

**2005 CONSULTATIVE COMMISSION
TO PROPOSE THE REVISION OF THE 1987 CONSTITUTION
TRANSCRIPT OF THE PROCEEDINGS**

Committee on Structure of the Republic
Tuesday, October 11, 2005

CALL TO ORDER

At 2:42 p.m., the Chairman of the Committee, Rey Magno Teves, called the meeting to order.

PRAYER

CHAIRMAN TEVES.

Heavenly Father, Lord of all Creation, Almighty Allah, the Merciful:

Look kindly on your sons and daughters gathered here today in serious engagement to help chart the country's future. Well, we are not really that eminent and important, Lord. So please bear with us as we struggle through, trying to make sense of the reason for our being here.

And so we implore you to disturb us, O Lord, when we are too well pleased with ourselves; when our dreams have come true because we have dreamed too little; when we have arrived in safety because we have sailed too close to the shore.

Disturb us, O Lord, when with the abundance of things we possess, we had lost our thirst for the water of life. When having fallen in love with time, we had ceased to dream eternity; and, in our efforts to build the new earth, have allowed our vision for the new heaven to grow dim.

Stir us, O Lord, to dare more boldly to venture on wider seas where storms shall show Thy mastery; where, losing sight of land, we shall find the stars. In the name of Him, who pushed back the horizons of our hopes and invited the brave to follow Him. Amen

BODY:
Amen

COMMISSIONER GONZALEZ:
Ganda naman ng prayer mo, Chairman.

COMMISSIONER JURADO
Ganda, very inspiring.

CHAIRMAN TEVES
Nasa record na siguro 'yon, so. (*Laughter*) I hope it's already on record.

ROLL CALL

CHAIRMAN TEVES.

The meeting will now come to order. Anybody for dispensing with the, I suppose there's no objection. We will proceed. The meeting is now officially on.

COMMISSIONER JURADO

Mr. Chairman, do we have an agenda?

COMMISSIONER GONZALEZ

Here, here. Meron. Yes. Andiyan.

CHAIRMAN'S BRIEFING

CHAIRMAN TEVES.

I'd like, first of all, to explain the presence of a guest here. I have taken it upon myself to take advantage of an opportunity that some Mindanao leaders of big groups are in Manila for various conferences. In the case of Mayor Omar Ali of Marawi City, who is president of Muslim Mayors' League of Mindanao, he was here for the big gathering yesterday. Unfortunately, he is indisposed, was not even able to attend fully the meeting yesterday. So he won't be here. However, we have caused the reproduction of a summary of the paper of the Muslim Mayors' League of Mindanao in relation to federalism. The other person who is here already that we have invited and has generously accepted our invitation for him to share some inputs on the position of the Mindanao Business Council and as Vice-President for Mindanao also of the Philippine Chamber of Industries, to share with us some ideas about how, for instance, the business people of Mindanao have come to this position. It's been, I think, two or three Mindanao business congresses which are conducted annually that the position of this group regarding structural change has been reiterated in their resolutions and as you will see this afternoon, it's part of the what they call the Mindanao Action Agenda of the business people in Mindanao. I thought that this is an opportunity for Mindanao leaders who are espousing structural change to have a forum like this because that's very rare. That is very rare. The Mindanao position gets into the headlines only in terms of kidnappings, ambushes and that's not fair. That is not fair. So various groups in Mindanao have developed positions as a result of a, of the crucible of conflict in Mindanao and that many such groups have decided in favor of a more rational and an alternative that encompasses the whole country. That's why it's towards a federal Republic of the Philippines as against the movements there also for independence. So, I thought, I'd taken it upon myself, like I said, to invite these persons to give this particular insight to help us get this particular insight of the Mindanao situation. This also has to do, this advocacy also has to do with the peace process and the, as you would probably know, even the peace talks between the Moro Islamic Liberation Front and the government of the Republic of the Philippines are already moving towards alternative structures. Ganun na po iyon. So, it's a real alternative insofar as Mindanao is concerned. But it's really a nationwide, a nationwide advocacy already insofar as our groups are concerned. So if it is okay with the members of the Committee. There are no objections, Mr. Antonio Santos is ready to share with us their paper. Mr. Tony Santos, Chair, Mindanao Business Council.

(Applause)

PRESENTATION OF ANTONIO R. SANTOS

MR. SANTOS:

Thank you Com. Rey Teves. First, I would like to greet all the commissioners here present. Good afternoon, everybody, ladies and gentlemen. We are very happy to be here with my Vice-Chairman, Mr Romy Sierra. And it's really a very good opportunity for us, at least to, also inform you on what we're doing in Mindanao.

Today, I shall take this occasion to speak in behalf of the Mindanao Business Council and the business community, particularly on our stand for a shift to a federal system of government. My presentation shall principally introduce you the Mindanao Business Council, the organization that I chair. Next, I shall be talking about the major issues and concerns in Mindanao, which shall be followed by a call for a federal set up in the country and its eventual impact on the Mindanao economy. Since its inception in 1994, the Mindanao Business Council or MBC would be counting more than 10 years of the organization's vigorous presence in the region. That is over a decade of challenges and most importantly, achievements. The MBC is essentially the arm of the Philippine Chamber of Commerce and Industry in Mindanao. The MBC's main vision is to have one economically vibrant Mindanao which would be equitably enjoyed by all sectors, regions and cultures of the island. Our role is to become the primary voice of the private sector in the region. It is time, only island-wide organizations of leading business support organizations namely, Chamber of Commerce and producer associations in the vegetable, fishing, seaweeds, fruits and among others. Our mandate is to take steps at reducing the cost of doing business in Mindanao and thereby improve the competitiveness of the region's private sector and general employment.

The MBC has the credibility, the prestige as the main advocate for major reforms in economic and social policies geared towards sustainable peace and development. Likewise, it has facilitated programs on expanding market linkages, trade and promotions, skills training, chamber development and the promotion of transparency and accountability in governance. One of the achievements of the MBC is our good working relationship with the Moro Islamic Liberation Front or the MILF. Of course, these initiatives are towards establishing peace and building development. Particularly, we're working with them in our project on banana, land expansion, as we believe that we have to give them real opportunities to participate in the mainstream economy. You would see in these pictures, for instance, that we are closely working with the MILF Chairman for Political Affairs, Gatsali Jafaar, and MILF Chairman Haji Morad. For political affairs, Gatsali Jafaar, during the signing of the Memorandum of Agreement on the implementation of the Banana Growership Project in Maguindanao. Also in the picture are Rex Cababat of CADEL COR and Mr. Romeo Sierra, Vice-Chairman of the Mindanao Business Council. As you can see, we are already working with these parties in the pursuit of peace and development. Through entrepreneurship, we are likewise, very much willing to participate in the peace process because, as Mindanaoans, we expect to be more effective in negotiating with our Muslim brothers. That is why we believe that through federalism, the Mindanaoans could actively participate in the peace negotiations rather than Manila-centric officials, particularly retired generals, military men, who are not credible as far as the eyes of the MILF are concerned because they were their enemies when the military men were still in active service. If Mindanaoans are those who are directly talking with the MILF, we would be able to fast-track the peace process

because we understand each other better. This could be achieved through federalism as we will have the chance to legislate our own Constitution. On the other hand, the Mindanao Business Council has earned national and international recognition as Mindanao's most influential business organization. Regional and national government agencies acknowledge that MBC as their private sector partner in their development programs. At the international scale, MBC is the focal Philippine private sector organization that represents Mindanao's concerns in the BIMP-EAGA Business Council. This has paved the way for MBC to participate in the BIMP-EAGA arena as well. The advocacy initiatives of the MBC has gained several policy wins for the organization. Mainly, on increasing public investment in Mindanao, particularly on infrastructure and agri-aqua development. Reducing air and sea transportation cost, expanding trade linkages and improving human resources, promoting transparent and accountable governance, pushing for better accountable governance, pushing for better access to credit or SMEs and rebuilding sustainable peace and development. We hope to make better progress in this arena, in these areas of advocacies through federalism. On a general scale, we have made strides in building a strong network of partnerships among our constituents. Our consultation process has made it possible for us to achieve a consensus on the advocacy agenda of the MBC. Every year, we ask the business sector in the region their topmost concerns that have greatly affected their investments. We do a series of Mindanaowide consultations among business leaders and industry associations as it is also an arena or time to present their recommendations on certain issues. Along the years, the pattern reveals that peace and order, high transportation cost and lack of quality infrastructure emerge as the most crucial issues that the government needs to address. However, it is very important to note that among our consultation, the push for a shift to a federal system of government has been reverberating among the Mindanao private sector. It has always been expressed by the Mindanao business community that the region has been largely left behind in the development priorities of the central government and the same so called neglect has brought about widespread poverty, unemployment and lack of infrastructure development. Now, let me run through the federal issues in Mindanao that we feel have the potential to be addressed if and when we shift to a federal system.

One of Mindanao's top concerns is poor infrastructure which obviously has a direct bearing on the competitiveness of the Mindanao's private sector. It has been deemed essential that island economy will get an appropriate and equitable share of public infrastructure funds in order to fast-track infrastructure development. The poor state of transport infrastructure affects the competitiveness of Mindanao products since the quality of roads and seaports directly influences the cost of transport and the efficiency with which agricultural products are delivered. Although budget resources for infrastructure almost doubled at 21% during the Ramos administration and has been increased to 25% during the Estrada Administration, this trend must be carried further still in order for Mindanao to attain its potential efforts to obtain the desired public investment requirements of 31% to 34%. We'll have to continue.

Secondly, the current lack of allocation formula being used by the DPWH as its basis in allocating resources to the regions is erroneous and is biased against Mindanao. The formula does not take into account the economic potentials of Mindanao and its value added contribution to the Philippines' agriculture and fisheries sector which averaged at 34% for the past decade. Amendments of the current BAF, therefore, needs to be pursued. Another major threat to Mindanao is the looming Mindanao power crisis when existing demand for power will exceed that of available supply. It has always been

known that sufficient and low cost of hydroelectric power that Mindanao enjoys is one of its competitive advantages. Therefore, a major repercussion of a power shortage would be losing that attractiveness from prospective investors. This would also lead to a massive capital flight of major Mindanao industries as the cost of doing business would likewise increase. These insidious scenarios serve as a challenge for the people of Mindanao should there be a failure to address in advance the looming energy crisis especially because it practically negates all the development initiatives in Mindanao.

Another concern in Mindanao is the deplorable state of our micro, small and medium enterprises or what we call MSMEs. Mindanao MSMEs are inundated with major issues that hamper their optimum development and diminish their potential contribution to the economy. For one, SMEs experience scarcity of working capital and investment credit. In addition, SMEs have limited credit opportunities in the formal financial sector. The latter is basically caused by the limited track records of SMEs in terms of financial viability to operate their businesses. Also, they have no or limited assets acceptable as collateral SMEs. Moreover, we have limited capabilities to provide financial statements acceptable to the creditor much less well-crafted business plans and feasibility studies. The credit qualifications of formal financing institutions, therefore limits the financial choice of SMEs even with those potentially good projects. Of course, this is exacerbated by the general perception of high riskness of SMES. Despite its good intentions, the SULONG Program of the government has been largely unfelt by the Mindanao SMEs. Likewise, it has to be noted, that savings in Mindanao banks are brought back to Manila central offices. Through federalism, we wish to attain better control of Mindanao savings. These eventuality will also be common to all areas in the country. Another constraint to the development of Mindanao's SMEs is the absence of sound policy on Islamic banking. Islamic banking presents a viable option for credit access to both Muslim and non-Muslim SMEs, as this system does away with interest-based financing, for one. SMEs often raise objections to the high interest rates of loans from traditional banks for Muslims in particular. This allows for their compliance with Koranic tenets in the course of their conduct of business. The possibility of the operation of pouring on Islamic banks in Mindanao shall allow for more opportunities for SMEs' financing, increase investments, increase provision of services to the Muslim population with Islamic banking adherence to profit-sharing and the non-imposition of interests. This is viable financing alternative to Muslims and non-Muslims alike. Hence, Islamic banking would not only benefit Mindanao but the entire Philippines, as, ah, Philippine SMEs as well. A constraint to the liberalization of the Islamic banking in Mindanao is the existing legislative environment affecting two areas in the proposed liberalization, namely, proliferation of private Islamic banks in Mindanao and the privatization of the Al-Amana Islamic Investment Bank. Let me tell you a story that when I was conference chair of the 10th Mindanao Business Conference in 2001, a group of Malaysian bankers were supposed to take over the Philippine Al-Amana Islamic Investment Bank. However, the private banks in Manila lobbied for the non-entry of these investors although President Arroyo was made to believe that the Malaysian investment was a done deal. Given the various scenarios I mentioned about, among others, a possible change to a federal system of government as thus given due focus by the Mindanao constituents on the imminence potential of self-determination by Mindanaoans for Mindanaoans. Thus, the Mindanao action agenda that we presented last year during the 13th Mindanao Business Conference, our top agenda was for the shift to a federal system of government. This year, we reiterated our call for a shift to a federal system of government. We were boosted by the resounding belief of majority of Philippine society that we should give federalism a chance.

In fact, during the recent 14th Mindanao Business Conference, the participants of the said event strongly expressed its call through a manifesto that you can see on this slide for the President of the country to take the lead in pushing for federalism. Among our specific agenda recommendations on this agenda for President GMA to include among her priorities in the 2005 legislative agenda: the shift to a federal form of government through the Mindanao legislators and other supportive lawmakers in both Houses of Congress to ensure a broader and equitable participation of legitimate peoples' organization and to assemble with special considerations, too; enhance regional development of the states to the operation of the principal, of the principle of subsidiarity where local population and communities are guaranteed to pursue socio-economic development according to their cultural, to their particular competencies and cultural differences; enhance the role of geological political parties through enhanced sectoral representation rather than personalities; sustainable and equitable socio-economic development through promotion of internal states and intra-regional cooperation that would also promote harmony and diversity through greater democratic interaction among cultures.

We have always contended that the present unitary system is a flawed one because it concentrates development in the central government and its periphery. Thus, while majority of the areas in Metro Manila and its surrounding provinces boom economically, Mindanao still lags behind in attracting investments as well as developing the overall socio-economic conditions of the area. The Mindanao business community has extended its lobbying to national agencies and offices. However, we get the impression that despite our loud calls for attention should be given to Mindanao there are still gaps in the responses of the government. This gives us the impression that unless Mindanao decides for itself in the truest sense, regardless of who sits in the national government, we would wallow in poverty and in inequality. It is thus time for us to call for bold changes in the present unitary system.

One of the major benefits of the federal system to Mindanao business community are real empowerment of this sector, particularly their SMEs, will be realized. Thus, giving them the golden opportunity for wider and deeper participation in the planning and the implementation of whatever understandings that affect their industries. This environment of participatory democracy will unleash the stifled initiative, creativity and innovativeness of the Filipino SMEs and spur agro-industrialization in the country. A shift to a federal system of government would also create a better climate for economic activities. For instance, streamlining the bureaucracy to promote efficiency and effectiveness, like lessening red tape and minimizing graft and corruption, among others, among other things. More investments and availability of jobs are then expected that will favor much of private sector. Likewise, a shift to a federal system of government would decentralize the socio-economic and political activities to the countryside and will only decongest Manila and its immediate environs but also create new growth centers in our rural areas; hence, to the benefit of our SMEs. More balanced and sustainable development in the Philippines will be achieved. Also the localization of many government functions and personnel will greatly improve the administrative bodies, accessibility to SMEs, heightened transparencies and encourage better performance of public officials and employees to the benefit of public service. Every component state or region will have absolute power to determine its own taxes, which will be based on the economic standing of the area. This means that less developed states will have lower taxes than more developed ones which may, in turn, attract investors towards these areas. Such taxation scheme will favor the populace of less developed regions. Taxation must,

indeed, take into account the economic realities of each state or region. Regions in the country would have better hand in determining the developmental goals for the good of all.

In conclusion, federalism will hasten the country's development especially in disadvantaged areas like Mindanao. Since planning and policy decisions-makings will be less, will be given to the states, there will be less bureaucratic obstacles to the implementation of the economic programs and projects. There will also be interstate and regional competition in attracting domestic and foreign investments and industries. Resources will be better distributed among the provinces and regions since government revenues will be devolved. States will have more funds for infrastructures and other economic projects. Federal grants and equalization funding from the federal government and the more prosperous states will help support the less endowed and developed regions and the poor and the needy across the land. This will result in more equitable development.

Addressing this august body, I wish that my presentation would encourage you all to give federalism a chance. Give Mindanao a chance and I would say not only Mindanao but the whole country a chance. A chance to be a very progressive country. Mabuhay and thank you to everybody.

(Applause)

CHAIRMAN TEVES.

Thank you, Mr. Santos. By the way, I'd like to also mention here that along with Mr. Tony Santos, we have here the Vice-Chair of the Mindanao Business Council, Mr. Romy Sierra. He was just assisting Mr. Santos. I informed you earlier that Mayor Omar Ali for all his, is not available. Mayor Omar Ali is a former commander of the Moro Islamic Liberation Front turned government executive, local government executive, Mayor of Marawi City now. But he's indisposed. He is on medical treatment. Somehow he is unable to share with us. Commissioner Ting Paterno who is, also familiar with the, not only Mindanao, but the national situation as a former senator, can I just ask to also give, some sharing at this point. Mr. Floor Leader, we are still, I'm just conducting this, facilitating this in a forum way. We will proceed with our own discussion, in the format of our discussion, in the next part after open forum, if that's okay with you? Mr. Paterno.

STATEMENTS OF COMMISSIONER PATERNO

COMMISSIONER PATERNO.

Thank you, Mr. Chairman, I was asked to speak because I have had experiences in and with Mindanao that led me four years ago, to be a member of the Citizen's Movement for Federalism. I have had experiences, as a legislator, with the "manhid" of the bureaucracy, the center of bureaucracy, to the problems of the provinces. I will refer to two instances in particular. One was an act to provide for the Mindanao Economic Development Authority. On the basis that the planning for the development of Mindanao should not come from Manila, it should come from the Mindanaoans themselves. That particular bill was approved by both Houses of Congress. And in that, I was greatly assisted by the Mindanao bloc in the House of Representatives, at that time, led by Congressman Chiongbian. I was informed by President Aquino that she was vetoing the bill and I asked why? And she said, well the contention of the, then executive director of NEDA, who happens to be a co-probinsyano of Governor Romualdo, Cayetano

Paderanga, was that if he agrees to a Mindanao Economic Development Authority then what is to prevent the other regions from wanting to do the same thing? I thought to myself, here is Metro Manila, the central government, is saying very clearly that they want to decide the development fate of the regions. Experience number two, again, the Senate. We had a bill for the creation of what we called "regional commercial banks," with respect to Ambassador Yuchengco who is one of the leaders of the banking industry. One will notice that there is no commercial bank whose headquarters are outside Metro Manila. And how does one expect a board of directors based in Ayala Avenue, who probably have not even been to places in the provinces, deciding that a particular locality is worthy of their credit? Most branch managers in the provinces are limited in their approval authority to P1 million and some, to P5 million. All the rest have to be decided in Metro Manila. There is no question that this particular structure of all banks, all commercial banks located in the capital, insensitive to the plight of the provinces, will result in a situation where only half of the deposits of provincial areas on the average are lent in those areas. The other half come to Metro Manila as deposits. This situation results in impoverishing an already poor province because the capital in the province leaves the province and is lent out in Metro Manila. Mr. Chairman, that bill for regional commercial banks was also vetoed by President Aquino. And I asked President Aquino again, why? And her reply was Joey Cuisia, who was then the governor of the Central Bank said, "Why are you giving more incentives to the small banks? They should all be equal. Kailangan yung incentives ng large banks are the only ones that you can give to the small banks." Again somebody said earlier, you should not have heavyweights and lightweights in the same wing, but here we are. The governor of the Central Bank said, all the money really should be controlled from Metro Manila. Mr. Chairman, these are the evils of central government. Manila, unlike most other capitals in the world, is the center not only of government. It is also the center of finance, the center of trade, the center of communications, the center of foreign trade and also education. Manila has grown astronomically. I remember some time before World War II, there were about 500,000 people in Manila. There are now close to 15 million. The growth of Manila has been at the expense of the provinces. The best and the brightest of the provinces have come here because it is the center of power; it is the center of money; it's the center of trade; it's the center of business. How is this country going to achieve equality on a territorial basis if we continue to have Metro Manila as the only center with Cebu, of course, as a secondary center of the Philippines. How do we expect our youths to get good jobs if all of the business and all the big companies are here? So Mr. Chairman, one last point, I was also Minister of Public Works and Highways for a short while, 16 months in 1989-1990, and in my review of the road system in Mindanao, it was very clear that the roads were built to connect towns of Mindanao to the ports, not to one another but to the ports. Why? Because Mindanao has long been regarded as a colonial source of materials, of raw materials for the industrial Metro Manila. That has changed somewhat. The provinces are now better linked to one another and that was initiated really oddly enough by Japanese entity. Construction of Philippine-Japan Friendship Highway was the first instance where there was a link by roads from the north of Luzon to southern Mindanao. That was not done by the central government. That was done by the initiative of a foreign government who felt that the islands were so disparate from one another that they needed to be linked. I hope this has contributed some insights, Mr. Chairman...

CHAIRMAN TEVES.
Thank you so much.

COMMISSIONER PATERNO.
...on the problems. Thank you.

CHAIRMAN TEVES.

Our Vice-Chair, Commissioner Alexander Magno, not because he is my primo, has asked for sometime also to respond or react to the presentation of the Mindanao Business Council and probably also the additional inputs of Commissioner Paterno. Mr. Magno will have his ten minutes.

REACTION BY COMMISSIONER MAGNO

COMMISSIONER MAGNO.

