

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

TRANSCRIPT OF THE PROCEEDINGS

Session No. 6

Thursday, October 6, 2005

OPENING OF THE SESSION

At 3:26 p.m., the Chairman of the Commission, Jose V. Abueva, called the session to order.

NATIONAL ANTHEM AND PRAYER

CHAIRMAN ABUEVA.

Let us stand for the singing of the national anthem to be followed by a prayer to be led by Sr. Luz Soriano.

[The Body sang the National Anthem]

COMMISSIONER SORIANO.

Let us remember that we are in the presence of our Almighty Father and let us seek His assistance.

Father, we may ask You for the gift of wisdom – guide our minds that we may find the truth to show us the way. The path is not always that easy to find.

We ask for the grace to guide our hearts in seeing into the hearts of our people. The pain of our neighbor is not always that easy to feel.

We ask for the strength to carry out our work, however daunting it may seem.

We seek the humility to understand different viewpoints. Please give us the humility to listen, to understand, to appreciate.

Most of all, we give thanks for the friendship and the sense of solidarity in this room today. We give thanks for giving us the opportunity and the responsibility to address the weaknesses of our systems and our institutions so that we can have a better future anchored in the strong and solid foundation of our values as a people and as a nation. And we give thanks for the gift of hope, hope that will lift us up during these difficult and trying times.

These we ask through Jesus Christ our Lord, living and reigning forever and ever. Amen.

PLEDGE OF NEW MEMBERS

CHAIRMAN ABUEVA.

It is my pleasure to report to you that we have two new members joining us this afternoon, Commissioner Liberato P. Laus (*applause*) and Commissioner Betty Lourdes F. Tabanda (*applause*). And we shall forthwith administer the pledge to them. Would you kindly come forward?

COMMISSIONER LORENZANA

Can we ask all the members to stand up, please?

The two Commissioners recited the pledge.

I, Liberato P. Laus/Betty Lourdes F. Tabanda, as member of the Consultative Commission, created pursuant to the Executive Order No. 453 series of 2005, do hereby solemnly swear that I shall faithfully discharge to the best of my ability to this voluntary obligation of re-examining our present Constitution in consultation with various sectors of society, to propose changes therein that will effectively address the political, social and economic reforms needed by our country, and advance the general welfare of the Filipino people.

So help me God.

(applause)

ROLL CALL

CHAIRMAN ABUEVA.

Our Secretary General will call the roll...

COMMISSIONER LORENZANA.

Roll call --

Abarico, A. M.	Arrived at 5:05 pm	Cariño, N. M.	
Abueg Jr., A. E.	Present	Chua, F.	Present
Abueva, J. V.	Present	Dee, D. G.	Arrived at 3:37 pm
Acevedo, A. Y.	Present	Duavit, G. M.	Absent
Adamat, R.L.	Present	Espina Sr., G. S.	Present
Amin, O.U.	Present	Garcia, P. P.	Present
Angeles, E. Y.	Present	Gonzales, N. T.	Present
Apostol, S. A. F.	Present	Jimeno, R. T. V.	Present
Azurin, R. B.	Arrived at 5:03 pm	Jurado, G. M.	Present
Bautista, A. D.		Lambino, R. L.	Present
Bello Jr., J. C.	Present	Laus, L. P.	Present
Bengzon, M. R. M. -	Arrived at 3:33 pm	Leviste Jr., J. P.	Present
Bian, J. I.	Absent	Lim, J. M. L.	Absent
Bondoc, J. Y.	Present		

Lorenzana, L. M. C.	Present	Romualdo, P. P.	Present
Magno, A. R.	Arrived at 4:24 pm	Sarmiento, M. S. S.	Present
Marohombsar, E. M.	Present	Seno, C. T.	Present
Matula, J. S. G.	Excused	Soriano, L. E.	Present
Mendoza, D. T.	Absent	Tabanda, B. L. F.	Present
Naval, D. C.	Present	Tendero, E. M.	Absent
Ortega, V. F.	Excused	Teves, R. M.	Present
Ortiz-Luis Jr., S. R.	Arrived at 3:38 pm	Varela, M. B.	Present
Paterno, V. T.	Arrived at 5:36 pm	Vilar, A. T.	Present
Pedrosa, C. N.	Arrived at 4:05 pm	Yuchengco, A. T.	Present
Rodriguez, O. S.	Present		

COMMISSIONER LORENZANA.

Mr. Chairman, we have, one, two... twelve. Twelve out of forty-eight. We have a quorum, Mr. Chairman. Romela Bengzon, late (laughter), but present, at least.

CHAIRMAN ABUEVA.

Commissioner Apostol our Floor Leader...

COMMISSIONER APOSTOL

I would like to endorse the Floor Leadership today to Commissioner Abueg.

MINUTES OF OCTOBER 3 SESSION

COMMISSIONER ABUEG.

Thank you Mr. Chairman. With the certification of the quorum, I move that we proceed to the business of the day. And I move for the deferment of the consideration of the approval of the minutes of the 3 October 2005 session. I so move.

COMMISSIONER LAMBINO.

Second the motion.

CHAIRMAN ABUEVA

So we defer two items for the moment.

COMMISSIONER LEVISTE.

Mr. Chairman, have we been provided the minutes?

COMMISSIONER ABUEG.

Mr. Chairman, the final form of the minutes is in the process of printing and at present, the Secretariat cannot yet distribute the same. And that is the reason why this representation moved for the deferment of the consideration of the same.

CHAIRMAN ABUEVA.

Yeah. In the meantime, I have some important...

COMMISSIONER ABUEG.
Mr. Chairman.

CHAIRMAN ABUEVA
Yes?

COMMISSIONER ABUEG
I likewise, I move that we proceed to item 5.2. And I move for the approval of the amendments to the rules of procedure. I so move.

CHAIRMAN ABUEVA.
No objection?

COMMISSIONER LEVISTE.
Mr. Chairman, just an inquiry. Do we have a copy of what we are approving already as amended? It would be good if we were able to see it before we approve it.

COMMISSIONER ABUEG.
Mr. Chairman, the final form has not yet been finally printed. And so no distribution has yet been made for reconsideration of the members of the Commission. That is the reason why this representation moved for the deferment of its consideration.

CHAIRMAN ABUEVA.
I think we have a reasonable suggestion that we get a copy of rules, as amended, before we finally approve it. Do you agree to that? We'll have this distributed as soon as it's available.

COMMISSIONER LEVISTE
Thank you, Mr. Chairman.

CHAIRMAN ABUEVA
As I said, I have few matters to consult you over. One seems minor but for the record, and for us to know each other better and as a record of posterity, of history, we would like to have a fuller set of CVs for the members of the Commission. The one that you have was, I think, hurriedly put together and given to us by the PMS staff and they got from the CVs that we submitted to them. So I would urge you, I would request each one to prepare a one-page, 8 ½ x 11 paper, one-page CV of your own. Please make the draft by which you would like to be known among our colleagues and if you could submit this sometime next week, maybe Monday or Tuesday, next week, we will have a very good set, a new set of CVs. Just one page, just limit our CVs to 1-page, double space if you wish.

Now the next item has to do with consultations. There are various forms of consultations. Even now, we have been receiving communication, written communication from a couple of sources, but many more are forthcoming, offering proposals or ideas for the amendment of the Constitution. Certainly this kind of written offers of ideas, proposal for amendment or revision of the Constitution would be welcome. This is part of our consultation and I will also urge you... knowing various organizations and institutions that may be interested in submitting their ideas and proposals. Please tell them that their inputs to our work and this would be very good for those who know you, who would be approaching you, and maybe submitting even their

proposals through you, so that everyday, in the very few days that we have to do our work, we will be receiving their proposals and they can rest assured that we will consider their contributions.

Another one has to do with consultation. This morning we were invited, three of us were invited by Speaker De Venecia to consult on how we can consult with each other and I report with the Congress. I reported to him that in fact we invited former Congressman Nachura to give us the draft proposals of the 12th Congress. And that today, this afternoon between 4:00 and 4:30 the incumbent Chairman of the House Committee on Constitutional Amendments, Congressman Constantino Jaraula of Misamis Oriental will be presenting to us the latest version of the House proposal for amendment or revision. And so therefore we already began the consultation with Congress and this is, he was very pleased about this, because he said that they cannot wait for December. 15 or the date when the President submits our report, a final set of proposals. They would like, in the mean time, to be having consultations from time to time. And they also want to transmit to us the latest version of their proposal from time to time.

So I am informing you and also consulting you because this seems to be a reasonable and a good way of maintaining our relationship with Congress whom we recognize, under the Constitution, as the institution that has the authority and the power to propose amendments and revision.

We are also aware that there is an effort, before I say that, I have drafted a letter informing the President, the Speaker of the House of Representatives and the President of the Senate, that we have met and of course convened and are fully organized to do our work and I am sending this letter and I would like personally to be able to deliver these letters, especially to the Senate President, the Speaker and of course, if possible, the President. I have these letters, a very formal report to them that we are convened and organized.

Then on these consultations, we were informed by the Speaker that in the House they have an accelerated schedule for discussing their own proposals for amendment. And as we have already announced that we are introducing their joint resolution in the House. In fact, I think that it has already been adopted, the joint resolution. So under this they will begin the process of updating their draft proposals for amendment and revision. And so this is why I think our conversation this morning...underlying the fact that the importance of continuing consultations as committees ... as committees and the plenary come to some agreement on fundamental ideas not necessarily drafts, full drafts or even working drafts; but fundamental ideas and the plenary agrees to this.

I would like to consult you on the wisdom of communicating to the President as well as to the House and the Senate the progress of our work. This is work in progress but we inform them of the key ideas on which we are, we have an agreement, general agreement, without any of the details. The reason is that if the House goes on and has its proposals, before we have had an input to that and before we have consulted the public in general about our own proposal, there is a problem of whether the desired consultation is going on in a satisfactory way in the view of the public. The public expects us to be consulting them, various sectors of the public, but since Congress is also seized by this task of amending and proposing revision of the Constitution, these processes are going on simultaneously, and therefore the idea of continuing

consultations or continual consultations with each other make sense and also with the public.

So with respect to the public, initially I broached to you the idea that after 4 or 5 weeks of our work in committee and in plenary, as we come up with our working draft, then we would spend 3 to 4 weeks in teams, 6 teams, going around the country for the consultations. This would fulfill that part of our mandate, which says that we should consult with various sectors of the public, of society. But in light of this simultaneous process of proposing proposals here with us, by us and in the House and possibly in the Senate, although we don't hear in the Senate, there are at least 4 Senators who are also preparing their drafts and circulating their drafts. We would like to be able to say that we have advanced our consultation with the public even before we have full blown drafts, working drafts of the Commission. Because when we reach that stage the public might say, "tapos na pala yan eh, we are not really making an input at the right time, we are just being shown cooked food". This is why I am opening my mind to you because of this conversation that I had with the Speaker.

COMMISSIONER GARCIA.
Mr. Chairman.

CHAIRMAN ABUEVA
Yes.

COMMISSIONER GARCIA
Communicating with the Speaker of the House and perhaps other sectors is perfectly right. But communicating with the President of the Senate at this time and considering his announced position on chacha, it may not be appropriate. We might expect a reply that will not be complimentary. This can be played up in media. Thank you.

CHAIRMAN ABUEVA.
Well, whatever we, if we should decide that it is in the interest of timely consultations along the way that we communicate with the public and various sectors of the public, as we proposed and with the House and with the Senate. We will of course have to inform the President about these realities, the need for continuing consultation rather than waiting for 4, 5 months until we have a working draft. The process is ongoing in full blast in fact in the House, although not as much in the Senate. But still, I know there are individual senators with their various proposals being prepared. So, certainly, we shall not, even now, make a progress report to the President that we...well, as this letter I mentioned will just tell her that we are formally organized and so forth, but I will include a report that we are in consultation, already with the House Committee on Constitutional Amendments. The fact that Congressman Jaraula will be here this afternoon is evidence of that. We have to inform the President.

COMMISSIONER VARELA.
I am just thinking aloud, what about inviting somebody from the Senate to speak before us. And possibly also one of the members of the Constitutional Commission of 1986.

CHAIRMAN ABUEVA.
It is suggested that we might also consult with the Senate or members of the Senate, as well as members of the 1986 Constitutional Commission. As we said, we leave it to the various committees to invite people in your hearings, as it were. We don't want to call it

hearings, but in your consultations you may invite any resource person you have in mind. But this is a policy question in that we invite members of the Senate. We are already inviting, for example, certainly one Senator would be the counterpart of Congressman Jaraula. If we have invited Congressman Jaraula, we could also invite Senator Dick Gordon who is the Chairman of the Senate Committee on Constitutional Amendments, and that would make it parallel. It's good to always go parallel, to show equal respect.

COMMISSIONER ABUEG
Mr. Chairman. In spite of the...

CHAIRMAN ABUEVA
Commissioner Abueg?

COMMISSIONER ABUEG.
Thank you Mr. Chairman. In spite of the notice given by the Chairman to the President, Speaker and the Senate, that the Consultative Constitutional Commission is now undertaking its work, I think it is proper that the Commission adopt a resolution officially. With the election of the officers and the Chairman of the different committee, I think it is proper that the Commission adopt a resolution officially informing the President that the Commission is now ready to work, with the elections of its officers and the organization of the different committees. Likewise, a resolution to the House of Representatives and the Senate to officially inform of the existence of the Commission.

CHAIRMAN ABUEVA.
I think that is superior to what I have in mind, just writing a letter as Chairman. My letter should only transit that resolution. So if we can have a resolution of formally informing the President, the Speaker and the Senate President then that would come from the whole Commission.

COMMISSIONER ABUEG
I so move, Mr. Chairman.

COMMISSIONER ESPINA
Mr. Chairman. Mr. Chairman.

CHAIRMAN ABUEVA
Ah, before you. Yes. Yes, Commissioner Angeles.

