee of the Whole. So after this debate it is your job to make the draft of the articles.

COMMISSIONER ANGELES

No, sir, this is not yet a Committee...

COMMISSIONER APOSTOL

No, no, no, this is a Committee of the Whole. This is not a Plenary; this is a Committee of the Whole on the Form of Government. I think I made it very clear to everybody and including you.

COMMISSIONER ANGELES

Ah, ok, sir. If we have time to discuss these concerns and issues now...

COMMISSIONER APOSTOL

Yes, we have all the time.

COMMISSIONER ESPINA

The point raised, Mr. Chairman, by Commissioner Bondoc is very important. He brought about the possibility that the instability, poverty, may in fact be a product not necessarily

of the form of government. And that to me is a fertile area for discussion. You know, a fundamental... May I ask the proponent: is not public opinion a fundamental element of a successful Parliamentary system?

COMMISSIONER ANGELES

Commissioner Espina, let me correct you -- I am not proposing this. I merely made this presentation to perhaps add additional information to whatever knowledge our colleagues have already about these systems of government.

COMMISSIONER ESPINA

So we're not proposing Parliamentary system?

COMMISSIONER ANGELES

I am not here to propose a Parliamentary system of government. That is not my objective here. I just presented, in fact, presented two systems of government for information of our colleagues here. And we can maybe decide later, after we have thoroughly discussed the matter in the Committee meeting of the Committee of the Form of Government, then we can decide and take a vote, whether to retain the Presidential or shift to a change of form of government...

COMMISSIONER ESPINA

Let me then ask you...

CHAIRMAN ABUEVA

May we allow... We only have 30 minutes because Congressman Nachura will arrive in 30 minutes. We'd like to give other Commissioners a chance to react or to interpellate.

COMMISSIONER ESPINA

Maybe a few more minutes, Mr. Chairman. Let me then ask the Commissioner, are you proposing any form of government?

COMMISSIONER ANGELES

No, I am not proposing any form of government.

COMMISSIONER ESPINA

But earlier, when we had coffee, you were telling me that perhaps I could be convinced.

COMMISSIONER ANGELES

That is a different conversation.

COMMISSIONER ESPINA

So we have different conversations in this Commission? Official and unofficial.

CHAIRMAN ABUEVA

I am recognizing Commissioner Vilar.

COMMISSIONER VILAR

I believe that the Gentleman from Leyte.. from Biliran is asking the presenter to decide on what form of government he is presenting. This is just a presentation. Can we defer the discussion later on?

COMMISSIONER ESPINA
Defer I can accept, meaning, I can ask later?

COMMISSIONER VILAR
Yes.

COMMISSIONER ESPINA
So, you are not proposing the Parliamentary system?

COMMISSIONER ANGELES
No because as the Chair of the Committee on the Form of Government I cannot now take sides. I have to stay neutral.

COMMISSIONER APOSTOL
So may we recognize now Commissioner Pedrosa?

COMMISSIONER PEDROSA
I would like first to take issue with Mr. Espina.

COMMISSIONER ESPINA
I thought we are not yet on debate...

COMMISSIONER PEDROSA
He goes around saying to people, don't talk about other countries; we're here to find out what's good for the Filipinos. And then he starts by citing other countries that are...

COMMISSIONER ESPINA
Because he started it...

COMMISSIONER PEDROSA
No, no, no. But I mean, you know, don't say things to other people what you yourself are doing. The second one is that, the length, the fact that in a Parliament you vote for programs and parties, if it is a good party, good program, you can expect it to last longer. And for me, if it is a good party, if it is a good program, then it deserves to last. I don't care how long.

COMMISSIONER ESPINA
I fully agree to that.

COMMISSIONER PEDROSA
Yes, but you were saying...

COMMISSIONER ESPINA
But I want to go deeper. What brings about the longevity of political parties?

COMMISSIONER APOSTOL
Commissioner Pedrosa, you are interpellating Commissioner Angeles. After this interpellation, it will be your turn to deliver your speech. So Commissioner Espina will interpellate you. Yes, you are all interpellating only.

COMMISSIONER PEDROSA

I'm sorry; I'm not a Congressman. I don't work with Congress rules. I'll be happy to be instructed on how to do it. But as I've said, I thought this was an informal discussion, you know. I prefer to do it that way. Anyway...

COMMISSIONER APOSTOL

So our next interpellator is Commissioner Azurin.

COMMISSIONER AZURIN

Again, this is simply clarifying what the presenter has presented. You premised your presentation by showing the structures of the Presidential and the Parliamentary. And the main point that you were saying is that in the Presidential system, or your argument against the Presidential system is that there is a myth earlier mentioned about the balance of power. In effect, a myth that there are co-equal branches, the Presidential, the Legislative and the Judiciary. And using this as a reason, you said that the President in a Presidential system is therefore more powerful than the Prime Minister in a Parliamentary system. My question is that, is the argument that you are saying that this is a myth, not a function of the way it was practiced in the Philippines rather than a defect of the Presidential system itself?

In the Presidential system, there is a balance of power, which we do not have, in the Parliamentary system. In Parliamentary system, we have a concentration of legislative and executive powers and the Prime Minister is more powerful than a President in a Presidential system. Based on the theoretical structure and apparently you are not disputing that except that you're saying, here the balance of power is a myth. Well, let me suggest that perhaps this myth can be corrected, not necessarily by changing the form of government because the form of government, in theory, the Presidential system has more dispersed distribution of power.

COMMISSIONER ANGELES.

Well, as I've said earlier, these are personal opinions. They are actual observation of our system, Presidential system of our government for the past so many years which is Presidential. It is not intended to decide which form of government we have to adopt for the Philippines. I presented this for whatever it is worth for this Commission. I have not...

COMMISSIONER AZURIN.

I think the point I'm simply trying to make is that if you argue about balance of power, the power in a Parliamentary system is far more concentrated than in Presidential system. You can argue other things. You can argue that the Parliamentary system is more efficient, more effective, quicker in responding. But if you argue on balance of power, in theory, the Presidential system has more dispersed power than in a Parliamentary system. You cannot use that argument.

COMMISSIONER ANGELES.

Commissioner Azurin, I respect your opinion. But you know each one of us has his own opinion about the form of government. But as I've said since my election as Chair of this Committee on the Form of Government, I have to stay neutral. I cannot decide now which form of government I have to advocate. I presented these studies as I've said for whatever it is worth. These studies have been presented to the 1971 Constitutional Convention and from here I can see that my Committee is going to be a very lively

Committee because we have different persuasions, we have different convictions and I believe everyone is entitled to his own opinion. But the ultimate point is... the ultimate goal here is for this Commission to decide on the form of government.

COMMISSIONER VILAR.

I wish to interrupt for the simple reason that in the papers presented to us just a while ago, the presentation of the honorable Chair of the Form of Government Committee states that there are two kinds of system that were just presented. If we go over this paper, the discussions were based on the Presidential system and the Parliamentary system. We are not here to discuss the merits of the Parliamentary form alone. Thank you, Mr. Chairman.

COMMISSIONER ESPINA.

Mr. Chairman, honesty is the best policy.

COMMISSIONER APOSTOL.

Mr. Chairman, I move for a 10-minute recess.

CHAIRMAN ABUEVA.

I was going to say that we have a list of those who wanted to speak and we'd like to observe that. But for further information, the discussion at one point veered to the hypothesis that the Presidential system favors the long reign of a political party with three country examples given -- the Congress Party of India, the Liberal-Democratic Party of Japan and the PRI of Mexico. It is not because of the form of government, I think. It is because of the fact that in the three countries, these parties... well, at least in the case of the Congress Party of India and the LDP of Japan; these parties were connected with the birth of democracy. In India, for example, the Congress Party was the party of the resistance to the British, which won independence. So it was a heroic party in the history of India and so it ruled for several decades. For the same reason, the LDP reigned for almost four decades because it was the first party after Japan became democratic after the military government of Japan before the Pacific war. In the case of Mexico, it is also the party associated with the revolution of Mexico so there is a historic role, which these three parties assumed in the building of the nation and in the democratization of these nations. But the important fact... that has to be recognized -- it is associated with the history, the independence movement and revolution.