Thank you, Mr. Chairman. This is to raise just five points by way of dissent with the proposal. I saw no reason in the presentation that justifies federalism. There is no problem that is solved by setting up a federal government. No problem that could not be solved by continuing and solidifying the decentralization process under a unitary government. Specifically, I raise five problematic issues. One, is the matter of fiscal share, which apparently is the most essential point behind the argument for federalism. In the paper, it is argued that the federal government will get 70% of the revenue share and national government gets 30% of the revenue share. This will result in a fiscal meltdown because national government will be left with the big ticket expenditure items: namely, foreign affairs and international diplomacy, defense, debt service and essential redistributive social services. So, I see nothing in the formula for federalism that will reassure me of fiscal sanity once we are at this form of government. The second point I would want to raise, I shall go through this very quickly, since I have only ten minutes is that federalism will negate the devolution of power to the local government units. This follows the law of unintended consequences and we have a living analogy that we can observe and this is the relationship between the MMDA and the Metro Manila mayors. There is a relationship of natural hostility. Because the MMDA, in order to increase its authoritativeness, we have to diminish the authoritativeness of the municipalities. Federalism basically creates 12 or 14 or whatever MMDAs. And having federalized, the federal or state authority or whatever it's called cannot draw its authoritativeness from sapping some more power from the local governments but will draw from the local governments, especially to finance another layer of bureaucracy. Third, I think the presentation ignores the fact that Mindanao has the highest per capita share of ODA today and the highest per capita share of infrastructure spending today. So we might be thinking of a problem that happened in the past and not a problem that is solvable in the present and is, in fact, being addressed within the present arrangement. The share of, the highest share per capita of ODA to Mindanao is at the expense of economic rationality, because the same unit of ODA invested, say in Panay Island or in Bicol, would have a higher return than investing it, for instance, in the ARMM. Fourth, federalism will add another layer of bureaucracy. I mentioned this in the presentation I made last week when we decided to empower the LGUs, we doubled the public sector payroll. And if we adopt a federal system of government, I think the immediate impact would be to double what has already been doubled, to raise the Local Government Code caused the inflation of public payroll from 800,000 to 1.6 million. And I fear that shifting to a federal form of government will create a public sector payroll of 3 million people which runs against the fifth item and this is the last. I'm glad that the presentation did point out that federalism will allow the regions to compete with each other by lowering taxation as a means for attracting investments.

Third, we are diminishing the share of national government while forcing national government to assume the big ticket items like major infrastructures, power generation, defense, diplomacy, debt service. And yet diminishing the capacity of the state to raise revenues through, by way of cutthroat competition between the regions in a mad rush to attract investments, we will de-tax the regional environment so that the aggregate revenue collection for both the local federal state and the national government will be diminished. To sum up, I think this is a fiscal nightmare. I mean, it's an intoxicating romantic idea for those who think that the frontier has been neglected against the facts of present economic reality, and second disenchanting idea overlooks the fiscal nightmare that could be caused. I want to be convinced that there will be fiscal sanity in this sort of arrangement. Thank you.

CHAIRMAN TEVES.

Thank you, Commissioner Magno. We're still in the forum part of this afternoon's session. We will proceed afterwards if we have satisfied everyone's concerns regarding the input of our guest who is not a member of our Commission. So, yes, Betty?

COMMISSIONER TABANDA.

Mr. Chairman, I was just going to ask if it is possible that the presentation on the proposals for federalism should be made? Because inputs and comments, reactions are already being given on federalism as a whole. If we will just stick to the Mindanao presentation we might have to repeat, they might have to repeat again the comments on federalism as a whole. Isn't it possible that the proposals, as per agenda, be presented. Then we will have a one-time interpellation, open forum so there will be no duplication, duplicity of thoughts being presented. Like the inputs of Commissioner Magno, I think would also apply to federalism as a whole, not necessarily to Mindanao alone. So that is my suggestion.

CHAIRMAN TEVES.

Yes, like I said, we are still in the, ah, no...

COMMISSIONER TABANDA.

Hindi, Mindanao muna.

CHAIRMAN TEVES.

Ito 'yong presentation ni Mr. Santos. That's right. So, like I said, we're still in the open forum. Those who wish to interact with the presentation of Mr. Santos, otherwise, we will proceed to. So in the meantime, by the way we've listed down two presentors for federalism in that portion of our session this afternoon, Dr. Abueva and Professor Jurado, and, ah, in favor of or against federalism, in favor of unitary, ah, Commissioner Rene Azurin and Commissioner Jerry Espina. So far, it's still open.

COMMISSIONER APOSTOL.

For federal we're five already, Mr. Chairman.

CHAIRMAN TEVES.

Yes.

COMMISSIONER APOSTOL.

We've five already.

CHAIRMAN TEVES.

Okay.

COMMISSIONER APOSTOL.

Chairman Abueva, Commissioner Jurado, Commissioner Bian, Commissioner Adamat, Commissioner Tabanda.

CHAIRMAN TEVES.

Okay.

COMMISSIONER APOSTOL.

Apparently, the last three are all from Mindanao.

(Laughter)

COMMISSIONER APOSTOL.

Marohombsar? Okay, that becomes six.

CHAIRMAN TEVES.

Are there still Commissioners who want to register for unitary system discussion or presentation?

COMMISSIONER APOSTOL.

Oo, kasama na yun doon. Now for unitary, we have Rene Azurin, Gerry Espina. And in the interpellation, we should include Commissioner Magno because he was all, is advocating unitary and criticizing federal.

CHAIRMAN TEVES.

And Commissioner Garcia was raising his hand and you are, you are registering, ah, against federal. Yup, okay. Commissioner Seno, ah, you're responding or reacting to the presentation earlier.

COMMISSIONER SENO.

To the presentation.

COMMISSIONER TEVES

Ah, okay. Please, you have the floor.

INTERPELLATION BY COMMISSIONER SENO

COMMISSIONER SENO.

Thank you, Mr. Chairman. First of all, I would like to apologize for coming in late but I'm very much interested in the, ah, agenda that is being taken to account in today's conference. I have just caught up portion of the presentation of Mr. Santos who is Chair of the Mindanao Business Council. And I'm very much, ah, of course, aware of the concerns that had been expressed by other sectors of society, especially, the link of federalism to the peace and order situation in Mindanao. I was expecting some comments in this area in the presentation of Mr. Santos that setting up or adopting the federal structure or federalism will contribute a lot towards the attainment of peace and order in Mindanao., which is really a very elusive goal since then and even until now.

Can he present to us the linkage or there is, ah, good possibility that if federalism as a structure will be installed or adopted, we will eventually have peace and order in Mindanao. May I ask a comment on this, Mr. Chairman?

CHAIRMAN TEVES.
Mr. Santos?

MR. SANTOS.

Actually. Ah, Sir, Commissioner Seno. Well, we believe that through federalism, we'll be able to fast track the peace process. You know, like in our case, you'll notice in my presentation, I had a dialogue, just recently, last July 17 of this year, I had a long talk with Chairman Murad. He called for me when he learned that we were pushing for federalism. So he said, you better come I want to talk to you. So we had a lengthy discussion, including the ancestral lands that they were claiming. So, but first I told him, you know, we're doing this because we believe that the, if we do this, Mindanao can be more progressive. And he said, you know we had been asking for this long, long time ago. And we are happy that you, the Christians here in Mindanao, are now looking into that. I said, we're doing this not only for the Christians but for the Muslims also. And because we have been, this Mindanao, they claim, some claim that it is owned by the Christians. No, I said, no. Mindanao, that's the reason why Mindanao was called Mindanao because of Maguindanao. And Maguindanao is the biggest tribe, Muslim tribes in Mindanao. That's why they are called Maguindanao. That's the very reason why Mindanao was called Mindanao because of Maguindanaoans. If you look at the history of Mindanao, it had always been populated by the Muslims. The Christians started coming in only during the early 1900s. And by the time, by 1950s, the Christians were already, the population of the Christians was more than the Muslims. But then, since the Muslims were not really properly educated and that is the very reason why. One of the reasons why they're fighting, they started fighting or fighting our government was because they believe that they were not really taken cared of by the government. But I keep on telling them, most probably, it's not the fault of the government. Maybe it's the fault of your politicians. Because their politicians before, were really, were practically, ah, they made it their own business. They made politics as their business. So ang nangyari dyan, eh yung mga services na dapat i-deliver sa mga Muslims were not delivered. But still, ang akala ng mga common Muslims na ang may problema dito ay ang gobyerno. So in-explain namin sa kanila. But still, marami dyan kasi na, lalo na sa Maguindanao and the other Muslim areas like Lanao and Sulo archipelago areas na talagang, ah, they were left behind, especially on development. Even sa education masyado silang parang, talagang, ah, masyado silang behind. So sa kanila, sabi nila na, if this, if the political system will also be changed, then at least they have a better future for them. And, sila naman sabi nila, we respect yung mga Christians na nandito na ngayon sa Mindanao. We're not telling them to get out even though we know na dapat amin lang ito, because this is ours. This is part of the Philippines now. But, in fact, the truth of the matter was, ah, even during the Spanish and the American time, the Muslims never surrendered to the Spaniards or to the Americans. And because of this, yung ating, ang Amerika nga was forced to invent a new gun which is the 45 dahil hinahabol na sila nung mga Jolohano, tinataga sila. You see, these are the things that we in Mindanao want also to solve, especially yung nga Kristiano dyan, because we had been living harmoniously with our Muslim brothers there. I am from Cotabato City, ah, but my family is already intermarried to the Muslims. But we are living a very harmonious life. I have been doing business in Cotabato City and we're doing alright. Ang problema lang namin, because of the problem of Maguindanao province and Cotabato City is right in the center of

Maguindanao province, affected kami. And this is the very reason why, when I took over as Chair of the Mindanao Business Council, the first thing I did was hanap kami ng mga projects na pwede kaming tumulong sa mga Muslim brothers namin sa ARMM. We were able to get a project worth 14 million from, ah, this is a US funded project, USAID funded project but being undertaken by the Save the Children Foundation. This is an American, ah, American contractor. So what we did, luckily we were able to get that project. So ang focus namin is yung training ng out-of-school youth sa mga Muslim communities. And this training is as far as Tawi-tawi. And we have been doing this for the past one year. And this project is, actually for four years, but what we did was to accept first, the, yung two years muna. Tingnan namin kung effective ba, very effective. Meron kaming isang training, yun lang repair ng cellphones. Imagine, all of a sudden yung mga Muslims na naturuan, immediately they became entrepreneurs. And because of that, yung additional trainings namin in other communities, Muslim communities, always sabi nila kami rin gusto namin matuto kung papano mag-repair ng cellphones.

CHAIRMAN TEVES.

Commissioner Seno? Commissioner Seno, are you satisfied with the answer already?

COMMISSIONER SENO.

Mr. Chairman.

CHAIRMAN TEVES.

We will proceed to the next one, unless there are still reactors to the presentation of Mr. Santos? Yes, follow up, short...

COMMISSIONER SENO.

Yeah, can I have a follow up question? Thank you very much, Mr. Santos. In the course of your response or comment to the questions that I raised, you mentioned about education and the state of education in Mindanao. As one of the concerns that really have to be addressed whether Muslim Mindanao in a federal state can only really participate effectively in governance because of the state of education there in Mindanao. I just want to be enlightened on what stage are we in now in so far as the level of preparedness of Muslim Mindanao in federalism where there will be self-governance?

CHAIRMAN TEVES.

Can we do a short response, Mr. Santos?

MR. SANTOS.

Well, ah, right now, it's not that well, government is there helping, but then I will be very frank with you, even foreign countries now are helping educate our Muslim brothers because they are also sincere in doing or helping us because they know that is one of the main problem or the reason why the Muslims are, have been fighting for.

CHAIRMAN TEVES.

Thank you, so much, ah, we would like to express our appreciation to Mr. Tony Santos and Mr. Romy Sierra of the Mindanao Business Council for having given their time here.

COMMISSIONER ESPINA

One question to Mr. Santos.

COMMISSIONER ADAMAT.
May I just react?

CHAIRMAN TEVES.
Okay, sige, so I hope Mr. Santos, Mr. Sierra, you don't mind. Meron pang mga gustong mag-respond. Okay lang?

MR. SANTOS
Yes.

COMMISSIONER ADAMAT.
Please.

CHAIRMAN TEVES.
Okay lang?

MR. SANTOS
Sure, sure.

CHAIRMAN TEVES.
Mr. Adamat and then Mr. Espina

REACTION BY COMMISSIONER ADAMAT

COMMISSIONER ADAMAT.
Thank you, Mr. Chairman. May I just react to the statement of the gentleman, who is my kababayan from Cotabato City, that he made mention about the only people that existed in Mindanao were just Muslims and the Christians or the Muslims for that matter. He lost sight of the presence of the indigenous peoples or the lumad. Because if I'll go back to history, Mr. Chairman, before the arrival of the Islamic faith way back in the 12th century, there was only one type or classification of people in Mindanao. Those were the non-Muslims or neither they are Christians, were there Christians. And these were the lumads or the indigenous peoples because, for your information, there are two types of indigenous peoples in this country: the Islamized and the non-Islamized, which I happened to be classified with. May I just inform the good speaker that I belong to the Duray tribe of North and South, and for that matter, there are around 30 plus indigenous peoples in Mindanao. I'm referring to the non-Muslim ones. So that, if I may, ah, actually I was in the list of those who would like to say something earlier

CHAIRMAN TEVES.
Yes. But we'll have to, ah, go back at that point. In the meantime, I think if Mr. Santos would just like to acknowledge that then we can already proceed.

COMMISSIONER ADAMAT.
Yes. Just for the record, Mr. Chairman.

CHAIRMAN TEVES.
Yes.

COMMISSIONER ADAMAT.

Because we should not lose sight of the presence and existence of the indigenous peoples who are, have also been clamoring for a federal system of governance, which will certainly be their clamor if only to, ah, put forward their long marginalized situation in that part of the country.

CHAIRMAN TEVES.

Well taken, Commissioner Adamat, well taken. Yes?

MR. SANTOS.

Can I, ah, answer that, ah, my apologies, Commissioner Adamat. It was not I, I, I forgot because practically in all my presentation, always the indigenous was there. Maybe I was just touched by my speech that I forgot to mention. But my apologies again.

CHAIRMAN TEVES.

Thank you. That's on record also. Commissioner Espina?

INTERPELLATION BY COMMISSIONER SENA

COMMISSIONER ESPINA.

I would just like to pursue the question raised by Commissioner Seno on how a shift to the federal system will solve the peace and order problem in Mindanao. In what manner, and peace and order is important because that is one of the ingredients that bring about good economy. Because when you have peace and order, people would be encouraged to invest and to even expand their investments. You mentioned earlier that the Muslims did not surrender to the Spaniards, did not surrender to the Americans and it seems they did not surrender at all since then. How does the federal system envision to solve this problem of peace and order in Mindanao and not only in Mindanao but in the Southern Tagalog, in the Bicol region, where you have NPAs, in the Eastern Visayas as in Samar. How would a shift to a federal system improve not only the peace and order in Mindanao but all over?

CHAIRMAN TEVES.

Mr. Santos? Mr. Sierra.

MR. SIERRA.

Thank you, Mr. Chairman. My Chair has given me the opportunity to respond to that. I think, before, I would like to answer that by raising a question. Has the present system of government solved the peace and order problem? I think the communist insurgency has been there for the last 30 to 35 years and the present system has not solved the problem, and ah...

COMMISSIONER ESPINA

You are proposing a shift. You explained to us...

MR. SIERRA.

Yes, that's why I'm saying that, if given the opportunity and localize the resolution to the local problem, like say, in Mindanao, that would give the different states an opportunity to deal with their own local respective insurgence in their respective states. And since everyone will be given a chance to have self-determination and if they have to do it by

themselves and make sure that they can provide good, good future, good governance, and good socio-economic and equitable development in their respective states, then, they will have no other choice but to deal with their own respective problems. Thank you, Mr. Chairman.

COMMISSIONER ESPINA.

Mr. Chairman, thank you. But as I said, this might lead to, what I called yesterday as the revolution of rising expectation, where you raise so much hope that this is going to be the solution to a centuries-old problem and then it does not. Let's just put it on record that I will not be a part of that. Thank you.

CHAIRMAN TEVES.

Commissioner Bello first, and then, Commissioner Loloy Romualdo.

COMMENTS OF COMMISSIONER BELLO

COMMISSIONER BELLO.

Thank you, Mr. Chairman. I am just a sit-in member of this Committee but I'm quite concerned about what I have heard because the peace and order is one of the primary consideration for any development in the area. As of now, what exists in Mindanao is a problem on the relationship between the Christians and the Muslims. And the relationship with the MILF remains to be on a ceasefire condition for a long time already. And there seems to be no light at the end of the tunnel. So if you propose a federalistic kind of government, can we really resolve all the problems of the Abu Sayaf, the MILF, and it's a good thing that we were able to neutralize already, ah, Nur, The Moro National Liberation Front. And I see it as a formula to facilitate the dismemberment of the Republic because if you look at the agenda of the MILF and the MNLF, it is complete separation of the Republic. So if we go into federalism it might be a formula, as I said, a prescription for dismembering the Republic. So federalism, at this point in time, is too much too soon. We might have to wait for a gestation period of strengthening the local government and the bureaucracy there in the South as well as, even in the Bicol Region, as mentioned here where the National People's Army is also very well and widespread, Mr. Chairman.

CHAIRMAN TEVES.

Thank you for that observation. Salamat. Commissioner Romualdo, please. And then Commissioner Marohombsar.

COMMENTS OF COMMISSIONER ROMUALDO

COMMISSIONER ROMUALDO.

I understand, Mr. Santos was in Davao when there was that spontaneous response of the local government in July. You were there, sir?

MR. SANTOS.

Yes, I was there.

COMMISSIONER ROMUALDO.

Yeah, you were there. Then we had a talk with all the governors from Mindanao, city mayors and then the municipal mayors. Spontaneous, no? It was just through text. There was, I think within only three days all of us were there. And you know what, the

first reaction, let me use the word Muslim, but I am against using the word Muslim. Let's identify our brothers and sisters according to the place were they ought to be, like Maranao, from Lanao, Tausug. Because if you mention the word Muslim, that's only the followers of Islam. We, you and I, are not saying I am a Christian. I'm a Camiguinon. So I think foremost, lets identify ourselves not through your following in religion. Perhaps that can click. But let me point out that during that pow-wow we have among all governors, the reaction of the Muslims, pardon my words, for using the word Muslim governors, why do we go into federalism? You want us to kill one another? Because it's a fact, with due respect to our good friend here, the former president of MSU, the Maranaos cannot see eye to eye practically with Tausugs. Tausugs cannot see eye to eye with Maguindanaoans, etc. And that's the reason there was only one arm struggle, the MNLF. Then Nur Misuari came, he was the leader, a Tausug. Then he favored the Tausugs. So let's look at the problem that way. So the Maguindanaoans and the Maranaoans separated from the MNLF. The bulk are Maranaoans; the bulk are Maguindanaoans, MILF this time. Believe you me, if we will be successful in having peace talks with MILF, then the group of Maranaos will form another group. This will be a vicious cycle. That's why the governors said they cannot survive, like Governor Akbar and Mangundatu, that if we go into federalism because they will be killing one another, each one another. Those were the statements. But the next pow-wow we have at Bukidnon, it was the Chairman of MNLF, si Mayor Sali. He made another tune. So everybody just listened to him, that they favor federalism. So in short, I'm here, being with the Governors League and in fact, it's the consensus among governors that let's go into strengthening local autonomy. Unitary, parliamentary, strengthen. To me, that can solve. Not really the shooting in our area but in fact I hate, we use the word Mindanao. We go to specific areas because Mindanao is a huge island. In my province, we don't have shooting only, nakawan ng niyog, to bet in the illegal numbers game. Those are the major crimes in my island. It's so peaceful. So if you use, that's why I'm tempted to use the gimik of Cebu. Cebu, an island in the Pacific. So I wanted to use Mindanao, the island of your imagination, better than Cebu.

(Laughter.)

COMMISSIONER GARCIA
Agree.

COMMISSIONER ROMUALDO.
See? Because you use the word Mindanao. We forgot geography already. We do not know geography, that's the reason. You love as all as Mindanao. Let's say Basilan, Sulu, some areas in Cotabato, the Cotabatos or Maguindanao, not the entire Mindanao. Davao is very peaceful; Bukidnon is very peaceful; all western and northern Mindanao are peaceful places. See? So lets...

CHAIRMAN TEVES.
Thank you, Commissioner Romualdo.

COMMISSIONER ROMUALDO.
Thank you very much.

CHAIRMAN TEVES.
Commissioner Marohombsar, please.

COMMISSONER APOSTOL

Comment, comment, comment, ah, point of order.

COMMISSIONER ANGELES

I think it's peaceful in Davao because of the mayor.

(Laughter)

COMMISSIONER BIAN

No, no.

COMMISSIONER ROMUALDO

Disagree. The Davaoños are really good people

COMMISSIONER BIAN

Peace-loving people.

COMMISSIONER ROMUALDO

Loving, sweet and maamoy kagaya ng durian.

(Laughter)

CHAIRMAN TEVES.

Commissioner Marohombsar, please.

COMMENTS OF COMMISSIONER MAROHOMBSAR

COMMISSIONER MAROHOMBSAR.

It's true that the Mindanao, the so-called Muslim problem has been with us for more than 500 years, and is still with us up to this time. When the Spaniards, came as mentioned by Commissioner Espina, they tried to Christianize; they wanted to Christianize the Muslims. And of course, the Muslims resisted because, according to the Muslims' claim, that Islam has antedated Christianity in Mindanao for more than one hundred years. So why should they give up their own culture, their own religion? The Spaniards wanted to Christianize them in order to assimilate them into the cultural mainstream. When the Americans came, their, they adopted the same policy as the Spaniards only without the religious overtones. They adopted the so-called carrot and stick policy or the policy of attraction. They educate, they introduced education to the Muslims although the Muslims were still very suspicious and the sultans did not send their children to school because they suspected that they might be Christianized. The, ah, the Americans introduced a lot of development projects and still the Muslims were suspicious and they fought. When the Americans left the country, the Muslim problem erupted again. And, ah, the rebellion in the south became very insistent and the rebel, ah, movement, the MNLF, was headed by Nur Misuari. And during the, ah, during the wars, the so-called Muslim wars or Muslim rebellion, over 80,000 people died in that war. And so during the administration of President Ramos, a peace agreement was signed between the MNLF and the national government. But immediately after the signing of that agreement, as mentioned again by Commissioner Espina, another group came out, this time the MILF headed by the, ah, Salamat, by Salamat. Yeah, Hashim Salamat. When President Estrada became the President, he stopped the negotiations with the MILF. I was a member then of the peace panel representing the government side. And, unfortunately, although we signed three

ceasefire agreements with the MILF that was never, the ceasefire agreement has been continuously violated and, ah, three days after the last agreement, the third agreement was signed, the military attacked the, ah, the place, Camp Abubakar, yes, and President Estrada declared war against the MILF. When GMA became President, she revived the peace talks and up to now, the peace talks are still ongoing. I do not know how far, how much these peace talks will achieve. But this much I can say, that the, perhaps if the peace agreements have all the time been violated, it is because there is no broad parameter or no system of government that allows for tolerance, cultural tolerance and co-existence, peaceful co-existence among the diverse cultural groups in the Philippines. And we believe, we strongly believe that the military solution will never solve the so-called Mindanao problem. More and more people will die and development will be greatly affected. We believe that the adoption of the federal system is the only legal, feasible and constitutional means of dissipating the unrest in Mindanao.