COMMISSIONER ANGELES.
Mr. Chairman, as a follow-up to the motion of our Floor Leader, I would like to put it into a motion that we authorize our Chairman to make it official that we are authorizing our Chairman to transmit a progress report to the President and to the Speaker of the House as well as the President of the Senate.

CHAIRMAN ABUEVA.
Was that ah, that's a prior motion of Commissioner Abueg?

COMMISSIONER ANGELES
That's just a suggestion...

COMMISSIONER ESPINA.

Mr. Chairman, I move that a resolution be drafted, I move that a resolution be approved of this Commission informing...

CHAIRMAN ABUEVA.

There's already a motion. Excuse me...

COMMISSIONER ANGELES

I already have a motion.

CHAIRMAN ABUEVA

The motion was already submitted by Commissioner Abueg and seconded by Commissioner Adamat.

COMMISSIONER ESPINA.

I just want to clarify, I just want to clarify because mabuti na yung definite tayo sa ating gustong ipaalam. Kasi kanina po, sabi ninyo, to inform the Senate, the House as to what we have been discussing...wag na muna yon, yun lang munang resolution informing them of the formal organization of the Commission and that, in fact, we have been working. But I would not want that we give them a progress report. To the President, okay, because we were created by under the authority of the President, but to the Senate and to the House, I do not want that we give a definite position, baka ma-trap tayo in the end. Let it be open. We inform we have organized, we have started working but let us not consult them about what we have been doing. Sa people, yes, because that is part of our mandate. Consult with some sectors, okay, but with the senators and sa House wag na muna. Enough that they be informed that we have been formed and started working.

CHAIRMAN ABUEVA.

We will discuss that idea. But there's a motion here on a resolution. Can you reinstate the motion, Commissioner Abueg?

COMMISSIONER ABUEG.

I suggest that this would be a unanimous motion instead...

CHAIRMAN ABUEVA.

Motion please.

COMMISSIONER ABUEG.

Yes. It will be a unanimous motion of the Commission, which is...

CHAIRMAN ABUEVA.

No, the motion is unanimous but the motion is yours.

COMMISSIONER ESPINA.

I agree, I agree.

COMMISSIONER ABUEG.

This is a motion officially informing the House of Representatives, and the Philippine Senate, that the...

CHAIRMAN ABUEVA

And the President, in the first place.

COMMISSIONER ABUEG

... the President, that the Consultative Commission has already organized itself and it is now ready to fulfill its task pursuant to Executive Order No. 453. So moved.

COMMISSIONER LAMBINO

Mr. Chairman.

CHAIRMAN ABUEVA

Second.

COMMISSIONER LAMBINO.

Mr. Chairman.

CHAIRMAN ABUEVA

Yes?

COMMISSIONER LAMBINO

May I make a point about the text of the resolution that this body is planning to forward to the President and the Speaker of the House and the Senate President. The creation of this Consultative Commission is purely an executive fiat. And for us to inform the Congressional bodies, the Senate and House of Representatives, of our existence, would be somehow an admission that we are created by a law, which I believe, it is not. We are not public officials per se because this is not a public office created by law. That is the reason why the amount of money that is set aside for the expenses of this Commission may not be considered in the category of an appropriation made by law. That is the reason why, if the Commission would permit, that we should only inform the President of the constitution of this Consultative Commission that is already working, but we should not be officially transmitting any information to the House of Representatives or to the Senate because this body is not a creation of the legislature. So that is my position Mr. Chairman.

COMMISSIONER APOSTOL

Mr. Chairman.

CHAIRMAN ABUEVA.

Commissioner Abueg, then Commissioner...

COMMISSIONER APOSTOL

Apostol.

CHAIRMAN ABUEVA

Apostol, Apostol, and Commissioner Bengzon.

COMMISSIONER APOSTOL.

I support the position of Commissioner Espina in drafting a resolution directed mainly to the President. On the other hand, the Chairman was talking about writing a letter. I support him also that that he should just write a letter to the Speaker and the Senate President. In this letter, I think it would help if you deliver the letter personally to the

Senate President and feel his pulse whether he is vehemently against this and the CONCOM, then you will know, instead of a formal resolution to the Senate President.

CHAIRMAN ABUEVA

The resolution is addressed to the President, solely...

COMMISSIONER ESPINA

President solely. Yes.

CHAIRMAN ABUEVA.

It is a transmittal letter, but I feel, I am not thinking of the law on this. I feel it is common courtesy if we inform the public and other audiences about it. What is lost? That's negatively saying that. If we recognize that under the Constitution, it is really the Congress that proposes the amendments and revision of the Constitution, so this is a courtesy. If you don't want to make it an official act of the Commission, I can do it as an individual. It's just to me, courtesy, which will not hurt us at all but in fact, will be, good relations with that institution.

COMMISSIONER ESPINA.

Mr. Chairman, just a follow-up on the point I raised earlier.

CHAIRMAN ABUEVA.

No, it was ah...

COMMISSIONER ESPINA.

Follow up lang on the point...

CHAIRMAN ABUEVA.

No, no, please ah...I've recognized Com...

COMMISSIONER BENGZON

Can you yield the floor to me now, please. Thank you.

COMMISSIONER ESPINA.

Ok, I will just give my time to Commissioner Bengzon, *kahapon pinagbigyan niya ako*.

CHAIRMAN ABUEVA

I'm sorry.

COMMISSIONER BENGZON.

I, as Deputy SecGen and sometimes de facto legal officer, I earlier made a suggestion that we have a legal position on that issue, Mr. Chairman. First of all, on the matter of the motion, I support the Chairman's view that there is really no impediment in us giving or informing the Senate or the legislature. We are not a creation of the legislature that's true, but we are also a creation of a statute and a law to a certain extent. We are a creation of the law by virtue of an Executive Order. We are not a creation of a legislature, that's true. We are not the public officials because this is not a public office and that is also true. So in that regard, I support what the Chairman is saying that we would inform the legislature, both houses, as a matter of respect to another branch of government, but I would like also to state that Mr. Chairman with your permission I will...

CHAIRMAN ABUEVA.

Yes, thank you, Commissioner Bengzon.

COMMISSIONER RODRIGUEZ.

Mr. Chairman, I support of course entirely the motion of Commissioner Abueg here although apparently the statement of Commissioner Raul here is an objection to the motion of Commissioner Abueg. I entirely support his motion and just for emphasis, I don't see any reason why it will be violative of our creation or not in accordance with that executive order if you will be giving a copy to the Senate as well as to the House. On the contrary, it will be a very important move on our part to allow them and let them know what is happening here by way of a persuasive effect perhaps in the future, particularly on the part of the Senate. I am therefore seconding the motion of Commissioner Abueg.

CHAIRMAN ABUEVA.

Yes Commissioner Duavit... Sorry...

COMMISSIONER ORTIZ

Ortiz.

CHAIRMAN ABUEVA

Yeah. Ortiz. My eyes...

COMMISSIONER ORTIZ-LUIS.

I think it is not exactly correct that there is no harm if we started liaising with the Congress because a lot of us here are struggling hard for public perception to show that we are independent and we are not a rubber stamp, or whatever. After all, I think the result of our Commission will be submitted to the President. Initially, up to the President at the end of the day to really talk it over with Congress what will be the eventual produce of this Commission. So I have no problem advising them for courtesy, as the Chair says, that we are now convened and we're doing our job, but I think in formalizing a liaising procedure may be construed by the public that we are just basically accepting instruction from the Congress and therefore we are not independently doing our consultation.

COMMISSIONER ESPINA

Mr. Chairman, para wag na lang po tayo magbotohan.

COMMISSIONER LAMBINO

Mr. Chairman.

COMMISSIONER VILAR

Point of clarification.

CHAIRMAN ABUEVA.

Yes, Commissioner, the lady, please. I cannot...Jimeno. Jimeno.

COMMISSIONER JIMENO.

Thank you, Mr. Chairman. I would just like to state, Mr. Chairman, that I adhere to the view of Commissioner Lambino and Commissioner Ortiz. In the first place, we are a creation of an executive order, we are accountable to the President which created this body or this Consultative Commission, Mr. Chairman. And the executive order states

that we are supposed to submit our proposal base on our consultations with our constituencies, after we make a draft. At this point in time, in fact, we haven't agreed on anything. We're practically debating, Mr. Chairman. And besides, we cannot say that we are hiding anything from the legislature because the media is present everyday, Mr. Chairman. So that is a way of informing the legislature already of what's happening in this body at the same time we don't want to jump the gun on the President by giving something to the legislature without having giving it to her formally yet at the end of the term of the Commission, Mr. Chairman.

COMMISSIONER BENGZON
Point of order, Mr. Chairman.

CHAIRMAN ABUEVA.
Yes, Commissioner Gonzalez

COMMISSIONER GONZALEZ.
Mr. Chairman, I want to agree with Atty. Lambino and Atty. Jimeno because this might open a can of worms, you know, because if this goes to Senate then the opposition will start inquiring and lambasting us again. It might have a negative effect on us, so I would rather that we, for the meantime, not send any letter to this...

COMMISSIONER BENGZON.
Point of order, I just want to be clarified. The motion is to just write a letter on the matter of the organization. Am I correct?

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER BENGZON
So, why is it...

CHAIRMAN ABUEVA
Three things. The motion now is for us to adopt a resolution informing the President, reporting to the President that we are all organized and we have started on our duties, to the President alone, not to the Senate or the House. That is the...

COMMISSIONER BENGZON.
...not to the House.

COMMISSIONER ESPINA
In which case I will not object anymore. Basta sa Presidente lang.

CHAIRMAN ABUEVA.
What is confusing us is that I started by saying, "I have a letter, I intended to write the President that we have fully organized and have started our work and that I would also write a letter informing the Speaker and the Senate President that we are organized." But the resolution is simply for us to adopt a resolution formally reporting to the President that we are formally organized and have begun our duties.

COMMISSIONER BENGZON.

So in a matter of order, Mr. Chairman, can we just pass upon that motion and then debate on the others because it gets muddy.

CHAIRMAN ABUEVA.

Yes. The motion has been seconded. Any objections to the...

COMMISSIONER AMIN.

Mr. Chairman, clarification lang.

CHAIRMAN ABUEVA.

Yes, clarification, Commissioner Amin.

COMMISSIONER AMIN.

I would like to know if the resolution in a motion now extended by the honorable Commissioner Abueg is independent from the report as mandated under Sec 8 of the EO 453.

CHAIRMAN ABUEVA

No. This is just informing the President that we have started our work. We are organized. It's not the final report. Obviously, it's not the final report.

COMMISSIONER AMIN

In the report we shall not mention also that we have been organized under that situation.

COMMISSIONER ESPINA.

Mr. Chairman, I now suggest that we vote on the motion for a resolution to be adopted to inform the President of the organization and the start of work, without mentioning, walang progress report.

CHAIRMAN ABUEVA.

No... it is solely addressed to the President of the Philippines.

COMMISSIONER ESPINA.

Information lang, that we have really started...

CHAIRMAN ABUEVA.

Any objections? It's carried unanimously.

COMMISSIONER BENGZON.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, Commissioner Bengzon?

COMMISSIONER BENGZON.

Just a directive to the recording Secretariat. That would be our very first Resolution No. 001.

CHAIRMAN ABUEVA.

Yes, that would be very proper. Thank you.

Now on the matter of my informing the Speaker of the House and the Senate President about our having convened and organized and studied our work, a letter of the Chairman, well, I would like to revive the discussion on that. Do you approve or disapprove of this?

COMMISSIONER CHUA
Mr. Chairman.

CHAIRMAN ABUEVA.
Yes, Commissioner Chua.

COMMISSIONER CHUA.
May I suggest that we should be extremely careful in dealing with both the Congress and the Senate? I understand the Congress might want us to rush, if possible, we submit our proposal by tomorrow, while on the other end, the Senate, some senators were telling me that we are wasting our time. So, I suggest that we be extremely careful in dealing with both Houses.

CHAIRMAN ABUEVA.
Yes, I am extremely careful. I am 77 years old, not born yesterday. I am willing to show you the draft if you wish you can approve the draft.

COMMISSIONER ABUEG.
Mr. Chairman, I move that we confirm the action of the Chairman informing the House of Representatives and the Senate of the existence and that the Commission has already been organized and ready to perform its task. We have to do this because we will need frequent liaisoning with the House and the Senate and we will not have any personality to communicate with them without informing them of the existence of this Commission. As earlier stated, we might invite Sen. Gordon who is the Chairman of the Committee on Constitutional Amendment of the Senate. In fact we have here, we have invited the Chairman on the Committee on Constitutional Amendments of the House of Representatives. Congressman Constantino Jaraula of Cagayan de Oro is already here (applause) who made the response to our invitation. And eventually, any invitation or communication that we will have. So, I move that we confirm.

COMMISSIONER RODRIGUEZ.
I am seconding that motion to confirm the suggestion and the thinking of our Chairman with respect to the sending of a letter to the Senate President as well as to the Speaker of the House.

CHAIRMAN ABUEVA.
Do I have your approval of them, as a body?

(voices) Yes.

CHAIRMAN ABUEVA
Now, our distinguished guest from the House of Representatives. The honorable Chairman of the Committee on Appropriations.

COMMISSIONER RODRIGUEZ
Constitutional Amendments.

CHAIRMAN ABUEVA

Constitutional... sorry... that was a lapse. Constitutional Amendments is already here, very prompt. I invited him and he said he would be here between 4:00 and 4:30 and he came at 4:00. So I would like to ask Congressman Constantino Jaraula to speak to us now, if you wish.

COMMISSIONER ABUEG.

Mr. Chairman, with the indulgence of Congressman Jaraula, before we proceed with the presentation of Congressman Jaraula, I move that we temporarily suspend consideration of item 6 on the agenda, the unfinished business. I so move, Mr. Chairman.

COMMISSIONER ESPINA
Second.

COMMISSIONER LEVISTE
Second the motion.

