

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

**TRANSCRIPTS OF SESSION No.12  
DECEMBER 6, 2005**

**OPENING OF THE SESSION**

*At 2:42 p.m., the Chairman of the Commission, Jose V. Abueva, called the session to order.*

CHAIRMAN ABUEVA.  
The session is called to order.

**PRAYER**

CHAIRMAN ABUEVA.  
Commissioner Gonzalo Catan will lead us in our prayer.

COMMISSIONER LORENZANA.  
Our newest member.

COMMISSIONER CATAN.  
Father God, addressed as Allah by our Muslim brothers, Yours is the Glory, the Mighty and the Sovereignty. Without You, we cannot do anything. And so, Lord, I just ask humbly that You even help me pray this invocation. First, Lord, I just like to acknowledge with thanks to be part of this Body, and of course, to our President.

And to pray right away, Lord, that we be able to do our work well and to be able to observe more the works of heroism among our co-members. And Father, it is not accident that in today's reading in Isaiah 40 as well as in Psalm 96, You promised us salvation, You promised us fairness and justice. And so, Lord, I invoke these promises that we become Your instrument in making this a reality.

In 1Peter 2:9, it says, but you are my chosen race, chosen people, chosen to proclaim the wonderful acts of God, I will bring you out from the present darkness into your own marvelous light. Help us, Lord, bring our people to your marvelous light. And Lord, it is very clear as in Revelations 3:20 where You said, "I come knocking at your door. He who hears my voice and opens the door, I will enter in and eat supper and join you. Lord, we invite you to be with us, sit with us, dine with us and deliberate with us. Come into our hearts so that what we will do, Lord, will really be for Your glory. All these we pray, in Jesus' Name. Amen.

## **ROLL CALL**

COMMISSIONER APOSTOL.

Mr. Chairman, I move that we suspend the calling of the roll.

CHAIRMAN ABUEVA.

So, suspended.

## **APPROVAL OF THE MINUTES**

COMMISSIONER APOSTOL.

Mr. Chairman, I move for the approval of the minutes of November 24, 2005 plenary session.

CHAIRMAN ABUEVA.

No objections?

## **BUSINESS OF THE DAY**

COMMISSIONER APOSTOL.

Mr. Chairman, we go to the business of the day, first one is 6.1 committee reports for approval by this commission. Actually, Mr. Chair, we are both Committee of the Whole and we are also meeting as Plenary. So, I move Mr. Chairman that we recognize the Chairman on the Committee on Form of Government to sponsor the committee report.

COMMISSIONER VILLANUEVA.

Parliamentary inquiry, Mr. Chairman. Sometime in November 28, this representation submitted...

COMMISSIONER ESPINA.

Excuse me, I was going, Mr. Chairman to follow the roll call first, this is going to be a very special day, we will make decisions. Let us follow the agenda as approved by the leaders of this commission. Roll call.

COMMISSIONER VILLANUEVA.

Mr. Chairman, I think I was recognized...

COMMISSIONER ESPINA.

I move that we call the roll.

COMMISSIONER APOSTOL.

No, no, no, someone is talking...

CHAIRMAN ABUEVA.

We recognize Commissioner Villanueva.

COMMISSIONER VILLANUEVA.

Sometime in November 28, Mr. Chairman, this humble representation submitted a proposition complete with the document from preamble to amendatory process of the Constitution and this was submitted to the different committees also. And one of the committees to which it was submitted is the committee on the form of government. I humbly requested that if possible, it be given the same concern and importance as the other proposition and this could be discussed in the committee before it is presented together with the other propositions to this plenary session. I would like to inquire, Mr. Chairman, if these were endorsed to the respective, I would like to inquire from the secretariat, actually, if these copies were endorsed to the respective committees, including the committee on form of government to the chairman and to the co-chairman. Was it actually submitted and I would like to find out what happened.

CHAIRMAN ABUEVA.

I would like verification from the Secretariat about the distribution of these because I assume that everybody had a copy. It is not only you who proposed a revision of the entire constitution. Commissioner Azurin also had a comprehensive revision of the constitution proposed. Secretariat, were...

COMMISSIONER VILLANUEVA.

Mr. Chairman, in this particular case, I just like to know if the copies addressed to the chairman and co-chairman of the committee on the form of government were actually given to them.

CHAIRMAN ABUEVA.

Secretariat...

COMMISSIONER APOSTOL.

Mr. Chair, since the inquiry is addressed to the Chairman...may I move that the Chairman of the Form of Government be recognized.

COMMISSIONER ANGELES.

I only received this yesterday.

COMMISSIONER VILLANUEVA.

I see, it was formally filed with the Secretariat on November 28.

COMMISSIONER LORENZANA.

Mr. Chairman, excuse me. It was given directly from... when you filed it, we had it distributed immediately the next day. We had copies of that. Hezel, can you verify that?

CHAIRMAN ABUEVA.

I received a copy.

COMMISSIONER LORENZANA.

Not only was your copy or your proposal presented but also the proposal of Commissioner Azurin.

COMMISSIONER VILLANUEVA.

The reason I am asking, Mr. Secretary General, Mr. Chairman, because I want to know kung mabibigyan pa ba ng pagkakataon na mapag-usapan ito in the Committee before it is presented to the plenary.

COMMISSIONER LORENZANA.

I can answer that. We gave this to all the members and we also gave this to the committee chair.

COMMISSIONER VILLANUEVA.

That is why I am interested more whether the copies addressed to the respective chairmen were given specifically...

COMMISSIONER LORENZANA.

They were all given...

COMMISSIONER VILLANUEVA.

When was it given?

COMMISSIONER LORENZANA.

Immediately the next day when we had it copied.

COMMISSIONER VILLANUEVA.

According to the Chairman of the Committee on the Form of Government, it was only today...

COMMISSIONER LORENZANA.

We gave it already...I don't know if...but we got all of our copies. In fact, this is one of the basis by which Commissioner Pedrosa and I discussed the arguments. So, Hezel, can you confirm?

CHAIRMAN ABUEVA.

Yes, Commissioner Angeles.

COMMISSIONER ANGELES.

At the beginning of last week, where Commissioner Villanueva must have submitted this to the secretariat, all the commissioners were busy with their consultations in the north. In my case, I was in Baguio for the consultation with the Cordillera Autonomous Region. And then the following day, which was November 30, we had consultations at the Clark Special Economic Zones of Region 3. Now, these consultations were held...now, if these were given November 28, as mentioned by Commissioner Villanueva, we were not all here. We were conducting our presentations everywhere in the North. I received my copy yesterday because it was the first day of office after the regional consultations.

COMMISSIONER VILLANUEVA.

I understand that, Mr. Chairman. May I know what the plan of the chairman is? Are we going to hear it today before we go into plenary session as a committee of the whole?

CHAIRMAN ABUEVA.

We have a dual capacity here. This is a Committee of the Whole as we agreed and of course a Plenary session, where amendments are in order for those who want to propose amendments to the report of the committee.

COMMISSIONER VILLANUEVA.

So, how will my submission of the proposed amendments for the form of government be treated?

COMMISSIONER APOSTOL.

Mr. Chair, initially we are acting as a Committee of the Whole.

COMMISSIONER VILLANUEVA.

That is why, how will it be treated?

COMMISSIONER APOSTOL.

Your matter can be treated immediately.

COMMISSIONER VILLANUEVA.

So, in spite of the fact that it is not in the calendar, we can put it in.

COMMISSIONER APOSTOL.

Yes, it's part of the form of government discussion.

COMMISSIONER VILLANUEVA.

My point, Mr. Chairman, is so that the assembly can have an idea of the two propositions. So, while they may vote for or against whatever proposition, the house is officially in consideration of both propositions. Thank you, Mr. Chairman.

CHAIRMAN ABUEVA.

Commissioner Gonzalez is recognized.

COMMISSIONER GONZALEZ.

Mr. Chair, I would suggest that we go ahead with the item that is before us. That we go article by article, and if what he has in his proposal is covered under that article, I think there is no one stopping anybody from coming up and giving his comments on that. So that we can proceed because I think we are running short of time. Thank you.

CHAIRMAN ABUEVA.

Thank you.

COMMISSIONER VILLANUEVA.

I am in agreement in any way that would expedite our procedure in this assembly. I have no intentions of delaying it. I was just thinking that if we take into consideration a proposal which is for the parliamentary form of government without first taking into consideration that there is another proposal for a modified presidential unitary form of government, then the process is not balanced. We are going to react, amend, and change or anything that is already in the parliamentary form. The other one is entirely a different proposition.

CHAIRMAN ABUEVA.

My response to that is that the committees have been meeting and the committees have already reached some kind of consensus on the shift in the form of government as well the structure of government and so on. Then we said these are only tentative proposals, tentative position of the whole body because we had to complete our consultations. Let me report to you, this is very pertinent to the issue at hand, that nationwide, on the form of government in particular, there is overwhelming support for the shift to a parliamentary government. 688, we tallied the...something like 73% of the participants in the various workshops favored the shift to a parliamentary government. 18% favored a presidential system of government with amendments and 8% abstained. There is a confirmation...in effect, if we consulted people in order to guide us on where we should be proceeding, we already have the sense of the...

COMMISSIONER VILLANUEVA.

I will not be honest with myself if I don't accept that there is apparently an overwhelming sentiment towards parliamentary. But as I have said in our committee meeting this morning, I question the process because for instance, what they counted is how many voted for parliamentary, 50. How many for presidential? 10. But we did not count the number of people that should have voted. For instance, in Manila, what were counted were those who voted for parliamentary and those who voted for presidential. Overwhelming parliamentary, fine. But how many voted? 50 and 10, how many actually participated? About 120. So, there is a big difference between the bases of the percentage. As I said, those who did not vote for one reason or another, their sentiments should also be considered. In other words, it is not actually 80% who voted for, 10% who voted... the equation is not really that much. That is why if you counted all the votes cast in the Manila consultation, it would not amount to four hundred. Be that as it may...

CHAIRMAN ABUEVA.

The reason is we had workshops. We dealt with the issues...

COMMISSIONER VILLANUEVA.

That is also another point. You have a participation of, let us say, three hundred, you divide them into 100 each. Only one hundred will actually participate in the form of government. I don't want to question that, Mr. Chairman, and I don't want to alter whatever have been the findings of this commission. I just wanted to know, will my presentation of my proposition be given a fair chance as the other propositions were given a fair chance.

CHAIRMAN ABUEVA.

Chairman Angeles should respond to that.

COMMISSIONER ANGELES.

Mr. Chairman when we last conducted the Committee meeting on form of government, that was November 21, shortly after that committee meeting, this was right here in the same hall, I was advised to organize a smaller committee to draft the recommendation of this committee on form of government. Now Commissioner Villanueva submitted his very voluminous proposal to amend the entire constitution, not specifically on the form of government. It was submitted November 28. November 28 if I remember right, it was declared as a holiday. There was no work on November 28. Now, November 29 we were all in Baguio where the committee consultation was held.

CHAIRMAN ABUEVA.

Commissioner Angeles, you have already explained that. You have already said that. We will consider any amendments that he will propose.

COMMISSIONER ANGELES.

Yeah, yeah. In other words, if we are going to conduct now our—if this committee is to be given a chance to present its recommendation, then Commissioner Villanueva can make a proposed amendment for every section—every article or every section that is concerned in the form of government.

CHAIRMAN ABUEVA.

Yes, that is very clear. You'll have your opportunity to present your idea—

COMMISSIONER VILLANUEVA.

Or, I can make an omnibus motion to amend the proposal by substitution. In other words I may also—

CHAIRMAN ABUEVA.

Yes, you may also do that and we can vote on that.

COMMISSIONER VILLANUEVA.

Yes, of course, I know. And that's why I'm saying that all I want to do is to be able to have a fair chance to get my proposition in. And if that is the only way, then I have no other recourse except to have an omnibus motion to substitute my proposal on specific articles and sections referring to the form of government by substitution. And that's okay with me—we can submit it to the vote. I am ready to get the lesser number.

CHAIRMAN ABUEVA.

Commissioner Espina?

COMMISSIONER ESPINA.

I would have no objection to the proposal that at any point in time, an amendment could be proposed. Because I also intend to amend by substitution—but limited to two articles, which I will explain later. My problem, however, is this: Supposing that we take up Section 1 of article on the President, and the Body shall have voted this provision: The President shall be the head of State upon election by the Parliament, the President shall, *ipso facto*, cease to be a Member of Parliament and any political party. Supposing Commissioner Villanueva will introduce an amendment contradictory to this, in effect retaining the present provision, so that means even the understanding that he can introduce an omnibus amendment by substitution would in fact be killed right on the first shot, simply by the approval of this Body of this particular Section 1 on that article on the Presidency. And so I ask, would that be fair? I intend later on to introduce an amendment by substitution to the '87 Constitution by substituting Article 7 of the '73 Constitution, and Article 8 of the '73 Constitution to the particular provisions of the present Constitution. So, I hope the point has been made clear—that if we do it section by section, you are in fact killing already what is intended to be proposed as amendment by substitution.

COMMISSIONER APOSTOL.

We are on the process of sponsorship, then after that debate. Then next will be amendment by the Committee, and then individual amendment. Commissioner Espina, Commissioner Villanueva would like to make an amendment. And that is not correct, that is not procedural. Perhaps we can continue now with sponsorship, and then after the sponsorship, then we can have the debate.

CHAIRMAN ABUEVA.

Commissioner Tabanda is recognized.

COMMISSIONER ESPINA.

I move that we now go into the period of sponsorship.

COMMISSIONER TABANDA.

May I raise a point of order, Mr. Chair?

CHAIRMAN ABUEVA.

Yes, Commissioner Tabanda.

COMMISSIONER TABANDA

I share a little difference in their point of view. If you recall what this Body approved on plenary was a preliminary recommendation to shift from presidential to parliamentary. And our agreement at that time was when we get back from the consultations, we were supposed to firm up this recommendation. I would think, Mr. Chair, that allowing what was discussed—the *contra* and all that—will prolong discussions. I would suggest instead, that the Chair of the Committee sponsor a resolution for the shift from presidential to parliamentary based on the consultations. It becomes a definitive position of the committee, which we will have to vote upon.

Then once it is voted upon, and in case it is agreed upon that we shift to parliamentary, then I am sorry all discussions will have to be focused only on a parliamentary system of government. I think—because if you will allow what is being proposed, we will go over this one by one, every article, every section, you're going to get a lot of debate. But, we agreed that after consultations, the Body would adopt a stand. We have to choose now between presidential and parliamentary. I know it may not be a very popular view, but I think that should be the procedure, which should be adopted by this Body to be able to get on with the work we're supposed to do.

CHAIRMAN ABUEVA.

Floor Leader?

COMMISSIONER APOSTOL.

Mr. Chair, let's now go to sponsorship. Otherwise, we'll not end up with these speeches. So, I move that we recognize the Chairman of the Committee on Form of Government to deliver his sponsorship speech.

CHAIRMAN ABUEVA.

Okay, no objection? Chairman Angeles? The Committee on Form of Government will now present the proposals of the committee.

COMMISSIONER ANGELES.

Honorable members of the Commission, at the outset I would like to thank all of you for participating in this lively discussion on the form of government. All of us have worked so hard to be able to complete our proposal today—especially on the Committee on the Form of Government. I'd like especially to thank the small committee that was created in helping me out prepare this report.

But I think I agree with the proposition of Commissioner Tabanda—that before we can proceed (with) the article and section by section proposal of the committee, we should decide on the shift from presidential to parliamentary form. Then that will settle all the issues. Because if I recall, before we started our consultations, we had a sense of the Commission. By a vote of 32 in favor of the shift to parliamentary form, and seven against.

So, Mr. Chairman, after having done these consultations in Mindanao, Visayas and Luzon, after we have completed all of these consultations, I think there is a great majority—there's a consensus of all the regions of the country that they favor the shift from presidential to parliamentary.

So before I proceed to the proposed amendments to the 1987 Constitution, I would like to present a motion for consideration of the Commission. I move that we approve the shift from the presidential form of government to a parliamentary-unicameral form of government.

[Objections]

COMMISSIONER APOSTOL.

Mr. Chair, there are objections. Before we vote, we should recognize those who are objecting.

CHAIRMAN ABUEVA.

Let's have a discussion.

COMMISSIONER CALISIN.

Your Honor, with due respect to the Members of this Commission, as a matter of procedure, we cannot subject immediately a motion to objection until the deliberations has been exhausted, pros and cons. Then after the deliberations are exhausted from the pros and cons, then that's the time... Because the order is: deliberation-amendment-objection. We cannot immediately jump to the objection without subjecting the motion into deliberation and amendment... as a matter of procedure.

COMMISSIONER VILLANUEVA.

Mr. President, parliamentary inquiry?

CHAIRMAN ABUEVA.

Yes?

COMMISSIONER VILLANUEVA.

As a matter of rule, if there is no objection, the Chair can now declare that the motion to shift from presidential can already be approved. There must be an objection so we can go into a debate.

COMMISSIONER APOSTOL.

So, Mr. Chair, since there is an objection, I move that we recognize Commissioner Espina to interpellate.

CHAIRMAN ABUEVA.

Let us set a limit to all our—three minutes.

COMMISSIONER ESPINA.

Mr. Chairman, on a very substantive issue as form of government, which affects all aspects of lives, not only of people but of organization and business, we are limiting interpellation to be informed to three minutes? My God, are we ready to face the people—let's say we decided on the shift in three minutes?

CHAIRMAN ABUEVA.

No, no. That is not exactly... you're not telling the whole thing.

COMMISSIONER ESPINA.

Anyway, Mr. Chairman, may I ask the sponsor: When you say that there was overwhelming preference for the shift to the parliamentary, what form of parliamentary was discussed? Because there are many variations. There is a parliamentary with a strong president. There is a parliamentary with a symbolic president. So which was made clear to those who participated in these consultations?

COMMISSIONER ADAMAT.

Point of order, Mr. Chairman.

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER ADAMAT.

I think there was a motion. There was a motion by the Chair for a shift from presidential to parliamentary, and it was objected by Commissioner Espina....

COMMISSIONER ESPINA.

And I was recognized to ask questions to the Sponsor by the Floor Leader....

COMMISSIONER ADAMAT.

Precisely that is the point of order, Mr. Chairman, because the objection should not be an interpellation, should not form part of an interpellation, but an objection. He should not interpellate the sponsor of the motion, but to state his objection to the motion.

COMMISSIONER ESPINA.

Mr. Chairman, I was recognized to address inquiries to the sponsor...

COMMISSIONER ADAMAT.

No, precisely that is the point of order, Mr. Chairman—because that is out of order.

COMMISSIONER ESPINA.

... and an objection can be presented through a series of questions so those who are listening can be informed as to the nature of the objection.

### **SUSPENSION OF MEETING**

COMMISSIONER ROMUALDO.

Mr. Chair may I request for two minutes recess, please? Two minutes recess?

FLOOR LEADER.

Mr. Chair, two minutes recess?

CHAIRMAN ABUEVA.

Recess.

*It was 3:14 p.m.*

### **RESUMPTION OF MEETING**

*At 3:23 p.m., the session was resumed.*

CHAIRMAN ABUEVA.

Session is resumed. Yes?

COMMISSIONER APOSTOL.

Mr. Chairman, I think we should follow procedure, a very simple procedure. We are in committee, then the sponsor should do it. He does not have to file any more resolution because he has already his committee report. Then let him submit to interpellation. I don't know why he has to file a resolution.

CHAIRMAN ABUEVA.

I think I have consulted a number of you—the very experienced parliamentarians here. And my advice is that we should continue with this sponsorship.

COMMISSIONER ANGELES.

So, Mr. Chairman, may I proceed?

COMMISSIONER VILLANUEVA.

Mr. Chairman there is a pending motion. We cannot proceed without settling the motion.

COMMISSIONER APOSTOL.

So, Mr. Chairman, he should withdraw his motion first...

CHAIRMAN ABUEVA.

Yeah, you have to do that for a proper procedure, *ano?* Withdraw your motion.

COMMISSIONER ANGELES.

I move to withdraw my privileged motion.

COMMISSIONER VILLANUEVA.

Mr. Chairman, I was one of those who seconded, and I would like to make it of record that I do not agree with the withdrawal of the motion. Under parliamentary procedure, I have to...

COMMISSIONER ESPINA.

Mr. Chairman, I now disagree with Commissioner Villanueva. I favor the withdrawal. However, rules of procedure dictate that the moment a motion is presented, and it is seconded, it no longer belongs to the proponent—it belongs to the body. And the body must approve the withdrawal of the motion.

CHAIRMAN ABUEVA.

Okay, okay. Those in favor of the withdrawal by the Chairman of his motion, say aye.

*(Majority of the Commissioners said "Aye!")*

CHAIRMAN ABUEVA.

I think we have consensus on that.

COMMISSIONER ESPINA.

May I now proceed with my inquiries?

CHAIRMAN ABUEVA.

Let's hear the sponsor now.

COMMISSIONER ANGELES.

I cannot overemphasize the advantages of the shift from presidential to parliamentary form of government. It has been said in all our deliberations, as well as in consultations that we conducted in the different sectors of society and the different regions, I would like to emphasize again, the truth is—in the context of world experience, the parliamentary form is neither new nor strange, nor unfamiliar. It is the most ancient and durable manifestation of democracy. And up to the present, it is still a prevalent and the most successful system among modern democracies. The only other chief structural form of government, democratic rule, is the presidential system. But the wave of the future for democracy—to paraphrase the communist line—appears to be still towards the parliamentary form.

In the world today, nearly all of the governments, under the aegis of the parliamentary system, are stable and progressive.

On the other hand, nearly all of the governments under the presidential dispensation, are gearing towards, or already are undergoing dictatorship and arbitrary rule—either to maintain stability or secure progress. In other words, whereas countries under the presidential system are increasingly going towards totalitarian rule, the parliamentary system, from statistics, generally keep faith with freedom and democratic government.

Indeed, what is the parliamentary system all about? And why does it tick? Does it have any significant effect upon national growth and development? Under the Philippine setting, will the system work better than the present presidential system? I believe so. Because experience will show us—later on I will cite statistics of all these presidential form of government and parliamentary form of government that had been installed in the different countries of the world.

Given these facts, an in-depth study of the dynamics of the parliamentary system, becomes imperative for all, let alone for a people professing love for freedom and the democratic tradition. Moreover, for a people presently groping through the maze of various options of constitutional and democratic reforms, the need to truly understand the workings of parliamentarism cannot be any less than crucial. However, this presentation is being offered not as a defense of the parliamentary system—it never did need any. Neither it is intended to debunk the presidential system—for presidentialism in its theoretical conception has its own obvious and inconvertible merits.

