

**2005 CONSULTATIVE COMMISSION
TO PROPOSE THE REVISION OF THE 1987 CONSTITUTION
COMMITTEE ON THE STRUCTURE OF THE REPUBLIC
Transcript of the Proceedings of the Meeting
Monday, 21 November 2005**

(Presiding Officer -- Chairman Rey Magno Teves)

CALL TO ORDER

3:34 P.M.

CHAIRMAN TEVES.

Let's have the invocation to be led by Dr. Emily Marohombsar, and we'll have Pambansang Awit.

COMMISSIONER MAROHOMBSAR.

So, invocation first?

CHAIRMAN TEVES.

Invocation first.

INVOCATION

COMMISSIONER MAROHOMBSAR.

Let's bow our heads and put ourselves in the presence of God Almighty. Let us pray.

(The Prayer was chanted in Muslim and in English. The English version of the prayer follows.)

In the name of God Almighty, the Beneficent, the Merciful, all praise is due to God. The Nourisher of all worlds, the Merciful, the Compassionate, Master of the Day of Judgment, Thee do we worship and Thee do we beg for assistance. Guide us along the right paths, the path of those on whom Thou has bestowed favors not of those upon whom wrath is brought down, nor+ of those who go astray.

Dear God, we are men and women of differing credence faith but working together as one body, ready to accept the challenge that confront us. Heavenly Father, we are grateful that Thou art with us to give us direction and to encourage us, as we think of ways and means of making our Constitution more responsive to the problems of our people. Dear God, give us inspiration as we strive to do more for Thee and as we act for greater involvement and as we participate to strengthen our nation. We members of the ConCom, dear Lord, here beseech Thee in earnest prayer for peace and brotherhood in our country. Remove from our thoughts bitterness, hate, and intolerance.

NATIONAL ANTHEM

(Singing by the Body)

ROLL CALL

COMMISSIONER APOSTOL.
Mr. Chairman?

CHAIRMAN TEVES.
Thank you. Yes, Mr. Floor Leader.

COMMISSIONER APOSTOL.
I move that we suspend the calling of the roll.

CHAIRMAN TEVES.
Okay. But in the meantime, I'd like to announce that today for the first time with just one month to go, we have a new member of the Commission and getting on board just this afternoon, a businessman —business executive, and a member of the directorate of Lakas CMD, Mr. Amado Luis Lagdameo.

(Applause)

COMMISSIONER APOSTOL.
Mr. Chairman, I move that we approve the minutes of the previous meeting.

COMMISSIONER BAUTISTA.
Mr. Chairman, may I get a copy of the minutes?

COMMISSIONER APOSTOL.
So, in the meantime, Mr. Chairman, I move that we suspend the actions on the minutes while the minutes are being distributed to the members.

COMMISSIONER PEDROSA.
Mr. Chairman? Mr. Chairman? A, just one clarification because the Secretary-General is not here, some people are confused about the destination of speakers or teams for the consultations. There is no such thing as a Team 1 or a Team 2. What we have is a Team 1, is the first group on your paper is really Manila, and the second one is Pasig. The reason why it became like that is because Mayor Atienza wants it on the same date that we had designated Pasig. And the third one, the second one is also the evening at Dusit where businessmen have invited us. It's not Makati, it's all businesses from different parts of the city in the country. It's called the Rotary, the Philippine Chamber of Commerce —everybody will be there. So it's business conference. That's the second part. That's dinner at Dusit. I'm sorry because they put there City of Makati, then City of Manila, making it look like those are separate things. After Manila, we all have dinner at the Dusit, Makati on invitation of the businessmen.

COMMISSIONER MAROHOMBSAR.
So we are proceeding from City Hall to Makati?

COMMISSIONER PEDROSA.
Makati.

COMMISSIONER MAROHOMBSAR.
Okay.

COMMISSIONER PEDROSA.
No, not tomorrow, that's 23rd. Tomorrow is Los Banos —Laguna, yeah. Is that clear? If there's any question, let us know.

COMMISSIONER JURADO.
(Speaking with the microphone off.) Similarly, what is Team 2 here that is in Pasig, we also converge at Dusit in the afternoon.

COMMISSIONER PEDROSA.
If they want.

COMMISSIONER APOSTOL.
It will help everybody if what the Vice Chairman for Metro Manila is talking will be put in writing and distributed to the members.

CHAIRMAN TEVES
Yes, Commissioner Pedrosa? There's going to be a...

COMMISSIONER PEDROSA.
(Inaudible)

COMMISSIONER MAROHOMBSAR
Another question, Chit, another question. On the 24th, it says here Quezon City, group 3, and you said there is no group 3, there is no group 4?

COMMISSIONER PEDROSA.
All of us go to Quezon City.

COMMISSIONER MAROHOMBSAR.
Ha?

COMMISSIONER PEDROSA.
All of us go to Quezon City.

COMMISSIONER MAROHOMBSAR.
Ah, all of us go to Quezon City. Okay.

COMMISSIONER PEDROSA.
So, I think that's where the confusion arises, you know, when they put these groupings. The only grouping there will be is the 23rd because Mayor Atienza wanted it on the same day that Pasig is.

COMMISSIONER MAROHOMBSAR.
So, we will be going also to Caloocan on the 26th? All also?

COMMISSIONER PEDROSA.
All.

COMMISSIONER MAROHOMBSAR.
All. Okay.

CHAIRMAN TEVES.

So, we just accommodated the concerns of Commissioner Pedrosa in relation to the scheduled consultations in Metro Manila that's supposed to start tomorrow but has been moved to Wednesday. Okay. So, in the meantime, may I know if everyone has a copy of the minutes, one, and copy also of the agenda? If so, then we can proceed. We've suspended consideration, Mr. Floor Leader, of the minutes?

COMMISSIONER APOSTOL.

Yes, the roll call and the minutes. In the meantime, let's go to the Chairman's briefing.

CHAIRMAN TEVES.

Okay, let me just recall and situate everybody with regard to our parliamentary situation. It will be recalled that on October 20 —was it? — we had a Plenary session where the Committee submitted a report — the Committee Report. The Committee Report basically was encapsulated in a resolution, that resolution calling for a shift from Unitary to a Federal system of government with a ten-year transition period. We've asked that resolution to be flashed on the screen. I don't know if that's, it's already ready, so that everyone with the exception of the...Naku ang liit, ano?

We are just putting before you once again that resolution that was presented by the Committee to the Plenary session and which was remanded back to the Committee. That was the action taken by the Plenary session at that time. That is the reason why we are bringing it up here again and we're starting by showing you what that resolution was all about. Okay? So having said that, let me just add that after that Plenary session where the Committee resolution, Proposed Resolution, was remanded back to the Committee, we had to go on with the Consultative Assemblies or the Consultations, in seven regions in the Visayas and Mindanao. That's why there was great concern as to what exactly is the Committee on Structure going to present as reference in the consultations in the region considering that the Committee Report was not approved by the Plenary. But whether the situation was like that but we cannot not participate in the consultation workshops.

So we had the workshops anyway. Three workshops, as you already know: on the Committee on the Form of Government, Committee on the Structure of the Republic, and Committee on National Patrimony and Economic Reforms. In all the seven areas, we had three workshops. And the results of the consultations in the seven regions were reported by our Chairman of the Commission in our last Plenary Session. And I assume everyone got a copy of that very brief report of the Chairman, but which was reinforced by the reports from the team leaders. We had three teams in those seven areas where we conducted consultations.

So, we are coming back to discuss today, therefore that particular resolution and I suppose a modified resolution that will deal with the issue of whether to recommend for a shift from Unitary to Federal. And then as well as this afternoon, we are going to give

opportunity for our Chairman to make a presentation on specific proposals. Some of the highlights of which have already been presented in this Committee in our last meeting but there are updates regarding this particular one. And, we have listed in the agenda also Commissioner Pablo Garcia regarding presentation of his specific proposal because in the meantime he has submitted his own paper, particularly in connection with autonomous kind of transition through autonomous regional governments. About which also, he has agreed to accept the idea of a Federal system being established after transition, after transition of a certain period. The copies of the Pablo Garcia proposal had been distributed also during our last Plenary session. But we are going to allow Commissioner Pabling Garcia to also make necessary presentations this afternoon. And then we will have discussions, and the resolution at the end of the day, if possible, then we will come to some resolution of the presentations and discussions, then other matters, adjournment.

So ladies and gentlemen, that's about where we are at this point in time. So we're going back to the resolution that we presented to the Plenary session, but was remanded back to Committee. This afternoon, we're starting with that.

COMMISSIONER BONDOC.

Just a query.

CHAIRMAN TEVES.

Yes, Commissioner Bondoc.

COMMISSIONER BONDOC.

Just a query, Mr. Chairman, could you please tell us why it was remanded back to the Committee on the Structure of the Republic?

CHAIRMAN TEVES.

So, Commissioner Bondoc is asking why it was remanded back to Committee. As far as I can recall, there were certain items in the materials presented during that time that was commented on by some Commissioners. And despite the fact that we really needed to have some references to be presented or to be used for the consultations in the regions, we ended up really without that kind of material. And that's as far as I can recall, Commissioner Bondoc. I don't know if Commissioner Oca Rodriguez who presided over that meeting can help us just recall what happened why it was remanded back to us.

COMMISSIONER RODRIGUEZ.

Thank you, Mr. Chairman. As far as I recall, and if my memory serves me right, the decision of the Plenary after looking into the draft of the Proposed Resolution and the attachment thereto, there was a question on the part of Pabling Garcia, Commissioner Garcia that the same was not a true reflection of what transpired in the Committee level. And with that, they moved, which was duly approved, that the same –the Resolution– be remanded to the mother Committee for further action. This is what I recall, in so far as the session in Plenary.

CHAIRMAN TEVES.

Commissioner Bondoc?

COMMISSIONER BONDOC.

We're talking of the matrix that came attached with the Resolution presented to the Plenary, was it?

COMMISSIONER RODRIGUEZ.

There was an attachment, I do not know if it was a matrix, but there was an attachment which became part of the discussion then which was, I understand created an impression that it was part of the resolution proper which was...

CHAIRMAN TEVES.

I clarified that. It was not part of the resolution proper, these were attachments intended for the consultation workshops as references or as points of discussion.

COMMISSIONER TIROL.

Mr. Chairman?

COMMISSIONER RODRIGUEZ.

But the principal point, Mr. Chairman, is that if I remember correctly Commissioner Bondoc, is that the Resolution drafted and presented in the Plenary was not a true reflection of what has been agreed upon in the Committee level.

CHAIRMAN TEVES.

Commissioner Tirol.

COMMISSIONER TIROL.

Could we have a copy of that remanded Resolution, Mr. Chairman?

CHAIRMAN TEVES.

That's the one being shown, Commissioner.

COMMISSIONER TIROL.

Could we have a hard copy?

CHAIRMAN TEVES.

Yes. Can we ask for hard copies?

COMMISSIONER ESPINA.

Mr. Chairman, I was just handed the schedule for the National Capital Region with the various groupings. Everybody here knows that I am strongly involved on the issue of form of government and the structure of government. And I see that I am not included in the groups for consultation in Manila, Makati and Pasig on the form of government and on the structure. I am assigned to the national patrimony and economic reforms.

COMMISSIONER PEDROSA.

Mr. Chairman?

COMMISSIONER APOSTOL.

Mr. Chairman, I just want to interrupt, can we go on those matter later? Let's finish our agenda; otherwise we will never stop this.

COMMISSIONER ESPINA.

Okay, I will accept that. I just wanted it presented so that...kasi this was just handed to me now, e. It's not even known who prepared this.

COMMISSIONER APOSTOL.

Mr. Chairman, I propose that 6.2, the discussion should be deferred when we discuss 6.4, then we will go immediately to 6.3 because these are specific proposals while 6.2 is a proposed new resolution and then 6.4 is a resolution.

CHAIRMAN TEVES.

Commissioner Bondoc, you were about to, would that be related to the Floor Leader's point?

COMMISSIONER BONDOC.

Mr. Chairman, the reason why I asked why this was remanded, this Resolution was remanded to our Committee, because I don't know the sentiment of my fellow Commissioners but I had to admit I felt confused that night in Plenary. Because earlier that night, the Plenary voted to agree on presenting for consultations a proposal for a switch from Presidential to Parliamentary form, and when it came to a proposal for purposes of presentations for consultations in the Visayas and Mindanao for a switch from a Unitary to a Federal structure of the Republic, there was a vehement objection on the grounds that we were supposedly making decisions already before consultations. I couldn't understand why we could have two separate rules on two separate issues, Mr. Chairman. That's why I'm asking now. Bakit po ba eto binalik sa atin, pero yung sa Parliamentary hindi naman po nong pareho pong gabing iyon?

CHAIRMAN TEVES.

Is there a...?

COMMISSIONER APOSTOL.

I will explain.

CHAIRMAN TEVES.

Yes.

COMMISSIONER APOSTOL.

We were already in the period of amendments and then Commissioner Garcia says "this is not exactly correct" the reflective of the Resolution so we cannot amend. In fact, he said unprintable words which I do not want to print. (Laughter) So, Commissioner Villanueva, who was listening said "I move that we remand this back to the Committee". That's why it was remanded back to the Committee because of that. Actually, we practically approved a lot of things there, except on the amendments, that's why it is back here. The author of that remanding of the resolution is Commissioner Villanueva.

COMMISSIONER BONDOC.

So, exactly what...? Mr. Chairman, may I just pursue this point kasi hindi ko lang po maintindihan why pinaulit po tayo ng trabaho, eh. Our own minutes will reflect ano po, etong minutes na dinistribute of our October 18 natin. Nandito na po iyong botohan natin, eh. There was a motion for the retention of the Unitarian form of Government. And there was an objection. Ergo, there was a division of the house. And the voting was 8 in favor of the motion to retain the Unitary, and 16 against. So, what I am saying

is may action taken po yung Committee, tapos prinesent natin sa Plenary, babalik pa sa atin. ‘Yun po iyong di ko lang maintindihang proseso. Parang pointless na tayong magbotohan dito kung di rin tatanggapin ng Plenary ‘yung napagaanuhan natin na...”O, eto dinecide naming”...Yun man lang ba hindi po ba puwedeng tanggapin ng Plenary na eto yung naging outcome ng botohan natin? Nakaka—I am just wondering what happened really. I’m still confused up to now what happened that night.

COMMISSIONER RODRIGUEZ.

May I give a little of my view, Mr. Chairman, by way of a...?

CHAIRMAN TEVES.

Okay, Commissioner Oca, and then I recognize Commissioner Villanueva.

COMMISSIONER RODRIGUEZ.

Let us be clarified on that. Any action on the Committee level can be either affirmed or rejected by the ConCom in Plenary. That is what happened in our Resolution today. It was not a rejection entirely of the Resolution on the approval on the Committee level of that motion. But it was a mere motion to remand the Resolution to the Committee, and therefore, at the Committee level there was no question that that is the position officially of the Committee. Hindi na dapat kuwestiyunin dito yun. And kinukuwestiyun doon, eh ‘yung Resolution, which to Pabling and the others, was not a reflection—a true reflection of what actually transpired here.

CHAIRMAN TEVES.

So, it’s just proper that we take it up again.

COMMISSIONER RODRIGUEZ.

Yeah. Yes, the resolution.

CHAIRMAN TEVES.

In order to concur that it was approved in the previous Committee meeting. But that, such a discussion may still result in a different resolution, in a new resolution, an amended resolution. And that’s the possible course of things this afternoon.

COMMISSIONER BONDOC.

And Mr. Chairman, since nangyari na po yung consultations sa Visayas at Mindanao, puwede po bang yung mga inputs doon eh maincorporate na natin whatever resolution we may draft this afternoon. For instance po kasi, let me just cite an example. Sa title pa lang po ng resolution natin, we’re talking of a transition period of 10 years. Eh, nakita po natin sa consultations natin na ayaw ng taong bayan ng 10-year transition. In fact, ang gusto nila kung hindi limang taon at most, maraming narinig nating sumigaw sa atin na “ngayon na ang federal”.

CHAIRMAN TEVES.

Yes, Commissioner Villanueva.

COMMISSIONER VILLANUEVA.

Mr. Chairman, my name was mentioned when I think the recollection is correct that I objected to the, not really to the resolution, but to the manner by which we are going to treat the resolution. In other words, we are making a decision even before consultation was being done. And so you will know that what happened was even in the Form of

Government, while the resolution has been overwhelmingly, overwhelmingly approved by the Committee on the Form of Government, it was actually the, the Plenary actually asked that it be temporarily considered as a sense of consensus but not as an approved action of the Commission. And again that was done because they believed that there was really a flaw in a sense that why are we putting the cart before the horse this is a Consultative Assembly? And so, we...it is only fair that we incorporate in whatever resolutions we have, as even suggested now by Commissioner Bondoc, the results of the consultations.

COMMISSIONER BONDOC.
Exactly.

COMMISSIONER VILLANUEVA.
So, more or less, Mr. Chairman, that was the reason why I think the Plenary session acted as what Commissioner Bondoc said vehemently, vehemently against approving the resolution of the Committee on Structure.

COMMISSIONER BONDOC.
Mr. Chairman, I think Commissioner Villanueva confirmed my observation that there were two different rules that night. That an hour earlier, the Plenary approved the Committee Report of the Committee on the Structure—of the Form of Government and even with consultations still to be done, inapprove na po iyong switch to Parliamentary form. Pero iyong sa atin po, hindi inapprove on the grounds na may consultations pa. Iyon po iyong hindi ko maintindihan bakit dalawa pong rules ang nangyari—nagaganap sa Plenary.

CHAIRMAN TEVES.
Commissioner Joji, Commissioner Betty.

COMMISSIONER ILAGAN-BIAN.
Mr. Chair, I fully agree no, with the reasons why our resolution was remanded back to the Committee. So, I...corollary to what Commissioner Bondoc is saying, my suggestion is that why don't we now move on. And look at very closely the resolution that was remanded back to us, if it's something that we want to revise based on the consultations of Mindanao and Visayas. Or, we might end up reminiscing again the past why it was remanded back to us, Mr. Chair.

CHAIRMAN TEVES.
Okay, even if we take note of your comments, Commissioner Joji, I'd like to recognize Commissioner Betty.

COMMISSIONER TABANDA.
Thank you very much, Mr. Chair. I fully agree with Commissioner Bondoc and COMMISSIONER ILAGAN-BIAN. I think what should be done at this particular point is follow the same pattern we had for the Form of Government. We approve, or we get a sense of the Committee members on what structure of government we would like to have. Then after we have decided whether unitary or federal, then that's when we go to the details. What happened last time is that we bug down because there was a handout being distributed on details. And that's where Commissioner Garcia saw the abolition of provinces. So, that's what got his ire.

So, if, if –if I may suggest– we follow the pattern of form of government. Let’s decide first what’s the whole. Let’s get a consensus, or a sense of Committee. Do we want a shift from unitary to federal? If the answer is yes, then we now go to the presentations. It would be useless to go to the presentations if we decide that we would like to retain the unitary form of government. I think we need to get moving because this morning it was very obvious. When we were discussing the details of form of government, because we already had a sense of a Parliamentary, we had to stop because there were now the provisions which are related to the structure of the Republic. Like there were things like federalism and all that. We couldn’t proceed because we don’t have a sense of the Committee on the Structure of Government. So to be able to accomplish something today, may I suggest we take up first a vote as to whether we move to a preliminary recommendation that we shift from unitary to federal? Then the details –within a transition period– then the details will come in later.

COMMISSIONER ILAGAN-BIAN.
Mr. Chair?

COMMISSIONER APOSTOL.
Because of these proposals, I withdraw my motion.

COMMISSIONER ILAGAN-BIAN.
Mr. Chair?

COMMISSIONER ADAMAT.
Mr. Chair?

CHAIRMAN TEVES.
Yes, Commissioner Adamat, and then let’s go back to COMMISSIONER ILAGAN-BIAN.

COMMISSIONER ADAMAT.
Yeah. May I just recall that in line with the proposal or thoughts of Commissioner Tabanda, I think the Committee has already agreed on that if we go by the sense? Because there was a motion presented by Commissioner Magno to the opposite. The motion was –if I remember it correctly– if the Committee would agree to the retention of the Presidential system. Then this representation came into the picture by asking...or coming up with the query if and when the motion will lose, then it means to say that we already adopted a federal form. And he agreed to that. So that means we are already done as far as the choice from a unitary to federalism is concerned, Mr. Chairman.

COMMISSIONER TABANDA.
Just react to that, Mr. Chair?

CHAIRMAN TEVES.
Yes, Commissioner Betty.

COMMISSIONER TABANDA.
It was remanded to Committee. It was remanded to Committee. Since it was remanded, since the Resolution –Committee Resolution– was remanded to Committee, it is now back on the table in the Committee. So I would think that in accordance with Parliamentary procedure, we have to act on it again.

CHAIRMAN TEVES.

...act on it again. Even if only to reaffirm.

COMMISSIONER ADAMAT.

Mr. Chairman?

CHAIRMAN TEVES.

Yes, Commissioner Adamat, and I recognize Commissioner Gerry.

COMMISSIONER ADAMAT.

May I just be clarified? Are we going to vote again as to whether we will shift from unitary to federalism? Because that is the argument of Commissioner Tabanda. For me, as far as I am concerned, that is a foregone thing, Mr. Chairman. All we have to do is to introduce amendments, if there are amendments that are going to be introduced at this point in time, Mr. Chairman.

COMMISSIONER ESPINA.

Mr. Chairman, may I contribute a little bit on the discussion. The Committee report was remanded because of certain objections as to its provisions. Since that was the reason for the resolution to be remanded, I think the motion of the Majority Leader earlier that we now go into the discussions on what have been included as not representing the sense of those who were for it. So that we will arrive at a period where these objections may be clarified, and then perhaps at that time we take off on the second stage which is to discuss these particular provisions, like what we did earlier with the Form of Government. Ano ba yung mga provisions na resulted in the motion to remand? Can we look at these provisions? Para walang gap from pagka-remand because of these reasons, then we look at the reasons.

COMMISSIONER TABANDA.

Mr. Chair, I am willing to withdraw my motion that if we voted upon again, provided that the bodies of the consensus that there is a sense of the Committee to move —to recommend— the shift from unitary to federal. If that's clear to all of us, I am willing to withdraw my motion.

COMMISSIONER ESPINA.

Let us now address what are these reasons which we have to discuss now.

CHAIRMAN TEVES.

Well, ladies and gentlemen, the text of the Committee Resolution is right there. Ah...cannot read and ah...you have copies...you have copies anyway. If anyone has some amendments to propose already, we might be able to...new resolution...