CHAIRMAN ABUEVA.
Thank you. Your honor.

PRESENTATION OF CONGRESSMAN JARAULA

CONGRESSMAN JARAULA.

Thank you very much, Mr. Chairman and congratulations to the position that you are now taking. My warmest greetings to all of you. You know Don Amor Abueg here, Don Sergio Apostol, Gerry Espina and Oca Rodriguez know that we in Congress rush to our districts any time we are free and especially on weekends. I was scheduled to leave for Cagayan de Oro this morning, but yesterday when the Chairman asked me if I can share an hour with you, I immediately cancelled Cagayan de Oro and said. "Yes, I will come."
(applause)

I feel proud in coming, sharing this hour with you because both the opposition or the greater majority of them and some members, even of the majority party, somehow have doubts on the legal basis of this body, or the purpose, and I have had the privilege of defending. One, because the President has that authority to create the body. Two, that the budget allocation for this body does not need any new or special legislation, because that comes from the funds already appropriated by Congress for the executive.

And therefore I start with that premise that you are doing a job that is called for by the times. I advance the idea that between two demands, one, is to call a constitutional convention and the other is convene Congress into a constituent assembly. This body, Consultative Commission, serves as the middle ground, given the restraints and constraints in calling a convention that may take a year to pass any resolution. Given all the billions that it may cost, this is the body that will carry the voice of the people to Congress, to the politicians, because, we have to admit, whether we are popular in our districts, we are part of an institution that does not enjoy full support among our people and addressing structure, fundamental change in the structure of government

necessitates full support of the people. You are serving that role in bringing about the voice of the people in constitution-making. Therefore, I am happy to be with you.

I understand you would want to know first of all what the progress is in the lower House. We have had public hearings as early as the 10th Congress. In the 11th Congress, the Chairman of my committee was then Congressman, now Mayor Oscar Rodriguez, I was his Vice Chairman. In the 12th Congress our Chairman was Ed Nachura. I am now the Chairman. We have been conducting public consultations. Initially where we went, the atmosphere may have been negative. But after explaining the issues they left the place, any city for that matter, confident that we have convinced no less than 90% of those who attended towards constitutional change.

Last week, in the League of Councilors in Baguio they all shouted, "Congressman, how long can this country last in the face of almost daily demonstrations, violent dispersal, etcetera. How long can this country survive in the face of threats from the Left and the Right?" I said, "for as long as the Filipino stands to serve this country and preserve the gains we have had through the decades." But the present system of government is giving us a compulsion to abuse and a compulsion to be corrupt by the concentration of powers in one department.

It has been an idealism that we look forward to when we borrowed the American Constitution, adopted it here. But when we borrowed the American constitution, copied it, we could not bring to the Philippines the American culture. We could not bring to the Philippines the American resources. Factors, that I believe, would have necessitated the success of this constitution. And from the time of the liberation, may I start with that because we were under a Commonwealth under Quezon, from 1946 up to this time, which President did not face an impeachment? President Roxas, because he died earlier than the lapse of his term. President Quirino twice faced an impeachment. President Magsaysay did not because Mt. Pinatubo claimed him early. President Garcia did. President Macapagal faced an impeachment. President Marcos twice faced an impeachment. President Aquino did not face an impeachment but had to survive seven coup d' etats and two pocket rebellions. President Ramos did not, he tried to have the constitution amended. But Chit Pedrosa here was a witness to that great effort in the mid 90's, all of which failed. President Erap with the highest majority in the presidency could not even serve one-half of his term. And now President Cory, President Gloria, that is a lapse not in judgement, a lapse in speech. Gloria, halleluiah. We have impeachment here and it is not even finished even as the Supreme Court has dismissed it. Why? Because it is integral in the system.

When Cory took over in 1986, the loyalists of Marcos, little by little, gravitated to Malacañang, because the powers are in Malacañang. President Ramos won by a minority of 24% but before 1 month into his presidency everybody gravitated to Malacañang because that is where the power is. President Erap won by the highest majority but had a minority in Congress, very slim minority. But before long everybody gravitated to Malacañang and a non-Erap partyman became Speaker. We have a majority, Erap had a majority in Congress even as he was kicked out, but before long everybody went to Malacañang.

Congress makes the budget and takes after that for the share of its district, for the release of what has been written in the budget. That is the system today. So, that concentration of power in one department, primarily the Office of the President, gives us

the compulsion to abuse and the compulsion to be corrupt. Give to that, the billions of pesos that you need to campaign for the presidency from the Batanes in North to Tawitawi, Sulu and Basilan in the South. Necessarily you have to have financiers, funders, who metamorphose into cronies after victory. And from the very start, because of Filipino culture on "*utang na loob*", you pay them off. You pay them off. Yours is this department, yours is this department, etcetera. So government under the present system is sold from the very beginning. That is the present system.

And so, after all the consultations that we have made in the last four Congresses, Don Amor. We have come out with a proposal to go parliamentary. Why parliamentary? Because you do not have a concentration of powers in one department; because you would not have a gridlock that happens today; because you would not have a continuing struggle for power between the legislative and executive; because in the parliamentary system, as you all know, you have a blending of the executive and the legislative. And everyday you defend proposed policies, existing policies in Parliament. You cannot hide. You do not have to have Executive Order 464. Why? Because the executive is there in Parliament. You do not have to go into that crisis. We have seen that, how it evolved in Great Britain, how its policy on Iraq was subjected to a very close analysis and little by little Prime Minister Blair deviated from its commitment to the US and little by little defended everyday his policies and modified his policies corresponding to the sentiment of people in Great Britain, and he won, when he had given up already a year before, he won in the last elections. Not because of any popularity or bought popularity, but because of the crystallization of issues and the understanding by people on those issues. That is the beauty of the parliamentary system.

Under the present presidential system, you cannot summon, now with 464, subject to the Supreme Court decision. But even without that, Cabinet members can always hide within the powers of the presidency. They can go round and round. And that is why under the present system, inquiries, investigations, do not end up in concrete legislations, and they do not end up also in concrete legislations because before you can conclude a particular inquiry, your term is over, because you have elections every 3 years for the House. You have election every 3 years for the local officials and you have, in between that, elections for barangays. So that this is the only country that holds election every year and also suspends elections as convenience may dictate.

There is no stability, no consistency. Everything is dictated by political needs and convenience. You cannot, we cannot, invite an appreciable investment in a country that cannot provide stability. And so, given the defects of the present system, amendments, revisions, would be imperative. People's initiatives, as Chit knows, in the case of Miriam Defensor Santiago versus Comelec, have not been provided for by an adequate legislation. Republic Act 6735 was condemned by the Supreme Court as inadequate. Convention, just to call a convention will take 3 months to 5 months to elect delegates. Another 3 months to 5 months for them to convene. P5 billion to maintain in 1 year if they end up in 1 year.

Gerry was a delegate, 1970-71 and Gerry knows where if not for Martial law they would still be in session today in that Constitutional Convention. Don Pabling Garcia. And so the principal premise is, amendment is imperative. The process by which we can make and propose amendments have been defined to us by the constraints that we have. People's initiative is not available, convention is impractical. We do not need to amend tomorrow, the amendment is needed today. If we do not restructure our system of

government, next year you will have another impeachment until 2010 and every year thereafter. You will always have that because the concentration of power in that office will always be subjected to scrutiny through impeachment. How many investors have left the country? I do not have to tell you. Mike here would know better. How many thousands more have lost jobs? The situation in the countryside is explosive. There are more hungry people everyday than at any time in our history. At that time when our economy is suppose to grow, it's going down, not because of lack of economic fundamentals, but because of the best economic fundamentals that we have are rendered at naught by political instability. And so we have to correct that instability and cut the source of that instability. Go parliamentary, go federal, if you want to satisfy the club for equity, for fairness.

We in Mindanao, even today, still we feel that we are treated as second class, third class citizens in this country. There are many areas in Mindanao that have not seen civilization. And we complain why are they spending billions in Mindanao for peace and order? Why did we send more than one half of our military to Mindanao? Because we are trying to correct centuries of neglect, that neglect can only be corrected by a federal system. We do not have to implement a federal system immediately side by side with parliamentary. We can go on a calibrated, that abused term now. Not the calibrated, not the CPR, but a calibrated approach toward restructuring. We just provide a principle framework for a federal system in the Constitution so that we go for one political exercise in regard to amending the Constitution, and mandate on parliament to put up a flesh for the federal system 10 years, 12 years, 15 years. But it is guaranteed because it is already in the Constitution. That is what we have worked out in the Lower House.

Is this process or amendment intended to give a graceful exit to the President? No. Because we have been in this job long before she became President. Is this to divert? No. The impeachment is over, and in fact while we are ready for plenary debate as early as the first week of August, we did not go through a plenary debate. We waited for all the incidentals from impeachment to human rights, etcetera, to 464 today. We waited, because we do not want charter change to be tainted by any political color, and saying that, I reiterate, the country must be happy, must be proud and must be grateful that you have accepted your respective positions in this Consultative Commission. Because you are, you are, the embodiment of the entire citizenry as against politicians. The credibility of our amendments will gain so much from you even as we in Congress would formally propose them corresponding to the mandate of Article 17 of the Constitution.

And so, accept my warmest greetings and the House, I cannot commit the Senate, and just as an aside, I was with Dick Gordon this morning, we have been undertaking continuing dialogues with as many senators. The sentiments of the Senators in private are different from what they are saying in public, and so you can go on with your job, we rely on the fact. Senators, congressmen, politicians, once you are elected you borrow from the people. That sense of patriotism and nationalism and would sacrifice when called for, would sacrifice political convenience for the future of this country and that is how I believe all Senators would act in regard to charter change. Do not be misled by what they say now. What they will say later will depend so much on what you would propose to Congress as a working formula for Congress to propose amendments to the Constitution. The bigger job today is not with Congress, the bigger job is with you.

Good afternoon. Thank you very much.

(applause)

COMMISSIONER ABUEG.
Mr. Chairman, Mr. Chairman

CHAIRMAN ABUEVA.
Yes?

COMMISSIONER ABUEG.
May we ask if Congressman Jaruala is willing to be interpellated?

CONGRESSMAN JARAULA.
Definitely. Yes.

COMMISSIONER ABUEG.
Thank you Mr. Chairman. May I request members of the Commission that those who want to interpellate, please submit names to this representation. But for the time being, the Chairman may recognize who raises his hand first.

CHAIRMAN ABUEVA.
Commissioner Bondoc, please.

COMMISSIONER BONDOC.
Congressman, before my question, we were just wondering if we could get a copy of your concurrent resolution to be presented on Monday. Is that yesterday?

CONGRESSMAN JARAULA.
Yes. I will give to the Chairman the resolution, the proposed amendments and well... not possibly the proposed rules. We have a set of proposed rules to govern the constituent assembly, but we do not need that now. Just the resolution and the proposed amendments. Yes.

COMMISSIONER BONDOC.
My question has to do with what you said earlier at the start, that the presidential system is prone to abuse and corruption, except, you said, probably in the United States from where we borrowed our presidential system. My question has to do with ah...first with my recitation I hope you don't mind, Congressman, with similar abuses of the US presidency with which you might agree. For instance, the very first President of the United States, George Washington abused his power by refusing to open his papers and himself to Congressional prying. Thomas Jefferson, as well, despite of his tremendous intellect, made a lot of questionable moves, foremost of which was the purchase of the Louisiana territory. Andrew Jackson, constantly presented the Supreme Court, the Federal Supreme Court, with dilemmas and refused to enforce decisions he did not like. Abraham Lincoln suspended many of the basic liberties provided by the American Constitution when he thought it necessary to do so in order to carry on the civil war. Teddy Roosevelt sent the navy, the Great White Fleet, halfway around the world on a saber-rattling expedition after Congress had refused funds for the trip. And then he asked the House of Representatives and the Senate to appropriate money for the rest of the itinerary or else leave the fleet far from the American shores. Woodrow Wilson embroiled the United States in Mexico and Central America with acts clearly outside the rules of conduct among nations such as the seizure of the customs house of Vera Cruz.

Franklin Roosevelt intervened openly on the side of Great Britain in World War II, at a time when the US was presumably neutral, and then he persuaded Congress to authorize him to do what he already have done without authority. Lyndon Johnson escalated the war in Vietnam on a presumed, what he told the US Congress, a presumption of torpedo attack at the Gulf of Tong-kin. Of course we know what happened to the immediate past President of the United States and his women, and the present President of the Unites States and the war in Iraq.

My point Congressman Jaraula is, would you agree in the future in presenting your arguments about the flaws, the prone of our presidential system of abuse and corruption to also include as well the corruption and abuse done by US Presidents because we copied our system from the US, and there is also a movement in the United States to change their presidential system into a parliamentary form of government. Thank you, sir.

CONGRESSMAN JARULA.

Thank you very much. I agree with all the events that you have referred to, and precisely, if it can happen in the US given their culture and resources, worst in the Philippines because we do not have that culture and their resources. It is worst with us. Definitely, yes, Commissioner Bondoc. That would enhance and strengthen our arguments for charter change and primarily a shift from the presidential to a parliamentary system. Thank you.

COMMISSIONER NAVAL.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER NAVAL

Naval.

CHAIRMAN ABUEVA

Commissioner Bengzon.

COMMISSIONER BENGZON.

Good afternoon, Congressman Jaraula. I would just like to ask how do you envision the mechanics to be with regards to our output? How is it going to be deliberated by Congress? How do you envision the process to be? Once, let say, let's assume that the finished deliverable, we gave it to the President, the President now in turn gives it Congress, how would you then take the process?

CONGRESSMAN JARULA.

Thank you very much, Commissioner, for that. As I said earlier we could have had our plenary debate a month earlier. We delayed it and I made it placed on deck on Tuesday and perhaps that may even be cancelled and start on the second week of, when we resume because we are going on recess, on the second week of November. That's how we are accommodating your role. How do we treat what you will propose? By then, we shall have debated on our own proposed amendments, but we will not conclude them. We will leave them open, knowing that you are here and receiving ideas from the people.