COMMISSIONER APOSTOL.

May I interrupt the Commissioner? May I interrupt the Commissioner? Are you already delivering your presentation towards a federal system?

COMMISSIONER MAROHOMBSAR:

I am answering at the same time delivering, if you don't mind.

CHAIRMAN TEVES.

Thank you, Commissioner Marohombsar. Maraming salamat po.

COMMISSIONER GONZALEZ

Teka, di pa tapos.

COMMISSIONER APOSTOL.

Then allow her to finish her presentation, so that, she is listed to present, so that will be, this is the...

CHAIRMAN TEVES.

Oh, I thought you were...*(laughing)*. I thought the Floor Leader was already cutting into her, ah, so please conclude.

COMMISSIONER MAROHOMBSAR.

Although there are still groups of Muslims who believe in, that the only way they can solve this so-called Mindanao problem is through independence. We have to accept certain realities on the ground now, that these different Muslim groups are fragmented. The OIC is no longer, does not anymore want to support any separation movement. The Americans also are now running after terrorist groups or insurgents who might be labeled as terrorist groups. So the only way perhaps is through a federal system of government because if the Muslims can be given their own federal state where they can implement the so-called Shariah Law where they can adopt the teachings of the Koran and the Hadis and they can have control over their development. They can manage and control their natural resources. I'm sure, ah, they will give up their aspirations for independence, eventually give up their desire for independence. So I think by adopting a federal system we would be able to solve the so-called Muslim problem which, for sometime now, eluded us. The solution of which has eluded us for sometime.

SUSPENSION OF MEETING

COMMISSIONER APOSTOL.

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

CHAIRMAN TEVES.

Yes. Five-minute recess. In the meantime, can we thank the Mindanao Business Council leaders who have been generous in giving their time with us by sharing. Mr. Santos, Mr. Sierra, salamat po.

(Applause)

MR. SANTOS.

Thank you.

It was 4:05 p. m.

RESUMPTION OF MEETING

Session resumed at 4:17 p. m.

CHAIRMAN TEVES.

Session resumed. May I ask the Floor Leader please, ah, inform the body about the line-up of speakers for federalism, those for unitary and just as information. Mr. Floor Leader, ah, Dr. Abueva has asked to be called last on the side of those for federalism. He is still in press conference. Thank you.

COMMISSIONER APOSTOL.

For federalism, Chairman Abueva, Commissioner Jurado, Commissioner Bian, Commissioner Adamat, who has just delivered his piece already, Commissioner Abarico and Commissioner Marohombsar. She has also delivered her speech. But you will be included in the interpellation. If they will direct their questions to you, you have to answer. On unitary, we have Commissioner Rene Azurin, Commissioner Gerry Espina, and Commissioner Garcia. Included here in interpellation should be Commissioner Magno because he is in favor of unitary. So we will begin now with the federal. First presenter is Commissioner Jurado.

By the way, the rules are still the same. Interpellations will only be entertained after all the speakers on one side have delivered their speeches and then, time limit for each presenter is 15 minutes, then interpellation for, the interpellator three minutes and then the answer maximum also three minutes. Usually, the interpellator delivers his speech before asking the question. Commissioner Pedrosa?

COMMISSIONER PEDROSA

I'll be for federal.

COMMISSIONER APOSTOL.

You are for federal?

COMMISSIONER PEDROSA

Yes.

COMMISSIONER APOSTOL.
According to you, you're just an interpellator. But I will include you.

COMMISSIONER PEDROSA
Yeah, interpellator.

COMMISSIONER GONZALEZ
Three minutes ka.

COMMISSIONER APOSTOL.
You have three minutes.

COMMISSIONER PEDROSA
Now already? Ngayon na?

COMMISSIONER APOSTOL:
Commissioner Jurado has the floor.

COMMISSIONER ADAMAT
Mr. Chairman, clarification?

CHAIRMAN TEVES.
Yes, yes.

COMMISSIONER ADAMAT
I'm in a quandary if this is a period of interpellation, whom shall we address the questions if in case? The speakers have all gone.

COMMISSIONER APOSTOL.
We are now on the second part, presentation of the sides on, the presentation of the proposals. So after the presentation of the proposals on one side, like the first one towards a federal Philippines, then we will open the interpellation. But the presentors are still around. The one that left, was the one, our guests, which we invited.

CHAIRMAN TEVES.
Yes.

COMMISSIONER APOSTOL.
Of course, Commissioner Paterno is still here because he included himself to be a guest.

(Laughter)

CHAIRMAN TEVES.
Yes, Commissioner Adamat. What did you have in mind?

COMMISSIONER ADAMAT.
Further clarifications. Who is supposed to speak on the item towards a federal Philippines?

COMMISSIONER APOSTOL.
I have here the list.

CHAIRMAN TEVES.
Yes, he has mentioned the kuwan already. There are seven, I think.

COMMISSIONER ADAMAT.
Ah okay.

COMMISSIONER APOSTOL.
Seven.

CHAIRMAN TEVES.
Yes, sir.

COMMISSIONER ADAMAT.
I must be one, I must be one of them if that list would be the basis for the speakers.

COMMISSIONER APOSTOL.
Of course, but you have delivered already your piece, so...

COMMISSIONER ADAMAT.
No, no, no, no, but I have to...

CHAIRMAN TEVES.
That is not, ah, the piece yet on federalism.

COMMISSIONER ADAMAT.
That is not the final...

CHAIRMAN TEVES:
Ah, only 50%, ah okay.

(Laughter)

CHAIRMAN TEVES.
So appeal accepted. So Commissioner Jurado has the floor.

PRESENTATION OF COMMISSIONER JURADO

COMMISSIONER JURADO.
Thank you very much, Mr. Chairman. I tried to put my thoughts down because I thought such a way of proceeding will economize on time as well as enable me to really focus on the ideas that I wish to convey. With respect to time, however, I tried to be governed by the same consideration yesterday. But it happens that the four and a half pages that I prepared which I thought will, can be presented within the bonds of the 15 minutes given by the Floor, by Floor Leader, as it turned out, they exceeded the time limit. So this time...

COMMISSIONER APOSTOL.
Do not exceed.

COMMISSIONER JURADO.

The presentation is much shorter, two pages. When we speak of federalism we must, as pointed out by those who have studied the subject related to unitarism, the concepts relate to a structure of government, a structure that has political and geographical dimensions. The issue in front of us is which structure will best serve the interest of our nation. For those who are persuaded to the virtues of federalism, the temptation is strong to severely criticize the unitarism for its concentration of power in the center and its consequent neglect of the periphery. Indeed, for its apparent condition that only the center matters, the regions, provinces and municipalities do not. It is a fact that this imbalance expresses itself most unmistakably in the field of economics where all the resources flow to the center, where the areas outside of it are drained of their riches and receive very little in return. Where they do receive a recompense for what is in fact due them, the subordinate areas are expected to bend their knees to the center and express to it, pardon the rhetorical flourish, and express to it appreciation and gratitude. These criticisms are well founded but they can be contradicted in my mind successfully by those who would want to defend the unitary system. These arguments overlook completely many advantages that flow out of unitarism. The unity, for example, that is precisely forged from the diversity that characterizes our nation; the placement of many competing provincial requirements in the perspective of the limited resources of the whole country; the formation of balanced judgments based on national interest, however unfair some of the aspects of these to those removed from the center. And also lastly, the projection and representation of a strong and united people in the community of nations. The arguments for or against unitarism and for or against federalism are difficult to resolve when debated at the political level. Resolution is somewhat easier when the issue is cast in geographic terms specifically in the framework of Location Theory in economics.

As it turns out, even without Location Theory, however, we have in fact been sliding towards federalism in the last two decades. Steadily, our laws have recognized the need for devolution, decentralization, local autonomy, regionalization; measures that are intended to mobilize the benefits of location to the delivery of goods and services to the people. In this context, a shift to federalism is nothing but a logical continuation of a political trend that we already have initiated and promoted in the last two decades. In addition, I would like to argue in favor of the shift on local grounds. In Location Theory, an activity is resource-oriented when, on grounds of sufficiency, it is better located close to the source of supply. Example, the headquarters and main production plant of a gold mining company is better located close to the gold mine and not elsewhere. Imagine what it will cost if the dirt is hauled all the way from Marinduque to Manila just to seize the gold from it. The security cost alone will be staggering. On the other hand, an activity is market-oriented when, on efficiency considerations, it is better located close to the people who need its goods and services. For example, the production plant of a softdrinks company is better located close to the people who patronize it. It is cheaper to deliver softdrinks to the people of Pampanga from San Fernando than from Manila or for that matter, to the people of Davao from General Santos than from...The activity is footloose when location does not matter. I believe that location-wise, if on this ground alone, a federal system will be more efficient in delivering to the people of our country the public goods and services that they require. Public goods, I

emphasize “public,” public goods and services as distinguished from private goods. I have to be very careful because I see my friend Azurin listening there.

(Laughter)

Public goods, these are very clear definitions but I will reserve those definitions for the debates in the Committee on the National Economy when the time comes, public goods and services are market-oriented. What are these public goods and services? Nevertheless, let me give a one sentence answer to that question. A good is considered public when it is not subject to the exclusion principle, that is, when its benefits accrue to everybody including to those who did not pay for it. Such being the matter, there is no point for private sector to produce it because those who will not buy will receive the same benefits as those who will buy the product. That is a public good. A public good, however, is necessary if it is not produceable by the private sector. The government must produce it. What are these public goods and services? These include: medical facilities, we want to save the lives of our people whether they have the money or not; educational institutions, we want to lift them from the abyss of illiteracy even if they cannot afford it; public order; transportation and communication; and, so on. These must be delivered to the people. The closer the delivery of the source, the closer the delivery source, the better for the recipients. The faster, the better. This explains, the faster, the better. Just a minute. Okay, anyway, anyway. Oh yeah. This explains why roads and bridges that are removed from Manila are in a worst state of upkeep than those close to it. Why? Even in an emergency situation, relief goods and other forms of assistance take a long time to deliver. At another level, the same amount or quantity of resources, whether physical or financial, can serve more people, when administered from, can serve less people when administered from far away than when administered from nearby.

Yet other advantages arise from the mere fact of federalization. If federal states are found or founded as they should be, on the basis of the community of culture, religion, traditions of people, they would enjoy the benefits of unified viewpoints and unified actions of the people they represent. I think I could pick up passage after passage from this presentation of Mr. Santos showing why apparently the beliefs, the convictions, the culture of many of our brothers in Mindanao seem to appear to be even beyond the understanding of people in Luzon, such a misunderstanding becoming the basis for a considerable amount of anti-people actions. Now, now, such advantages of federalism will in fact include a facilitation of physical action, both on the revenue side and on the expenditure side. I was rather astonished to hear my dear colleague, Commissioner Magno, describing the fiscal situation that could arise out of federalization effort to be chaotic. The fiscal problem is rather minor as a matter of fact. The reason it is minor is that a committee already happens to have been formed by colleagues who believe in federalism and the issue has been investigated up to an extent and it can be shown very easily. Far from giving rise to fiscal chaos, in fact, it's rather simple but I will not go into that. Alright, so it will facilitate fiscal action on

the revenue side and on the expenditure side. On the revenue side, taxes will be easier to impose and to collect because in the regions, taxes are always based on the first principle of capacity to pay. Who will know the capacity to pay of local people than the local officials themselves? Here, we are assuming that local officials will be interested in building what, well, I'm an economist, I seem unable to think when I don't see facts. We're interested in LGUs building their database so that intelligent decisions can be made, decisions that will be beyond dispute at the political level. Now, taxes will be easier to impose because we know better, rather, the federal people will know better the capacity of people on the ground level to pay. And easier to collect because those who will pay the taxes would more or less to trust better people they know, governments with whom they're acquainted, not bureaucrats in far away places described by the media as really the collection of no goods, no good people.

On the expenditure side, this is allocation. The budget will be allocated more in accordance with the local people's priorities. Who will be in a better position to know the priorities of the community than the leaders of the communities themselves? The unitary, the central government in a unitary system in this respect suffers from a disadvantage as well as enjoys an advantage. The advantage is that, as I already have said, from the national viewpoint, balance is important. Somehow, there has to be some uniformity of treatment. And in this attempt to achieve uniformity, those among the regions that are in a position of disadvantage really feel aggrieved because they are treated, more or less, as though they were equals. Now, this grievance justified as it is at the national level is more easily solved in a federal system because the federal states/governments will know the priorities of the communities and the national federal government, I will argue, describe it later, if it follows the outlines that I have in mind for it, will be in a better position to respect the priorities established by the states.

CHAIRMAN TEVES.

Mr. Floor Leader, I suppose you are keeping time.

COMMISSIONER JURADO.

I am not, I am not, Mr. Chairman. I have only two more paragraphs here. The thing is I'm struggling to read my own handwriting.

(Laughter)

Alright. May I know how much, how many minutes?

COMMISSIONER GONZALEZ

Fifteen.

COMMISSIONER ESPINA

Mr. Floor Leader.

COMMISSIONER APOSTOL

Two more minutes, if you can read it.

COMMISSIONER JURADO.

I'll strive for two more minutes, if I can read it. Alright. This way of arguing seems to suggest that attention must be focused on the federal states. Wrong. The national federal government must be strengthened. The establishment of the subordinate systems/authorities, the strengthening of those authorities must proceed but the center must be strengthened as well. Is this politicking? The answer is not. Commissioner Espina, in an earlier debate, already had said that viewed from the perspective of a positive sum situation, all these can be met. Well, this is a language in game theory, if the pie is expanding in size, the share of everybody can expand without the share of anyone being diminished. In the context of the federal system, the resources that can be reached are a multiple of those that are now being reached now. That being the case, a lot more resources will be available to the national government for it to carry out its unmistakable duties and to the federal states, to carry their own responsibilities. This enumeration of responsibilities described to pertain to the local government do not include national defense, foreign affairs, monetary affairs, and we can add at this time, the national debt. The public goods of the first order, those enumerated, are public goods of the first order. Meaning, they acquire precedence over other public goods. National defense, those among us who will raise their hackles because so much is being allocated to the military. In fact, those will also be saved just like those who will pay taxes to support the police, an armed force. In the event an invasion occurs and our armed forces are brought forward to defend us, the control and administration of these public goods must remain at the center, must remain at the center. In other words, the point here is that, devolution to the federal states to strengthen the federal states does not mean a weakening at the center. One of the principal objectives of any attempt at federalization must be that the center must be strengthened. The issue that has been raised by some colleagues somewhere about the danger of fragmentation is a very real one. When the states would have attained the status of autonomy, almost possessed practically of all powers except those limited to the national government, it is but a little step to argue that we might as well make this thing complete. That point to the sponsors of federalism, that is an argument that must be answered to the satisfaction of all. Well, that ends my presentation, Mr. Chairman.

CHAIRMAN APOSTOL

Thank you very much. After struggling very hard to read, you were able to finish.

(Laughter)

COMMISSIONER APOSTOL:

May we call now Commissioner Bian.

PRESENTATION OF COMMISSIONER BIAN

COMMISSIONER BIAN.

I was just telling myself that Commissioner Jurado had said it all already. But anyway, my inputs, this is not actually a formal paper. My inputs would be one that, in my capacity as a business person in Mindanao and in my other involvements. I have been all over Mindanao working with both business sector, women and the youth. These are just some very basic thoughts that I would like to share with you. One is the call of

majority of the people from Mindanao is really for a change in government. We know that federalism may not be the perfect structure but at least we know it's a better structure for us in Mindanao. One, for my colleagues in business they will present to you, the cost of doing business is very high for us in Mindanao because of too much centralized power in Manila. You often hear the word "Imperial Manila" over and over and over again. Why? For major decision-making, most of us, 90% of us in business have to fly all the way to Manila. For major advocacies that we need to do, we have to come all the way to Manila. And then good if our going to Manila would elicit positive response. Sometimes, it's even no response at all. So we're again on status quo. Second is, there was earlier talk about peace, the war in Mindanao. I don't think we could just reduce this to just Muslims, Christian, IP war. It's not as simple as that. We look at it more as an issue of empowerment, economic empowerment, access to health services, access to education, access to health, etc., which if you live in Mindanao, I don't know if any of you have been to Mindanao, have been to areas, Sulu, Basilan, Tawi-Tawi, you could see the widespread neglect of people in Mindanao. There's just too much centralized power here. Second, another thing is, we're not asking for more. There was a mention earlier by my colleague, also Alex Magno saying 70-30, it would result to fiscal chaos, etc. What Mindanao is just asking is equitable share. We're not asking for more than what we need, we're just asking for what we think is rightfully ours in terms of what we contribute also to the national government. For instance, for the past many years, I think still during the time of Secretary Paterno, we have been asking for a higher budget in terms of agriculture. We're asking for 32% because ironically they say we're the food basket of the Philippines but how could we be a food basket when we receive only a measly 16, 17, 18%? Not enough for us to be able to supply the food of the entire country. That has been the advocacy of the Mindanao Business Council for the past 10 years and nothing has changed until today. There was also a mention of ODA. Well, it's true. Mindanao receives a huge amount of ODA per capita. Yes. But isn't that an admission of the national government as well as our foreign partners that indeed there's poverty; there's widespread neglect again in Mindanao. And then, also in terms of access to basic services as I've said again, I think what's happening to Mindanao is there's widespread discontentment. The Muslims, the different tribes of the Muslims, the IPs, even the Christians are feeling discontented. I don't know how many of you know that out of the 24 poorest provinces, 14,16,17 are in Mindanao for the past many years and it has not improved. So we look at federalism as the only hope, as a fighting chance so you can see all. This has been a continuing advocacy of Mindanao in the past 10 years and we're very happy that today, we have reached such a very high level of appreciation and a support swelling from the ground up and saying, if you want sustainable peace and continuous development in Mindanao, then federalism is the answer. Thank you very much.

COMMISSIONER APOSTOL.

Thank you, Commissioner Bian. Now, for 50% of his speech, we now listen to Commissioner Adamat.

COMMISSIONER ADAMAT.

Mr. Chairman, how much time is 50%?

COMMISSIONER APOSTOL.

Seven and a half.

COMMISSIONER ADAMAT.
Seven and a half. Can I ask for 10 minutes?

COMMISSIONER APOSTOL
Okay.

PRESENTATION OF COMMISSIONER ADAMAT

COMMISSIONER ADAMAT.

Thank you, Mr. Chairman. I would like to speak, Mr. Chairman, as a Mindanaoan and as a peace advocate. You know I have a humble achievement. I put this book together wherein the embodiment of the advocacies of the indigenous peoples are here entitled, "In the Eyes of the Sun: The Indigenous Peoples' Last Frontier." Now, in Chapter 7 of this book, I'm looking to, by the way, I'm looking to Ambassador Yuchengco because I'm tempted to solicit his benevolent contribution, benevolent heart, for me to be able to produce or publish this book. Anyway, I reserve that later on, Mr. Ambassador, subject to your approval.

In Chapter 7, if I may continue, Mr. Chairman, it states thus, "Federalism and Cultural Solidarity: Catalyst for Peace and Development in Mindanao." If you listen to the previous speakers, majority of whom are from Mindanao, they are suggesting or they are centering to the issue of peace and development for Mindanao. Now, if I may be allowed to read some of this, the text of this book on this chapter, Chapter 7. It states thus: "The need for a federal form of government is urgent especially during this time of globalization, according to some progressive groups in Mindanao. The vast majority of people in the regions have also shared these sentiments as an alternative option to the separatists' demand for independence." I would like to repeat that, "alternative option to the separatists' demand for independence." And, to proceed, Mr. Chairman, let me state some of the significance of federalism. "It is noteworthy to state the following as the basis of federalism based on the prevalent sentiment of most tribespeople in Mindanao:

1) A federal form of government will equitably diffuse the wealth of the Philippines as a nation. With this, political power will be shared and dispersed down to the grassroots levels.

2) A federal government will truly empower the people of the country, especially the tribe people in Mindanao.

3) A federal form of government encourages the people to unleash their creative energies for self-reliance to achieve maximum political and economic freedom.

4) A federal government seeks to fully empower federal states for global competitiveness.

5) A federal form of government is appropriate for a pluralistic society like the Philippines. People of different persuasion and ethnic cultural diversities would be governed through the federal form of government.

6) A federal form of government will dismantle Malacañang's imperialism as it stops dependency of local government units upon a highly-centralized government. With this, development will be equally and equitably shared in the countryside.

7) A federal form of government minimizes, if not totally stops, suppression of indigenous peoples' rights to self-determination, this includes also the Muslims, and self-governance especially in their ancestral domains.

8) A federal form of government has been adopted by first world countries and developing countries around the world. The Philippines could possibly get out of being underdeveloped if the country adopts the federal system. Corruption could also be minimized, if not totally eradicated, through federalism.

I am for federalism, Mr. Chairman, but not without conditions. And these are some of the conditions:

In my opening statement, I am an advocate of peace and therefore, I have to take the word "peace" as an acronym. Letter "P" stands for participation. If there is no participation by the perceived or so-called stakeholders of the would-be federal states, especially in crafting its charter, then we should not proceed with such an idea.

And number two is equity. There must be social justice and human rights preservation in the creation of that federal state. Otherwise, short of this, then we should not entertain the idea.

And number three, which is letter "A", it has to be appropriate. Appropriateness. If we go federal, it has to be appropriate. For our people, it is the call of the time and it will be responsive to the socio-economic and political needs of our people.

And letter "C", the people have to be critically-empowered. If there is no empowerment, as it was pointed out early on, Mindanao is, by and large, a marginalized island since time immemorial. And the purpose of some advocates of federalism in Mindanao is to empower Mindanao, not only politically but economically as well.