The important thing is, in spite of that history, the rule of these parties was broken, eventually broken. So there is a more competitive kind of party system emerging in the three countries. So my point is that, we do not associate long, continuous, uninterrupted rule of a party with the form of government.

COMMISSIONER GARCIA.

Mr. Chairman, would you rather have a long reign by a party than a long reign by a single man? We have always bewailed the fact that in our country, we do not have strong party system because our politics is personality-oriented such that the long reign by a political party per se is not evil. It may be good but certainly the long rule by one man of a country under a Presidential system is evil...

COMMISSIONER MAGNO.

Point of order, Mr. Chair, I think I'm next on the list.

COMMISSIONER APOSTOL.

We have a listing of the speakers. Before we go on recess, let us recognize first Commissioner Magno.

COMMISSIONER MAGNO.

Thank you, finally. I will dispense with niceties. I've been teaching political science for three decades now and the first lesson in Political Science 11 actually is that the so-called forms of government is false. What we have are typologies rather than forms. So that the very premise of this argument going on I think is leading us nowhere. I mean, there are... I mean you have Presidential systems and Parliamentary systems. I mean we cannot just look at the form of government; we have to look at the political culture, the historical characteristics, the political party systems that have evolved, the mentality whatever that is. So I think it would be pretty useless to debate on some two ideal forms.

So I think we should begin by identifying what sort of functions government should serve and how we should organize government to do this. I think we might be in danger of mystifying Parliamentary and Presidential forms. I do have serious problems with the second chart on Page 5. Types of Government. It cites as its source UST Crossroads 1971, which I do not recognize as a responsible source. Page 5 of Commissioner Angeles' document. It's probably dated but it's probably a wrong typology. I mean there are no communist governments. They are either Presidential or Parliamentary form where the communist party dominates. There's no such thing as communist government. And I don't think there are 18 absolute monarchies in the world. The only absolute monarchy I know is Tonga. And the only historical act of the King of Tonga is to gain one day by moving his country across the international dateline and stole one day from everybody else. It did not improve the quality of life in Tonga but for some reason he thought that was an advantage.

At any rate, Mr. Chairman, I think the discussion should focus on probably the political economy, the issues that we have on the form of government rather than be trapped in this matter of typologies because we have been debating these things since 1935 and this will be an endless debate.

COMMISSIONER APOSTOL.

We will have two minutes recess because we will have a change of speaker. But anyway after this guest of ours leaves, we will go back to Commissioner Angeles for further interpellation.

CHAIRMAN ABUEVA.

Before we break, I would like to express the gratitude of the Commission to our overseer for the election, our Vice Chairman, Commissioner Ortega. Do we have the documentation? Oh yes, we have the...

SECRETARIAT.

Yes.

CHAIRMAN ABUEVA.

We have the results of the election. The list of all the officers....

COMMISSIONER APOSTOL.

Mr. Chair, may we recognize now our guest, Congressman Nachura.

SUSPENSION OF SESSION

CHAIRMAN ABUEVA.

Colleagues, it is my great pleasure...Okay, let's continue the recess then.

[The session was suspended at 6:14 p.m.]

RESUMPTION OF SESSION

CHAIRMAN ABUEVA.

Session is resumed. *[It was 6:29 p.m.]*

I would like to say very briefly what I know about our invited speaker this afternoon, Congressman Nachura who is well known to many of you. I came to know him when he was the Chairman of the House Committee on Constitutional Amendments and ably put together a draft for the main proposals for change in our '87 Constitution. And he not only did that – led the House in this effort, he also went around the country with his colleagues talking about regional consultations that we are planning for November. Congressman Nachura has done that in his time. But I'd like to call now on Commissioner Espina, who knows him far better than I, to give us a short introduction please.

COMMISSIONER ESPINA.

Well, some call him Tony, others Ed, and the reason is he has Antonio Eduardo Nachura as his full name. Well, anyway, levity aside, former Congressman Nachura is a colleague for two Congresses and we chose him as the Chairman of the Committee on Constitutional Amendments because he has been known as an expert or very, very knowledgeable in Constitutional Law. And truly we did go around the country to consult the people on various proposals to amend the Constitution, the proposed amendments. And as I said earlier, tatlong Congress kaming nag-ikot all over the country. And he has shown, as Chairman, able leadership particularly in the flow of suggestion and ideas.

And we are very lucky to have him with us this evening to share with us his views on whether we should amend the Constitution or whether we should revise it or merely amend it, which are two basic questions. And so without further ado, I'd like to present our resource speaker tonight, Congressman and law professor, Tony Ed Nachura.

COMMISSIONER APOSTOL.

Before our resource person will say something, after his presentation, we'll have again the interpellation. If you would like to interpellate, just raise your hand, give your name to me but you only have five minutes. Now, we go to Congressman Nachura.

[Presentation on the Main Features of the Proposed Unicameral Parliamentary Government by Congressman Antonio Eduardo Nachura]

CONGRESSMAN NACHURA.

Thank you very much. Ladies and Gentlemen of the Commission, if you believe all that Mayor Espina told you, then there is a parcel of land I would like to sell. I am very happy to be here and fortunately I was tasked to make a presentation only on the aspect of what we in the Constitutional Amendments Committee in the House of Representatives

in 12th Congress presented to the House of Representatives. This has to do primarily with the shift from the Presidential to the Parliamentary system of government and so my presentation, which is going to be very brief, focuses only on the main features of our proposed amendments and only with respect to three Articles in the Philippine Constitution. In fact, only Articles 6 and 7 of the present Constitution are sought to be changed in this proposal. There are other proposals submitted but that is not supposed to be within the area of my presentation tonight as commissioned by President Abueva. So we have submitted three proposed Articles to replace Articles 6 and 7 of the Philippine Constitution. Article 6, of course, deals with the Legislative Department and Article 7, with the Executive Department. We proposed to replace these two Articles with three Articles.

In the shift to the Parliamentary system, we are proposing three new articles, which will be composed of, first, an Article on the President of the Philippines, then an Article on the Parliament and finally, an Article on the Prime Minister and the Cabinet. So we will focus only on these and my presentation is limited to main features of the proposed amendments. We have submitted specific amendments already on how the Constitution should be worded as amended but that would take us a very long time so I'm only presenting to you the main features of the proposal.

First, what we propose to be taken up and considered as Article 6 of the Constitution as amended would be entitled "The President of the Philippines." Under the proposed article, the President shall be the Head of State and shall symbolize unity and the solidarity of the nation. In fact, the qualifications we proposed for President are virtually the same as those under the 1987 Constitution except that in addition to being a natural-born Filipino citizen and on the day of the election, at least 40 years of age and a resident of the Philippines for at least 10 years immediately preceding the election and being a registered voter, we propose that at least he must have had 10 years experience in public or private service. In the course of our public consultations, one of the most common suggestions we received was that the Constitution does not at all provide literacy qualifications for the highest officials of the country and many times we heard a comment that even to become a policeman, you are supposed to be a college graduate and must pass a civil service examination of sorts. And yet, for the highest position of the land, there is no other literacy qualification except being able to read and write. But this is of course... Anyway, that is what we propose for the President.

Then the President shall be elected by direct vote of people for a term of five years without reelection. The proposal that the President be elected by direct vote of the people takes into consideration a cultural fetish of Filipinos, precisely to respond to the objection that the people may not want a Parliamentary government because they will not be directly electing the head of government. In this case, we are proposing that the people be allowed to vote for the Head of State although the Head of Government will still be a Prime Minister chosen by Parliament.

The perquisites are, of course, official residence, salary fixed by law, immunity from suit during his tenure. Those are the same perquisites of the President of the Philippines under the 1987 Constitution.

Then among the inhibitions, we would like to propose one major innovation and that is upon assumption of office, the President shall immediately relinquish his membership in

any political party. He shall not engage in any electioneering or partisan political campaign during his tenure. And then of course the other inhibitions include the same inhibitions as a President suffers today under the 1987 Constitution -- not holding any other office, not practicing any profession, not managing any business and prohibited from any financial interest, direct or indirect, in any contract with franchise or special privilege granted by government.