COMMISSIONER APOSTOL.

Mr. Chair? Mr. Chair, I go back now to my motion. We defer discussions of item 6.2, so that it will be discussed together with 6.4. In the meantime, we will discuss 6.3 – specific proposals, so that later on we can make the necessary resolution after specific proposals.

COMMISSIONER ESPINA.

Maybe, Mr. Chairman, we might even wait for the arrival of the one who strongly opposed it, which is Commissioner Garcia.

CHAIRMAN TEVES.
Eh, kung hindi dadating?

COMMISSIONER ESPINA.
Because he said it's not reflective of...these are arguments which led to the motion of Commissioner Villanueva, he had certain questions. I don't know, I was just thinking that since he was principally the reason why the Resolution was remanded that maybe a courtesy would perhaps...we can discuss the provisions already.

CHAIRMAN TEVES.
No, but in the meantime Commissioner Gerry, Commissioner Pabling Garcia submitted a paper in connection with the proposed Article 10 Resolution. And the heading of this paper even says, "For the establishment of a Federal Republic of the Philippines after a 10-year transition". So, he even accepted already and recommend...he was a...he wove his proposal around the original proposal that came out of Chairman Abueva's presentations.

COMMISSIONER ESPINA.
So, Mr. Chairman, should we not take in our discussion this afternoon this proposal and that which you said was submitted by Commissioner Garcia?

CHAIRMAN TEVES.
Commissioner Garcia is listed here...

COMMISSIONER ESPINA.
Oh, I see. Okay.

CHAIRMAN TEVES.
He's listed here to present. I don't know about waiting for him. Does anybody know whether he's coming or not?

COMMISSIONER APOSTOL.
If he's not coming, I suggest that we'll have substitute speaker in the person of Gerry Espina, anyway they think the same way.

(Laughter)

COMMISSIONER ESPINA.
It is an honor to be associated with one who has been elected several times and one who has produced a governor

COMMISSIONER ANGELES.
I object to the...no, I object to the...for naming him as a substitute. He's original.

(Laughter)

COMMISSIONER APOSTOL.
How could he be original when we have already a speaker? Anyway, there is no sense of arguing with that. So, I have now my motion.

CHAIRMAN TEVES.

Yes.

COMMISSIONER APOSTOL.

We will, in the meantime, postpone the consideration of 6.2 and must be discussed together with 6.4. So we will go to 6.3. So we will begin now with Chairman Abueva, then later on Chairman...Commissioner Gerry Espina, not Pablo Garcia.

CHAIRMAN TEVES.

Okay, the recommendation of our Floor Leader is to deal with 6.2 along with 6.4. There's no objection to that? Let's proceed. We'd like to call on a...yeah, proposed new resolution...6.3. 6.2 along with 6.4. Hindi, wala pa, dili pa siya i-present.

CHAIRMAN ABUEVA.

Mr. Chairman, let me recall that on October 18, a proposed revision of Article X of the Constitution was proposed by you, Mr. Chairman. And this was the original 5-page document with a blue cover. I don't know if all of the covers were blue but this was the document. This was discussed in our Committee. We have had the opportunity to consult in the Visayas, Mindanao, and Palawan. And we have had some inputs and ideas which enabled us to amend this, to revise this. So before you, we have three documents, Mr. Chairman. One is just Article X for reference, Article X of the Constitution. And then, a proposed revision of Article X in fine print, originally submitted October 18, and amended November 20, Autonomous Regions and Local Governments.

Now, in order to consider these two documents together, we also distributed in matrix form the same documents following the format recommended by the Committee on Style. And so we have these three documents: the matrix presentation; Article X, separate of the '87 Constitution; and the document, proposed revision of Article X, as I said dated October 18 and November 20, and 9-page, no, a 10-page document. May I just quickly note for you to also note, that in this 10-page document, there is an annex. We removed the annex from the body of the proposal and because we don't want it to be part of the document, the main proposal, because these are just suggestions. Suggested, indicative.

And since we had our consultations, we noted that there are two proposals for changing our list or enumeration. One was the view expressed in Eastern Visayas, that Eastern Visayas might be a separate entity, an autonomous region. As well as the very strong desire voiced in Puerto Princesa, that Palawan might be considered also as a possible State all alone. So, we have amended this listing and we moved it to, as an annex. So it's not really part of the document proper. So, I would like now to proceed with the presentation of these amended proposed revisions of Article X.

Section 1 is the same – participatory democracy. The State shall enable the people to exercise their sovereignty more effectively through the decentralization of governmental powers and authority, regional and local autonomy, and their participation in civic and self-reliant community activities. Very slight editing there.

Section 2 is the same as the one we tackled initially.

Section 3 is the same.

Section 4 also identical with what was originally proposed.

The same with Section 5 and Section 6.

Now in Section 7, the term of local officials, there was a suggestion made by ULAP. "The term of office of elective local officials, except barangay officials, which shall be determined by law, shall be five years." What we omitted, in fact what we bracketed here "and no such official shall serve more than three consecutive terms." In other words, the amended proposal is to remove the term limit. Removing the term limit, 5 years, leaving it to the people to judge whether local officials are deserving of re-election. And so that is the important change there.

In Section 8, we're saying that, ah, this is also in the original, "Legislative bodies of the autonomous regions and the local governments shall have representation of civil society and the private sector as may be prescribed by law." This is a very strong feeling, we know NGOs, POs and Private sector want representation. But it has to be decided by the law making body. In the case of the local governments, the Provincial Board, the City Council, as well as the Regional Assembly.

Section 9, that is identical to what was originally proposed. Section 10 is also identical, metropolitan units. Section 11 is the same. Section 12 is the same. Section 13 is the same.

Now, Sections 14, 15, and 16 are new. These sections are a response to the fear or the misgiving or apprehension expressed that if you create autonomous regions or federal states, you will be dismembering the Republic, you'll be fragmenting the nation, the country. So we are stressing here the following ideas.

Section 14 "The autonomous regions shall support the National Government in maintaining the integrity and independence of the Republic and shall comply with and enforce this Constitution and all national laws."

Section 15 "The Constitutional Tribunal," which is proposed in the section on the Judiciary to try all constitutional issues, "en banc or in division, depending on the seriousness of the controversy, shall decide on how to resolve conflicts between the Parliament and the autonomous regions and local governments." We might add here "and between the autonomous regions", because we know from the experience in the United States that there are many interstate conflicts.

Then Section 16 "When a law of a Regional Assembly," or the future federal state, "or a local government is inconsistent with an act of the Parliament, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid." Again, upholding the primacy of the federal government or the federation, or the national government in the meantime.

And then the residual power to further, to clinch the idea that we are going to be held together by a central authority, even as we decentralize and federalize. "All powers, authority and functions not granted by this Constitution or by law to the autonomous regions and local governments are reserved for the Parliament." This is the difference between federations like the US, Canada, Malaysia and others where the component units preceded the formation of the federation. In our case, we are a unitary system

going federal. So we want to maintain a strong national government to hold us all together, even as we devolve very important functions and authority and resources to the regional and local governments.

So these are new, 14, 15, 16 and 17. They were actually in the original CMFP draft constitution but we didn't want to make our proposal long so we omitted them but we find it important to recover this, to restore them, to assure those who are fearful of dismemberment or fragmentation of our nation and are fearful of a weakened central authority.

Now the Autonomous Regions. Section 18 is identical to our earlier draft. Section 19 is the same as originally proposed. And then, that very important proviso that "The creation of the Autonomous Regions shall be effective when approved by a majority of the votes cast by their proposed constituent units in a plebiscite called for the purpose." In other words, if there are Organic Acts for the proposed Autonomous Regions, the constituents in the proposed Autonomous Regions must approve of the proposal of the Organic Act in a plebiscite.

Section 20, we are saying here, originally we said, the original provision, I'm talking about Section 20. The original provision in our Constitution said that, with respect to the proposed Autonomous Region of Muslim Mindanao and the Autonomous Region of the Cordillera, Congress was given 18 months with which to pass an Organic Act. Here, because we are concerned with the whole country, not just Metro Manila, we are extending the period to 3 years. But we say "The first Parliament elected under this Constitution shall, as soon as practicable within three years from the time of its organization, pass the Organic Acts for the prospective Autonomous Regions in consultation with their leaders." So there'll be consultation, negotiation, with the leaders of the prospective Autonomous Regions. Subsection 1 is the same as we have proposed. Also Section, that is with respect to Organic Acts enabling "the Autonomous Regions to adopt their own name and regional capital, their regional and local government code, and their flag, anthem, and seal." And subsection 2 is the same as previously presented to this Committee. And number three, subsection 3 is also the same.

Section 21 is identical "Boundaries of Autonomous Regions." Section 22 is identical. Section 23 is identical to the previous proposal. I like very much, there are additional functions and powers proposed by Commissioner Garcia. For example, housing, Public Housing and so on and a few others that we would welcome as an addition to Section 23. Section 24 is the same as before.

So is Section 25. 25 responds to another concern or worry, especially among the people in the less developed regions, the poorer regions. This is the idea of equitable development. "To ensure the equitable development of the different Autonomous Regions and the general welfare, the national government shall provide grants-in-aid and equalization assistance to the Autonomous Regions in need of them. The more advanced autonomous regions shall also assist those in need of assistance."

Now, hereon, the Regional Assembly, the regional government, and the Regional Assembly, these are entirely new. They are a way of specifying or giving some detail about the organization of the Regional Assembly, the regional government and the...oh, just two. So from here on, this is new. Section 26. We are giving flesh to the idea of a Regional Assembly of the autonomous region; the law-making body. "The Regional

Assembly. The legislative and executive powers of the Autonomous Region shall be vested in a unicameral body to be called the Regional Assembly. It shall have the power to enact laws in the areas enumerated in Section 23 hereof. Each Regional Assembly shall enact its own Regional and Local Government Code and shall govern the relations between the Autonomous Region and its component local governments and the people within the Autonomous Region.” Then the composition. “The Regional Assembly shall be composed of one, two or three members who shall be the elected Provincial Governor, Provincial Vice Governor, and senior Provincial Board Member in each of the provinces comprising the Autonomous Region, depending on the population of the province. Any province with a population of more than two million shall have three members; any province with a population more than one million but less than two million shall have two members; and any province with a population less than one million shall have one member.” However, “The Regional Assembly shall have additional members equivalent to the total number of its elected members, who shall be chosen by the various political parties in accordance with the proportional representation of all the votes obtained by each of the accredited political parties that participated in the previous Regional Assembly election.” This is parallel to the provision with respect to the National Parliament, where, in addition to the elected members of parliament in the parliamentary districts, we’re proposing up to a hundred, eighty. There’s a proposal to reduce this number, it may be too large. But additional number of seats.

And then, registration of the parties. This is in preparation for the holding of the, because of proportional representation, or the party list which will include the regular political parties.

Section 28, the term of office of the members of the Regional Assembly, of course corresponds to the five year term of the elected provincial official. And we’re specifying when it will start.

“Election of Representatives of the Regional Assemblies in the Parliament.” Now, as we said, if there are regional assemblies or autonomous regions, or future federal states, they ought to have representation in the Parliament. This morning, in our discussion on the composition of Parliament, we identified 3 sets of members. One are the MPs directly elected in the parliamentary districts, some 230 of them, same as the number of Congressmen at present. Then there are the additional members of parliament who are elected through the proportional representation. Then the third set of members will be the representatives of the autonomous regions, or the future federal states. In all federal systems, there are really, the legislatures are bicameral. They are bicameral. Although the second Chamber, those representing the states, can be weak Chambers. In fact, in some countries, they are appointed. And in, yeah, they’re appointed. But here, they will be chosen by the regional assemblies. And we are proposing a mode of selecting this. “Within ten days of its organization and election of its officers, every Regional Assembly shall elect two or three of its members to serve as its Regional Representative in the Parliament for a full term of five years following their membership in the Regional Assembly. Regional Assemblies with less than forty members shall elect two Regional Representatives in Parliament, those with forty or more shall elect three.” As, again, some kind of proportional representation.

Then Section 30, this prohibition of holding of any other office. “Except for serving as an elective officer in the province, as a Governor, Vice-Governor or member of the Provincial Board, and serving as a Representative of the Regional Assembly in the Parliament, no

member of the Regional Assembly may hold any other office or employment in the government service, or any subdivision thereof, including Government-Owned and Controlled Corporations..." etc. The idea is to prevent monopolizing positions and conflicts of interest.

Section 31. "The Regional Assembly shall continue for five years from the date of its first meeting and no longer, provided that the said period may, while a proclamation of Emergency or of a State of War by the Parliament is in operation, be extended by the Parliament by resolution for a period not exceeding one year..." etc. This is adopted from the Constitution of India.

Then, following that is the description of the Regional Government. "The Regional Governor. As the Head of Government of the Autonomous Region, the Regional Governor shall form the Regional Government by appointing the Regional Secretaries, with or without portfolio, and constituting the Regional Cabinet. At his or her sole discretion, the Regional Governor may remove any member of the Regional Cabinet. At least three fourths of the Regional Secretaries shall be appointed from among the Members of the Regional Assembly." In other words, we allow for the appointment of non-members of the Regional Assembly as Secretaries of the Regional Departments. "Other Regional Secretaries may be chosen from among outstanding leaders who are not members of the Regional Assembly."

Section 33, election of the Regional Governor by the Regional Assembly.

Section 34, the "Program of the Regional Government." Again we are stressing with the reform of the political parties and the electoral reform, that the majority that governs the Regional Assembly should have a program of government or the party, to begin with. "The Regional Governor and the Regional Cabinet shall be responsible to the Regional Assembly for the program of the Regional Government. At the beginning of each regular session of the Regional Assembly, and from time to time thereafter, the Regional Governor shall present the program of the Regional Government and recommend for the consideration of the Regional Assembly such bills..." In the Form of Government we changed "measures". This is very vague. ..."such bills as he or she may deem necessary and proper."

"Term of office of the Regional Governor shall commence from the date of his or her proclamation and shall end on the date of proclamation of his or her successor." So we can perceive a situation wherein the Regional Assembly may wish to change the Regional Governor. And parallel to the structure in Parliament, there will also be a Speaker as a presiding officer. Then there will be a Regional Vice Governor and the Permanent Directors-General. "The Regional Governor shall appoint a State Vice-Governor from among the Members of the Regional Assembly. The Regional Governor shall appoint a Permanent Director for each Department of the Regional Civil Service." This is the counterpart of the Permanent Secretary we were talking about this morning. "The Permanent Directors-General shall be appointed under the regional career executive service rules and shall enjoy tenure of office unless removed for cause."

Oath or affirmation, 38. 39, Official residence and salary. I think we should give the Regional Governors the dignity and status of having a residence in the regional capital. Salaries. We live it blank because that's the wise thing to do. Now Section 41, Full disclosure and divestment. I will not go into details.

Section 42, "Prohibitions on actions in relation to government." The idea of personally appearing as counsel before any court of justice or before the electoral tribunal, etcetera, etcetera to prevent conflict of interest.

"Prohibitions on private practice of profession." By the way, this applies, I think, to members of Parliament also. "Members of the Regional Assembly shall not, during their tenure, hold any private office, practice any profession, including work in the media or cinema, or participate directly or indirectly in the management of any business enterprise."

Forty-four (44), "Conviction of a crime." If it's a serious crime, then it may lead to forfeiting one seat in the Regional Assembly. Resignations are allowed, Section 45.

Section 46, "The Regional Governor shall have control and supervision of all departments, bureaus, agencies, and offices in the government of the Autonomous Region and shall ensure that the laws are faithfully executed." He is the counterpart of the Prime Minister at the national level.

"And appointments of the Regional Governor." And so on.

Now, in Transitory Provisions we have a slight amendment. "Not more than ten years..." Before we said ten years after. But here we are using 10 years as the maximum. In other words, we don't have to wait for 10 years. But it depends on Parliament. Parliament must make the decision. "Not more than ten years following the ratification of the proposed revision of the 1987 Constitution in the national plebiscite, the Federal Republic of the Philippines is established and the Autonomous Regions become Federal States as provided by an Act of the Parliament." So Parliament must take positive action. "Thereafter, the Regional Assembly shall be known as the State Assembly, and the Regional officers and offices shall be known as State officers and offices." The same Constitutional Preparatory Commission is proposed. But we enlarge the number from 9 to 15. And again, I'd like to call attention to the annex A as just a suggestive, indicative list for Parliament to consider in the creation of the Autonomous Regions. Thank you, Mr. Chairman.

COMMISSIONER APOSTOL.

Mr. Chairman, instead of interpellating now, I propose that we allow Commissioner Pablo Garcia, which is now Commissioner Gerry Espina, should be allowed to talk. And Gerry Espina will have the freedom of either reading the paper of Commissioner Garcia or delivering his own ideas.

CHAIRMAN TEVES.

Commissioner Espina.

COMMISSIONER ESPINA.

Mr. Chairman, as in the in the Form of Government, I will reserve my position to still consider the retention of the unitary system. And I would not want to deliver in behalf of Commissioner Garcia what he must have worked on for a long time, the paper that has been submitted by him. So I would reserve my time in Plenary to speak, perhaps, against this shift from unitary to federal.

CHAIRMAN TEVES.

So we'll proceed with discussions.

COMMISSIONER APOSTOL.

We will have now the rule. Three (3) minutes interpellation, 3 minutes answer. And the interpellator can direct his question either to Chairman Abueva or to Commissioner Espina.

COMMISSIONER ABUEG.

Mr. Chairman.

CHAIRMAN TEVES.

Commissioner Oca Rodriguez, first.

COMMISSIONER RODRIGUEZ.

Thank you, Mr. Chairman. I am directing this clarificatory question to the Chairman of the ConCom, the proponent, with respect to the transitory provisions. When we say that, "Not more than ten years following the ratification of the proposed revision of the 1987 Constitution in the national plebiscite, the Federal Republic of the Philippines is established and the Autonomous Regions become Federal States as provided by an Act of the Parliament." It means to say that there must be an enabling Act of Parliament before we can say that there has already been a shift from the unitary to the federal form, to the Federal Republic. Is that correct, Mr. Chairman?

CHAIRMAN ABUEVA.

Yes, that is correct. But Parliament doesn't have perfect leeway, ano. It is mandated that "Not more than ten years, following the ratification..." and so on "the Federal Republic of the Philippines is established and the Autonomous Regions become Federal States." But this mandatory provision in the Constitution must still be enabled by an Act of Parliament.

COMMISSIONER RODRIGUEZ.

Yeah, that is my point. Supposing there will be a failure on the part of the Parliament to pass an enabling law, what will happen?

CHAIRMAN ABUEVA.

That will be a constitutional issue because it's mandatory, really, that not more than ten years, the Federal Republic is established. And therefore, if the Parliament resists this or does not follow or implement this, there is a constitutional court.

COMMISSIONER RODRIGUEZ.

But definitely there will be no automatic shift from unitary to a federal.

CHAIRMAN ABUEVA.

Only for the reason that there is some flexibility here. When we said before that ten years after the ratification of the revisions on the Constitution, the Federal Republic is established, it's automatic. You don't need any Act of Parliament. But since the ten year period may be shortened, you need a deliberate Act of the Parliament to say that it is time to establish it. But assuming Parliament doesn't act after 10 years, automatically, the Federal Republic is established.

COMMISSIONER RODRIGUEZ.

The intention, perhaps, cannot be achieved with the kind of statement here. Suppose there will be failure on the part of Parliament to pass an enabling law. And yet we say here, not more than ten years following the ratification. My first question is, is there an automatic shift? If there is, up to on what particular point in time. At what particular point in time will the shift be considered? While, if we will say that after the ten-year period, there will be an automatic shift without the enabling law, don't you think it would be more okay?

CHAIRMAN ABUEVA.

That would be better, that would not be ambiguous.

COMMISSIONER RODRIGUEZ.

Yes, that is my point.

CHAIRMAN ABUEVA.

So it is only when the period is shortened, less than ten years, then you will need an Act of Parliament.

COMMISSIONER RODRIGUEZ.

Yes. Because after 10 years, when we have the ten years it will be automatic. It does not close the door for a possible shift even before the ten-year period if there is an enabling law to that effect. That's why it is safer if we will change the provision.

CHAIRMAN ABUEVA.

I will welcome a refinement.

COMMISSIONER RODRIGUEZ.

Thank you, Mr. Chairman.

CHAIRMAN TEVES.

Mr. Floor Leader, I suppose you have listed down already a ---

COMMISSIONER APOSTOL.

Mr. Chairman, I move that we recognize Commissioner Jarius Bondoc as the next interpellator.

COMMISSIONER BONDOC.

Thank you. Mr. Chairman, I refer to your Annex A which is, I think, there are at least 10 versions of this, that is the proposed division of our country into independent or autonomous regions. Labinlima (15) po sa Annex A ngayon, 14 plus the ARMM. Now, will we be proposing, at the end of the day as part of our final report sa ConCom, a division of this sort?

CHAIRMAN ABUEVA.

You know...May I answer Mr. Chairman?

CHAIRMAN TEVES.

Yes, yes.

CHAIRMAN ABUEVA.

This is one of the most contentious parts of the provision. A lot of the resistance to this proposal, to the shift to a federal system, has hinged on the fact that some regions seem to be excluded from the idea of having an Autonomous Region or a future Federal State. So, we have laid down the criteria, 3 criteria, for establishing the Autonomous Regions or future Federal States. In the nature of federalizing or forming a federation, there is a lot of negotiation, there is a lot of consultation back and forth between the Parliament and the would-be Autonomous Regions. We respect the idea of self-determination on the part of the would-be Autonomous Regions and future Federal States. So, it is in the nature of the beast that we respect the opinions and the desires of the leaders in the various parts of the country in the formation of the Autonomous Regions. To avoid any suggestion that we are dictating what shall be the Autonomous Regions, we leave it to Parliament to negotiate with the would-be ---

COMMISSIONER BONDOC.

This is, Mr. Chairman, to be done within the transition period of five years or less?

CHAIRMAN ABUEVA.

Yes. Within the first 3 years. We are saying, what we said here is...the wording is this "not more than ten years following the---" No. Where is that thing? I was talking about the Organic Acts. It's in the Organic Acts.

COMMISSIONER BONDOC.

Section 20.

CHAIRMAN ABUEVA.

Section 20. "The first Parliament elected under this Constitution shall, as soon as practicable within three years from the time of its organization, pass the Organic Acts for the prospective Autonomous Regions in consultation with their leaders." So we are specifying a period of three years.

COMMISSIONER BONDOC.