Nevertheless, a comparative analysis of the two systems—particularly in respect to their bare and authentic performance in leading countries—under this way, is inescapable. Our consultations with the different regions have indicated so that our people are tired of the present system. They have expressed the... when we got the sense of the participants; there is almost an overwhelming support for the shift from the presidential form to parliamentary form of government.

I would like to cite these contemporary statistics:

Out of 31 countries that have had continuous democracy since 1967, only 4 have presidential systems – that is Colombia, Costa Rica, United States and Venezuela. In fact, in this part of the world, we only have the Philippines and Indonesia.

Only 7 out of 31, which is 22.6% presidential democracies have endured at least 25 consecutive years, compared with 25 of 44 which is 56.8% parliamentary system.

Since 1946, our leaders and our people have tried to make the current system work, straining it to the limit. We have been having a presidential system here for almost 60 years. Now, what happened to the country? Instead of progressing, we retrogressed. We used to run 2<sup>nd</sup> to Japan in economic progress and prosperity. Now we are 2<sup>nd</sup> to Bangladesh below the line, in the list of countries that have economically deteriorated.

We have endured 2 types of breakdown: first in 1972, when authoritarianism was imposed; second, the 1986 EDSA I and the 2001 EDSA II.

With all these statistics, and the consensus that we got from the different consultations we have conducted all over the country, I submit that, I think it's about time that this Commission decide on whether to adopt the shift from Presidential form to Parliamentary form of government.

Maraming salamat po.

*(Clapping)*

COMMISSIONER APOSTOL.

Mr. Chairman, I move that we recognize the Honorable Commissioner Gerry Espina. He started 2 questions, so he's only allowed one more question.

CHAIRMAN ABUEVA.

Commissioner Espina is recognized.

COMMISSIONER ESPINA.

I will already not mention about the results of consultation. Each of us is entitled to our own beliefs. The Muslims believe that their God is Allah. The Christians believe that Jesus is Lord. Each one is entitled to his own beliefs, even in the amendments to the constitution.

Mr. Chairman, are you aware of what has happened? You used the word "today" three times. What happened in Japan a few weeks ago? Mr. Chairman?

COMMISSIONER ANGELES.

I am not aware of what is happening in Japan. I am only aware of what is happening in the Philippines.

COMMISSIONER ESPINA.

But you were using, Mr. Chairman, the examples of parliamentary countries in existence, were you not?

COMMISSIONER ANGELES.

That's right, but I never intended...

COMMISSIONER ESPINA.

And is Japan not a parliamentary system?

COMMISSIONER ANGELES.

Well, it is...

COMMISSIONER ESPINA.

All right, so you used Japan as an example to support your position that we shift to the Parliamentary system. Koizumi recently called an election because his own party members in parliament did not support his reforms. So there was an election outside of the regular period of election. Is that not correct?

COMMISSIONER ANGELES.

That's what I heard from you.

*(laughter)*

COMMISSIONER ESPINA.

The Chairman is proposing a shift to a system and using a country as an example, but is not aware of what is happening in that country.

COMMISSIONER ANGELES.

I became only aware because of the sharing that you gave me.

COMMISSIONER ESPINA.

Thank you if I introduced some degree of wisdom to my colleagues. *(laughter)*

Mr. Chairman, that aside, has the Chairman learned what has happened in Israel just a few days ago?

COMMISSIONER ANGELES.

That's right.

COMMISSIONER ESPINA.

What is "that's right"? *(laughter)*

COMMISSIONER ANGELES.

There is a ... the present Prime Minister, decided to bolt his party... and he's forming his own party...

COMMISSIONER ESPINA.

And he's going to call an election early next year.

COMMISSIONER ANGELES.

That's right.

COMMISSIONER ESPINA.

And, is the Honorable Chairman of the Committee aware of what happened in Canada very recently?

COMMISSIONER ANGELES.

Ay yung Canada, di mo pa sinabi sa akin yan, eh. *(laughter)*

COMMISSIONER ESPINA.

Mr. Chairman, I suggest that the Chairman of the Committee be not too dependent on this Representation.

COMMISSIONER ANGELES.

I have become too dependent on you.

COMMISSIONER ESPINA.

He should stand his own ground. Levity aside, did not the Prime Minister show sadness and frustration also and was in fact subject of a vote of a lack of confidence

COMMISSIONER ANGELES.

Is that what you are telling me now?

COMMISSIONER ESPINA.

And therefore it will lead to a dissolution of parliament and another election.

COMMISSIONER ANGELES.

I believe so because...

COMMISSIONER ESPINA.

Because that is a fundamental character of the parliamentary system, is that not correct?

COMMISSIONER ANGELES.

Yes.

COMMISSIONER ESPINA.

And is not Thaksin now in danger of being a subject to a vote of lack of confidence especially because the King has already publicly criticized him?

COMMISSIONER ANGELES.

That is precisely the beauty and the advantage of a parliamentary system...

COMMISSIONER ESPINA.

And also it's weakness.

COMMISSIONER ANGELES.

...you can change the Prime Minister anytime if he does not perform his job.

COMMISSIONER ESPINA.

That's very good. So businessmen and those who have investments in the country, the moment we adopt the parliamentary system we will be under constant threat of possible changes of policies. Yes?

COMMISSIONER ANGELES.

I disagree with that observation, Mr. Chairman.

COMMISSIONER ESPINA.

You mean, in a parliamentary system, when there is a change in Prime Minister, there is no change in policies?

COMMISSIONER ANGELES.

I don't think so. It is a platform. A Party platform. So the party will pursue its platform. If that is exactly what is...

COMMISSIONER ESPINA.

Supposing the one who replaces belongs to another party, the opposition?

COMMISSIONER ANGELES.

Excuse me, can I finish my answer?

COMMISSIONER ESPINA.

Yes, of course.

COMMISSIONER ANGELES.

Now in a parliamentary system it is a platform government, presented by the party...

*(The Secretary General rang the warning bell)*

COMMISSIONER ANGELES.

Ano yun, ice cream? *(laughter)*

COMMISSIONER ESPINA.

If the Secretary General refuses to be properly informed on some possible information on the system, I am willing to sit down, if the railroad is already working. (*Laughing*)

COMMISSIONER ANGELES.

Commissioner Gerry, can I continue my answer? It is precisely the advantage of a parliamentary form of government that we can change the leadership, the leader of government, the head of government, called the Prime Minister, anytime he doesn't perform his job in accordance with the party platform.

COMMISSIONER ESPINA.

Are you therefore aware, Mr. Chairman, that in Japan for over 45 years, one party controlled the politics and economy of the country, LDP?

COMMISSIONER ANGELES.

I believe so because they must have presented a very good form or program of government, that's why they progressed by leaps and bounds. That's why Japan is one of super powers in the world.

COMMISSIONER ESPINA.

Is not the Chairman aware of the possibility that under such long reign, there is a deeper possibility of cronyism because the Prime Minister in order not to be removed, constantly will have to give favors to cronies, as has now been brought about in public with cronyism now being accused on Thaksin, to the LDP, to the Ghandis of India, to the Lee Kuan Yews of Singapore and to the Mahathirs of Malaysia, which are all under the parliamentary system?

COMMISSIONER ESPINA.

I saw Honorable Yuchengco clapping his hands, for the record.

COMMISSIONER ANGELES.

Cronyism can...

COMMISSIONER LORENZANA.

It's already more than three minutes.

COMMISSIONER ESPINA.

May I move that my time be extended, Mr. Chairman, these are very important points, which the colleagues should be entitled to hear. I can always be outvoted, Mr. Chairman, but I certainly, not even during Marcos time was I ever silenced like this.

CHAIRMAN ABUEVA.

We have not silenced you.

COMMISSIONER ESPINA.

You are only cutting me. Anyway, again, you will have your victory, you can celebrate later, but let us be open to further information, because I might vote for the parliamentary, provided that... (*laughter and clapping*). Now, I can continue because there is clapping from the parliamentarists. I learned all of this from my Professor, Dr. Abueva of the UP graduate school. Now therefore, history has proven that the longest reign of power was almost always at the parliamentary system. In the presidential form,

Marcos was a dictator for a brief period of 13 years. LDP held Japan under its hand for 45 years. The Ghandis still have it in their hands in India and Lee Kuan Yew, how many years, and Mahathir, how many years?

Are we therefore opening ourselves to two extremes, I ask the Honorable Chairman, very frequent elections by dissolution of parliament by a vote of lack of confidence in the Prime Minister? One extreme, or 50 years of dominance by one ruling group, the Party leaders, who might not even be known to the people because they are working from behind closed doors. Are these the extremes we are offering our people, Mr. Chairman?

COMMISSIONER ANGELES.

Tapos ka na ba? Can I answer, and that will be the last question, Mr. Chairman?

CHAIRMAN ABUEVA.

I think that will be...

COMMISSIONER ESPINA.

If the Chairman, on record wishes to stop answering questions, I will oblige.

COMMISSIONER ANGELES.

No, I am going to answer point by point your questions.

COMMISSIONER ESPINA.

Point number one: is this not a fact that it could happen in the Philippines, long reigned by a group of economic oligarchs and political oligarchs of the party?

COMMISSIONER ANGELES.

Well, it can possibly happen. If it happens, if it is beneficial to the economy, and will benefit the people, why don't we have it so we can have a stable government that can propel the economy to benefit the taong-bayan.

COMMISSIONER ESPINA.

So if the President's stay is long but good, it can also continue?

COMMISSIONER ANGELES.

Excuse me, can you give me a chance to answer the question? You cited countries that have progressed very well. To me, if that is example of parliamentarism, like what happened in Japan, they became a superpower, like what's happening in Singapore, again, Singapore has become a very progressive nation, better than the economy of the Philippines. All these countries you cited are far better than the Philippines. What has happened in the Philippines in the past 60 years?

COMMISSIONER ESPINA.

I can answer that.

COMMISSIONER ANGELES.

We retrogressed. Instead of progressing economically, businessmen here who are present will bear me out. What happened to the country? We are under a presidential system. Our people have been disappointed. It's a big disappointment for our people and for all of us, except for the politicians.

COMMISSIONER ESPINA.

So we copy the parliamentary because they're successful in Japan?

COMMISSIONER ANGELES.

It's successful in all countries that adopted parliamentary system.

COMMISSIONER ESPINA.

Tell me, which country is the most powerful economically, politically and militarily? Is it Japan? Is it Canada?

COMMISSIONER ANGELES.

China.

COMMISSIONER ESPINA.

According to Francis Chua, it is China. But in reality, to be honest, which is the most powerful...

CHAIRMAN ABUEVA.

Commissioner Espina, I think your time is up.

COMMISSIONER ESPINA.

Just this one. Which is the most powerful country in the world today?

COMMISSIONER ANGELES.

Not anymore the United States.

COMMISSIONER ESPINA.

Then you are in isolation of realities.

COMMISSIONER ANGELES.

The People's Republic of China is becoming the most powerful country in the world.

COMMISSIONER ESPINA.

Becoming, I'm glad you used the word becoming.

COMMISSIONER ANGELES.

In due time...

COMMISSIONER ESPINA.

Well anyway, Mr. Chairman, thank you. I have made my point clear that the richest, powerful country in the world is the US, and the US is in a presidential form of government.

COMMISSIONER ANGELES.

I did not say the United States, I said the one that is powerful...

COMMISSIONER ESPINA.

Because you did not answer the question. You said becoming. The question asked, was, "what is the strongest, most powerful country in the world today?". Your answer is becoming powerful. The records will see what the question and the answer has been.

CHAIRMAN ABUEVA.

Ok, shall we proceed with the sponsorship please.

COMMISSIONER APOSTOL.

Mr. Chair, I move that we recognize Commissioner Jose Villanueva to interpellate.

CHAIRMAN ABUEVA.

Commissioner Villanueva is recognized.

COMMISSIONER VILLANUEVA.

Thank you, Mr. Chairman. During the period of interpellation, before the ice cream man rang the bell, I heard Chairman Angeles mention that one of the strengths of a parliamentary form of government is the platform government. Is that right?

COMMISSIONER ANGELES.

The party platform.

COMMISSIONER VILLANUEVA.

The party platform. And is that an exclusive quality of a parliamentary system?

COMMISSIONER ANGELES.

Yes.

COMMISSIONER VILLANUEVA.

In a presidential form of government, is it not possible that they also conduct themselves based on the party platform program?

COMMISSIONER ANGELES.

No.

COMMISSIONER VILLANUEVA.

Why not?

COMMISSIONER ANGELES.

We have experienced it for the past 60 years. Once the President is elected, she just follows her own platform, her own party, or his platform of government, and they are a failure. Without the support of Congress, the President adopts a platform, which she tries to implement, or he tries to implement, and then not getting enough support from the legislature. That is the experience for the past almost 60 years.

COMMISSIONER VILLANUEVA.

Are you telling me that the government on a political platform is dependent on the persons?

COMMISSIONER ANGELES.

No. It depends on the party in power that will be elected by the people. And the party in power in a parliamentary system, and the people vote for that party based on its platform.

COMMISSIONER VILLANUEVA.

But can that not be practiced in a presidential form of government?

COMMISSIONER ANGELES.

Well, we tried practicing it but it failed, for the past 60 years.

COMMISSIONER VILLANUEVA.

That's why you're equating a person to a political system. Because both presidential, like in the United States, they also have a platform. That's why the Republicans and the Democrats are well distinguished from each other because they go on platform. What I'm trying to say here, Mr. Chairman is that that is not an exclusive quality of parliamentary form of government.

COMMISSIONER ANGELES.

That is your belief, but as far as I'm concerned, the most important feature of the parliamentary form is that there is collective leadership, collective decision, not just one man or one lady making that decision. It is a collective decision made by members of parliament, which is the ruling party, together with the elected Prime Minister.

COMMISSIONER VILLANUEVA.

I do not deny that. What I am saying is if it is true to parliamentary, it is also true to presidential if you do not equate it with persons. Because the sauce for the goose is the sauce for the gander. Be that as it may, I would like to ask you, from the time of the almost total destruction of the Philippines from the 2<sup>nd</sup> World War, what form of government did we have to emancipate us from defeat and build us up into a strong republic that was second only to Japan in terms of economic matters? Was it presidential or was it parliamentary? Ito, from total destruction to, liberated us, emancipated us and brought us up to that level of a strong republic.

COMMISSIONER ANGELES.

I don't believe so. I disagree. After the war, our economy deteriorated.

COMMISSIONER VILLANUEVA.

After the war we became second.

COMMISSIONER ANGELES

Well became second and then after the term of President Diosdado Macapagal, the economy went down to a level that made millions of Filipinos hungry.

COMMISSIONER VILLANUEVA.

I will not dispute that. So from 1945 up to 1964, you honestly believe also, that we were able to rise from our poverty and our destruction?

COMMISSIONER ANGELES.

Well, with the help of the US government.

COMMISSIONER VILLANUEVA.

Well, I don't know if that's a patriotic statement, you know. But be that also as it may, it was only after Diosdado Macapagal's presidency that we started to deteriorate, and the destruction of our political institutions, the weakness of the country as a whole came about more specifically because of the imposition of Martial law. What I'm trying to say is that while we were in the same system, presidential system of government, we were able to rise and emancipate ourselves from destruction and poverty for 20 years

because we had good leaders. We deteriorated, when in the same system, we elected people who were bad leaders. My point is that it is not in the system, it is in the people. Again, while this is true in presidential form of government, it is also true in parliamentary form of government -- that it will be determined by the people who will run the government. In a parliamentary system, if the people whom we choose are people who do not have regard for the welfare of the country, the country will deteriorate.

*[The Secretary-General rang the warning bell.]*

In a presidential system, if you elect good people, you don't have to change the system. You will have a government that will work for the welfare of the people. The ice cream man has already rung the bell, thank you, Mr. Chairman.

COMMISSIONER ANGELES.

Thank you very much for your observation.

COMMISSIONER APOSTOL.

Mr. Chairman, I move that we recognize the Honorable Pablo Garcia.

CHAIRMAN ABUEVA.

Commissioner Garcia is recognized.

COMMISSIONER GARCIA.

Thank you, Mr. Chairman. Lest I be misunderstood, I rise to interpellate not because I disagree with you entirely. In spite of the interpellation of our distinguished colleagues, Commissioner Espina and Commissioner Villanueva, I am still for the parliamentary form of government. This is not because I love the presidential system less, it only happens that I love the parliamentary system more. I am not entirely convinced that a parliamentary government, if we could have it, would be a bed of roses for all of us. The parliamentary system has its vices, its faults. It also has its virtues. Same thing with presidential. It has its strong points and it has its weak points. We have experienced the presidential system already. We said that it failed us. Now, the thesis for a shift to parliamentary is counted in general terms.

Mr. Chairman, you will agree with me that there are several types of parliamentary systems. You have the orthodox, the traditional and you have other types. Is it not possible, Mr. Chairman, that in the type of parliamentary system that we would like to adopt for our country, it is that system which is best suited to the Filipino people, to our culture, to our experience.

COMMISSIONER ANGELES.

Yes, I think what will happen here is that we will be adopting a parliamentary form of government Filipino style.

COMMISSIONER GARCIA.

And if we want to adopt a Filipino style, it is possible that we will still have a president, a strong president.

COMMISSIONER ANGELES.

That's possible.

COMMISSIONER GARCIA.

We will retain the good features of the presidential type. Because we adopted the presidential type of government in the 1935 Constitution, it was sponsored by Senator.. Speaker Roxas. And one argument for a presidential system is that we must have a strong president in order to keep this nation together. Considering our archipelagic configuration, our different cultures, how to keep them together we need a strong president. Mr. Chairman, are you in favor of retaining the good features of the presidential system and at the same time go parliamentary?

COMMISSIONER ANGELES.

That is possible depending on the consensus of our members of the Commission.

COMMISSIONER GARCIA.

So, that will adopt the good arguments of Commissioner Espina and Commissioner Villanueva, and you can still have your parliamentary system.

COMMISSIONER ANGELES.

That's possible, Mr. Commissioner.

COMMISSIONER GARCIA.

Under the French style, the French president is elected by an electoral college -- the members of parliament, and the representatives from local governments. The electoral college. But it is the president that appoints Prime Minister and the ministers in the cabinet. It is still parliamentary. In South Africa, the president is both head of state and head of government. Why can't we have that in the Philippines?

*(The Secretary General rang the bell)*

COMMISSIONER GARCIA.

One more point.

COMMISSIONER ANGELES.

Mr. Commissioner, all of these ideas or proposals that you have in mind, can be taken up when we discuss the different articles and sections that refer to the form of government because we are going to take up the executive and legislative only in relation to the form of government. We are not going to take up structure in this plenary session.

COMMISSIONER GARCIA.

If we go by history, the history of our country, the first civil government in this country established in 1900, the second Philippine commission headed by former Supreme Court Justice Taft. In 1900, the Commission became a law-making body. So the Governor General and the Commission were both Executive and Legislative. And we had an efficient, strong government at that time. So don't you think, Mr. Chairman that we might adopt part of the presidential system and part of the parliamentary?

COMMISSIONER ANGELES.

As I have said earlier, perhaps what will happen here, after we have completed all these deliberations, we might be adopting a parliamentary system Filipino style which will adopt the best features of the presidential to be incorporated in the parliamentary system.

COMMISSIONER GARCIA.  
Thank you. Iba talaga ang pinoy.

COMMISSIONER APOSTOL.  
I move that we recognize Commissioner Catan.

CHAIRMAN ABUEVA.  
And Commissioner Paterno is next please.

COMMISSIONER CATAN.  
May I ask some questions? Thank you.

SECRETARY GENERAL LORENZANA  
Commissioner Catan is recognized. Next will be Commissioner Paterno.

COMMISSIONER CATAN.  
In your voting, because I just came yesterday, I want to find out what was your vote in the committee? The number of presidential and parliamentary.

COMMISSIONER ANGELES.  
My vote?

COMMISSIONER CATAN.  
No, no, the number of votes for the parliamentary and number of votes for the presidential.

COMMISSIONER ANGELES.  
It's 32-7 in the plenary session.

COMMISSIONER CATAN.  
Ah, ok, already in the plenary? Thank you.

COMMISSIONER ANGELES.  
We got the sense there, before we conducted the regional consultation.

COMMISSIONER CATAN.  
So that was just a consensus vote? Ok. I was also present then. Sir, in your deliberation in the committee, did you consider also very well, the 1973 Constitution?

COMMISSIONER ANGELES.  
That was taken up. It was mentioned partly, but not entirely, because what we discussed in my committee, the form of government, it was just limited to the Executive and the Legislative departments of government because that's the mandate given to the committee. The form of government specifically concerns the fusion between the Executive and the Legislative departments.

COMMISSIONER CATAN.  
By the way, lest I be misunderstood Mr. Sponsor, I am asking questions not to oppose the proposal but to support. These are supporting questions. Now, you will note in your

study that the 1973 Constitution is a parliamentary form of government. Would you say that the 1973 Constitution is a parliamentary?

COMMISSIONER ANGELES.

Well it is parliamentary in form but it was never implemented by President Marcos. We never experienced any parliamentary form of government in the Philippines. That Constitution that you are referring to was completely amended by the one-man rule. I understand you were a member of the 1971 Constitutional Convention.

COMMISSIONER CATAN.

Yes your honor. That's why I'd just like to...because this is what I would like to ask in order that I may be able to give a suggestion as a strategy in presenting this very well to our people and to our Congress.

I notice Mr. Sponsor that in the paper that was just submitted, I read about the Executive Department Article 7 comparing the 1987 and of course, our proposed amendment. And I just would like maybe to read one or two just to emphasize my point: The executive powers have been vested in the President of the Philippines, '87 Constitution and on the right the proposal. Section 1: The President shall be the head of state. Upon election by the Parliament, the President shall ipso facto cease to be a Member of Parliament and any political party. I will not anymore go to the other but I read also on Article 7, the President of the 1973 constitution and it reads: Section 1: the President of the Philippines shall be the symbolic head of state.

Mr. Sponsor, as I went on comparing, I discovered that the 1973 constitution seems to be closer to our proposed amendment than the 1987. So I would like to suggest, Mr. Sponsor, if it is alright, that in clarity and of course, as mentioned in this very nice orange or yellow book that we have to show that there was a good study of the constitution that there is continuity. So I propose to have three columns in the presentation later on. There is the 1987, and then, of course our proposed and then the 1973. They will all see that we have studied it very well. We considered both the present and the past, separately. Because you see, Mr. Sponsor, it took us 3 months to deliberate on the form of government. As a matter of fact, this is the committee report just on the executive power, which we will be discussing soon.