The duties and the functions we envision for the President of the Philippines include: addressing Parliament on the state of the nation upon advice of the Prime Minister at the opening of the regular session of Parliament; proclaiming the election of the Prime Minister by Parliament and, on advice of the Prime Minister, to dissolve Parliament and to call for a general elections; to attest to the appointment and the cessation from office of the members of the Cabinet; to attest to the appointment of Justices of the Supreme Court and members of Federal Constitutional Commissions, if there are any; then, to accredit ambassadors and special envoys and also to receive diplomatic representatives from other countries accredited to the Federal Republic of the Philippines. And, again, on advice of the Prime Minister, it will be the President who will grant pardons, reprieves, commutations, remit fines and forfeitures, and so on. And then the President shall perform other functions as may be provided by law. That is our concept of the President of the Philippines.

Of course, the proposal is for the shift from the Presidential to the Parliamentary system of government and so as all of you very well know, the Parliament will be the seat or repository of both executive and legislative powers of government. So these are the features of our Parliament as we envision it.

First, on the composition, it shall be composed of not more than 300 members unless otherwise provided by law, to be composed of district members elected by Parliament districts and party-list members. We propose that 20 percent of the seats in Parliament still be allotted to party-list representatives or party-list members who shall be elected in accordance with law. We are open, of course, to increasing the number of party-list members in Parliament. We are not at all closed to any suggestions on this. But we propose that there'll be definitely party-list members in Parliament.

The term of office shall be five years subject, of course, to being cut short in the event that there is dissolution of Parliament.

Qualifications -- Virtually the same qualifications as members of Congress under the 1987 Constitution but again, with the added requirement that he must be a member of a registered political party. And any Member of Parliament who changes party affiliations during his term shall forfeit his seat in Parliament.

On salaries, Parliamentary immunities, inhibitions, disqualifications of members of Parliament -- we are proposing virtually the same provisions as those applicable to members of Congress today.

Then, the Speaker of Parliament is elected by a majority of all the members of the Parliament in much the same manner that the Constitution provides today for the election of Speaker and the Senate President by a majority of all the members of their respective Houses. Other officers, of course, may be chosen by Parliament.

Then, the dissolution of Parliament. If Parliament fails to form a government because no majority is reached and no feasible and viable coalition has been formed, or if there is an impasse in Parliament that arises on fundamental issues, then the Prime Minister may advise the President in writing to dissolve Parliament. The President shall issue a Proclamation within 48 hours from receipt of that notice from the Prime Minister. There is a proposal to that effect that such a Proclamation by the President should be given at least two weeks' time to gestate perhaps. But in any case, it will be the President who will then call for the holding of general elections on the date fixed by the Prime Minister, but in no case less than 45 days nor more than 60 days from the date of the Proclamation made by the President. We submit that no dissolution of Parliament should be made within one year immediately preceding a regular election or within one year following a general election. This submission is made in response to the many criticisms against the instability of Parliamentary governments especially in light of the Italian experience where Italy's government is changed virtually once every two months.

Then, the members elected in the general elections shall serve only the unexpired portion of the five-year term. And then any Member of Parliament may file a motion of no confidence in the Prime Minister. Such a motion shall not take effect until Parliament elects a successor by a majority vote of all its members. And again, we submit that no motion for a vote of no confidence shall be filed within one year immediately following a general or regular election or within one year immediately preceding the regular election. Again, the purpose is to give the Prime Minister some time, elbow room as it were, to prove his worth given the temper of Filipino lawmakers. They may wish to change a Prime Minister immediately after two weeks from his election so we're looking at this as a safeguard against this possibility.

Every bill passed by Parliament shall, before it becomes a law, be presented to the Prime Minister for signature and then submitted to the President for attestation. The provisions in our proposal, the provisions on quorum, rules of proceedings, legislative journals, sessions, the electoral tribunal, records and books of accounts, legislative investigations, taxation, appropriations, are similar to those under the 1987 Constitution.

Then, our third Article is the Prime Minister and the Cabinet, of course. The Prime Minister shall be the Head of government. The Prime Minister and the Cabinet shall exercise executive powers of government and these will include all the things that the Supreme Court has set relative to the vesture of executive powers in the President under the 1987 Constitution including, as it were, the grant of what the Supreme Court call "residual powers" in the case of Marcos vs. Manglapus, in the Prime Minister and the Cabinet.

Then the Cabinet and the Prime Minister, of course, shall be responsible to the Parliament for the program of government and shall determine the guidelines of national policy. The Prime Minister is elected by a majority vote of all the members of Parliament. He may be removed by a majority vote of Parliament affirming a vote by motion for a vote of no confidence. With the attestation of the President, the Prime Minister appoints a Deputy Prime Minister from among the members of Parliament. And the members of Cabinet who shall be head of ministries, at least a majority of whom must be members of Parliament. The Prime Minister may replace any member of the Cabinet at any time. The Prime Minister and the members of the Cabinet may resign for whatever reason

without vacating their seats in Parliament. Of course, it is the Prime Minister who recommends to the President the dissolution of Parliament.

Other powers of the Prime Minister – He shall appoint the justices of the Federal Supreme Court, the members of the Federal Constitutional Commissions and other Constitutional offices. He shall also appoint Deputy Ministers, even career Deputy Ministers in the Civil Service as well as other officers in the Civil Service. Of course, the proposal includes a provision that says that, “Parliament may, by law, vest the power of appointment of subordinate public officials in lower ranking officials of government. Then, of course, the power of control over all ministries shall be exercised by the Prime Minister and the Cabinet. The power of control, of course, is the power to alter, modify, nullify, or set aside an act made by his subordinate officer and to substitute his own judgment for the judgment of the subordinate. This is a power exercised today by the President of the Philippines.

Then the Prime Minister shall be the Commander-in-Chief of all the Armed Forces. He can suspend the writ of *habeas corpus*; he can place the country or any part thereof under martial law and our proposal virtually lifts from the 1987 Constitution the same provisions granting the President all of these powers as Commander-in-Chief of the Armed Forces of the Philippines. The power includes the calling upon the Armed Forces in order to prevent or suppress lawless violence, invasion or rebellion. And of course, martial law as defined under the 1987 Constitution does not mean that military shall take over civilian authority. It does not mean that military courts shall assume jurisdictions over offenses or cases cognizable by civil courts and so on. This merely means that military is called upon to assist the civilian authority in maintaining law and order in the country.

Then other powers to contract and guarantee foreign domestic loans are also found in the present Constitution. Then the fact that treaties and international agreements entered into by the executive department shall be subject to concurrence of two-thirds of all the members of Parliament. And then, of course, the budgetary powers -- the power of the President to submit to Congress within 30 days from the opening of the regular session the budget, which will be the basis of the General Appropriations Law.

We have other proposed amendments including minor changes in the Judicial Department but these are really very, very minor changes in the Judicial Department because we have not been able... At that time, we were not able to really flesh out the provisions on a Federal government, which would affect the structure of the Judicial Department. We are talking only here in the proposal virtually of the Supreme Court, a Federal Supreme Court. And so the proposal simply borrows liberally from the provisions of the 1987 Constitution including the powers of the Supreme Court and including the limitations on Congress or the Parliament against passing a law that will reorganize the entire judiciary if the reorganization will affect the security of tenure of members of the judiciary.

Those are the features of our proposed amendments. These proposals have already been submitted to the House of Representatives as early as before the end of the 12th Congress. And these proposals were incorporated in a resolution signed by 186 members of the House of Representatives prior to adjournment in the 12th Congress. Unfortunately, no similar action was taken by the Senate and so the whole thing died as

it were to be resuscitated only by the 13th Congress and I understand that you will soon have Congressman Jaraula with you on the proposed amendments that the present Committee on Constitutional Amendments is submitting. That, ladies and gentlemen, is my presentation. Thank you.

[Applause]

COMMISSIONER APOSTOL

Mr. Chairman, we have the following interpellators. 1) Commissioner Amin; 2) Commissioner Lim; 3) Commissioner Magno; 4) Commissioner Paterno; 5) Commissioner Matula; and 6) Commissioner Azurin.