But it has been stated, Mr. Chairman, I think also by you in an earlier forum, I think also in this Committee, that within the transition period, at the end of the transition period, some provinces or some regions may not opt to transform into federal.

CHAIRMAN ABUEVA.

That is right, that is right. It is voluntary.

COMMISSIONER BONDOC.

And they will remain under the care of the national central government?

CHAIRMAN ABUEVA.

Yes, they are really provinces, cities, municipalities under the national government.

COMMISSIONER BONDOC.

Ah, okay. But what if in the future, Mr. Chairman, these provinces decide to go federal na after the transition.

CHAIRMAN ABUEVA.

The lapse of the ten years---

COMMISSIONER BONDOC.

Oho or some provinces decide to join. Again, Palawan, for instance wants to be an independent region of its own but it might want to join another region later on. What happens then?

CHAIRMAN ABUEVA.

Well, we have a provision in Section 21.

COMMISSIONER ABUEG.

It will be the other way around.

COMMISSIONER BONDOC.

Yes, yes, the other way around. Opo.

COMMISSIONER ABUEG.

It will be some other provinces who may opt to join Palawan. (laughter from the Body)

COMMISSIONER BONDOC.

Ok. Yes, yes.

CHAIRMAN ABUEVA.

We have a provision that the boundaries of the autonomous regions may be altered, may be altered. "The Autonomous Regions shall have the power to adjust their respective boundaries among themselves, by mutual agreement of the Regional Assemblies..." but this is for those that are Autonomous Regions. But those who have not joined, that is the issue.

COMMISSIONER BONDOC.

But after the transition from ---

CHAIRMAN ABUEVA.

After the ten year period.

COMMISSIONER BONDOC.

Saka 'wag na nating sabihing 10 years ang transition, five years na siguro dahil binaril na nga yan sa consultations natin yung ten years eh. At any rate, ang question ko po, Mr. Chairman, is if we will be amendable na magkaroon po ng provision for people's initiative. So that in the future, after say a five-year transition, certain provinces that did not opt to go federal may form their own autonomous state if they see na "Uy, ang ganda pala ng ginawa nila roon. Uy, ang ganda ng ginawa diyan." A provision for people's initiative like, say, 12% of the electorate signing this, ergo it gets taken up in parliament and the federal government is compelled to look into this people's initiative.

CHAIRMAN ABUEVA.

I think that will be a welcome idea so as not to foreclose forever those provinces who have not joined an autonomous region to still opt to become federal states. I think we should welcome that initiative.

COMMISSIONER BONDOC.

But perhaps in the future, Mr. Chairman, if you want to include this in the presentations, maybe you can study what Spain is doing right now. Actually it passed an amendment in, correct me if I'm wrong, 1978 providing for such a people's initiative as a way of forming new autonomous states and to go federal in Spain. They have a provision that says a certain number of voters in a certain province proposing to go federal should automatically be recognized by the national government.

CHAIRMAN ABUEVA.

Yes. I would be, certainly, open to that. And many of us would be open to that so as not to foreclose the options of late joiners.

COMMISSIONER BONDOC.

And so that defining autonomous states will not be limited to the proposals of the ConCom alone or approvals by a Constituent Assembly of Congress or approvals by a Constitutional Commission. But there will be avenues in the future for people's initiatives, sir. Thank you.

CHAIRMAN ABUEVA.

If we are talking of self-determination in the forming of the federation, that is the ultimate form of self-determination, if the people take it upon themselves to initiate the process. So this would be, I think, a welcome idea. And so it will be outside of the 10 years. The ten years does not become an absolute limit.

COMMISSIONER APOSTOL

May I move that we now recognize Commissioner Calisin as the next interpellator?

CHAIRMAN TEVES.

Commissioner Calisin.

COMMISSIONER CALISIN.

May I invite everybody to please pay attention to Section 26 paragraph 2, "The Regional Assembly shall be composed of one, two, or three members who shall be the elected Provincial Governor, Provincial Vice Governor and Senior Board Member". Should there be a shift to federalism, I would not want to be blamed without participating and introducing an amendment to this proposed shift to federalism. With this kind of structure, in the present situation of Governors, Vice Governors and Board Members, in fact just limit to Governors and Vice Governors, they are already overburdened by their duties, obligations and functions in just a limited jurisdiction of territory. For example, in my province we have 720 barangays, 3 cities and 15 municipalities. Up to now, this is my last term, I cannot attend to, in this nine-year period as Vice Governor, I cannot yet saturate all barangays, within this nine years, to serve my constituency as the desire to be reached by my personal appearance in serving them. Moreso, if the Bicol region is to be constituted as one State, there are six provinces, two island provinces and for the Governor, Vice Governor, Board Members who will compose the Regional Assembly or the State Assembly, I think we are killing the Governor, we are overburdening, we are giving too much load to these officials beyond their capacity.

I am airing this to these members of the ConCom who are non-elected officials and therefore, may I invite everybody to please consider the experience of those who are hands-on at local government administration. That is why, Mr. Floor Leader, Mr.

Presiding Officer and Mr. Chairman of the ConCom, we are, I am here not just to air my knowledge, what I know, or my sentiment, but rather I carry with me an obligation to protect and respect the joint declaration of the ULAP as provided in the joint declaration.

Although this is not one of them, but I suggest that as a matter of a proposed amendment to the proposed amendment by no other than the Chair of the ConCom, why not instead entertain composing the Regional State Assembly or the Regional Assembly by electing a representative per district or pro-rate the representation per province apportioning proportionate to the population per province. Because we have to consider the territory, how wide is the territory, the population, and then the duties and obligations of an elected official. Imagine you are already a Board member, legislating for your province. And you are a Governor, looking into the details of the duties and obligations of a Governor, still you will be given a power, and additional of burden of duties and responsibilities of being a State Governor as being elected by the members of the Assembly.

Second, in Section 7, in one of the joint declarations signed by the three authorities, namely the majority coalition of the House of Representatives, the ULAP, and signed also by officials, officers of the ConCom, signed by no other than Chairman Abueva. One of the provisions there is we lift the term limits, increasing the term of office from three years to five years in lifting the term limit. Because let us give the judgment to the people to limit the elected official by their judgment or by their votes. In fact, kiddingly, the one to be limited are those perennial losers, to give them a limit from not running anymore. Parang natalo ka na, tatlong beses ka nang talo, they should be the one to be limited. While if you keep on winning, why be limited. So it's the people. After all, election is an expression of the democracy of the constituency in putting an official into that position or into that office. That is why I still stand firm on that declaration of ULAP as I represent that the term limits be lifted rather than giving limit to just three terms.

CHAIRMAN ABUEVA.

In fact, we are proposing the lifting of the term limits. Now on your objections to involving the Governor, Vice Governor, Provincial Board Members as members of the Regional Assembly, I'd like to say that this is Option B in constituting the Regional Assembly. Our Option A is as follows, which I did not include, no?

COMMISSIONER CALISIN.

To be fair, I think, Mr. Chairman...

CHAIRMAN ABUEVA.

Let me finish...

COMMISSIONER CALISIN.

The option should be provided and we should not be limited by just one because we are almost determined by, embodied by just providing this one. This is not, after all, an option because there is only one in the proposed amendment. So we cannot consider this an option because we are not given options to choose from, but rather this is determining us from...

CHAIRMAN ABUEVA.

Well, this is still an idea for discussion and change, but in the original draft Constitution, we had Option A and Option B. This is Option B. Option A is as follows: each State

Assembly or Regional Assembly shall be composed of one elected member in each of the parliamentary districts in the region. Each Regional Assembly shall have additional members, or well, that's additional members, but if we use this Option A and I have a table that shows you what will happen, there will be 298 Regional Assemblymen in the whole country. That's a bit too many. No, no, no, it's only 198. But then we have proportional representation so it becomes 294 overall. But we are proposing something and we are discussing it here in order to arrive at a more suitable way of constituting the Regional Assembly.

So I just want to tell you that there is another option, which is to elect an Assemblyman in every one of the existing congressional districts. Now the beauty of electing Assemblymen for the Regional Assembly by parliamentary or congressional district is that there is a proportional representation of the population because this is how the districts are constituted. For example, Southern Luzon would have 23 elected Assemblymen, Central Luzon 19, Ilocos 12, Cagayan Valley 10, Cordillera 7. Bangsamoro, by the way, will only have 8. How many Assemblymen does ARMM have now?

(murmurs)

CHAIRMAN ABUEVA.

Three per congressional district. Our proposal is just one per congressional district. So this is an alternative way of constituting the Regional Assembly. But you may have other ideas which we...

COMMISSIONER CALISIN.

Thank you if you consider that, Your Honor. Because if this will be the one to determine us, I, for one, on the Committee level, as a matter of forewarn, I am going to manifest an objection in the Plenary on this matter.

CHAIRMAN ABUEVA.

Okay.

COMMISSIONER CALISIN.

And lastly, just a note, Mr. Chairman, Professor. As we signed last October 20 that as claimed by no other than Speaker of the House Congressman de Venecia as a landmark that day, we must be guided by those because, after all, if we are not going to respect those what we signed in that Declaration, we could consider that one as just nothing. In fact, it was signed and distributed to all members.

VOICES

Yes, yes... (murmurs)

COMMISSIONER CALISIN.

Yes, but it's here in the term of local officials in Section 7.

COMMISSIONER TABANDA.

No, term limits is removed.

CHAIRMAN ABUEVA.

Wala nang term limits, we are lifting.

COMMISSIONER CALISIN.
Term limit is already removed? Okay.

(Voices. Laughter)

COMMISSIONER APOSTOL.
You are through, Commissioner Calisin?

COMMISSIONER CALISIN.
No. In fact, that provision in the Transitory, for example, I think that will be proposed by Commissioner Espina that there will be transition period and should there be no election in 2007, that is unjust to us who are already in the last term.

(Laughter)

COMMISSIONER CALISIN.
But because we had that in the Declaration, I myself...

COMMISSIONER APOSTOL.
Move to the other side, they are already talking there about transitory provision.

(Laughter)

COMMISSIONER CALISIN.
Anyway, I am just putting emphasis that we respect that joint Declaration. I think copies of this joint Declaration have been furnished to members of this ConCom. Thank you very much.

COMMISSIONER APOSTOL.
I move that we recognize Commissioner Tabanda as the next interpellator.

CHAIRMAN TEVES.
Commissioner Tabanda.

COMMISSIONER TABANDA.
Thank you, Mr. Chair. I have a few questions to ask and some suggestions to make. Section 5, Mr. Chair. One of the come-ons for a federal system of government is it is going to give the regions a chance to be economically self-sufficient and self-reliant. But one of our basic problems is the failure, oftentimes, the delay in the remittance of local government share to local. So may I suggest a possible revision of Section 5, to read: "A Just Share. Autonomous regions and their local government units shall have a just share in the national taxes which they shall collect. The share of the national government will be automatically remitted to the national government."

In other words, the other way around, it is the local that will collect and the local will get its share na and give to national the share of national. Instead of the present system where national collects then we wait for a very long process until Congress will appropriate it for us. By the time we will get the money, patay na. Since we want to make the regions self-reliant, we need the money immediately, we cannot wait for the very long process. So may we reverse the system?

COMMISSIONER ABUEG.

Mr. Chairman, in relation to what Commissioner Tabanda has said. In a federal system of government...

COMMISSIONER TABANDA.

I am not yet finished, ha?

(murmurs)

COMMISSIONER ABUEG.

No... in cooperation... In Section 5, it is now the federal government that collects the taxes and remit the share of the national government. It is no longer the national government that collects.

COMMISSIONER TABANDA.

The State. It's the State now. That's what I am saying.

COMMISSIONER ABUEG.

So this should be rephrased. Section 5 should be rephrased.

CHAIRMAN ABUEVA.

Could you suggest a rephrasing?

COMMISSIONER TABANDA.

What I read. I'll just write it down.

CHAIRMAN ABUEVA.

Please.

COMMISSIONER TABANDA.

Section 10, Mr. Chair. In Section 10, you say that the Regional Assembly may, by law, create special metropolitan political subdivisions. My point is, legally, if a metropolitan unit is created as a political subdivision, it may become considered as a local government unit. I have reservations about still creating a metropolitan government over provinces, cities, municipalities, because this will buttress the opposition of a lot of people that federalism will create an additional layer of government. So I would think that the metropolitan government can simply be possibly an administrative unit but not a political subdivision.

(murmurs)

Yes. But there even be no need if you already have a regional government. Section 13, Mr. Chair. RDC. I do not... There may be no need for an RDC if we have a regional government already. Because the regional government is going to monitor, coordinate all the regional agencies. Of what use will there be of an RDC?

CHAIRMAN ABUEVA.

What bolsters your comment, Commissioner Tabanda, is Section 8 where it says, "Representation of the Civil Society and the Private Sector. Legislative bodies of the Autonomous Regions and the local government shall have representation of civil society." There already na.

COMMISSIONER TABANDA.

Yes. So why would you still need an RDC?

CHAIRMAN ABUEVA.

This is a carry-over, this Section 13...

COMMISSIONER TABANDA.

...of the present system.

CHAIRMAN ABUEVA.

... of the present system. But if you wish, we can remove it.

COMMISSIONER TABANDA.

And then, in Section 26 you're speaking of a Regional Assembly. I share the view of Commissioner Calisin regarding the composition of this. It seems like the Provincial Governor, the Vice Governor, the Senior Board Member will be members of the Regional Assembly. In addition, it looks like the Regional Governor will be elected from among the members of the Regional Assembly. And it looks like he will still be the representative to the Federal Parliament. Wouldn't it be taxing too much the Governor of a Province who will be the Governor of the Region and he will be the regional representative to the legislature.

CHAIRMAN ABUEVA.

He need not be the regional representative...

COMMISSIONER TABANDA.

But even if he is not, I think this is too much work being given to elected local officials. And second comment is the manner... in Section 40 provides for salaries. I would like to ask you to review the matter of double compensation. If he is the Provincial Governor, then he will be the Regional Governor, then he will be the representative to the legislature, will he be receiving ...

(murmurs)

... or Cabinet Secretary, the matter of double or triple compensation may come in. I would agree with suggestion that probably the representatives of the Regional Assembly be elected for that specific purpose and not the regular officers.

And second, Mr. Chair, in relation to Regional Assembly, how are you going to treat highly urbanized cities which are not part of provinces. Shall they also be entitled to representation? I think that they should because they should not be lumped and placed together with provinces of which they are not part of since they are highly urbanized and not component cities. Because I noticed that your proposal here only speaks of provinces, it does not speak of highly urbanized cities.

And in Section 28, Mr. Chair, elections will be in October. I find a little problem with this...

COMMISSIONER APOSTOL.

May I interrupt, Commissioner? I think we will still go to the approval of the resolution and period of amendment.

COMMISSIONER TABANDA.

No, I'm not yet... I'm only suggesting, giving my views.

COMMISSIONER APOSTOL.

Yes. Then we go immediately to the period of amendment.

COMMISSIONER TABANDA.

But I thought the Chair is already taking down notes. Will we still go back to amendment, Mr. Chair? Or will we do it at one time?

COMMISSIONER ABUEG.

I believe that the process of sponsorship and debate proceeds as is and, after it is terminated, we go to the period of amendments.

COMMISSIONER TABANDA.

Okay. Then I will go to the amendments later on. Then may I just finish? I have a few more points. Section 28 – Term. Elections will be held in October... For us in Baguio, September-October are still part of rainy season, it's very difficult to campaign.

(Murmurs. Laughter)

And Section 31 – Duration of the Regional Assembly. May I ask that the manner in which it is written be reviewed because it says here: "The Regional Assembly shall continue for five years from the date of its first meeting and no longer." Meaning that the Regional Assembly has a fixed period of only five years. It does not speak of a continuous Regional Assembly. I think it's a matter of semantics.

CHAIRMAN ABUEVA.

There is such thing as the practice of 12th Congress, 13th Congress, 14th Congress... It's just a tradition. It's a continuing institution, but they mark it by period.

COMMISSIONER TABANDA.

Section 32, Regional Governor. Is he going to be elected from among the regional representatives? And if $\frac{3}{4}$ of the membership of the Assembly, $\frac{3}{4}$ of the Cabinet shall come from the Assembly, will there still be people who will be members? I am a little wary like Palawan, single province, is going to be a separate region, they may all be officers. In fact, they may even lack members to constitute the Regional Assembly.

And my last... I think that's practically what I want to point out, Mr. Chair.

COMMISSIONER ABUEG.

Mr. Chairman.

CHAIRMAN TEVES.

Yes, Commissioner Abueg.

COMMISSIONER ABUEG.

I would like to state that Palawan in point of territorial area and prospective income is qualified for a five-province region.

COMMISSIONER APOSTOL.

That includes Freedom Island... (laughter)

COMMISSIONER ABUEG.

Of course, because one of the Kalayaan island groups is in the Spratly Islands.

COMMISSIONER APOSTOL.

I move that we recognize the indigenous representative, Commissioner Adamat.

COMMISSIONER ADAMAT.

With emphasis to the indigenous, huh? Thank you, Mr. Chairman. May I just follow up the earlier statement of Commissioner Bondoc as to the issue of people's initiative because he pointed out, what about those who like to opt for an Autonomous Region later on that are not part of the suggested and enumerated Autonomous Regions. I think we really have to consider that seriously by coming up with a separate and independent provision on people's initiative. So that this can be a fallback position of those who would like to come up with their Autonomous Region later on after the different Federal States have already been created. Because in our consultation, Mr. Chairman, there are people who are clamoring for creation of Autonomous Regions within Federal States. So this can be an avenue for them to be entertained later on.

Another thing, Mr. Chairman, is just a rejoinder to the earlier observation of Commissioner Calisin and Tabanda to the composition of the Regional Assembly. But instead of for the elected Provincial Governors and the others, we will adopt the framework adopted by the Autonomous Region in Muslim Mindanao. Not entirely, Mr. Chairman, but it has to be done through election. The representation by district has to be by election. And I agree with your proposal that there should also be some sectoral representation for "proportionate representation". Thank you, Mr. Chairman.

COMMISSIONER APOSTOL.

I move that we recognize Commissioner Fernandez as the next interpellator.

COMMISSIONER FERNANDEZ.

Mr. Chairman. "The State Assembly shall be formed by the Governor, Vice Governor, Senior Board Member..." And as already mentioned by Commissioner Tabanda, the problem of that of double or triple compensation. So probably at the possibility of having the Governor or whoever simply receive the highest compensation available if it shall be the State Governor or that of the Provincial Governor. The problem that we see right here is as regards to what was stated that there shall be representatives. So theoretically speaking, the Provincial Governor that is elected as a Regional Governor or whoever could also be elected as representative in the Parliament and as a regular member of the Parliament could also be elected as the Prime Minister or the President of the Republic of the Philippines.

And also as regards to the federal government, it shall be assumed that the huge chunk of the national taxes will be given to the State. If this shall be so, who has control over this: the State Assembly or the Members of Parliament? As is the practice right now where national projects or big projects in the provinces are being disposed of by the Congressman which shall be converted into MPs.

The taxes or the budget shall be given to the federal state but the question is who shall be really handling it? Shall it be the State Assembly or the Members of Parliament which are also elected from the provincial constituents.

And it is also assumed that if this should be the case, there is now a pending suggestion that there shall be an election of the State Assembly. But if we do not have an election of the State Assembly, if it shall be the Provincial Governors, Provincial Vice Governors or senior Board Members, then there might be a conflict of interest as regards to they shall be putting the interest of their province first then the interest of the State second.

And also another comment. We are for the federal form of government. However the thing is we always state that the problem is the local or the provincial government does not have enough money for the implementation of projects, but in reality if you are in the local government unit, a minimum of 40% is used for personnel services, another 20% for operating expenses, sometimes it goes higher because you hide your manpower in the form of consultants, which are also part of the operating expense. Sometimes, for the operations alone, you already spend around 90% and only 10% is left. So what really happens is that you have a government that is functioning and spending all its resources for office and not actually for the project. That is my concern.

Because if this shall be the scenario, then probably we could do with the scenario given by Chairman Abueva that the Governor, Vice Governor and Senior Board Member shall be sitting in the State Assembly. However, the power of the province, or rather the functions of the Governors and Vice Governors, should be carefully studied so as to be coordinated and synchronized so as to eliminate conflict of interest of putting the interest of their province first, improving their province first before that of the regional State Assembly.

And also, I would like to state that in the Federal Government, the national taxes are collected by the Federal Government, by the Federal Republic. And state taxes are collected by the State. So there are two types of taxes because it seems we are only focusing, if we are assuming that there is only one tax which shall be collected by the state government. There should actually be two taxes: the existing national taxes, which is the income tax or internal revenue. And that the only collections that the State shall be collecting shall be the state taxes that they shall be imposing via the State Assembly which shall be formed by the Governors, Vice Governors and Board Members.

But theoretically speaking, automatically, it shall be any one of the Governors that shall be elected as the head of the state, since Governors will not allow themselves to be out-voted because they control the province they will not allow that it shall be the Vice Governor or Board Member or any other party who shall sit as the head of the Regional State.

Anyway, my only concern if we are going into federal, probably there is a need to study the functions, the work of the provincial government so as to limit it and to transfer the bulk to that of the State. Anyway, the Governor, Vice Governor and the Senior Board Members would actually be working for the state and shall be holding their offices in the designated state. And having huge responsibility, I don't think they will have the existing time that they have for their constituents if they are maintained in the provincial government. Thank you very much.

COMMISSIONER APOSTOL.

I move that we recognize Commissioner Tendero.

CHAIRMAN TEVES.

Commissioner Tendaro is recognized.

COMMISSIONER TENDERO.

My main question is in relation to the structure of the Republic. By the title itself -- Autonomous Regions and Local Governments, as if we are already making two forms: we have the autonomous regions as well as local governments. And we are quite tentative as to the formation of Autonomous Regions that eventually becomes the State. Right here in this assembly, we have the representation coming from Palawan, who wants to declare themselves as an Autonomous Region by themselves as a State. Now what would prohibit other big provinces to say "We want to be a separate state by ourselves"? Like Cebu or others. I think it would be better if there are more defined descriptions of the direction that we are taking, that we would like to really have, these regional groupings as state and be able to lessen the leeway between provinces making themselves as a State or the bringing in together of the different provinces to form the Autonomous Region.

CHAIRMAN ABUEVA.

That is the political process. That's negotiation. That's consultation. That's why we have suggested the criteria for the formation of autonomous regions or future states. We hope this will be taken very seriously because the principle of fragmentation should really be avoided. We have been practicing a lot of gerrymandering in the past five decades, splitting provinces into smaller provinces, sometimes mainly to elect new sets of provincial officials. Much of the income of the smaller province is taken up by salaries and very little goes to infrastructure or development. We have three criteria which we have spelled out for the creation of Autonomous Regions.