By the way, since Gerry was asking me who was the chairman, I would like to report to the plenary session that in a collegial body of which the 1973 was a collegial body, we voted overwhelmingly the parliamentary form of government. And therefore Gerry has to support, supposed to be, supporting that, being part of that body. But I will appeal to all to be patient to listen to everybody so that we can have a good debate so that is my support Mr. Sponsor and I will just show to you how it will come out better that if there will be three columns here to show that there was a good study and continuity. Thank you.

COMMISSIONER APOSTOL.

Mr. Chairman I move that we recognize Commissioner Paterno.

CHAIRMAN ABUEVA.

Commissioner Paterno is recognized.

COMMISSIONER PATERNO.

Thank you Mr. Chairman. Will the Sponsor yield to some questions? I'll take it he said yes. Mr. Sponsor, the honorable gentleman from Biliran pointed to the length of rule by the parties of Japan, Malaysia, Canada, Singapore and India. With the exception of India, Mr. Sponsor, are you aware that the per capita income of these countries --- Malaysia, Singapore --- were lower than that of the Philippines as of 1965? But with this long rule, their per capita incomes, the incomes of their citizens are already several times ours. And as a matter of fact, Filipinos go to these countries to find employment. Are you aware of this fact?

COMMISSIONER ANGELES.

Yes.

COMMISSIONER PATERNO.

Now, does this indicate that the length of dominance or rule by a party is ipso facto bad, when this experience demonstrates that their economies have risen so much faster than ours?

COMMISSIONER ANGELES.

Yeah, I fully agree, that's why they have become very prosperous.

COMMISSIONER PATERNO.

And Mr. Sponsor, during this reign of a party, has the same person ruled the party and dominated the government?

COMMISSIONER ANGELES.

No, there were change of leadership but the party in power stayed but there were changes of Prime Ministers, changes in the cabinet but posterity resulted into prosperity and faster economic development.

COMMISSIONER PATERNO.

Perhaps Mr. Sponsor, some part of this prosperity was due to the fact that there was a continuity of program whereas in our country the programs of government changed from one government to the next.

COMMISSIONER ANGELES.

Yeah, your observation is correct.

COMMISSIONER PATERNO.

With due respect to the gentleman from Biliran, the first years of martial law were also relatively prosperous and we attribute that relative prosperity to the fact that there was a continuity of programs. Do you agree? It was only in 1979 and 1980 that this government deteriorated under the triad of Ferdinand, Imelda and Fabian Ver. And yet progressively worse, until the President was overthrown by People Power in 1986.

COMMISSIONER ANGELES.

I agree with the observation.

COMMISSIONER PATERNO.

Thank you Mr. Sponsor.

COMMISSIONER APOSTOL.

Mr. Chair I move that we recognize the Honorable Commissioner Calisin.

CHAIRMAN ABUEVA.

Commissioner Calisin and Commissioner Sarmiento next please.

COMMISSIONER CALISIN.

Thank you, your honors, good afternoon. I have few questions and some insights pertinent to the advantages and disadvantages of both proposals whether the status quo or a shift to the parliamentary. To the honorable speaker, in the previous consultations in the Visayas and Mindanao, have the Commission, through your committee and through you as the chairman, consulted the people in those regions regarding different models such as presidential-unicameral, parliamentary-unicameral, presidential-bicameral or presidential-unicameral or that form of the parliamentary system where there is a President and a Prime Minister elected not popularly by people but by the parliament?

COMMISSIONER ANGELES.

Yes that was presented very well. In fact I am not alone in making this presentation. In Cebu, for example, no less than our Chairman made his own presentations regarding the advantages of the parliamentary form and then we gave time for those who would like to advocate the retention of the presidential system. Even Commissioner Espina presented his own side in the retention of the presidential form. They were deliberated very well and there were exhaustive deliberations before we got the consensus

COMMISSIONER CALISIN.

Were the advantages and disadvantages of these modifications of two forms of government also discussed? The advantages of a presidential-unicameral and with a President in a parliamentary?

COMMISSIONER ANGELES

Yes, In fact I presented a very simple primer, of course, it may not be that complete, but at least they have an idea what are the advantages and disadvantages of a presidential form as compared to the advantages and disadvantages of a parliamentary form of government.

COMMISSIONER CALISIN.

But isn't it that during the voting in the three areas of concern, namely, the patrimony, the structure of government and the form of government, isn't it that only the form of government which is presidential and parliamentary were presented to the people for voting?

COMMISSIONER ANGELES.

No, the normal process that was followed in every consultation is that after the opening ceremonies, the participants are divided into three groups. One, those who would like to participate in the discussion in the form of government is considered one group. The other group is they discuss about the structure of government and the third is...

COMMISSIONER CALISIN.

No, we limit your honor on the form of government. My question is whether the one subjected to voting by the people participating in the consultation were only the two options -- the presidential and parliamentary.

COMMISSIONER ANGELES.

There were discussions about different models...

COMMISSIONER CALISIN.

No, it's not the discussion of the different models but rather, the ones voted upon. Isn't it only presidential and parliamentary?

COMMISSIONER ANGELES.

Of course.

COMMISSIONER CALISIN.

Mr. Chairman, Sec-Gen, officers of this body and members of the ConCom, I am apprehensive that in these consultations and the voting, what were subjected to voting to the participants in the consultation were only the presidential or parliamentary. We might be amending what had been presented to the people by another form which was not substantially presented to the people for their consideration. If we amend, considering some amendments in order that other forms of parliamentary or presidential system are modified be subjected into the voting of this body I am afraid we are voting on those options which were not voted upon by the people in the consultations. So in that case, there is no use of the consultation if what will prevail in this body is the one not presented to the people subjecting to them for voting.

For example, if the presidential or parliamentary with president, prime minister, etc. as presented by or I think is being advocated by Hon. Villanueva and Hon. Espina, if that will prevail later on I am just a little bit apprehensive, that would come out that what we will be approving here is not that one subjected to the consultation and voting by the people. That's the danger there. That is why I am just asking, however, Mr. Chairman, as to parliamentary and presidential, I was born, I was not in the elementary we were already in the presidential. Marcos was the president, until 1986, Marcos was the president. Now, I experienced that there is really a gridlock in the present system. What I mean by gridlock is different from your interpretation. The President is on the accelerator of the vehicle as a driver while the other camp, which is the legislative, is on the brakes, on the foot brake and on the hand brake. That's why the engine towards development cannot propel towards the destiny of progress.

That is why in as much as my experience is concerned, we'll have to adopt now and open ourselves to change. As I've said, after all, the only reality in this world is change. If we close ourselves into changes, then we are closing the doors for development and we are closing the doors for the development and progress of the generations to come so this is an invitation that we really have because I am, in my experience, presidential system which is unitary in form and in structure, as of this moment, cannot guarantee the progress of the future. So we better, I think, adopt or embrace change wisely in order that we may not be blamed by the next generation of inactivity and passiveness of the present wise men in the Philippines and one of those maybe are those particular people, some of them in the Constitutional Commission. And this wisdom should be addressed to the destiny of the Republic.

COMMISSIONER APOSTOL.

I move that we recognize the Honorable Commissioner James Lim to interpellate.

CHAIRMAN ABUEVA.  
Commissioner Lim is recognized.

COMMISSIONER LIM.

Thank you very much, Mr. Chairman. Unfortunately I still have to reconcile in my head why we -- I still could not find a compelling reason why we're really shifting to parliamentary form of government. As a matter of fact, we have successfully compounded all the problems of the country. Although the compounding of the problems have various solutions up until today and none of them still has answered why we have to shift to parliamentary form of government and as brought about by other commissioners, iba't ibang klase ho yung parliamentary form. So up to now anong klaseng version ang pinag-uusapan. Siguro ho Mr. Chairman, ang tanong ko lang ho -- kasi kasama rin naman ako sa mga ibang consultations, as a matter of fact, I had the honor to be with Commissioner Abueva in one of the consultations in Mindoro where there was really equal presentation. As a matter of fact, the presidential form won there and the federal form lost also on the structure. So, as a matter of fact, ang tinitingnan ho natin -- ang question ko lang po Mr. Chairman, hanggang ngayon ho kung titingnan natin yung problema kanina napag-usapan yung mga partido. Kung ang partido ho ba natin ay dalawa lang say if we are on a two-party system just like we were talking about history 1935 or 1946 or early '70s we were still number 2 next to Japan. If we have the same set-up and we have the Local Government Code in place, which really spurred the economy I think that was what spurred the economy all over the country when the Local Government Code came into play, all the local governments had money. Ang sa akin ho ang nakikita ko ho dyan kung dalawang partido lang ho, may disiplina yung partido natin, sa tingin mo ba itong gulo ho na nangyayari ngayon mangyayari pa rin?

Right now ho ang na-eexperience natin kung baga sa basketball yung basketball players natin siya rin ang coach, siya rin ang may-ari ng team kaya ho ang tendency yung presidente at may mga gridlock right now yung gridlock baka kailangan palitan na natin ng G-R-E-E-D, greedlock na. Ang tingin ko ho dito, half the time, it's also greed of power so at the end of the day the issue is yung player hindi magkakampi, yung team mismo hindi magkasama. Ang nakikita ko ho dito, kung si Jaworski puwedeng ibangko ng kanyang coach, in this case you cannot do that because the coach is the player at the same time the team owner is also the player. Sa madaling salita, wala ho tayong partidong maayos. Kung may maayos tayong partido sa tingin ko hindi ho natin pinag-uusapan ito today. Do you agree with me?

COMMISSIONER ANGELES.  
I disagree.

COMMISSIONER LIM.  
Why Mr. Chairman?

COMMISSIONER ANGELES.  
Because without the basketball team of the Philippines, we won overwhelmingly in the Southeast Asian games. (laughter) The 23<sup>rd</sup> Southeast Asian games was won by the Philippines without the basketball team.

COMMISSIONER LIM.  
And how is that related to our politics?

COMMISSIONER ANGELES.

You were citing basketball. I was trying to answer you basketball citation.

I disagree with the observation that this presidential two-party system will solve the multifarious problems that our country is facing today. I cannot guarantee also that the shift to parliamentary will solve our problems. I think it's the people those who are in the government. There is a big problem in the country today and this is brought about by the present political system, the presidential system, which is found to be not responsive to the needs of the people. If it is responsive, then it could have been a great success. We have the Senate they cannot agree with the House of the Representatives and then the Executive is not supported by the Senate or Congress. So what happens to the country? There is a stalemate. There is a retrogression that happened after the dictatorship of President Marcos.

COMMISSIONER LIM.

So wala hong disiplina ang ibig nyong sabihin?

COMMISSIONER ANGELES.

Well, that is your word. The only thing that is permanent, as mentioned by Commissioner here, in this world is change. Now if we adopt change to move forward and be able to provide prosperity for our country, why not? Why don't we give it a chance? Because we have already given a chance to the presidential system for almost 60 years and it failed us

COMMISSIONER LIM.

You know Mr. Chairman, in 60 years we're the only country who changed constitution three times. I think we will land in the Guinness Book of World Records already. All countries have amended their constitution except the form of government. Yung change nga ho ang problema natin sobrang change tayo nang change. Tingin ko we want to beat the Guinness Book of World Records as the only country who changed their constitution 4 times. Kung titingnan ho ninyo, lahat ho ng parliamentary form of government, majority of them except the communist and the socialist ones are bicameral so what we're proposing is a unicameral kind of system, legislature. Even the progressive ones are bicameral.

I think the issue also is yung protection natin dun sa tyranny of the majority. Why am I against the parliamentary? I think the country is not ready in the sense that a lot of times we vote not based on the issue but kung sino ang majority o kung sino ang kakampi natin. As a matter of fact, karamihan sa mga issues hindi natin ma-defend on several fronts. Mr. Chairman one last question. Kung titingnan ang situation today. Again I have to go back to my original question. We have to find one major compelling reason to give to the people – to say na ito ang problema at ito ang rason kung bakit tayo lilipat.

COMMISSIONER ANGELES.

The overwhelming sentiment of the people is evidenced by the results of the consensus that were being conducted in the different consultations all over the country. They never voted for the retention of the presidential system except for Zamboanga, but the delegates were selected by Mayor Lobregat, and then in Quezon City and Mindoro. But we have 17 regions in the country. In all the regions there was overwhelming sentiment for change.

COMMISSIONER LIM.

Then Mr. Chairman, I challenge you na ipakita natin sa mga tao yung proseso na ginamit natin kung bakit siya nanalo. That's it. Thank you.

COMMISSIONER APOSTOL.

Mr. Chair I move that we recognize Commissioner Adamat.

CHAIRMAN ABUEVA.

Commissioner Adamat is recognized.

COMMISSIONER ADAMAT.

Thank you Mr. Chairman. Would the Sponsor like to yield to some questions? One criticism against the presidential system is the presence of the politics of popularity. In a parliamentary form of government, can we eradicate this kind of politics?

COMMISSIONER ANGELES.

I think in every political exercise, the most popular wins. It is not necessarily those who have the money. Plus the money perhaps, and then if you are popular. It is the advantage of the candidate if he becomes very popular and he gets elected. That is the essence of democracy. I believe the most popular gets elected

COMMISSIONER ADAMAT.

Thank you Mr. Chairman. The point I am trying to arrive at here is that in the present set-up that we have, in the Upper House for example, there are undesirables. If I may borrow the words of Commissioner Garcia, before we had illustrious senators, but today we can count by our fingers who belongs to that category and that is maybe because of rampant politics of popularity. I am concerned about this. You are saying that it cannot be eradicated. So that even in the parliamentary system, this kind of predicament we are facing during this present dispensation would still be our experience.

COMMISSIONER ANGELES.

It may happen in some parliamentary districts but not nationwide. I got information that a number of senators got elected by spending billions of pesos. I will not name names anymore. If you look at the Senate, there are more active members in the committee of silence than those who are actively participating in the deliberations of the Senate. That is the sad state of our political system. That's why this Senate is not even in favor of charter change because they don't like to lose their title. In fact I heard that there are some commissioners here who are eyeing to become Senators. That's why they don't like this parliamentary form. The introduction of the parliamentary system it may be difficult for these ambitious guys to win in the congressional parliamentary district. I will cite to you one senator ha I'm not afraid to cite this. Senator Kiko Pangilinan ran for Congress in Quezon City and he lost. But what did he do? He married megastar Sharon Cuneta. He brought Sharon Cuneta all over the country. What's the result? Kiko Pangilinan got elected as Senator. If I wanted to run for the Senate I could have married an actress who's very popular. That is the result of popularity. Now, can the aspect of popularity be still a factor? Why not? But let those guys run in a parliamentary district I dare you it will be difficult for them to win.

COMMISSIONER ADAMAT.

Thank you for that lengthy answer Mr. Chairman. But I hope it will not be counted against my time because he's so, the answer is so lengthy.

[At this juncture, Chairman Abueva relinquished the Chair to Commissioner Oscar S. Rodriguez]

COMMISSIONER RODRIGUEZ.

Yes. You can proceed with your question.

COMMISSIONER ADAMAT.

And that means you are proposing a parliamentary-unicameral type of governance?

COMMISSIONER ANGELES.

Exactly. No that's not my proposal, that is the proposal of the committee.

COMMISSIONER ADAMAT.

Precisely you are the Chairman of the committee and you are speaking for the committee.

COMMISSIONER ANGELES.

Yes.

COMMISSIONER ADAMAT.

Thank you for that Mr. Chairman. I am satisfied with that answer.

One of the problems this country has been facing is the problem on poverty. In a parliamentary system of government, do you think there is a solution to this problem?

COMMISSIONER ANGELES.

There is hope because in the present system it seems we did not succeed in solving the poverty of the people.

COMMISSIONER ADAMAT.

I hope we'll not work on the basis of hope, Mr. Chairman, because we want a concrete change of system so that it will lead to addressing the prevailing problem of this country. I think in a parliamentary system we should, the understanding is that with parliamentary system in place, there is speedy growth and development because there is a fusion of the upper house and the lower house and the executive branch. Thank you, I got you even if you have not answered me correctly. And one last question, Mr. Chairman is the issue of graft and corruption. In a parliamentary system, can you give us, can you enlighten us on how this problem can be eliminated or even be reduced?

*(Reply, stricken off the record)*

COMMISSIONER APOSTOL.

Mr. Chair, I move that we recognize Commissioner Tirol, then after that, Commissioner Sarmiento and then Commissioner Tendero.

COMMISSIONER RODRIGUEZ

Commissioner Tirol is recognized, my good colleague in the House.

COMMISSIONER TIROL.

Thank you, Mr. Chairman. I would like to preface my question with the statement that I am not unmindful of the indication of the sentiment of the people for a shift from presidential to the parliamentary which sentiment is being shared even by the leadership and the people of Bohol where our Chairman comes from. Mr. Chairman, I submit that one of the good features of the presidential form of government is the existence of checks and balances wherein the three branches executive, legislative, and judiciary are co-equal, coordinate with each other. May we be enlightened Mr. Chairman, whether this salient feature of the presidential form of government will be preserved if we shift to parliamentary?

COMMISSIONER ANGELES.

Yes. The opposition in the parliament will be the check on the abuses of the party in power. Because there is an opposition in the parliament. They are not all from one party. Even the party itself can censure and, ah, they can censure the Prime Minister by changing him if he does not perform his job, and there's a failure of performance and expectation, if he falls short of his expected output as a Prime Minister. Without calling a National election, the Parliament can have a vote of no confidence and the Prime Minister will be changed.

COMMISSIONER TIROL.

How could my question, Mr. Chairman, be answered in the affirmative in as much as the powers of the executive will be swallowed by the legislative? So the executive cannot be expected under the parliamentary form to be co-equal and coordinate with the legislative.

COMMISSIONER ANGELES.

You're referring to the presidential system. In a parliamentary system, there is a fusion of the executive and the legislative working together to implement the platform of government, the party platform. The media can criticize any member of parliament not performing their job including the Prime Minister. Once there is general sentiment of the people that there's dissatisfaction, there is non-performance, there's ineffectiveness by the Prime Minister then the representative of that district who is a member of parliament can move for a no confidence vote and that Prime Minister can be replaced easily instead of waiting for the end of the term. So if you're saying how can we check, the check and balance works very well within the parliament itself.

COMMISSIONER TIROL.

Yes Mr. Chairman within the parliament itself, but at the sacrifice of the executive. Anyway Mr. Chairman, I would like to point out that it is claimed that the justification for lodging upon the parliament not only legislative but also executive power is the dictum, "he who passes the law must also execute the law." This is very objectionable to me because this is just one step towards absolute dictatorship. If we can say he who passes the law will also execute the law we can easily add he should also judge the law or interpret the law. Why not make it complete circle Mr. Chairman? So I believe that it is to our advantage to preserve and support and defend the theory of check and balances which is existing in the parliamentary form of government Mr. Chairman.

COMMISSIONER RODRIGUEZ.

What is the question Commissioner? Commissioner Tirol.

COMMISSIONER TIROL.

I want the opinion of my compañero whether he agrees with me that the theory that, “he who passes the law should also execute the law” is erroneous.

COMMISSIONER ANGELES.

I disagree.

COMMISSIONER TIROL.

Thank you Mr. Chairman.

COMMISSIONER RODRIGUEZ.

Floor Leader?

COMMISSIONER APOSTOL.

Mr. Chairman, I move that we recognize Commissioner Tendaro.

COMMISSIONER RODRIGUEZ.

Commissioner Tendaro is recognized.

COMMISSIONER TENDERO.

Thank you very much and good afternoon. I would like to ask some questions to Commissioner Angeles. The first Constitution that we had was presidential. Could it be that because during that time we were under the tutelage of America which was using presidential system of government? Do you think my observation could be true.

COMMISSIONER ANGELES.

Yes. We adopted the Presidential system because it was imposed on us.

COMMISSIONER TENDERO.

Also after the second World War, the Philippines is next only to Japan not because so much of the progress of the Philippines but because as you compare the Philippines to all other countries during that time we were... All the other countries were destitute because they were raped by Japan and other colonizing powers during that time.

COMMISSIONER ANGELES.

That's correct. That's a correct observation.

COMMISSIONER TENDERO.

Then in the 1971 Constitutional Convention, it was overwhelmingly approved that we shift to parliamentary system. But the parliamentary system that we had under President Marcos was not parliamentary system because it was under a dictatorship. Is that observation true also?

COMMISSIONER ANGELES.

That's correct. We never experienced a parliamentary system of government.

COMMISSIONER TENDERO.

And in the 1987 Constitution, while the Constitutional Commissioners were making a discussion in terms of the form of government, many of them were already thinking of having the form of government to be parliamentary that's why they adopted the multi-party system and all others. However, when the final vote was taken, the presidential won by only one vote but it's too late to make other changes in the other provisions in relation to the governance because they were already well-ahead before that decision was made as to the form of government. Is that also true?

COMMISSIONER ANGELES.

I think the delegates of the Constitutional Convention will... You lost by one vote? They won, they won by one vote.

COMMISSIONER TENDERO.

No the CONCOM, 1987, Cory.

COMMISSIONER ANGELES.

Ah yung Cory. Yes that's the worst Constitution we've ever had.

COMMISSIONER TENDERO.

So you agree with me. They were actually thinking of having a shift to parliamentary...

COMMISSIONER ANGELES.

I think they vote according to what has been observed, bicameral and unicameral and by one vote they decided to retain the bicameral.

COMMISSIONER TENDERO.

From all of these observations Mr. Chairman, our country could have had some shift to parliamentary but we did not really have. Could it be that this would be an opportunity that what we were trying to implement could be implemented already during our time. But there is some hesitancy because of the fear of change because of some other issues but this could be a time that we need to bite the bullet and really face what would be the appropriate form of government for our nation. As a last comment Mr. Chairman, in a family relationship the parents are the ones who promulgate the rules and likewise implement the rules. Now because the parents are the ones who promulgate and implement the rules, a better or a unified husband and wife who are able to exchange and discuss healthily about the rules and regulations that they should promulgate and implement are able to provide greater leadership to the family because of such good relationship.

COMMISSIONER ANGELES.

Are you using that analogy for the fusion of the legislative and executive powers of government?

COMMISSIONER TENDERO.

Yes.

COMMISSIONER ANGELES.

Yes I fully agree. I support that observation.

COMMISSIONER TENDERO.

Could it be that in our psychology, the fusion of that power and the teamwork would be better in relation to our psychology as a nation?

COMMISSIONER ANGELES.

Yes.

COMMISSIONER TENDERO.

Because of this Mr. Chairman I support you.

COMMISSIONER ANGELES.

Thank you very much.

COMMISSIONER RODRIGUEZ.

Thank you for the leading questions. Mr. Floor Leader?

(Laughter)

COMMISSIONER APOSTOL.

Mr. Chairman we'll have our last interpellator and then after that we go to *turno en contra*.