COMMISSIONER AMIN.

Good evening, Congressman Nachura. I am from the ARMM. I am from Sulu – District 1. I have a very simple query in connection with your proposed amendments. In our 1987 Constitution, this is regarding Article 1. You have, I don't know whether by intention or by *ano*, you have omitted national territory. Now, I have here some documents to support that Sabah is part of the Philippines. We have our Sabah claim. Now, it is possible that we should include Sabah claim and we should include it as part of the national territory of the Philippines. This is the document translated from the Arabic to English. This concerns the grant by the Sultan of Sulu of a permanent lease covering his land and territories in the island of Borneo dated January 22, 1878. Now, its more than 100 years already and we know under the Civil Code, we only have a permanent lease and the 99 years has already expired. Can we include this in the national territory? The Sabah claim.

CONGRESSMAN NACHURA.

If you're asking me personally, I have absolutely no objection to that. I remember that in the 1973 Constitution, a phrase was incorporated in Section 1 of Article 1 and the phrase was, "and all other territories belonging to the Philippines by historic right or legal title." This was supposed to be the constitutional basis for our claim to Sabah. And, of course, at that time, after the '73 Constitution was ratified, I understand that the Philippine Government was serious in pursuing its claim over Sabah. It is unfortunate that the claim has watered down and it has decimated and wala na hanggang ngayon. Nothing has been heard of this claim afterwards.

COMMISSIONER AMIN.

May I know the reason why the government abandoned such claim?

CONGRESSMAN NACHURA.

I am sorry I am not...I was not part of that government that gave up on the claim to Sabah. At this point, it may be a little bit difficult to insist on that claim. Of course, a resort will be had to international organizations for any such...

COMMISSIONER AMIN.

Because it is known that the Philippine Government has not put up the Office of Consulate in the State of Sabah. Why? Because we do not recognize that Sabah should be included in Malaysia. That should be included under the national territory of the Philippines.

COMMISSIONER ESPINA.

Follow up lang. Very briefly. The reason why the 1972 Constitutional Convention included that phrase was because in an article in the American Political Science Review in 1963, when I was in Oregon I read that article which said that the British group invited the heirs of Sultanate of Sulu to go to Hong Kong to review the lease document. One night, the documents were stolen in the hotel room of the heirs. So when I came back when I was elected to the 72 Constitutional Convention I personally proposed that phrase and when I proposed that I was invited to a dinner by an embassy and it was published in the papers that a big lobby was being made to remove that phrase. I insisted on it and it became a part of the 73 Constitution. And that was one reason that I objected to the 87 Constitution. I'm glad that Commissioner Amin...

COMMISSIONER APOSTOL

Commissioner Lim is recognized.

COMMISSIONER LIM.

With all due respect to the presentation of Congressman Nachura, my only issue here is that in the earlier presentation, it seems that we were very much concerned on the fight between accountability versus stability. But with the presentation of Congressman Nachura, my question really would center on how is it possible that after electing a President that will ultimately be inutile in nature after being elected into office at large, and later on there will be a Parliament that should be very powerful who will have the members of the Supreme Court appointed by them, who will have the COMELEC appointed by them, and all the ministers and has the authority in the end to badger as many potential members of Parliament that they can in the hope that the concept of the dissolution of Parliament can be a way to scare off all the potential oppositors to the Prime Minister and the party in power. So, I do not see how this will cure the woes of the country.

In the end I think going back as it was mentioned earlier that we all look back at history and I agree with President Abueva that this is actually an issue of history. Let's really look back at history and the concept that the Philippines was never trained for a Parliamentary form of government, one. Two, as a matter of fact, the ten-year Commonwealth that we experienced was even interrupted by four years of Japanese rule. And hindi nga nakumpleto yung training natin. I think unless otherwise we undergo maybe a ten-year Commonwealth under the British then maybe we could probably realize a more perfected Parliamentary form of government for the Philippines for that matter. But if we're trying to innovate it and create a sort of a ...

COMMISSIONER APOSTOL.

Sorry, question.

COMMISSIONER LIM.

That's more or less my issue, how can it cure or how can it fix the woes of the country?

CONGRESSMAN NACHURA

First on the President who will have to run for an election on a nationwide basis and then not exercise sizable powers of government, I suppose I would like to believe that there will be some people, may be an appeal to the patriotism of the leader who will then

emerge as the symbol of unity of the country. Now, with respect to the Philippine history or the fact that the Filipino people have had no experience at all and perhaps no inclination for a Parliamentary government, I just would like to call attention to Japan. Japan before was a highly centralized government. Everybody looked up to the emperor and the emperor's word was law. And yet, these people eventually accepted a Parliamentary government and now we look at Japan as a very progressive Parliamentary country.

COMMISSIONER LIM.

Mr. Chairman we never had a monarchy.

CONGRESSMAN NACHURA.

We almost had one.

COMMISSIONER LIM.

But it's already dead.

CONGRESSMAN NACHURA.

But then again, the parallel is in the fact that under this highly centralized government where the President wields extremely large and huge powers of government. A monarchy perhaps is even more difficult to contend with and yet as I said there are a number of other countries also whose experience with a Presidential system may not have been satisfactory and so, maybe our own experience with the Presidential system is unsatisfactory. It's more than a hundred years that we have had a Presidential system and where are we now? Maybe, it's time to try for a change.

COMMISSIONER LIM.

Last, Mr. Chairman, will we not breed a new kind of dictatorship afterwards?

CONGRESSMAN NACHURA.

A dictatorship will arise only if the members of the Parliament will allow it to happen. I don't think the members of our incoming Parliament will allow that and our people will not, of course, accept a dictatorship, hopefully.

COMMISSIONER APOSTOL.

Commissioner Magno is recognized.

COMMISSIONER MAGNO.

I will not raise questions on the presentation and I will take that as backgrounder to our thinking. I would like instead, and more as a point of order, to express discomfort about what we are trying to do. First, we are beginning to behave like a Constitutional Convention or the Constituent Assembly and then we are acting like Congressman in this discussion. Then, I'm looking at this list of officers we've elected and the first thing we did was to set up a large bureaucracy although the Commission doesn't have the money.

I understand our role as diagnostic, meaning we look at the problems of the nation, not the problems of the Constitution, and then decide if there are Constitutional remedies to these problems. I think we are putting the cart before the horse and soon we will be debating about whether we should have 300 or 400 members of Parliament and lose

sight of what we are trying to do really. We're trying to convince our people that there is a problem with the Constitutional order and that a new Constitutional order might be more preferable, but not by looking into the details or actually writing a Constitution, which is what this list of Committees, suggests. We will actually write a new Constitution and during the break I was asked to join the Committee on Style, which will style a new charter. I don't think we should be doing that. Otherwise, we produce a document that dies like this document of the 12th Congress.

Our most urgent thing is to do a diagnosis of what is wrong with us and why is our nation in big shit. I would want for instance to make a presentation on the mysteries of Philippine politics, meaning, how we finance our elections and why we have a political class that needs corruption in order to subsist. And I don't think that the rate this format is going, there is no space for that certain discussion and I think it's an explanation that our people might want to hear as well.

Our system, whether we call it Parliamentary or Presidential, is designed, fuelled, driven, motivated by corruption, and then we setup all sorts of constitutional bodies to contain corruption. But corruption is politically driven. It is the logic of our political system and I think we should discuss that. I don't think we can go into details of this provision or that provision and I think we'll end up doing something terribly useless. And not only that I think...

COMMISSIONER APOSTOL.
Question please.

COMMISSIONER MAGNO.
Mr. Chairman I'm just expressing extreme dissatisfaction. No questions about the excellent presentation of Ed Nachura...

COMMISSIONER APOSTOL.
Commissioner Paterno is recognized.

CHAIRMAN ABUEVA
Mr. Floor leader, just an intervention. Professor Magno was not here when I started the presentation of our plan for the revision of the Constitution and precisely I spent about an hour talking about the basic problems of the country. I traced it to the poverty, to the social inequalities, the many deficits in our society, democracy. And I also talked about the structure of power, the oligarchic structure of power. I talked about our soft state, our booty capitalism.