COMMISSIONER TENDERO.

Section 18?

CHAIRMAN ABUEVA.

Section 18, Yes. One is contiguous or adjacent areas or local government units. The second is the historical, cultural and linguistic dimensions. And then the socio-economic potential and viability of the Autonomous Regions.

COMMISSIONER TENDERO.

That is my concern. Because when you say socio-economic potential and viability within the framework, what would, for instance, hinder Cebu, if they want to be separate state by themselves? Because it meets the criteria that is in Section 18.

CHAIRMAN ABUEVA.

Ultimately, we are saying here that the decision depends on Parliament, on the one hand, and the prospective Autonomous Regions. This is a negotiation, a consultative process.

COMMISSIONER TENDERO.

Yes. Because we are writing the fundamental law that would determine that, it would be better if we have more precise delineation rather than it's open to negotiation.

CHAIRMAN ABUEVA.

That's the political process and we also believe in self-determination. National and regional forces will be at work. But any attempt to define exactly what will be the Autonomous Regions is going to be very unsettling, I tell you. We've gone through these five years. If you define that this is it and nothing else, you're in trouble.

COMMISSIONER TENDERO.

Could this be that this is an argument against the federal form that we cannot define the limits?

CHAIRMAN ABUEVA.

No, we are not saying we cannot define. We are leaving it to the good judgment of our leaders to make the decisions. And it is an interaction of a central law-making body like Parliament and the self-determination of local constituencies who would like to form an Autonomous Region.

COMMISSIONER TENDERO.

And we will have problem later on of stalemate between the local people and the Parliament and the local leaders because they cannot agree as to what...

CHAIRMAN ABUEVA.

Some cannot agree, but I can tell you that in Mindanao they can very quickly agree to form these Autonomous Regions and a few other places. It's not problematic everywhere. I think there are places that are raring to go to form their Autonomous Regions.

COMMISSIONER APOSTOL.

I move that we recognize Commissioner Joji Bian.

COMMISSIONER ILAGAN-BIAN.

Mr. Chair, I listen with interest from Commissioner Calisin regarding the reason why we are lifting the term limits of officials. My apprehension, really, is that this is a very sensitive subject matter. If you said that one of the important items in this paper is lifting term limits, we might have problem with a vast number of constituency. We might be misconstrued for using this tool to get popular political support. At the end, the public might get back at us and say "So, this is just like a political accommodation." And we will have to be ready for that, because the general sense is we don't want to perpetuate power. And they could say, "Well, the federal form of government you are espousing is actually also a perpetuation of power." I am just a little wary of that of how I would respond to that during consultations.

CHAIRMAN ABUEVA.

That is a very valid concern, but we have not yet closed the door to the idea of an anti-dynasty provision in our proposal. For example, a combination of no term limits but an anti-dynasty prohibition can happen. For example, there is no term limit in the sense that an elected official, be it a governor or other local official, that official may seek reelection after reelection and with the support of the people can remain in power continually. On the other hand, there is this idea that if you can have an anti-dynasty restriction, any elected official at the local level may not be succeeded by any relative within the fourth degree of consanguinity or affinity. So that, if you're a Governor, it's true, there is no term limit, but people could get tired of you eventually. But your wife, son, daughter, brother, first cousin cannot succeed you. So there is a limit. And I must tell you that there

are Congressmen who have been telling me, "Please pass an anti-dynasty provision. We can lift the term limits but let's have an anti-dynasty provision." So if you're talking about popular acceptance, an anti-dynasty provision might be a popular option. And this will soften the impact of lifting the term limits. But let's think about it.

COMMISSIONER ILAGAN-BIAN.

What happens to the barangay officials?

COMMISSIONER APOSTOL.

We remove them...

(Laughter.)

COMMISSIONER ILAGAN-BIAN.

No, no, no. That's off the record. But what happens to them?

COMMISSIONER TABANDA.

In the Committee on Suffrage there was a recommendation that barangay officials shall be appointed and not elected. This is going to be submitted by the Committee on Suffrage. That is the proposal of Calisin.

COMMISSIONER APOSTOL.

I move that we recognize Commissioner Tirol as the next interpellator.

CHAIRMAN TEVES.

Commissioner Tirol.

COMMISSIONER DAVID TIROL.

Thank you, Mr. Chairman. I would like to preface my questions with the statement that this representation is strongly inclined to support federal form of government if only to bring to fruition and realization the principle of local autonomy. May we know, Mr. Chairman, whether we are already finally committed to have only twelve Autonomous Regions?

CHAIRMAN ABUEVA.

No. We don't want to prescribe the exact configuration of the Autonomous Regions.

COMMISSIONER TIROL.

So, while we are for the creation of Autonomous Regions throughout the country, we don't have any position as to how many Autonomous Regions shall be established?

CHAIRMAN ABUEVA.

There have been varying numbers suggested across the years. One was three: one for Luzon, Visayas and Mindanao. Senator Pimentel at one time was talking about seven. So it keeps changing. We have learned from our consultations that it is not advisable to suggest a particular number and particularly to designate particular autonomous areas or regions. So we leave it as an open question, open option. On the one hand, there is the idea of self-determination. Commissioner Garcia has been very strong on this. You should not dictate on the people, we should leave it to them to exercise self-determination, to join or not to join an Autonomous Region. On the other hand, there is an economic limit and I would like Commissioner Jurado to speak on that point. Obviously,

we cannot have 79 states. There are many who are saying that every province can be an Autonomous Region. I don't think that is possible.

COMMISSIONER TIROL.

What should be the formula that we should be able to finally arrive at the approximate number?

CHAIRMAN ABUEVA.

Yung criteria na lang that we suggested, Section 18 and 19. But leave it to the good judgment of the Parliament on the one hand and the leaders of the prospective Autonomous Regions.

COMMISSIONER TIROL.

Thank you, Mr. Chairman. In Section 20, it is mandated that within the period of three years, there shall be the organization of Autonomous Regions. Does it mean that this will be the only time that we are able to determine?

CHAIRMAN ABUEVA.

No. We are now open to the idea that even after the ten-year mandated establishment of the Federal Republic and the conversion of the Autonomous Regions into Federal States, we'll still leave it open to those provinces that had not decided to form an Autonomous Region to form that region. And somebody suggested a particular mode of doing that: through people's initiative. But in any event, I think we are open to the idea that there should be no time limit, even past the ten years it would still be possible for provinces that had not joined an Autonomous Region to do so.

COMMISSIONER TIROL.

I seek guidance and enlightenment from the Chair. We are supposed to submit a completed work by December 15. Does it mean to say that we will consider ourselves as free to submit a supposedly completed work without being able to determine the number of Autonomous Regions we will establish in the Philippines.

CHAIRMAN ABUEVA.

That would seem to be the wise thing to do rather than predetermine in an absolute way. "There should be 12 or no more than 12." Or "There should be only six." That would be arbitrary on our part.

COMMISSIONER TIROL.

That being the case, that we are not even courageous enough to determine the number of Autonomous Regions we should establish in the Philippines, does it mean to say that we are also not able to determine the criteria as to what should compose an Autonomous Region?

CHAIRMAN ABUEVA.

We have the criteria as I said. Three criteria. But it would seem unwise and impractical to predetermine what should be the Autonomous Regions.

COMMISSIONER TIROL.

Finally, Mr. Chairman, while the matter is open for further consideration, I would like to leave the recommendation that if Bohol will have the chance to become a separate Autonomous Region, having been declared as a Republic of Bohol, that will be our wish Mr. Chairman. Thank you.

COMMISSIONER ABUEVA.

We have been that way since the time of Dagohoy.

COMMISSIONER APOSTOL.

Thank you Republic of Bohol. May we now go to the Republic of Pampanga, Commissioner Rodriguez.

COMMISSIONER RODRIGUEZ.

You are giving me an idea. Anyway, may I invite Chairman Abueva, on Section 33 and 36 under Election of the Regional Governor. And yet we are using here the phrase State Governor. The two mean the same thing?

CHAIRMAN ABUEVA.

It should be Regional Governor.

COMMISSIONER RODRIGUEZ.

And in Section 36, it should also be Regional Governor?

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER RODRIGUEZ.

Now, in this particular Section 33, when we say in the last sentence of Section 33, "with a majority", I don't think it is a redundancy. Perhaps the Chairman is thinking of a possible run-off election. That is the idea behind the use of the word "with a majority". Because a candidate might win the contest but not obtaining the majority, therefore a run-off election should be held if there are more than two candidates. Is that what you mean when you say "with a majority" to jibe with the first sentence?

CHAIRMAN ABUEVA.

The ideal is to have a Governor, a head of government that enjoys majority support.

COMMISSIONER RODRIGUEZ.

I am trying to clarify that only, Mr. Chairman. Because there is a possibility here, when you say by a system of elimination and subsequent secret voting, the one receiving the highest number of votes, that might suffice if we are not thinking of a run-off election. But if we are, you included the phrase "with a majority". Because there is a big possibility that in a contest like this there will be more than two candidates, three or four, and the winner might be obtaining only less than 50% of the votes, and, therefore, not a majority. Is that the reason why you included the phrase "with a majority" here?

CHAIRMAN ABUEVA

That's the ideal but if you wish, if you want to be practical, we could remove "with a majority". Because a plurality of 40% would probably be acceptable. After all, even President Erap didn't command a majority vote.

COMMISSIONER RODRIGUEZ.

But we have to take into consideration the first sentence, Mr. Chairman. Because here, you emphasized the Regional Governor, remove the State here (referring to Section 33) "shall be elected by the Regional Assembly by secret ballot and a majority vote of all its members." So it must jibe with that. The phrase "with a majority" is not therefore a

redundancy. It means an emphasis on the need to have an elected Regional Governor by majority of all the members.

CHAIRMAN ABUEVA.

Yes, that is an ideal because we are talking about Party Government here also. We want the parties at the regional level to be strong and solid and cohesive enough to really have a majority.

COMMISSIONER RODRIGUEZ.

I just want that clarified for the record because later on it might be...

CHAIRMAN ABUEVA.

But I am open to suggestions.

COMMISSIONER RODRIGUEZ.

This is okay. This is the best formula for the matter. It implies a run-off elections. Thank you, Mr. Chairman.

COMMISSIONER APOSTOL.

For the last interpellator, may I move that we recognize Commissioner Naval. So that we can go immediately to the approval of resolution and then period of amendments.

CHAIRMAN TEVES.

Commissioner Naval is recognized.

COMMISSIONER NAVAL.

Thank you Mr. Chairman. I refer to Section 17 which provides for residual powers. It provides that, "all powers, authority and functions not granted by this Constitution or by law to the Autonomous Regions and local governments are reserved for the Parliament". May I know if there are specific provisions in these proposed amendments providing for the specific powers and authorities for the Autonomous Regions and local governments?

CHAIRMAN ABUEVA,

If we go to Section 23, we have enumerated the legislative powers and functions of the Regional Assembly itemized as 13 items. And we could add to these the proposal by Commissioner Garcia. Some items, we could add to these.

COMMISSIONER NAVAL.

In addition to this, these Autonomous Regions and local governments may also exercise powers which will be granted to them by the Parliament. Is that correct?

CHAIRMAN ABUEVA.

Specifically granted, they can exercise it.

COMMISSIONER NAVAL.

Consequently, Mr. Chairman, the residual powers of government will still remain with the Parliament.

CHAIRMAN ABUEVA.

That is the idea.

COMMISSIONER NAVAL.

By reason of this fact I think it will be improper for us to use the word federal government. At any rate, for a period of 3 years after the adoption of this amended Constitution, we will be providing for these Autonomous Regions as provided in one of the sections here. It provides for a period of three years during which there should be enacted an autonomy law for the purpose granting regional powers to these Autonomous Regions. And yet there is a provision in the Transitory Provisions that within 10 years, we shall convert our structure into federal using the same structure which had been made effective by this Regional Autonomous Administrative Code. So I don't believe that it will still be proper for us to convert this Republic into federal within ten years after we have provided already for these local autonomy law and the regional governments. There will be no more change.

CHAIRMAN ABUEVA.

These are very important change: the recognition of the federal structure of the Republic, which is a reminder for all concerned that there should be respect for regional autonomy. Even though we are also granting that the national government, Parliament in particular, should hold us together, should hold all the Autonomous Regions together.

COMMISSIONER NAVAL.

Mr. Chairman, what I understand of the principles of federalism is that residual powers of government should be vested in the states.

CHAIRMAN ABUEVA.

There are two kinds of federations. The classic and most common were established by autonomous entities like the thirteen colonies of the United States. They were independent, more or less. And then they first decided to form a confederation and then later on, a federation. So they have autonomous powers to begin with. They united and reserved to themselves the residual power. They gave to the federal government only what they agreed to turn over. This is why it is provided in the US Constitution that residual powers shall remain with the states.

There's the other way of forming a federation, which is the way of Spain, Belgium and Pakistan and the Philippines, we hope. Because we started as a unitary system, in a sense, the Republic predated the Autonomous Regions and the Federal States. This is why the residual powers are lodged in the federation. And this is a safeguard. You know, we who have been around the country for five years consulting people are always confronted with this threat: "Ah, we are going to fragment... we are going to break up this country. Nobody is going to hold us together the moment we have federal states." This is an assurance.

You know, there are two forces at work, even in the United States, even in the old established federation. It is always centripetal and centrifugal forces. The balance of powers between the federation and states oscillates. In the long run, in the 20th century, the federation has won over the states. The federation really has more power than the states. But it's not always like that because the states also assert their original rights. So nothing is fixed. This is a political process.

COMMISSIONER NAVAL.

Lastly, Mr. Chairman. I would like to ask whether there will be substantial change in the structure of the government. From the period after we have adopted these Organic Acts for the Autonomous Regions within three years and then, the conversion of the Republic into a Federal Republic within ten years. What will be the substantive changes between these two structures of government? The one with these local Organic Acts of the Autonomous Regions and the one with this federal. Because the use of word federal may still be very conflicting. Why not just remain with the same term "The Republic of the Philippines" without determining, stating whether it is federal or unitary.

CHAIRMAN ABUEVA.

That is a question of choice and collectively, we should decide what to name of the Republic that we are creating.

COMMISSIONER APOSTOL.

For the information of Commissioner Naval, we removed that in the Preamble. The provision you are talking about. I was asking that it be retained, they unanimously removed it. Anyway, Mr. Chair, we can go now in the period of amendment.

CHAIRMAN ABUEVA.

On that remark of the Floor Leader that a Committee removed the Federal Republic, that's fine, because we cannot really attach that name until after the period that we become a federation. And when that time comes, we edit the whole Constitution. All references to the Republic will become Federal Republic. All references to Autonomous Regions will become Federal States.

COMMISSIONER APOSTOL.

Mr. Chair, can we go now to period of amendment? I move that we recognize Commissioner Fernandez.

CHAIRMAN TEVES.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ.

As regards to Section 4 - Revenues -- "Each Autonomous Region and Local Government Unit shall have the power to create its own sources of revenues and to levy taxes, fees and charges". Sources of state revenues, it was mentioned that Federal Government has, rather the internal revenue collected by the BIR goes directly to the Federal Government, as is the practice in all Federal Governments unless this Body shall state that all collection of taxes shall be collected by the State. I would like to propose this amendment, but my proposal is that whatever the consensus of the Body is just for the point of clarification on whether it shall be the state which shall be collecting all the taxes or there shall be two bodies collecting taxes: the Federal Government collecting the internal revenues, customs duties, etc. and the State Government collecting its own taxes as provided for by its own laws.

COMMISSIONER APOSTOL.

Suggestion. Please make your amendment specific so we can vote on it if the author will agree.

COMMISSIONER FERNANDEZ.

Okay. "Each Autonomous Region and Local Government Unit shall have the power to create its own sources of STATE revenues and to levy taxes, fees and charges subject to such guidelines. AMENDMENT shall be first on the state revenues. Another amendment. Could I have multiple amendments, Mr. Floor Leader? So moved, Mr. Chairman.

CHAIRMAN ABUEVA.

The reason why we have this transition is because there are so many thorny issues in converting from a unitary to a federal state. One of the principal issues, the most thorny issue is taxation. There has to be an overhaul of the tax system. There has to be an assignment of tax basis among the federation or the national government and the states, especially between the two, and of course, the local governments. We started studying this two years ago and there's still a lot of fleshing out and consultations to make. The issue is among the existing taxes and possible future taxes, which would be assigned to the Federal Government or to the State and the local governments. And we are fortunate that there are 25 federal systems that we can study and, in fact, we have referred to. In other words, we don't start from zero. They have formulae being followed in various federal systems. But it still has to be done and among the issues to be tackled by the Preparatory Commission is precisely the reassignment of tax as basis among the Federal States and Local Governments. That is why we are avoiding being too categorical at this point because it is subject to adjustment. Another...

COMMISSIONER FERNANDEZ.

But, if we shall be going to the provinces and explaining the federal form of government...

COMMISSIONER APOSTOL.

Mr. Chairman, do you accept or not accept the proposed amendment of Commissioner Fernandez? If not, say so.

COMMISSIONER CALISIN.

Parliamentary inquiry, Your Honor, Mr. Floor Leader, Mr. Presiding Officer, I think that for an amendment, it should be formally moved by a proponent, then be seconded, then subject again to deliberation, then subject to the approval of the Chair. Now, in case there is no objection, then we do not subject to voting the issue. So we just wait for the ruling of the Chair, his decision, from the deliberation.

CHAIRMAN ABUEVA.

I can accept that amendment. Anyway, this is subject... no, it's not just a matter of style, it's a substantive decision and Congress will have something to say here. And then the Preparatory Commission will also have its advice on this. But momentarily, I have no problem accepting the amendment.

COMMISSIONER APOSTOL.

Next amendment.

COMMISSIONER FERNANDEZ.

Yes. Second amendment, Mr. Chairman is with regards to salaries. The Governor, the Vice Governor and the Secretaries shall be receiving blank salaries and shall not anymore receive their provincial salaries.

Definitely, the State will be giving a bigger salary.

CHAIRMAN ABUEVA.

Mr. Chairman, it looks like from the discussions that we had, we may change our mind about the use of the Governor, Vice Governor and so on. This seems to be an alternative, which is, my Option A, actually, to elect Assemblymen.

COMMISSIONER FERNANDEZ.

Mr. Chairman, actually the proposal that you have given is the best formula so far that I could see because we shall be doing it assigning the Governor, Vice Governor and the Senior Board Member then we shall be reducing the bureaucracy, for the very reason that the bulk of the capital expenditures of the province for infrastructures shall be transferred to the State. Anyway, it shall be the Governor, Vice Governor and Senior Board Members who shall be implementing these projects, which are already being implemented in the provinces anyway. It's a simple transfer of budget to the State and we shall be increasing the budget for the local government units for the very reason that the actual job of the provincial government is to simply coordinate the local developments of all LGUs to ensure that the development is well-synchronized, well-coordinated. Halimbawa po, yung sa mga kanal, sa mga kalsada, sa mga industrialization, etc., etc. which is actually the job of the Board Members and the Vice Governor. The job of the Sangguniang Panglalawigan and not anymore of the Governor. Anyway, the Governor shall be going to the State Assembly. And also I do believe it would answer the problem of Commissioner Alex Magno as regards to additional budgeting for the bureaucracy.

CHAIRMAN ABUEVA.

Mr. Chairman, this is what... My motive in proposing this mode of constituting this Regional Assembly, but then in our discussions this afternoon, we ran up against lots of objections with the idea of overburdening the provincial officials. So we have to reconcile these two points of views. And I am not prepared, alone, to accept an amendment. I am now inclined to the idea of electing Assemblymen, Mr. Chairman.

COMMISSIONER FERNANDEZ.

Mr. Chairman, just a parliamentary inquiry. So as to have a consensus of the Body, could we just go on my motion for such amendment and if I shall be seconded then the members present here could discuss it and state if they are willing to have that amendment. Anyway, as for ULAP, we respect the political boundaries and such that the provincial governments shall be maintained except that since it shall be the Governor, Vice Governor, Board Members who shall be running the state as Cabinet Members or State Cabinet, State Governors, etc., etc., then the bulk of the implementation of the project should be given to the state and that since the main function of the provincial government is the coordination and synchronization of local government unit projects, then it shall be so. So, I believe that the proposal of Chairman Abueva is actually more cost-efficient and shall be better for all local government units involved.

COMMISSIONER APOSTOL.

Mr. Chair, if the proposed amendment is rejected by the author, that's it. That finishes the whole thing. Once it's rejected...

CHAIRMAN ABUEVA.

No, the Body can approve...

CHAIRMAN TEVES.

The proponent is now asking. Up to this point in time, actually, we have been more informal about it. But since there is now a suggestion, let me go through the issue of practice in parliamentary process in addressing proposed amendments.

COMMISSIONER ABUEG.

The procedure there will be if the proponent does not accept the amendment, then it is thrown to the Body.

CHAIRMAN TEVES.

So, there is where it is at now. Before that... Yes, Commissioner Jurado.

COMMISSIONER JURADO.

I think, the proponent, Dr. Abueva, was saying that in fact the proposal of Commissioner Fernandez represents Dr. Abueva's Option 1. But JVA wrote here is Option 2. But this Option 1 is, in fact, the one being reiterated by Commissioner Fernandez.

CHAIRMAN TEVES.

And he says it's the best option, so far, as far as he's concerned.

COMMISSIONER JURADO.

As it emerges from this discussion, Option 1 of Commissioner Abueva, seems to be the most tenable one.

CHAIRMAN ABUEVA.

Well, Mr. Chairman, I am a good listener and I sense that this wording that is proposed here could yield to an alternative way of choosing. I particularly respect the judgment, the opinions of the local government officials here amongst us now. They have that feel that I don't have, the experience I don't have.

COMMISSIONER APOSTOL.

Mr. Chair, may I know if Chairman Abueva is accepting the amendments already?

CHAIRMAN ABUEVA.

There is no amendment. I don't think....

COMMISSIONER FERNANDEZ.

Mr. Chairman, the amendment was that of the salaries.

COMMISSIONER CALISIN.

Clarification, Mr. Chairman. I think that the proposed amendment of Hon. Fernandez is, if that option should be approved, the salary should be based on whichever is higher, the salary.

COMMISSIONER FERNANDEZ.

Just to ensure that there is no double or triple compensation.

COMMISSIONER CALISIN.

If the salary of the State Governor is higher, then that should be the basis of the salary.