And the last word is letter "E". We should not forget environmental care, Mr. Chairman, because if you go around, pollution left and right, mining left and right and there is no care about environmental preservation.

So these are the conditions as a result of my humble research on the issue of federalism. Short of these, we have to think twice, Mr. Chairman. And furthermore, Mr. Chairman, to close, if those are the conditions, there is also some fears for the creation of federalism. One of which is cultural dominance. If we cannot address a possible cultural dominance of a, I mean, the power should not be vested. If the power is vested only in the hands of a few elites in that federal state, then that is rather dangerous if not, fatal for the stakeholders therein. So we suggest that there must be power sharing in that level, Mr. Chairman, starting from the crafting of the charter up to the implementation proper so that there is true and meaningful empowerment, so to speak. So in closing, Mr. Chairman, may I read to you a statement which states thus, "Political analysts have been saying that the Mindanao problem is a political issue; therefore, the solution is likewise political in nature and that maybe is federalism or autonomy. Federalism could be best achieved when cultural solidarity among the people is established, especially in a contiguous area because it can be viewed not only as a reinforcing mechanism but also as fundamental foundation of federalism."

So our stand, Mr. Chairman, if there is such a thing as federalism, then it has to be done within the spirit of cultural solidarity. Thank you very much.

CHAIRMAN TEVES.

Thank you, Commissioner Adamat. Mr. Floor Leader.

COMMISSIONER APOSTOL.

Commissioner Abarico has the floor.

PRESENTATION OF COMMISSIONER ABARICO

COMMISSIONER ABARICO.

Daghang salamat, Mr. Floor Leader. I will not make a lengthy statement having here the the very fine-tuned thoughts and statements of our colleagues here who are for federalism, last of which was my fellow Mindanaoan from Cotabato and representing the indigenous people of Mindanao. I have heard a non-Mindanaoan speak with eloquence from his heart. I refer to former Senator Paterno whose revelation really touched me because it came from a non-Mindanaoan, who is, I think, has to be the adopted son of Mindanao with honor. I have also heard the statements of other distinguished Commissioners like Joji Ilagan-Bian from the business sector. Earlier Mr. Santos also presented us the reasons, the cogent reasons why the economy of Mindanao will improve vastly under federal system of government aside from the fact that peace and order will also improve. I'd rather say and emphasize here what we will lose, by a rejection of federalism, what this country will lose. First, we are not only speaking of Mindanao because federalism is also good for the people of Luzon and the Visayas. In fact, I think that one fatal mistake of our founding fathers was that while we copied almost everything from the American system, we did not adopt federalism of the United States of America. This is the key to its becoming an economic and military superpower. I think that by rejecting federalism, we will lose the magnificent opportunity to finally settle the centuries old conflict in Mindanao. I talked to some key leaders in the Muslim community who are advocating an Islamic state or a Bangsamoro state where they can really practice their beliefs under Islam and pursue their aspirations under their cultural system. And very impliedly, they said, that since it's practically impossible to attain Bangsamoro state or Islamic state within the context of the Philippine Republic, they agree that perhaps within a federal system, we can have the widest latitude of freedom and autonomy to pursue their own aspirations and their beliefs, Islamic beliefs. These are not just a play of words from them because I know they speak, spoke with sincerity in their hearts. In fact, regarding the official development assistance coming to the Philippines and supposedly pouring into Mindanao, I had the opportunity to interview a visiting diplomat from Japan just a few years ago. And I said, Mr. Ambassador, almost everyday we read in the national dailies that Japan is pouring a lot of money to Mindanao but it seems it has no visible effect on the lives of our people or remain impoverished or remain stagnant or mired in poverty and he replied, "You want me to answer that?" I said "Yes, Mr. Ambassador." "I will, provided it's off the record. You know why? Because the funds, the aid, the grants we give to Mindanao goes through Manila and only trickles reach Mindanao for actual development. And we know how the bureaucracy or the corruption has practically drained the strength, the economic strength of this nation." I said, "Mr. Ambassador, supposing it goes, your aid can go directly to Mindanao, is it possible?" "Yes," he said, "provided you become independent because we will not deal with Manila anymore." But, of course, that was in realm of theory. I was just exploring in the intellectual level the possibility of pursuing that vision

of Mindanaoans, not only of Muslims or IPs, the indigenous peoples of Mindanao but all the Christians who feel really neglected. Businessmen, for instance, exporters cannot export their products because the cost of shipping is so exorbitant. It's cheaper to ship to United States, to L.A. or Vancouver rather than ship it to Manila. I don't know. Is that an exaggeration? Joji is here, she can confirm or deny that. So those are only certain aspects which I wish to emphasize that the people of Mindanao and the rest of the country can benefit from the federal system of government politically, economically, culturally. Thank you very much.

COMMISSIONER APOSTOL.

You are welcome. Commissioner Marohombsar has still seven and a half minutes if she would like to say something. Ah, you've said all your piece. Now, we will go to the last speaker, the Chairman of the Commission.

PRESENTATION OF CHAIRMAN ABUEVA

CHAIRMAN ABUEVA.

This is one session and yesterday's where we should really insist on a full transcript of the proceedings of the discussion. Summaries as that what we have seen in the minutes will not do justice to what has been said here this afternoon and yesterday.

In general terms, I have already presented the specific and concrete advantages to expect if we shift to a federal system. Our CMFP book contains that. That's why I shall not use that at all. But let me respond to what I have heard. You know, every year, the President delivers a State of the Nation Address. Of course, then a columnist says, writes, "This is the true state of the nation." Well, I think this afternoon we have seen views and voices from the top and the center and views and voices from below and the periphery, center and periphery, top and bottom and grassroots. The state of the nation articulated here focused on the plight of the underprivileged Filipinos, our ethnic and cultural minorities, indigenous peoples, our very sizable Moro population centered in Mindanao. And if asked the state of the nation from the view of these people, we have heard that stated this afternoon. On the other hand, we have also viewed, we have also heard voices and heard perspectives from the view of the comfortable idea of just tinkering with the present system, making a few changes here and there such a local autonomy. And we also heard a horror story. The worst case scenario if we adopt federalism. We have heard insensitivity to cultural and religious and ethnic minorities, cultural communities. So I'd like to spend my very limited time responding to a few of these horror stories of what will happen. One is that it will add another large bureaucracy or it will bloat our bureaucracy. In fact, if we federalize, the federal bureaucracy will be streamlined, will be reduced. There are departments which will not even exist anymore like the Department of Interior and Local Government. That should be abolished. And many of the national departments have to be downsized considerably and their personnel transferred to the state and the local governments. Many of the officers of the regional offices of the national governments in the regional centers can be the core of the state apparatus. You don't have to add personnel to the state government. You just transfer. And in fact, also, so I think it is really unfair to think that we'll just add on to the bureaucracy. And also, when you talk about state officers, you talk about agriculturists or trade and industry officers or superintendents of schools or tourist officers now in the various provinces. We call them provincial officers. They can become the officers of the state assigned in the province. We don't have to add those personnel in the state capital. In fact, they should not be there. They should really be in the provinces and the cities.

So they will become part of the state and the provincial bureaucracy. They will just be absorbed.

Then there is the idea about the fiscal nightmare that Professor Magno talked about. We are aware of the tremendous adjustments that have to be made in fiscal federalism. We have a study group looking into that. Fortunately, we are not starting from scratch. We have the example of 25 federal states. They are showing us how tax bases should be assigned to federal level, to state level, to local government. It's not a matter of copying. We have to really fine tune to what is suitable to our system. It says here, one argument is that state federalism or having federal states would diminish the autonomy of local governments. No. The principle of local autonomy will be pursued with greater vigor under a federal system. When we talked about those functions, first of all, that are removed from the national government and transferred to the state level, that is already a tremendous decentralization. I don't have to repeat them. You are so familiar now with those various functions and services to be devolved upon the states. And many of these functions can be also assigned to the cities, municipalities at the provincial level. It says it will be very costly. Well, the cost that are again projected on the basis of the duplication of functions that is feared, the additional layer of bureaucracy at the state level. There is the expressed fear of the dismemberment of the Republic, the dismemberment to the country. Nothing would unite us, will strengthen us as a nation than to federalize. When you respect local communities, when you enhance the life chances of people all over the country where they are, they will have a stake in their own states, in their own provinces, in their own communities. And as you reduce poverty and you improve health and education and other services, it will give people a greater stake not only in their region but in the country as a whole.

Now there is the, we are aware, fully aware because of our consultations around the country about the problems that will surely arise if we were suddenly to create federal states. What we are asking in our proposals is for the authority, maybe Congress this time that will be proposing the changes in the Constitution, to authorize the establishment of a federal republic with a parliamentary government. That's all we're asking, to authorize it. But we are open to a 10, 12-year transition in bringing these federal states into being, in activating them. The more advanced regions would be more ready to activate.

This is historic and once in a nation's lifetime, I think, for us to establish a federal republic. The nation is in crisis. We know that among the culprits, the causes of our crisis, is the structure of our governance. And if we are only to succeed in establishing a parliamentary government, as I said yesterday, we would just be concentrating power in parliament and in the national government with no improvement in the relation between the national government and the local governments. So all we're asking is a, the establishment, the authorization of a federal republic and plenty of time to adjust to the new structure, to address these problems that have caused some of our colleagues to give us horror stories, worst scenario stories, worst case scenarios.

We have been talking with governors. The governors are among the most concerned about the federalization. Their fear of being abolished, that the province would be abolished *kuno*, that there will be no need for provincial governors and vice-governors and provincial boards. Well, we have two options that we are consulting the governors on, for constituting the state assemblies. We can elect, instead of the governor, say two representatives province-wide, depending on the size of the province maybe, three, one,

two or three depending on the size of the province, representatives who will be the members of the state assembly. So these are alternatives to our governors and vice-governors and provincial board members. There is a second option which is to elect assemblymen in each of the congressional districts. This would make the state assembly more proportionate in membership to the size of the different provinces or, in other words, to the population of the different regions. And the state assemblymen, on the parliamentary principle, they will also elect their state governor and state vice-governor and elect their cabinet members. And who will govern the state? So this is being negotiated. Talks are going on as to which option they would prefer, because in the end, the approval of whatever is proposed in plebiscite will depend to a very great extent, on the local government leadership around the country. They are the ones who will carry the ball of the campaign for ratification. So it is very important to design a system that will be reasonable or workable and beneficial to the people and to the leaders in these various communities.

We have had a national economic and social development planning agency since early on after Roxas, since Roxas' time. What is our experience with national economic development planning? You know, when I was doing research as a professor in UP, I was doing research on how different agencies were implementing the national plan. So, I'd go to an agency and say, "How is your program attuned to the national plan?" "Oh, we are following the national plan." "Do you have a copy of the national economic plan?" They don't even have a copy of the national economic plan. And I met former Secretary of Agriculture Lorenzo and he told me, "I'm glad you're working towards federalism because we just cannot really do effective macro-planning. We cannot do it. We have to disaggregate our planning. We have to do it at the regional level. We'll be more effective in planning and implementation if we go down to the regional and at the local level."

And one of the principles of federalism is subsidiarity. Attend to problems, solve problems at the lowest level possible, in the family, if possible, in the neighborhood, if possible, in the local government, if possible, at the state level, the regional level, if possible. Not assign everything for the national government and national authorities to solve.

Another principle is solidarity. I think a federal system will really contribute a great deal to a sense of national unity, of common will, of this idea that we are compassionate people. We understand each other. We reach out to each other across the land and within our communities. You know, this localization can be encouraged by federalism. What do I mean by this? We know that in many of our urban communities now, local governments do very little or nothing for people in our homeowners associations, in our residential areas. It is the homeowners associations now that are taking over, providing services to our people in our urban communities. In our community, we provide the water, we provide security. We clean up the place. We green the place. Many services are now provided by citizens themselves. If we encourage federalism and localism, we will generate so much energy, creativity and resourcefulness and self-reliance of our people. We challenge them. Father doesn't know best anymore. The children know so much now. I know that from experience. I have a banker daughter, explains things to me I can never understand.

So let's give federalism a chance. Establish it as a structure. Authorize it. And let's have all the time that we need to implement, to carry out the dream of federalism. And this way, we mobilize the whole country. We give every Filipino a stake in this country. Make

them feel that, "This is my country; I can do something at my level." So this is just a plea. Let's give hope to those who are asking for hope, so much hopelessness in this country, so much injustice, so much inequity, so much of people at the top thinking they know best, they know better than those in the periphery. So it is also a change in our mindset. Let us not fear change. Let us embrace change, the opportunity for change. It may not come again. And we should not make the mistake of just going parliamentary without going federal as well.

CHAIRMAN TEVES.

Thank you. Are we interpellating, Mr. Floor Leader?

COMMISSIONER APOSTOL.

Oh yes. I have listed the following interpellators: Pedrosa, Romualdo, Bondoc, Yuchengco, Tabanda, Espina. But before the interpellation, Sarmiento. I move for a five minutes recess.

CHAIRMAN TEVES.

Five-minute recess.

COMMISSIONER ESPINA

Mr. Chairman, I will not interpellate. I will just ask one procedural clarification.

CHAIRMAN TEVES.

Okay, before the recess?

COMMISSIONER ESPINA

Before we recess, because this is just very brief. The Chairman, before he started, said that the transcript of yesterday and today will be made available.

CHAIRMAN ABUEVA.

I will ask our Secretariat to do that because...

COMMISSIONER APOSTOL.

It's not yet transcribed.

COMMISSIONER ESPINA

I'm not asking that it be transcribed.

COMMISSIONER APOSTOL.

But it will be made available.

COMMISSIONER ESPINA

But he said that today's discussion and yesterday's discussion will be transcribed. I'm not asking now, I just want that clarified. Will that also include the transcribed records? Will that also include that last night nag-voting *pala sa* Form of Government? And that there were 13 who voted in favor, 2 against and 4 abstention. Clearly, there was no quorum when the voting was made. Will that be reflected in yesterday's...?

CHAIRMAN ABUEVA.

There's no intention to falsify our records.

(Laughter)

COMMISSIONER ESPINA

Anyway, thank you, Mr. Chairman. I just want that clarified.

COMMISSIONER APOSTOL.

So five minutes recess.

CHAIRMAN TEVES

Before five minutes recess, Mr. Ambassador Yuchengco, kanina pa sya nagku-kwan. Just Ambassador Yuchengco.

COMMISSIONER YUCHENGCO.

I just want to clarify with the Chairman. I don't see any reason under federal system, we must also be parliamentary system. We can have a federal system in which you have the present form of government, presidential system. In United States, they elect senators by the states and yet they have a president.

SUSPENSION OF MEETING

COMMISSIONER APOSTOL.

Five minutes recess.

It was 5:24 p. m.

RESUMPTION OF MEETING

The session resumed at 5:37 p.m.

CHAIRMAN TEVES

Session resumed.

COMMISSIONER APOSTOL.

Mr. Chairman, may I request the interpellator to tell the body to whom is he directing his question/interpellation. We will begin with our first interpellator. Commissioner Carmen Pedrosa has the floor though she's still discussing.

CHAIRMAN TEVES.

Commissioner Pedrosa is now recognized for, to take the first crack at interpellating the speakers.

COMMISSIONER APOSTOL.

Three minutes.

INTERPELLATION BY COMMISSIONER PEDROSA

COMMISSIONER PEDROSA.

Yeah, I was very touched by the presentation of our Chairman because that was what also happened to me. I could not understand federalism because of the idea I have its breaking the country apart; it will break the country apart, until somebody told me a metaphor that is the most appropriate and that is the bringing up of children. When you

bring up children and you do not, you spoil them and you embrace them too tightly, they cannot develop. But if you are a good parent and you let your children develop, they will love you even more and then they become successful individuals. And that's when I recognize what is behind federalism. This is only a political term but the actual, what do you call, federal spirit is quite different and that is why there is a wide range of political structures and political institutions that can come out of federalism.

In one form of federations, I will again refer to our Chairman because I think it's good that you touch on metaphors that are close to our life, and I went to a forum of federations and Bill Clinton was speaking and he said he could not also understand it until someone told him that federalism is not a political restructuring; it is a way of life. You see, you open up and give other people, other parts of the community, the chance to flower and bloom, 'cause the problems that we are encountering now is really a kind of, they call it "imperial Manila" because of that. This is the dominating aspect of our government, the unitary government, and that is stultifying. It doesn't give any room for improvement on things that, honestly, becomes natural and then we begin to accept it. So having said that, I would say that there will be problems because we envision, this is again a reaction to Mr. Magno because we think that federalism is something you think of and then it will be there before you, that's not federalism. We must look at it as a dynamic process. And it is in the very dynamism that institutions arise.

COMMISSIONER APOSTOL.

Question please, question.

COMMISSIONER PEDROSA.

My question is not a question. It's a reaction. *(Laughter)* Well, I'll just say this, I fully agree with the supporters of federalism because this is also where I was before, not understanding and then understanding it when you come down to the human level. When you just read things, you cannot really ever understand it but as I said the most important thing is not to preempt the solutions that federalism will bring because the actual people in the provinces will be the ones to negotiate these political conflicts. They will find solutions and then it's a never ending thing. It's a process that is why I completely agree with the Chairman's presentation and would want to advise those who are afraid of federalism that it will be difficult but since when do we stop from doing things because they are difficult? No. We continue doing things because they are worthwhile, not because they are difficult. That's my presentation, Mr. Floor Leader.

COMMISSIONER APOSTOL.

No more? That's all?

CHAIRMAN TEVES.

Thank you, Commissioner Pedrosa. Preference to parenting, well taken. For the information of everybody, reminder, Chit Pedrosa is the mother of Veronica Pedrosa.

COMMISSIONER APOSTOL.

We recognize now, Commissioner Romualdo.

INTERPELLATION BY COMMISSIONER ROMUALDO

COMMISSIONER ROMUALDO.

I understood the plight of those advocating for radical change going into federalism. But I will not discuss the merits of it. Be realists. If we divide the regions and convert them into a state, look at the situation of the respective regions of the country today. Is it viable? number one. Number two, we have an example practically, the ARMM—Autonomous Region of Muslim Mindanao—the CARAGA region for instance, the Cordillera, which was not so. Remember the sentiments of the people. The metaphors are good according to our Chairman but my metaphor on our children today, in fact, everybody is complaining about the so-called hope of the fatherland, the SK, Sangguniang Kabataan. You go around the country. What is the forte of the Sangguniang Kabataan? Disco. Basketball. Drugs. That's the metaphor of the children today. Yeah. That's really true. Go around and that's really true. Nobody can, that is what is happening throughout the country today. See? So let's be realists. What we need is stronger, the clamor, Mr. Chairman, of local governments. In fact, last night we had a meeting and the League of Provinces also will be adopting or trying to put up provisions how to strengthen local autonomy. And foremost is the finances that carries with it. The problem with our national government, that's why Manila is called "imperial Manila," because there are agencies which should have been devolved and yet what happened? They strengthened their regional offices instead of phasing it out. All responsibilities are given to the local government without the corresponding authority and financial consideration. That is what is happening. So it's the clamor, I think I can speak with authority that the clamor of the local government really is, "Give us a chance to govern ourselves." And if federalism, I beg to disagree with the argument of the Chairman, that it will not be a second layer. Let's face realities. Remove California, for instance, in the United States, and the Federal Government of California will collapse or the States will collapse. What happened to Louisiana? Just one Katrina, one Katrina, it cannot afford despite its resources. They have to call the national government, the federal government, to assist them. There was confusion even. There was chaos practically. See, they were not prepared and yet it is a state by itself. It's a federal state. We have seen these examples that are really a reality; it's a reality. Let put our feet on the ground. That's my point. Let's not go into dreams. Let's not think of these possibly will happen. We've experienced it. One good example is ARMM. Don Pablo Garcia and I, Gerry here, when we first created ARMM into a law, there were supposed to be 13 provinces and ultimately, there ought to have been again another plebiscite so it will increase the number and in fact, Lanao Sur did not vote or Marawi City. So there was another plebiscite for them to join the ARMM. Two billion was the initial funding for ARMM. See? We have tried it, with ARMM as the best example.

COMMISSIONER APOSTOL.

So you have no question?

COMMISSIONER ROMUALDO.

No, my question is this one: How can federalism be viable because the way, I'm from Mindanao in the first place, true-blooded Mindanaoan.

COMMISSIONER APOSTOL.

No, you are from Leyte.

COMMISSIONER ROMUALDO.

Now, my question is this: Despite all of these, why do we have to go into federalism? I have been in the local government unit. I have been in Congress. I have been a ConCon delegate. I have perhaps a little bit of experience, reality against principles or dreams. So how can, it's difficult really to have federalism to be viable. I hope you will agree with me or not. I would not care but that's my observation, Mr. Chairman.

COMMISSIONER APOSTOL.

The Chairman will answer. It's a very long question.

COMMISSIONER ADAMAT

May I just...?

COMMISSIONER ROMUALDO.

The Chairman may not.

COMMISSIONER ADAMAT.

Mr. Chairman.

COMMISSIONER APOSTOL

Okay. You answer.

COMMISSIONER ADAMAT

Just a little reaction to the remarks of Commissioner Romualdo. May I inform Commissioner Romualdo that I was one of the members of the Regional Consultative Commission, a body that drafted the Organic Act for the Autonomous Region in Muslim Mindanao and based on my recollection on our output, it was a product of the brilliance of the cross-section of the people in Mindanao represented by the different commissioners from the different sectors and ethnic groups of that island, particularly the 13 provinces. If I remember it right, Mr. Chairman, our draft was one of the embodiment of the sentiments of the people in the 13 provinces but when it was transmitted to Congress, it was mangled by Congress. And therefore, when it was thrown to the people through a plebiscite, only four opted to join the autonomous region. My point here, Mr. Chairman, is that it could be a different story if and when the people themselves in a federal state will craft their own charter that will design their own future, as a basis of their own future in that region. But if a draft is yet to be submitted to Congress for finalization, I think just like the CAR. The CAR people rejected their Organic Act since it was not the product of the sentiments of the people. Here is Commissioner Tabanda, maybe she can also come up with her own observation as to what happened to CAR and Commissioner Marohombsar is also a learned personality amongst the Muslims in Mindanao. My point, Mr. Chairman, is why don't we give the Mindanaoans a chance? Of course, Governor Romulado is a figure to reckon with because he has his own country in Camiguin, for that matter. But if you go in some other areas of Mindanao like, for example, that of Bukidnon, they are for federal state and the Muslim Autonomous Region for that matter. I just talked to Governor Loong just this afternoon and he is a strong advocate of federalism contrary to the observations of some of us here that the Muslims cannot go together if they are lumped up together in a federal state. Maybe we can come up with a much, much viable framework if only to accommodate the cultural diversities of these people as well as the indigenous peoples, Mr. Chairman.