COMMISSIONER RODRIGUEZ.

We will turn over the microphone to the Chairman now.

COMMISSIONER APOSTOL.

I move that we recognize Commissioner Bello.

COMMISSIONER BELLO.

Maraming salamat po Mr. Chairman. This is a concern of this representation and I would like to premise my, before I ask the question, on observations. I am inclined to support the parliamentary form of government. In fact during our sorties into the provinces particularly in my region, in Ilocos Sur and Ilocos Norte, it was an overwhelming support to the parliamentary form of government. Even in the discussion of the structure of government they were already voting for parliamentary form not federal. In other words it was a strong position for the parliamentary form of government. But during the earlier course of the discussion and debate, there was a comment by the honorable Commissioner Garcia and I'm also inclined to agree with him that in a parliamentary form of government, there are also many variations. You have a parliamentary-bicameral, parliamentary-unicameral which you are sponsoring, but you also have a parliamentary form of government where we have a strong Prime Minister and we also have a parliamentary form of government where we should have a strong President.

And this representation feels that there should be an inclination towards a strong President in a parliamentary form of government. And using that premise, I would like to register my suggestion that when we go into the nitty-gritty of this form of government, we should specifically state here, that the Head of State which is the President or in the monarchical form of government, the King, the Emperor of Japan, the Agong of Malaysia, they are the Head of State. And they are also at the same time Commander-in-Chief of their respective armed forces. And at the same time they are also the head of the

Department of Foreign Affairs. It's because they're the ceremonial representative of the government, they appoint the ambassadors and all the foreign officers.

We have not discussed this lengthily in the consultations. We were only citing the presidential and parliamentary form of government. I think that was the shortcoming that we had when we went there. That is why it was not well understood what type of parliamentary form is appropriate for us. Although in the beginning, the model that we have here, we began with a parliamentary form of government that was already unitary although the model that was presented here as indicated in that study is parliamentary form of government that is bicameral, the one that is supported by the Konrad Adenauer Foundation although that was revised later on to have a unicameral form of government. My query is would this form of government be open to a strong type of President in a parliamentary form of government?

COMMISSIONER ANGELES.

As I have said the Commission in plenary session will decide the provisions that we are proposing here. Maybe when we discuss that particular section, you may propose amendments.

COMMISSIONER BELLO.

I cited that because in the French model, which is also a very progressive country at this point in time, they have a very strong President in the person of Jacques Chirac who used to be the Prime Minister of Francois Mitterrand. In the French model there were only five (5) Presidents since Charles de Gaulle under the parliamentary form of government with a strong President. Maybe that is a model we can look at extensively in the deliberation when we decide on the form of government.

COMMISSIONER ANGELES.

That's correct.

COMMISSIONER BELLO.

Mr. Chairman thank you very much.

COMMISSIONER APOSTOL.

Mr. Chairman, we are through with interpellation now we are in the stage of *turno en contra*. I move to recognize the first to deliver his *turno en contra* Commissioner Espina.

COMMISSIONER RODRIGUEZ.

For clarification Mr. Floor Leader, how many...

COMMISSIONER APOSTOL.

We have two (2). But each of them should deliver only ten (10) minutes.

COMMISSIONER ESPINA.

Thank you Mr. Floor Leader. I hear comments that 10 minutes is too long. From the beginning, I have said that we should not be prisoners of nomenclatures. The presidential and parliamentary as terms are confusing. As mentioned earlier, in the parliamentary system as a concept there are many forms. I agree that in a presidential system, the primary and fundamental character is check and balance and separation of powers as very well stated by our national hero Andres Bonifacio when he said that government must have the will, the executive, it must have the intellect, the legislature,

and it must have a conscience, the judiciary. However, in the course of time, I have realized that Andres Bonifacio may have been too definitive in the separation of powers and I, as I said earlier, what we need is a form of government that is truly Filipino, that can have the good features of the presidential system such as a strong will. It must also have some degree of the favorable features of the parliamentary system which I intend to do later on in the period of amendment.

What really worries me about using the term parliamentary and especially adopting its pure form, the point which has been dramatically raised during the hours of sponsorship and the questions. Commissioner Paterno said that the development of Japan was caused by the long reign of a political party. If length of time is of great significance in the success or failure of providing development to the people, then let us remove the term limits of the President, so that a good President can serve as long as the LDP served in Japan, as long as the Gandhi party served in India. Up to now it is Sonia Gandhi who dictates who will be Prime Minister. It was offered to her by parliament she said no sorry I don't want it but I want this fellow. And she got what she wanted. That is a parliamentary system of government, which dramatically says what I have all along said that while in a presidential system we may have dictatorship by one man, in a parliamentary system we can have a dictatorship by a party for a much longer time than we have experienced dictatorship in the presidential system.

It has been said that the parliamentary system develops true political parties. I earlier mentioned the case of Sharon of Israel who has abandoned the party that he formed to form his own party and to call for an early election next year, dramatically providing us a scene where in a parliamentary system there can be constant instability. In France during the 5<sup>th</sup> Republic, they have elections every 4 months, in Italy every 2 ½ months and in Japan recently when Koizumi called an election and in order to assure his victory, let me dramatize, he got television personalities to run for Congress seats and he retained his power.

There was an argument earlier that a presidential system is wrong, is bad, because it promotes popularity. What is wrong with popularity in a democracy where you grant the freedom of choice to the people? Is it not going to be effective and popular at the same time? Should we condemn because we have elected Estrada in the presidential system? Did not the people remove Estrada even if he was popular, even if he was a movie actor? I say that the presidential system has not failed the Filipino people. I say that the presidential system failed because the Filipino people failed the presidential system. It is mentioned here that the Philippines was second only to Japan 45 years ago. We were under a presidential system at that time. Why did we deteriorate as a country? Was it the fault of the presidential system? It was the fault of people who did not consider the good of the country and of the majority but only relied upon their perception of what is good for them.

Once I wrote a piece and I said what is wrong with this country is our politics is very personalistic. We first ask what is good for me, what is good for us before we ask ourselves what is good for the country. I say that we are paternalistic. We look at government as the provider of almost every solution to our problems even the most personal ones, which kills individual initiative, which kills Protestant ethics of hardwork and determination. I say that we as a people are very parochial. We don't have war here in Manila then we don't consider what is happening in Mindanao. We see somebody being robbed, we don't help because we say we are not the victims.

I say we should retain the presidential system. Let us not experiment with uncertain concepts. There are successful parliamentary countries. Why? Because from the beginning they were parliamentary countries. There were talks about England which is a parliamentary country. England, Portugal and these countries were the conquerors of Europe and some of Asia. Necessarily therefore, when these countries became independent, they followed England parliamentary, not of choice but because of historical attachment. The same is true with us. We have weaknesses I accept as a country under the presidential system. I say we improve on this. Many complain that we cannot remove a President, very difficult. I say we can solve that. How? Let us have a unicameral legislature para wala na yung House initiates, the Senate judges or tries. We reduce by 50% the difficulty in removing a President.

We say there is gridlock.

COMMISSIONER RODRIGUEZ.

Your honor you have one minute more.

COMMISSIONER ESPINA.

Thank you. We say we have gridlocks therefore this is bad. House, Senate, the Executive. I say let us have a strong President, let us reduce the gridlock by having only one legislative body. Let us adopt a good feature of the parliamentary system. Let us have a President who selects his Cabinet from the elected members of parliament. Then we have a form of government that we can call truly our own, not parliamentary, not presidential but truly Filipino. I say that we at this point in time are tasked by the duty or creating something truly Filipino. This is what I would call a mixed form of government which was introduced during the ConCon and Dr. Abueva is witness by Dr. Salvador Araneta and Delegate Ramos who had been a Congressman and Governor in that convention. And it is in this line that later on I will introduce and formalize what I call a truly Filipino form of government. We promote and develop every Filipino under this system which Gerry Espina calls our own, developed form of government.

COMMISSIONER RODRIGUEZ.

Thank you Commissioner. Your time is up. The next one..

COMMISSIONER APOSTOL.

I move that we recognize Honorable Jose Villanueva, another parliamentarist but a different system than that of Gerry Espina...a presidential.

COMMISSIONER VILLANUEVA.

Thank you very much, Mr. Chairman

COMMISSIONER RODRIGUEZ.

Honorable Villanueva is recognized.

COMMISSIONER VILLANUEVA.

Thank you. Well, right at the start when I participated in the deliberation of this honorable commission. If you will remember the first Plenary Session I attended, I posed a question "Can we not craft an indigenous model of a Constitution that is akin to the culture and temperament of the Filipino people?". I said I believe that we have the great minds in this Consultative Commission, which can easily mold and craft the Constitution that will truly respond to the needs of our people and would in itself

incorporate the culture of our nation. I honestly believe that once you argue that parliamentary should be adopted because presidential is weak, neither should we in the presidential, subscribers to the presidential system argue that we should continue with the modified system of government just because we think parliamentary is weak.

I think both systems are strong and we should argue our point from the strength of what we are proposing. I heard no less than the Chairman of the Committee on Form of Government that it is the people, not the system. It is the people that will determine whether we have a government that is responsive to the needs, the aspirations, the ambitions and the dreams of our people. It is the people who will also frustrate us because what they have is not the interest of the country but their own personal agenda. Already we have seen that there are features in both systems as I have proposed in my proposition, which I submitted that we can pick up one of the strengths, major strengths, of the parliamentary system by incorporating in the presidential unitary unicameral system of government. That strength is -- the parliament and the executive work harmoniously with each other because they come from the same branch of government. Parliament consolidated with the executive powers.

I proposed, and I think it is in the copies of the propositions I submitted to all that at least we can provide, that at least 70% of the members of the cabinet should come from among the members of the national assembly. In other words, you have 70% of the members of the cabinet of the President, nominated by members of Congress from among themselves and appointed by the President. That is a feature which I think will really strengthen the coordination and cohesion of a government working for the people. And so, I honestly believe that a.. While it is true that there is a need for a change.. We all know, those who went to the consultation that it is almost unanimous 100% if not...if it is 99.9%, 100% agree that there must be a change. And so, we go for a change whether it is parliamentary or presidential what we want is a system that will incorporate the culture and the temperament of the people that will be responsive to their needs. I would not like to bring this up to criticize as is a process which we have already finished. But in the consultation, try to think about this, what is the proposition that we present to the people? Presidential shift to Parliamentary federal form of government, is that an honest presentation of our position? Is it exclusively a shift from parliamentary, from presidential, to parliamentary form of government?

I think not, that is why I was compelled to submit in a formal document the proposition that there is another choice, there is another option which I believe is the better option and that is a shift from the present system to a modified, unitary, unicameral presidential system of government. So, people must be informed of the choices. But whenever we go in consultation almost everywhere, the choice is the present system as against which is presidential as against a shift to the parliamentary. Of course, wala nang ibang choice eh. You consider the fact that almost everybody wanted a change and then you give them just a single proposition and this is exactly the same principle that I have raised.

When we submit our work to the President and maybe eventually to Congress, it will not be wise to present only one option. We have to present all the options that are open. We have to present also the modified presidential system of government which we are advocating. Second, you know it might not be accurate to say that a 70% of those whom we consulted voted for a shift from the present system to the parliamentary federal system. Why? I told you already if there are one hundred people in attendance, what they count, let's say in a workshop one hundred people attended to be consulted

fifty persons voted in favor of parliamentary, ten voted in favor of the presidential. Ang binibilang natin yong fifty and ten eh.

COMMISSIONER RODRIGUEZ.  
Your Honor you have one minute

COMMISSIONER VILLANUEVA.  
How about those who did not vote? Should we not also consider their options? Their option as having abstained and therefore not expressive of whether they are parliamentary or presidential? I think it is also important to consider that in the equation as to whether, as to whether the people truly favor a shift to a parliamentary form of government and equally, truly representative of their sentiments to shift to a presidential. I think the basis of the consultation process is a little bit flawed. I mentioned this Mr. Chairman not to disturb or to criticize anything but just to let you know that it might not be accurate to think, itong mga figures na ito. Ito ang dapat maging base. Thank you Mr. Chairman.

COMMISSIONER RODRIGUEZ.  
Thank you Commissioner Villanueva. Mr. Floor Leader?

COMMISSIONER APOSTOL.  
I moved that we close the period of debate and interpellations.

COMMISSIONER RODRIGUEZ.  
Any objection? The period of debate and interpellations is closed. Tapos na yon. Yun na nga.

### **SUSPENSION OF MEETING**

COMMISSIONER APOSTOL.  
Mr. Chair before we go to the committee amendment. A tapos na ito... I move that before we go to period of amendment I move for a ten-minute recess.

COMMISSIONER RODRIGUEZ.  
Ten-minute recess.

*It was 5:25 p.m.*

### **RESUMPTION OF MEETING**

*At 5:36 p.m., the session was resumed.*

COMMISSIONER RODRIGUEZ.  
Okay, the session is resumed. Mr. Floor Leader.

COMMISSIONER APOSTOL.  
We could not agree on how the amendments should be done. On the other hand, the other sectors, which is clearly in support of Commissioner Angeles, wants the matter postponed, the voting on the amendment – both the Committee amendment and the personal amendment until tomorrow morning at 10 o'clock in the morning. However, there are also others who do not want to postpone. So that is the present status.

COMMISSIONER RODRIGUEZ.

Well, we have to entertain the formal motion to that effect. In the absence of a formal motion, we have to adhere to the procedure. Commissioner Espina.

COMMISSIONER ESPINA.

Because of some discussions, which took place during recess, and the possibility of a consensus on a compromise truly Filipino form of government, I am inclined to postpone to give time for this possible formulation of a form which can accommodate the major ideas of both forms.

COMMISSIONER RODRIGUEZ.

Is that a motion, Commissioner Espina?

COMMISSIONER ESPINA.

I will now make it a motion because of the objection. I was willing that we decide it today on the form, if you wish. But because of the objection to the possibility of a compromise because everybody seems to be in a hurry, then I will make it a motion, that we postpone and give ourselves the benefit of a few hours until tomorrow morning at 10 o'clock to come up with something that perhaps we can defend at Plaza Miranda.

COMMISSIONER RODRIGUEZ.

Yes, there's a motion, duly seconded. Any objection?

(Several Commissioners object)

COMMISSIONER RODRIGUEZ.

There is an objection; we have to divide the House.

COMMISSIONER BAUTISTA.

May I move to amend the motion, Mr. Chairman, if possible?

COMMISSIONER RODRIGUEZ.

If the proponent is willing to amend the motion.

COMMISSIONER ESPINA.

I will consider an amendment.

COMMISSIONER RODRIGUEZ.

Proceed, Commissioner Bautista.

COMMISSIONER BAUTISTA.

Mr. Chairman, I agree with the proponent that I think we should defer any amendments at this point but not because of what he was discussing but mainly because the Committee report was just distributed this afternoon. And I think many of our colleagues have not really had the opportunity to look into the provisions that are provided for in the Committee report, and to have a meaningful debate on these provisions.

COMMISSIONER ESPINA.

I accept the additional reasons for the amendment.

COMMISSIONER RODRIGUEZ.  
Can you raise the motion as amended?

COMMISSIONER ESPINA  
The motion stands as is, that is, to postpone until tomorrow but I adopt the additional reason that other than the possibility of coming up with an acceptable compromise which will not sacrifice the future of the people and the country, and the second reason – to give us more time to go over the report, which has been submitted today. Nobody can go against that fact that it was just given to us today. I accept.

COMMISSIONER RODRIGUEZ.  
We go to the division of the house.

COMMISSIONER TABANDA.  
Clarification, Mr. Chair.

COMMISSIONER RODRIGUEZ.  
Commissioner Tabanda.

COMMISSIONER TABANDA.  
May we ask, if it will be postponed and we will have it again tomorrow, shall we listen again to the same debates? We will not anymore have to bear to listen to the same arguments.

COMMISSIONER RODRIGUEZ.  
No more.

COMMISSIONER ESPINA.  
If that is addressed to the movant, if we cannot have that agreement, there will be no more discussion. I can guarantee that, as far as this representation is concerned. There will be no more debates.

COMMISSIONER RODRIGUEZ.  
That is recorded. Anyway we have to divide the house.

COMMISSIONER APOSTOL.  
Mr. Chair, the status of the Committee report is on the period of amendments, Committee and individual. After that we will vote. This is what is being postponed only. So if it is postponed, then we cannot go back to what has been discussed today. We'll just consider the period of amendments.

COMMISSIONER RODRIGUEZ.  
We will just resume on the period of Committee and individual amendments. Yes another clarification then we'll divide the house.

COMMISSIONER ADAMAT.  
Is it of the understanding that, granting that we will postpone the period of amendments until tomorrow, is it of the understanding that we have to decide first as to what form of government are we really going to adopt? Or we will proceed with the amendment without considering first the form of government that this Commission will adopt. My recommendation, Mr. Chairman, if I may be allowed, is that before going into the actual

amendment of the Committee report, we have to decide first which form of government we are trying to adopt.

COMMISSIONER RODRIGUEZ.

Commissioner Adamat, if you remember when the sponsor made his sponsorship speech, the sponsor already sponsored a shift from presidential to parliamentary. And we will now be going into the amendments – Committee and individual. Therefore the understanding is that that is the resolution sponsored by the sponsor earlier.

COMMISSIONER GARCIA.

Parliamentary inquiry.

COMMISSIONER RODRIGUEZ.

Commissioner Garcia.

COMMISSIONER GARCIA.

Since this meeting is a meeting on the Committee as a whole, and plenary, are the amendments to be considered amendments at the Committee level or at the plenary already? It cannot be plenary because this is both a Committee as a whole and a plenary. So it is only on the Committee report. So it is on the Committee level.

CHAIRMAN ABUEVA.

Mr. Chairman, we agreed with the proposal of the Committee on Style that in order to facilitate our business, we would be meeting from this afternoon to the next four days as both a Committee of the whole and a plenary session. So what we are amending is really before the plenary.

COMMISSIONER APOSTOL.

Mr. Chair, we are on the Committee, and the Committee report is parliamentary. That is what is being sponsored – parliamentary system. There is no other form of government.

COMMISSIONER RODRIGUEZ.

There is a motion, pending motion. We have to divide the house. The motion pending before the plenary is for the postponement of the deliberation on the resolution sponsored by the Chairman of the Committee on Form that we resume the session tomorrow at 10 o'clock to discuss the Committee amendments and the individual amendments.

COMMISSIONER APOSTOL.

Specifically, it is merely on the period of amendment – Committee and individual. So what will be amended is the report of the Committee, which is parliamentary system.

COMMISSIONER ESPINA.

I agree to the observation of the majority leader that we are just postponing the process of amendments.

COMMISSIONER VILLANUEVA.

Mr. Chairman.

COMMISSIONER RODRIGUEZ.

Commissioner Villanueva.

COMMISSIONER VILLANUEVA.

Just in case the motion to postpone is approved, I would like to appeal to everyone to use the time between now and tomorrow not only to study the Committee report but to find out where we can compromise so that we can have a very strong position.

COMMISSIONER RODRIGUEZ.

Duly noted, Commissioner Villanueva. We proceed with the division of the house. Commissioner Paterno.

COMMISSIONER PATERNO.

My concern, Mr. Chairman, is that we come tomorrow with the same knowledge that we have at the present time. I don't know how many people will read and understand the proposed amendments. I would like to propose that at the minimum, the sponsor provide us with an overview of a parliamentary system that is proposed here, because there are many forms of parliamentary system, and it is necessary for us from the beginning to understand whether it's unicameral and so on and so forth, so that we can see the outlines of whether this is a man, or a monkey, or a crocodile or what.

COMMISSIONER RODRIGUEZ.

The observation of Commissioner Paterno is duly noted. Let us go back to the previous question. As many as are in favor of the motion to postpone until 10 o'clock tomorrow, can you raise your right hand?

In favor – 18

Against – 19

The motion is lost.

COMMISSIONER APOSTOL.

Mr. Chair, we are now on the period of Committee amendment. May I ask the sponsor if he has some amendments on this resolution?

COMMISSIONER RODRIGUEZ.

The sponsor is recognized.

COMMISSIONER ANGELES.

I'd like to propose a motion to adopt the recommendation of the Committee on the Form of Government en toto.

COMMISSIONER APOSTOL.

But we are on the period of Committee amendment. Do you have any amendment on your report?

COMMISSIONER ANGELES.

I'm not supposed to make the amendment.

COMMISSIONER RODRIGUEZ.

Mr. Sponsor, you are only asked if you have some amendments to your proposal.

COMMISSIONER ANGELES.

No, I have no amendment at the moment.

COMMISSIONER RODRIGUEZ.

No Committee amendment. Then we go to the individual amendments. We go section by section.

COMMISSIONER ESPINA.

Parliamentary inquiry Mr. Chairman.

COMMISSIONER RODRIGUEZ.

Yes what is the parliamentary inquiry?

COMMISSIONER ESPINA.

Parliamentary inquiry. I have no objection into going to amendments already. Just this question – supposing Section 1, as presented by the Committee is approved, and let me read Section 1. “The President shall be the Head of State. Upon election by the Parliament, the President shall *ipso facto* cease to be a member of Parliament and any political party.” If we approve this as is, it practically closes the door to all amendments on the possible allocation of legislative and executive powers. And that is why I said, Mr. Chairman, that let us not go in haste because the moment this is approved, wala na. There is a closure already. We are already adopting the parliamentary system. We have already elected the President as Head of State, and not as the real holder of executive power. Let us be open.

COMMISSIONER RODRIGUEZ.

Okay, the observation of Commissioner Espina is duly noted.

COMMISSIONER APOSTOL.

We are on Section 1.

COMMISSIONER RODRIGUEZ.

Any amendment to Section 1? Commissioner Garcia is recognized.

COMMISSIONER GARCIA.

Let me precede my amendment by trying to recollect what the distinguished Chairman said in answer to my interpellation that the Committee is open to the adoption of another type or model of the parliamentary system such as the French type, where the President is head of government; such as the Italian type, where the President has certain specific powers... So in light of this and in order not to foreclose the adoption of other types of government suitable to the Philippine situation, the Philippine experience, may we defer consideration of Section 1 to 3?

COMMISSIONER RODRIGUEZ.

Anyone seconding to the motion? (Several Commissioners second the motion.) Anyone objecting?

COMMISSIONER TABANDA

We object.

COMMISSIONER RODRIGUEZ.

There is an objection. Let us divide the house.

In favor of deferring discussions on Sections 1-3 and the amendments – 19  
Against – 16

The motion is carried. Let us go to Section 4, Mr. Floor Leader. Any amendment to Section 4? “The term of office of the President shall begin at noon on the fourth Monday of January following the day of the election and shall end at noon of the same date five years thereafter. The President shall not be eligible for reelection. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of service for the full term of which he or she is elected.” Any objection?