CHAIRMAN TEVES.
We're on Section 40. Salary.

CHAIRMAN ABUEVA.
What I am saying is that if we accept this, the salaries and so on, we are already approving the fact that these would be the officers of the Assembly. What I am saying is that I have an open mind and I now favor...

COMMISSIONER FERNANDEZ.
Anyway, Mr. Chairman, Commissioner Abueva, unless you have presented a new proposal that is in the table right now, we could discuss it so. But at the moment, the proposal right now is what we are trying to amend. If the case shall be that there is another proposal not yet on the table, then there is no use for amendment period right now.

CHAIRMAN ABUEVA.
I did point out to you the Option A which is the elections of Assemblymen in each of the parliamentary districts of the region. That is what I am now inclined to support, rather than the Governors, Vice Governors, etc.

COMMISSIONER FERNANDEZ.
If that be so, Mr. Chairman, then probably we should have a copy of that so that we shall have our amendments based on it.

CHAIRMAN ABUEVA.
I asked this to be duplicated... Has it been distributed? You're supposed to have a copy of Page 34.

COMMISSIONER TENDERO
Clarification, Mr. Chair.

CHAIRMAN TEVES.
Yes, Commissioner Tendaro?

COMMISSIONER TENDERO
I think Commissioner Fernandez is asking the question that I think what is proper is what we have written is what we are discussing and what we are making such amendments, not what is in the thinking. So it's better to focus on what is in the table.

COMMISSIONER APOSTOL.
May I know if the Chairman accepted the proposed amendment. Otherwise...

Commissioner Fernandez, could you restate your proposed amendment?

COMMISSIONER FERNANDEZ.
My only statement is that for the salaries. The state officials shall receive a salary, as mentioned by Commissioner, which ever is higher, because they shall be receiving from the province as Governor, Vice Governor, Senior Board Member and then later on they shall also be receiving compensation from the State as Head of State, Secretary of State and so on.

COMMISSIONER TENDERO.

Maybe, if I may say, Commissioner Fernandez, just a principle stating that there will be no double compensation.

COMMISSIONER FERNANDEZ.

Okay. Let's just make the amendment that there shall be no double compensation.

COMMISSIONER APOSTOL.

In case of more than one position in the State.

CHAIRMAN ABUEVA.

That would be acceptable to me. That would apply to a different composition of the Assemblymen.

CHAIRMAN TEVES.

Stated that way, it is accepted.

COMMISSIONER RODRIGUEZ.

Subject to style.

COMMISSIONER FERNANDEZ.

Just one last section, Section 24, Peace and Order. "The preservation of peace and order within the autonomous regions shall be the responsibility of the local police agencies..." Before I introduce my amendment, Mr. Chairman, may we just know the definition of local police agencies?

CHAIRMAN ABUEVA.

There was a time when the police functions were under the responsibility of the elected local officials. Because the people really expect the city or municipal mayor to maintain peace and order -- the primary function expected of a local executive. And that is why the proposal is to return this function to the local government. As for the "police agencies", well, the local police departments, city police or municipal police departments.

COMMISSIONER FERNANDEZ.

Coming from the author himself, Mr. Chairman, I move to amend Section 24 stating "...shall be the responsibility of the local government unit police agencies." Since that already came from Chairman Abueva, the author.

CHAIRMAN TEVES.

How will it read now?

COMMISSIONER FERNANDEZ.

It shall be the responsibility of the local government unit police agencies, just to clarify that the responsibility should be that of the local government unit and not that of the province and not that of the State.

CHAIRMAN ABUEVA.

This is a matter of choice. There is a practice of calling local governments "local government units". We have a preference in the College of Public Administration to say "local governments", without saying "units". In other jurisdictions, that is the more common term. Tayo lang ang "LGU" when it should be, when LG should be sufficient.

But if that is the practice, I don't mind. "Local government unit police agencies." But it's rather awkward. "Local government police agencies" should be sufficient.

COMMISSIONER FERNANDEZ.

Anyway, Mr. Chairman, if that is the case, then we should probably have our definition of terms that there is a state, provincial, local government. Because we are used to the practice in the local governments to call it LGUs to separate us from the different political subdivisions.

COMMISSIONER TABANDA.

Mr. Chairman, in relation to PNP, there is a provision in the Constitution on the Philippine National Police. Would it mean now that this is going to be deleted? Would it mean now that all LGs will now take care of the salaries and all emoluments of the local police under the federal system?

CHAIRMAN ABUEVA.

That is the consequence of that decentralization. And, in fact, in a federal system, you can abolish the Department of Interior and Local Governments, you don't need such department.

CHAIRMAN TEVES.

Commissioner Abueg.

COMMISSIONER ABUEG.

Prior to the 1971 and 1987 Constitution, the appointment of the members of the police force, from the Chief of Police down to the enlisted police personnel was vested in the chief executive or the municipal mayors.

But after the 1971 and 1987 Constitution, the nature of police service was made to be national in scope and civilian in character. Where the appointment, which, the appointment now, rest with the NAPOLCOM. I think with this provision, Section 24, the manner of appointment of the local police force, of the municipalities, should also be included. That should be provided for in the Committee on Style.

CHAIRMAN ABUEVA.

Mr. Chairman, that is an appropriate recollection. It is rather perplexing that in the restoration of democracy after authoritarian rule, we continued with the centralization of the police forces. It is the idea of the authoritarian reign. You have control over the military, you have control over the police. You make it a National Police Commission.

COMMISSIONER APOSTOL.

Let me recognize Commissioner Abueg. And then...

COMMISSIONER FERNANDEZ.

Mr. Chairman, just one last amendment from the point I made a while ago. Theoretically speaking, the Senior Board Member, the Governor, the Vice Governor shall be members of the State Assembly could also be elected as regional representatives in Parliament and, as such, could also be voted as Prime Minister, President or Speaker of the House. May I just make an amendment to clarify that such representatives shall be there to promote the interest of the state and shall not run for President, Prime Minister or Speaker.

CHAIRMAN ABUEVA.
That is the intent.

COMMISSIONER FERNANDEZ.
Just a clarification.

CHAIRMAN ABUEVA.
They are there to protect the interest, the authority and the power of the State.

COMMISSIONER FERNANDEZ.
But theoretically speaking, as regular members of the Parliament, they could also be nominated. Just for clarity. The amendment is only for clarity and shall express in words the thinking of the author.

CHAIRMAN ABUEVA.
May I know the wording you're suggesting.

COMMISSIONER FERNANDEZ.
The representative of the Parliament could not be nominated for President, Prime Minister, or Speaker. He's disqualified. We could... The comment of Commissioner Apostol, I did not think of that, at least anyone can run for Governor and also for Prime Minister later on. It's okay. I withdraw.

COMMISSIONER APOSTOL.
Mr. Chair I move that we recognize Commissioner Abueg.

CHAIRMAN TEVES.
Commissioner Abueg is recognized.

COMMISSIONER ABUEG.
Thank you Mr. Chairman. My amendment will be by way of an amendment by addition in Section 6. A new paragraph be included to be a second paragraph of Section 6 which reads as follows, "The provincial government unit nearest, whether beyond 15 kilometers or regardless of distance, in an off-shore site exploration, development, and utilization of natural resources, such as but not limited to, petroleum, natural gas, other mineral oils, all sources of potential energy, shall have a share, as determined by law in the taxes collected there from, which shall be automatically released to them". I move that the proponent accept the amendment. Thank you Mr. Chairman.

CHAIRMAN ABUEVA.
I accept the amendment. It favors the local units.

COMMISSIONER ABUEG.
Thank you Mr. Chairman.

COMMISSIONER APOSTOL.
I move that we recognize Commissioner Calisin.

COMMISSIONER CALISIN.

Thank you. This is now a formal motion Your Honors regarding my discussion during the deliberation on Section 26 paragraph 2. Section 26 paragraph 2 be reworded as, "The Regional Assembly shall be composed of Assemblymen elected from among the congressional districts". I formally move Your Honor.

CHAIRMAN ABUEVA.

I accept your amendment.

COMMISSIONER CALISIN.

And then Section 28.

COMMISSIONER ADAMAT.

Mr. Chairman clarification on the proposed amendment.

COMMISSIONER CALISIN.

It has been accepted by the Chair already, so I think Your Honor, parliamentary procedure when something has already been accepted and approved no more discussion should be...

COMMISSIONER ADAMAT.

No, no. Just a clarification because you made mention that the Assemblymen will be elected from the districts. Can we just make it one each congressional district? We have to put there one. For example, in the ARMM there are three per congressional district so if we can be more specific about that.

COMMISSIONER CALISIN.

This is corollary to Commissioner Tabanda's comment earlier on Section 28. I think the Committee should study this one, the last line, "Following their election on the second Monday of October in the preceding year..." I think election during schooldays is very hard to be conducted so it should be during non-schooldays.

CHAIRMAN ABUEVA.

You favor the May, the current practice?

COMMISSIONER CALISIN.

Because during May it's vacation. October is school calendar period. That will disrupt the activities of the teachers, schools and students. I move that instead of October, this be on May.

CHAIRMAN ABUEVA.

I accept Mr. Chairman the proposed amendment.

COMMISSIONER TABANDA.

Mr. Chairman may I go back to the comments I made because now I am authorize to make the amendment. Section 5, "Autonomous regions under local government units shall have a just share as determined by law in the additional taxes which they shall collect. The share of the national government shall be automatically remitted". Accepted Mr. Chair?

CHAIRMAN ABUEVA.
Yes.

COMMISSIONER TABANDA.
Section 10, metropolitan units, "The Regional Assembly may by law create special metropolitan administrative subdivisions..." Change political to administrative.

CHAIRMAN ABUEVA.
Before that may I just make a comment. For example should Metro Cebu, Metro Davao wish to be established or created, the idea here is Regional Assembly may by law create such metropolitan...

COMMISSIONER TABANDA.
But who will represent Metropolitan Cebu? Will it still have another set of representatives in the Regional Assembly or shall the representation of Cebu come from the respective provinces or cities? Because if you have a metropolitan unit as a political unit, then you will have to again get representatives from this metropolitan unit to sit again in the Regional Assembly.

CHAIRMAN ABUEVA.
For example in our proposal, Metro Manila mayors will constitute the Regional Assembly.

COMMISSIONER TABANDA.
Because Metro Manila has no province. So it's very easy. Cities will become the equivalent of the provinces in the Regional Assembly. Metro Manila will be a different animal as far as this is concerned. What I'm concerned about is if you establish too many political subdivisions, you will have more representatives in the Regional Assembly.

CHAIRMAN ABUEVA.
I accept the amendment.

COMMISSIONER TABANDA.
Thank you Mr. Chair. May I go to Section 13. May I ask for the abolition of the Regional Development Councils if we go federal because the Regional Assembly and the regional government per se will take care of regional concerns.

CHAIRMAN ABUEVA.
I accept the amendment.

COMMISSIONER TABANDA.
And then double compensation is taken cared of already. Section 27, may I ask what is your treatment of chartered cities and highly urbanized cities which are not part of provinces. Because Section 26 only speaks of provinces, representation from provinces. What happens to highly urbanized cities which are not part of provinces, which are independent of provinces. Shall they also be entitled to representation?

CHAIRMAN ABUEVA.
I need the advice of the experts on this.

COMMISSIONER TABANDA.
They don't vote for Governor.

COMMISSIONER CALISIN.
Comment on that, for your note Honorable Commissioner Tabanda. For independent cities or chartered cities or highly urbanized cities, though they do not vote for provincial officials but they are represented in the district by Congressmen. So electing per district an Assemblyman, the city is represented by the Assemblyman voted by the district to the Regional Assembly.

COMMISSIONER TABANDA.
Unless now you will change the wording to say that, "The Regional Assembly shall be composed of representatives from each district". So you will not use anymore the word "province".

COMMISSIONER CALISIN.
We will I think treat differently election of a representative to the Assembly although it's an urbanized city or an independent city. We can consider voting of the constituency in the independent city to a district representative to the Regional Assembly.

COMMISSIONER TABANDA.
If that were the case then I'm amenable to that. Like in Baguio, we do not vote as part of Benguet. So if you were to use only provinces, we will have no representative in the Regional Assembly. And the same is going to be true for all highly urbanized cities or chartered cities.

COMMISSIONER TABANDA.
Because it's another additional if we get one representative from a highly urbanized or independent city, one member for each independent city to the State Assembly that will be adding more. But if you reinstate the independent city to the district just represented by one representative to the Regional Assembly, that will be economizing on elections etc.

COMMISSIONER TABANDA.
But it cannot be done. The legal definition or legal procedure for a highly urbanized city or chartered city is it does not participate in provincial elections.

COMMISSIONER CALISIN.
Yes but this one is regional affairs, not provincial.

COMMISSIONER TABANDA.
Even regional. For example in Baguio City, shall we be represented together with Benguet?

COMMISSIONER CALISIN.
That would depend that is why I suggest that independent cities be included in the district representation of an Assemblyman to the Regional Assembly.

COMMISSIONER TABANDA.
To which I will object. I would suggest instead that highly urbanized cities and chartered cities, as is the procedure now, be entitled to representation.

COMMISSIONER FERNANDEZ.

Mr. Chairman point of inquiry.

CHAIRMAN ABUEVA.

Just for my information Mr.Chairman. Right now these highly urbanized cities that you mentioned have congressional representation?

COMMISSIONER TABANDA.

Yes like Baguio has a representative.

CHAIRMAN ABUEVA.

So is the idea to follow that procedure?

COMMISSIONER TABANDA.

Yes that is my proposal.

CHAIRMAN ABUEVA.

I am completely amenable otherwise they would not be represented in the Regional Assembly.

COMMISSIONER FERNANDEZ.

Mr. Chairman.

CHAIRMAN TEVES.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ.

First of all I'd like to make a point as regards to the policy of what we're doing right now of which the author has sole discretion whether to accept the proposal or not. And it is only when the author does not accept that the proposal is thrown to the Body. First of all the amendment that was given right now is for the election of an additional 198 Assemblymen, 198. We shall be eradicating 24 Senators but we shall be adding in the election 198. And this 198 shall also be spending for their election and shall be having the same goals as that of Governor, Vice Governor, Senior Board Member for the development of the individual local governments. If we shall have an additional bureaucracy of people spending for elections and again having their individual offices, imagine additional 198 elective officials instead of the Governors, Vice Governors, Senior Board Members representing the interest of their province, representing the interest of the local governments. I do not see how we shall be improving this kind of situation. We shall only be eliminating 24 and we shall be electing 198. How much would be the budget for the so and so elected officials? Instead of making the government efficient, we again added additional bureaucracy which I couldn't understand. The formula of the good Chairman, the first formula is much much better.

COMMISSIONER APOSTOL.

We are on the period of amendment.

COMMISSIONER FERNANDEZ.

Yes it has already been amended my only point of inquiry a while ago was why is it that the... I do believe that once the Chairman puts a proposal on the table, it's already the

property of the whole membership and not just of the Chairman, and it's up to the Chairman only on whether to accept or not to accept. If accepted then the members do not have any more say in the said proposal, that's my only belief.

COMMISSIONER TABANDA.

Section 26, the third paragraph, "The Regional Assembly shall have additional members equivalent to the total number of its elected members who shall be chosen by the various political parties from sectoral representatives in accordance with the proportionate representation". May I suggest that sectoral representatives be placed here. In other words the political parties should get the additional members from sectoral representatives so that we will have more women.

CHAIRMAN ABUEVA.

In light of the decision to elect Assemblymen rather than make the Governors and Vice Governors members of the Regional Assembly, I have second thoughts about additional members.

COMMISSIONER TABANDA.

Just in case you will put additional members, I will put that in as a proposal. But should you remove this matter of paragraph number 3 then I will withdraw proposal.

CHAIRMAN ABUEVA.

Can you just dictate some words that I can put here when I revise this.

COMMISSIONER TABANDA.

My proposal is after 'various political parties' we insert 'from sectoral representatives'. Just that. But should you desire to remove paragraph 3, then I will withdraw my proposal.

COMMISSIONER ABUEG.

Mr. Chairman just a point of clarification. This sectoral representatives, the import of these sectoral representatives it is the marginalized group or a real political party?

COMMISSIONER TABANDA.

The sectoral representatives will be mainstreamed into the political parties. So the political party has to choose its own sectoral representatives. No longer the way we are doing it now that there is specific separate sectoral party for labor, for women and others. Our proposal which we discussed in the Committee on Suffrage earlier is sectoral representatives will be institutionalized and as part of the political parties.

COMMISSIONER ABUEG.

Political party system?

COMMISSIONER TABANDA.

Yes.

COMMISSIONER CALISIN.

But in this case Mr. Chairman we entertained that in the Committee on Suffrage concerning about the Parliament but not in the Regional Assembly. So as I think in order to avoid complications I just make an amendment by deletion. I'll make it into a motion. I move that this paragraph 3 of Section 26 be deleted.

CHAIRMAN ABUEVA.

I have no objections.

COMMISSIONER ADAMAT.

I object Mr. Chairman.

COMMISSIONER CALISIN.

We already have in the Parliament. We discussed this.

COMMISSIONER ADAMAT.

My reason for objecting Mr. Chairman I'm beginning to realize that the proposal of the author on paragraph 2 of Section 26 which speaks about the composition of the Regional Assembly is the most appropriate proposal. If I may refer to the statement of Commissioner Fernandez. Now I realized that the bloated composition will be in effect if and when the composition of the Regional Assembly will be by election.

COMMISSIONER ESPINA.

Mr. Chairman prejudicial point.

CHAIRMAN TEVES.

Yes Commissioner.

COMMISSIONER ESPINA.

Meron tayong provision dyan for a period of ten years not more than ten years di ba. Why don't we just leave it to the transitory parliament to finetune the provision of this federal? If the parliament will agree then they might even do it for three years or four years not beyond ten years. So we can achieve our goal of making a recommendation to the President already by December 15. If we approve the concept of a shift to federalism, anyway there is ten years, then let the transitory government initially make the general framework to be filled in later by the regular parliament during the period of ten years under which we will transform into a regular Federal Republic.

COMMISSIONER CALISIN.

Yes Mr. Chairman but I think, with due respect to Honorable Commissioner Espina, we are having this one formulated on the Floor for deliberation so that upon approval whatever is the action then we are providing talking points to the members of Congress.

COMMISSIONER ESPINA.

But we're getting into particular detailed items already. We might bog down and not be able to submit this. At least initial na muna. The concept of it if we approve it then maybe some two or three points on the general framework but let the transitory government fill up the meat of the structure.

CHAIRMAN ABUEVA.

We have been accomplishing a lot in this meeting.

CHAIRMAN TEVES.

And there are only a few amendments left. Who else?

COMMISSIONER TABANDA.
No more.

COMMISSIONER TABANDA.
May I just finish Mr. Chair? I propose the deletion of Section 31.

COMMISSIONER CALISIN.
We need the disposition of the Chair on my amendment by deletion on paragraph 3. Honorable Adamat objected so I think we need voting on the matter.

COMMISSIONER ADAMAT.
Mr. Chairman just to follow-up. The basis of my objection to that is I was quite convinced of the observation of Commissioner Fernandez as far as...

COMMISSIONER CALISIN.
Point of order Mr. Chairman. We cannot anymore entertain that suggestion because in fact I already made a motion that we adopt the other option which is election or composing the Regional Assembly by electing member of the Assembly per district and it was accepted by the Chair. So going back to that would complicate the matter.

COMMISSIONER ADAMAT.
Mr. Chairman if I may pursue my point...

COMMISSIONER ESPINA.
Point of order Mr. Chairman. Parliamentary practice and procedure dictates that even if the Body has decided there is still the available reconsideration by anyone who voted with the prevailing side even those who abstained are considered as having voted with the prevailing side. So what is wrong if we consider the point of Commissioner Adamat?

COMMISSIONER APOSTOL.
Allow him to explain for one minute.

COMMISSIONER CALISIN.
The measure pertinent to that one that he is advocating has already been resolved. Now he is introducing another measure which is contradictory to what has already been approved.

COMMISSIONER ESPINA.
I agree that it's contradictory that's why he is practically in effect moving for reconsideration of that decision.

COMMISSIONER CALISIN.
But he is not moving for reconsideration.

COMMISSIONER ADAMAT.
Precisely Mr. Chairman I am objecting to your motion because I am appealing for reconsideration. Because now I realize the wisdom of the observation of Commissioner Fernandez on Section 26 paragraph 2. Although the Committee has decided on that by adopting the composition of Regional Assembly by way of election, I realize now doing it by election would just be bloating the composition of the Regional Assembly to more than 100 if not close to 200 membership Mr. Chairman. And that is a serious problem

that the regional government may be facing later on in the light of financial and economic problems or constraint. So may I appeal for reconsideration.

COMMISSIONER APOSTOL.

For an orderly discussion, we are on paragraph 3 of Section 26. There is a motion to have this paragraph 3 Section 26 deleted. I think we should vote on that. After that Commissioner Indigenous Adamat can go to Section 2.

COMMISSIONER ADAMAT.

It's a privilege Mr. Chairman. I'm not putting a motion on the Floor. I'm just making a representation, an appeal.

COMMISSIONER APOSTOL.

I appeal now to the Chair to go on. Let's vote on the motion of Commissioner Calisin.

CHAIRMAN TEVES.

Okay. The motion of Commissioner Calisin is for the deletion of paragraph 3 of Section 26 and this was accepted.

COMMISSIONER ADAMAT.

I beg the indulgence of the Chairman because if that paragraph will now be deleted after we have voted on it what will become of this particular paragraph if eventually we will reconsider our decision on paragraph 2. My point is we retain the suggestion of the author on paragraph 2 as it was articulated well by Commissioner Fernandez and we will consider also the retention of paragraph 3 to address the problem on proportionate representation.

COMMISSIONER CALISIN.

Be it that either Option 1 or Option 2 be approved in the Plenary, my motion is the same, to delete paragraph 3.

COMMISSIONER APOSTOL.

So let's vote first on the motion then Commissioner Adamat can go to his own motion.

CHAIRMAN TEVES.

Okay. The motion on the table is for the deletion of paragraph 3 of Section 26.

COMMISSIONER FERNANDEZ.

Mr. Chairman there is a motion, could we have a point of discussion first as regards as to said particular? If we shall be removing assemblies with the addition of members then the State Assembly will only have, like in Region I, Ilocos Norte, Ilocos Sur, La Union and Pangasinan, they shall only have around ten members of the Assembly. How could we have only ten members of the State Assembly if we will not be having other members from the party?

CHAIRMAN TEVES.