So I tried to address that as a foundation, the context and environment of a Constitutional Change. I did not wish to deliver a lecture as we are fond of doing in the university, but I did open the discussion with that introduction to charter change. We are not prevented; no one is prevented here, from relating ideas of charter change to basic problems in this society to which particular ideas for change would be a possible solution in dealing with these problems. So we are seized with basic problems of our society, our economy, and our political system and we would invite Professor Magno, I'm sure he will have more opportunities, I hope, to pursue the matter. I just want to correct the statement because we started the discussion with my presentation.

COMMISSIONER MAGNO.

Why are we starting with Parliamentary-Presidential debate then? Shouldn't we start with an overview discussion?

COMMISSIONER APOSTOL

We have been doing that for last week yet. We are now in the nitty-gritty form of government and structure of government. But all those lecture about the poverty, why should we change the Constitution, we have been doing that...

COMMISSIONER MAGNO.

Thank you, Mr. Chairman. I see we're being fed so my discontent will be lessened.

COMMISSIONER APOSTOL

Okay. Commissioner Paterno.

COMMISSIONER PATERNO.

Thank you, Mr. Floor leader. Commissioner Magno referred to some of the difficulties that need to be addressed and to my mind one of the major problems of government system is the extent of corruption. I have seen a number of Presidents in my lifetime and I seem to remember that the extent of corruption pre-Marcos is much smaller than the extent of corruption post-Marcos. It is convenient to blame Mr. Marcos for many of these things. But we have to admit that the extent of corruption of the Presidency depends on a number of factors including principally the extent of power of the Presidency. And the extent of the power of Presidency was greatly magnified during the Marcos period.

Mr. Speaker, I wonder if at some point, you will also be able to address the question of how a Presidential system will lessen the extent of corruption. Because it is my view that corruption is like cancer. It grows unless you take drastic steps to excise the membranes of corruptions, in which case it might be so drastic that you could disseminate the government grievously. So that is my question.

CONGRESSMAN NACHURA.

Perhaps, let me just respond to that by raising one point -- the matter of accountability. We elect a President under the 1987 constitution nationwide. When the President is elected, he or she claims democratic legitimacy for a period of 6 years which is the term of office guaranteed by the Constitution. If after one year or even before that the President begins to be ineffective, corrupt, there is very little we can do to remove the President, to make the President accountable for what he or she is doing, except perhaps through impeachment which is a very difficult process. We have seen how difficult the impeachment process is. So what are we left with? We have to bear with the President for six years and during the 6-year period or even before the 6-year period expires, the President can do almost anything. If the President is corrupt, he can be corrupter as the years go on and then, at the end of 6 years, how do we make him or her account for the 6-year term. We do not even get the satisfaction of not voting for him or her because he or she is not up for election because there is no re-election thing.

So, maybe even only on that account we see that there may be lesser corruption in a Parliamentary system than in a Presidential system where the Prime Minister who wields executive powers of government is always running the risk of being removed anytime by a simple vote of no confidence. Of course, it would depend on the person eventually. But

then where the setup allows for immediate demand of accountability as against a Presidential system where you have to wait for 6 years to expire, maybe there is a hope of lesser corruption in a Parliamentary system.

COMMISSIONER APOSTOL.
Commissioner Matula is recognized.

COMMISSIONER MATULA.
Good evening, Sir. Eight years ago, Professor Nachura was our professor in the review class in the College of Law. Sir, I would like to ask questions particularly on the qualifications of the President. I understand that in your presentation, the President is some sort of a symbolic official and doing a ministerial function. Why is it that we added the ten-year experience in private or public service? It appears that the qualification under the present Constitution and your proposal as to... I think there's no big difference because a person can claim that he is in private service for a certain period or he is a self-employed person. Can the same be considered as a private service? Number two question is that with respect to the party list system, is it the same as what we have now or there is some modification like that of the German or Netherlands proportional representation or party-list system?

CONGRESSMAN NACHURA.
Thank you. In so far as the proposal to add a qualification standard that of having been in public or private service for at least ten years, this is only intended really to forestall first the total lack of governmental know-how or knowledge of a potential President of the Philippines. Second, since the President of the Philippines under this proposal will stand out as the symbol of the country, the symbol of the sovereignty of the people, and of course the unity and solidarity of the country, I suppose his experience will add to his credibility, his reputation, his acceptability as a true symbol of the country. I am not of course saying that somebody who had no experience may not be a good President. But anyway, we feel that knowledge of and experience with the government or a private sector could help in making him a more acceptable President to the people.

Now on the matter of the party list, we hope that there will be changes in the party-list system. In fact, many of us who have eventually read the ruling of the Supreme Court in that Bagong Bayani OFW Labor Party versus Commission on Elections where the Supreme Court said that only political parties, organizations, coalitions registered with the Commission on Elections which actually represent marginalized or underrepresented sectors of Philippine society will be entitled to representation in the party-list system. I seem to remember that there was nothing in the law at all that spoke of this requirement and yet the Supreme Court imposed this as a requirement. We would like to believe that if the Constitution is amended eventually, even the party-list system will have to admit in the changes. And so perhaps we can consider precisely the party-list experience in Germany and in other countries where all political parties registered under the party-list system may be entitled to participate and to seats in the party list under the party-list system -- not just those who represent marginalized or underrepresented sectors of Philippine society.

COMMISSIONER APOSTOL.
Commissioner Azurin is recognized.

COMMISSIONER AZURIN.

Congressman Nachura, essentially in your proposal, you essentially merge the Legislative and the Presidential powers without, at least not clear to me, making or introducing any provisions for checking the power of the Prime Minister in the ruling coalition which as you know can be more devastating than a President in the Presidential system. The ruling coalition can share this powers and this can go on for a long time. I was just wondering if there are in fact provisions that we did not see in your draft, whether you have thought about the mechanisms whereby there is some way of checking this now concentrated power.

CONGRESSMAN NACHURA.

There are no specific provisions setting up these so-called safeguards against the possibility of perpetuating power in a one party or in a one coalition for example. We are banking on the experience also in other countries. The proposed amendments and the proposal to shift to a Parliamentary system is really a proposal to shift to the traditional Westminster type of Parliamentary government where the check of the powers of the executive comes from members of Parliament themselves, from the minority group, the opposition group, as it happens for example in the Parliamentary government of Great Britain or in Canada. Unfortunately, this proposal does not make any specific suggestion on how these powers may be checked or balanced by any other department of government except the Judiciary in the exercise of the power of judicial review. But then again we are banking on members of Parliament themselves as sources of potential checks or a balancing act as it were, such as the existence of shadow Cabinet in the opposition group in the Parliament and so on.

Of course if you feel that there are potential safeguards that can be instituted in the proposed amendments, we welcome them because this is indeed the most common criticism against the Parliamentary government -- the possibility of perpetuation in power of a mighty dominant majority party or of a dominant coalition and so on running over all opposition for years and years.

COMMISSIONER AZURIN.

Just a short follow-up Sir, in your long experience as legislator and public servant, because you mentioned that the check relies on the members of the Parliament itself, given your experience and I'm asking you about your experience, given the fact that in our case now that once a President is elected you see a stampede of legislators to the other side in order to get a share of the spoils, whether the spoils involve contracts or jueteng or whatever. Given this kind of behavior that we are seeing, is such check that you are thinking practical? In other words, practically speaking or pragmatically, is it reasonable for us to bank on that particular check?

CONGRESSMAN NACHURA.

At least as far as turncoatism in Parliament is concerned, we have a safeguard in our proposal, a safeguard against political turncoatism which happens in almost every government in the Philippines under this and the past Constitutions. That at least is something that we can be sure of, since we are saying that the Member of Parliament who changes party affiliations will automatically forfeit his seat in the Parliament.