This is a very great project not of Congress but the entire Republic. And therefore, we will wait for your inputs and the earliest therefore that we can go for a Constituent Assembly, assuming that the senators would finally agreed to sit down with us, will be about January or February. By then, you shall have submitted your report and we shall have been furnished copies, we shall have studied them, and therefore take them as again part of our working draft. That is how it will work.

COMMISSIONER BENGZON.

Thank you Congressman Jaraula, because most of the, you have answered and allayed the fears or the concerns of most of the people here that we might just become redundant. If you have finished your work and maybe we haven't or we really don't know what the process was. Thank you, thank you very much.

CONGRESSMAN JARAULA.

I can assure you, Commissioner Bengzon, and all others, you will never become redundant because the success of this process would depend largely also on your inputs.

CHAIRMAN ABUEVA.

Commissioner Pedrosa

COMMISSIONER PEDROSA.

Mr. Jaraula, you earlier described the situation in our country and how charter change seems the only solution, the only way out. Do you not foresee a situation where you will have to have a faster approach, or else even Congress will be redundant. This is how I view that we are, we will need to synchronize the work we do, the work you do, and the events because we could also be overtaken by events. What I'd like to hear from you is, if that happens what would you advise in terms of the synchronization of the work? As of the matter of time. I am not talking about, yes, you are independent, but what is the synchronization that must be achieved for the sake of the country.

CONGRESSMAN JARAULA.

Thank you very much for that, Commissioner Pedrosa. We have been discussing with the Speaker and all other leaders in the House about the time element. While you were given by the President under the executive order until December 15, nothing prevents you from doing it earlier. In other words, if you save a week, 2 weeks, 3 weeks that will help a lot. Two, Chairman Pepe here knows that we have had so many drafts from academe. And therefore, a working formula will always be there. Third, you do not have to have, and I refer now to the motion that was just approved of Don Amor Abueg here, on confirming the actions of the Chairman.

You informed Congress formally of your organization whatever are said negatively outside every now and then. We recognize your existence. And now you do not have to have a complete Constitution. You can inform us for instance, you can vote ahead on whether to shift to the parliamentary system from the present presidential. Just as a principle or a concept, because fleshing out the system is easy. There are so many drafts. It is deciding on whether you should go to that or what, that's one. Two, you decide whether you go for unicameral, bicameral houses. Again here, that will guide us so, as you make the major decisions, we can also go on debate and be guided by your proposal, by your recommendation, and flesh out. If we adopt what you are proposing

then we can already flesh out the system under that. In other words, we don't have to wait until December 15. We can go little by little because you have already decided corresponding to what you have received also from the people. So that way, we will be able to hasten the process and save this country from so many threats.

CHAIRMAN ABUEVA.

I saw the hand of Professor Naval. I mean, Commissioner Naval

COMMISSIONER NAVAL.

Mr. Chairman. Congressman, you expressed your preference for a parliamentary form of government. In the parliamentary form of government maybe unicameral, bi-cameral or even tri-cameral, now, may we know which of this is preferred by you considering that a bicameral parliament may shall be present problems of the senators objecting to the House of Representatives convening itself as a Constituent Assembly?

CONGRESSMAN JARAULA.

Well, Commissioner, our preference is unicameral, that way you save 5 to 10 billion pesos annually because that is the expense that you have to maintain the other House. That can go into education, health, agriculture etcetera. Second, our experience with our bicameral system today is that it has not served what has been imagined to be the objective for that check and balance. And the best example for that is the present budget. The present budget that we debated last year, after 4 months, we approved it in the House, December last year. It was debated in the Senate for three months. They make a lot of amendments, modifications, all saying that they have improved on our version. They have approved their version, but overnight, when Senator Ping Lacson exposed that there was hidden 1.3 billion for the senatorial pork barrel. The following day they reconsidered their approval and approved the house version *in toto*. Where is the check and balance in that? So, our position now is that we should go for a unicameral system, the check and balance is built-in, in the open, transparent debate in Parliament, in plenary.

We have a model and that is the 1973 Constitution, minus the martial law features. This was written by delegates chosen in the best, the most peaceful election ever held in this country. That was the election of delegates in 1970. Where ii not for the intervention of Martial Law, September 21, 1972, the delegates there chosen by the people had a free hand and therefore the original '73 Constitution, without the martial law features, is a good model. I am not saying we adopt it *in toto*, but it is the best working formula that we can have.

COMMISSIONER NAVAL.

Mr. Congressman, I ask this question because of the present problem that we have. The senators are objecting to the House of Representatives being convened as a Constituent Assembly and newspaper reports say that the House of Representatives will proceed with its acting as a Constituent Assembly even without the Senate. Now if this happens, Mr. Congressman, I think this will cause so much delay because the case will again be taken to the Supreme Court, with the House of Representatives convening alone as a Constituent Assembly without the senators.

CONGRESSMAN JARAULA.

Thank you very much for that, Commissioner. May I go briefly into this? The Constitution under Article 17 Section 1, as you all know, provides any amendments to or

revision of this Constitution may be proposed, by Congress, by a bulk of $\frac{3}{4}$ of all its members. That's Section 1.

It is in Section 3 that says, Congress by $\frac{2}{3}$ votes may call a convention. Let us set that aside. Section 1. Congress -- $\frac{3}{4}$ of votes of all its members. My opinion has always been that we go as a Constituent Assembly; we sit jointly with the Senate. In the proposed rules that we have approved in my Committee as early as last year, one year ago, we have provided in the proposed rules that we shall vote separately, determine the $\frac{3}{4}$ of the House and determine the $\frac{3}{4}$ of the Senate. That is in our proposed rules. Given the dead-on-arrival, not-in-our-agenda stand of the Senate, we have reconsidered our position and we are withholding the proposed rules so that the House will not be bound to that particular interpretation.

Have we abandoned our original approach? No. Our resolution that Commissioner Bondoc was asking and I'll furnish this body. Our resolution still is for a joint session of the Senate and the House, as our first approach. Failing that, if the Senate still does not cooperate, we go by the Bernas interpretation that we can initiate amendments in the House as an ordinary legislation, approve it by our $\frac{3}{4}$, send them to the Senate. The Senate will take them up, they approve the proposed amendments by $\frac{3}{4}$, that's it. We do not have to sit jointly. Although I am saying this early that it is impractical because if we cannot agree even to sit down jointly, how then will they take up what we will send them?

We have more than 4,000 local bills, harmless bills pending in the Senate, gathering dust as thick as the dust in Quiapo. And so, we are still for joint. We have experienced this during the canvassing while we devoted 1 week to formulating the rules for the canvassing, we were able to agree, because it is easier to agree when you are *harap-harapan*. You can dialogue, you can make adjustments, but if you are very far away, removed from the scene, they can just say, "never mind.. we have some priority here." So it will never happen. It will never happen.

Okay, so, third, and this is the wild card. This is being proposed by a lot of scholars. They say, "reading the provisions of now, again Section 1, it does not provide for joint. It does not provide for separate. It merely says Congress by a vote of $\frac{3}{4}$." So some people, I am not saying my committee, some people are saying, "why don't you just convene?" The House will convene and every time the House or the Senate addresses its constitutional matters, you are acting as a constituent assembly to distinguish your ordinary legislative function. When you address constitutional matters, you are acting as a constituent body. So, why don't you just sit to address constitutional matters, invite the senators, not the Senate, but the senators? If 1 or 2 or 3 of them will attend, you discuss, approve the amendments by $\frac{3}{4}$ of the entire membership of Congress, 236 in the House, 24 in the Senate, you count 24 not the 23 actual. So that's 260, $\frac{3}{4}$ of that is 195. If, on that assumption, we can produce 195, even if only 1 or 2 or 3 Senators would attend, then we shall have attained the constitutional revision. (*applause*)

But I am saying it is a wild card. We will do that only when the first option fails, the second option fails and there is a continuing clamor for charter change. And this body, this Consultative Commission shall have finished its job and shall have recommended the immediate amendment of the Constitution and recommend to us what are the amendments to be done. We shall listen to this body more than listen to the Senate

because you represent the people in the latest political exercise. And we will exercise that wild card if it should become necessary.

COMMISSIONER NAVAL.

Thank you, Mr. Congressman. But I raise that question again. Because I think the problems with the senators now can be solved by the House of the Representatives agreeing to a bicameral parliament.

CONGRESSMAN JARAULA

You know, not all of them are really tied up to that proposition. There are many alternatives that we can think of but we are confident that in our proposal, I do not know Mr. Chairman, if I would reveal them, in our proposal, as many Senators would like the system that we are proposing. They will never be ignored. One, those who were elected in 2004, whose terms expire in 2010, shall be automatically made members of Parliament because they have a mandate. And that's not difficult, there are only 12 of them. Those who are elected in 2001, they have a term until 2007, if we amend it next year, we give them an extension. Not necessarily mere extension, it is not bribing them. But you know, you are approaching a federal system that you will have to write the flesh in Parliament. You have to borrow from the expertise of the senators who have had a national constituency. And so giving them an extension is not objectionable, neither it is to bribe them. It is just borrowing on their expertise and their experience.

COMMISSIONER NAVAL

Thank you, Mr. Commissioner.

CHAIRMAN ABUEVA

Commissioner Angeles.

COMMISSIONER ANGELES

Mr. Chairman, I like the observations or comment made by the Congressman that even without the consent of the Senate President Drilon, many of the senators may even attend the Constituent Assembly. Maybe a majority of the senators will attend the Constituent Assembly. What I would like to ask is, what is the time frame of this proposed Constituent Assembly to decide on the amendments to our 1987 Constitution? Do we have a time frame, like in this case, in our Commission, we are mandated to complete our studies by December 15? But the way we are working now, perhaps we may even finish our work much earlier than December 15. Now, Congress being constituted into a Constituent Assembly, is there a time frame to complete the amendments to our 1987 Constitution?

CONGRESSMAN JARAULA.

Yes sir. We have come up with this time frame. My proposal would have called for the Constituent Assembly, October, November, December; plebiscite by March, April, and then elections by October, everybody shall have ended by December 31, 2006. President Ramos came up with a much shorter agenda where elections should be held by May. Now, both that of FVR and mine are set aside because of your existence now. Again, we welcome this existence, this body, because you are serving the people. Our agenda now, or our schedule, is dependent on your production. Given the deadline, December 15, assuming that you shall have finished by then, we are looking towards February, March, to be able to sit as Constituent Assembly. Because we have to get, we have to wait for you, we cannot, I reiterate. Even if we can do it, we will not do it before

December because that will be rendering your job at naught. And that would be ignoring the voice of the people that are supposed to be given through you. So that is our schedule, Mr. Chairman.

CHAIRMAN ABUEVA

Thank you. Commissioner Bello. Bello, please.

COMMISSIONER BELLO.

Thank you, Mr. Chairman. Congressman Jaraula, I'm very happy to hear about your discourse on the parliamentary form of government. I'm sure or perhaps, some of our members here are enlightened on the advantages of such a form of government. But you also mentioned a very important term, you used calibrated federalism. I'm very much interested in that so that I will be able to input into my own thinking about the matter if you have any time frame of, when you said a calibrated federalism. Right now, we have about two bodies and this is the Cordillera and the Autonomous Region of Muslim Mindanao, which, to my mind, is some kind of a federalistic form. Now, when you were saying calibrated, do we have any time table, after adopting a form of government such as a parliamentary form of government?

CONGRESSMAN JARAULA.

Yes, Commissioner. As I said earlier, we can put all this into the Constitution that we are now proposing to amend. The federal system, the framework, shall already be written in this amendment, in this exercise that we are doing. But we do not implement immediately that federal system. We will task the new Parliament to do it for us. Give them 10 years, give them 12 years, give them 15 years and in between that, it is not that it will be in 15 years that you implement. You can implement slowly, gradual. Why? Because what are the major issues that you have to resolve in a federal system. As what Chairman Pepe here has come out publicly, you have to divide the country into viable clusters of cities, provinces, municipalities, economically viable and politically viable. Immediately, you can say three states: Mindanao, Visayas, Luzon. Then you'll say, aba, that's too big. Make Mindanao, 2, Visayas, 2, Luzon, 3. Ah, but you can still make Mindanao 3, Visayas 2, Luzon 3, ah, 4. In other words, you can go into that. But that will need a deeper study, more time, time that you do not have now up to December. You would not have that time. Leave that to Parliament. Next issue, how about national obligations? Our national debt that is eating so much of our annual budget? The consensus among scholars is that you cannot divide that among the proposed states. That has to be paid nationally by the federal. And you have to provide for that. That takes time. That takes time. So I'll say 10 years, 12 years, 15 years. But we shall start.

CHAIRMAN ABUEVA.

Congressman, just a point of information, one of our proposals really would proceed on now the calibrated, parallel to the calibrated process, we call it asymmetrical federalism. Whereas, the federal republic would be established when the revised Constitution is ratified by the people and the results proclaimed, the actual activation of the states can take different periods. The most ready can get started earlier, and so on. But I want to make it clear that one of the proposals we have is that the establishment of the federal republic is proposed in the document that is submitted to the people in the plebiscite. So that the approval by the people of this provision would already establish the Federal Republic of the Philippines with the parliamentary government, but leave the implementation to the other provisions in the Constitution.

Yes. Commissioner Vilar, please. And then, Commissioner Lambino.
COMMISSIONER VILAR.

Congressman Jaraula has already answered my question on the calibrated proposal for the federalism. As long as federalism is included in our recommendation for a parliamentary form of government within this time frame given us, then it should be included, but implementation is not necessary immediate. I mean it has already been answered. Thank you very much.

CHAIRMAN ABUEVA
Commissioner Lambino, please.

COMMISSIONER LAMBINO.