COMMISSIONER APOSTOL.

Commissioner, you have only three minutes. You have already...

COMMISSIONER ADAMAT.

Can I ask for 10 seconds, Mr. Chairman?

COMMISSIONER APOSTOL.

Ten seconds.

COMMISSIONER ADAMAT

To close, Mr. Chairman, the issue here is marginalization and the solution to that is empowerment. Why don't we empower our people if only to design for their own future?

Thank you very much.

COMMISSIONER APOSTOL.

May we recognize now, Commissioner Bondoc.

INTERPELLATION BY COMMISSIONER BONDOC

COMMISSIONER BONDOC.

Thank you po. I have four questions and I'm not directing the four questions at any particular presenter. If you feel that I touched on your presentation, kung sino man po, kayo na lang po ang sumagot. There were seven of you, if I'm not mistaken, ladies and gentlemen. My first question has to do with, yong mga binanggit nyo po na inequitable distribution or allocations, for instance, 'yong agricultural budget, or budget for basic services to Mindanao or to other regions or Bicol. Cannot these problems be solved not by Constitutional amendments or revisions but by legislation, for instance, legislations like reforms in the Internal Revenue Allotment Act

COMMISSIONER GARCIA

Pwede.

COMMISSIONER BONDOC

Or the budget itself, the General Appropriation Act every year, reforms or amendments, improvements of the Local Government Code or even the passage of special laws, for instance, on Mindanao akin to the special law on Palawan? The second question is on...

COMMISSIONER APOSTOL.

Isa-isa lang. May I know who will answer?

COMMISSIONER BIAN.

Can I reply to that?

COMMISSIONER APOSTOL.

Okay, Commissioner Bian.

COMMISSIONER BIAN.

Just the uneven distribution of budget. We, in Mindanao, have already lobbied for an amendment of the way they computed the allocation and we have done the lobbying for the past five years. But I think because of the power, too much centralized power here in

Manila, even the decision to amend or to do some reforms in the manner of computation takes years and years and years. So we just have given up hope. We think it's really the structure of government that has to be responded to.

COMMISSIONER APOSTOL.
Next question.

COMMISSIONER MAGNO.
One short response. Do we have the figures for this? Parang, there's a sentiment of neglect but if we look at capital outlay, for instance, capital outlay per capita...

COMMISSIONER BIAN
You know, Commissioner Magno, we have a very, very thick dissertation paper of that on why we should be given that budget, how much do we contribute it. I think the PMS has a copy already because that has been an issue which has been brought forth during Mindanao business conferences. People in Mindanao have just, you know, given up hope on that.

COMMISSIONER MAGNO
Well, I don't have the figures at hand, but I think the last time I checked, capital expenditure, economic investments per capita is highest in Mindanao.

COMMISSIONER BIAN.
No. We can give you, we can give you the paper.

COMMISSIONER APOSTOL.
Commissoiner Jurado would like to react.

COMMISSIONER JURADO.
Commissioner Bondoc, are you asking about the criterion for the allocation of IRA?

COMMISSIONER BONDOC.
My question *po* is *ano eh*, hearing all your presentations, all your arguments to go federal, I wanted to know if this can be solved, if the problems can be solved not necessarily by going federal but by legislation, for instance, by reforms in the IRA law, the national budget itself, the annual budget, reforms in the Local Government Code or even a special law, for instance, for Mindanao similar to the special law for Palawan.

COMMISSIONER JURADO.
Can I answer that?

COMMISSIONER BONDOC
Yes, please.

COMMISSIONER JURADO
Not very long ago, where I took a look at the fiscal situation in our country as well later on the suggestion of our distinguished Chairman, looking also at the level of a possible federal system, I discovered one thing, that the criteria for the disbursement of IRA funds was rather good. There were three bases: One, per capita income; second, geographical area; third, equalization. Let me explain this before I go to the main point. Per capita income, well, those who have less presumably the argument is that you give

more, right? Geographical area, jurisdictions that are larger in physical extent will need more than smaller ones if only for the maintenance of peace and order, things like this. Equalization, the first two criteria can be applied but that's saying that wherever they are, these communities must start from where they are. Some will start from a lower position, higher, etc., so there is an equalization component. An equalization component is intended deliberately to raise those at the bottom a little bit even if at the cost perhaps of bringing down a little bit those at the very top to establish some semblance of equality when they all, at the same time, begin moving on the basis of their IRAs. Now sir, I conclude this comment by saying that when I looked into this, I concluded, good criteria, so I begun to look for the appropriate numbers, per capita income. God, no such thing at the provincial level. So I wondered, you know, how the budget commission of this country had been operating. Second, geographical extent, well, I'm not sure. Perhaps they are existing somewhere but they're not readily available for technical people who will address this problem.

COMMISSIONER APOSTOL.

Commissioner, the question is very simple. Do we need a constitutional amendment to equalize allocation? Otherwise, according to Commissionoiner Bondoc, legislation will be enough.

CHAIRMAN TEVES.

Mister...You wanted to comment on that, in addition to Mr. Jurado's...?

COMMISSIONER JURADO.

Can I just conclude what I was just saying?

CHAIRMAN TEVES.

Sure.

COMMISSIONER BONDOC

Alright? I said that no data exist. Even less data exist on the issue of equalization. That's when I spoke earlier, I said that a database is of absolute, fundamentally important if we are really to make progress. If those pieces of materials are there, what Alex calls the fiscal mess or the fiscal chaos is, in fact, really nothing. It's a small technical problem. Just give me a little staff, I can take it up in one quarter. It's a small matter.

CHAIRMAN TEVES.

Thank you. One more short response from Chairman Abueva to that same question.

CHAIRMAN ABUEVA:

Yes, as everybody knows, Senator Aquilino Pimentel, Jr., is the author of the Local Government Code of 1991 and since that time, it's been how many years now, 14 years, many amendments have been proposed to improve local autonomy and local government administration, services and so on. He himself has proposed several amendments. So did Senator John Osmeña, also a federalist, and Congressman Candazo. Now, these proposed amendments have been lying dormant for the past several years. There is just no inclination to really improve or move the so-called local autonomy. And who is the champion of federalism in this country? The foremost champion in the Senate is Aquilino Pimentel. So I wish we could invite him here to talk about this and not other things to give us an idea why he has concluded that just the Local Government Code and the local autonomy movement will not do; why he has

concluded that you have to federalize. He is the one who can give us some conclusive answers to the question.

COMMISSIONER PEDROSA.
Can I add something?

COMMISSIONER APOSTOL
He's not finished so do not add yet.

COMMISSIONER PEDROSA
I'm not arguing. I'm only saying I'm going to add something to what he said. The essence of federalism is political empowerment, not administrative empowerment, which we already have. The local autonomy code is administrative but human nature is behind it all because why should I give you when I can have it. You know, this is real logic of why we are not able to redistribute wealth in this country. And that's why federalism will be a way out. It will not happen overnight. No. But this is a big change. Thank you.

CHAIRMAN TEVES
Commissioner Jarius Bondoc is still entitled to his other questions.

COMMISSIONER ACEVEDO
Mr. Chairman, I would like only to...

COMMISSIONER APOSTOL.
He has another question.

COMMISSIONER ACEVEDO
This is only to make the records straight especially as to the history of the IRA. Yes, IRA started with PD 144 and if you should be accurate, we can easily refer to the present provisions of the Local Government Code of 1991. But it was not, in the first place, changed. It was lifted from the old PD anyway. And what was the origin? I was a member of the committee which drafted the Local Tax Code and the instruction was, "Make local governments, especially municipalities, autonomous." I hope Mr. Virata is here. He was the one who constituted the committee which drafted PD 231, the Local Tax Code. It's the committees which took charge of the financial aspect of the old Local Government Code, the Batasang Pambansa 337, which was practically also lifted to the Local Government Code of 1991. That's why the authors of 1991 cannot, of the Local Government Code of 1991, cannot claim fatherhood because it is practically 95% lifting of the old Batasang Pambansa Code. That was a compilation of all the decrees on local finance and the decrees on the political structure was that, which was assigned and drafted by the Local Government Center of UP. Now, the committees in the Department of Finance had to rush the completion of the local government finance committees because...

COMMISSIONER APOSTOL.
Commissioner, there was only a very simple question. Is there a need of a constitutional amendment to equalize?

COMMISSIONER ACEVEDO
No, Sir, only amendment of the tax laws.

COMMISSIONER APOSTOL.
So that's it. So next question.

COMMISSIONER BONDOC.

I said earlier I have four questions but I'll just combine questions number 2 and 3. This has to do with organization which one of the presentors touched on and also regional planning which also another presentor touched on. I was wondering, if all the problems presented earlier can also be solved simply by regionalizing instead of going the whole hub of federalizing, or if these problems can also be solved in an organizational manner which, because it was cited that organizations can also attract economic activity. Can these problems be solved, say, by moving Malacañang to the Visayas, and the Supreme Court or Congress to Mindanao to disperse the major, the branches of government? I throw that question to any of the presenters.

CHAIRMAN TEVES.

Commissioner Ting Paterno would like to...

COMMISSIONER PATERNO.

Mr. Chairman, I would like to distinguish between the intent of laws and the effectiveness of their implementation. The Regional Development Councils are expected to do precisely that, to do regional development planning but when it comes to the implementation, it is still the departments who will decide which projects are going to be implemented and it is still the budget that will release the funds in order for that implementation to take place. I do not see how crafting of new laws or administrative changes will change the actual realities on the ground, which is that Malacañang still determines who gets what and when, including the release of IRA. Thank you, Mr. Chairman.

COMMISSIONER APOSTOL.

Okay. So we will recognize now, Commissioner, ah, may last question pa?

COMMISSIONER BONDOC

One last question.

COMMISSIONER APOSTOL

We still have to hear the other side. We still have three speakers on the other side and also the interpellations.

COMMISSIONER BONDOC.

I warned you I had four questions. Pinalitan ko na nga lang eh.

COMMISSIONER APOSTOL.

I was thinking tapos na kasi kinombine mo.

COMMISSIONER BONDOC.

This last question has to do with presentations, not necessarily made today but of documents on federalism. It has to do with dividing the country into several states. Some proposed seven; some proposed 11; some proposed 12; some proposed more. Now, I would like to see a justification of retaining, assuming we go federal, the present provincial composition of the ARMM, Autonomous Region for Muslim Mindanao, but the

expansion of another state instead of just Ifugao, expansion of that province into a full state of the Cordillera.

COMMISSIONER APOSTOL.

Sinong sasagot? Mr. Chairman, I think you have to answer. Nobody's answering.

COMMISSIONER BONDOC

Mr. Chairman, the reason why I've asked that is, I've studied this so-called Muslim Mindanao problem for a long time and history will show that the MILF and the MNLF had wanted a bigger coverage for the ARMM. It just so happened that these were just only four of the provinces where, happened to have voted for inclusion to the autonomous region, but in the Cordillera, only Ifugao voted to join an autonomous region and now we are going to create a state composed of the entire Cordilleras as a separate region.

COMMISSIONER ADAMAT

May I?

COMMISSIONER APOSTOL.

No, he is interpellating so somebody should answer.

COMMISSIONER ADAMAT

May I react to that?

COMMISSIONER APOSTOL.

No reaction. Answer.

COMMENT OF COMMISSIONER ADAMAT

COMMISSIONER ADAMAT

Oh yes. Correction, answer. I think the premise is quite vague because as I pointed out early on, the creation of the Autonomous Region in Muslim Mindanao and that of the administrative region or Cordillera Administrative Region was done through an act of Congress. A law was crafted by Congress and it was thrown to the people for ratification. The belief, I suppose was, it was not really endorsed by the people because there was no participation in the crafting of that, I suppose. So that the idea if we go federal is that we have to go to the people. First, elicit their sentiments. Elicit their recommendations and it will not go via Congress...ratification. So the viability and the acceptability, because the stakeholdership is present, is very much higher. That is my answer to that, Mr. Chairman.

COMMISSIONER GARCIA

Mr. Chairman, that is a new idea injected into this proceedings so may I ask for a clarification? Because the idea of my distinguished seatmate here is that federalism, or the creation of federal state should come from below. They should be the ones to craft their own organic act. It is not from above. It should not be from the national, from us, to say that you should be federal. And I think this is a fresh idea and consistent with the bedrock principle in government, which is self-determination. In other words, before we can go federal, we must first conduct consultations and a plebiscite for that purpose, and that is also in accordance with the provision in the Constitution. Section 10 of Article X says that before you can divide, create, merge or abolish local government units, there must be a plebiscite. And so, in the case of the Autonomous Region of Muslim

Mindanao, there had to be an organic act. Of course it was not framed by the stakeholders. But it was in accordance with the provision of the Tripoli Agreement. Thirteen provinces and they were consulted. Under the Constitution, only those provinces in other municipalities voting in favor should be included in the ARMM. But here, under the proposed drafts, immediately we are saying that you belong to this state without consulting them. That is why I said, from the very beginning, these two initiatives cannot go together, the federalization and also the sentiments in Congress, that's why they say that this may take 10, 15 years because it has to evolve.

And in fact, Mr. Chairman, and you are a student in political history and government, this idea of the top ordering the bottom to federate is against historical tradition in federalism. The United States, we always refer to the United States, why did we not imbibe nor embrace their federalism? In the United States, there were already independent or self-governing colonies that they had their own government; they had their own governor and they decided to form a nation, the United States of America. In Germany, that is the same. In Switzerland, that is the same. But here in this country, we are trying to reverse the process. And I believe it will not work.

COMMISSIONER APOSTOL.

You will have your time now. May I request that Commissioner Adamat should...

COMMISSIONER GARCIA

It's a very fresh idea.

COMMISSIONER APOSTOL

You should be enough. You should have enough already. *(Laughter)* So we will go to another interpellator. Commissioner Tabanda.

COMMISSIONER ADAMAT.

For the record, Mr. Chairman, I am not reacting. I am not going any further, Mr. Chairman.

COMMISSIONER APOSTOL.

Let's proceed with Commissioner Tabanda.

INTERPELLATION BY COMMISSIONER TABANDA

COMMISSIONER TABANDA.

Thank you, Mr. Chairman. Being a former local government official, a councilor and a vice-mayor of the City of Baguio for several years, I am definitely in favor of local autonomy. And I see the merits of the federal system of government in granting local autonomy to local governments. However, I have some apprehensions. I think a federal state should be created depending on the situation in the locality, and more importantly, as an expression of the right of self-determination of the people. The issue of the Cordilleras, the matter of the Cordilleras, has been raised here several times. Why did the Cordillerans reject the Cordillera Autonomous Region? It is too complex to explain here because it cannot just be pinpointed by saying that because it was crafted by Congress and all that, because in the first place, we had our congressmen who are supposed to be the representative of the people. But it was an interplay of several factors: politics, ethnic considerations, and others. It is going to be too simplistic to say that it was simply because of this particular reason. It is a complex situation. But the

reason why I am raising this is because I would like to ask several questions, particularly from Chairperson Abueva. Notice ladies and gentlemen, we say chairperson because we would like to be gender-friendly, not “chairman,” “chairperson.” *(Laughter)*

Now, I would like to ask several questions. One is, you said that if I got it right, that you are amenable to a vote stating that we adopt a federal form of government, but we will authorize Congress to craft the details. My first question is: Can we possibly do that? Can we just possibly make a statement stating that we adopt the federal system but we will leave the details to be crafted later on?

The second point I would like to raise is: Even in the Mindanao region, not all the provinces opted for an autonomous region. In my limited knowledge, I look at an autonomous region as a transition from the provinces we have now towards federalism. If even in Mindanao, several provinces opted not to be part of the autonomous region, are we now saying that we are now ready for the federal system of government? What I would instead probably propose is, since we are thinking of a 10- to 15-year transition period, isn't it possible to go from one stage to the other? From the present provinces, then probably strengthen the regional administrative regions? Then from the regional administrative regions, go to an autonomous region, and then eventually lead to the federal states we are now speaking of. I have a fear that it maybe be too drastic to move from the provinces straight to federal states. So that's the other question I would like to ask. Is it possible to go on stages? And then third point is....

COMMISSIONER APOSTOL.

Let's have only question per question.

COMMISSIONER TABANDA.

They are related, Sir.

COMMISSIONER APOSTOL.

The one answering might forget the first question.

COMMISSIONER TABANDA.

He is very intelligent. He doesn't forget. Just one last point.

COMMISSIONER APOSTOL

He's about to develop an amnesia. *(Laughter)*

COMMISSIONER TABANDA

And the last point I would like to raise is, if I got it right again, Chairperson Abueva mentioned that federalism can take place after a transition period of, say, 10 years, I have two questions related to this. The first question is: What would be the conditions precedent of the eventual adoption of the federal system of government *in toto*? And the second sub-question here is: The constitutional provision on the requirement of a plebiscite for the merger, division, union of provinces and local government units has been cited. What is going to happen if, is it going to be a one-time vote where they will agree to the amendment of the Constitution? Provinces will not be consulted as to whether they would like to be part of the federal state? Can provinces which vote no to constitutional amendments, particularly on federalism, be allowed to retain their identities now? Like in the case of the Cordilleras. The Supreme Court said that you cannot have an autonomous region if there is only one province that opted to vote for autonomous

region. So would it mean that all the provinces which did not agree to vote for federalism in a plebiscite may be allowed to retain their identities as provinces? Those are my simple thoughts regarding the presentation.

COMMISSIONER APOSTOL.

So the Chairman will answer now five questions. (*Laughter*)

CHAIRMAN ABUEVA.

I have only four here.

COMMISSIONER APOSTOL.

There is a sub-question.

CHAIRMAN ABUEVA.

First of all, what we are trying to do in this Committee as I understand, is to come to some consensus, at least a plurality of opinions, as to what we should do, whether we should think of moving towards a federal system and just have general ideas about this. And in our consultations, as we go around, we ask people precisely their sentiments about this proposition. So, you're right. Even if we come from different parts of the country and in a sense, we represent those communities. It is just a starting point because of our assigned duties to draft proposals. But this draft proposal, in the case of federalism, or regionalization, really deserves the wide consultations that we plan, so that we'll have validation, confirmation, if that's what will result of our consultation; or total rejection or alternative ways of organizing of decentralizing. The object here is really to decentralize. Federalism is in a sense the logical conclusion of decentralization.

The classic case was cited by Commissioner Garcia, which is independent entities coming together to form a union. The big federations are of that kind, US, Canada, Germany, and so on. It's the classic way of forming federation and it's the most numerous among the various federations. But we know of at least five unitary systems that went federal. One very interesting case to us because of our cultural connection is Spain. Spain, because of the revolts of very distinct ethnic political communities, had to respond to the Basque, the Galicians, the Catalans and so on, by giving them regional autonomy. But instead of confining regional autonomy to those three or four communities, they decided that regional autonomy was good for all of Spain. So they created regional governments all over Spain. So that is one approach. Political scientists say that Spain is, in all respect, except in name, a federal state. Belgium followed the same route. They were unitary. But because of their ethnic and linguistic problems, several nationalities are involved in the population of Belgium, they also decided to federalize. Pakistan used to be West Pakistan, from Bangladesh. And they decided to federalize. I understand that South Africa did the same thing. So there is the reverse course, from unitary to federal. But theoretically, in terms of typologies, an intermediate way is to regionalize, but always with the idea of consultation, self-determination by the people in the region. That is a possible approach.

There is also this concept of asymmetrical federalism. In other words, if we authorize the establishment of a federal republic, we will leave it to various provinces as they are now, administrative regions as they are now. We have 18, I think, administrative regions. In effect, our proposal for 12 regions is really consolidating 18 administrative regions into 12 regional governments or political regions. So, in the idea of establishing or authorizing the Republic and going about it incrementally, we allow the more progressive

and economically viable provinces who want to form a region to do so, to form their regional government. So while two or three or five of these are forming, the rest will remain as provinces, cities and municipalities of a unitary, now this is a federal government. This is what makes it asymmetrical. Others, some are already federalizing, others are in the process. Why not? Like you created ARMM ahead of all others. This is called asymmetrical federalism. In fact, in some of our federations, they talk about territories, not all are states. There are territories of the federal system. I'll give you an example. (*Leafs through papers*) Here, Islamic Republic of Pakistan: four provinces, six tribal areas, and one federal capital. Russian Federation, that's a very huge one, 89 republics, and various categories of regions. Even in the US, I don't even know this, 50 states, two federalists, three associative states, three local home-ruled territories, three unincorporated territories, 113 native American domestic dependent nations. So this is asymmetrical, different categories of political subdivisions. Republic of Venezuela: 20 states, two territories, two federal dependencies and so forth. There are various categories of political units, other than the region or the state. So, with creativity, with resourcefulness, and with consultations, it should really be a self-determination of the people to transform their regions into political regions or federal states, and it can be done incrementally.

REMARKS OF CHAIRMAN TEVES

CHAIRMAN TEVES.

Before going to the next interpellator, Mr. Floor Leader, there was reference, I think, twice, to ARMM and the Tripoli Agreement that supposedly, there were 13 provinces that were to be incorporated into an autonomous region. The Tripoli Agreement was done in a sly. The reality is that there are only five predominantly Muslim provinces in all of the 24 provinces in Mindanao. The reality has settled down already in the form of the ARMM. This is composed of the five predominantly Muslim provinces in Mindanao. At this point in time, nobody, no group, is proposing anymore of going back to the Tripoli Agreement. In fact, in the matter of the federal option, the Bangsamoro State, as proposed, and as the Muslim leaders, Bangsamoro leaders are responding to it, will be composed only of the five predominantly Muslim dominated provinces. That's the reality now.

COMMISSIONER GARCIA.