Well, from our experience, Majority Leader Apostol and I in the 11th Congress went out of the way to go against an incumbent President and we succeeded to a certain extent,

anyway. I feel that hopefully the changes in the party system with the political parties having more discipline, with the members of political parties actually leading the platform of the political party, we can expect more responsible members of Parliament eventually and from them we hope we can find the needed opposition or check to whatever abuses may be committed by those in power in Parliament.

COMMISSIONER APOSTOL.

Commissioner Garcia is recognized.

COMMISSIONER ORTEGA

With the indulgence of Commissioner Garcia may I just ask one small follow-up question? Supposing the Member of Parliament changes his party, he loses his seat. Supposing he does not change party but he's booted out by his party, what happens?

CONGRESSMAN NACHURA

If he is booted out by his own party perhaps as a disciplinary measure instituted by the party itself, then he will also lose his seat in the Parliament.

COMMISSIONER ORTEGA.

Thank you.

COMMISSIONER APOSTOL.

After that small question, we go to Commissioner Garcia.

COMMISSIONER GARCIA.

In your presentation, one of the powers of the Prime Minister is to suspend the writ of habeas corpus, martial law. However, you did not incorporate entirely the provisions of the 1987 Constitutions on the report to Congress correspondingly to Parliament, which I believe I also do not agree. Within 48 hours, the Congress can revoke the suspension of the writ, or the declaration of Martial Law. Why did you not incorporate that?

CONGRESSMAN NACHURA.

In the proposed amendments, we virtually lifted the provisions of the 1987 Constitution in so far as the Constitution imposes certain limitations on the power of the President to suspend the privilege of the writ of habeas corpus and to place the country partly under martial law. Since the Prime Minister sits in Parliament already, I'd like to believe that before the Prime Minister suspends the privilege or declare martial law, he would have consulted with the majority group that supports him in Parliament and would have the support of Parliament for that purpose. Of course, we have to consider other limitations such as the power of the Supreme Court to entertain any petition filed by any citizen questioning the legal factual basis for the proclamation and all those other limitations.

COMMISSIONER GARCIA.

I fully agree with that. Also, regarding the possible objection or opposition to a rule or reign by the political party for a number of years, did you not take into account that in our country from 1907 until I think the outbreak of the war, the Nationalist Party was in control of the government? And you do not see anything intrinsically evil in a long reign by a political party?

CONGRESSMAN NACHURA.

Nothing intrinsically evil in that if the political party and its leaders deliver government service.

COMMISSIONER GARCIA.

In the Philippines, as a possible safeguard to abuses by a political party or a Prime Minister for that matter, would you not retain the powers of the Judiciary particularly the Supreme Court? The power of judicial review and specially the second part of the definition of the judicial power that is the Supreme Court not only settles actual controversies but also looks into whether there has been abuse of discretion amounting to lack of jurisdiction on the part of any agency or instrumentality of the government. Would you consider that a sufficient safeguard?

CONGRESSMAN NACHURA.

One of the objections that have been raised against the Parliamentary system is precisely the fact that you lose the check and balance between a separate legislative body from the Executive Department and so we look at the need for the Judiciary to be there in order to act as a balancing force, a counterfoil as it were against a Parliament where there is both legislative and executive powers. Although the definition in the second paragraph of Section 1, Article VIII under the present Constitution which speaks of the power of the courts to determine whether or not grave abuse of discretion has been committed by instrumentality, branch or agency of government, really has sometimes been taken to the extreme and if I were to say so myself having studied many of the decisions of the Supreme Court, sometimes the Supreme Court exceeds these very thing of the exercise of the judicial power. The Supreme Court had at times intervened even in areas where the Constitution had granted discretion to the Congress or to the Executive Department, what we call in Constitutional law as political questions. I am in favor of retaining judicial review as a power in the courts although perhaps we should reinstitute the safeguards mentioned many years ago and over the years on the issue on the area of the political questions in order to prevent perhaps the Supreme Court from intervening in areas where there is clearly grant by the Constitution of discretion to other political agencies of the government.

Be that as it may, the only reason that I did not include in my presentation the Judicial Department is that we are completely open to certain changes in the Judicial Department particularly in light of a Federal system of government where perhaps a federal Supreme Court may be granted special powers only over Constitutional issues. Maybe we can pattern the setup of the Judicial Department along the lines of the present judicial system in Germany where there is a high court for economic questions and high court for Constitutional questions. Maybe that is possible.

COMMISSIONER GARCIA.

In line with the current debate on whether to proceed with the amendments through a Constitutional Convention or ConAss and the near probability that this question will reach the Supreme Court, the 3/4 vote, whether voting jointly or voting separately. If it is voting separately then we kiss goodbye to our efforts to amend the Constitution. We are hoping for the ruling that it is voting jointly. Now with these, don't you think that it is practical for us not to tax the power of the Supreme Court in our endeavor?

CONGRESSMAN NACHURA.

Well, perhaps on the one hand, that may be practical. Perhaps you can look at this in another way. Maybe we can introduce amendments in the Judicial Department by maybe something like what they have in America -- a Justice of the Supreme Court is a Justice of the Supreme Court for life. Maybe that would be the trade-off to the loss of powers in relation to judicial review.

COMMISSIONER APOSTOL.

Can we go to another? After Commissioner Varela, Commissioner Leviste.

COMMISSIONER VARELA.

Thank you Mr. Chairman. Anyway, my original question has already been asked, nonetheless, Mr. Congressman, one of the reasons why we have to change the present system of government is that under the present system - the Presidential system has too much centralized powers, that the Office of the President has become very powerful that accountability is very difficult to implement. Considering the culture of politics in the country where the majority members of a party under your proposal will elect the Prime Minister and if the situation arises where the President who is elected nationally also comes from the same group, where is the system of check and balance? Who will protect the interest of the minority, the people in government, and the citizenry?

CONGRESSMAN NACHURA.

The President hopefully will rise above political considerations. Hopefully. Because under the proposal he automatically, upon his assumption of office, ceases to be a member of any political party and he is prohibited from engaging in partisan political activity under our proposal. And so the real question boils down again to whether or not there may be check upon the powers of the Prime Minister and the Cabinet. With the Prime Minister and the Cabinet exercising virtually complete control over Parliament, as I mentioned earlier, I hope that responsible members of political parties will rise to the occasion and I do not know if it is...given our political culture, I do not know if it is possible really to have a particular, a single political party lording it over all elections for years and years. I don't think that it is possible but anyway, if it should happen even within the party itself we hope that responsible party members will provide the needed opposition, the needed fiscalization whenever required.

COMMISSIONER VARELA.

Would you accept an amendment that will more or less provide some balance so that the system of check and balance can be more transparent if we empower the national President with more powers?

CONGRESSMAN NACHURA.

Of course, I am willing to consider all of these personally. This is just a proposal we have depending upon the powers we wish to grant the President under this setup in addition to his powers as one in the field of foreign relations and maybe the power that the President has attesting to appointments and receiving diplomats...maybe of course.

COMMISSIONER VARELA.

I was thinking of budget and finance. Any money matters should be with the President.

CONGRESSMAN NACHURA.

It's also dangerous.

COMMISSIONER APOSTOL.

Commissioner Leviste is recognized.

COMMISSIONER LEVISTE.

Thank you Mr. Chairman. First, I would like to say that the reputation of Congressman Nachura is well regarded all over the country. I first saw his name when he was addressing the PHILCONSA, the Philippine Constitution Association. Second, would you be kind enough to give us a copy of the executive summary? While your proposal was being distributed by the Secretariat, I think it would be useful.

Just very quickly, Mr. Chairman, there had been many concerns about the Presidential system and the Parliamentary system. I won't go to them anymore. The thing that I'm concerned about is really I would like to see a form of government, which is very simple, which is very cheap, very cost effective. I would like to see longer election periods. I think this matter of elections every three years is useless because when these poor political leaders get elected -- they spend the first year thanking (the people), they spend the next year preparing, and they spend the third year preparing to campaign again.

I would really like to see a political structure that makes the economy function and function with greater productivity. I think the problem in this country is not corruption. There's corruption among our neighbors, yet we're doing poorly. The problem in our country is productivity. It is not corruption per se.