The meat of my question has already been brought out by Com. Naval. But I just would like to make a manifestation that I agree with the interpretation of Congressman Jaraula and the other scholars regarding the manner how the 1987 Constitution maybe amended to or revised. Under the Constitution when Congress will have to meet in a joint session and to vote jointly or separately, it so specifically provide, like for example in the declaration of war, or national emergency, Congress meets in a joint session and vote separately. In meeting as a national board of canvasser, it meets jointly and vote separately. In declaring the temporary incapacity of the President, it meets jointly and votes separately. Also in the proclamation of martial law, the revocation of martial law, or in the revocation of the suspension of the privilege of the writ, here under section 18 of article 7 of the Constitution, it says, Congress meeting jointly and voting jointly. That is one instance where the Constitution says that Congress will vote jointly when meeting jointly. And then there's another one, when Congress will call a special election in order to pass a special election to fill in the vacancy of Presidency and Vice Presidency, Congress will meet jointly and vote separately.

In Article 17, Section 1, it did not say so whether Congress is going to meet jointly or meet separately. My interpretation to that is that, following by analogy, a situation whereby the Supreme Court in the case of Sanidad vs COMELEC, the 1973 Constitution was supposed to be amended only by the Batasang Pambansa or then the National Assembly as originally was the name of the legislature. But President Marcos arrogated unto himself the power to propose amendment to the 1973 Constitution that's why the infamous Amendment No. 6 came in. But the Supreme Court did not stop the Comelec from holding the plebiscite. So therefore Amendment No. 6 was approved by the people in a plebiscite. And what did the Supreme Court say? The Supreme Court said it was already approved by the people in a plebiscite. So amendment No. 6 became part of the 1973 Constitution. The same manner that in the case of Philconsa vs. COMELEC when President Marcos called for snap election in 1986, there was no resignation or vacancy at that time. In fact, the letter of Pres. Marcos was only subject to the assumption of whoever is elected and proclaimed winner, and the Supreme Court did not issue an injunction, the election pushed through. What happened? We had a new 1987 Constitution after the people Power Revolution.

So this is not an alien to the Philippine situation insofar as amending the Constitution is concerned. If Congress, the House of Representative, will have to push for amending this Constitution even without the cooperation of the Senate, because the House of Representative can act as the Congress, pursuant to the provision of section 1 article 17 of the Constitution, acting as a constituent body. Then by a vote of $\frac{3}{4}$ of all its members even without the participation of the Senate because it does not want to, then it can

propose. And if the Supreme Court will not stop the holding of the plebiscite of the approved amendment or revision of the Constitution then, following the pronouncement of the Supreme Court in *Javellana versus Executive Secretary*, the Constitution is deemed considered enforced and effect. That is my position Mr. Chairman. Would you agree with that position, Honorable Jaraula?

CONGRESSMAN JARAULA

I fully agree with the observations of Commissioner Lambino. May I share, so that you will feel that what you are saying here, what you will be debating later on, can become part of history. Briefly, this is what happened. In the Constitutional Commission of 1986, we practically have the same members as you are – 48. When article 17 was presented in plenary, because it is very short, it was presented ahead. On July 8 and 9 1986, Commissioner Suarez sponsored it. When he presented this, Dodong Maambong of Cebu, inquired, “your honor, your presentation is based on the assumption that plenary will vote for a unicameral system.” And the answer was, “yes your honor.” Dodong Maambong followed it up with the following question, “suppose your honor, plenary votes for a bicameral system, what happens?” The answer of Mr. Suarez say, “in that eventuality your honor, we have a reserve phrase *in joint session assembled*, just like the 1935 Constitution, as amended.”

So the agreement was that when plenary will go for bicameral then they will insert “in joint session assembled.” September, this is July 8 and 9, September, Article 6, on legislature was presented, very long. It took more than a month later. When it was presented, they voted, shall we go unicameral or bicameral. When they voted, bicameral won by one vote. So they had to instruct the Secretariat. So all reference to the “National Assembly” shall now read “Congress.” Some chairmen went into their respective articles and made some revisions. Nobody remembered article 17. Nobody remembered the reservation of Mr. Suarez. Everybody was rushing. And so that is what happened. Lapse, not in judgment, lapse of memory. So, that is the situation. The intention was, article 17 shall read “in joint session assembled” because they have gone bicameral. But they have not inserted that question.

Shall we be bound by that lapse? Shall we respect the intention that was not remembered? Those are the things. But again, because of that lapse, if the Senate does not cooperate, Commissioner Lambino, we will adopt his interpretation because the Constitution is very specific on all events – voting separately, joint voting etcetera. But it is not specified in this particular provision. That leaves us room for interpretation.

CHAIRMAN ABUEVA

Commissioner Sarmiento, please.

COMMISSIONER SARMIENTO.

Congressman Jaraula, in that transition period of 10 to probably 15 years, would it be wise to amend the present Local Government Code and somewhat strengthen it in preparation for a shift to federal form of government? Senator Pimentel actually sponsored a bill in trying to improve the present Local Government Code but it's collecting dust I think in the Senate also. So, do you think by strengthening the present local code, it would somewhat prepare our people, prepare our government, to be able to face the challenges if ever we are going to shift into the federal form of government.

CONGRESSMAN JARAULA.

Yes. I would agree with that because we cannot leave the weaknesses of the local government for 10 years, 12 years, until we shall have the federal system. But we shall always remember that when we go federal, the local government will be dictated by the local laws in that particular state. There will be variants from state to state in regard to local government. But I agree in that strengthening in the meantime.

CHAIRMAN ABUEVA.

Commissioner Garcia, please.

COMMISSIONER GARCIA.

Just an addendum to the, we might say, strategy contemplated by the House. I believe that, for purposes of strategic, we might say, advantage, it is better that the House defines its stand now, including the executive. That the course we are going to take is that these amendments will be submitted and will push through following the wild card. Because, if we say, we will ask their cooperation and we will say that if they will refuse, then we will throw in the wild card. You can never expect that they will cooperate. It will take only 7 of them to oppose and we can kiss our plan for parliamentarism goodbye. The wild card is I think the strongest one and so we proceed from a position of strength and I think the Senate will be convinced against their will. It is true, the proceedings in the Commission referred to by the distinguished Congressman, took place on July 8, 1986. It was not Maambong, it was Justice Regalado. The first name of Maambong is Regalado. But actually, the Commissioner who asked the question was Justice Regalado and I have the record. July 8, 1986. "Mr. Regalado, I also noticed that both sections 1 and 2, this became sections 17 and 18, are premised on the anticipation that the Commission, not only the committee, will opt for a unicameral body. In the event that a bicameral legislative body will carry the day, has the committee prepared contingency proposals or legislation? The answer of Com. Suarez, who sponsored this resolution, "Yes, in that situation, we will propose to include the words, *in joint session assembled*." Mr. Regalado said, "but still maintaining the same number of votes, $\frac{3}{4}$?", Mr. Suarez, "the Commissioner is right." Mr. Regalado: "Thank you." Found in volume 1, page 375.

Now, it is true. They forgot to include, "in joint session assembled" in the final draft. Actually, as it is written, there is no joint session assembled. But even if that was included, it would not change or alter the sense that it is $\frac{3}{4}$ of the House and the Senate counted individually, not separately. Under this theory, or under this principle, the House can push through with the amendment, not because of the Senate but in spite of them. And, as mentioned by Commissioner Lambino, there is support in the Constitution itself, where the counting of the votes is not separate, where the House and the Senate meet and the majority of the vote is the majority of all the members of Congress, senators and congressmen. This is under Section 18 of Article 7. When the President declares martial law, he shall report within 48 hours to Congress and the Congress, within 24 hours, will meet jointly without a call. And, it says here, the Congress, voting jointly by a vote of at least a majority of all its members in regular or special session, may revoke such proclamation or suspension. This was the amendment of Commissioner Monsod, Christian Monsod. And in his explanation, he said, that the voting be not separately, but that the members of Congress, senators and representatives, get majority. There was an objection on the part of Commissioner Rodrigo, former Senator Rodrigo, and he said that in that case, the House will overwhelm the Senate. And so, Rodrigo proposed an amendment, that it should be voting separately. That amendment was brought to a vote

and it was rejected. So that, in this instance, where the Congress chooses to revoke, it is not voting separately. So if you get the number 190 or 95, the House will carry the day. Because also, in other instances in the Constitution, as mentioned by Commissioner Lambino, because the Constitution is very specific in the declaration of war, 2/3 of members of Congress, voting separately. Also, in the confirmation of the appointment, like, it is the appointment of Vice President Guingona for Vice President, the confirmation is by the House and the Senate voting separately. Here, it is not specified. So, where the law does not distinguish, we do not also distinguish, in accordance with the Latin maxim, *jove jus non distingit, nic nos distengere de devos*. Now another argument is the provision of the 1935 Constitution which is almost exactly similar to this.

(warning bell)

CHAIRMAN ABUEVA.

Commissioner, would you conclude, please?

COMMISSIONER GARCIA

Well, if you would care to listen to...

CHAIRMAN ABUEVA

We are listening.

COMMISSIONER GARCIA

Yes, now, because I heard the bell. I thought it was ice cream. *(laughter)*

Now, in the 1935 Constitution, it states, that proposal to amend the Constitution may be proposed by a $\frac{3}{4}$ vote of the members of the Senate and the members of the House voting separately. Now on the problem that they will not, you invite them and they will not come, will the President call them, they can call them to a session. So the President may call the Congress to a session, can there. You could preside well, so much for that. Now, my question. Now, this calibrated federalism. Under the Constitution, there is a provision that no province, city or municipality may be merged, divided, abolished, or created unless with the vote of the majority of the inhabitants in the areas affected. Also, in the Constitution, in the creation of the Autonomous Region of Muslim Mindanao, we had to pass in Congress, an organic act. This organic act which defines the autonomous region containing 13 provinces, was submitted to a plebiscite. And in that plebiscite, originally, only four provinces voted to join the autonomous region. So that if, did you take this into consideration? Why you said that the federalism, which we have to provide, is calibrated? Because, you still have to, in the Constitution, you still have to...

CHAIRMAN ABUEVA.

Commissioner, can you please formulate your question, kindly?

COMMISSIONER GARCIA

Yes. Yes. I am formulating the question, with due respect to the Chairman. Sec. 10 of Article 10 of the Constitution, no province, city, municipality, or barangay, may be created, divided, merged, abolished, or its boundary substantially altered except in accordance with the criteria established in the Local Government Code and subject to approval by a majority of the votes cast in a plebiscite in the political units directly affected. The creation of a federal state will mean the abolition of provinces. Was this

provision perhaps in the minds of the Congressman, notably, the Chairman, when he said that it must be a calibrated federalism or a calibrated endeavor?

CHAIRMAN ABUEVA

Ah, Commissioner. Let's please pose your question because we agreed on the rule of three minutes interpellation.

COMMISSIONER GARCIA

Well, actually, with due respect, Mr. Chairman. I know the feelings of the Chairman. I know he is for federalism. But we are here. We are to study and we are getting it from the Chairman of the Committee of Constitutional Amendments himself who is the ultimate authority I might say. And yesterday, we also heard it from Congressman Nachura, that he is only proposing federalism but not, it cannot be sabay-sabay with parliamentary, or federalism with parliamentary. And also, distinguished Congressman, if we submit this together with parliamentary, there is a clear and present danger... (unintelligible)...

CHAIRMAN ABUEVA.

Commissioner, our guest is waiting for your question.

COMMISSIONER GARCIA.

I am still formulating my question. This is a free-wheeling discussion anyway. And then you... (unintelligible)... you didn't want my colleagues to listen to me about my stand on federalism. It cannot be done, together.

CHAIRMAN ABUEVA

I did not object to that.

COMMISSIONER ESPINA.

Too many (unintelligible), Mr. Chairman.

COMMISSIONER GARCIA.

I know the Chairman has to, I know his feelings, his position. I respect him.

COMMISSIONER PEDROSA.

But that's not the order at the moment. The discussion is on federalism...

CONGRESSMAN JARAULA.

May I answer the question of honorable Don Pabling Garcia? First, I agree with the premises of Don Pabling. Two, the provisions cited in Article 10 would necessarily be amended if we go federal. As I said earlier, in answer to the question from the left, I said that the local laws will vary from state to state but they have to provide for the principal framework of the state under a federal system. And so that will go. So Article 10, necessarily, Don Pabling, will have to be amended once we install the framework for a federal system. Correspondingly, with what you have raised.

COMMISSIONER GARCIA

So, in plain and simple words, we cannot have federalism now. It will take 10 or 20 years. Hopefully, 15 years, when we can possibly put up a federal government in the country. And besides, federalism, traditionally, and by historically, should come from below. Like, federalism is a union of self-governing units like the colonies.

CHAIRMAN ABUEVA
Commissioner Garcia.

COMMISSIONER GARCIA
Like the cantons of Switzerland.

CHAIRMAN ABUEVA
Commissioner Garcia, I beg your indulgence to please, let's proceed with our discussion and there are others who would wish to pose questions.

COMMISSIONER AMIN
Mr. Chairman, we would like to, also to ask questions.

COMMISSIONER ESPINA.
Mr. Chairman, I've been raising my hand.

CHAIRMAN ABUEVA
Yes. May I recognize Commissioner Adamat, and then Commissioner Amin.
Commissioner Adamat.

COMMISSIONER ADAMAT.
Thank you, Mr. Chairman.

COMMISSIONER ESPINA.
Mr. Chairman, could I be included among those, I am the only, I will take advantage of my use of the presidentialist so that I can be assured. I am the only presidentialist so far. So, all those who have asked questions are all parliamentarist.

CHAIRMAN ABUEVA
Commissioner Leviste would also be next.

COMMISSIONER LEVISTE
Thank you, Mr. Chairman.

(Commissioners simultaneously speaking)

CHAIRMAN ABUEVA
Please, let's have order.