In connection with that, because you mentioned on the sly, but our president, a brilliant one at that at that time, was able, President Marcos, when there was consultation from Tripoli, that the autonomous region be created immediately. That was the sense then. But then the President added a phrase, innocent at that time, but which proved to be real in accordance with its constitutional processes. That phrase says that the Constitution of the Philippines requires a plebiscite; that is why as early as during the Martial Law, there was a plebiscite also, and again, the same voting. It was because of that phrase, in accordance with its constitutional phrase. But I was told that Muamar Khadafi thought that immediately, it would be created. But because of this phrase, and under the Constitution, before you can create an autonomous region, or you can merge, divide, there is need of a plebiscite.

Now, in connection with the remarks of the Chairman, the asymmetrical federalization, actually, during the ConCon, there was already agitation for the creation of more autonomous regions. But then it was decided and agreed that only two in the meantime. That's why, in the comment of Father Bernas, who was a member of the Constitutional

Commission, he said that autonomous regions are allowed only for Muslim Mindanao and the Cordilleras. For autonomous regions elsewhere, a constitutional amendment would be needed. So this is an option.

CHAIRMAN TEVES.

Thank you, Commissioner Garcia. Next interpellator, please, Mr. Floor Leader.

COMMISSIONER APOSTOL.

Commissioner Sarmiento is recognized.

INFORMATION BY COMMISSIONER SARMIENTO

COMMISSIONER SARMIENTO.

Mr. Chair, please don't time my opening statement, if possible. I just had to report something. This morning we had a meeting at the Century Park, that's ULAP, the Union of Local Authorities of the Philippines, with some senators. The Senate President categorically stated that there is really a need to review the present Constitution but he does not agree to a constituent assembly; it should be a ConCon. Sen. Angara said, and I quote, I would like to quote him, "Not debating on constitutional amendments is short-changing the future and not debating on the constitutional amendment is short-changing the country." He is basically saying that there is a need for us to start debating on it. But he said that he doesn't like what the house is proposing, basically removing the Senate. The latest survey in the League of the Cities of the Philippines regarding constitutional amendments: Yes, 65; opposition, 0; presidential, 4; parliamentary, 48; unicameral, 28; bicam, 10. In relation to a federal form of government, we are still debating. The mayor of Marawi, for example, Mayor Ali, is in favor of a federal government, but mayor Miguel of Koronadal, who was the former commander of the Ilaga, is against the shift to a federal form of government. So we have to decide on it. In relation to the grants, the multi-nationals, they don't negotiate with the central government anymore. They go directly to the leagues now and the local government units. Without necessarily changing the form of government now, we had been receiving so many grants and offers.

Since our Chair is proposing that we include in the draft, in the transitory provision probably, that 10 or 12 years from now, the parliament should be given the authority to convene and probably amend the present Constitution for us to go into the federal form of government. Is the Chair also amenable that one year probably, after the passage of the Code, we can probably include there the strengthening of the Local Government Code, taking into consideration the observation of Professor Magno, Professor Azurin, in preparation for a shift to a federal form of government because, for all we know, by strengthening the present Code, taking into consideration, for example, some Regalian, the Regalian principle that we have, if things will go well after eight or nine years, probably the people will say, we don't really have to go into federal form of government if things were doing well already; or, we will opt for a federal form of government if things will not go well. Because Congress has, the proposed amendments submitted by Senator Pimentel is collecting dust in the Senate, but by including this in the transitory provision, this will probably help convince the other governors to support it. Let's see what the result is going to be, but if we are going to incorporate it in the Constitution, the parliament will be forced to come up with an amendment of the present Local Government Code.

COMMISSIONER APOSTOL.
No more? Commissioner Matula?

INTERPELLATION BY COMMISSIONER MATULA

COMMISSIONER MATULA.

This question is addressed to Chairman Abueva. I have a question and a comment. The first, do we have, or do people have an experience of the concept of federation which we can identify as anchors of our proposal of a federal system or a federal structure of government?

CHAIRMAN ABUEVA.

Most of us, I think, are members of federations. I am not talking of a political federation. I am a member, a very active member of the Federation of Homeowners Association of Antipolo City, and also of the Federation of Homeowners Association of Barangay Dolores, Taytay. And I tell you, we do a lot more than the local governments, of the barangays particularly. You belong to the Federations of Chambers of Commerce and Industry. There are federations of what we call cooperatives in the country, federations of universities and colleges divided into different categories. There is the Filipino-Chinese Federation of Chambers of Commerce and Industry, and so on. In the professions, there are all kinds of federations. The components are autonomous units, but they unite for an advantage which gives them additional clout. As a matter of fact, for example, these various federations, I was amazed that there are scores of federations of homeowners associations in Greater Manila. When Congressman Biazon initiated a bill, or a Magna Carta of Homeowners Associations, he mobilized all these federations to give him ideas on how to strengthen these residential communities in urban areas, and how to strengthen the boards of directors of these homeowners associations, and also to protect the members of these associations. So each one of us, I am sure, can cite different organizations or federations. So the idea of federation is not really that strange to us and we know why it is beneficial to belong to a federation.

COMMISSIONER APOSTOL.
You have a follow up question, Commissioner Matula?

COMMISSIONER MATULA.

I brought up the issue of the concept of federation because I had a conversation this morning with the board of the Federation of Free Workers, and we discussed this idea of parliamentarism and the federation. They were the ones who brought up that the concept of the federal system of government can also be likened to a federation of unions. I understand that ALU-TUCP which is headed by Commissioner Seno and Commissioner Mendoza has been working for the past 52 years, and my federation, the Federation of Free Workers, we have an experience of 55 years in working as a federation. The different affiliates of a union have their own constitution, and they can independently negotiate with the management in workplace without the interference of the national federation. They can stage concerted actions including the right to strike among themselves without the interference of the national federation. I understand that these local unions are working like autonomous organs of the federation. So in our discussion this morning, we are inclined to support the federal structure of government, and I think we have no problem in explaining the same to our workers.

CHAIRMAN TEVES.

Thank you, Atty. Matula. Before we proceed to the next interpellator...

COMMISSIONER APOSTOL.

We have no more interpellator. We will go to the other issue.

CHAIRMAN TEVES.

Before that, Mr. Floor Leader, it's 6:40 pm. I'd like to get the sense of the Committee and some Commissioners are slowly getting out and we may not have the numbers anymore. What is the sense of the Committee? We are still just proceeding into the presentation of those who are unitary. What's the sense? Any suggestions?

INQUIRY OF COMMISSIONER NAVAL

COMMISSIONER NAVAL.

Mr. Chairman, I was reading the proposed draft for a federal form of government and I was able to read Article 7 of the proposed draft Constitution which provides for the jurisdiction of the *federacion* and the *estados*. Now there is here Section 1 which provides for exclusive jurisdiction of the *federacion* and the *parlamento* which enumerates 40 numbers, and there is also Section 2, primary jurisdiction of the *estados* which enumerates 36 matters which are primarily within the jurisdiction of the state as compared to the 40 enumerated numbers which are under the jurisdiction of the federal state. In Section 3, there are also the provisions on the concurrent functions in power. Section 3 enumerates also 28 subjects which are subjects of these concurrent functions in power. And I have read all these enumerated subjects and it appears that there are conflicts between this jurisdiction of the *federacion* and the jurisdiction of the state. For example, we have Section 8 in the jurisdiction of the *federacion*, which states suffrage. Suffrage is within the jurisdiction of the federal state, no, of the federation. Number 1 also, exclusive jurisdiction of the federal state is the state and local elections. And therefore, if this suffrage is within the jurisdiction of the *federacion*, while the state, *estados* also have also jurisdiction of the local election, COMELEC may arise.

COMMISSIONER APOSTOL.

Commissioner, may I interrupt? We are supposed to be on the unitary now, retaining the unitary. What you are saying is really very good for the unitary people because that is the work of the Chairman. On the other hand, Commissioner Teves is saying are we to continue? Are we not tired? I think we better have consensus if we are tired so we can postpone until tomorrow.

CHAIRMAN TEVES.

We'll take note of these comments of Commissioner Naval. Chairman Abueva, very quickly, then I'd go back to the question as to the sense of the Committee regarding our own situation now. Do we proceed? How do we proceed? We are still going to listen to several speakers

COMMISSIONER APOSTOL.

Three.

CHAIRMAN TEVES.

Three speakers for the unitary system.

COMMISSIONER GARCIA.
Mr. Chairman.

CHAIRMAN TEVES.
Just a quick reply, first.

COMMISSIONER GARCIA.
Yes, very quick reply.

CHAIRMAN ABUEVA
Yes, I'm replying.

COMMISSIONER GARCIA.
I heard that you said tomorrow, I am lined up to speak. Regretfully, I cannot attend tomorrow. May I be allowed to speak now?

COMMISSIONER APOSTOL.
Now? Okay.

CHAIRMAN TEVES.
Tomorrow, what session is there tomorrow?

COMMISSIONER APOSTOL.
There is a committee hearing tomorrow but it is supposed to start at 1:00. And they have divided themselves into three.

CHAIRMAN TEVES.
That is not this committee?

COMMISSIONER APOSTOL.
Not this committee.

CHAIRMAN TEVES.
So this Committee is not meeting this week again. So maybe we can go back to Commissioner Garcia a little later. Just now, a quick reply from the Chairman.

CHAIRMAN ABUEVA.
Yes. There is a question about an apparent contradiction because we were talking about the federal list, the state list and the concurrent list. This is how the Indians distribute powers between the federation and the state. In the exclusive jurisdiction of the federation, suffrage is mentioned, as within the jurisdiction of the federation and the parliament. In the list for the state, state and local elections are listed. Suffrage refers to the qualifications on the constitutional provisions on who can vote; that should be federal nationwide. State and local elections mean the administration of state and local elections which is devolved on the state. So there is really no contradiction.

COMMISSIONER NAVAL.
There is also an election for this federation elective officials?

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER NAVAL.

In an election, for example, were the officers of the federation will be elected at the same time with the officers of the states, is it probable that the laws in the election on the local level will be different from the laws of election in the *federacion*?

CHAIRMAN ABUEVA.

It could be. Yes.

COMMISSIONER NAVAL.

Therefore, the election is being held on one day. Here comes the voter who will vote for national officials and who will vote for the state officials.

CHAIRMAN ABUEVA.

You can coordinate these things. For example, the election of members of parliament can take place at the same time that you elect members of the state assembly. However, there is this thing like dissolution of parliament and dissolution of the state assembly, in which case, elections will not be held at the same time. That is why...

COMMISSIONER NAVAL.

But supposed the elections are held at the same time, simultaneously?

CHAIRMAN ABUEVA.

No, not always, because when you have a parliament, there is supposed to be a term of five years, maximum. But there will be instances when the parliament will be dissolved and then new elections held.

COMMISSIONER APOSTOL.

May I again interrupt? We are debating on that. We assume already that we have approved that. Maybe we could listen to the other side. The whole Committee might agree to retain the unitary system so that one will not be of much help.

COMMISSIONER NAVAL.

I understand that we are talking about this in order that we can decide whether we will shift from this unitary to federal.

COMMISSIONER APOSTOL.

Yes. That's it. But give the other side a chance.

COMMISSIONER NAVAL.

I am just pointing out that is....

COMMISSIONER APOSTOL.

Whatever Commissioner Naval you have in mind, I am just begging to give the other side a chance to present also their side because you are now trying to debate with the Chairman who is practically the primary author of that work. I am just talking of fairness and justice.

COMMISSIONER NAVAL.

Okay.

COMMISSIONER APOSTOL.

Okay, so later on, we will debate with him.

CHAIRMAN TEVES

In the meantime, could I go back to my appeal for comments or suggestions? It's ten to seven.

COMMISSIONER APOSTOL

Whether we will continue or not.

CHAIRMAN TEVES

We are going into the presentation of three presenters for unitary. We proceed with the three?

COMMISSIONER JURADO

I move that we proceed, Mr. Chairman.

CHAIRMAN TEVES

Okay. By the way, I have this thing about our work that we don't really have to decide on anything until after we have done the consultations. Then we come back. That is the only time we need to decide. Right now, I think that there is one thing that we cannot, not do, and that is to craft, to draft the proposal, the questions that will be presented to the consultation process. Yun lang naman ang nakikita kong kailangan nating gawin as of now. The decision as to what to recommend should come only after we have done the consultation process because that's our reason for being.

SUGGESTION BY COMMISSIONER GARCIA

COMMISSIONER GARCIA:

That is not the understanding, I suppose. We wanted to avoid a debate among the commissioners while we are in consultation. That's why we said that we have to agree first or decide first on the position we are going to take. And then we go out. That's why we decided last night that we go parliament because if we do not decide and we go on consultation, it will be a spectacle, unwholesome spectacle, of one commissioner debating against the other. And also, I think, we have to, at this point, as a result of our meeting at the Manila Hotel this morning, we have to closely coordinate with the House. I believe, they have more or less, formed or defined their stand as expressed by the Speaker. But in deference to us, they would like to say that they will wait for us. But more or less they will start debating already on the resolution, and the resolution prepared or crafted by the committee already contains the proposed amendments. So we go on to the provinces consulting with them on some things or issues which will not jibe with what we have. There might be, that will widen the area of intrigues. So I suggested that we coordinate; get their views; get their positions, because they are debating already, they will debate already on the proposed resolution, and then we will sort of adjust our consultation. Because later on, we will have the spectacle as we are proposing certain reforms that are rejected by the House, because they are practical people. That's why this morning, they consulted with the ULAP, the governors, because the general sentiment is that they will reject the federal, especially the governors, because this will mean the abolition of the provinces and it will unsettle existing, legal institutions. So I believe, Mr. Chairman, we should make haste slowly.

CHAIRMAN TEVES
Any comments?

COMMISSIONER APOSTOL.

Mr. Chairman, we will again meet that group that we met this morning. And then, they will come up with their position paper, whether they are in favor of federal or against federal. So I think it would help us if we will vote after we receive the papers. Our position may or may not jibe with their position, but at least, we saw, we see their position, what it is all about.

COMMISSIONER GARCIA.

I think on the issue of federalism, I heard the Speaker say and we heard also Chairman Jaraula about calibration, calibrated shift to federalism. We heard also 10 to 15 years, and I think, the Chairman is the Chairman of the Commission, has perhaps softened the stand, not federalism now, in order that we will not endanger...

COMMISSIONER ADAMAT.

Mr. Chairman, I have a reservation to that in favor of the proposal of Mr. Chairman. That maybe, if we agree here, it has to be an informal agreement. We cannot make it formal because it is awkward for us to agree first on something which is not the product of our consultations with the people. Because our primary duty is to consult our people and out of our consultations, it is hoped that we have already conceptualized or gathered their sentiments and try to translate that into a framework which will constitute amendments to the Constitution. That is precisely the intent and spirit of Executive Order 453. Otherwise, Mr. Chairman, we will be charged of ramming into the throat of our constituents something that have not been part of the process. So first, maybe, if there is a need for us to informally agree on something to avert a possible debate on the grounds during our consultations, we can do that. But the final decision, Mr. Chairman, will come after having consulted our people. Thank you.

CHAIRMAN TEVES

Do we hear other comments on this? Mel, did you want to comment on that?

COMMISSIONER SARMIENTO

No.

CHAIRMAN TEVES

Commissioner Jurado.

SUGGESTION BY COMMISSIONER JURADO

COMMISSIONER JURADO.

I think the point raised by Commissioner Garcia is very well taken, that we cannot present the spectacle of Commissioners debating among themselves in front of the people with whom we shall consult. On the other hand, there is also this very real danger of appearing to have made up our minds but just pretending to consult. My own thinking goes something like this: Why don't we familiarize ourselves with two sides of this issue? There are two major sides in this issue, the two sides, the plusses and minuses. Now, proceeding as though we are in some kind of a university classroom, why don't we get the sense of the people with whom we will consult as to which side they tend to weigh on. It is not that we ourselves, on our individual basis, have not made up our minds.

Perhaps we have, but only tentatively, in the sense of only having a sense, not having arrived at a recent conclusion. Now, if we know the arguments on both sides, and these arguments must be presented fairly, accurately, for people to evaluate. If we know that, that will not preclude our having formed our minds in a transitional sense. After the consultations, then we come back, debate, and arrive at those conclusions of the Commission. Proceeding this way, I think we will really be satisfying the terms of reference contained in our EO; that is, study these issues, consult with the people, and then arrive at conclusions to be presented at the Congress.

CHAIRMAN TEVES

Thank you, Commissioner Jurado. Commissioner Magno and then Espina.

COMMISSIONER MAGNO.

Well, what Gon Jurado seems to be saying is that we go to a process where we pretend to be tabula rasa and consult with a general public that is fully aware of the issues and are prepared to make a decision. But the reality is that the public is generally disinterested in charter change and are not familiar with new concepts like federalism or parliamentary. So I would like, I beg to slightly defer to Gon's position, I hope I don't sound banal, but the role of the Commission is basically to market the idea that there could be improvements and build a constituency for charter change by demonstrating that there are more viable options or new designs. Meaning, we are not really going to the people unconvinced or pretending to be unconvinced and seeking out the expertise of the uninformed. I think what we are basically trying to do is an information campaign.

SUGGESTION BY COMMISSIONER ESPINA

COMMISSIONER ESPINA.

Sorry I was eating. Anyway, Mr. Chairman, just on the procedure, not on the merit of the system proposed. When Commissioner Romualdo was the Chairman of the Committee on Constitutional Amendments of Congress, this was true with other chairmen in later periods of Congress, we went to the various areas, a member of the committee spoke in favor of the amendments and another one spoke against. Then after that, we allowed the sectors present to present their positions. Then we gave out forms where we requested those who attended to give their comments, whether there is a need to amend, whether there is a need to change the system, bicameral, unitary, and then the committee met again to put these into consideration, and decided. In the 12th Congress, this was done, and a resolution was passed by the House of Representatives. But even before that, as I mentioned earlier, we met in Bangkok with three Senators, and continued to meet later on with four Senators, and there were four of us from the House. And it was agreed that we should submit it to the Senate already. And that Angara promised that he will put it in the agenda. That never happened. It reached the Senate but it was never reported by the Committee.

So maybe, the idea of Commissioner Garcia is good, taking into consideration the experience of the House in information dissemination and allowing access of suggestions to the members of the Committee. As a matter of fact, I even agreed with Commissioner Magno that perhaps let us not even give names, but analyze the defect and then put it in the suggestion. Maybe it may turn out to be parliamentary, characteristic, or unitary, or parliamentary or presidential. There was an agreement later, I think, concept na muna, so this is what we are doing. The question really before us is that should we continue with this procedure? Or should we consult? I was even

whispering to Commissioner Azurin that perhaps the first issue that we should take up is whether to recommend to the House that they adopt the constituent assembly approach in amendment and not the ConCon, so that right there, malaman na kaagad natin kung ano ang posisyon nila, especially now that it was announced that Drilon said that definitely, he is against the constituent assembly. So maybe, yun talaga ang prejudicial issue. Thank you.

CHAIRMAN TEVES

So now, we are still soliciting ideas on the process, how we can proceed. Commissioner Mel Sarmiento, then Commissioner Rene Azurin.

SUGGESTION BY COMMISSIONER SARMIENTO

COMMISSIONER SARMIENTO.

There was also a comment this morning, matter of semantics, but using charter change, cha-cha, may nagsabi kanina, sunog na sunog yan. Pangit ang dating sa masa. People won't listen to it right away when you say charter change. But probably, come up with something like constitutional amendment, baka iba ang dating. The matter of questioning to the masa. Probably, by saying, kasi pag tinanong daw na, "Gusto ninyo bang baguhin ang Saligang Batas?" Hindi kaagad makuha ng kinakausap. Pero kung sinabi ninyo na, "Sang-ayon ba kayo na pagandahin natin yung presente nating Saligang Batas?" Mas nagre-respond daw. I mean, when you talk with the people, to the masa, iba ito eh. Eto experience namin as politicians. We are addressing people na probably Grade I, Grade II, Grade III lang. Pag yan ang lenggwahe kasi, ako kase, whenever I talk to the people, may white board ako palagi and I talk to them sa lenggwahe nila. We have a people's committee in the city, presidente ng federation, president of tricycle drivers, vendors association, lahat yan kasama sa people's committee namin. They have a say in everything that we do. And we have to explain to them in layman's term kung ano ang gusto nating iparating. Medyo valid 'yong point na iyon eh, yung sinabi na the way we ask the question. Sang-ayon ba kayo na mas pagandahin natin yung presenteng...Medyo umoo ito. Ito ang feedback kanina na binigay sa amin and I am just relating it to this Commission.

SUGGESTION BY COMMISSIONER AZURIN

COMMISSIONER AZURIN.

Yes, thank you. On this matter of how we should proceed, I think this is a question that has to do with strategy. I think there is a real danger that we are going to be relevant here at the rate that the House is bent on pushing its version of Constitutional amendment. So when we talk about, well, let's go out and consult with the people, then we will decide what we will recommend, et cetera, et cetera. We may be overtaken by events. Now, I would like to believe that the time I have spent here is not going to be wasted. I am recognizing that our case here is recommendatory. That we have no legal basis for forcing whatever changes we decide here. In terms of strategy, the only way I can see wherein there might be some relevance in what we do is if we come up with a draft, whether it is presidential or parliamentary, whatever it is, we can immediately offer it to the people and say, "Look, this is a better version than what the House is proposing," because I don't like the version proposed by the House. But that is the version that is going to be passed assuming they can ram this through. From the strategy's point of view, I want our work to be the alternative against which we can criticize the House version publicly, and say, "Look, this House version lacks certain

things that our version corrects.” In this way, that particular output that we will produce becomes relevant. If we go out to the public and say, “*Ito ang gusto ng House, ito ang problema diyari*.” Then we say, *ito mas maganda*.” But then I don’t know if it will have an effect or not. One, we have a moral ground to criticize the version of the House. Second, we have an alternative offer which if we can sell it, and I use the word “sell,” if we can sell it to the public well enough, then perhaps the public reception of what the House is going to ram through, which is beneficial to them, then it may slow them down a bit; then perhaps adopt some of the things that we are proposing in our draft. Maybe that can be the basis, if we can generate enough public sentiments to support whatever we propose, perhaps that may be the basis of some leverage to get the House to adopt some of the things we will recommend. Thank you.

SUGGESTION BY COMMISSIONER MAGNO

COMMISSIONER MAGNO.