This is a complete opposite to the situation you were pointing out earlier.

COMMISSIONER FERNANDEZ.

No. A while ago my point was that why shall we be having another election for 198? We shall be having people running for election and spending for money and then go to the

position of the regional level. Then we have elections for the State Assembly then we have elections for provincial and they will be handling all the finances etcetera etcetera for the projects and for the other resources. When instead we already have the first proposal wherein it shall be the Governor, Vice Governor and Senior Board Members who have the same interest in the development of the local government in the provinces represented in the State Assembly.

CHAIRMAN TEVES.

Nonetheless that motion has been filed so can we vote on it.

COMMISSIONER FERNANDEZ.

It's only a point of discussion Mr. Chairman.

CHAIRMAN TEVES.

Yes. So as many as are in favor of the motion to delete paragraph 3 of Section 26, please raise your right hands. Pwede ulitin? Those who are in favor of that motion to delete. Those who are against please raise you hand.

COMMISSIONER ESPINA.

Mr. Chairman may I explain my vote because I abstained. I abstained because I said I am against any form of federalism which will mean a lot of additional expenses for our government and more complication in the allocation of power. There will be a lot of gridlocks, a lot of jurisdictional questions so I want to avoid that.

CHAIRMAN TEVES.

Explanation noted.

COMMISSIONER MAGNO.

Mr. Chairman I wish to be recorded as having abstained.

COMMISSIONER APOSTOL.

Mr. Chairman for an orderly, we will now follow.

COMMISSIONER ADAMAT.

Privilege motion Mr. Chairman.

COMMISSIONER APOSTOL.

We are now on Section 2.

COMMISSIONER ADAMAT.

Mr. Chairman privilege motion.

COMMISSIONER APOSTOL.

What privilege motion we are already on the period of amendment. We are now Section 26 number 2.

COMMISSIONER ADAMAT.

Mr. Chair point of order.

CHAIRMAN TEVES.

Go ahead.

COMMISSIONER ADAMAT.

I think I still have the privilege, because I was the one who objected to the motion, I think I still have the privilege to ask whether those who have voted are really members of this Committee because we have to determine that Mr. Chairman. Because we are considering a very serious thing Mr. Chairman. If we follow the point of view of Commissioner Espina and that of Commissioner Fernandez we will now be electing 190-plus people to the Assembly and that we are considering...

COMMISSIONER TABANDA.

Point of order Mr. Chairman. That is no longer a point of order so to go back to order may we proceed.

COMMISSIONER APOSTOL.

Mr. Chair I will now propose that we do it the way Congress is doing it. So we will do it section by section.

COMMISSIONER ESPINA.

Parliamentary inquiry Mr. Chairman. This is not a point of order this is a parliamentary inquiry. This should have been what Commissioner Adamat used and that is of those who voted who really are the voting members of the Committee. Because we have rules, parliamentary rules.

COMMISSIONER APOSTOL.

He cannot question it he voted against the motion.

COMMISSIONER ESPINA.

No, no he's not questioning whether...

COMMISSIONER APOSTOL.

That's what he's trying to do. Those who voted against the motion cannot raise any issue or a motion for reconsideration.

COMMISSIONER ESPINA.

I agree but I am not as I said earlier those who abstained in all rules of procedure are deemed to have voted with the prevailing side and therefore can move for reconsideration. I am not moving for reconsideration. I am just proceeding from the point raised by Commissioner Adamat. Meron ba tayong bumoto na hindi miyembro. Yun lang naman eh simpleng tanong. Kung wala di wala.

COMMISSIONER APOSTOL.

Wala. Nandito 41 ang members.

CHAIRMAN TEVES.

Well we have the list here. We can actually...

COMMISSIONER APOSTOL.

No. No roll call. The one who is asking should point who is voting and is not a member.

COMMISSIONER ESPINA.

That's why it came as a parliamentary inquiry.

CHAIRMAN TEVES.

We can respond because we have a listing. Sa round of voting natin, non-members who voted Commissioner Tendaro is not listed here as a member in Structure.

COMMISSIONER TENDERO.

But I signed the attendance sheet.

CHAIRMAN TEVES.

Yes.

COMMISSIONER TENDERO.

It was listed. Can you check the attendance.

COMMISSIONER TABANDA.

But Mr. Chair will it change the result of the voting. The voting result is such that even if one or two may not have been members it will not change.

CHAIRMAN TEVES.

It will not change actually.

COMMISSIONER ESPINA.

Mr. Chairman, this is already a question of procedural integrity. We are not saying that it will change. We just want to be sure that we do not leave any opportunity for others to criticize the procedure.

CHAIRMAN TEVES.

So I will continue to say that Commissioner Tendaro is not listed here but he is saying now that he has actually indicated membership.

COMMISSIONER TENDERO.

Earlier in the meeting in that attendance my name is listed. I don't know whether that's another form.

COMMISSIONER APOSTOL.

Alright. Anyway Mr. Chair Commissioner Tendaro remove from those who voted.

CHAIRMAN TEVES.

The other one is Commissioner Lagdameo who is just attending for the first time today and he has actually applied for membership in Structure.

COMMISSIONER APOSTOL.

So there is no change.

COMMISSIONER TABANDA.

Point of order. Mr. Chairman I still have the Floor earlier. I'm supposed to go to Section 31.

COMMISSIONER APOSTOL.

I am saying Mr. Chair that we will now go to an orderly matter the way it is done in Congress.

COMMISSIONER TENDERO.

Point of order Mr. Chair. Maybe can I just ask the Secretariat to review what I signed earlier.

COMMISSIONER APOSTOL.

Section 26 Mr. Chair number 2.

CHAIRMAN TEVES.

Are we done with the point of Commissioner Tendaro.

COMMISSIONER TENDERO.

I am just asking maybe the Secretariat can check that because I was asked to sign the attendance sheet earlier of the Committee.

COMMISSIONER APOSTOL.

Even if he is not a member. Anyway, his vote is null and void. We go to the amendment. We are still on Section 26. Number 1 no amendment. Number 2, is there any amendment? Now we are on Section 27 tapos na ito. We are on Section 28 any proposed amendment? Section 29 any proposed amendment? Section 30 any proposed amendment?

COMMISSIONER ABUEG.

Mr. Chairman point of inquiry. Are there still members listed who would like to propose amendments. If there are no...

COMMISSIONER APOSTOL.

No, no. Because we have been jumping from one, we are not having anymore an orderly manner. So we are on Section 30. Now we go to Section 31.

COMMISSIONER TABANDA.

Mr. Chair may I propose the deletion of Section 31. Because you do not say that the Regional Assembly shall continue for five years. As you pointed out earlier in Congress there is 15th session, 16th session but there is no provision in the Constitution that says Congress is only good for six years.

COMMISSIONER CALISIN.

Consideration your honors, before 31. I was overtaken by time.

COMMISSIONER TABANDA.

May I get a ruling first on 31 so that we will not go back.

COMMISSIONER CALISIN.

Yes, yes.

CHAIRMAN TEVES.

Section 31, the proposal is to delete the entire Section.

COMMISSIONER RODRIGUEZ.

I second the motion to amend.

COMMISSIONER APOSTOL.
Accepted? Okay. We go back?

COMMISSIONER CALISIN.

Yes. If you may please consider Section 30, no holding of any other office. In our experience personally, those who belong to the legislative bodies are not barred from exercising their profession, only those that are in the executive position. Like for example Senators, Congressmen if they belong to media, they can practice their being mediemen. If they are lawyers, they can practice being lawyers. So if we can just amend this one by delineation of position, prohibiting the executive position from exercising any other profession while those in the legislative department be allowed to exercise their profession. So I move that...

COMMISSIONER ABUEG.
We object to that.

COMMISSIONER CALISIN.

Section 30, "no holding of any other office except for serving as an elective officer in the province of the representative of the Regional Assembly and the Parliament. No member of the Regional Assembly may hold any other office." Being a Regional Assembly...

COMMISSIONER TABANDA.
Is a legislative function.

COMMISSIONER CALISIN.

Yes a legislative function. So the legislative officials must be exempted from the prohibition of holding any other position.

CHAIRMAN ABUEVA.

Mr. Chairman, following the parliamentary principle, the Regional Assembly is both a legislative and an executive body so its members perform both legislative and executive.

COMMISSIONER CALISIN.

I think your honor the Governor, the State Governor or the Regional Governor is executive. Yes, if they hold positions other than Secretary of the Cabinet so considered as executive. But those who are not going to hold executive positions such as Regional Cabinet Secretary may be permitted.

COMMISSIONER LAMBINO.

Mr. Chairman may I just propose a compromise to add this phrase.

COMMISSIONER APOSTOL.
You're a member?

COMMISSIONER LAMBINO.

I'm not a member of this Committee Mr. Chairman but I can participate I believe in accordance with the rules. In order to resolve the impasse being propounded by Commissioner Calisin, may I propose that a phrase be added, "unless otherwise provided in the Constitution or by law". Then we can continue with the prohibition.

CHAIRMAN TEVES.

So proposed amendment to the amendment?

COMMISSIONER CALISIN.

I submit.

CHAIRMAN TEVES.

So how will it read now?

COMMISSIONER CALISIN.

I pass now the measure of amending to Honorable Lambino.

COMMISSIONER LAMBINO.

“Unless otherwise provided for in the Constitution or by law” that would be the beginning.

COMMISSIONER ABUEG.

That is the usual.

COMMISSIONER LAMBINO.

That is the usual phraseology. You can find that under Article VI Section 13, Article VII Section 13 and Article IX Section 8 paragraph 2, this particular prohibition. And then there is this particular phrase in order to allow the so-called holding of additional positions, if allowed by the Constitution or by law.

COMMISSIONER ABUEG.

Even in non-parliamentary governments such as, I’ll give an example. Under Republic Act 7611, Creating the Strategic Environmental Plan for Palawan, this is an office under the Office of the President. But the law creating it provides as members the two representatives of the Congressional district of Palawan. And this is based on the provision of the Constitution in the prohibition of dual position except as may be provided by law. So this is the ordinary or usual phraseology.

CHAIRMAN TEVES.

Amendment to the amendment has been accepted by the Proponent?

COMMISSIONER CALISIN.

Yes your honor.

CHAIRMAN TEVES.

And the Chairman has accepted it.

COMMISSIONER FERNANDEZ.

Mr. Chairman point of inquiry because my inquiry has not been actually responded to by the Body. The inquiry that I made a while ago is that when the author submitted this to the Body, it becomes the property of the table and not just that of the author. In every decision of amendment, in every motion for reconsideration and in every motion for other recommendations, then the Body must also be consulted and not simply the author. As in the case a while ago, when there was a proposal to simply eliminate a particular paragraph of a particular section, it was only the author who agreed to it and it was deemed approved by everyone without necessarily reflecting the thinking of everyone

present here. The authorship of any resolution, ordinances or any law when given to the Body or given to the table is already the property of the Body and not of the author.

So why is it that there were two separate rulings on two cases that are the same when I was actually having a motion or rather having a recommendation as regards to the Governor, Vice Governor, Senior Board Member and that of simply having an election for Assemblyman. The Body was not consulted, only the Chairman.

COMMISSIONER RODRIGUEZ.

Mr. Chairman. A little clarification on that perhaps. I agree with the observation of Commissioner Fernandez here. After the good Chairman of the ConCom has submitted his proposal to the Committee then it is already part of the Committee's property and introducing amendments to the same, it will not be the Chairman of the ConCom, the Proponent who will answer, it will be Chairman presiding in the Committee. And therefore there is no need to refer the motion to the Chairman or to the Proponent as it is already the property of the Committee.

COMMISSIONER FERNANDEZ.

Therefore Mr. Chairman as regards to the decision on the deletion of the paragraph and that of an amendment of having Assemblyman elected, 198 Assemblymen elected instead of that of the original proposal, it should be decided by the Body and not just the author of the particular measure being discussed in the table. So there has to be a reopening of said amendments.

COMMISSIONER RODRIGUEZ.

In that case Mr. Chairman if there is an objection then it will be a division of the house. In the absence of an objection to a particular motion duly seconded then there is no need of throwing it to the Body for acceptance. It is automatic.

CHAIRMAN TEVES.

In this particular case, Commissioner Fernandez is asking for a recall of that decision?

COMMISSIONER FERNANDEZ.

Yes, because a while ago, Mr. Chairman, there was an amendment to remove the Vice Governor, Governor, and Senior Member and the plebiscite with the election of an Assemblyman, and Commissioner Abueva simply stated, "Accepted." Then automatically was amended without consulting the Body.

COMMISSIONER APOSTOL.

Mr. Chair, once the author says, "I accept," and there is nobody who objected, that's it.

COMMISSIONER FERNANDEZ.

It's already the property of the Body.

COMMISSIONER APOSTOL.

No, it's not a question of property of the Body. The rules are very clear and specific. Otherwise we will never stop this.

COMMISSIONER CALISIN.

On that measure, I made it as a motion and somebody seconded, and there was no objection. That's why it's approved.

COMMISSIONER ABUEVA.

I have said at the outset, not having been a legislator at all, and considering that we are a mixed group, I said that we should not be restricted just by parliamentary procedure. I appeal to you that there is such a thing as academic kind of a dialogue, where we regard each other as peers. So if I be allowed, although I agreed to the amendment of this, because of the very strong objections of those who are holding elective provincial office, to the idea that you would recruit, in effect, the Governor, Vice Governor, and Provincial Board Member to the Regional Assembly, and overburden them with these new roles, I was very sensitive to what the local officials really say. But when I appeared before the ULAP, I was really seeking the opinion and advice of the ULAP, and Governor Aumentado and the Governors there. And when I presented this idea, I got the sense that they were favorable to it. But now there is a contrary view expressed here, and therefore using the academic style, I would like to hear more from the Local Government Executives here to advise us on whether in fact it is really undesirable, overburdening to make these provincial elected officials as members of the Regional Assembly, or whether it would be acceptable to them, with the consideration of, which was mentioned here, that we might be saving on the cost of electing these 198 Assemblymen, as against that. I'm more interested in the real reason and practical reason for accepting this proposal here.

COMMISSIONER ESPINA.

Just to clarify, Mr. Chairman, when you said ULAP, I know you had several discussions with them, precisely who were in attendance?

CHAIRMAN ABUEVA.

Commissioner Calisin was there and...

COMMISSIONER ESPINA.

How many of the 76 Governors and Mayors?

COMMISSIONER ABUEVA.

There were not that many.

COMMISSIONER ESPINA.

The reason why I asked this, Mr. Chairman, is that presently, I had the privilege of these local officials expressing to me na medyo naaano sila kay Aumentado because Aumentado is aggressively pushing for federal but majority of the members are just quiet but don't really join him in that position. So I was just curious. When you say ULAP, ilan sila?

COMMISSIONER FERNANDEZ.

Mr. Chairman, anyway, as regards to what was mentioned, my statement is in no way against the joint declaration of the ULAP, the Coalition of the House, and that of the Consultative Commission. My suggestion or rather my support is actually on the first option given by the author as regards to the empowerment of the Governors, Vice Governors and Senior Board Members. We're still respecting the political subdivisions and yet empowering and giving the governance of the State to the different heads of the province of the Autonomous Region.

Now as regards to the statement or rather the query of ULAP, the declaration was signed by all the Presidents or Executive Vice Presidents of the different leagues, of political leagues, rather from the Vice Mayors, Board Members, Vice Governors. So it's a good representation of the ULAP which anyway they also have the mandate coming from their membership. But as regards to it, the political boundaries are all respected. My only point a while ago when I was raising the alternative or the first system given by the author, Commissioner Abueva, is the Governors know what the provinces need, the Vice Governors know what the provinces need, the Senior Board Members know what the provinces need. Anyway, the function of the provincial government is simply to coordinate the different developmental works in the different local governments.

The function of the Provincial Board is merely to study the different budgets of the different municipalities under their jurisdiction. Therefore I do not see any conflict when the Governor shall be going to the Regional State or State Assembly. It's a simple shift from the budget of the Governor... most of the budget of the Governor coming from the State Assembly. Each Governor, Vice Governor, Senior Board Member shall be promoting the interest of their individual provinces and they shall be sitting in the State Assembly. If we shall be having another election for 198 Assemblymen, then all the Governors shall be lobbying for budgets, lobbying for projects. To begin with, in the first place, it should have been them in the State Assembly. And also, if we shall be having an election for 198 Assemblymen all over the Philippines, that is additional bureaucracy, and this 198 will also have expenses for election. Instead of having one expense for the administration of the State and the province, you added only to the bureaucracy. And you are supposed to be streamlining everything, you are removing 24 Senators, but you're adding 198 elected additional State Assemblymen.

COMMISSIONER APOSTOL.

Mr. Chair, just a reminder to the Body, we approved the rules of this Body. We have discussed it and we have approved it, for an orderly discussion on the matter. As what the Chairman is saying, if we disregard the rules, it does not matter with me. So that's why there has been too much debate.

COMMISSIONER CALISIN.

Your Honor can I answer the query of Commissioner Espina?

CHAIRMAN TEVES.

Before Commissioner Calisin, Commissioner Tendaro.

COMMISSIONER TENDERO.

Just for procedural clarification, I think when Commissioner Abueva responds and accepts the amendments, it is proper because he is a proponent of the main motion here, as reflected on this paper, unless there is an objection. So I see no problem when Commissioner Abueva says, "I accept some of these amendments" because he is the proponent of the main motion so I see no problem procedurally about that. Then secondly, in relation to clarification of my voting, I want to say that I voted in good faith because when I came in this afternoon, and I checked, I signed in that paper which says Committee on Structure of Government and my name is printed there so, but it was clarified that it was a listing of all but not necessarily just the Committee. But the heading of the paper says Committee on Structure of Government. So I voted in good faith. So Commissioner Espina, there's no integrity issue here.

COMMISSIONER APOSTOL.

Mr. Chair, shall we continue? We are now on Section 32. No motion? Section 33?

COMMISSIONER TABANDA.

Section 32. May I ask if three-fourths of all the regional secretaries be possibly amended to "majority"? Because I'm concerned about for example if Palawan were to become a Regional State by itself and three-fourths of the secretaries will come from the Regional Assembly, will there be enough members of the Regional Assembly left? Because three-fourths will come from them. May I suggest that it be ½? Majority.

COMMISSIONER APOSTOL.

Is that a proposed amendment?

COMMISSIONER TABANDA.

Yes, majority.

CHAIRMAN TEVES.

Any comment? There being none, proceed.

COMMISSIONER APOSTOL.

We are now on Section 33.

COMMISSIONER TABANDA.

Proposed amendment: "The State Governor shall be elected by the Regional Assembly from among its members by secret ballot and a majority vote of all its members," to make it clear that the Governor should come from the Assembly itself. Maybe I should ask the Chairman, can the State Governor be an outsider or does he have to be a member of the State Assembly?

CHAIRMAN ABUEVA.

He has to be a member.

COMMISSIONER TABANDA.

That's why I want to make it clear. It should read: "The State Governor shall be elected by the Regional Assembly from among its members."

CHAIRMAN ABUEVA.

Accepted.

COMMISSIONER RODRIGUEZ.

There was a prior correction there Mr. Chairman. We are not using yet "State", Regional Governor.

CHAIRMAN ABUEVA.

Okay. Regional Governor.

CHAIRMAN TEVES.

Make the necessary correction as admitted earlier as typographical error.

COMMISSIONER APOSTOL.

There's no objection. Accepted. Section 34.

COMMISSIONER ADAMAT.

What will happen to the Deputy Regional Governor? Who will elect this person?

COMMISSIONER TABANDA.

Section 37 is the Deputy.

COMMISSIONER TIROL.

Point of inquiry. If we are to consider the Governor as a member of the Regional Assembly, this will run counter to our previous decision that we eliminated them from membership.

CHAIRMAN TEVES.

There was no decision.

COMMISSIONER TABANDA.

The Governor you're speaking of is the Provincial Governor. But the Governor we are speaking now of here is the State or Regional Governor.

COMMISSIONER TIROL.

But the Regional Governor, I stand corrected Mr. Chairman.

COMMISSIONER APOSTOL.

We are now on Section 34. Section 35. Section 36.

CHAIRMAN ABUEVA.

That's also Regional Governor.

COMMISSIONER RODRIGUEZ.

Regional Governor instead of State Governor, minor correction, typographical.

COMMISSIONER TABANDA.

36, Mr. Chair. Will the Speaker be elected or appointed? It is stated here – appointed. What is the pleasure of the Body? Personally I would prefer the Speaker to be elected. But I do not know what the pleasure of the Body is.

COMMISSIONER APOSTOL.

Is that a proposed amendment?

COMMISSIONER TABANDA.

I don't know what the sense of the Committee is.

COMMISSIONER APOSTOL.

There is no sense of the Committee unless you propose an amendment.

CHAIRMAN TEVES.

Can we have a comment from Chairman Abueva. Why appointed only? That's the question.

CHAIRMAN ABUEVA.

The original idea is that the Regional Governor will be appointing a colleague in the party rather than throw it to the appointment of the whole Body. So the idea is to make the leadership of the Assembly really by the party. And the Regional Governor being the Head of the party, presumably of the majority party, appoint a colleague.

COMMISSIONER TIROL.

Mr. Chairman, I would strongly suggest that the Speaker should be elected. It would be very awkward to be a Speaker and not being elected by the members of the Body.

CHAIRMAN ABUEVA.

I have no objection to that.

CHAIRMAN TEVES.

Commissioner Lagdameo.

COMMISSIONER LAGDAMEO.

In certain instances, Mr. Chairman, the Speaker is a civil servant. He is the professional that holds the House and handles all the administrative procedures of the House or of the Assembly. It is a civil service position.

CHAIRMAN ABUEVA.

Mr. Chairman, the Speaker is a colleague in the Assembly, one of the members of the Regional Assembly. He's not a bureaucrat.

CHAIRMAN TEVES.

We're talking here already of a parliamentary setup. That's the assumption.

CHAIRMAN ABUEVA.

That's why the election is appropriate, I think.

COMMISSIONER CALISIN.

Yes, I think, your Honor, for the Speaker to be elected is proper because he is known as the Speaker of the House. If he is not elected by the members of the Assembly, he is called a Speaker of the Governor.

(Laughter)

COMMISSIONER APOSTOL.

So is the Chairman accepting the proposed amendment?

CHAIRMAN ABUEVA.

Yes, accepted.

CHAIRMAN TEVES.

So elected instead of appointed.

COMMISSIONER APOSTOL.

Change the word "State" to "Regional". Section 37.

COMMISSIONER ADAMAT.