COMMISSIONER VILLANUEVA

Objection. Amend – may be reelected for another term.

COMMISSIONER RODRIGUEZ.

The President shall not be eligible for reelection. Your amendment is for another term of five years. He’s eligible for reelection of another five years. What does the sponsor say?

COMMISSIONER ANGELES.

We accept the proposal with one reelection.

COMMISSIONER RODRIGUEZ.

The amendment is accepted. Any objection to that? None. Let us go to Section 5.

COMMISSIONER ESPINA.

I move that instead of five years it be six years and no reelection, like the present term.

CHAIRMAN ABUEVA.

Mr. Chairman.

COMMISSIONER RODRIGUEZ.

Yes Commissioner Abueva. Chairman Abueva is recognized.

CHAIRMAN ABUEVA.

Mr. Chairman, if you have noted, there is an emerging consensus that we are going to extend the term of office of local officials to five years. And it is also proposed that the Parliament will have a maximum period of five years. So to be able to synchronize elections, although of course the Parliament is subject to dissolution, to adopt the 5-year term for all elected officers.

COMMISSIONER ESPINA.

I withdraw that amendment.

COMMISSIONER RODRIGUEZ.

Section 5? Section 4?

COMMISSIONER CALISIN.

During the deliberation of the Committee I objected to the election of this President in January, considering that this will disturb the regular classes. So I suggested in the Committee that this still be the same in May in order not to disrupt regular classes in the semester.

COMMISSIONER RODRIGUEZ.  
This is not an election at-large Mr. Vice Governor.

COMMISSIONER CALISIN.  
Only the President?

COMMISSIONER RODRIGUEZ.  
Yeah, only the President.

COMMISSIONER CALISIN.  
Okay.

COMMISSIONER TIROL.  
Section 5.

COMMISSIONER RODRIGUEZ.  
Commissioner Tirol.

COMMISSIONER TIROL.  
Amendment to Section 5.

COMMISSIONER RODRIGUEZ.  
We are still on Section 4 Commissioner Tirol. Commissioner Garcia is recognized.

COMMISSIONER GARCIA.  
Since we are not yet agreed on the nature of power of the President, I propose that the term of office of the President be 6 years in order that that there is continuity. That the President will overlap with election of the members of parliament. Otherwise there will be no continuity, no stability. In fact in France, the president has seven years whereas the members of Parliament have only five years.

COMMISSIONER RODRIGUEZ.  
Any point of order? What's the point of order? Commissioner Abueg?

COMMISSIONER ABUEG.  
The Commission have already approved the term of office of the President to five years with one reelection. If there is any proposal, what is necessary is for a reconsideration of what has already been approved.

COMMISSIONER RODRIGUEZ.  
Commissioner Garcia?

COMMISSIONER GARCIA.  
That observation is valid. And so I move to reconsider.

CHAIRMAN ABUEVA.  
Mr. Chairman, will the proponent accept an amendment?

COMMISSIONER GARCIA.  
Willingly.

CHAIRMAN ABUEVA.

Six years is long enough and I would agree to that provided that the President shall only have one term. No reelection.

COMMISSIONER GARCIA.

I accept the amendment.

COMMISSIONER APOSTOL.

Mr. Chair, this Body approved the five years with one reelection. We just approved it. Then there should be a reconsideration again of what we approved.

COMMISSIONER ROMUALDO.

So there should be a voting on the motion for reconsideration.

COMMISSIONER RODRIGUEZ.

Formalize your motion for reconsideration.

COMMISSIONER VILLANUEVA.

Mr. Chairman, in case of a motion for reconsideration, how many votes do we need?

COMMISSIONER RODRIGUEZ.

Majority, but the proponent of the motion for reconsideration must have established that he voted in favor of the motion.

COMMISSIONER VILLANUEVA.

Majority, not two thirds?

COMMISSIONER RODRIGUEZ.

Yeah, majority. So there is no formal motion for reconsideration? If there being none, we can proceed with Section 5.

COMMISSIONER TIROL.

Mr. Chairman.

COMMISSIONER RODRIGUEZ.

Commissioner Tirol is recognized.

COMMISSIONER TIROL.

I propose that we amend Section 5 by removing "or affirm." In the case of affirmation, the last sentence is omitted. Meaning to say, Mr. Chairman, we remove the option on the part of the incoming President, or whoever be the official to be sworn in, the option to make a mere affirmation. I submit, Mr. Chairman, that if we allow the President to assume office by merely taking an affirmation, it is an official and public declaration of her non-belief in God.

COMMISSIONER RODRIGUEZ.

In other words, you are moving to remove this clause "or affirm."

COMMISSIONER TIROL.

May I continue, Mr. Chairman? In the preamble, it is clearly stated that "We, the sovereign people, imploring the aid of Almighty God..." In other words, that is a

collective expression of our belief in God, and here we are, allowing in Section 5, the possibility of letting a President, who is a non-believer, who is a leader of the believers. I submit, Mr. Chairman, that it would be more in keeping with the culture of the Filipinos if we remove the option of affirmation.

COMMISSIONER RODRIGUEZ.  
What does the Sponsor say?

COMMISSIONER ANGELES.  
I will ask a member of the Committee to answer that, Commissioner Bautista.

COMMISSIONER BAUTISTA.  
Mr. Chairman we do not accept the proposed amendment because first of all one of the cardinal principles of our Constitution is the separation of Church and State and therefore there will be an issue with respect to a violation of that principle if we take out that preference to an affirmation. Meaning that a person has the option of whether or not to take an oath and as you know there are certain religions that prohibit the taking of an oath and that is why we are providing here the option of taking an affirmation.

COMMISSIONER RODRIGUEZ.  
Are you insisting on your amendment Commissioner Tirol?

COMMISSIONER TIROL.  
I would like to submit the matter to a vote, Mr. Chairman.

COMMISSIONER RODRIGUEZ.  
Okay, we shall divide the house. Those who are in favor of the amendment introduced by Commissioner Tirol, kindly raise their right hand. The amendment is to remove the phrase 'or affirm' which is enclosed here in parenthesis in Section 5. Those who are in favor of the removal of the phrase "or affirm", under the second line of Section 5.

How many? (silence, counting) Nine. Those who are against the motion to amend? Raise your right hand. (silence, counting) The motion to amend is lost.

Any other amendment? We go to Section 6. Any amendment to Section 6? (silence) There being none, we go to Section 7. Section 7, are there any amendments? (silence) No amendment to Section 7? (silence) Section 8, any amendment? (silence) Section 9? Commissioner Garcia is recognized.

COMMISSIONER GARCIA.  
Consistent with what we have agreed, to defer consideration on amendments to Sections 1 and 3, I move that we defer consideration.

COMMISSIONER RODRIGUEZ.  
What does the Sponsor say? No objection?

COMMISSIONER ANGELES.  
Let's proceed, Mr. Chairman, to vote on Section 9.

COMMISSIONER RODRIGUEZ.  
Section 9? The motion of Commissioner Garcia is to defer discussion of Section 9---

COMMISSIONER GARCIA.  
Until tomorrow---

COMMISSIONER RODRIGUEZ.  
In consonance with our deferment on Sections 1 thru 3---

COMMISSIONER GACRCIA.  
To be consistent---

COMMISSIONER RODRIGUEZ.  
To be consistent. Any reconsideration of the position, Mr. Sponsor?

COMMISSIONER ANGELES.  
Okay, I accept the deferment.

COMMISSIONER RODRIGUEZ.  
The deferment is accepted, let us go to Section 10. We go to, page what? Page 9, wala naman dito eh. So it will be another Article. Depending on the final outcome of the draft, the Article number will be as is, under the title "The Prime Minister and the Cabinet". Any amendment to Section 1? Commissioner Garcia? On page 12, Section 1.

COMMISSIONER GARCIA.  
Yes. Again, consistent with the action taken by this Body for the previous request of postponement of considerations, we move for postponement of consideration of Section 1 of this unnumbered article.

COMMISSIONER RODRIGUEZ.  
Any, uh, what does the Sponsor say? Section 1 only. We are only on Section 1.

COMMISSIONER GARCIA.  
The whole article---

COMMISSIONER RODRIGUEZ.  
Ah, the whole article?

COMMISSIONER GARCIA.  
So that we can, more or less, introduce amendments to conform to what---

COMMISSIONER RODRIGUEZ.  
The motion is to defer discussion on this entire Article under the "Prime Minister and the Cabinet" title. What does the Sponsor say?

COMMISSIONER ANGELES.  
We agree.

COMMISSIONER RODRIGUEZ.  
Agreed. We go to the next article.

COMMISSIONER TABANDA.  
Point of order. Point of order.

COMMISSIONER RODRIGUEZ.  
Yes, Commissioner Tabanda?

COMMISSIONER TABANDA.  
May we ask what the procedure is if the Chair agrees to an amendment but there are objections from the Body, does it mean that the Chair's position will prevail over the objections from the Body?

COMMISSIONER RODRIGUEZ.  
Yes, as sponsoring Committee.

COMMISSIONER TABANDA.  
I would think that if the Chair agrees but there is objection from the Body, the House has to be divided.

COMMISSIONER RODRIGUEZ.  
You can introduce your own amendment to that effect or your own motion to that effect.

COMMISSIONER TABANDA.  
We are members of the Committee but we would rather do everything now.

COMMISSIONER RODRIGUEZ.  
Mr. Floor Leader.

COMMISSIONER APOSTOL.  
The rule is that if there is a proposed amendment, the Sponsor or the Chairman is asked whether he agrees or not. If he agrees, then the amendment goes through. But if there is a disagreement, then there will be voting. Unfortunately, it is always the Chairman, not any member.

COMMISSIONER RODRIGUEZ.  
Okay, so ... Commissioner Nelia.

COMMISSIONER GONZALEZ.  
For my own understanding, we are deferring this for when?

COMMISSIONER RODRIGUEZ.  
For tomorrow only. Yeah, only for tomorrow. Yes, Commissioner Bello is recognized.

COMMISSIONER BELLO.  
May I request that we go back? I don't know if we discussed Section 16 on the President. I would like to propose an amendment. You are now on the Prime Minister but we went very hurriedly on the other Sections. Page 9. It says here see Section 9. That's deleted? Because I would like to put on record that when we talked with the Defense Department they were recommending that, in the confirmation of officers of the Armed Forces, it should be limited only to a certain group of officers and not from the rank of Colonel and Naval Captain. So if this should apply to the Prime Minister provision, I would like to put it on record now that confirmation of the officers of the Armed forces, whether it be by the Prime Minister or the President, should be only the Chief of Staff, the Vice Chief of Staff, and the three major Service Commanders.

COMMISSIONER RODRIGUEZ.

Section 9, Commissioner Bello, is included among those deferred for discussion here tomorrow.

COMMISSIONER BELLO.

Okay. Thank you, Mr. Chairman.

COMMISSIONER RODRIGUEZ.

Okay, let us go now to the next article. Section 1 under "The Parliament". Commissioner Garcia.

COMMISSIONER GARCIA.

I move for the deletion of the entire Section because in a Parliamentary system you cannot distinguish anymore legislative and executive powers.

COMMISSIONER RODRIGUEZ.

Page 15 under the title "The Parliament".

COMMISSIONER GARCIA.

Actually, this section will be redundant. It should have been under the Prime Minister. There is no more distinction because there is no more separation of powers. So why do we have--- In the Constitutions of France, Germany, Italy, Portugal, there is no mention of executive power, legislative power in Parliament. That is reminiscent or a hangover from the Presidential system and separation of powers. Are we saying there is no more separation of powers in the Parliament, therefore there should not be a statement in the Constitution of executive and legislative powers because we might run into trouble with a huge body of jurisprudence.

COMMISSIONER RODRIGUEZ.

Okay, what does the Sponsor say?

COMMISSIONER ANGELES.

We object to the proposal because a unicameral parliament is precisely the fusion between the executive and the legislative.

COMMISSIONER RODRIGUEZ.

The amendment is objected to. Yes, Chairman Abueva is recognized.

CHAIRMAN ABUEVA.

The observations of Commissioner Garcia are certainly appropriate for those political systems that have been, always, parliamentary. From the beginning of their political history, largely, of course, at least since the monarchy was substituted by parliament. So it is very instructive for our people and our leaders to be informed that, in our parliament, the legislative and executive powers are vested in parliament. It's not redundant. It is a very important provision because we have been so used to the separation of powers.

COMMISSIONER GARCIA.

That is precisely the reason why we have to delete that. We have to start with a clean slate. There is a huge body of jurisprudence and laws existing where the Supreme Court still distinguishes executive and legislative power. And we cannot just eliminate that overnight.

COMMISSIONER RODRIGUEZ.

Any rebuttal?

COMMISSIONER GARCIA.

We are saying that there is no more. That is merged already in the parliament. Why do we have to distinguish that?

COMMISSIONER RODRIGUEZ.

Okay, let us divide the House then.

CHAIRMAN ABUEVA.

This will guide our Supreme Court as well.

COMMISSIONER GARCIA.

But then you still have two powers: executive and legislative. Under the parliament system, the Parliament appoints or elects the Prime Minister who executes the laws. So this is bound to cause confusion and redundancy. The separation of powers from the executive and legislative and judiciary, this was the result of the study of such political writers as Montesque of France in the late 18<sup>th</sup> century. So there is a present system. But in countries like England, like France, they do not indicate in their Constitution that parliament as legislative, the president as executive. No. There is no use referring to such.

COMMISSIONER RODRIGUEZ.

Okay, Commissioner Paterno, before we will divide the House. Is this in connection with the motion?

COMMISSIONER PATERNO.

It is in connection with the motion. I wonder whether it is correct to say that executive power is vested in parliament. It is really vested in the Prime Minister and the Cabinet. The parliament is legislative. The legislative elect the executive officer. The Executive Officer appoints a Cabinet. They are the executive arm of the government.

COMMISSIONER RODRIGUEZ.

In other words, are you in favor of the--- ?

COMMISSIONER PATERNO.

I am in favor of the deletion of this Section.

COMMISSIONER RODRIGUEZ.

Okay, let us divide the House. As many as are in favor of the motion to remove Section 1, raise your right hand. (silence, counting) I think the motion is carried. But let us put on record as many as are against, raise your right hand. One, two, three, four. Four against the motion to delete. The motion is carried.

Let us go to Section 2. Section 1 is already deleted. Commissioner Tabanda.

COMMISSIONER TABANDA.

I request for a substitution because we need to put a provision there that there is a unicameral parliament.

COMMISSIONER RODRIGUEZ.

What is your motion?

COMMISSIONER TABANDA.

May I move that Section 1 be substituted with "Legislative powers shall be vested in a unicameral parliament except" --- I am asking for a substitution of this because we need a provision for a unicameral parliament.

COMMISSIONER RODRIGUEZ.

State your motion in its entirety.

COMMISSIONER TABANDA.

"Legislative powers shall be vested in a unicameral parliament except to the extent that legislative power is reserved to the people by the provisions on initiative and referendum."

COMMISSIONER ESPINA.

I second that.

COMMISSIONER RODRIGUEZ.

Are there any objections to the motion for substitution?

COMMISSIONER GARCIA.

Mr. Chairman, we already deleted Section 1 which referred to executive and legislative powers. Yeah, she did not vote in favor. Now, she cannot move for the reconsideration. And besides, Mr. Chairman, Section 2--- the concern of Commissioner Tabanda can very well be taken cared of by Section 2. "The Parliament which is unicameral shall be composed..."

COMMISSIONER RODRIGUEZ.

What does Commissioner Tabanda say? Are you withdrawing your substitution motion?

COMMISSIONER TABANDA.

Yes, Mr. Chair, because we will propose the amendment of Section 2 later on to introduce the word 'unitary' ah 'unicameral'.

COMMISSIONER RODRIGUEZ.

Motion for substitution abandoned. Let us now proceed to Section 2. Dean Naval?

COMMISSIONER NAVAL.

The proposed Section 2 read as follows: "The Parliament shall be composed of not more than 250 Members." Mr. Chairman, during our consultation in the Bicol Region, the Sangguniang Panlalawigan of Camarines Sur presented to the group Resolution number 372 of the Province of Camarines Sur, requesting that the number of seats in the

Parliament, if we adopt the parliamentary system, be increased to 300 seats, should the present system of the government be shifted to unicameral parliamentary form. The reason, Mr. Chairman, is that each seat in the parliament will represent about 287,472 people in the population of the area and there is a total of about 86,241,000 population for the entire Philippines and dividing that into 300 seats, each seat will only be representing 287,000. Section 2, subsection 3, provides for one seat for every 350,000 population. And therefore, Mr. Chairman, with this ratio, it is proper that the seats in the parliament be increased from 250 to 300. This is found in the resolution of the Sangguniang Panlalawigan of Camarines Sur.

COMMISSIONER RODRIGUEZ.

What is your motion then? Can you formalize your motion?

COMMISSIONER NAVAL.

The motion, Mr. Chairman, is for the amendment of Section 2, subsection 1, amending the membership of the parliament from 250 to 300.

COMMISSIONER RODRIGUEZ.

Is the proponent willing to amend the motion? Are you willing to accept amendment to the amendment?

COMMISSIONER ESPINA.

Mr. Chairman, Malaysia which has 25 million has 269. Thailand, which has the same, almost, population with us has 468. Indonesia has 670 something. With that as background, Mr. Chairman, I move to amend the amendment. Instead of 300, to 350.

COMMISSIONER RODRIGUEZ.

What does the proponent say? You agree with the amendment to your amendment?

COMMISSIONER NAVAL.

Mr. Chairman, my motion is based only on the resolution of the Sangguniang Panlalawigan.

COMMISSIONER RODRIGUEZ.

Yes, we have heard that. Our query is whether you agree to the amendment to your amendment. From 300 to 350.

COMMISSIONER NAVAL.

As long as my proposal is accepted.

COMMISSIONER RODRIGUEZ.

Okay. Commissioner Jurado then Commissioner Duavit.

COMMISSIONER JURADO.

Mr. Chairman, I would like to move to delete this parenthetical expression 'unless otherwise fixed by law'

COMMISSIONER RODRIGUEZ.

Let us go first to the first amendment, Commissioner Jurado, before we will go to yours.

COMMISSIONER JURADO.  
Aren't we on Section 2, paragraph 1?

COMMISSIONER RODRIGUEZ.  
Yes. We are only on number.

COMMISSIONER JURADO.  
Okay, okay.

COMMISSIONER RODRIGUEZ.  
You can introduce another amendment there. Commissioner Duavit?

COMMISSIONER DUAVIT.  
I believe, Mr. Chairman, that before proceeding to the numbers we consider first a provision in this Article respecting the existing parliamentary districts. There is nothing here that says we are respecting the existing districts. My point is if you increase the number of districts to qualify under the given standard...

COMMISSIONER RODRIGUEZ.  
The Chair understands your predicament but you can introduce the corresponding amendment later.

COMMISSIONER DUAVIT.  
Well hopefully, Mr. Chairman.

COMMISSIONER RODRIGUEZ.  
We will wait for that. Anything in connection with the first amendment as amended? Yes, Commissioner Ortiz.

COMMISSIONER ORTIZ-LUIS.  
I was just wondering maybe that provision putting number is because we eliminated the 24 senators in the '87 Constitution, but the senators are not based on numbers. Is it wise to really put a number on a moving target of population because this is supposed to be static? Should we just state a ratio or whatever so that we do not end up being unpopular also by putting a big number there when we know, in fact, that, as time goes by, the Constitution is static and that's got to move somehow?

COMMISSIONER RODRIGUEZ.  
Commissioner Ortiz, may the Chair be allowed to say that we have to fix it otherwise we cannot determine the number of members. Anyway the provision, unless otherwise fixed by law.

COMMISSIONER ORTEGA.  
Mr. Chairman, may I request deferment of this particular Section because we may have to--- do we start with the existing congressional districts or are we talking of entirely new divisions in the country? Tell me. For practical purposes, do we start from zero and just say 84 million divided by 300, how many districts? Who are the districts? Are we referring to the existing congressional districts? That is the first thing we should consider.

COMMISSIONER RODRIGUEZ.  
Commissioner Vic there is a pending motion to amend. Yes, Commissioner Romualdo.

COMMISSIONER ROMUALDO

Mr. Chairman, I am supporting the statement of Commissioner Ortega because with the wordings--- in fact we call the attention of the Chairman, this will be the following provinces with existing congressional districts that you will be depriving by this kind of appropriation. That will be Batanes, Aurora, Biliran, Camiguin, Siquijor. I think so many existing provinces with congressional representation or districts that may be removed by this kind of provision. And we call the attention of the Chairman on this. So I am supporting the statement of Vic Ortega that we defer and try to reword the same.

COMMISSIONER RODRIGUEZ.

Chairman Abueva first.

CHAIRMAN ABUEVA.

Mr. Chairman, it was really intended by our committee that the parliamentary districts shall be initially based on the present congressional districts. And so if we can clarify that "will be elected from the parliamentary districts", maybe with a coma, "initially based on the existing congressional districts..." It's still good to put an upper limit, otherwise people can say "Oh, we are creating jobs for people -- an indefinite number of jobs." It's good to have a ceiling.

### **SUSPENSION OF MEETING**

COMMISSIONER RODRIGUEZ.

The Chair declares a two-minute recess.

*It was 6:30 p.m.*

### **RESUMPTION OF SESSION**

At 6:37 p.m., the session was resumed.

COMMISSIONER RODRIGUEZ.

Commissioner Naval is recognized.

COMMISSIONER NAVAL.

Mr. Chairman. By reason of the request of some of our Members that I withdraw that motion which I just presented but I do not like to really withdraw it. (Laughter). May I request Mr. Chairman that we defer consideration of the Section 2 Paragraph 1?

COMMISSIONER RODRIGUEZ.

So you are withdrawing? Yeah, okay.

COMMISSIONER NAVAL.

For consideration tomorrow because I will prepare the corresponding substitute for this Section 1.

COMMISSIONER RODRIGUEZ.

Only on Section 1?

COMMISSIONER NAVAL.  
Section 1 and Section 2.

COMMISSIONER RODRIGUEZ.  
So Sections 1 and 2? Okay, the motion is withdrawn.

COMMISSIONER APOSTOL.  
The withdrawal should be submitted to the Body because the motion has been seconded. Na naman. In fact, amended.

COMMISSIONER RODRIGUEZ.  
Okay, any objection for the withdrawal of the motion with respect to the two sections?

COMMISSIONER NAVAL.  
No, Mr. Chairman. It is not really a withdrawal but a substitution of my motion so that this Section 2 subsection 1 be considered tomorrow instead of today.