Just to follow on what Rene was saying. Maybe as soon as possible, we should come out with a work in progress, a rough draft, leaving certain controversial areas blank: form of government, et cetera, but we can fill in some blanks where we know we are offering new ideas. This is a work in progress. Para may story line o may balangkas na na sinusundan yung publiko. At the moment, you notice that we are off the media radar screen because nobody really understands what we are doing here. Sometimes I don’t understand what we are doing here either. But if we are sort of assembling something from skeletal form, filling up certain parts where we think we have clear ideas on, then we have a storyline evolving. Then the public is looking at a work in progress, something that is happening. They can have inputs. I am repeating my self. I said this on our first session. We jump into this presidential, parliamentary debate. We will be wasting our time and straight-jacketing ourselves into concepts that are irresolvable at this point. We could leave these things blank and begin selling the idea of constitutional change on those areas where there is immediate agreement and there is recognizable innovation. Thank you, Mr. Chairman.

CHAIRMAN TEVES

Thank you. Commissioner Jurado, then back to Commissioner Azurin. Briefly.

COMMISSIONER JURADO

Problems, yes. Problems cast in political terms are very difficult.

CHAIRMAN TEVES

Commissioner Garcia.

COMMISSIONER GARCIA.

There is, what comes to mind is a prayer which goes something like this: God, give me the serenity to accept the things I cannot change; the courage to change the things I can and the wisdom to know the difference.

I think what we need here is wisdom. Whatever output we produce will be submitted to the President and eventually to the House. It is the House who will decide what changes are proposed to be made in our Constitution. And if we send to the House or through the President several changes, as if we are rewriting the Constitution, this may be rejected by the House. That’s why I am suggesting early on that we touch base with the House

and if possible, get hold of a copy of their draft and let us go to the motion of going over this draft. And perhaps consult with them as to areas where we can agree rather than come up with proposals which later on will be rejected. The House is very sensitive. Right now, they do not want to be viewed or seen as being the rubber stamp of the ConCom or of the Executive. That's why they will start, because they were criticized, they will start their discussion of the resolution. Supposed we depart from that and then we leave ourselves open to intrigues. So I repeat, we get in close touch with the House, coordinate with them and get the sense of the House.

CHAIRMAN TEVES

So on that point, si Chairperson Abueva muna.

CHAIRMAN ABUEVA.

Well, Commissioner Garcia was really reflecting what happened this noon. The officers of the Commission were invited by Speaker De Venecia, as well as the representatives of the various leagues of provinces, municipalities, cities, and so on, to a meeting in Manila Hotel. The idea of the Speaker was to ensure coordination between Congress on the one hand and the House in particular; the local government leaders on the other hand, and our work here in the Commission.

As you know, this was a mixed group, there were several leaders in the House also. I explained to them that in fact we are working hand in glove with the House. We have invited Congressman Nachura of the 12th Congress and of course, Congressman Jaraula. We had a three hour dialogue with Congressman Jaraula. So it is a matter of fact that we are consulting each other. Now, among other thing, at the start, the Speaker enumerated the principal ideas they are working towards, or they are proposing. And these are the shift to parliamentary government, the idea of establishing a federation after a transition of at least 10 to 12 years, the reform of political parties, the extension of terms of local offices to maybe five years. There are few others he mentioned. The appeal of the Speaker is that we continue to inform each other about the progress of our work. On the part of Governor Aumentado, who is the overall Head of the ULAP, the Union of Local Authorities, he said that he will also be consulting with the various leagues with a view to supporting the proposals of the House or Congress. On our part, we were asked by the Speaker and Congressman Jaraula if we could submit to them ideas that we have already agreed upon or working drafts that we have adopted without waiting for December 15. Our reply to that was that we are submitting whatever we have come up with as working drafts before December 15 to the President. This is our progress report as well. And it is up to the President to share this to Congress. There would be proper procedures. I was supported by fellow officers that this will be the correct procedure. But we know that Congressman Jaraula assured us that the House would not make decisions on their final proposal until they shall have received our full report through the President. And in terms of a timetable, we were told, as you know by Congressman Jaraula that it looks like February or March and they would be coming to the final stage of their processing, of their work towards a draft proposal to be approved by Congress. It is very clear what working relationship the Speaker would like with us. And we made it also very clear that we would, as a matter of appropriate procedure and courtesy, respect, to channel our inputs, our emerging drafts through the President. We will, I will have a meeting with Secretary Ermita tomorrow and Secretary Tiglao, and I will report these things to them so that we can coordinate procedure of sharing progress draft without waiting for December 15. I am telling you this so that we can get your advice on how we should really go about it.

COMMISSIONER TEVES.

Thank you, Mr. Chairman. Given that little assurance that we are not soon enough going to be irrelevant, I have this thing about, first, I don't think we can escape consultation. Tama ba? So, ang bigger picture natin dito, we are just one committee of nine; there are nine committees. I suppose that in the consultation process, 'yong output nung lahat ng committees na 'yon at kabuuan ng lahat ng trabaho natin dito, that is to be presented in the consultation. Hindi isa-isa.

COMMISSIONER APOSTOL

No, no, no. The product here will go to plenary. You have to go to plenary.

CHAIRMAN TEVES

Ini-skip ko na lang 'yan. I just went ahead. Yes, it will go to the plenary. But when we reach that stage at papunta na tayo doon sa consultation, 'yong output ng kabuuan, i-consolidate 'yon. 'Yon ang iko-consult. Hindi 'yong sa Federalism Committee lang.

COMMISSIONER ESPINA.

Prejudicial question lang po, Chairman, very brief.

CHAIRMAN TEVES

Sure, Commissioner Espina.

COMMISSIONER ESPINA

We were created by the President, And we were mandated to make studies and report to her. She deems it proper to recommend it to Congress. My question is, I am sure that you will agree with me that having this, the President can also disregard our recommendation, is that correct? Thank you.

COMMISSIONER JURADO

I think casting the issues in political terms make the issues extremely difficult to solve. Now consider the question of shifting to parliamentary or sticking to the existing presidential, on the one hand, and the issue of shifting to federal away from the unitary. What has happened, by necessity under the circumstances, is that, each of the two sides are reduced to enumerating the good things about one side. So there is enumeration. In the second stage is what we call in science debating at the counterfactual level. That is to say, given that we are, for example, a presidential system, if it were parliamentary, this will happen, and then there is a bit of speculation that goes with some kind of arguing. The same defect or characteristic pertains to the debate whether we should go federal or remain unitary. At this level, the conclusions we have arrived at have strictly to be individual. There is no necessity for anyone to argue that his conclusion is better arrived at than the conclusions of the others.

Now, in science there is a way of partly resolving this, but only partly. In economics, we construct what we call simulation models. What is a simulation model? Initially, it describes existing reality, and then parameters are changed or variables are changed to reflect the values of that possible scenario, and then the model is rerun and see what the outcome is; to see, for example whether the economy will be growing faster, whether income distribution will be more satisfactory, whether political power will be transferred more in a greater degree to the people or not, assuming that we can reduce all these great concepts into more or less measurable variables. Now when a conclusion is arrived at, arising from the structure of the variables reflecting the scenario the builder

has in mind, then that builder is able to say, people, here is the outcome; in the event we do this, we do this, here is the outcome. But, you know, this is inferential built on numbers that are changing all the time. And therefore, they are built only on the laws of probability. That outcome will come out only subject to certain degrees of error, certain margins of error. These are what you call deviations. You know, there is a high probability; the statistician can say whether the probability is 95%, can never be 100, 66. These are, what do you call this, two standard deviations from the mean, one, etc. Those are still probabilistic. See, the model builder can say, very, very probably, I'm sure up to the level of 95% that this will happen. Now, so there you are. It is by the use of simulation models that that area of uncertainty, so wide when the debate takes place at the level of political words, is narrowed. But even when it is narrowed, it does not arrive, it does not reach absolute certainty.

What is the point I'm making? The point I'm making is this, since we don't have any simulation model, and even if we have, we can never be sure of certainty. Let us just be happy, you know, on the basis of less than absolutely satisfactory evidence, for the simple reason that that certainty can never be arrived at. Now, at the political level, I myself have already arrived at some conclusions and this is what makes the second stage very difficult. How can a man who has made up his mind really consult people as though his mind were tabula rasa?

COMMISSIONER APOSTOL.

Mr. Chairman, just point of order. The issue is very simple. Will we listen to Gerry Espina or Pabling Garcia or not? We postpone. That's the only issue. *(Laughter)*

CHAIRMAN TEVES

Thank you. We're discussing how to proceed. Actually, we're getting a bit ahead in terms of analyzing how do we get this into the consultation process and then how do we make that final? Commissioner Villanueva, for the first time. I'm sorry, Rene, let's accommodate Commissioner Villanueva. He is speaking for the first time, then we'll get back to you.

INQUIRY OF COMMISSIONER VILLANUEVA

COMMISSIONER VILLANUEVA.

You know, I am one of the new boys in the block. I was just inducted yesterday and I must confess, I'm a little bit confused, a little bit confused. As I understand it, the purpose of this Commission is to be able to study and consult with people to be able to find out and identify what are those that we have to cure as defects in the Constitution, if there are. It is to my understanding that if we come to a conclusion before a consultation, then we had betrayed the purpose of our creation. Because what is expected from us here is not merely our opinion, it is not only our knowledge, our understanding. We are supposed to go through a process whereby we also avail of the opinion and wisdom of other people, and then, come to a conclusion. I know many of us here are my colleagues in the academe. And we normally don't come to a conclusion right away. Our discipline does not tell us to proceed that way. And so I am a little bit confused because some people are advocating that we come to a conclusion and then we consult.

Now supposing, for instance, we come to a conclusion formally or informally, then when we consult, we find out that the sentiments of those we consulted is contrary to our conclusion. What do we do? Isn't that going to be an insult to the people that we consult? If we go to them and ask what you think, when in fact we already have a

conclusion. And so I would like to be clarified, Mr. Chairman, about the process that we are going to adopt and I would like to believe that all of us would like to be true to the purpose for which we have been created. Thank you, Mr. Chairman. I am addressing this to the Committee Chair because this is supposed to be a committee hearing. And so protocol demands for me to address this to the Chairman of the Committee.

CHAIRMAN TEVES.

I said precisely that there is one thing that we cannot escape or we cannot avoid, and that is consultation. So it is very clear to me that the problem we have right now, I think that what we can do is to draft a consultation question. We don't have to make a decision but to draft a consultation question that will incorporate this particular mandate and it is very clear there, principally the shift to federal, 'yon ang idudulog sa mga tao. Ano ba masasabi ninyo dito sa proposal to shift from the unitary to federal. That's my own layman's thinking about this whole thing. We have to go through that process. So I think that this Committee can decide what is the consultation question, and which by the way, we still have to incorporate into the overall, 'yong galling sa ibang committees din.

COMMISSIONER APOSTOL.

Mr. Chairman, we still have to listen to the three people who are saying retain the unitary. It seems that we are already trying to decide.

CHAIRMAN TEVES.

We have to resolve this yet but we can go back to...

COMMISSIONER APOSTOL.

Yes. What we should resolve is, will we listen to them now or we postpone?

CHAIRMAN TEVES.

Wala na, wala na sa kuwan, but we have to resolve this issue, I suppose.

COMMISSIONER ROMUALDO

Mr. Chairman.

CHAIRMAN TEVES

Before you, Commissioner Loloy, I recognize Rene.

SUGGESTION BY COMMISSIONER AZURIN

COMMISSIONER AZURIN.

Let me just first dispose of the question of consultation. First of all, I don't know how we are going to do that. One, what is the real mechanism for consultation? The real consultation is conduct a plebiscite, I mean, that is the real way. If we are just going to consult informally, that is another matter. But we don't even have a budget for consultation. That whole question of consultation is problematic. I would like to look at this from the point of view of this Body, this ConCom, and look at this from the point of view of, I want to repeat, from a strategic point of view. When I joined this body, I recognized that it had no power, it has no power to propose any change. I think the only reason for justifying my joining this Body is that I did not like the version of the House for charter change, and the only way I saw strategically of introducing something better, at least as far as I thought, better than what the House is suggesting, was to offer it from the platform of this Commission. Whatever it is that will be decided here collegially, I will

go along. But my hope is that it will be a better version than what the House will propose, that basically because it will contain certain safeguards that will check the power of the Parliament. We have no leverage either way. I admire the Chairman of the Commission for his optimism that Speaker De Venecia and the others will respect whatever this Commission will propose. But the reality is that the balance of power does not make that a believable scenario. I think they will pass whatever they will be able to pass. I think the potential leverage that we might have is the public. And I think the only way we can have the leverage of the public is to come out and say, "Look, this is better a draft than what the House is saying, and this is the problem with the House draft." And if we can go out and say that and we can get sufficient resonance from the public, then maybe the congressmen will now be forced to deal with us. Otherwise, they don't have to deal with us and they will not deal with us.

CHAIRMAN TEVES

Interesting idea. Governor Lolo.

COMMISSIONER ROMUALDO.

Mr. Chairman, we have Pepe, you and I, who have tried the consultation already in Malaybalay, and that was beautiful. I was requested by the convenors in Malaybalay to speak on parliamentary system, so I presented the beautiful points of the parliamentary, its advantages and disadvantages, so that's how we sold it out. Then Pepe spoke next, and he spoke of federalism. He likewise presented the advantages and disadvantages of federalism, parliamentary federalism. And it was well received in Malaybalay. And I would suggest that we do the same, we do the same, that's consultation, and practically we had a mock voting during that consultation. And this time, for us to have records on this consultation, we send out papers for them to write their names and what's their preference. We have tried it, Rey, right? And to me it was beautiful. We do that. We do that, rather than, I'm sorry, Rene, rather than, "Look, this is better than Congress." It is difficult. That's confrontational na rin. We want to avoid that. And in fact, this morning, as what our Chairman said, I took note of what the Speaker said, the areas. I personally, did not involve the Commission. I talked to Speaker De Venecia, "Please help us with the funding, especially on our consultation. You have plenty of funds in Congress. Can you spare us?" We made that representation and he is willing to help us.

Now, number one was parliamentary-unicameral, removal of term limit, strong political parties, strong civil service, economic provisions. Those were the areas that, I think, the House is concerned of. It is practically parallel sa atin.

CHAIRMAN TEVES

Thank you. Commissioner Mel, then Commissioner Gerry Espina. Commissioner Mel muna.

SUGGESTION BY COMMISSIONER SARMIENTO

COMMISSIONER SARMIENTO.

I've been going around actually, as early as two years ago about the issue and I would always present to the people that I am not here to debate; I am just trying to sell a product, and tell them about the advantages and disadvantages of the product. And people who are convinced would right away approach me and would ask for my phone number. My proposal is, I mean as a politician, we do strategize in seeing it to it that we

are going to win in an election. My proposal is that, is for us to go around at the soonest time, offering the draft of what the House has now no. I think Congressman Jaraula, their committee already, they have a, a proposal already, a draft proposal. The proposal of our Chair, by the way we bought one hundred copies of your book, distributed it to all our barangay captains for them to look into it. Then, some of the proposal that we have received here in the Commission, just present it to the people. We are not going to be there to debate with them, nor for us to be debating there while we are presenting, unless the people comment because once, because by doing so we would be able to identify the most popular product as early as possible. Providing hope already to the people, and there is hope, no amount of, probably even if there are some destabilization plans going on, no amount of interventions probably can convince them that we had somewhat provided them with some hope with a model that was presented to them, and we get to feel what is most popular and what is most acceptable proposal that we can probably have; because as early as that stage, there is already that sense of ownership. And then collate everything, come up with the proposal that is already something that is very popular, submit that document to the President. And if ever the President will hopefully accept our proposal, once she submits that to Congress and if the Senate would not want to agree on it. Having so many people liking the idea already, hopefully yung tao na mismo ang tutulong sa kaban niya mag-pressure pa ng Senado, na mukhang maganda ito. Pero huwag tayo magsara ng isang ano lang , 'yong una bakit ano ba ang depekto ng Presidential natin ngayon? May proposal na ganito, may proposal na ganyan, may proposal na ganyan. Mas maganda siguro kung gano'n yung prosesong gawin natin para hindi lalabas tayong inutusan lang tayo ng kung sino diyan.

Ah, there was this agreement re-touching base with the politicians, whether we like it or not, the politicians at the end of the day will deliver the votes for or against. If the governors are going to campaign against our proposal, baka madisgrasya tayo pati yung parliament na mukhang nagkakaintindihan na madisgrasya pa.

So, there was an agreement earlier sa ULAP right after the meeting with the Speaker, for the ULAP to create a technical working group to somewhat come up with their own version, and trying to reconcile that with the version of the House. Being a member of the technical working group, makakakuha tayo kung anong tumatakbo doon. I can share it to this body, for us to somewhat..also analyze the proposal submitted by the other leagues. Kasi yung mga governors kasi hindi pa nagkakaisa e. Nagkakagulo pa ito, 'pag inaway natin 'yang mga governors, kahit maganda 'yong produkto natin, to be realistic about it, no amount of mga, ko-compute-compute diyan. 'Pag sinabi ng governors, mangampanya 'yan against, baka madisgrasya tayong lahat.

So my proposal is that, let's try to go around as early as now. Some mayors, I told them about the problem, 'yong financial limitations natin; some of them are willing to host. Sabi nga eh, "Hindi naman ata kayong lahat pupunta, ano?" Sabi ko hindi naman. We're going to send about three or four, present the product to the people, okay, call. We don't have to feed the people there. We can start the consultations as early as 8:00 in the morning and then end up about 12:00. You won't spend that much, for air fare and probably for hotel accommodation, meryenda.

CHAIRMAN TEVES

Commissioner Gerry and then Commissioner Nelia.

STATEMENT BY COMMISSIONER ESPINA

COMMISSIONER ESPINA.

You know ah, I am worried. 'Pag isinama natin itong parliamentary at saka itong federal, baka maging zero 'yong ating makukuha. Mas mabuti na yung 50% kaysa zero. Ibig kong sabihin, okay parliamentary na kung parliamentary. Let's get an assurance na matatanggap iyon. 'Pag sinama pa natin 'yong isa pang complicated na issue, eh baka mawala lahat, baka mawala lahat. At even doon sa parliamentary, later on tumanggap tayo ng amendments. So that we can make it really work. Ang takot ko, ako na lang sasabihin ko, 'pag ipinilit natin yung federal at saka parliamentary, I will, you know, I have been conducting a radio program for the last 12 years everyday, and it is heard all over Region VIII. So, ako na lang, I will speak against this. As a matter of fact, because of the early and hastened voting last night, which was conducted at 7:35, mas matagal pa tayong nag-uusap sa procedure whether to consult or not, eh baka there might be otherwise...

COMMISSIONER APOSTOL

Just to interrupt, the voting last night is more on a question than a definite one. Is there a necessity of having a parliamentary system of government? We did not say we are in favor of it. Eh, you see, you should have looked at the question before you started questioning it. Then the other one: why is there a need for a unicameral? These are questions eh. They are not really definite.

COMMISSIONER ESPINA.

So, okay, I was informed by at least two fellow Commissioners that there was voting and for the preparation of a report on the parliamentary system. Now, okay, we want to be procedural about it, last night before the voting the question of quorum was raised and they said there was no need.

COMMISSIONER APOSTOL

Nobody raised the question.

COMMISSIONER ESPINA.

There was.

COMMISSIONER APOSTOL

None.

COMMISSIONER ESPINA.

I refer to Commissioner Acevedo.

COMMISSIONER APOSTOL

None.

COMMISSIONER ESPINA.

And this procedure is highly anomalous which may lead me to declare that...

COMMISSIONER APOSTOL

No, no, no. We resent that word "anomalous."

(Laughter)

COMMISSIONER APOSTOL

Because at the beginning, there was a motion to waive the calling of the roll, so that's it...

COMMISSIONER ESPINA

A question of quorum, as you know, can be raised anytime, and you can read the Roberts Rule of Order for that

COMMISSIONER APOSTOL

Yes, but not otherwise there's a quorum.

COMMISSIONER ESPINA

So, then it was raised...

COMMISSIONER APOSTOL

Ah, no.

COMMISSIONER ESPINA.

It was the duty of the leadership to determine whether there was quorum or not on a question of a very significant one, form of government, which will affect the lives of the people everyday. And we don't even debate it in this committee for two days. We were made to understand last night before we left that there will be no voting. I was asking for at least one day. I was even amenable to the suggestion of Carmen during the caucus outside that ah, "Huwag munang magbotohan." These were the words of Carmen Pedrosa. And she even said, "Maybe ang i-report natin sa plenary dalawa: parliamentary and presidential, and let the plenary decide." So...

COMMISSIONER PEDROSA.

I think that, that, ah, you're misunderstanding because, did we, because of the vote you think that a decision was made. No. They just wanted to have a sense of it. And that is why I think the votes should not be considered like ah, dividing the House or anything because it's the House.

COMMISSIONER ESPINA.

But there was, Carmen, it is on record: 13 voted in favor, one, against because the vote of Commissioner Acevedo was not counted because he is not a member of the Committee, and four abstained. May I know, for the record, who were those who abstained? Thirteen, plus one, plus four, is 18. There are 40 members of the Committee. Can anybody tell me whether there was majority? 41?

CHAIRMAN TEVES

Commissioner Gerry, I'm afraid that this Committee has no jurisdiction over what transpired last night. We are not in plenary, so...

COMMISSIONER ESPINA.

I agree with you. I agree. I agree. As a matter of fact, I was going to ah, come up with a resolution apprising the Chairman of the sub-committee on Structure of the Republic because he has been very, very open in allowing everyone to speak.

COMMISSIONER ROMUALDO

We will authorize Gerry to talk against what we are doing here.

(Laughter)

COMMISSIONER ESPINA
I will.

COMMISSIONER APOSTOL
You will meet the committee on Thursday because that was the arrangement that we have, that we will submit what we agreed last night to plenary. And ah, in fact, Lambino was saying, will the co-chair sponsor the measure. And he said, he will, Rene.

COMMISSIONER ESPINA
May I reserve the right to speak against the committee report?

COMMISSIONER APOSTOL
Of course.

COMMISSIONER ESPINA.
Thank you.

COMMISSIONER APOSTOL
That is a plenary work. Nobody is prohibited from talking.