The Regional Governor shall appoint a State Vice Governor from among the members of the Regional Assembly. I think that is in order.

COMMISSIONER LAMBINO.

Mr. Chairman, may I ask for some clarification regarding the Regional Vice Governor? What will be the function of the Regional Vice Governor? Will he be succeeding the Governor in case there is vacancy in that office? I don't see any provision to that effect, Mr. Chairman.

CHAIRMAN ABUEVA.

I was under tremendous pressure, internally, to make this as short a document as possible, so I did not include details which could be left to the rules of the Assembly. But the Regional Vice Governor assists the Governor and takes his place if the Governor is not present physically.

COMMISSIONER CALISIN.

Just consider this, your Honor, if I may suggest, as an amendment, that the Assembly elects a Vice Governor and acts as the Speaker of the House. Because if we are going to elect a Vice Governor without provision of duties and function, and we have a Vice Governor who is just a matter of accessories, why not elect a Vice Governor to act as the Speaker of the Assembly.

CHAIRMAN ABUEVA.

Why do you need a Vice Governor if the function is really that of the Speaker?

COMMISSIONER LAMBINO.

The Vice President is the presiding officer at the Senate.

CHAIRMAN ABUEVA.

That's a possibility.

COMMISSIONER APOSTOL.

The proposed amendment is to have a Vice Governor elected and also as presiding officer of the Regional Assembly.

CHAIRMAN ABUEVA.

But not the Speaker. So shall we still have a Speaker?

COMMISSIONER APOSTOL.

No more.

COMMISSIONER CALISIN.

So I move that the Regional Assembly elects a Vice Governor to act as presiding officer of the Assembly.

COMMISSIONER FERNANDEZ.

Second.

COMMISSIONER ESPINA.

Clarification. Will not the election of the Vice Governor as presiding officer... bakit hindi yung Governor na ang presiding officer? You cut one position.

COMMISSIONER FERNANDEZ

The Governor shall be handling all the businesses of the State.

CHAIRMAN ABUEVA.

The Governor is the head of government, so he has a lot of things to attend. He should be free not to preside. And also he will be answering questions about his program of government to the Assembly.

COMMISSIONER ESPINA.

In the parliamentary form, Mr. Speaker, that we have envisioned, who presides the parliament?

CHAIRMAN ABUEVA.

The Speaker.

COMMISSIONER CALISIN.

As already seconded, there is no objection I think. We need the disposition of the Chair.

CHAIRMAN TEVES.

Motion approved.

CHAIRMAN ABUEVA.

So the Regional Government shall elect a Vice Governor who shall be the presiding officer of the Regional Assembly.

COMMISSIONER APOSTOL.

Mr. Chair, may we go back to Section 36? It has to be deleted.

COMMISSIONER LAMBINO.

Section 36 should be reworded to have the title – The Vice Governor. “The Vice Governor, who shall be elected by a majority of the Regional Assembly, shall preside over the sessions of the Regional Assembly, and shall continue in office at the pleasure of the Regional Assembly.

CHAIRMAN TEVES.

How’s that?

CHAIRMAN ABUEVA.

Yes, yes.

COMMISSIONER LAMBINO.

Then maybe another sentence could be added, “He shall act as the Governor in the absence of the Governor.” Subject to style.

CHAIRMAN TEVES.

Approved.

COMMISSIONER APOSTOL.
Section 38.

COMMISSIONER LAMBINO.
May we go back to Section 37? Since we have already removed the Regional Vice Governor under Section 37, then the title of Section 37 would now be “The Permanent Directors-General.”

CHAIRMAN TEVES.
No objection? Approved.

COMMISSIONER TIROL.
Mr. Chairman.

CHAIRMAN TEVES.
Yes Commissioner Tirol.

COMMISSIONER TIROL.
I respectfully submit an amendment to Section 38, in the sense that we will disallow affirmation. It should read: The option of affirmation should be deleted, Mr. Chairman, because mere affirmation is a public official declaration that the official taking the oath does not believe in God. And the Preamble, the very first statement in the Constitution invokes the help of Almighty God. And if in this instance we are allowing even the President, and in this particular provision, the officials of the Autonomous Regions, to take an affirmation, it would mean that our position is we will allow a non-believer in God to be our official, Mr. Chairman.

COMMISSIONER LAMBINO.
Mr. Chairman, may I make a comment on that? At the outset, I am a believer of God and I am a Catholic. But, Mr. Chairman, the freedom of religion, as guaranteed in the Bill of Rights, carries with it the freedom not to believe in God. There are a lot of students that I know of, particularly in UP, who are atheists. But being an atheist or a non-believer in God does not mean that you are evil or you are somebody who cannot be trusted, or even be trustworthy as a public servant. In fact I keep criticizing the Constitution, especially the Preamble that was cited by Commissioner Tirol, in including the phrase “implored the aid of Almighty God” because this will, in effect, set aside those who honestly believe in the non-existence of a Divine Providence, like the believers of Scientology, or the atheists. So in order to give this provision on the Bill of Rights on the freedom of religion or the free exercise thereof because there are two aspects of the freedom of religion, we should give chance to anybody who can be elected or appointed to a public office, regardless of their belief or their non-belief in the Almighty Creator. But I subscribe to the observation of Commissioner Tirol. I’m just saying that the guarantee in the freedom of religion clause is given to everyone, whether you believe in God or not.

COMMISSIONER TIROL.
Apart from the issue of belief or non-belief in God, I am appealing also on the matter of consistency. Because in the preamble, it has the phrase “We sovereign Filipino people, imploring the aid of Almighty God,” and here comes the government official, even no less than the President, who publicly and officially declares that he does not believe in God. So I think the better option is to disallow affirmation, to simply take an oath because when an official or President takes an oath, it means to say that he is imploring

the aid of Almighty. In fact it is stated there, as a sort of a guide, in case of affirmation, omit the last sentence, "So help me God". So that person becomes self-sufficient unto himself. He does not ask anymore the help of God. So I propose Mr. Chairman that we disallow the option of affirmation.

CHAIRMAN ABUEVA.

In the present Constitution we allow this, affirmation. In the preamble, it says "We, the Filipino people..." as a whole, "are invoking Almighty God." But that should admit of exceptions among the citizens. Since this has been allowed in the oath of office in the Constitution, why should we this time disallow it?

COMMISSIONER TIROL.

Anyway that is my submission Mr. Chairman. I am willing to be outvoted, but I simply ask the Committee to give its voice. I move that we remove the option of affirmation.

COMMISSIONER LAMBINO.

I object.

CHAIRMAN TEVES.

Commissioner Matula.

COMMISSIONER MATULA.

I'm objecting to the motion of Commissioner Tirol on the ground that the taking of an affirmation does not necessarily mean that you do not believe in God. And on the other hand, I also believe that there are a number of people who do not invoke the name of God but they believe in God, in their conscience or in their work, their belief in God is more manifest.

CHAIRMAN TEVES.

One more comment, Bishop.

COMMISSIONER TENDERO.

I would rather have an affirmation there but for me Section 38 could actually be removed, not on the issue of the affirmation of God but on the issue that there is really no need to have this oath of affirmation to be reflected in the Constitution because that is normally being done when you have your oath of office. So Section 38 can be dispensed with. Although I'm saying in relation to affirmation, I am and you can expect me as a bishop to say that but in relation to the appropriateness of it being reflected in the Constitution at Section 38 about oath of affirmation, then for all other officials do we need to make that provision? So, I see no need of having this Section.

CHAIRMAN TEVES.

That's like an entirely different proposition altogether.

COMMISSIONER LAGDAMEO.

Let's make a distinction between what the Preamble says and what this affirmation is about. The Preamble is a social contract, the majority of which, the people, believe in God. That's the social contract. And we all appeal to Divine Providence to make the social contract work. However, on the question of whether you can elect or be elected, we do not impose a religious test. And this affirmation tries to do away... You're trying to avoid that you're putting a religious test on one who has been elected, and that is not fair

because our Bill of Rights allows you religious freedom. So in this particular case, affirmation is acceptable because if one has been elected into office and he just happens to be an agnostic, he can still serve but he also takes an oath that is an affirmation.

COMMISSIONER TENDERO.

As I have said, an oath should not even be included in the provision of the Constitution because normally when a person is elected you have the oath of office. So it's a totally different issue that I am pressing here.

CHAIRMAN TEVES.

So this discussion started with Commissioner Tirol and towards the end he made it into a motion. There was no second and now we have a different motion altogether. Would you like to put it into a motion?

COMMISSIONER TENDERO.

Well I am not a member of the Committee.

COMMISSIONER APOSTOL.

May I know if Commissioner Tendaro is introducing an amendment to the motion?

COMMISSIONER TENDERO.

I would like to propose an amendment that Section 38 will be deleted as a whole.

COMMISSIONER TIROL.

We cannot accept the amendment because that will eliminate our motion.

COMMISSIONER APOSTOL.

Not accepted. It's dead.

CHAIRMAN TEVES.

Let's divide the house. Let's vote on the motion to remove the option of affirmation. Those who are in favor of the motion? Those who are against?

In favor – 2

Against – 6

Motion defeated.

COMMISSIONER APOSTOL.

We are now on Section 39 – official residence and salaries.

CHAIRMAN TEVES.

There's a motion here to delete Sections 39 and 40.

COMMISSIONER ESPINA.

Second.

COMMISSIONER APOSTOL.

This one can be provided for by law.

COMMISSIONER TABANDA.
In the Organic Act.

COMMISSIONER TENDERO.
That is too detailed for the Constitution.

CHAIRMAN TEVES.
So there's a motion seconded to delete entirely Sections 39 and 40.

COMMISSIONER MAGNO.
Mr. Chairman can we begin with 38? I move to delete Section 38 because we don't want an encyclopedic Constitution all over again, 38, 39 and 40.

COMMISSIONER APOSTOL.
We should finish 39 and 40, then we go back to 38 because that has been acted upon already.

CHAIRMAN TEVES.
Any objection to deleting 39 and 40? There being none...

COMMISSIONER APOSTOL.
Reconsideration on 38.

COMMISSIONER MAGNO.
I think we voted on whether "affirm" should be included. I'm moving now to delete the whole Section because the Constitution should not specify the oath of office. I believe every public official may compose his oath of office. It's not necessary to put it in the Constitution, which is a statement of general principles, rather than specifics.

CHAIRMAN TEVES.
There is a motion to delete Section 38 as well, any second?

COMMISSIONER TIROL.
The observation that this kind of provision need not be included in the Constitution is belied by the very existence of Section 5, Article VII of the Constitution, wherein there is a specific provision how the President, the Vice President, and the Acting President may take their assumption of office through an oath or affirmation.

COMMISSIONER MAGNO.
Which is the reason why that Constitution is an overwritten document.

CHAIRMAN TEVES.
There is an objection. Can we vote on the motion of Commissioner Magno, duly seconded, to delete Section 38. Those who are in favor of the motion please raise your right hand. Okay 6. Those who are against?

In favor – 6
Against – 4

COMMISSIONER FERNANDEZ.

Mr. Chairman, just for clarification, what was mentioned was that there is already an existing provision, right? This is just a second provision of the sort. I just want to be clarified. There is already an existing provision and this shall be a second provision right?

COMMISSIONER TABANDA.

The existing provision is for the President. In the Constitution it is the oath of office of the President which he was referring to.

COMMISSIONER FERNANDEZ.

May I request for another voting? No I voted for that's why I'm moving for a reconsideration of the voting so I will not vote anymore.

COMMISSIONER PEÑA.

I think the point made by Commissioner Magno was the Constitution, being a little bit long, in fairness to trying to put it, inculcate it in a manner that is quite reasonable, being very general, that we do not need the pledge in the document itself. I think it's self-explanatory. I think that was the position made by Commissioner Magno.

COMMISSIONER ADAMAT.

In addition, this can very well be placed in the would-be Organic Act of the different regional governments. Because there is a preparatory Commission that will study that and work for the structuring of the would-be regional government. And this can be placed in that Organic Act.

COMMISSIONER APOSTOL.

The motion of Commissioner Fernandez is just reconsideration for voting.

CHAIRMAN TEVES.

Let's vote again. There's a motion for reconsideration.

COMMISSIONER ESPINA.

I think there was already an announcement: 6 in favor and 4 against. So therefore any procedure after that, if you want a recount, is a proper motion for reconsideration.

CHAIRMAN TEVES.

What's your motion now Commissioner Fernandez?

COMMISSIONER FERNANDEZ.

May I move that the voting be conducted again? Just for clarity because when the voting a while ago was made, it seems that some of the people who raised their hands were unsure of what they were voting on. Because my understanding a while ago was there was a redundancy in the provision for the affirmation.

CHAIRMAN TEVES.

There's a motion for reconsideration. Any objection to that motion? Objection, Commissioner Abueg.

COMMISSIONER ABUEG

The issue on deleting the same has already been voted upon. And those who voted for deletion is majority of those who are against. There is a uniform oath of office for all government officials, except the oath of the President, in the Constitution, which is special oath of office, which include “do justice to everyone.” This does not appear in any other oath of office. And I subscribe to the idea that a Constitution should not be a detailed Constitution, like an ordinary statute. So probably this oath of office which does not appear on local government officials, this does not appear in previous Constitution.

CHAIRMAN TEVES.

Since there’s an objection, the previous motion as voted on stays.

COMMISSIONER ADAMAT.

It was never seconded in the first place Mr. Chairman the motion of Commissioner Fernandez seeking for reconsideration. There was no second therefore it cannot be acted on.

(Laughter)

COMMISSIONER FERNANDEZ.

Mr. Chair may I simply withdraw so as not to lengthen the discussion. Anyway, it seems majority wants it deleted.

CHAIRMAN TEVES.

We’re now on Section 41.

COMMISSIONER CALISIN.

Query on 39, please.

CHAIRMAN TEVES.

Deleted na ang 39. Thirty-eight (38), 39, 40.

COMMISSIONER CALISIN.

If this is deleted – Official Residence and Salaries of the Governor, that means to say that the Governor has no residence, no salary? Please clarify. If this can be found in other laws, then we delete. If this cannot be found in another law then we cannot just delete.

COMMISSIONER ABUEG.

The Regional Governor can take care of that.

CHAIRMAN ABUEVA.

Mr. Chairman, there is also the requirement that the Regional Assembly shall pass a Regional and Local Government Code. It could be there.

COMMISSIONER CALISIN.

That’s what I want. Thank you.

COMMISSIONER TABANDA.

It may mean, therefore, that the Regional Governor may not receive the same salary depending on the region if we leave it to the Organic Acts or to the Local Government

Codes that will be enacted, that means the salary of Regional officials will not be standardized. It will differ from region to region. That's going to be the implication.

COMMISSIONER ABUEG.

Depending on the classification.

COMMISSIONER TIROL.

That is happening now in the provinces.

COMMISSIONER APOSTOL.

We are on Section 42.

COMMISSIONER LAMBINO.

Section 42, first sentence. May I propose an amendment?

CHAIRMAN TEVES.

Yes, go ahead.

COMMISSIONER LAMBINO.

First sentence, after the word "bodies," please include the phrase "during his tenure."

COMMISSIONER APOSTOL.

It's actually discriminatory. Why won't you include all other provisions? It's only lawyers.

COMMISSIONER LAMBINO.

Under Section 43 there is another section that will apply to that – prohibition against the practice of any profession. So if we can combine Section 42 and 43 maybe...

COMMISSIONER APOSTOL.

Combine the two?

COMMISSIONER LAMBINO.

Yes. But if we are going to say "practice of profession," that would include appearance as counsel. There is a distinction, actually, of appearing as counsel because you can still continue practicing as a lawyer, the only prohibition is you cannot appear personally as counsel before any court or tribunal or quasi-judicial or other administrative bodies. But lawyering is not done by just mere appearance in court. You can still continue practicing your profession as a lawyer without necessarily appearing personally as a counsel in court. Actually, Section 42 is similar to the prohibition to members of Congress, whereas Section 43 is similar to the prohibition applied to Cabinet Members in the Executive department.

COMMISSIONER APOSTOL.

Combine both subject to style.

COMMISSIONER CALISIN.

Isn't it we already ruled on this matter earlier?

COMMISSIONER LAMBINO.

That is another. Section 30 refers to the forbidden and incompatible offices that a member of the Regional Assembly cannot hold during his term of office, referring to an

office that is created or an emolument of that office is increased, or an appointment to an existing office without forfeiting his seat. That is the prohibition under Section 30. Under Section 42, it applies specifically to other acts that cannot be undertaken by a member of the Regional Assembly outside of his official duties and functions. My proposal is to add the phrase "during his tenure" because if he resigns as a member of the Regional Assembly, naturally, the prohibition for him to practice his profession as counsel would no longer be attached.

CHAIRMAN ABUEVA.

If you're no longer a member of the Regional Assembly, it's really out of your tenure.

COMMISSIONER APOSTOL.

It says "no member."

COMMISSIONER LAMBINO.

Yeah, so no member of... will appear as counsel before any court of justice or before administrative bodies during his tenure.

CHAIRMAN ABUEVA.

If you have no more tenure, you are no longer a member. So isn't it redundant?

COMMISSIONER TABANDA

May I suggest we combine 42 and 43? Because when you appear as counsel, you are in effect practicing your profession. So if you simply say, "Members of the Regional Assembly shall not during their tenure hold any private office, practice any profession," that already includes all of these. But what should be added is "They shall not be interested financially in any contract," and so on." From there you just add that second portion to 43.

COMMISSIONER APOSTOL.

Subject to the Committee on Style.

CHAIRMAN TEVES.

Subject to style the proposal of Commissioner Tabanda? Any objection?

COMMISSIONER ADAMAT

Mr. Chairman, I suggest that she will make a proper combined provision.

CHAIRMAN ABUEVA.

Yes, we welcome that.

COMMISSIONER TABANDA.

I'm out of style.

COMMISSIONER APOSTOL.

Section 44. Involving a penalty of at least four years.

COMMISSIONER TABANDA.

Just a question Mr. Chair 44. What is the party-list? Because it says here, "The vacancies shall be promptly by the political party of the disqualified member of the

Regional Assembly in accordance with its party list in the previous Regional Assembly election". What is the party list?

COMMISSIONER FERNANDEZ.

A while ago there is already a motion that it shall be deleted, the party-list representation shall be removed already. There was already a motion which won which I actually objected a while ago but only two voted not to eliminate the party-list so automatically there shall be no party-list member represented in the State Assembly anymore since all members here in the majority voted against it.

COMMISSIONER APOSTOL.

The second sentence should be deleted.

COMMISSIONER TABANDA.

I thought that what is sought to be deleted is sectoral party-list. That is why I would like to find out from the Chair what he meant by party-list here.

CHAIRMAN ABUEVA.

Parallel to the practice in the Parliament, the party-list is really not the present party-list but consisting of regular political parties.

COMMISSIONER TABANDA.

Are they supposed to submit a list to Comelec?

CHAIRMAN ABUEVA.

Yes, but there's too much detail now but somewhere it says that political parties shall register with the Commission on Elections.

COMMISSIONER TIROL.

May I propose that instead of using only party-list, it should be party listing? So that it would not be confused with the famous term of party list.

COMMISSIONER TABANDA.

Mr. Chair may we make another proposal? Can it simply be, "the vacancy shall be promptly filled by the political party of the disqualified member of the Regional Assembly" period.

COMMISSIONER CALISIN.

Yeah, because this party-list has no relevance at all in this. I support the move of Honorable Tabanda that after "Regional Assembly" period.

COMMISSIONER APOSTOL.

Mr. Chair let's go first to the first sentence.

COMMISSIONER LAMBINO.

Mr. Chairman may I propose that the penalty should be *prison coreccional* or *prison mayor*, six months and one day to twelve years of imprisonment.

COMMISSIONER ABUEG.

But if you say *prison coreccional* that would be...

COMMISSIONER LAMBINO.
Six months and one day to six years.

COMMISSIONER ABUEG.
Six months and one day to six years which members of Congress are exempt from arrest during session. So it should be *prison mayor*.

COMMISSIONER TABANDA.
Which is?

COMMISSIONER LAMBINO.
Six months and one day to twelve years. I would propose an amendment to that sentence. It should be read like this, "Any member of the Regional Assembly who is convicted by final judgment of a crime..." because it could be the Sandiganbayan or the Regional Trial Court who can impose that penalty of *prison mayor* so if he's convicted by final judgment of a crime or a felony involving a penalty understood na yon. Who is convicted of a crime by final judgment involving a penalty of *prison mayor*.

COMMISSIONER APOSTOL.
Mr. Chair we go now to the second sentence. "The vacancy shall be promptly filled by the political party of the disqualified member of the Regional Assembly" period.

COMMISSIONER LAMBINO.
Mr. Chair before we proceed to Section 45, may I propose an additional Section before Section 44 because we are combining Section 42 and 43. So maybe this could be Section 43 to include a prohibition against the appointment of the spouse and relatives by consanguinity or affinity within the fourth degree of the members of the Regional Assembly, the Governor or the members of the Regional Assembly to any position such as the permanent position of Directors as embodied under Section 37.

CHAIRMAN ABUEVA.
May we request a wording from you.

COMMISSIONER LAMBINO.
The wording will be like this Mr. Chairman. Prohibition on appointments of relatives, "The spouse and relatives by consanguinity or affinity within the fourth civil degree of the Regional Governor or the members of the Regional Assembly, shall not, during their tenure, be appointed to the offices mentioned in the permanent Director-General etcetera to the Regional Government."

COMMISSIONER TABANDA.
Mr. Chair I have a question. Is that not already contained by the civil service laws on nepotism? I would like to find out if the prohibition extends to co-terminous or confidential positions or does it only cover civil service positions.

COMMISSIONER LAMBINO.
May I respond to that Mr. Chairman. The prohibition under the provision of the Constitution on the Civil Service Commission particularly Section 7 thereof applies generally to all public officials, elective or appointive. But when we talk of Cabinet members such as what we have now at present and perhaps with the members of the Regional Government, we should have more stringent rules regarding the

disqualification of members of the Cabinet of the President and the officers of the Regional Government more particularly with regards to the rule against nepotism because you have under Article VII Section 14, if I'm not mistaken, or Section 13, a specific provision regarding the prohibition to the appointment of the relatives of the President to the constitutional offices including Secretaries, Undersecretaries, Chairmen or Heads of bureaus or offices including Government-Owned and Controlled Corporations and their subsidiaries. That is the reason why there is this prohibition against the members of the Executive Department under the Constitution in order to be considered an exception to the general rule as provided for under Article IX-B Section 7 of the Constitution.

COMMISSIONER TABANDA.