COMMISSIONER RODRIGUEZ.  
That is why you are withdrawing your motion for the consideration of the same tomorrow. For the moment, you are withdrawing.

COMMISSIONER NAVAL.  
Yes, withdrawing for consideration today.

COMMISSIONER RODRIGUEZ.  
You are withdrawing your motion to amend today. We can do it tomorrow. Okay? Any objection? There being none, the motion is...

COMMISSIONER JURADO.  
Objection, Mr. Chairman.

COMMISSIONER RODRIGUEZ.  
What is the objection?

COMMISSIONER JURADO.  
Is that withdrawal referring only to Section 2 or including Section 1?

COMMISSIONER RODRIGUEZ.  
Section 1 and 2.

COMMISSIONER JURADO.  
Section 2, Paragraphs 1 and 2? One and two? All right, then I agree.

COMMISSIONER RODRIGUEZ.  
Okay, no objection? Let us proceed on subsection 3 or Paragraph 3 of Section 2.

COMMISSIONER ROMUALDO.  
Mr. Chairman.

COMMISSIONER RODRIGUEZ.  
Commissioner...the Chairman is recognized.

CHAIRMAN ABUEVA.

No, no, no.

COMMISSIONER RODRIGUEZ.

Commissioner Romualdo.

COMMISSIONER ROMUALDO.

I would like to...they have been withdrawing now this time I want to insert. (Laughter). Okay? That the second sentence of sub-paragraph 3, "each province or each city with a population of at least," etc. and then after the word "thousand" because that's still questionable, after the word thousand, put comma "or each province," shall have at least one representative. So the insertion "or each province," shall have at least one representative. It is not withdrawal, ha. It's an insertion. (Laughter)

COMMISSIONER RODRIGUEZ.

Okay, the insertion is recognized.

COMMISSIONER ANGELES.

Mr. Chairman a member of the committee would like to answer that.

COMMISSIONER RODRIGUEZ.

Commissioner Bautista.

COMMISSIONER BAUTISTA.

Mr. Chairman, I think it is the intention of those who drafted this proposal to make sure that each province shall have at least one representative.

COMMISSIONER RODRIGUEZ.

In other words, it is okay?

COMMISSIONER BAUTISTA.

It is okay. If the proponent will allow maybe just to make it clear, why don't we say "each province," or "each city with a population of," so that the 350,000.

COMMISSIONER RODRIGUEZ.

Subject to style.

COMMISSIONER BAUTISTA.

Subject to style.

COMMISSIONER RODRIGUEZ.

Okay, no objection? Commissioner Ortega.

COMMISSIONER ORTEGA.

Mr. Chairman, just a comment. If we are going to make any reference to existing districts there is even no necessity for that because right now all provinces have representations in Congress. That was my point. Because you know if we will not mention existing districts, we just mention 300,000 - there are many provinces that will not be entitled to one. That is why Commissioner Romualdo stood up because Camiguin does not have 350,000 - mawawala iyong congressman nila. But if we

consider tomorrow the first subsections that will make reference to existing congressional districts, then all provinces are represented.

COMMISSIONER RODRIGUEZ.  
What does Commissioner Romualdo say?

COMMISSIONER ROMUALDO.  
No problem as long as each province must really be represented in Congress, so...

COMMISSIONER RODRIGUEZ.  
Okay, the motion is withdrawn.

COMMISSIONER ROMUALDO.  
No, I will not withdraw the insertion. Let it be, but subject to style.

COMMISSIONER RODRIGUEZ.  
Ah, okay. Anyway the motion is accepted by the Sponsoring Committee. Commissioner Alex and then Commissioner Tabunda, ay Tabanda.

COMMISSIONER MAGNO.  
I have more fundamental concerns, Mr. Chairman. I think the provision locks us into a single-member district representation and therefore preempts any electoral reform that may be proposed by the Committee on Electoral Reforms. So I suggest we reconcile this with whatever representational structure might be proposed by the Committee on Electoral Reforms.

COMMISSIONER BAUTISTA.  
May I respond?

COMMISSIONER RODRIGUEZ.  
Yeah, Commissioner Bautista in behalf of the Committee.

COMMISSIONER BAUTISTA.  
What the provision currently provides is that each province or each city shall have "at least" one representative so it is possible for a province to have more than one. And also...it's "at least." No, no, no. They can have several representatives but you have to have at least...

COMMISSIONER RODRIGUEZ.  
Anyway, the motion of Commissioner Romualdo has been accepted by the Sponsoring Committee. Any other amendments, Commissioner? After Chairman Abueva, then Commissioner Tabanda is recognized.

COMMISSIONER TABANDA.  
Okay.

CHAIRMAN ABUEVA.  
Mr. Chairman, at the Committee level, I was the one who proposed this provision and very distinctly, I offered the idea of having proportional representation in addition to the elected Members of Parliament. I had a figure of 100 at the time. But considering that 100...people might say we are creating too many jobs, too many posts. I'm willing to

amend this, propose an amendment that would include this clause provided that 80 more Members shall be chosen nationwide based on the principle of proportional representation of the political parties according to the votes of each of them obtained in the previous election. This was in the original draft. This is in Section 2.

We are only talking of parliamentary districts here. We forgot, we omitted the proposal to have additional seats in Parliament to be filled by the reformed party list which will now consist of regular parties. Why is it so important to have these additional seats? This is to help the stronger parties to be able to form a majority in Parliament. It is the incentive of having extra seats to be captured by the parties by the party votes in the elections that will make them work hard, be program-oriented, be united, and be loyal members so that they can really form a majority. And this is also the practice in many parliamentary systems to have additional seats to be filled by proportional representation.

In fact the extreme is the Federal Republic of Germany where 50% of the seats in the Bundestag are filled by proportional representation. And if we want to reform our political parties, this is one of the greatest incentives, "premyo," for them to work hard as a united party, putting up the best candidates, campaigning on a party platform, offering a program of government so that they can assume responsibility and have accountability for performance when in office. So this will give meaning to the fact that we allow the voters to vote not only for a candidate for a Member of Parliament but also for the party of their choice. And this was removed. I know in the Committee when we approved the provisions at the Committee level this provision on proportional representation was there but for some strange reason, it disappeared.

So I'm really proposing an amendment to this, to restore the clause provided that 80 more Members shall be chosen nationwide based on the principle of proportional representation of the political parties according to the votes each of them obtained in the previous election.

COMMISSIONER ESPINA.  
Mr. Chairman.

COMMISSIONER RODRIGUEZ.  
Since we deferred already the discussion on Sections 1 and 2, we can do that tomorrow.

COMMISSIONER ESPINA.  
May I reserve to comment on the comment of the Chairman tomorrow on this issue?

COMMISSIONER RODRIGUEZ.  
I recognized earlier Commissioner Tabanda and then you can have it, Gerry.

COMMISSIONER TABANDA.  
Mr. Chair I just wanted to call the attention of the Committee on the fact that there are certain highly urbanized cities which have district representatives but which do not meet the population requirement. So may I move that this be included in terms of representation although they do not meet the population requirement? Highly urbanized cities.

COMMISSIONER RODRIGUEZ.

We can consider that tomorrow. The observation can be considered tomorrow.  
Commissioner Espina, then Commissioner Adamat

COMMISSIONER ESPINA.

I would want to disagree to the comments of the Chairman on the need for a party list.

COMMISSIONER RODRIGUEZ.

We can debate on that tomorrow.

COMMISSIONER ESPINA.

That's why I stood up. I want to reserve to speak against the observation of the Chairman on this issue tomorrow.

COMMISSIONER RODRIGUEZ.

We can do that tomorrow considering we deferred consideration of Sections 1 and 2.  
Tomorrow you can do that, Gerry. Commissioner Adamat.

COMMISSIONER ADAMAT.

Yes, thank you, Mr. Chairman. Contrary to...I mean I know that Commissioner Espina will vote against the sectoral representations but let me inform as a matter of additional information to the Chair in support of the observation of Commissioner Abueva. May I just inform the Body that the Committee on Suffrage, Electoral Reforms and Political Party Reforms particularly on political party reforms approved just this morning a provision on Section 5, Article VI of the Constitution that speaks about sectoral representation, Mr. Chairman.

COMMISSIONER RODRIGUEZ.

You can reiterate that tomorrow.

COMMISSIONER ADAMAT.

Thank you very much.

COMMISSIONER RODRIGUEZ.

We go to Paragraph 4 of Section 3. Any? Yes, Commissioner Tabanda.

COMMISSIONER TABANDA.

Mr. Chair, the Committee on Suffrage and Electoral Reforms is proposing an article or provision on political parties so may we move that this provision on Paragraph 4 be deleted and instead be transferred to the proposed provisions on political parties which will be proposed by the Committee on Suffrage?

COMMISSIONER RODRIGUEZ.

We will tackle that tomorrow. Kasama iyan sa Section 2 e. Okay? We go back to Section 3. Any amendment to Section 3? Commissioner Romualdo.

COMMISSIONER ROMUALDO.

We likewise have approved, meaning recommended favorably by the Committee on Suffrage and Electoral Reforms the residency requirement. I would propose again, an insertion of the word "actual" before the word "resident." That is on line four of Section 3.

COMMISSIONER RODRIGUEZ.  
After the word “a.”

COMMISSIONER ROMUALDO.  
Yes, the word “a” - “an actual” resident.

COMMISSIONER APOSTOL.  
Mr. Chair, I object to that because the definition of the Supreme Court on residence is domicile.

COMMISSIONER ROMUALDO.  
No.

COMMISSIONER APOSTOL.  
So to put the word “actual” there will practically revoke the decision of the Supreme Court.

COMMISSIONER ROMUALDO.  
In fact we are amending some functions of the Supreme Court and that is an existing jurisprudence then the Supreme Court itself has different definitions of what residency is. That is why we come into domicile, residence, etc. because this is more of corrupting the voters in a congressional or provincial level. Anybody can just go to one’s area because he is a multi-millionaire already and then run for the position as long as he has been registered. That is a system, which has to be corrected in our electoral system. Residency requirement. That is why we have to emphasize...because actually the Supreme Court made a classic definition of this word resident or residence, in the case of the late Emmanuel Pelaez. He was, all along in his life, he was here in Metro Manila. He studied at the Ateneo and then suddenly after his long practice here in his profession as a lawyer, went back to Misamis Oriental and because of his huge financial support from his own family, he ran and he was not even known in the area, and he won. So there was a disqualification case for non-residency. The Supreme Court said, the *animus revertendi* has to be applied to the late Vice-President Pelaez. That is intention to return. Whoever knows what is in one’s mind except God or Allah? That should not be. That’s why we are advocating that there should be the word “actual” resident.

COMMISSIONER VILLANUEVA.  
Mr. President.

COMMISSIONER RODRIGUEZ.  
Mr. Espina is asking to be recognized but since he is seated, you can proceed.

COMMISSIONER VILLANUEVA.  
I just noticed that Commissioner Romualdo has been repeatedly stating insertions in the provisions.

COMMISSIONER RODRIGUEZ.  
Anyway, everybody is delighted.

COMMISSIONER VILLANUEVA.

I just wanted to remind the Body that there has been an appeal not to disenfranchise Filipino overseas workers. That is why in the Committee this morning, we discussed how we could possibly save the Filipino overseas workers as well as those who possess dual citizenship.

COMMISSIONER RODRIGUEZ.

Well, I think the Chairman has something to say about that, before we go to the motion of Commissioner Romualdo.

COMMISSIONER ROMUALDO.

May I first react to the statement of Commissioner? Your Honor, I don't think we will be affecting the overseas workers because there will be no more... in case we go into Parliamentary system, which I think is *fait accompli*, there will be no more national elections. Now don't tell me that the OFWs will be voting in every town, every district.

COMMISSIONER RODRIGUEZ.

I recognize earlier Chairman Abueva.

COMMISSIONER ROMUALDO.

I would not say that they will be disenfranchised. Indeed they will be because there will be no more national elections.

COMMISSIONER RODRIGUEZ.

Commissioner Abueva, then Commissioner Villanueva again.

CHAIRMAN ABUEVA.

Mr. Chairman, what we are talking about here in Section 3 is that no person may be elected to an office like being Member of Parliament. Now in the Committee on Suffrage this morning, we repeated the provision on the qualifications of a voter and we also adopted the idea of an "actual resident." We were persuaded by the arguments of Commissioner Romualdo but in the end of the long sentence, we added this clause, "except that overseas Filipinos and those who have dual citizenship may exercise their right of suffrage in the elections of Members of Parliament" only, not local elections. Because we received an appeal in a very timely way from Loida Nicholas-Lewis, the chair of an all-American, all-Filipino associations in America appealing to us to ensure that the thousands of Filipinos abroad who are citizens or who have dual citizenships should continue to enjoy the right that they already have. In their case now, it is only for nationally elected officials. Since we are abolishing all nationally elected officials, we should also grant them the right, not to be elected but to elect. That's why I'm explaining. They will have the right to vote for Members of Parliament only.

COMMISSIONER RODRIGUEZ.

Okay, Commissioner Villanueva and then Commissioner Espina.

COMMISSIONER ORTEGA.

Just a point of clarification from the Chairman. If the overseas workers were to be allowed to vote for his Member of Parliament in his particular district, can you envision the procedure? He will have to come home and cast his vote, send his vote by mail? Go to the embassy?

CHAIRMAN ABUEVA.

No, the recommendation is this. From the brief experience that they had in voting absentee, it is very difficult for them to register because there are very few consulates in most countries overseas. So they are also proposing voting by mail or voting by e-mail. But we said that this is too detailed, we leave it to Parliament to legislate on that.

COMMISSIONER VILLANUEVA.

I may add also that in case this is allowed, the basis for allowing them to vote for their candidate for the Parliament will be the last district they voted before they left the country. Because they would say if you're living in Saudi Arabia for the last two years, how can you vote for a Member of Parliament? You can vote for a Member of Parliament only on the district where you last voted before you left the country.

CHAIRMAN ABUEVA.

That makes good sense.

COMMISSIONER VILLANUEVA.

No flying voters.

COMMISSIONER LORENZANA.

Commissioner Espina.

COMMISSIONER ESPINA.

Mr. Chairman, Section 3 deals with qualification to be a Member of Parliament. What we have clarified is the right to vote. Now I want to be more clarified on how a person becomes a Member considering residence. My point is Commissioner Romualdo says "actual", but "actual" could be that you voted, as Commissioner Villanueva said, last two years in one district, he has not transferred registration... can he run? It would seem that under the clarification of the Chairman he can still vote. But can he run?

CHAIRMAN ABUEVA.

The intention of Commissioner Romualdo should speak to this, because he's the proponent. But my understanding of Commissioner Romualdo's explanation is that this really means what it says -- actual residence.

COMMISSIONER ROMUALDO.

In short, the principle of *animus revertendi* does not apply in this particular instance. The intention to return.

COMMISSIONER ESPINA.

I was just thinking of a situation where a Filipino citizen has, by reason of income for the family and even for the country, works abroad. He has not adopted any other citizenship but because of his work he is there more often than here. Under the clarification of the Chairman, no problem as far as his voting is concerned. But supposing he decides to run? He comes here one year before to re-establish, to qualify, and no less than one year, but he leaves again and comes during the filing of Certificate of Candidacy. My question is, will he be able to run? That is why we have to clarify the point of --

COMMISSIONER RODRIGUEZ.

Commissioner Romualdo.

COMMISSIONER ROMUALDO.

Your Honor, the intention of establishing a one-year residence as required in the Constitution itself is for one to familiarize, know all the problems in the community where he intends to serve later if elected. Now if you just come and go, how would you know the nooks and corners of your district, or your municipality or your province, what are the problems existing therein if you are not there? And that actually is the intention of this so-called residency requirement. And in your example given, I would say he would be disqualified to run because he doesn't know what is happening even in the district or the province or municipality that he intends to run. Because actually that's really the purpose, the reason for this particular provision. Even in all other constitutional conventions, the explanation of the particular word "residency requirement" is for you to know the locality where you want to serve.

COMMISSIONER ESPINA.

So if one decides to run in a particular district, he will have to be physically living there for one year. So this disqualifies—

COMMISSIONER ROMUALDO.

But it does not mean that, say, one or two days you go to Manila for R&R, that's a different story.

COMMISSIONER ESPINA.

So we are disqualifying engineers, doctors who, by reason of their profession are not even allowed a one-month leave from their annual contract.

COMMISSIONER ROMUALDO.

That is true. More so that there is an evidence that they cannot even be allowed to go home. How can you serve if you do not know your place?

COMMISSIONER ESPINA.

No, but when he runs, he will resign. But what I mean is, we're talking of actual situations here. We are practically disqualifying a big portion of our population who are contributing substantially to the economy of the country.

COMMISSIONER ROMUALDO.

So he should continue to help so that he earns, rather than run and then he doesn't know the area that he would want to represent. He should continue earning.

COMMISSIONER ESPINA.

Or is it because we are afraid that we who are – or those who are in office are afraid of those who will be coming—

COMMISSIONER ROMUALDO.

No it is not. Because to me that would be a mockery of our electoral process.

COMMISSIONER RODRIGUEZ.

Okay, Commissioner Catan.

COMMISSIONER ESPINA.

Mr. Chairman, I would just like to disagree with that because I don't want to disenfranchise especially the process of voting against anything...

COMMISSIONER ROMUALDO.  
Thank you for disagreeing but ultimately favoring the same.

COMMISSIONER RODRIGUEZ.  
Okay, before we go back to the motion of Commissioner Romualdo, I understand Commissioner Catan has something to –

COMMISSIONER CATAN.  
Another amendment.

COMMISSIONER RODRIGUEZ.  
Amendment to the amendment?

COMMISSIONER CATAN.  
No, another amendment.

COMMISSIONER RODRIGUEZ.  
Okay, we proceed first with the amendment. Yes, Commissioner Apostol?

COMMISSIONER APOSTOL.  
May I continue explaining on the residency? Now I'm a congressman, I stay here – so I'm disqualified!

COMMISSIONER ROMUALDO.  
No, no, no.

COMMISSIONER APOSTOL.  
This is a very simple thing, that's actual, I cannot be there. Now I'm a lawyer, I'm staying here in Manila, I'm a member of this constitutional consultative body. Since I stay here most of the time, and I seldom go home, I am also disqualified. That is really the intention why we should not put that "actual." That is always the debate. The word "actual" should not be there, it should only be "residence" because the interpretation of "residence" is "domicile" – the intention to return.

COMMISSIONER ROMUALDO.  
That is definition of the Supreme Court. That's why let's not allow the Supreme Court to stretch or giving meanings or creating meanings of a simple word "residence."

COMMISSIONER RODRIGUEZ.  
Okay, let us divide the House?

COMMISSIONER ROMUALDO.  
No, no, that was accepted by the Committee.

COMMISSIONER RODRIGUEZ.  
Accepted?

COMMISSIONER APOSTOL.  
No, I made the reservation of that.

COMMISSIONER RODRIGUEZ.

The Chair notes that –

COMMISSIONER BAUTISTA.

Mr. Chairman, before the Committee will respond, can I also ask the proponent – say, for example, there is a Member of Parliament who is a sitting member wants to run again, but ten months before the actual elections there is a medical emergency that would result in that Member of Parliament having to go and get medical assistance overseas. Would that person still qualify under your actual residence definition?

COMMISSIONER ROMUALDO.

That's hairsplitting, Your Honor.

COMMISSIONER BAUTISTA.

No, no, because that is the point also of Commissioner Apostol.

COMMISSIONER ROMUALDO.

No, Commissioner Apostol's giving out the objection is on the exercise of profession, which has been stretched too much by the Supreme Court, the exercise of profession. Now in your case, if I got it right, if it is for medical checkup or operation in States, that's a different story.

COMMISSIONER BAUTISTA.

That would be allowed?

COMMISSIONER ROMAULDO.

Oh, yes.

COMMISSIONER BAUTISTA.

How about, for example, the daughter of that Member of Parliament is having a wedding outside of the Philippines that will take two months, that would also be allowed?

COMMISSIONER ROMUALDO.

No problem, because he is only attending a wedding there. And my God, what kind of a wedding is that – two months?

COMMISSIONER BAUTISTA.

Again, what we are concerned about is where do we draw the line? I think that is the point of Commissioner Apostol. Because what reasons will be allowed, and again we are drafting here a constitutional provision. That's why your term of "actual residence" seems to be a bit not precise, and that is the concern of the committee.

COMMISSIONER ROMUALDO.

Kindly read the cases decided by the Supreme Court on residency. You will really laugh at their definitions. They distinguish already that there is such thing as domicile, there is so many. But it boils down to one Latin expression, which is *animus revertendi*, the intention to return. Now who knows what is in your mind?

COMMISSIONER BAUTISTA.

Well you have to prove that, I think, through actions. Another point, Mr. Proponent, for example a case in point, Mr. Mark Jimenez is supposedly coming home this month.

Okay, if we are going to apply that one-year residency, will he still be allowed to run for his old seat?

COMMISSIONER ROMUALDO.

No he was forced to be there in States because of his certain case. He was forced by the government because there was an extradition then he was brought to the United States. That's different case.

COMMISSIONER BAUTISTA.

But "actual" you said, eh.

COMMISSIONER ROMUALDO.

That's why. That's different.

COMMISSIONER BAUTISTA.

There are already three different things that you have pointed out.

COMMISSIONER ROMUALDO.

You know, when you use the word "actual", it does not mean that 24 hours a day for a year you will be in that place. As long as you have established, everybody knows in your locality that you are really living there, you are living with them, occasionally you can get out from your place.

COMMISSIONER BAUTISTA.

But how do you define "occasionally"? That, I think, is where the problem, Mr. Commissioner.

COMMISSIONER RODRIGUEZ.

Okay, I think the discussion has been enough. We have been educated very well on that particular issue. I think we have to divide the House. Ah, Commissioner Calisin?

COMMISSIONER CALISIN.

This is in support of Commissioner, Mr. Insertion. Because in our experience, I think that some of you here, some colleagues of a certain congressman, when he graduated as congressman in the first district of the province of Albay, he ran for senator. He lost. Then he resided in Quezon City, he ran for congressman, he lost. And then he went back to the province of Albay and ran again there. So we should limit these people being nomads in running everywhere even if they cannot run anymore.

COMMISSIONER RODRIGUEZ.

Okay, well said. Let us divide the House. Commissioner Sarmiento, then Commissioner Matula.

COMMISSIONER SARMIENTO.

Yes, I support the position of Commissioner Romualdo because I have noticed this already in the countryside. There are a good number of people staying in Metro Manila, stayed here for 30 years then suddenly go back to their respective province months before the election just because they're moneyed already and they can afford to buy votes, now will run in those municipalities, and normally would win. There are cases that normally would win because they can buy the votes. So I fully agree with the position of

the good commissioner that hopefully we can address this particular issue also, because this is being abused now by so many people.