COMMISSIONER ESPINA
Procedure really, Serge, you know that when you are a Member of a Committee, and the Committee has decided, unless you make reservations, you are governed by the decision of the Committee. We want to do this right.

COMMISSIONER GARCIA
Parliamentary inquiry.

COMMISSIONER PEDROSA.
I just would like to add something because I've been listening about this consultation. Constitutional amendment is a leadership issue but because we are a democratic country, we want to consult. Consult is not the right word, in fact, dialogue. Because as Commissioner Magno has rightfully said, you cannot really consult people who don't know anything about what we're doing. So to consult is just being hypocritical about the whole thing. And yet we go to the process because that was the paradox of democracy. But it is a leadership issue. So, it must come from us. You must understand it. And I think that's why government has failed us because they don't want a certain leadership. They want to see, okay, ikaw na lang, o sige sila na lang, wala, it's not like that. We need a strong leadership. Thank you.

CHAIRMAN TEVES
Commissioner Nelia.

INFORMATION BY COMMISSIONER GONZALEZ

COMMISSIONER GONZALES.
I just want to make it clear that the people are really waiting for the consultations. Ah, the press releases that I read everyday has confirmed that our Secretary-General announced that we will have consultations. And the first consultation will be in Davao,

am I right ah, Commissioner Lito? So they're expecting that there will be consultations. It is not just one way. We ask them: Ano naman ang nasa isip ninyo? You tell us. Hindi ho ba gano'n? So, and then based on the releases that we have, this morning I had a call from the PHILCONSA who is meeting on Monday and they invited three of us. They invited because we are members of PHILCONSA, Commissioner Leviste and myself, and Commissioner Jurado. Now, our fellow commissioners who would like to go there, please be there. We will be at the Manila Polo Club at 12:00. That's a membership committee meeting and so they would like to know what's going on at the ConCom. And I am therefore advising the Chair that we have been invited to be there. So, I also would like to say that the daughter of Dr. Salvador Araneta sent us these fifty copies so that each of us will have a copy. Magandang, very good reading. It can help us, enlighten us. Thank you.

COMMISSIONER ACEVEDO.

Mr. Chairman, a question of personal privilege.

CHAIRMAN TEVES

Commissioner Acevedo.

REMARKS BY COMMISSIONER ACEVEDO

COMMISSIONER ACEVEDO.

When I voted last night, it is because I informed the Secretariat that I was changing my committee to the committee in session. And I've always heard the Chairman say that you can change your committee anytime. And I was, I changed my committee, and that is why I voted. And when I asked for a ruling on a question of quorum, there was no ruling. But there was only counting. So this is a question of the exercise of the committee rules. And in the first place, yesterday it was clear, and my question was even premised on that assumption that there are no rules. And that we can observe the existing rules of procedure either in Congress or of Robert Rules of Order, and when somebody objected to my raising the question of quorum, that it should be raised only at the beginning of the committee meeting, I, to my mind, I don't know. I asked Congressman, former Congressman Abueg, that the question of quorum can be raised anytime during the proceedings although I did not insist on a ruling.

COMMISSIONER ROMUALDO

Mr. Chairman, please.

CHAIRMAN TEVES.

Please take note of this once again na wala ito sa jurisdiction ng kuwan ano. How disappointing that tonight we have more than a quorum and we are not voting.

COMMISSIONER VILLANUEVA

Chairman, just addition. For instance, in the matter of consultation, I would like to inform the Commission that we have been doing this in the University, and as a matter of fact, Chairman Abueva has already spoken already in our lecture series. We are conducting a lecture series as a sort of consultation. Now, consultation, for instance, we have about 900 barangay chairmen in the City of Manila. Then we will call them to an assembly. You want it by district; we will call them by district in the six districts. You want it in consultation of the entire barangay council, then we'll assemble about 900 of them. But

we must go to the people and consult. I think, it is our duty to do that so that we may be able to reflect on the sentiments of our people.

COMMISSIONER PEDROSA.

But I don't think, I don't think that is being discussed, or anybody opposing it. Everybody knows, that's our mandate.

COMMISSIONER VILLANUEVA

No, I just want to emphasize that it is not hypocritical. That it is an actual...

COMMISSIONER PEDROSA.

No, it is hypocritical, to say, to say that they will teach you what to amend.

COMMISSIONER VILLANUEVA

Ah, no, consultation.

COMMISSIONER PEDROSA.

But that's what I am saying.

COMMISSIONER VILLANUEVA

Consultation.

COMMISSIONER PEDROSA.

But that's the inference, that it is hypocritical.

COMMISSIONER VILLANUEVA

I think we had enough strong leadership for 20 years. This must be...

COMMISSIONER ESPINA

Mr. Chairman, One brief line, one brief line.

CHAIRMAN TEVES.

Commissioner Gerry and then the Chairperson will also speak.

COMMISSIONER ESPINA.

Let me just put some reality into this whole thing. One, it was accepted earlier. I really intended that question to be asked: Can our recommendations be amended by the President? The answer was yes, she can even completely disregard it. We have the same position as far as Congress is concerned. It is up to them really. And therefore, we should really develop integrity in our procedures because that might be a big question before the people later, that a minority voted. So I am in fact bringing this to the attention of the Commission because I want our work to be valid, legitimate, and perhaps influence public opinion to bear pressure upon members of Congress. You know, I have been calling for amendments. I have traveled all over the country since the beginning. So, I have a passion for charter change. As I said, I am even willing to accept a modified presidential system, with some features of the parliamentary. But please let us follow procedures in our decisions, if we want to have an influential impact on the public, and the president and the members of Congress.

COMMISSIONER ROMUALDO

Ah, Mr. Chairman, please.

CHAIRMAN ABUEVA

Yes.

COMMISSIONER ROMUALDO

He's a good friend. We have been together for so long a time. I understand Gerry, but let's not be too technical in our deliberations. In fact, I was happy when the Chairman at the start of the day when we were together here, that like the academe everybody is free to talk. Oh see? Now it will be bit technical, very, very procedural, more that we cannot go out to the field. And one thing if there was a consensus, this will be subjected perhaps, as we have been assured, to the plenary. So whatever grievances you have in the committee meeting, you can still raise it to the recommender, rather than talking about procedure, and then dignity, or respecte because, because that, that, that will be a slap to all of us that we do not know; we do not respect one another. So please, let's, iilan lang tayo eh.

CHAIRMAN TEVES

Thank you. Chair?

CHAIRMAN ABUEVA

Yes, so I'd like to...

COMMISSIONER ROMUALDO

Mr. Chairman, let me continue, please.

CHAIRMAN ABUEVA.

Oh, yes. I'm sorry.

COMMISSIONER ABUEVA.

Let, let's go into consultation or dialogue, no? We, we know, what are the possibly, we know the possible amendments. To me, the main area of concern really is the form of government. The form of government, eh you go anywhere it's the form of government that's really very important as far as the people is concern.

MOTION OF COMMISSIONER ESPINA

COMMISSIONER ESPINA

I move therefore, Mr. Chairman, that the Commission goes into a consultation activity, giving authority to the officers to decide where, when and how.

CHAIRMAN TEVES.

There's a motion in the Committee? For the Commission?

COMMISSIONER ABUEG.

I do not know whether the movant will accept this amendment...

CHAIRMAN ABUEVA

Excuse me, let me speak to the...

COMMISSIONER ABUEG

...that we go on consultation and the Chair be authorized to organize a committee to frame the questions that will be asked.

COMMISSIONER APOSTOL

Point of order, Mr. Chairman, this is a committee hearing. We cannot decide on those matters.

CHAIRMAN TEVES.

No, but ah, Commissioner Abueg is, I think, talking about the Committee.

COMMISSIONER APOSTOL

Perhaps, they would like this Committee...

COMMISSIONER ESPINA

This Committee can decide, that is the point of order. The point of order is not entirely correct. It is within the function of this Committee to decide the procedure upon which it can better do its job. And if it calls for, a consultation, maski isang beses man lang, and then let us do it. Let us do it.

COMMISSIONER APOSTOL

Let's make it very clear, Mr. Chairman. The motion is only for this Committee to go out and consult the people.

COMMISSIONER ESPINA

Yes, because this was discussed here in this Committee. I do not want to tie the Commission on a matter discussed undecided by this Committee. And I would like to congratulate the Chairman of the Committee for his fairness and justice.

CHAIRMAN TEVES

We're talking Committee here. We're talking Committee now.

COMMISSIONER ESPINA

Yes.

CHAIRMAN TEVES.

Commissioner Abueg has made a specific suggestion to organize from among ourselves in the Committee, a kind of task force that will draft the consultation question. And this will be presented, I suggest, to a next meeting of this Committee next Tuesday if that's agreeable to...

COMMISSIONER GARCIA

Parliamentary inquiry, Mr. Chairman.

CHAIRMAN TEVES.

Yes sir, Commissioner Garcia.

COMMISSIONER GARCIA.

Much, much earlier, we agreed in plenary that on these important issues such as form of government, structure of government, we get the sense of the Commission. And for that purpose we went into voting, this question voting. Do I understand that what we are now proposing to do, to go out and make consultation, we do not or make any voting as was done in the case of form of government?

COMMISSIONER ESPINA

That would be my position as the movant of the motion.

COMMISSIONER ABUEG

Chairman, every committee can adopt its own internal rules without following any rules that has been adopted by the Commission as a whole. Now, we can only accomplish our work with the, providing means how to achieve it, and this is by way of consultation and also, providing for the rules how we will make our consultation. Thank you, Mr. Chairman.

COMMISSIONER GARCIA

With due respect, Mr. Chairman...

COMMISSIONER ESPINA

I move for the previous question. A motion for the previous question means to stop debate on the subject of the motion and to vote immediately without debate.

COMMISSIONER ABUEG

I have an amendment.

COMMISSIONER ESPINA

Amendment? But, what is the amendment?

COMMISSIONER ABUEG.

And ah, authorizing the Chairman to create a committee to frame the questions that will be submitted during the consultation.

COMMISSIONER ESPINA

If the amendment will incorporate therein that the propose questionnaire shall be sent to us as members of this Committee for our review, then I will accept the amendment.

CHAIRMAN TEVES

Submitted for discussion in the next meeting for the Committee.

COMMISSIONER ESPINA

Okay, so I accept the amendment. Let me just clarify. We are moving that we go into consultation, and that this Committee has authorized the officers of the Committee to draft the questions. I am just clarifying that this question, after being formulated by this authorized group, should be consulted with us before we finalize. Then if that is the intent of the amendment, I accept the amendment.

COMMISSIONER ABUEG

Of course, Mr. Chairman, that will be submitted to the Committee because it will form part of the report of the Committee to the Commission.

COMMISSIONER ESPINA

I accept the amendment.

CHAIRMAN TEVES

Commissioner Marohombsar, just a comment on that. Clarification?

COMMISSIONER MAROHOMBSAR (*off mic*)

...will only be on the federal system of government?

COMMISSIONER GARCIA
What about the form?

CHAIRMAN TEVES
We're talking structure.

COMMISSIONER ESPINA
As the movant, may I clarify. That is a parliamentary strategy that I did. Because when we go into a consultation with structure of the republic, you cannot escape discussion on the form of government. Pero for what is structure? Structure is not building people in places. No. It is actually the allocation of the authority of the government. More for the local or less for the local? More for the central or less for the central? And this affects the overall political relationships within the formal structure of government. I might even add that it will also affect the relationship of government with the people everyday. So, that was a strategy that I used having taught parliamentary procedures for some years.

COMMISSIONER APOSTOL
Ah, ah, Mr. Chairman, Mr. Chairman...

COMMISSIONER ESPINA
Now I move for the previous question which is not debatable. We now vote.

COMMISSIONER ADAMAT
Mr. Chairman, before the votation please, clarification please.

CHAIRMAN TEVES.
Clarification on the, on the...?

COMMISSIONER ADAMAT
On, on the motion.

CHAIRMAN TEVES.
Yeah, okay.

COMMISSIONER ADAMAT
Because my, my reading of the motion is for this Committee to conduct an independent consultation as if we have the logistics to do that. We're talking about logistic problems here and here we are talking about an independent consultation.

COMMISSIONER ESPINA
Let it be proven that we cannot do it.

COMMISSIONER ADAMAT
What I am saying, if I may suggest, Mr. Chairman, if the movant would agree, provided that the consultation would be in synchronization with the Commission's consultation.

COMMISSIONER GARCIA
Mr. Chairman.

CHAIRMAN TEVES.
That's up to the leadership already. We're going into details.

COMMISSIONER GARCIA

Mr. Chairman, just a point of inquiry, Mr. Chairman. As observed by Commissioner Espina, the consultation on the structure of government will at the same time involve the form. We cannot isolate. We cannot go on consultation without also touching on the form because this question will be asked. In fact, more people will be interested in the form than in the structure. So, for practical purposes, I think, and this would pertain to other committee, that if there should be consultation and considering the state of our finances, we cannot go on consultation on parliamentary and at the same time, or on another time, go on consultation at federal. Why doesn't the Commission, I am not speaking for this Committee, decide to go on consultation both as to form and substance?

CHAIRMAN TEVES.

Can we just have a comment from your best friend, Commissioner Gerry.

COMMISSIONER ADAMAT

Mr. Chairman, please, point of order, Mr. Chairman, point of order.

CHAIRMAN TEVES.

What's your point of order?

COMMISSIONER ADAMAT

I raised, I raised an issue which I need the response from the movant as to whether he will accede to my suggestion, which can constitute also as an amendment to his motion. That I'll agree with the motion provided the consultation will be done in synchronization with the Commission's consultation to avoid double expenses or expenditures

CHAIRMAN TEVES.

My direct and simple understanding of the mandate for consultation is the Commission's mandate. We are just one committee to facilitate precisely the discussion, the packaging of the consultation questions. So isa lang ito. The way I look at it, kaya nga tayo nag-meet kahapon, one committee, another committee today, another committee tomorrow, and all of that. And then there's going to be a plenary session where the committee will report what they have done and what they have agreed on. Then the consolidated question will be the one to be presented to the consultation process, so...

COMMISSIONER APOSTOL

So, may I....

CHAIRMAN TEVES.

So 'yong motion dito, I understand it, is a motion for the Committee precisely to para suggest the consultation process as if that is not yet, that is still in question, for this Committee to recommend that we go on the consultation process and then that Commissioner Abueg's amendment is that to authorize the Chair of this Committee to form a group that will draft the question. And then that question will be submitted to this Committee again, to this membership, in our next meeting for discussion and final agreement. And that Committee meeting, the next Committee meeting, will now, finally, I think we still have to listen to the presentations of the, of those who are for unitary by the way. And then we can come up with a conclusion at that second meeting that we will finally report to the plenary session next week.

COMMISSIONER ESPINA
That is really the meat of the...

COMMISSIONER APOSTOL
Mr. Chairman, may I say something now?

COMMISSIONER ESPINA
Point of order.

COMMISSIONER APOSTOL.
According, according to the movant, the motion is a strategy to intrude into the work of the other committee. Now, we are now trying to intrude into the other committee and definitely, the other committee may not like the idea of a motion trying to intrude into their work.

CHAIRMAN TEVES.
Which one is this?

COMMISSIONER APOSTOL
The form...

CHAIRMAN TEVES.
Parliamentary?

(Laughter)

CHAIRMAN TEVES.
Ah, the form...

(Laughter)

COMMISSIONER APOSTOL
That is the strategy.

(Laughter)

CHAIRMAN TEVES
The problem with Commissioner Espina is that you announce it publicly that that is your strategy.

COMMISSIONER ESPINA
There is nothing immoral or wrong with it. As I have said, in the beginning, let us be personally honest in our views and our, I'm not saying that you are not no, but my point is this. As I have experienced in the legislative bodies, all my positions in public had been through elections, most of them as an opposition. My point is, it is the shield of democracy to use parliamentary techniques if you are beaten in one battle area. The vote, the committee yesterday voted without me, the main proponent, the only one for the presidential out of the committee, after I pro voted, after I defended, answered questions. I left because we had to attend an important executive council meeting of the ULAP with the President. And after assurance that there will be no voting, aba eh nagkaroon ng voting. So, forgive me if I use whatever little knowledge I have to reopen if I can because you cannot go to the people and say, Huwag natin pag-usapan 'yong

allocation of authority of government ha, federal lang tayo o ano. You cannot go on consultation and tell them na, as a matter of fact, I agree on the observation that most of the questions will be in the form of government. If you will remember from the very beginning, I was against two committees of structure and form. I said there should be only one committee.

COMMISSIONER APOSTOL.
So Mr. Chairman...

COMMISSIONER ESPINA.
I vote that...

COMMISSIONER APOSTOL.
This Committee will be used now as a shield to intrude into the work of the other committee? It's an open *ano*...

CHAIRMAN TEVES.
Hindi naman siguro, hindi naman.

COMMISSIONER JURADO
Point of information, Mr. Chairman.

CHAIRMAN TEVES.
Yes, Commissioner Jurado and then, Jarius you want to speak out also?

COMMISSIONER ESPINA
I move to adjourn, Mr. Chairman.

CHAIRMAN TEVES
Chair of the Commission...

ADJOURNMENT OF MEETING

COMMISSIONER ESPINA
I move to adjourn.

COMMISSIONER ROMUALDO
Mr. Chairman, I move to adjourn.

COMMISSIONER PEDROSA
Second.

COMMISSIONER ABUEG
Objection.

COMMISSIONER APOSTOL
There is an objection, so we vote.

COMMISSIONER ABUEG
Considering, Mr. Chairman, considering...

COMMISSIONER ESPINA.
Why are we afraid of free discussion?

COMMISSIONER ABUEG
...that the Chair has recognized two more gentlemen to speak...so I think...

COMMISSIONER APOSTOL
No, no, the motion to adjourn is not debatable. So, we vote. Let's vote, Mr. Chair.

CHAIRMAN TEVES.
Yes? Whether to adjourn or not?

COMMISSIONER APOSTOL
Oo. Yes, there is a motion to adjourn.

COMMISSIONER SENO
Mr. Chair? Before we take the motion, may I be privileged to make an announcement?
And that is the Committee on Suffrage, the Political and the Political Party Reform will meet tomorrow at 10:00 in the morning, in Room Number One.

CHAIRMAN TEVES.
Committee on Suffrage is meeting at 10:00 tomorrow?

COMMISSIONER SENO
10:00 the morning.

CHAIRMAN TEVES.
Ten o'clock in the morning tomorrow.

COMMISSIONER BELLO
Mr. Chairman,also I would like to make an announcement, that the Committee on Constitutional Commissions, Transitory Provision and General Provisions will meet at 2:00 tomorrow, not 1:00 as announced by the Floor Leader.

CHAIRMAN TEVES.
Constitutional Provisions, Commissions, 2:00 tomorrow.

COMMISSIONER BELLO
Yes, Mr. Chairman.

CHAIRMAN TEVES.
Yeah. Okay.

COMMISSIONER BELLO
To correct the impression that it is 1:00. It's 2:00.

COMMISSIONER APOSTOL
We move now because there is an objection on the motion to adjourn.

CHAIRMAN TEVES.
Before the vote on the motion to adjourn, can we hear from Chairperson Abueva?

COMMISSONER APOSTOL

The procedure is simple. If there is a motion to adjourn and there is an objection, we just vote. No arguments. Nobody is allowed to talk.

CHAIRMAN TEVES.

Okay. Finally.

COMMISSIONER ESPINA

Mr. Chairman, the motion for the previous question is the same classification as a motion to adjourn. It is not subject to debate, and yet how long ago I proposed for the previous question? So, let us be consistent. Let us be consistent.

COMMISSIONER BONDOC

I thought there will be no debate.

(Laughter)

COMMISSONER ESPINA

There was no debate in the previous question, but everybody came out with statements.

CHAIRMAN TEVES.

So, let's vote on adjournment.

COMMISSONER ABUEG

Mr. Chairman, the previous motion, the pending motion, take precedence.

COMMISSIONER APOSTOL

Ah, the, the, Mr. Chairman, that motion is not a privileged motion. That is an ordinary motion to form a committee. So, the motion of Commissioner Romualdo takes precedence to all other motion. So we vote because there is an objection.

COMMISSIONER ESPINA

I agree.

CHAIRMAN TEVES

I understand, 'yong motion, to create...?

COMMISSIONER ESPINA

It was overridden by the motion to adjourn.

CHAIRMAN TEVES

Okay na iyon siya? Wala nang objection do'n?

COMMISSIONER APOSTOL

The motion to adjourn overrules any other motion.

COMMISSIONER ESPINA

It overrides all other motion eh.

CHAIRMAN TEVES.

Okay, motion to adjourn. Ah, as many as are in favor of adjournment raise your right hand.

COMMISSIONER APOSTOL

Say “aye,” aye ‘yon, aye.

CHAIRMAN ABUEVA.

Although you have adjourned, may I just speak for one minute? We really have two cultures here in this Commission: the parliamentary culture and the academic culture. And we thought we could harmoniously combine these two, being such a small body. But we are experiencing these hardships, no. But let me speak on the question of, on the question of, I want to preserve the harmony, the cohesion of this body, the good feeling, the collegiality, what we call in the academe, collegiality—the relationship among peers, which should prevail over maybe even parliamentary procedure. But I would like to correct an error if an error was made. I don’t want the Members of our Commission to be aggrieved, hurt, that the Committee on the Form of Government might have made a decision violating rules. In an informal way, we are using the academic way. Let’s cure that deficiency.

COMMISSIONER ESPINA

I join the Chairman in...

CHAIRMAN ABUEVA:

When we meet in plenary on Thursday, why don’t we ask all the members of Committee on Form of Government to vote again in the presence of everybody on the issue. The issue was, to shift from a .from a, not presidential, but I think the, it was formulated this way: the shift from a bicameral legislature to a parliamentary government. And let all the members of the committee present with the quorum of the committee vote...

COMMISSIONER ESPINA

Thank you.

CHAIRMAN ABUEVA:

And I want to cure, I don’t want to have any ill feeling among us here, no.

COMMISSIONER ESPINA

Thank you, Sir, thank you.

CHAIRMAN ABUEVA.

Let’s preserve that good feeling that we have.

COMMISSIONER ESPINA

Thank you to my professor and thesis adviser.

CHAIRMAN TEVES

Okay, good night. Next meeting, Tuesday, 2:00 in the afternoon, same place, same faces.

It was 8:26 p. m.