COMMISSIONER ADAMAT
May I inform the good Congressman that I am also from Mindanao. And I was a member of the 12th Congress. I know you have your version, the House version, of a, would be, amended Constitution. May I know your take, or your amendments as far as economic reforms are concerned because it is a common knowledge that poverty is one of the reasons why we want to change the system from presidential to parliamentary? If you could enlighten us, along that line. Particularly, Mr. Congressman, on the foreigners, allowing them to own properties in the Philippines?

CONGRESSMAN JARAULA
It is not specified in our draft. The growing consensus in the House is to open up our economy, including, ownership of lands that would be necessary for particular

investment like putting up a factory. The model that we are taking is mainland China. Mainland China, whatever it is, allows ownership by foreigners. But the safeguard is that you are made to submit a proposal, the funding necessary, deposit of the funding, and draw from that funding only against a particular program of work. If you are putting up a factory, your deposit will be released to put up that factory. Until it is finished, you are not allowed to tinker with that deposit for any other purpose. So it is guaranteed that the factory, the investment, will grow and therefore employ. Then the Chinese told us, I said, "what about nationalism?". He said, "what kind of nationalism do you have? Can they carry the land if they fail to make profits in their business. They will leave the investments here. They cannot carry the land." Nationalism is not in the ownership of land. Nationalism is in the ability of the state to provide employment to our people." That is what they said. And we would like to go by that principle. *(applause)*

COMMISSIONER ADAMAT

Thank you.

COMMISSIONER AMIN.

I'm concerned about our national debts, Mr. Congressman, national debt and also the budget deficit. You correct me if I'm wrong. The Philippine government this year is projecting a more than P200 billion budget deficit. Aside from the budget deficit, the government has to pay 3.9 billion United States billion dollars of its debts. That means, 3.9 US dollars times P56 to 1 dollar. P56 to one dollar. How much is that? It's about 3 trillion. Now, this represents about 81% of the government's revenues. And, 81% of this, as I said, will go to debt servicing alone. How will you solve this government deficit, this debt servicing and budget deficit in the parliamentary form of government?

CONGRESSMAN JARAULA.

One, because we believe that a parliamentary system will be more efficient than the presidential. Two, we shall have eliminated as much of the corruption that eats up into our income. Three, we shall be able to collect at least 90-95% of what is collectible, as against the present. All of which, therefore, will give us the funding to pay off. Because the other alternative is for debt equity. Swap. As proposed by Speaker. The other one would have been the Poland experience, debt write-off, which is no longer logical and no longer available. And so, it is precisely because of the payments that we have to make that we are proposing for a calibrated implementation of the federal system. Because we have it on authority, from one German expert, member of Parliament Heidrich, who said that the creditors will never agree to an amendment in the approach to payment where they will have to collect from individual states as in the federal system. They would always collect from the federal or national government. And so, we would want 10 years, 12 years, 15 years, to draw up a plan to settle these. Before we separate, we shall settle all these things. But again, may I reiterate, the efficiency in the parliamentary system will give us the capacity to pay off our debts.

COMMISSIONER AMIN.

The proposal of the Speaker in debt equity, what you call it, will solve the problem?

CONGRESSMAN JARAULA

That is only one of the ways of paying off. We will be actually paying, aside from that, because even in the proposal of the Speaker, 50% has to be paid. It's only the 50% that will be reinvested. So, there will be actual payments.

COMMISSIONER AMIN

Now, how will we go about with the debt deficit which is mentioned by the Speaker? How will you go about with that debt deficit, ah, budget deficit?

CONGRESSMAN JARAULA

The budget deficit is necessarily within our control. In other words,, either you raise taxes or you improve on your collection of taxes. VAT is there. The EVAT is there. How much that will raise, we do not know. There are estimates. We have approved four tax measures and we believe that this will give us something more. We become more efficient in governance. We will be saving billions of pesos. So, there are two approaches, one, is raising taxes, two, raising the efficiency in the collection of taxes, and three, eliminating as much waste because of corruption, etcetera. Smuggling, that deprives us of income. So, all those things, if we resort to them, because of the efficiency and discipline that we will attain under a parliamentary system, we will be able to solve all these problems.

CHAIRMAN ABUEVA

Ah, Commissioner Espina and then Commissioner Tabanda.

COMMISSIONER ESPINA.

Thank you, Mr. Chairman. I am now almost convinced to join those who are in favor of, I will not call it parliamentary, to a possible fusion of the executive and the legislative. As to which will be dominant, that we will decide later. Just perhaps two clarifications.

COMMISSIONER PEDROSA

That is the underlying principle.

COMMISSIONER ESPINA.

The first one is this, would you agree that in a system different as what we have now, especially in the allocation of power of government. That the... (not covered by the tape) ... my reason is, we have no traditional ano for anything symbolic and titled eh, yung for the whole country. So if we go parliamentary, let's go all the way parliamentary, and no more symbolic President. What is your thinking on this?

CONGRESSMAN JARAULA.

That you very much, Commissioner, Don Gerry Espina. You know, Gerry has been very active, you know, our Committee on Constitutional Amendments. He, in fact, came up with a primer that we are still adopting, Don Gerry. Now, that's a very good idea. The model that I referred to as the 1973 Constitution which provided for a ceremonial President, was actually trying to answer the sentimentalism of the Filipino that we look up to a father image. That was the 73 Constitution. We look up to a father image and we have given safeguards in that personality of the father image, or it can be a mother image, by saying, by providing, that once the President, ceremonial President, is chosen from among the assemblymen, he or she ceases from being a member of Parliament, and he or she ceases from being a member of any political party. Two deprivations that the President would have to undergo, again, all in the build up of a national symbol of unity, that is the role, the primary role of the ceremonial President. But, again, because it is ceremonial, it is not necessary. If, you would propose here, that we eliminate that, well and good. As I said, it is an appendix, you can cut it off at anytime. I would be happy if it is done so. But, let the proposal come from this body. You know, if it comes from you, there is no political color. If it comes from us, they will put in a lot of colors.

COMMISSIONER ESPINA
Mr. Chairman.

CHAIRMAN ABUEVA
Commissioner Acevedo.

COMMISSIONER ESPINA.
Mr. Chairman, just a clarification.

COMMISSIONER ESPINA.
I may just add that that when we went around, before, and I did it in three terms. Going around because I was always filing a resolution calling for amendments, from the beginning, from 1995 when I was elected. The real reason if we are to be honest is, takot yung gustong nag-propose ng amendment na kapag inalis nating yung karapan ng tao na bumoto, tatanggihan yung ating proposal. And so in some of our meetings, we agreed, bigyan natin consuelo de bobo. Let me be honest, (unintelligible) din natin sila. I feel na kung talagang tama yung gagawin natin, na talagang naniniwala tayo na makakabuti sa tin, makukumbinsi natin ang tao na alisin na yang symbolic na yan eh. Point of conflict pa yan, possibility, because every human being is not only an economic man and a religious man, he is also always a political man. So alisin na natin and let's be confident we can convince our people. I think I can convince my people. Number two, Mr. Chairman.

COMMISSIONER TABANDA
Mr. Chairman.

CHAIRMAN ABUEVA
Yeah. We have three more in line.

COMMISSIONER ESPINA.
Just one more. Isa pa lang yung question ko eh. This second question, (unintelligible)... you mentioned earlier of a possible bonus on terms? You know, and I think you remember this, when I was in Congress I delivered a speech na wag na tayong mag-election sa sunod na election. Skip one election to reduce conflicts, concentrate on work, but maintain the system where we can remove abusive officials, sa mga local, maintain the recall system, sa Presidente, maintain the impeachment, para for once naman wala tayong conflict masyado. For example, let me be definite, how would you feel if, or what would your reaction be, if someone proposes na wala ng election sa 2007. We will, yung senador na tatakbo sa 2007 might feel comforted na senador pa rin sila hindi pa sila gagastos may additional silang term. Si Presidente Arroyo, hanggang 2010, unless she is removed by impeachment. Yung mga local officials, may bonus din. Yung mga senador na hindi na pwedeng mag-senador, din na rin pwedeng tumakbo, may bonus din. So we have three years of almost a 100% possibility of cooperation. Yung mga batang senador papayag dyan eh. Bata pa sila eh. Yung matatanda na, katulad naming, wala ng pag-asa, okay na rin. Anung tingin mo dyan, Tenix?

CONGRESSMAN JARAULA.
Frankly, Ger, and Commissioners, a lot of my colleagues in the House have been whispering to me in that regard. I have made a public position that we in the House must submit ourselves to another mandate from the people if we are to re-write the

Constitution because we should not take advantage of our present position. Of course, I may be in a minority in that belief because the greater majority of my colleagues would want that kind of approach, Ger. But, if it is suggested from the outside, it must be considered. But, as Chairman of the Committee on Constitutional Amendments, I have been consistently resisting that suggestion within the Committee.

COMMISSIONER ESPINA.

Yeah, we had two opposing positions on that issue in Congress. Now, Mr. Chairman, just one more. Last. You say that there is a lot of whispering among the members. You know, I experienced that whispering also among the senators. So, and I have this, if you remember when I delivered that speech calling for walang election sa susunod na election, I also announced that I will not take advantage of it, I will resign, if my amendment is approved. So, ang thinking ko po, kung aaprubahan ng tao yan, as an amendment, anung problema? What I mean is, it is now a function of leadership in the respective areas in the country. Kung maipapaliwanag natin yung benefits at maaprubahan, wala tayong magagawa gusto rin pala ng tao. Kung maaari sana yung whispering nyo wag nang whispering. Yun lang.

CONGRESSMAN JARAULA.

Yes, Ger. You know, everything will be formalized and corrected by the mandate of the people in a plebiscite. But it should not come, the initiative shall not come from the House. And for as long as I am Chairman of the committee, I will resist that temptation.

CHAIRMAN ABUEVA

Commissioner Acevedo. Thank you. Acevedo.

COMMISSIONER ACEVEDO.

Your honor. Please allow me to lay the premise for my question. And that is, to state that my primary advocacy is really for a strong local government system. And that the answer of Congressman Jaraula to the question earlier that Article 10 will be considered amended if federalism, even in a staggered or delayed implementation, is adopted. The question is, can the present assurance of autonomy and decentralization of existing local governments be preserved even in a federal form of parliamentary government? In this connection, under the Local Government Code, but of course, with certain features of the present Article 10 adopted in the next amended Constitution. I would like to state, your honor, that in the 12th Congress, SB 2111, was filed by then Chairman of the Committee on Local Government, Senator Osmena, as drafted by the Local Government Foundation of the Philippines, and one of the features there was to anticipate a parliamentary change in the Constitution but strengthening local governments. And this limits the functions of states to certain functions that will not affect local autonomy, in fact, that will guarantee local autonomy and maximum devolution, autonomy, operationally, and fiscal autonomy. So, I would like to submit to his honor, the Chairman of the Constitutional Committee in Congress, a copy of SB 2111 and the summary produced by the Local Government Committee and filed by then Senator John Osmena. Here, the Local Government Foundation designed the functions of the state in the form of regional government because, under Article 11, it was not possible yet for a state or other form of regional-level government. I submit, your honor.

CONGRESSMAN JARAULA.

Yes. Considering that federalism is based on strengthening the local, necessarily, that concept will be adopted. But, again, everything else has to be amended so that you

leave the power to the state, under that federal system, to decide for themselves what is to be done in their local government.

COMMISSIONER ACEVEDO

Your honor, follow up.

CHAIRMAN ABUEVA

Yeah. Okay.

COMMISSIONER ACEVEDO

You know, our concept is, it's the province, the city, the municipality and the barangays, that should be strengthened and continue to be the vehicle of progress at the local level, not the state level. So, in the draft Code, the regional level, which would be the state in a federal system, was assigned functions that with not interfere with local autonomy.

CONGRESSMAN JARAULA.

Yes. Even in the states, local governments vary from state to state. And that's how we look at them because there can be realities in a particular state that may dictate a variance in their local governments as against other states.

COMMISSIONER ACEVEDO

You know, Mr. Chairman...

CHAIRMAN ABUEVA.

These are, the three last speakers, interpellators, are Commissioner Gonzalez, Commissioner Tabanda and Commissioner Abareco, Abarico. Commissioner Gonzalez?

COMMISSIONER GONZALEZ

Thank you, Mr. Chairman.

COMMISSIONER LEVISTE.

Mr. Chairman, you may have forgotten me. You put me in the list earlier.

CHAIRMAN ABUEVA.

Yes. You're next. Commissioner Gonzalez, let's give way to ...

COMMISSIONER GONZALEZ.

Thank you, Mr. Chairman, I just want an opinion from Congressman Jaraula. Sometime in 1971, in the Constitutional Convention, there was a draft proposal made by Dr. Salvador Araneta, the first President of the Philippine Constitution Association, and he stated that it will be good to have the President and the Prime Minister elected through Parliament, provided that the duties and responsibilities are balanced off. As a matter of fact, he even stated that a triple collective leadership could be made where you've have a President, Prime Minister and a Speaker of the legislative assembly. I would just want to know what your thoughts would be about this.

CONGRESSMAN JARAULA.

Our position now is to simplify. That's why I am ready to accept the possibility of the suggestion of Commissioner Gerry Espina on eliminating that ceremonial position of the

President, to simplify, by, you know, eliminating as many positions as possible. You are saving for the country and you minimize wastage and you simplify governance. And so, I would still go with that trend on simplifying government for efficiency.

COMMISSIONER GONZALEZ.

But sir, would you agree on a President and Prime Minister elected by Parliament?

CONGRESSMAN JARAULA.

Yes, in fact, they should all be elected only by Parliament. We should eliminate any national election for any particular office because that will again bring us to the abuse and the corruption on the cronyism system because of the expense called for.

COMMISSIONER GONZALEZ.

Thank you.

CHAIRMAN ABUEVA.

Commissioner Leviste, please.

COMMISSIONER LEVISTE.