COMMISSIONER RODRIGUEZ.

Okay, there are many ideas there already. Commissioner Matula.

COMMISSIONER MATULA.

Mr. Chairman, before voting, may I ask some clarification. Because we are discussing before Commissioner... there was a proposal before that there must be representation by the parties in proportional representation. So this discussion on the qualification is only on the district representation, and the qualification of proportional representation will be discussed tomorrow.

COMMISSIONER RODRIGUEZ.

Okay, noted. What does the sponsor say?

COMMISSIONER ANGELES.

We do not agree.

COMMISSIONER RODRIGUEZ.

Let us divide the House. Those who are in favor of the amendment of Commissioner Romualdo to insert on line 4 under Section III the phrase "in actual", kindly raise your right hand. Those who are in favor of inserting "actual residence"... seventeen (17).

Those who are against the proposed amendment, kindly raise your right hand. How many? Eleven (11). The motion is carried.

Let us go to Section 4 or the same section – Section 3 another amendment.

COMMISSIONER CATAN.

This is also an amendment by addition and insert the phrase between the phrase "at least 25 years of age" and insert the phrase "a high school or preferably a college graduate." In the COMELEC report which I read, they were putting literacy requirement for those who vote. So how much more for a candidate, a Member of Parliament at that? So I'm proposing that "a high school graduate or preferably college graduate."

Well many of my friends here insist that it should just be a college graduate, no more high school.

COMMISSIONER ANGELES.

I agree with the amendment that Members of Parliament must be college graduates.

COMMISSIONER RODRIGUEZ.

Any objection to that, the constitutionalists?

CHAIRMAN ABUEVA.

I object.

COMMISSIONER TIROL.

May I speak against the proposal?

COMMISSIONER RODRIGUEZ.

Let us go first to the Chairman and then Commissioner Tirol.

CHAIRMAN ABUEVA.

Mr. Chairman, this has been suggested on many occasions, especially in specific reference to leaders who have been elected who have not finished college. I think we should trust our people as voters to choose their leaders, especially elected leaders. And I must say that political leadership is not entirely based on college education. There are many qualities of leadership that one develops in the course of one's career. An analogy is that in academe, while there are requirements to be a professor you should have a master's degree. Actually we have very outstanding academics like NVM Gonzales who didn't even finish college but is a very outstanding writer, a leader in literature. And so there are many examples of that. Or you say we want a PhD in order to be a professor. We have outstanding people like Randy David and Alex Magno who excel in their lines of endeavour, and so I believe that it is better and more democratic not to require an educational qualification. Let's trust our people.

COMMISSIONER CALISIN.

Parliamentary inquiry.

COMMISSIONER RODRIGUEZ.

What is the parliamentary inquiry?

COMMISSIONER CALISIN.

We should be informed whether, out of parliamentary procedure, whether the professor as the ConCom Chairman in being the presiding officer, together with the co-chairman, can object to a motion from the Body.

COMMISSIONER RODRIGUEZ.

Correction, the presiding officer is Commissioner Rodriguez not Chairman Abueva.

COMMISSIONER CALISIN.

No, no, as Chairman of the Commission.

COMMISSIONER RODRIGUEZ.

He can. He can participate the moment he relinquishes the position of presiding officer, he can. Okay, Commissioner Tirol.

COMMISSIONER TIROL.

It should be stated, Mr. Chairman, that while the proposed amendment desires to introduce an improvement in the educational background of the Members of Parliament, there is a provision which requires only the ability to read and write on the part of the President. If we have to follow that suggestion, Mr. Chairman, then we might say that if for the Member of Parliament we require a high school graduate, we should require for the Vice President as a college graduate and for the President to be a Master's graduate. And so I think to remain on the democratic level, Mr. Chairman, a simple requirement of being literate, who can read and write, would suffice.

COMMISSIONER RODRIGUEZ.

Thank you. Commissioner Espina, then Commissioner Catan.

COMMISSIONER ESPINA.

I am also against imposing a college level requirement to be a Member of Parliament, however not using the argument of the ConCom Chairman that we should trust our people. Because if we are to accept that, then we should trust our people to continue electing their chief executive under a presidential system. Or, if we accept that, then we should not have approved the amendment of Commissioner Romualdo which denies the people the right to choose a candidate for office because he is not residing "actually" even if he is willing to serve.

Anyway, Mr. Chairman, I am against it because we in the Con-Con who are here now in fact reduced the voting age from 21 to 18 to enlarge the recruitment to the political process. I remember very clearly the arguments of Raul Manglapus when he spoke against imposing even the literacy requirement. He said let democracy be alive and dynamic by allowing more people to participate in the process either as voters or as candidates. So with that, Mr. Chairman, I am against the qualification requirement especially calling for a college graduate requirement to be elected to office.

COMMISSIONER RODRIGUEZ.

Okay, let us go now to the division of the House. Those who are in favor of the amendment... you want to explain further?

COMMISSIONER CATAN.

Mr. Chairman, when I reviewed our 1973 Constitution as far as the educational requirement, it stated there "at least able to read and write." And I also read the COMELEC during their committee hearing that the voter should be able to read and write. And so I said if the voters are going to be required to have that literacy requirement, then we should have some kind of minimum requirement for the Members of Parliament. And at first I stood up here and I said high school, at least high school graduate. But when I was proposing that, there were many well-meaning whispers who said please increase it to "college." So I said "college."

So Mr. Chairman and to our members of the Commission, I will reduce it even to just high school graduate. I would like to put on record that at least, we have some minimum educational requirement. While the statement of our Chairman is very well taken, and I heard very well the arguments of our late Sen. Manglapus allowing even those who cannot read and write to vote, and this was the only Article where I spoke both against and then after listening to Senator Manglapus I stood up again and spoke in favor, it was so convincing. But after many years of observation of our political situation, it was a mistake, God forgive our late Senator Manglapus. It was really a mistake, because many voted by signal and so on, that I feel that is probably why our political situation retrogressed, and the quality of our voters. And now, how much more if we are here to have some reforms or transformation of our polity, especially our candidates, so I only have one reason -- to improve the quality of our candidates.

As a matter of fact, Mr. Chairman, as an inventor, I know very well, Edison -- he was just taught to read and write. But it is so different when it comes now to our politics. So I insist, Mr. Chairman, on my original amendment, at least high school graduate.

COMMISSIONER RODRIGUEZ.

Okay, let us go to your motion and divide the House. Motion to insert the phrase “at least high school graduate.” The proponent is sticking to his original motion to insert the phrase “at least high school graduate.” Those who are in favor –

COMMISSIONER ESPINA.

Point of order. The original proposal now belongs to the Body. Let it be withdrawn, or let it be defeated by the Body, and then balik yung high school, to be consistent with the procedure.

COMMISSIONER RODRIGUEZ.

Okay, Commissioner Espina is correct there. College graduate, okay there is an objection to that. Let us divide the House.

Those in favor of the amendment to require a college degree for those who want to be elected to parliament, raise your right hand. Seventeen are in favor of the amendment.

Those who are against, kindly raise your right hand. Seventeen? Tie.

Can we again determine the exact number of those voting in favor of the amendment, can we raise our right hand again? Twenty-one. That’s better.

Those who are against the amendment, kindly raise your right hand.... So the amendment is carried.

COMMISSIONER ESPINA.

Mr. Chairman, because normally rules of assembly the members of the Committee are prevented from speaking against, I reserve the right to take up the subject in plenary.

COMMISSIONER RODRIGUEZ.

Noted. Let us go to Section 4. Commissioner Tabanda is recognized.

COMMISSIONER TABANDA.

Privileged motion Mr. Chairman before we go any further. May we ask the Chair and the Body to take cognizance of the selection of Commissioner Oscar Rodriguez as one of the Ten Outstanding Mayors throughout the entire world.

(Clapping)

COMMISSIONER RODRIGUEZ.

Thank you. Thank you very much.

COMMISSIONER LORENZANA.

I would like to read it because this is supposed to be from the Office of the World Mayor Awards, Top Ten Mayors. I would like to quote here that, “Mayor Rodriguez is the greatest politician I know. He makes a difference whatever position he holds. He is honest, intelligent, caring, courageous, a great leader and good family man. He is God-fearing and more importantly, he is the best mayor that this city ever had”. This is from the World Mayor Awards 2005.

COMMISSIONER RODRIGUEZ.

Thank you very much, Lito. Commissioner Duavit is recognized.

COMMISSIONER DUAVIT.

Mr. Chairman, I would like to move that the age requirement of 25 be increased to 30. That is my motion.

COMMISSIONER RODRIGUEZ.

What is the pleasure of the committee?

COMMISSIONER ANGELES.

We accept the amendment.

COMMISSIONER RODRIGUEZ.

Amendment accepted. Any objections? Commissioner Ortega.

COMMISSIONER ORTEGA.

I object.

COMMISSIONER RODRIGUEZ.

Okay. There is an objection to the motion. You can amplify your motion.

COMMISSIONER DUAVIT.

A motion was accepted to require a candidate to be a college graduate. Thirty years old, 25 may be too young for somebody to graduate.

I have observed the youths of this country, Mr. Chairman. I was young once myself and was a Minister of Youth and Sports in the 1970s. You will be surprised, maturity I think, being mature, would be a better qualification than any degree in school, to be a member of the Parliament, as long as he or she can articulate. And the tycoons in this country are not graduates. The taipans are not graduates of colleges. I am talking about the standards in this country. The youths are overexposed, actually, politically. The SKs that are doing politics are good politics and good for the country. And the more we involve the youths in politics, the more they are exposed to bad habits, if I may use the expression. So more than being able to read and write, in the first place, this country is mysterious, as we speak, drivers can drive without knowing how to read or write, and they are supposed to be taking written examinations. So what's the reason? Everybody is somehow cheating.

So I believe in age, common sense, feet on the ground than arrogance in the mind, Mr. Chairman. And feeling that, I think, would be more democratic. And I think, as Parliament, to which we are going, it requires more maturity and higher standards. I don't think education, Mr. Chairman, can give that standard. Age to me, Mr. Chairman, is more important.

COMMISSIONER RODRIGUEZ.

Thank you. Commissioner Duavit. Commissioner Adamat.

COMMISSIONER ADAMAT

I think at the back of the mind of the movant Mr. Chairman, he would agree with the 25 years old qualification. Because if you look at our college graduates, you will find out that

21 years old now is actually a college graduate. And you should remember, Mr. Chairman that the final arbiters of our draft would be the people. And the youths will be affected by this motion on age limit and who would be among those who will approve of this. And if we are hurting them by increasing the age from 25 to 30, they might not approve of this. I would like to put on record that more or less 1/3 to 1/2 of our population belongs to the youth, Mr. Chairman. So I am afraid that it will be adversarial to the approval of our work.

COMMISSIONER RODRIGUEZ.

Thank you, Commissioner Adamat. Commissioner Ortega then Commissioner Peña.

COMMISSIONER ORTEGA.

Before 1971, the age qualifications for public officials were really more than what it is now. But it was in the 1971 Constitutional Convention, and my colleague Commissioner Duavit knows that, my colleague in the 1971 Constitutional Convention. That was the time when we lowered the voting age, from 21 to 18. and it was because of the overwhelming sentiment at that time to lower the voting age to give a bigger participation to our youth in governmental affairs, if only, to have their say in the choice of public officials. After we passed the lowering of the voting age, consequently came the lowering of age qualification of all offices. And I am sure that Chairman Abueva remembers this. As a consequence of the lowering of the voting age, and the lowering of the age qualification for candidates, I do not know if it was the factor, the main factor or just the contributing factor.

But it started to affect the situation in the early 70s of very high student activism. After a while, after that was passed, it simmered down. I do not know if that was the direct cause of lowering the voting age, as well as the lowering of the age qualifications. Having given the youth a bigger voice in our governmental affairs, if not to run, at least to vote. With due deference to the valid arguments of my colleague then, and my colleague now, CONCON, Congress, now in the ConCom, I would be for retaining the present age qualification. Thank you.

COMMISSIONER RODRIGUEZ.

Commissioner Peña then Commissioner Tendaro.

COMMISSIONER PEÑA.

As one who still feels that he still represents the youth, I must remember that at 20, we finished college, and at 25, I presume that we already have some business acumen. And to reiterate, in some of our discussions earlier, some members of the 1971 Constitution mentioned that it was 34 years ago. And I figured that we are now writing a Constitution which will bring out better Filipinos that will be given a better opportunity and hoping that at 25, we have leaders that somewhat emulate what we are all now. And they don't have to do it for another 34 years. I stick to keeping it at 25.

COMMISSIONER RODRIGUEZ.

Commissioner Tendaro, Commissioner Leviste, and then Commissioner Tirol. I just do hope that we can wrap up this discussion then go to other sections.

COMMISSIONER TENDERO.

We are becoming more and more a young generation. And the more we give opportunity to the younger people to be able to be in positions of leadership, then that will be okay.

And to comment on the proponent of the motion that it will be more democratic to raise it to 30, it is less democratic because you eliminate those between 25 and 30. So it is more democratic to retain it to 25.

COMMISSIONER RODRIGUEZ.

Thank you. Commissioner Leviste, then Commissioner Tirol.

COMMISSIONER LEVISTE.

Thank you, Mr. Chairman. I would like to retain the existing age. You know in previous regimes, we launched the Kabataang Barangay program during the time of President Marcos. As I was discussing with the Vice Chairman, Commissioner Ortega, perhaps this was because of lowering the age in the '71 Convention. And now we have the Sangguniang Kabataan which is also addressed to the youth organization. By increasing the age qualification, you are postponing their entry to the body politic. I think the problem of exposing them early can be solved by us being good role models for the youths. The elder ones among us can be better role models. So I am in favor of retaining it.

COMMISSIONER RODRIGUEZ.

Thank you Commissioner Leviste then Commissioner Tirol then Commission Jurado then we divide the house.

COMMISSIONER TIROL.

Mr. Chairman, I speak in favor of increasing the age of members of Parliament from 25 to 30. It should be noted, Mr. Chairman, that the age of 25 is presently being practiced among members of Congress. But members of Congress will have no chance to occupy any higher position except within the gates of Congress. But in Parliament, it is possible that a member of the Parliament will become the Prime Minister, and once he becomes the Prime Minister, he will be too young at 25. It should be noted, Mr. Chairman, that we require the age of 40 in order for somebody to be qualified as President. So I vote in favor of increasing the age to 30, at least, Mr. Chairman.

COMMISSIONER RODRIGUEZ.

Okay thank you Commissioner Tirol. Commissioner Jurado then Commissioner Mel then hopefully Mel would be the last then we divide the house.

COMMISSIONER JURADO.

I want to be associated with the position taken by our colleague, Commissioner Tirol. That was exactly the reason I was going to cite. In previous years, the highest position that a Congressman could reach would be any position that the Congress could give to the person. But nobody can be a Prime Minister. One can become a Prime Minister once we institute the Parliamentary System. And I agree fully that a person aged 25 will be a bit too young to be the Prime Minister of our country. As a matter of fact, I am in the mood to increase it, not just to 30 but to 35. And as a matter of fact, I am making that motion to increase the age qualification for members of Parliament to 35, and not 25, and not even 30.

COMMISSIONER RODRIGUEZ.

There is a motion that age 30, unless the proponent will agree to your amendment to his amendment, Commissioner Mel, you can reiterate that later and ask the proponent if he is willing to amend.

COMMISSIONER DUAVIT.

Mr. Chairman, at 30, it is already high risk.

COMMISSIONER RODRIGUEZ.

So you are not in favor of the amendment to the amendment?

COMMISSIONER DUAVIT.

May I be allowed to just clarify some misinterpretation.

COMMISSIONER RODRIGUEZ.

After Commissioner Sarmiento

COMMISSIONER SARMIENTO.

Mr. Chairman, there are a good number of good local executives in their 20s who have shown their capacity to run their respective local government units. As well as in the corporate world, there are a good number of young executives who are capable of running a certain company. I fully support the proposal of retaining the age qualification for somebody to become a member of the Parliament. And we can probably set an age requirement for those who will eventually become members of the Cabinet and that of the Prime Minister. But not limit allowing those in their mid 20s to become members of the Parliament

COMMISSIONER DUAVIT.

I just want to clarify, because it was mentioned about being democratic. I use the word more democratic in the sense of the age versus being a college graduate. Because I do not feel that requiring a college education or graduate to be democratic, especially now that the tuition fees are so high. Mr. Chairman, nobody can graduate anymore. So that is the sense of my explanation.

COMMISSIONER RODRIGUEZ.

I think we have to divide the house already. As many as are in favor of the amendment on the age requirement from 25 to 30, kindly raise your right hand. 11 are in favor.

As many as are against, kindly raise your right hand. 15 are against

The motion is lost. Let us proceed. Section 4. Mr. Floor Leader.

COMMISSIONER APOSTOL.

I move to delete the whole paragraph 2.

COMMISSIONER RODRIGUEZ.

The second paragraph of Section 4. There is a move to delete the same. What does the sponsor say?

COMMISSIONER BAUTISTA.

This is about political dynasties.

COMMISSIONER ANGELES.

We do not accept the proposal to delete this second paragraph of Section 4. We are not in favor of political dynasty.

COMMISSIONER RODRIGUEZ.

Okay. Let us vote.

COMMISSIONER TABANDA.

There are two sentences in this paragraph, Mr. Chairman. The first one is on term of office. And the second sentence is on anti-dynasty. Is the proposal the deletion of both?

COMMISSIONER RODRIGUEZ.

The entire paragraph.

COMMISSIONER TABANDA.

May we vote separately, Mr. Chair? The first one is the deletion of the term limits and the second sentence on anti-dynasty?

COMMISSIONER RODRIGUEZ.

What does the proponent say?

COMMISSIONER APOSTOL.

My motion is to delete the whole paragraph.

COMMISSIONER RODRIGUEZ.

The proponent is not willing to accept the amendment.

COMMISSIONER APOSTOL.

The whole paragraph 2.

COMMISSIONER TABANDA.

May I ask Mr. Chair if we can vote separately on the sentence? This is both in paragraph 2. There are two sentences in paragraph 2.

COMMISSIONER RODRIGUEZ.

Yes, there are two important things to consider there. The term limits, two consecutive terms, and the anti-dynasty provision.

COMMISSIONER TABANDA.

May I move, Mr. Chair that we vote separately on the two sentences in accordance with the proposed deletion?

COMMISSIONER RODRIGUEZ.

The proponent is not willing to amend his amendment. You can defeat the proponent's purpose by division of the house. Let us divide the house. We can divide the house. It is a simple matter anyway.

Those who are in favor of the deletion of the entire second paragraph, section 4, kindly raise your hand. The deletion means we will not have any term limit, there will be no anti-dynasty provision. 16 are in favor.

Those who are against the deletion, kindly raise your hand, retaining the paragraph. 20 are in favor. The motion is lost.

COMMISSIONER TABANDA.

Mr. Chair, may I move for the deletion of the first sentence of Paragraph 2 on term limits.

COMMISSIONER RODRIGUEZ.

Okay. Any objection to that?

COMMISSIONER ORTEGA.

Objection. We have already voted on this second paragraph.

COMMISSIONER RODRIGUEZ.

The motion is still in order, Mr. Chairman. We are asking the Chair. Are you amenable to the amendment?

COMMISSIONER ANGELES.

No. We are not in favor.

COMMISSIONER RODRIGUEZ.

You are objecting. Let us divide the house. Those in favor in the deletion of the first sentence of the second paragraph, under Section 4, kindly raise your right hand. We are removing the term limits. No term limits. That is the repercussion of your motion.

20 are in favor of the motion.

Those who are against, kindly raise your right hand. Those voting now are in favor of the term limits. 12. The motion is carried. Meaning to say, we have to remove the first sentence of the second paragraph of Section 4.

COMMISSIONER ORTEGA.

Mr. Chairman.

COMMISSIONER RODRIGUEZ.

Yes Commissioner Ortega?

COMMISSIONER ORTEGA.

Since you have removed the first sentence. Will we read some sense into this second sentence now?

COMMISSIONER ESPINA.

Mr. Chairman clarification. The motion was to remove the first sentence of the second paragraph.

COMMISSIONER ORTEGA.

Yes. But the rest of the paragraph. Can it stand on its own now?

COMMISSIONER RODRIGUEZ.

Can you reiterate your motion?

COMMISSIONER ORTEGA.

Considering that we have voted to remove the term limit, and if I may read to you the remaining sentence, it says: "No relative within the 4<sup>th</sup> degree of consanguinity, member of parliament who has served for two consecutive terms," what are we talking of terms

here, we have no more term limits, so what is the sense now of the second sentence. So I move, after we have voted to remove the second sentence, I move that we remove also the second sentence.

COMMISSIONER BAUTISTA.

Objection, Mr. Chairman, we have already voted as to whether we would keep the whole provision. And there were 20 people who voted that this entire provision be kept. We are now reversing ourselves.

COMMISSIONER RODRIGUEZ.

The way I understand it before Commissioner Garcia will be recognized there can be anterior amendments. Commissioner Magno is recognized.

COMMISSIONER MAGNO.

I rise only to second the motion of Commissioner Ortega because it is not a Constitutional prohibition, as we know from experience, that prevents political dynasty. Political dynasties are created by the single member-district and we are retaining the very root of that evil. And going to this impotent motion, term limits, which restricts voters' choice. You can have a good representative and they are arbitrarily restricted. So I just wish to second the motion to delete the second part, having deleted the first part.

COMMISSIONER ORTEGA.

As it is worded in its original form, this is supposed to be an anti-dynasty provision, right? This will foster dynasty. For all practical purposes, let me show you, it says in your provision that he must serve two terms and no more. No relative of his will be able to take over within the 4<sup>th</sup> degree of consanguinity. So what will happen here is that the husband will serve for one term, and then give the next one to the wife, and the next one back to him, and the next one back to the wife. That is what will happen. Take it from me.

COMMISSIONER RODRIGUEZ.

Commissioner Garcia is recognized.

COMMISSIONER GARCIA.

Mr. Chairman, the effect of the deletion of the first sentence where there is no more term limits, would in effect, set aside or render nugatory the second sentence. Because the second sentence refers to a member of parliament who has served for two consecutive terms. Now, if we delete the first sentence, then there is no more two terms. He can serve for five, six or seven terms. So this sentence would be useless. And besides also, this sentence is undemocratic and it is a violation of human right. The fact that I am a relative or a cousin of one who has already served, it is not my fault that he is my cousin. So why should I be denied to run for public office? It will be recalled that in the 8<sup>th</sup> Congress, one of the first bills approved by the Senate was Senate Bill No. 3 sponsored by Senator Mercado. That was the anti-dynasty. When it reached the House, it was Congressman Palacol as Chairman of the Committee on Suffrage who sponsored it. I asked him this question: "This bill is in effect an amendment to the provision of the qualification of a Congressman because under the 1987 Constitution, he has only to be able to read and write, 25 years of age, and registered voter. If the bill were approved, then you will have another qualification, that you must not be a relative of a Congressman or any other high public official.