I am traditionally a Presidentialist. I voted 35 years ago for the Presidential system and lost. I voted for the unitary system and lost. Maybe 35 years later, I can be convinced to change my mind. I do have an open mind. But one last thing, with due apologies to your studies Congressman Nachura, this matter of electing the President and giving him all these ceremonial powers is a contradiction in terms. Nobody is going to run for a ceremonial office and when you get this guy elected, because of his very charming personality, he will dominate the Prime Minister.

And if you really want a Parliamentary system, I'm open, although Gerry Espina is looking at me now. You know. As I said, I'm traditionally a Presidentialist. Why not make life simple -- forget the head of state; have the head of the government; make the Chief Justice of our Supreme Court our head of state; then we forget all about this electing somebody who is going to be the ceremonial President because guys, ladies, it isn't going to work. Thank you.

CONGRESSMAN NACHURA.

The proposal for a President elected nationwide is really a reaction to the observation that the political culture of the Filipinos will not allow for electing a head of state or a head of government where the people themselves do not have a hand. It's okay, except that in the suggestion that it is going to be the Chief Justice of the Supreme Court, there is again a possibility that there may be some Constitutional anomaly here with the Judicial Department intervening in political matters because, even if the Chief Justice will make some kind of ceremonial President. But of course, it is all up for discussion and so, everything is open as it were. So maybe, you can look at other possibilities. The

suggestion simply is that a President elected nationwide it is true I see that very few people will aspire for the Presidency knowing that he'll be campaigning nationwide and if elected he will have very little powers. And so maybe, we will have no candidates for President. Just the same, I think in the proposal of President Abueva, there is going to be a ceremonial President who will have to be elected by the Parliament and who then ceases to be Member of Parliament the moment he is elected President. Well, that is possible. As I said, it is more of a compromise really that we made this proposal.

COMMISSIONER APOSTOL.

Next is Commissioner Espina; after him, we still have three. Commissioner Ortiz, Commissioner Jurado and then Commissioner Bello.

COMMISSIONER ESPINA.

I only have two questions because I was signatory to this proposal when I was in Congress. I can understand that we are practically compromising because of the perception as mentioned earlier na medyo ayaw ng tao na mawala yung karapatan nila bumoto kaya we are putting up a ceremonial President. Why not the other way around -- the President with more powers but the members of the Cabinet coming from the elected members of the legislature and then a Prime Minister who acts as Executive Officer or Presiding Officer for instance, with the Speaker now as the possible model? That way you really have a President who's elected by the people with sufficient powers. But on the other hand, you can check the possible abuse of the President because she has Cabinet members who are elected by the districts and right now, yung Cabinet members talagang takot sa Presidente dahil wala silang power from the people; they are merely chosen by the President. That's one.

Yung pangalawang tanong is, yung proposal na yan, are we not again increasing point of conflict? Just about two weeks ago, a President in a Parliamentary form who became popular resigned and is threatening to run as Member of Parliament in his district challenging the role of the Prime Minister. So, baka ganun din ang mangyari dahil nationally elected ang President and he has a very strong personality, he can generate popularity and then challenge the Prime Minister in so many ways.

Earlier, the first day I suggested, the point raised by Professor Magno earlier na diagnostic approach. Anumang problema ngayon, then let's solve without necessarily overturning the structure of government. But of course, it was not accepted when I proposed it. But maybe with this complexity now, eh di isa-isahin natin. For instance, should the Vice President be coming from another party, or yung President at yung Vice President dapat pag nanalo yung Presidente kasama yung Vice?

The last three elections, puro minority lang ang naging Presidente. Even Estrada who got the biggest margin only got 31%. Should we not go back to the party system?

Should we not remove for instance, the authority of teachers as members of the board? Kasi kayang takutin ng superintendent yung teachers. If we go back to the old system, the political party is the one who assigns the inspector or board member. Nakikipaglaban yan at partido nya ang nakataya.

Ang if we strengthen the political party, then maybe we can help promote political maturity.

COMMISSIONER APOSTOL.

Yes, question please.

COMMISSIONER ESPINA.

I just want to get some comments dahil I don't want to go directly opposed, because I was a signatory and I went with him all over the country. But even at that time ni-raise ko na rin yan.

CONGRESSMAN NACHURA.

Of course, you want a strong President and members of the Cabinet coming from the legislature. These will be really up to you. Eventually, you can have various models of a Parliamentary-Presidential system and mixed and so on. What you feel fits the Filipino temperament may be adopted, anyway. And then of course the other observation with respect to the Presidential system having to elect a President... that is one of the advantages of a Parliamentary system. In a Presidential system, from 1992 until now the difficulty of having a minority President and then the possibility that a President may not have the support of legislative majorities and so, the lack of legislative support could derail the legislative agenda of government and all of these things.

That argument is used in favor of Parliamentary government when you are sure that the Prime Minister enjoys legislative majority because he is elected by the legislature, by Parliament, by majority vote of all the members of the Parliament. So you don't have a minority Chief Executive. You have a Chief Executive who is supported by a...

COMMISSIONER ESPINA.

But it is only possible when we have strong political parties that you can...

COMMISSIONER APOSTOL.

In other words, we will have no coup d'etat. Commissioner Ortiz-Luis has the floor.

COMMISSIONER ORTIZ-LUIS

A lot of people that we have talked to especially the business sector are quite cynical that a change of form of government is the answer. We need a charter change because of the economic reforms, judicial reform. But the least that we are saying, they did not attribute more or less to the form of government. My question is really very similar to the others and the example that they use is, looking at it from the present situation in Congress -- they will look at the Parliament like the Congress -- they say what if the Congressmen voted 50% of the budget as their pork barrel. The President at least may refuse to include it in the budget and Congress itself probably may have to defend it. But in a Parliamentary, with an awesome power, he only has to please 300 people and he can give the 50%. Nobody can question it. And that is the question that is so hard to hurdle, with his awesome power... And they say not in 20 years will we develop the attitude of our politician to be able to govern this way.

So perhaps, is it possible to shift to Parliamentary but in order to give some role to the President, which is ceremonial, is it possible on some items the President can have veto power just to give a semblance that the one that will symbolize the people maybe ceremonial but he can stand up at certain point in time and say "Hey, I was elected by the country, I say no". That point maybe, something might be acceptable.

CONGRESSMAN NACHURA.

Of course, that's valid observation. And so, it is possible and as we said, there can be combinations, variations of a Presidential-Parliamentary model and we can come up with our own Philippine model of a mixed Presidential-Parliamentary government.

COMMISSIONER APOSTOL

Commissioner Jurado and last will be Commissioner Bello. Everything is closed after Commissioner Bello.

COMMISSIONER VILAR

Could I ask this simple question? Has the presentor ever thought of the situation wherein in a Parliamentary form of government both the President and the Prime Minister are elected by their constituents? A situation might arise wherein the two personalities are both strong willed, then there would be chaos.

CONGRESSMAN NACHURA.

Again, if we look at the Parliamentary system, the traditional concept of the Parliamentary system, this will be the work of the political party. We are looking at the political party. If the President and the Prime Minister both belong to the same political party, it will be a decision of the political party eventually that will prevail. The potential conflict will have to be threshed out in the party because it could then boil down to a question of leadership in the party and so that is it. While we do not have today disciplined political parties, we look forward to the days when parties will be compelled to become disciplined and responsible political organizations. With this systemic change, we hope to institute that political parties will then be responsible. So it will be the party's decisions eventually.

COMMISSIONER VILAR

The situation of strong personality as the Prime Minister belonging to the same party will not be different from the Presidential form of government wherein a President dominates. Could we have a clarification on this?

CONGRESSMAN NACHURA.

Yes of course that can happen especially when one political party obtains a clear majority in Parliament. Then the leader of the party who is looked up to by the members of that political party becomes the Prime Minister with great powers. And that is of course a possibility -- he could abuse that kind of influence and that kind of power.

COMMISSIONER APOSTOL.

Commissioner Jurado.

COMMISSIONER JURADO.

Thank you, Mr. Chairman. I preface my question, with my observation that our distinguished guest is I think the most able teacher, professor, mentor of our election laws when I saw him on television explaining the difficulty of elections in a House that is consisting of many hostile questioners. I thought our guest speaker contributed to the enlightenment of half literate people like me when he went on a very careful explanation of the rules.