Thank you, Mr. Chairman. Congressman, thank you for honoring us with your presence. It's very difficult to listen to you because you are very persuasive and if I keep on listening to you, I might totally change my position. But thank you also for your kind words on the '73 Constitution which added the privilege to participate in with Gerry, Amor and couple of other of your friends. I just have a question, this matter of the unicameral house is of concern to a lot of people, because of the thinking that you may develop a Parliament of people whose perspective is only their congressional district, or parliament district. Would you be in favor or how would you react in favor to a unicameral assembly or unicameral parliament where the representatives or the members of the parliament are elected by region? This is a hypothetical question, I have been toying this in my mind. Basically, it's a model of 1978 election under the period of the former President Ferdinand Marcos, where the assembly member elected by regions.

CONGRESSMAN JARAULA.

Yes, that is a possibility. It happened in the Interim Batasang Pambansa election of 1978. However, from experience even on that level, 1978, there is not as much direct relationship between the assemblyman, the representative and the constituency. And therefore, because it is on a larger scale, it is dictated again by power politics and funding. A poor candidate, with all the talent, may not win in a regional election but he can easily win in his district. And that is what we are looking at. I am not objecting to revisiting that, but that is the situation that we have seen. In a parliamentary system, we look forward to the culture of competence and merits that will grow from the various districts that you do not elect anymore just the wife, the husband, the children, etcetera, since everyone would have the chance, the opportunity, the capacity to be elected Prime Minister, the constituency will now choose the best and send to the assembly. Therefore, that best can be best chosen by the district. If you throw them in a regional area, it will need more money, it will need more political compromises on a larger scale. So again, you do not honor directly that constituency in the district assembly.

COMMISSIONER LEVISTE.

Thank you, Mr. Congressman.

COMMISSIONER TABANDA.

Thank you Mr. Chairman. Mr. Congressman I come from the countryside and even there, away from the metropolis, there is a lot of clamor for charter change, except that there are lots of proposals being brought about, like some would ask for federalism with parliamentary system, but the others would simply like a parliamentary form of government without necessarily federalism. So, my question is more on the plebiscite requirement of all these amendments to the constitution. I would like to know what plan your committee has as far as the presentation of the amendments are concerned. For example, in the Cordilleras where I come from, the Constitution provides for an autonomous region for the Cordilleras. Unfortunately, this was rejected. And so, if there are a lot of amendments to be proposed, some maybe in favor of this but not for the others. Do you intend to have a blanket proposal for the plebiscite? Or simply it's going to be, are you in favor of the proposed amended or revised constitution? Or are you going to do it on an issue by issue basis so that the people will be able to really express their desire and their stand on specific issues without necessarily jeopardizing the entire amendment which are going to be proposed.

CONGRESSMAN JARAULA.

Commissioner, thank you very much for that. That's a new idea, actually. Our present position is we will present all the proposed amendments as one, because they will be integrated. Your provisions on parliamentary would necessarily be adjusted to your provision on the federal because they will have to work together, parliamentary being a system of government and federal being an allocation of power to a particular area. So you would have to fit the provisions for a parliamentary system with the provisions on the federal system. You cannot break it up to just parliamentary and then also just federal, that the people may say, okay for a parliamentary but not federal. Because in the provisions where you are thinking of both parliamentary and federal, there are provisions on the parliamentary that are already adjusted to a federal system, that are to (unintelligible).

So, our position, as of now, is still on one presentation but I would be happy if you can craft a provision that would somehow segregate. Although, politically, again for practical purposes, we are approaching it as one. Why? The local government units are our partners in this project. They are the ones clamoring for a federal system and they are the ones who will swap the Senate on the imperatives for change. If we segregate them they will say, "ah by golly, from the start you are now betraying us", because this is a partnership. And again, we believe really in the wisdom of going federal. The rejection by the people in the Cordillera on the autonomous system is understandable given the situation then. But when you approach the federal where you have to have viability in both economic and political grouping, I am certain that the Cordillera people will agree to a federal system.

COMMISSIONER TABANDA.

And the other question is, is it possible to put in the economic provisions, proposed amendment for economic, separate those from political, or are you going to have a blanket, just, Do you approve the proposed amendments to the 1987 constitution, yes or no?

CONGRESSMAN JARAULA.

Well, that one is easier to segregate, the economic provision would be easier to segregate from the provisions on the parliamentary federal, because they are separate.

This one is structural, the other one is economic, can be segregated. If that proposal comes from you, it will be easier for us to adopt, I am not committing yet the House but I am merely looking into the possibilities and logic.

COMMISSIONER TABANDA.
Thank you.

CHAIRMAN ABUEVA.
Commissioner Abarico please.

COMMISSIONER ABARICO.
Thank you very much, Mr. Chairman, for giving me this historic opportunity to ask one question from our friend in Northern Mindanao. We are neighbors, I'm from the south. Ah, even if I missed his presentation, I think, I caught some of his statements and he said that the calibrated implementation of the federal system will come later. It could be ten or more years. And this will be left entirely in the hands of Parliament. My question, Congressman Jaraula is, and this is a question being raised in Mindanao, especially among businessmen, professionals, they say, and I would like to reflect this question here, they say, with emphasis, can we trust Parliament or Congress, for that matter, to implement federalism on this calibrated scheme? In fact they are for ConCon, not ConAss, because they do not trust our politicians.

I do not necessarily share that view, because I know Congressman Jaraula personally, and I am aware of his integrity and sincerity. So, can we get an assurance, Congressman Jaraula, what guarantee do we have that Parliament will really implement this calibrated, not calibrated response, but calibrated implementation? By the way, I got a glimpse of the police's calibrated response this afternoon, at three o'clock. My taxi was caught at the rally at Legarda and España and it was even bumped by another car and so it was, the driver was investigated. So that's my question, can you assure especially the people of Mindanao, because they are very impatient to have federalism adopted because it is the key to the development of Mindanao.

CONGRESSMAN JARAULA.
Yes, thank you very much, Don Angelo, my neighbor. One, our guarantee that we have no personal interest is we do not want to write it ourselves. We want to leave it to the new members of Parliament. Second, it will not be the members of the Parliament who will finally decide as to when. We can write now, in the amendments that we will be proposing, we can write the calibrated schedule. We are the ones to provide, they will just implement. In other words, we will not give them as much discretion on whether to implement or not, we must give that mandate already in the Constitution. Why? There is a provision in the present constitution that seeks to prohibit political dynasties. It has not been implemented, there had been bills filed but never implemented. So, on sensitive matters, we should do it now. In other words, the calibrated approach that we are saying must now be provided, it shall not be left to parliament. Only the details will be left to Parliament. But the scheduling, the establishment, the framework must be provided already and they will be bound because that will be approved by the people. There will be a sovereign mandate supporting that calibrated schedule.

COMMISSIONER ROMUALDO.
Mr. Chairman.

CHAIRMAN ABUEVA

Yes. Our next is Commissioner Marohombsar.

COMMISSIONER RODRIGUEZ.

Commissioner Rodriguez. Can I have the last shot after...

CHAIRMAN ABUEVA

Yes.

COMMISSIONER MAROHOMBSAR.

I have the same question as the previous speaker.

CHAIRMAN ABUEVA.

It has been asked.

COMMISSIONER RODRIGUEZ

Thank you. Commissioner Rodriguez.

CHAIRMAN ABUEVA

Yes. Commissioner Luz, please.

COMMISSIONER RODRIGUEZ

Ah, okay. May I be included in the last...?

CHAIRMAN ABUEVA

Yes.

COMMISSIONER SORIANO.

My question, Mr. Commissioner is, do you have a program of education, to educate our people regarding the federalism. Because I think they have to understand this change on government? So we must have a program, I suppose, before we can implement this amendments.

CONGRESSMAN JARAULA.

Sister, we are rushing through with all these programs to educate the people, and we are happy that various groups are undertaking this. In fact, I understand the CBCP or the Bishop and Business Conference will have a nationwide consultation on the 11th. On the 11th, we will have one also in Cagayan de Oro. The universities are constantly undertaking programs on this and we have been fielding our speakers as they are invited. The local government units have undergone this. Last week I was in Baguio for the Councilors League. Various government units. The other week I was in Pagadian again, all provincial, municipal, city officials. Then, also, last month I was in Laoag and then I was in San Fernando, La Union. But, again, it's growing, it's growing. In fact, I announced there, in Cagayan de Oro, and I will have a forum tomorrow, that you will also be coming to the provinces, that your members here would be going to the provinces to consult.

COMMISSIONER SORIANO.

It may be good to have a primer, maybe a short primer on federalism, which we can distribute even to the schools.

CHAIRMAN ABUEVA.

There are several primers now.

CONGRESSMAN JARAULA

Sister, yes, I understand Malacañang has come up with the primer, the House will come up, it's being printed. Yes, Chief, thank you very much for the inputs.

CHAIRMAN ABUEVA.

Yes, Commissioner.

COMMISSIONER RODRIGUEZ.

Thank you, Chairman. If my good friend, Tinex Jaraula here is not yet exhausted, may I have two or three questions?

CONGRESSMAN JARAULA

I will always be under my Chairman in the Eleventh Congress.

COMMISSIONER RODRIGUEZ.

Thank you, Mr. Chairman. You are familiar with the Philippine setting where we have two Houses, the House of the Representatives and the Senate. And in amending or shifting from one form to another, necessarily we have to consider the acquiescence of the Senate. Now, we have to also look into that, we have to convince them to agree to a change, a radical or mere amendment needs the acquiescent of the Senate. Are you familiar with the Canadian model, Mr. Chairman?

CHAIRMAN ABUEVA.

Yes, your honor, and their Senate is appointed.

COMMISSIONER RODRIGUEZ.

Yes, appointed by the Queen upon the recommendation of the Prime Minister. Did you find it convenient for the Canadian model to operate under a federal parliamentary bicam? Or the Senate there, also like what we have here, the Senate causes delay in legislative work. How did you find the Canadian model?

CONGRESSMAN JARAULA.

It is adaptable to us, except that we have a basic objection on an additional expense for maintaining another house. There is another model, the German model, where their second House, the Bundeswag deals on another level of legislation or topic. It is only where it involves state matters that the Bundeswag would legislate. But the Bundestag, the one that represents the various districts, attend to the ordinary legislation, national. So we have been studying all these, one or the other can be adaptable, but again we are back to our basic position that it is best to have only one House so that we eliminate waste in time and in money, and we eliminate gridlock.

COMMISSIONER RODRIGUEZ.

I fully agree with you there, Mr. Chairman, the only problem is how to entice the Senate to go with us in a shift from the present form to a parliamentary system of government. If the Canadian model where it has a House, a Senate, two house, the House of Commons and the Senate, is performing very well, I am thinking of a way on how to convince the Senate by having a bicameral form of federal-parliamentary government or system of government. But instead of an appointed Senate, a regional election of

senators. Because, I remember the draft of the Chairman here, Professor Abueva, I understand they are contemplating to introduce some members coming from the state assemblies as part or as members of the Parliament. Is that correct, Mr. Chairman?

CHAIRMAN ABUEVA.

Commissioner Rodriguez, our new idea after consulting with more Governors among others is that, each of the, let's say 10 or 12 state assemblies, would designate their representatives in the unicameral parliament so they will not constitute a second chamber but they will be there to represent the interests of the state and the state assemblies and they will participate in one deliberation, deliberating body and yet they will be representing the interest...

COMMISSIONER RODRIGUEZ.

Yes, Chairman, I remember that explanation of your view earlier, but here I am trying to inject some ideas or an idea where we can achieve our main objective, the change, the shift from the present to a parliamentary set up. And my last question will be, if that is the case is there any other way on how to convince the members of the Senate to agree to a shift or to a change of the constitution? Because, let us face it, they are also human beings. Although they are not emphasizing it, their main objection is that they will not be eliminated from the political scene.

CONGRESSMAN JARAULA

Ah, yes, Don Oca, my Chairman. One is making them automatic members of Parliament because, being at large now, it is very difficult for them to fit into, immediately into a particular district because, in fact, some of them may be able to win as senators but cannot win in their districts. That's one problem. Second is, again, adopting the Lambino-Garcia proposal, it used to be a wild card, it is now becoming a popular card.

Third, and again, Commissioner Rodriguez, I agree with you. I have in my pocket, a phraseology, just in case it becomes necessary, for a second chamber where, since we are going federal, there will be states, independent states, we can start with a regional election of senators, the region being the preparatory to the state, and just like the US, states are always generous of their rights. They want to have a representation in the Senate, that's the state model, US model. So, we can, as a compromise, again, but it is hidden in my pocket. As a compromise, we can go to a regional election on a region that will ultimately become the independent state. So your Senate becomes composed of the representatives from the state. This is now the state representative or senators constituting the federal Senate, as against the House represented from the district level.

COMMISSIONER RODRIGUEZ.

That's a good idea.

CONGRESSMAN JARAULA.

That is contingency plan that we have and I am carrying it all the time as an alternative in case a compromise is called for.

COMMISSIONER RODRIGUEZ.

Thank you, Mr. Chairman.

CHAIRMAN ABUEVA.

My fellow members of the Commission, it's been a long, very fruitful dialogue with our distinguished guest, Congressman Jaraula. It's been not only enlightening but very instructive indeed and on very specific points and not only encouraging us in our work but inspiring us as well. And we are very clear now about your time table and that is very important to us, how to fit our work into your timing, your framework. So for all these contributions you have to our enlightenment tonight, I would like to express the gratitude of our Commission to you for coming out here and spending two full hours. Maybe more than 2 hours in this very, very productive dialogue. Thank you very much, Congressman Jaraula.

(applause)

CONGRESSMAN JARAULA

Thank you, Mr. Chairman. The honor and the pride are mine.

COMMISSIONER ABUEG

May I ask for a suspension, Mr. Chairman.

CHAIRMAN ABUEVA

Yes, suspension. Just 5 minutes.

[The session was suspended at 6:28 p.m. and resumed at 6:33 p.m.)

COMMISSIONER LAMBINO.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, please.

COMMISSIONER LAMBINO.