So this in itself is a violation of the Bill of Rights. No person shall be denied the rights to the full protection of the law. Anyway, Mr. Chairman, the most fundamental principle of our democracy is you can choose. That's why you have election. For all we know that cousin is the mortal enemy of the incumbent and you are preventing him from running.

COMMISSIONER RODRIGUEZ.  
What does the Committee say?

COMMISSIONER BAUTISTA.  
Before you divide the house, Mr. Chairman, again Commissioner Garcia has said that this provision is undemocratic and perhaps a violation of human rights, it sort of makes me think about our earlier decision to put a college degree as a requirement to hold public office. Wouldn't that be also now a violation of human rights, and undemocratic in a sense that it will result into a lot of our Filipino citizens not being able to run for the Parliament. What I am asking here is consistency in the way we do things. To say that this is against the Constitution is wrong.

In fact, if you look at Article II, Section 26 right now of the current Constitution, the spirit is really the prohibition of political dynasties. But for the past eighteen years since the '87 Constitution was put in place, Congress has refused in the exercise of their self-interest to put together a law. So what we are trying to do here is to do what Congress has been remiss in doing. And that is why we are voting for this.

COMMISSIONER GARCIA.  
Mr. Chairman? May I in rebuttal...?

COMMISSIONER RODRIGUEZ.  
Are you through? Okay, Commissioner Garcia is recognized and then Commissioner Magno, then we divide the house.

COMMISSIONER GARCIA.  
The analogy is not up because the qualification pertains to him. To the candidate who is not a college graduate. But in this case, the disqualification is of the other side. It is not his fault that a relative of his is already in office.

COMMISSIONER RODRIGUEZ.  
Okay.

COMMISSIONER GARCIA.  
So, that is not personal to him, the fact that a relative of his is already a Member of Parliament. But in the case of a qualification, it is personal to him.

COMMISSIONER RODRIGUEZ.  
Well said. Commissioner Magno, then we vote.

COMMISSIONER MAGNO.  
Well, I think one of the weaknesses of the 1987 Constitution, which is what why we want to change it, was that it pre-empts policy and injects messianic causes in what should be a basic text of the republic. I think, to be frank, this is a naïve provision. It will be circumvented at every turn. It would be subverted at every opportunity. And the Constitution would look stupid if it had such a messianic document against prohibiting

political dynasty. So, I return to my basic point that the source of political dynasty is the single-member district and we are not doing anything to change that out of our own political convenience.

COMMISSIONER RODRIGUEZ.  
Okay.

COMMISSIONER MAGNO.  
So, I think it is hypocritical to use this sort of prohibition without touching the real basis of political dynasty which is the single-member district.

COMMISSIONER RODRIGUEZ.  
Chairman Abueva is recognized, Commissioner Espina, then we vote. Commissioner Abueva, Commissioner Espina, then we divide.

CHAIRMAN ABUEVA.  
In my observations and listening to many members that we consulted during our nation-wide consultations, the matter of political dynasties always recurred. What are you going to do about political dynasties? So, what I'd like to propose is something less restrictive than this. What I propose is this wording "No member of Parliament..." – I accept the removal of the term limit – "No member of Parliament shall be immediately succeeded by any relative within the third degree..." – not fourth degree, it's too sweeping to include fourth degree – "...within the third degree of consanguinity or affinity." And immediate, no immediate succession.

COMMISSIONER ROMUALDO.  
There is no succession, this is election. This is election, this is not succession. It is not a property to be inherited...Mr. Chairman, so I...

COMMISSIONER RODRIGUEZ.  
Commissioner Romualdo. Yeah, Commissioner Romualdo will be recognized later, let the Chairman finish.

CHAIRMAN ABUEVA.  
If you want to change the word elected, then we can say elected. But again, no Member of Parliament shall be immediately...It's really...I'm not using succeed in terms of no election, it's understood. Immediately succeeded by any relative within the third degree of consanguinity or affinity...Now, you know there are members of Congress, I have heard this, I have heard some members of Congress say, "mahirap kung kami ang mag-propose nitong political dynasty – anti-dynasty – hindi talaga uobra doon sa...but when it comes from ConCom, maybe we can say sinabi ng ConCom. They want us to have a limit on political dynasties".

Let's give the Congress an opportunity. Let's give them an opportunity by having a provision here emanating from this Consultative Commission. We're supposed to be reformists and set ideals which politicians may not be willing to set for the nation. So, this is my amendment by substitution to the last sentence in the paragraph.

COMMISSIONER RODRIGUEZ.  
Okay, in order to put everything in its proper perspective, there is a pending motion Mr. Chairman. We cannot just entertain that without the proponent accepting your

amendment. But before we go to that, let us hear Commissioner Espina, then Commissioner Romualdo, then Commissioner Apostol.

COMMISSIONER ESPINA.

Thank you, Mr. Chairman. I think we should not restrict the will of the people in a democracy. We tell them, okay you have the right to vote but you cannot vote for cousins; you cannot vote for a father and son. Instead, what we should place here is those who have run three times and lost for the elected position should be banned from running. What should we limit yung gusto ng tao. Yung inayawan na ng tao ng tatlong beses for any elective position, yan ang dapat nating hindi patakbuhan, okay. Well, anyway...

COMMISSIONER RODRIGUEZ.

Okay, are you through Gerry?

COMMISSIONER ESPINA.

Not yet, Mr. Chairman. I subscribe...a lot has been said about so many years nandyan yung provision for anti-dynasty pero hindi ginagawa ng Congress. I have always said that anything that is against the law of nature, against the law of God, and against the law of democracy will be very difficult to implement. And here, you are telling the people, the voters, na "hoy, puwede ninyong iboto yung tatay", e, kung lumabas na magaling yung tatay hindi puwede yung anak o yung cousin? Hindi naman fair yun. I join the position of those who are for the deletion of this last sentence.

COMMISSIONER RODRIGUEZ.

Okay.

COMMISSIONER ESPINA.

As dramatized by Commissioner Ortega, every opportunity, this will be subverted; every occasion, this will be violated. So I think we should delete this particular provision and in its place later on, add a provision that we should not allow a candidate to run, who has been rejected three times by the people for any elected position.

COMMISSIONER RODRIGUEZ.

Commissioner Romualdo?

COMMISSIONER ROMUALDO.

Yes, before I will move for the previous question, you know this dynasty thing. I think many of you know the history of why this is in the reactive Constitution of 1987. This was more directed to the Marcoses, and the Romualdezes especially. Not Romualdo. Romualdezes, okay. I would beg exception to the language of the Chairman that we ought to be reformists. Now, to be a reformist, it does not mean that there must be no dynasty. I am no royal blood. My eldest son when he first ran, who is the incumbent Congressman, three-termer, he ran twice and he lost. I was the Congressman then, and my wife was the mayor of the capital town. See, and he lost twice, why? The people did not believe in him. That's it. So, after two elections, he won and he's now a three-termer Congressman. So in short, it's the people really that decide. I don't agree on anti-dynasty thing. It's not only naïve; it's crazy to be placed in the provision of a Constitution. Shall we again direct this kind of a provision to certain group of people because they are loved by their constituency, with humility like myself? I don't think so. Let the people decide. Where I came from, all my people decide. Not you to say that I

should be a reformist in order that the so-called dynasty – I am no royal blood; please look at the dictionary the meaning of dynasty. I am not a Sultan, which is a member of a royal blood. So, it's not inheritance. That's why the Chairman committed a mistake in succeeding. Ano ba ito inheritance? It's not, it's by an election.

COMMISSIONER RODRIGUEZ.

Okay, well said.

COMMISSIONER ROMUALDO.

And Mr. Chairman, Mr. Presiding Officer, your Honor, I move for the previous question.

COMMISSIONER RODRIGUEZ.

Okay, Commissioner Apostol, then we go to the division of the house.

COMMISSIONER APOSTOL.

Mr. Chairman, I would like to go against the statement of the Chairman that the members of the Congress would like to insert this. If you study the members of Congress, the members of Congress are usually relatives of the older; they're the sons, daughter, wives, even father. So, how can they say we are against the dynasty when they themselves are members of a dynasty? So, if we want to be sure that a provision should be thrown out, let's just put it there. I'm sure it will be thrown out. Because they will never agree to this kind of statement.

And further, I cannot understand why we have to put a dynasty in a democracy. This is a democracy. So, anti-dynasty, you know – I remember, you remember we were trying on an anti-dynasty, unfortunately, we cannot push through that one because when the Chairman who was defending his bill, went out of Congress, he was ambushed. And he found it very hard really. He was killed. He was saying, it is very hard for me to defend this bill, because I am also a member, my relatives, my brothers are also members of Congress. So, that's it. If you are now an incumbent Congressman, you have a brother who wants to run against you, or even your wife wants to run against you. Why should we stop them from running? So, this anti-dynasty be stopped and deleted.

COMMISSIONER RODRIGUEZ.

Okay, well said, well said. Let us divide the house. Those who are in favor of deleting this anti-dynasty provision --the second sentence of the last paragraph, kindly raise your right hand. Delete? 18. Those who are against the motion, kindly raise your right hand. Against, those who are against the motion. 7. The motion is carried. Let us go to the other section.

COMMISSIONER ESPINA.

Just a clarification, Mr. Chairman.

COMMISSIONER RODRIGUEZ.

Yes.

COMMISSIONER ESPINA.

We earlier approved an amendment that the qualification – educational – is college graduate. May I be clarified if this will apply to those who are incumbent members of the legislature now. Who will be running in the future Parliament or legislature, will they be disqualified?

COMMISSIONER RODRIGUEZ.

If you will look into the entire provision of the section as amended, it refers to the election.

COMMISSIONER ESPINA.

Yes, kaya nga. Halimbawa na-ratify natin ito 2006. Then we'll have the election 2007. I am asking about the incumbent who may not be college graduates now but are doing very well, that means they cannot run anymore?

COMMISSIONER RODRIGUEZ.

It seems that is the import of the provision. The Chairman is recognized, not Commissioner Adamat.

COMMISSIONER ANGELES.

They can still enroll and finish their college degree. They will have time to finish their college degree. In fact, they can even purchase their college degree from diploma mill schools.

COMMISSIONER ESPINA.

Mr. Chairman, it's true they have a time to finish college. But we have a principle that there should not be any law that would have retroactive – I just wanted to be clarified. I have no problem with the college requirement, I am just asking that how about those who have been elected and are doing very well?

COMMISSIONER RODRIGUEZ.

Commissioner Angeles?

COMMISSIONER ANGELES.

May I remind my fellow Commissioners that all of these discussions that we are doing now are recommendatory in nature. They can be rejected entirely by the Constituent Assembly. We are trying to introduce a reform in our system, in the Constitution. But we are not even sure that the members of Congress who are going to pass upon these recommendations, whether they will approve it or not. So, even this provision of dynasty will be defeated by the Constituent Assembly. So leave it to Congress. In fact, it is a test in the independence of Congress and see how they will react on a provision like what we are proposing here. Anti-dynasty, increasing the age limit to a certain age, and then college requirement. All of these are all recommendatory in nature.

COMMISSIONER RODRIGUEZ.

Okay, okay. Let us go to Section 5. To Section 5, any amendment? Dean Naval.

COMMISSIONER NAVAL.

It is about Section 4.

COMMISSIONER RODRIGUEZ.

5.

COMMISSIONER NAVAL.

No, Section 4, before we proceed to Section 5. The Section 4 reads that the term of office of the members of Parliament shall be five years and shall commence...?

COMMISSIONER RODRIGUEZ.

You are referring to an anterior amendment? You are introducing an anterior amendment?

COMMISSIONER NAVAL.

Yes, I'd like to amend this section because it reads like this "...shall be five years and shall commence at noon on the second Monday of January following their election." Now, as we know in Parliament, the Parliament can be dissolved any time of the year. Suppose the Parliament was dissolved in February and then the election was held in March, when will they assume office? This elected in March.

COMMISSIONER RODRIGUEZ.

So what is your proposal then?

COMMISSIONER NAVAL.

So, it should not be specific – second Monday of January. Perhaps, it should be several days or several weeks after their election. So, "...shall commence...the term of office of the members of Parliament shall be 5 years and shall commence – unless otherwise provided by law – at, let us say, one month following their election." Or thirty days following their election.

COMMISSIONER RODRIGUEZ.

What is your specific amendment? One month...?

COMMISSIONER NAVAL.

To substitute the word "second Monday of January" to "thirty days".

COMMISSIONER ROMUALDO.

Mr. Chairman?

COMMISSIONER RODRIGUEZ.

Following their elections? Commissioner Romualdo?

COMMISSIONER ROMUALDO.

Mr. Chairman? Yeah, just an explanation perhaps there is no, I'm sorry, proper grasp on this particular provision. This may refer to first set of members of Parliament, and then other areas of commencement in other succeeding provisions, I believe, in the case of dissolution, then 15 or 25 days after there shall be an election, etcetera. So, I think let's read it in its entirety.

COMMISSIONER RODRIGUEZ.

Where is that?

COMMISSIONER ROMUALDO.

The next succeeding sections, please. Particularly...

COMMISSIONER RODRIGUEZ.

What does the proponent say?

COMMISSIONER NAVAL.

My question now, Mr. Chairman, is if we will not amend this Section 4, how about those who will be elected members of Parliament after the Parliament has been dissolved? Let us say the Parliament was dissolved in the month of March, or February...now the following election will be sometime in March, now when will they assume office? Will they assume office...?

COMMISSIONER RODRIGUEZ.

Commissioner Romualdo. The Chair gets your point. Yeah, the Chair gets your point but what can you say about the statement of Commissioner Romualdo that this is being treated in the other provisions...?

COMMISSIONER NAVAL.

So, if we amend this provision, Mr. Chairman, Section 4. If we amend this provision, let us say, by 30 days following their election, this will apply to members of Parliament who were elected for the first time or who will be elected subsequently.

COMMISSIONER RODRIGUEZ.

What does the Committee say?

COMMISSIONER NAVAL.

So, I will reiterate my motion, Mr. Chairman, substitute the word "second Monday of January" to "30 days following their election."

COMMISSIONER RODRIGUEZ.

What does the Committee say?

COMMISSIONER ANGELES.

Okay we accept the proposal.

COMMISSIONER RODRIGUEZ.

Accepted, any objection to that? Commissioner Calisin?

COMMISSIONER CALISIN.

I think your Honor; the Honorable Romualdo is referring to Section 8. That's page 19, if you are right. It says in the last sentence "If the motion is carried..."

COMMISSIONER RODRIGUEZ.

Page what? Page what?

COMMISSIONER CALISIN.

Page 19. "...the President shall, upon the advice of the Prime Minister, dissolve the Parliament within twenty-one days following the advice and at the same time call for an election of a new Parliament that shall be held not later than sixty days from the dissolution of the existing Parliament."

COMMISSIONER RODRIGUEZ.

Is that a clarification, Mr. Proponent...clarified?

COMMISSIONER CALISIN.

This is just to clarify as to determination of how many days, as in the proposal of the...

COMMISSIONER RODRIGUEZ.

Are you insisting on your...?

COMMISSIONER CALISIN.

...twenty-one days, and then shall be held not later than sixty days...

COMMISSIONER NAVAL.

Mr. Chairman?

COMMISSIONER RODRIGUEZ.

Yes.

COMMISSIONER NAVAL.

This provision in Section 8 found on page 19. Refer to last sentence, "...Parliament within twenty-one days following the advice and at the same time call for an election of new Parliament that shall be held not later than sixty days from the dissolution of the existing Parliament." Example now was, if the Parliament was dissolved in February of the year, the elections shall be held sixty days from February. Now when will the members of Parliament assume office who were elected sometime in March or April, will they wait for the next January?

COMMISSIONER ROMUALDO.

Please read Section 9 as well. That's why to me, that particular provision that you would want amended is or refers to the first elected members of Parliament. Other dissolution of Parliament is covered by the rest of the Section. That's why I said, please read the entire proposed...Am I right, Mr. Chairman of the Committee?

COMMISSIONER ANGLES.

Correct.

COMMISSIONER ROMUALDO.

Of course. You speak up or I'll be defending already.

COMMISSIONER NAVAL.

May I know from Commissioner Romualdo what particular section are you referring to?

COMMISSIONER RODRIGUEZ.

Well, don't forget that there is still a Presiding Chair. You have to refer your comments first before the Chairman. Yes, Commissioner Naval?

COMMISSIONER NAVAL.

My point, Mr. Chairman, is for the amendment of Section 4.

COMMISSIONER RODRIGUEZ.

So, you are insisting on your motion?

COMMISSIONER NAVAL.

Yes, Mr. Chairman.

COMMISSIONER RODRIGUEZ.  
Let us divide the House.

COMMISSIONER NAVAL.  
And I think, Mr. Chairman, my motion was already approved, accepted, these words "second Monday of January" in Section 4 should be substituted by the words "thirty days".

COMMISSIONER RODRIGUEZ.  
Is there any objection to the motion of Commissioner Naval?

COMMISSIONER TIROL.  
Before we vote Mr. Chairman.

COMMISSIONER RODRIGUEZ.  
Yes Commissioner Tirol.

COMMISSIONER TIROL.  
May I advert to the provisions of Section 9 on page 20. This actually contemplates the situation wherein there is a cutting or shortening of the term of the members of parliament in case of dissolution and it is provided here when they are supposed to assume office.

COMMISSIONER RODRIGUEZ  
Page what?

COMMISSIONER TIROL.  
Page 20 Section 9, "Unless otherwise provided by law or brought about by earlier dissolution of the Parliament, the regular election of Members of Parliament shall be held on the second Monday of November etc. etc."

COMMISSIONER RODRIGUEZ.  
If the Chair can say so, your apprehension is well-addressed in the other sections.

COMMISSIONER NAVAL.  
Yes, Mr. Chairman but my...

COMMISSIONER RODRIGUEZ.  
So you are insisting?

COMMISSIONER NAVAL.  
Yes, Mr. Chairman, because my example is like this...

COMMISSIONER RODRIGUEZ.  
So let us just divide the House?

COMMISSIONER NAVAL.  
...And I think, I can...should be understood about this. Suppose the Parliament has been dissolved in the month of February of the year...

COMMISSIONER RODRIGUEZ.

Okay, let us divide the House.

COMMISSIONER NAVAL.

...when will be election for the succeeding Parliament, if it was dissolved in February? Will it be in November when it was dissolved in February? What will be our Parliament from February to November?

COMMISSIONER RODRIGUEZ.

Okay, let us divide the House. As many as are in favor of the amendments of Commissioner Naval, kindly raise your right hand. The amendment is to...so restate your amendment, Commissioner Naval.

COMMISSIONER NAVAL.

My amendment, Mr. Chairman is to substitute the words "second Monday of January" found on Section 4, page 16. Page 16. Section 4. "second Monday of January" should be changed to "thirty days". Thirty days. So that this Section 4 will read "The term of office of the Members of Parliament shall be five years and shall commence, unless otherwise provided by law, thirty days following their election.", instead of "on the second Monday of January following their election", it should be thirty days following their election.

COMMISSIONER RODRIGUEZ.

Okay, remove the "noon of the second Monday of January" and change it to "thirty days". Comment? Yeah, Commissioner Tabanda.

COMMISSIONER TABANDA.

If you look at Section 9, it says "the regular election of the Members of Parliament shall be on the second Monday of November..", so if you will add thirty days to the second Monday of November, that would mean that you will make the term of the Members of Parliament begin on December. In December. I think that what Commissioner Naval is pointing out here is that the regular term should commence on the "second Monday of January" but probably we should add "the term of office of the Members of Parliament may be shortened in case of dissolution of the Parliament, with the Members to be elected in a special election to commence their term of office within *thirty days* after the election". I think that is exactly what he wants to say, because if we will vote positively to this amendment, it will affect the regular election of Members of Parliament.

COMMISSIONER RODRIGUEZ.

Okay, well said. Let us divide the House. As many as in favor of the amendment, please raise your right hand. Even the proponent is not raising his hand. Okay, those who are against the motion, kindly raise your right hand. The motion is lost. Okay, let us go to the succeeding section. Section 5, Section 5 on page 18.

COMMISSIONER APOSTOL.

Mr. Chair. Mr. Chair, the Chairman is already tired. He is requesting already that he be allowed to rest.

COMMISSIONER RODRIGUEZ.

Any motion to that effect?

COMMISSIONER APOSTOL.

I move that we adjourn.

COMMISSIONER LORENZANA.

Can we ask everybody please to be here tomorrow at 10:00 because, you see, we have a problem really with trying to get everything in for the next coming four or five days. And then, we still have to work together with the Committee on Style, so I would like to ask all the Commissioners to be able to come here tomorrow at 10:00 so we can continue the discussions, after which we are going to have a daily plenary starting tomorrow, instead of Thursday na.

Tapos bukas rin, I would like to announce that there has been a little change, ano. Tomorrow, at 10:00, the same Committee on Form of Government is going to meet until we finish this. Dire-diretso na ito. Because after that, we have the Committee on Suffrage, di ba? No, no, sorry -- Committee on Judiciary. Remember, the Committee on Judiciary was supposed to meet today pero di sila makaka-meet ngayon because we have to adjourn this. So we will push this tomorrow.

So 10:00, it's the Committee on Form of Government, the same. After which, we have the Committee on Judiciary. Tapos, sunud-sunod na rin itong Suffrage then Patrimony.

COMMISSIONER RODRIGUEZ.

In addition, the secretariat has distributed already the proposed amendments, the matrix of the Committee on Suffrage and Electoral Reforms and the Committee on National Patrimony and you are requested to bring tomorrow this matrix...documents.

COMMISSIONER LORENZANA.

Yung documents, remember we have already given you the documents. I prefer to give it to you a day before, at least, so you have it. So please, bring your documents tomorrow and if you want to read it tonight, then that's the purpose of the whole exercise -- for you to read it tonight, so that tomorrow you will be prepared. But first look into all of the amendments or what is to be amended on this Form of Government because tomorrow this is what we are going to take up again at 10:00. So please, be here tomorrow exactly at 10:00 a.m.

#### **ADJOURNMENT OF SESSION**

COMMISSIONER RODRIGUEZ.

Okay. The session is adjourned until tomorrow at 10:00 in the morning.

*It was 8:33 p.m.*