The question I want to raise relates to the membership in Parliament, specifically relating to party-list people. I must confess that hearing the word "party list" or seeing images of party-list members on television I feel like turning off the television set. Now, the Parliament will consist of two parts -- presumably 80% to consist of elected members from the districts and another 20% elected through the party-list system. Now, what is the distinction of this party-list group from those regularly elected? If their qualifications the same, their participation is superfluous or unnecessary for their participation to have necessity they must bring into the Parliamentary process qualities that regularly elected members do not possess. So, why is there need for a party list at all? I would like to argue that there should be no party-list membership in Parliament whatsoever. Thank you.

CONGRESSMAN NACHURA.

It can be done where there is no party-list Member of Parliament. But you see, remember that 80% in our proposal will represent specific districts. One of the reasons why a party-list system is included or set up is precisely in recognition of the influence of the political parties who will be then judged nationwide because we will elect party-list representatives in much the same manner as we are doing now by voting for political parties. We are in effect saying that it is this political party whose leader is Mr. so and so and whose platform says that they will do this and do that that we want in power. Accordingly, the vote of the people nationwide for a political party is indication precisely of the inclination, the leaning of the voters to favor one or two political parties and so the distribution of the seats under the party-list system, 20% of the seats will then be based precisely on the performance of the political parties in the party-list election.

That is why, in response to Commissioner Matula earlier we said hopefully we will have a different concept of a party-list system not the present one and hopefully if we have a better setup of a party-list system you will not be as frustrated when you see examples of party-list representatives on television. So ito, the partylist system is precisely recognition of the political party that may be given dominant roles in Parliament. Ganun yun. The major parties were disqualified by the Supreme Court. The Supreme Court said "no, you cannot obtain any seat allocated for party-list representatives because you are major parties. You do not represent marginalized..." So that is it. That is why in the party-list system we are going to have hopefully again develop responsible political parties. This time buo. The political parties are voted nationwide and we know that the will of the people nationwide is to favor one or two or so many political parties. That is the concept.

COMMISSIONER APOSTOL

Commissioner Bello is recognized.

COMMISSIONER BELLO.

Thank you Mr. Chairman. Congressman Nachura, in the Presidential system we have an impeachment in order to remove the President. In the Parliamentary system as you have presented here, it is a vote of no confidence. And in Presidential system, you can only move for an impeachment once a year. Now, here in the proposed amendment, you're saying that no vote of confidence shall be filed within two years.

CONGRESSMAN NACHURA.

One year na lang.

COMMISSIONER BELLO.

One year preceding a regular election. In other words, within the five-year time frame of the members of the Parliament, you can only do that exercise at least maybe twice within the term and I see this as a safety valve in order to remove an abusive Parliament, the prime minister for whatever reason, maybe corruption or any of the listed bases for removing a Prime Minister. But my concern is, it might be too long and if there is no prime minister that is elected, then we go into an election. If the Prime Minister certifies that there is no election, or there was nobody elected then, he certifies that we go into a new election to vote for new members of Parliament. So, will that not be more expensive exercise than in the Presidential form?

CONGRESSMAN NACHURA.

It could be. Incidentally, that two-year period we have more or less agreed to change that to one year. One year. "No vote on a motion of no-confidence shall be calendared within one year from the regular election and within one year preceding a regular election." Kasi one year is enough because if the Prime Minister proves himself effective than ineffective leader, there will be no motion for a vote of no-confidence at all after he has shown that he is effective after one year. It is true. It may eventually be. If you consider how many elections we hold now, we have elections every three years and then we have barangay elections, Sangguniang Kabataan, we virtually have elections every year. And so maybe a respite from this political exercise can be had.

Consider that the Prime Minister is initially chosen by the majority of all the members and then somebody who is a member of the Parliament says "no-confidence tayo dyan", there will be a period, say two weeks, before any debate on the motion for a vote of no confidence is taken up. That will allow the Prime Minister time to mend... kung hindi na nya talaga kaya, that means he has lost confidence of the majority, then he loses, then he's changed. And then perhaps you have also nobody coming out as a true leader acceptable to the majority of the members, then you may have a failure to form a government that will lead to the dissolution of Parliament. This will all depend on who your people and the leaders in Parliament are and the leaders of the political parties are. Maybe given again our culture, sa umpisa baka maraming vote of no-confidence, gustong testingin ang bagong Constitution kung ano. But maybe we will mature. Hopefully we will mature as years go.

COMMISSIONER APOSTOL.

So we will go to the last interpellator, Commissioner Nelia Gonzalez.

COMMISSIONER GONZALEZ.

Honorable Chair, I really have no question to Congressman Nachura except that I join my colleagues in my keen appreciation of the wonderful presentation that he has made tonight. In addition, however, I would like to submit to our Commission the case of the Philippine Constitution Association proposal. In the meeting this morning of the Board of Governors in which I sit as governor and also Commissioner Leviste also sits in that board, I was requested that the proposal of PHILCONSA be submitted officially to the Commission and that if it so desires, we will ask the head of the Committee which studied this proposal to present it to the Body tomorrow. If you approve it, I will get in touch with Dean Bacungan who is the head of this and we will present it as you desire. Thank you Honorable Chair.

CHAIRMAN ABUEVA.
Yes Commissioner Abueg.

COMMISSIONER ABUEG.
In the Parliamentary system of government, I assume that the President and the Prime Minister belong to the same political party when elected. What would be the ideal situation? Would the President still remain with the political party in which he was elected or that he be made to resign from the party and divorce himself from any political party activity.

CONGRESSMAN NACHURA.
In our proposal, we envision the President who has been elected nationwide to be symbol of unity for everybody. So, after he is elected and he assumes office, then he will cease to be a member of the political party to which he belongs and he will cease to participate in purely partisan political activities. The proposal is made because we would like to create the image of the President who has won the confidence of the people in a nationwide election as a true rallying point for unity among our people. And so, he should divorce himself already in any partisan political color, or leanings or affiliations. Yan ang idea behind the proposal. Of course, as we said, there can be other variations that may be adopted and suggested.

COMMISSIONER APOSTOL
Before I turn the Chair to the Chairman, announcement please. We are requesting all Chairmen and Co-Chairmen of different Committees to be here at two o'clock in the afternoon tomorrow to fix your schedules on Committee hearings. We have here the draft agenda for tomorrow. One is the approval of the minutes of Sept 29 and the unfinished business -- we will continue the debate on the form and structure of government. Our speakers are Commissioner Carmen Pedrosa, Commissioner Pablo Garcia, Commissioner Gerardo Espina and Commissioner Azurin.

COMMISSIONER LEVISTE.
Mr. Chairman, may I ask through you or the Secretariat, to revise the rules for the Consultative Commission in view of the changes we made in the Committees today. I asked that this be deferred so we have the chance to read it. But since there have been many changes, can I ask the Secretariat to revise this now to reflect the new Committee structures.

COMMISSIONER APOSTOL.
Yes. Is there any other thing? I'm now giving the floor to the Chairman.

CHAIRMAN ABUEVA.
First of all, Congressman Nachura, on behalf of all of us, we would like to express our thanks to you. This has been a very productive and enlightening session, sharing of views in a very concrete way. So marami pong salamat sa inyo!

CONGRESSMAN NACHURA.
Maraming salamat din.

CHAIRMAN ABUEVA.

And on a very short notice and I just called the Congressman this morning and he responded so quickly. Before anybody moves to adjourn, I would like to invite Professor Magno, since we are early in the discussion of charter change, to make a presentation in terms of the problem-oriented approach to constitutional change in terms of societal, economic, and political structure considerations. If you wish tomorrow. Alex tomorrow?

COMMISSIONER MAGNO.

Yes.

ADJOURNMENT OF SESSION

COMMISSIONER APOSTOL.

Are there any other matters? So, I move to adjourn.

[VOICES]

I second.

CHAIRMAN ABUEVA.

Session adjourned.

It was 8:22 p.m.