May I make a motion we issue a resolution of expressing our gratitude or appreciation to all our invited resource persons, starting from, I think we have already previously former Congressman Nachura, and now Congressman Jaraula, that the Commission will issue a resolution expressing our gratitude and appreciation to them.

COMMISSIONER MAROHOMBSAR

Unanimous.

CHAIRMAN ABUEVA.

It has been moved and seconded and I think approved with no, there being no objection. Can you move for...

COMMISSIONER ABUEG.

Mr. Chairman, considering that we had a very fruitful day today...

CHAIRMAN ABUEVA

Just postpone the debate.

COMMISSIONER ABUEG.

... may I ask that we suspend consideration of the unfinished business, particularly item 6.1, debating the form of government and structure of the republic and the same be reset to another schedule. i so move.

CHAIRMAN ABUEVA.

No objection. We'd have to do that. We just want to announce, although there's a few of us left now, the schedule of the Committee meetings for next week.

COMMISSIONER LORENZANA.

We have decided already, not we, but the committee chairmen and their co-chairmen met last night, and these are the schedule: the Committee on the Form of Government is going to meet Monday, October 10. They have 35 members, they comprise already 73%. Now, the rule is, those whose name appear in the committee membership na ibibigay sa inyo ngayon. Kung wala ng mga changes, these are the people who are the permanent members there. The rule is that these people can vote if there are problems among yourselves. However, anybody can attend the discussion, except those who are not permanent members here cannot vote. Number two, the chairman has the authority or delegated authority by our chairman, rather to say the committee chairman can choose their own sub-committees and sub-committee chair.

But, please coordinate with me, and if I am not yet around si Mela, because we will have to work out with the Secretariat, for record purposes, at saka yung transcript and all that. The person here right now is Usec. Hezel, he will handle that together with si Ana. Tindig nga kayo para makilala nila? This is Ana and si Hezel. Both of them. Now, they will provide you support but you do have to ask the permission of the Secretary General or, in my absence, the Deputy, because ang problema nito is that we don't have that much manpower.

So, by Monday, 10, the meetings will be held here and it will be chaired by Chair Angeles and co-chaired by Commissioner Rene Azurin. On Tuesday, time is from 2 o' clock to 8 or hanggang sawa or whatever. We have a special attendance of our only presidential-unitarist, si Commissioner Gerry Espina. You will attend that, sir. So there will be a lively debate.

Now, in the structure of the Republic, they will be meeting on Tuesday, 11, the same time from 2 to sawa, or 2 to 8. The Chair there is Commissioner Rey Teves, co-chair Commissioner Alex Magno. On Wednesday, 12, originally, we have the National Patrimony and Economic Reforms but they begged off because they have several conferences at that time so they are going to meet instead next Monday. But on this day, on the 13th, on the 12th, we will be asking the committee on, yung kay Joey Leviste, Committee on General Provisions, Constitutional Commission, Amendments, and Transitory Commission, they will be the one to be meeting by that time. This is chaired by Joey Leviste and co-chaired by Commissioner Bello.

COMMISSIONER LAMBINO.

Mr. Chairman, point of clarification.

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER LAMBINO.

Looking at the, based of the committees, standing committees, so stated on this paper, on the Committee on General Provisions, Constitutional Commissions, Amendments, and Transitory Commissions, you have here the Constitutional Commissions, which under our present Constitution would refer to the Commission on Elections, the Civil Service Commission and the Commission on Audit. Then we have here, however, other two standing committees, you have Civil Service and Accountability of Public Officers. Would this not be the same subject matter that would be covered by Constitutional Commissions on Civil Service and also the Constitutional Commission on Commission of Audit? Next, we have also the Committee on Suffrage and Electoral Reforms and Political Party Reforms, would this not also be the same subject matter that will be covered by the Constitutional Commission on Commission on Elections?

So I need some clarification on these Mr. Chairman, because this representation has been selected, or I have volunteered as the vice chairman of the Constitutional Commission under the chairmanship of Commissioner Leviste and vice chairmanship of Commissioner Bello. So, I just need a clarification on this, Mr. Chairman, so that, what would happen if their would be a duplication of the efforts of subcommittee on the Constitutional Commission with the major committees on Civil Service, Accountability of Public Officers and the Committee on Suffrage and Electoral Reforms.

CHAIRMAN ABUEVA.

The fusing of two committees into one, the combining two committees into one, thus create the possibility of overlapping or a conflict, but when you meet for the first time, I think you should clarify this, for example, that combined of Committee of Civil Service and Accountability of Public Officers could deal with the Commission on Civil Service. But, there's more to it, because when you, for example, when you federalize, then you have to have provisions on the reorganization of the national bureaucracy and the organization of the state bureaucracy. So, it's not just Civil Service Commission, there are other issues involved, plus, of course, the Commission on Civil Service. And, so, one of the very first tasks is to clarify your scope and then we can compare notes with the other committees because, you're right also with respect to Political Parties and Electoral Reforms, that will also deal with work of the Commission on Election. But there is far more subject matter covered by political parties and electoral reform than the Commission on Elections. So, that's why, it's good you raised this because there has to be a clarification on the scope of these committees as collapsed, as combined.

COMMISSIONER LAMBINO.

Yes, Mr. Chairman, because if the present set-up now or the structure of the committees would be followed, perhaps it would be better to remove the topic of the Constitutional Commissions and just merge them with the two major committees of Suffrage and Electoral Reforms and Political Reform for the Commission on Election functions, and the Civil Service Accountability of the Public Officers Committee to get also the Civil Service and the Commission on Audit, because in effect, the structure of the Constitutional Commission in vision, for whatever kind of system of government, as well as the structure of the republic that will soon be decided by this body, would always cover the same topic that would be discussed by the sub committee of the Constitutional Commission as now mentioned in the committee chaired by Commissioner Leviste .

CHAIRMAN ABUEVA.

Yes. It would be very helpful if, when you first meet, if you could deal with, you could clarify, propose a statement of the scope of your committee and then, so we can compare with the definition of the scope of the other committees and reconcile whatever differences might arise. And what issues might arise. Because it's true that if we do not have a committee on Constitutional Commissions, the Commission on Audit, the audit function may not be, an accounting function may not be covered. So, we need this clarification. As I said, the subject matter goes beyond just the commissions in need a number of these areas beyond Civil Service Commissions, beyond audit, beyond Commission on Elections, because the subject matter is much wider and complex like electoral reforms that would include the matter of electing, I mean, voting not only for candidates but for parties for example, and which are not necessarily covered by the said Commission on Elections. So, would that satisfy the House for the moment? That each committee chair will guide the discussion and the definition of the scope of each committee and then we can compare notes with the other committees that maybe affected, to clarify and to delineate the specific scopes of the various overlapping or seemingly overlapping committees. Could you do that as a first task of the committee?

COMMISSIONER LAMBINO.

Yes. I'm going to ask the committee about that, Mr. Chairman. The reason why I asked this question is because when I chose to be a member of the committee on the General Provisions, Constitutional Commissions, Amendment, and the Transitory Provision, the reason is because of my interest in election law and I thought that I would be helpful in the Constitutional Commission thinking that I could contribute a little knowledge on how electoral reforms can be done.

And then I noticed that we have another major Committee of Suffrage and Electoral Reforms and Political Parties, of which I am not a member, so that is my dilemma, Mr. Chairman. If that would be the case, I would ask the permission of this body that I would be transferred from this committee under Chairman Leviste and go to the committee of Commissioner Seno, because this would refer to Suffrage and Electoral Reforms of which I think I could be a little be more helpful to the topic.

CHAIRMAN ABUEVA.

Yes, although we have agreed on the membership of the various committees, we should not be too hard on keeping you to your already expressed preference. If you feel that, on the second thought, you would rather be in another committee, I think you should be free to move to that committee in coordination with the chairmen of these committees.

COMMISSIONER LAMBINO.

Thank you.

CHAIRMAN ABUEVA.

In fact, we have also new members who are yet to choose their committees.

COMMISSIONER VILAR.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes. Commissioner Vilar.

COMMISSIONER VILAR.

As chairman of the Civil Service Committee, I would ... (unintelligible)... we could always work together with the...

CHAIRMAN ABUEVA

You can, please speak louder and closer to the...

COMMISSIONER VILAR

As chairman of the Civil Service Committee, I would not be, I would be willing to sit down with the Chair of the committee on, what the, whether there would be conflict of interest or what. It will, we can always work together. We are not here to be restrictive on whatever we want.

CHAIRMAN ABUEVA.

Yeah, I'm sure. You can have a nice ... together

COMMISSIONER BELLO.

Mr. Chairman.

CHAIRMAN ABUEVA.

Yes, Commissioner.

COMMISSIONER BELLO.

Well. In the case of Commissioner Lambino, he actually volunteered to be the sub-committee chair on that particular Constitutional Commissions and we would be needing really his expertise on that area of interest. Anyway, the Committee on Suffrage and Electoral Reform will be overlapping in interest, so whatever contribution he can give to our committee will be usable to the other when their time of presentation comes. Because we had very limited members in the total, we are only 23 and we have already more or less, apportioned the 3 major breakdown of this committee. So, what I'm trying to say, Mr. Chairman, is we are requesting for his reconsideration to join us, because we need his expertise.

CHAIRMAN ABUEVA.

Consider that invitation, that need ...

COMMISSIONER LAMBINO.

Accepted, Mr. Chairman. I am now reconsidering my earlier request to be transferred to the committee on Suffrage. I am already a member of the Form of Government, Judiciary and Bill of Rights and Political Rights Committee.

CHAIRMAN ABUEVA.

Yeah. You are entitled to 4 committees. Yes, Commissioner Paterno.

COMMISSIONER PATERNO.

Mr. Chairman, there will be days such as Wednesday, when some of the commissioners will not be members of the committee that will be meeting. Does that excuse the commissioners who are not members from attending that session?

CHAIRMAN ABUEVA.

Yes, it does. At the same time we are freely, we are free to meet, to join the discussions of any committee, except to vote.

COMMISSIONER PATERNO.

The point is that we would not be considered delinquent in our duty by not attending on that day.

CHAIRMAN ABUEVA.

No, you would not be.

COMMISSIONER PATERNO.

Thank you.

COMMISSIONER RODRIGUEZ.

Mr. Chairman.

CHAIRMAN ABUEVA.

Commissioner Rodriguez.

COMMISSIONER RODRIGUEZ.

I can ask for a volunteer, a suggestion, in the connection of dilemma of our friend Commissioner Raul there. In the House, we always have some joint hearings of committees, and it will not be also very difficult to have that here in the ConCom. So, I am volunteering that suggestion.

CHAIRMAN ABUEVA.

I will keep that in mind. Keep in mind the possibility of joint meetings between your committees. Yes, Commissioner.

COMMISSIONER SARMIENTO.

This coming Monday, there will be a gathering of all the local government leaders at the Manila Hotel in the celebration of the anniversary of the Local Government Code. All the Provincial Governors, the Municipal Mayors and the City Mayors will be attending that meeting. You might as well take that opportunity to encourage the local government officials to provide us with their inputs. With the LCP, whatever we are talking here, we have uploaded into our system and we have an ongoing survey. As of today, in relation to amending the Constitution, it's 30-0, all in favor of amending the constitution, and in relation to a presidential or parliamentary form of government, it's 11 to 1, 11 in favor of the parliamentary form of government 1 to the presidential form of government. So, technology works. We might as well take that advantage again this coming Monday, the anniversary of the Local Government Code.

CHAIRMAN ABUEVA.

Thank you for that information.

COMMISSIONER LORENZANA.

Additional information, please. Next Thursday is also our usual plenary day, but we also decided, together with the Committee Chairman, that their committee report will be

discussed and approved or disapproved on that particular day, which is Thursday. That means, the Committee on the Form of Government, the Committee on Structure of the Republic, and the Committee on, if they have any proposals, the General Provisions, Constitutional Commissions, etcetera, will be discussed in the plenary.

CHAIRMAN ABUEVA.
Commissioner Bondoc.

COMMISSIONER BONDOC.
Tanong lang po sa Secretary General, kung, pwede bang mabigyan nyo kami ng kopya nitong binasa nyong, kababasa nyo pa lang na committee schedules? Another question, Secretary General, will there be a way to inform the other commissioners who had already left?

COMMISSIONER LORENZANA
Our staff would be calling them.

COMMISSIONER BONDOC
Thank you.

COMMISSIONER VILAR.
If you are, on Monday, in as much as one committee is meeting on that day. What about those members who are not members of the said committee? Are they free on that day? If they do not wish to attend.

CHAIRMAN ABUEVA
Yes. You may take advantage of...

COMMISSIONER VILAR
No, I mean, will they be free to, on that part, meeting on that day?

COMMISSIONER ABUEG
Mr. Chairman, any member of the Commission may attend committees even though he's not a member, and participate actively, except he does not have the right to vote and he is not also considered for purposes of determining a quorum.

COMMISSIONER VILAR.
Point of clarification, honorable Commissioner, is, if the commissioner who is not a member of that particular committee and would wish not to attend or participate in the discussion, will they be free on that particular day?

CHAIRMAN ABUEVA.
Yes, you would be free. It's voluntary.

COMMISSIONER VILAR
If, on a meeting of a committee on that particular day, the, nothing is finished on that particular day. What will they present on the plenary? I mean, there are discussions, but whatever, I mean the discussions will be on a part by part, the discussions which are already done could be presented to the plenary and whatever discussions which have not been completed, what will happen? Could be a subject of another committee meeting on that particular day?

CHAIRMAN ABUEVA

Some of our plenary sessions are actually meetings of the committee of the whole or commission of the whole. So, we might have joint committee meetings during our plenary. We have done that in the past two days, including today.

ADJOURNMENT OF SESSION

COMMISSIONER ABARICO.

Mr. Chairman, I move that we adjourn.

CHAIRMAN ABUEVA.

No objections? Adjourned.

It was 7:13 pm.