Still Mr. Chairman, does it include highly technical, co-terminous, confidential positions? Is it going to be a blanket prohibition or shall it only cover civil service positions.

COMMISSIONER LAMBINO.

With regard to the positions of primarily confidential highly technical positions which are also civil service positions then they should be exempted from this prohibition because by the nature of the position itself which is primarily confidential, even your spouse or your daughter or son can be appointed to that.

CHAIRMAN TEVES.

I'm just curious. Isn't that covered by other committees? Civil Service Committee?

COMMISSIONER APOSTOL.

It's covered by the Civil Service.

COMMISSIONER TABANDA.

It's covered by the Civil Service.

COMMISSIONER ILAGAN-BIAN.

Mr. Chair, I'm really Civil Service Committee but we didn't cover nepotism, the one being raised by Commissioner Lambino, the nepotism issue. But we did cover the one of positions of technical capability, confidentiality etcetera etcetera.

CHAIRMAN TEVES.

What about Political Party Reform Committee? Wala ito don?

COMMISSIONER ILAGAN-BIAN.

But the one raised by Commissioner Lambino is on nepotism right?

COMMISSIONER LAMBINO.

But nepotism on the highly sensitive position of the Regional Government your honor because if you are not going to include that prohibition, then a Regional Governor can appoint his wife or his relative to the positions that are so-called permanent Director-General for each department etcetera etcetera or the Cabinet Secretaries in the Regional Assembly. So maybe we can specify.

COMMISSIONER MAGNO.

Mr. Chair can we put that in the Organic Act rather than in the Constitution? I'm objecting for the same reason that I objected to the other provisions.

COMMISSIONER LAMBINO.

Well Mr. Chairman if you're not going to put in the proposed provision in the Constitution that will guide the preparation of the Organic Act with regards with this prohibition, what if this particular provision is not included in the Organic Act?

COMMISSIONER APOSTOL.

That's why we have the Committee on Style. They'll take care of that.

COMMISSIONER LAMBINO.

Yes Mr. Chairman. I'm just pointing out to you through rules in the Constitution.

COMMISSIONER MAGNO.

I don't think the Constitution should be such a prohibitive document that we basically strap ourselves for years to come to old fears. I mean if it becomes a problem then the Regional Government should act on it, make a law.

COMMISSIONER ABUEG.

Mr. Chairman may I comment. Under Section 37 number 2, "The Regional Governor shall appoint a permanent Director-General for each department of the regional civil service. The permanent Directors-General shall be appointed under the regional Career Executive Service Rules and shall enjoy tenure of office unless removed for cause". So this is already covered by the law on nepotism wherein relatives within the fourth civil degree are prohibited from being appointed by the appointing authority. So I don't think it is still necessary to place that prohibition there.

CHAIRMAN TEVES.

We can proceed.

COMMISSIONER APOSTOL.

On Section 45.

COMMISSIONER LAMBINO.

Mr. Chairman I will not agree with that observation because under Section 32 of the proposal, it is stated there that the Regional Governor shall form the Regional Government by appointing the Regional Secretaries with or without portfolio and constituting the Regional Cabinet. Only majority of the members of this Regional Cabinet will come from the Regional Assembly. Does it mean that the spouse of the Regional Governor can be appointed as a Regional Secretary? Without putting this prohibition in the Constitution then you are allowing the Regional Governor to appoint his relatives within the fourth degree and then that is going to institutionalize nepotism in the Regional Government.

COMMISSIONER APOSTOL.

Why not? Hillary Clinton was appointed Secretary of Health by her husband.

COMMISSIONER LAMBINO.

No, she was not appointed Secretary of Health by the President. She was only made to oversee.

(Portion of the tape recording inaudible.)

COMMISSIONER NAVAL.

My motion is not to discuss this tonight and wait for these provisions to be referred to the Committee on Transitory Provisions.

CHAIRMAN ABUEVA.

This is not something that you just delegate to the Committee on Transitory Provisions. This is a substantive decision, which is organic to the idea of federalism. If you remove this, you are really going back to the decision to move towards a federal system.

COMMISSIONER TABANDA.

Mr. Chairman, I have a question for Commissioner Naval. May we ask Commissioner Naval if he is in favor to the shift to federalism?

COMMISSIONER NAVAL.

Well, as already stated, I find no necessity for us shifting from this present unitary structure of government to this federal structure of government, considering that we have already (inaudible) on the organization of this regional government.

COMMISSIONER TABANDA.

But wouldn't you consider the regional government as actually federalism?

COMMISSIONER NAVAL.

After we have organized these regional governments within three years, then we can already find out whether this regional government is sufficient already in order to carry out the intentions of the federal structure of government. And after we have found out the functions of this regional government, we might not find the need to establish a federal government.

COMMISSIONER TABANDA.

Wouldn't you agree with me that the functions of the regional governments as stated here are not the functions of the local government units in the unitary system of government? They are, in effect, functions of states in a federal government. Probably there is only a matter of the phraseology of the transition period as being stated there, but in effect, any way you look at it, you will find out that the powers and functions and the structure of the regional governments are federal states. In a unitary system, we would not have such powers.

COMMISSIONER NAVAL.

As I already stated a while ago, I was asking the Chairman what would be the substantive changes that will be introduced when we change our regional government to federal government. And it appears that there will be no substantial changes because of the principle laid down in this Commission that the residual powers of government shall be with the federal or national government.

COMMISSIONER APOSTOL.

We have been discussing for the last three hours this provision of the federal system of government.

COMMISSIONER FERNANDEZ.

Point of clarification, because there seems to be a confusion as regards to the State and that of the federal. Just for clarification so that all the members present here could understand what we are talking about as regards to federalism. What are the State Cabinets that shall be offered? State public works? State education? So as to be clarified. Because right now we are proposing that these shall be run by elected officials who shall be spending millions of pesos to be elected to get the position of State Cabinet Public Works, State Cabinet Education... What are the State Secretaries?

CHAIRMAN ABUEVA.

The primary functions and authority of the Regional Assembly cover 13 enumerated items. Now this doesn't mean that there will be 13 Secretaries, because the Secretary can supervise a number of these. But they are very substantive: state planning, budget and management; state financing; peace; public safety; agriculture and fisheries; natural resources; energy and environment; trade, industry and tourism; labor and employment; - mind you, these are national functions now, which we are demoting on the autonomous regions or federal states – health and social welfare; education and cultural development; ancestral domain and natural resources. I would add housing. And there are other items that Commissioner Garcia are adding to this.

COMMISSIONER FERNANDEZ.

Just for clarification with the proposal that there shall be 14 plus the housing. I just like to remind the Body that according to the proposal, there is subsidy for the election. There shall be additional several billions of pesos for the election of the 198 Assemblymen that can also be considered.

COMMISSIONER CALISIN.

All those things that we have worked will just be in vain if we will not deal with the transitory provisions. That is why it's there in order that in the future there will be something to work with within a time frame.

COMMISSIONER APOSTOL.

Let's vote.

COMMISSIONER LAGDAMEO.

I think the title "Transitory Provisions" is not correct. This has to do with the creation of a local state and this is not yet a question of transitory provisions. That's what makes it very substantive. This should be titled "Creation of the Local States." How do you propose to go about doing it? So the third transitory provision is misleading.

CHAIRMAN ABUEVA.

I don't mind changing it to "Establishment of the Federal Republic."

COMMISSIONER LAGDAMEO.

Yes, that's what makes it very substantive.

COMMISSIONER APOSTOL.

Mr. Chairman, before we change everything, we should vote on that motion, whether we will defer or not.

CHAIRMAN ABUEVA.

The comments of Commissioner Lagdameo are very, very important, very substantive.

COMMISSIONER APOSTOL.

We vote now on the motion of Commissioner Naval to postpone the consideration of the transitory provision.

COMMISSIONER NAVAL.

My motion is that we should not consider these provisions tonight but in the proper Committee on Transitory Provisions.

COMMISSIONER ABUEG.

This is not in the nature of a transitory provision. We have to specify what criteria.

COMMISSIONER JURADO.

This is still a part of the concept of federalism. If we leave the implementation of this to another Committee, that's another to throwing overboard...

CHAIRMAN TEVES.

Those who are in favor of the motion, raise your right hands.

In favor – 3

Against – 11

Motion is lost.

COMMISSIONER APOSTOL.

Mr. Chair, I move now to amend the title to read as follows, "Resolution Proposing the Revision of Article X of the 1987 Constitution on Autonomous Regions and Local Governments."

COMMISSIONER ILAGAN-BIAN.

We're talking about transitory and then changing it to "Creation of Federal States." I thought that is the one on the floor now.

COMMISSIONER APOSTOL

So we go back to the transitory provision. Is there any objection?

COMMISSIONER LAMBINO

May I propose the creation of a new Article, because this document that we have refers to autonomous regions and local governments. Following the suggestion of our good guru here, Commissioner Lagdameo, that in the creation of the federal state or the local states, it should be in another article. It should be "Establishment of a federal state or local states." A new article separate from this autonomous regions and local government. "Establishment of local and federal states." A new Article will be inserted. I would understand that this particular document that we have discussed would amend the provision of Article X of the present Constitution. What we are proposing now would be to create a new Article, specifically with provisions referring to the establishment of Federal Republic of the Philippines and the State governments.

I move for the creation of a new Article that will devote for the establishment of a Federal Republic of the Philippines and State Governments.

COMMISSIONER CALISIN.

I second.

CHAIRMAN TEVES.

Section...?

COMMISSIONER LAMBINO.

New article, Mr. Chairman. It will not be a section under this because the article is Autonomous Regions and Local Governments. Maybe Section 1 and Section 2. Two sections would be more than enough to cover the subject matter.

COMMISSIONER CALISIN.

I move that the phraseology be assigned to Hon. Lambino.

COMMISSIONER LAMBINO.

The good Chairman is the more authoritative personality who can draft the language.

CHAIRMAN TEVES.

Let's vote on the motion to make a new article with two sections for the establishment of a Federal Republic of the Philippines, the wordings to be provided later on, subject to Style. Those who are in favor, raise your right hand.

COMMISSIONER CALISIN.

No more need for a voting because there is no objection, Mr. Chairman. All we need is just your ruling that since there is no objection the motion was unanimously approved.

COMMISSIONER NAVAL.

Are we only voting on the title of this article which you propose to insert?

CHAIRMAN TEVES.

No. That's not the motion anymore, Commissioner Naval. The motion is to make a new article.

COMMISSIONER NAVAL.

With the title of what?

CHAIRMAN TEVES.

Establishment of a federal republic.

COMMISSIONER NAVAL.

And under that article, these two paragraphs will be considered as sections?

COMMISSIONER LAMBINO.

Yes, Mr. Chairman, Section 1 and Section 2, subject to Style.

COMMISSIONER NAVAL.

All right. So may I just know how this Federal Republic will be established? How? And what entity or what body will establish this Federal Republic? Because the title of the article is Establishment of a Federal Republic.

CHAIRMAN ABUEVA.

It is not exactly just parliament. Not more than ten years following the ratification of this Constitution, a Federal Republic is established. And along with it, of course, the Federal States. So that's it. It's automatic upon reaching ten years. But the period of establishment can be shortened. And that shortened period can be by an act of Parliament. There is a mandatory establishment of the Federal Republic on the 10th year or earlier.

COMMISSIONER LAGDAMEO.

Briefly, from what I gather from the provisions, Mr. Chairman, the process would be quite simple. You have a Preparatory Committee which will take a look at the existing political divisions today and determine, together with the local leaders, what states would be willing to consider themselves as states. Once this agreement is reached by the local leaders and the preparatory committee, then a recommendation goes to Parliament, and Parliament will study and probably pass an Organic Act creating a State. That Organic Act, and the creation of that State, will be subject to approval of the electorate within the territory which will be covered by that State. Then that State is created. And this will happen for as many states as possible during the period of ten years, or even more, if there are those who are late in creating their own territories. That appears to be the simple approach to it. Preparatory Committee, agreement of local leaders, Parliament coming in with an Organic Act, Organic Act being subjected to approval by the electorate of that particular territory, and then the State is created, and then that's it.

COMMISSIONER APOSTOL.

Just a question. Are you saying, Commissioner, that we will abandon what we have been discussing?

COMMISSIONER LAGDAMEO.

No.

COMMISSIONER APOSTOL.

Because that seems to be the idea.

COMMISSIONER LAGDAMEO.

No, no, no, no. I'm expanding on Sections 1 and 2.

CHAIRMAN TEVES.

And answering also Commissioner Naval's question on how is it going to be created.

COMMISSIONER LAGDAMEO.

Yes. I don't think what I said is incompatible with the provisions that have been discussed in the Committee.

COMMISSIONER CALISIN.

May we know, Mr. Chairman, from Commissioner Lambino, when he can as much as possible, submit to us the draft?

COMMISSIONER LAMBINO.

Mr. Chairman, I just made a proposal for the creation of a new article. But I think the Honorable Chairman is the authority on the subject matter. There is no other authority who can coin the proper wordings and language of this Article in the Constitution regarding the establishment of a Federal Republic of the Philippines and the Federal States. But Mr. Chairman, may I just ask some clarificatory questions? Because under Section 20, the Parliament is mandated to establish or pass the Organic Acts of the prospective Autonomous Regions within three years. And the proposed provision regarding the establishment of the Federal Republic is worded in such a way that not more than ten years following the ratification of the proposed Constitution, which could mean that even within the three-year period before the enactment of the Autonomous Region by their Organic Acts, we already have the Autonomous Region of Muslim Mindanao.

CHAIRMAN ABUEVA.

Yes, that's a given.

COMMISSIONER LAMBINO.

That is a given. So two years after the ratification of the Constitution, can we now establish a Federal Republic of the Philippines with the Autonomous Region in Muslim Mindanao? If the ARMM will opt now to become a Federal State of Muslim Mindanao?

COMMISSIONER APOSTOL.

They want to make a separate state.

COMMISSIONER LAMBINO.

That's right, Mr. Chairman. Following the language here of this proposal, then the Autonomous Region in Muslim Mindanao can now declare immediately after the ratification of the Constitution that they are now a Federal State of Muslim Mindanao. Will that be the import of this provision, Mr. Chairman?

CHAIRMAN ABUEVA.

No. The way it is worded here, the conversion of the Autonomous Regions into the Federal States, and also the establishment of the Federal Republic shall happen...shall take place not later than 10 years.

COMMISSIONER LAMBINO.

Ah, if that is the case, Mr. Chairman, if I do understand correctly, then we should remove the phrase "not more than 10 years." But "Ten years following the ratification of the proposed revision of the Constitution..."

CHAIRMAN ABUEVA.

No. The idea here is not to wait until 10 years if we are ready to establish the Federal Republic earlier. Ten years is just the maximum cut-off period.

COMMISSIONER LAMBINO.

Mr. Chairman, I don't see any reason why we cannot establish a Federal Republic of the Philippines since we have already one Autonomous Region now, the ARMM. If ARMM will opt to become a Federal State immediately after the ratification of the new Constitution, it can do so, if we are not going to erase "not more than."

COMMISSIONER CALISIN.

I think that in order that it be expressed in an affirmative or in a positive, not in the negative, it should be “within a period of 10 years.”

COMMISSIONER LAMBINO.

It will still be the same. And the same effect will still happen. But if the intention is that – “There shall not be a Federal Republic within ten years,” we should remove the phrase “not more than” and just start the sentence, “Ten years following...”

COMMISSIONER SENO.

Specific ten years.

COMMISSIONER LAMBINO.

Specific ten years. If that is the idea that we should have ten years at least to prepare these state governments, then only after 10 years that they can now federate themselves.

CHAIRMAN ABUEVA.

Well that was the original idea, the original wording. But when we went to Mindanao and especially in the Visayas and in Mindanao, “We cannot wait for ten years!” they said.

COMMISSIONER LAMBINO.

That was also the opinion of the Palaweños, Mr. Chairman. They cannot wait for ten years the Federal State of Palawan.

CHAIRMAN ABUEVA.

That’s why we are just making the ten years as the maximum period. But it can be shorter than 10 years by an Act of Parliament.

COMMISSIONER SENO.

So will there be a step-by-step federalism? Within ten years – so Muslim Mindanao, Palawan, one after another, within the 10-year period?

COMMISSIONER LAMBINO.

If you will agree, Mr. Chairman, we’ll just do away with the 10-year period. We just remove from the Constitution and then we can immediately start a Federal Republic.

CHAIRMAN ABUEVA.

We have been advised in many ways, many times, by the Speaker and other members of the House, and ULAP, that it will be more acceptable to establish a Federal Republic if we have a transition period because, among other things, as I said here already before, the matter of the tax structure of the Federal Republic is a very important thing that has to be studied before it’s established. How to make the decisions as to what shall be the tax basis of the federation, the tax basis of the state, and the local governments. And then there is the matter of the bureaucracy. If we are taking away these 14 functions or so from the national government, this means that the bureaucracies, the departments involved will have to be reorganized and brought down to the state level and so on. There are adjustments to be made in the bureaucracy. And there are reassignments of regional staff of the national government to the state bureaucracy, and so on. So tax overhaul, bureaucratic reorganization, these two alone would require that transition, that

preparatory, the work of the Preparatory Commission. Many people are frightened with the idea that tomorrow we will become a Federal Republic. We are not prepared for a sudden double-somersault.

COMMISSIONER LAMBINO.

I commiserate with your fears, Mr. Chairman, but if that is the case, I think it would be much better to put a cut-off date of 10 years. That, there can be. So if that's the case, we shall start the sentence as follows... I'm not going to wait Monday anymore, Mr. Chairman, I can now coin this provision of Section 1. "Ten years following the ratification of the Constitution," it should not be 'proposed Constitution' any more. There should not be a national plebiscite because that follows that it should be in a plebiscite. "The Federal Republic of the Philippines is established. And the autonomous regional government shall become state governments, as provided by the respective Organic Act. Thereafter, the Regional Assembly shall be known as the State Assembly, and the regional offices and officers shall be known as state offices and officers."

CHAIRMAN ABUEVA.

We have to wait until ten years. Whereas people are saying, "Can we not accelerate the period of the establishment of the Federal States?" And this is why that awkward thing "not more than 10 years." But we can state it more positively. But this was exactly the wording I had. "Ten years following..." We were just objected to by those who are impatient for establishing the Federal Republic.

COMMISSIONER LAMBINO.

Well, they do not have the virtue of the patience. I think it should be quite important to emphasize the importance of patience. So ten years is not that long if you would really like to have a...

CHAIRMAN ABUEVA.

That was my original idea.

COMMISSIONER NAVAL.

With the wordings proposed by Commissioner Lambino, we will be actually not converting our regional form of government – these regional assemblies, we will not be converting into federal. What we will just be doing will be changing the name from a regional autonomous form of government; we will just be making a word "regional" into "federal." Because there will be no changes in the organization, the setup of our national government agencies, so it will only be a change in name.

CHAIRMAN ABUEVA.

May I again reiterate what I just stated which you may not have listened to, that we have these two major changes to bring about. One is the overhaul of the tax system, the other is the bureaucratic reorganization. These are not easy things to bring about. Believe me. We have been talking about fiscal federalism for three years. We haven't come to a conclusion about it. So let us not minimize the importance of these two matters that I have mentioned, which will be the object, partly of the Preparatory Commission, the help of the Preparatory Commission.

COMMISSIONER LAGDAMEO.

Do I understand it, Mr. Chairman, that the creation of a state is a mutual act between those of a regional grouping and Parliament?

CHAIRMAN ABUEVA.

Yes.

COMMISSIONER LAGDAMEO.

It is a mutual act. And a regional grouping becomes a state once an Organic Act is passed by Parliament. Is it possible to say that during a period of ten years, local states shall be created? It's a sliding thing, no, it's a sliding thing. It is not all at the same time. Not everyone will be ready all at the same time. So as you slide through, is it possible to say that during a period of ten years, a local state shall be established?

CHAIRMAN ABUEVA.

The vehicle here for the formation of the Federal States is the Autonomous Region. It is the establishment of an autonomous Region by an Organic Act, approved in a plebiscite by the region, the prospective region that brings into being the Autonomous Regions, which are proto-states. So after a period of time, automatically in ten years, with no more extension of waiting, or by an Act of Parliament, it can be sooner than...the conversion of the Organic...of the Autonomous Regions into Federal States can be done earlier than ten years by an Act of Parliament.

COMMISSIONER LAGDAMEO.

Simultaneously or individually?

CHAIRMAN ABUEVA.

Individually, I suppose, because they will be in different stages of development.

CHAIRMAN TEVES.

Commissioner Abueg.

COMMISSIONER ABUEG.

Thank you Mr. Chairman. We have been working here for almost twelve hours already since this morning, with the Committee on the Form of Government, I now move that we approve the draft submitted and discuss.

COMMISSIONER APOSTOL.

Wait a minute, we'll have to change the title, that's why I was moving. First, the Transitory Provision. Let's approve this.

CHAIRMAN TEVES.

The pending motion is that one submitted by Commissioner Lambino for the creation of a new Article that will encompass the two items here and he was beginning to already give the wordings...

CHAIRMAN ABUEVA.

Yeah, I have the wording already. Establishment of a Federal Republic and the Federal States.

COMMISSIONER LAMBINO.

Establishment of the Federal Republic of the Philippines.

COMMISSIONER APOSTOL.

Mr. Chair, we approve that on principle. Now the other one, let's change the title – Resolution Proposing the Revision of Article X of the 1987 Constitution on the Autonomous Regions and Local Government. I move that we change the Article.

COMMISSIONER TIROL.

I second the motion, Mr. Chairman.

COMMISSIONER TABANDA.

What happened to the motion making a recommendation to shift from unitary to federal?

COMMISSIONER APOSTOL.

Yes, but we have been discussing these things. So let's...

COMMISSIONER LAMBINO.

It could be a new resolution, Mr. Chairman.

COMMISSIONER TABANDA.

Our discussions are geared towards a federal system. It may defeat our purpose here if we simply move for the revision of Article X and title it that way. I would think that the provisions of Article X would be the implementing rules and the details for the shift from unitary to federal. So with due indulgence to my very amiable and able Floor Leader, who has a way of removing all opposition because the proceedings are very delayed, they all left.

CHAIRMAN TEVES.

Anyway, in our agenda, this is 6.2. I thought that we still need to work and approve a resolution to be submitted to the Plenary. These are materials that sort of substantiate the resolution. So if anyone is proposing any resolution...

COMMISSIONER APOSTOL.

This is the one which precipitates the bringing of that resolution back here. So let's approve this resolution. Never mind that resolution.

COMMISSIONER ABUEG.

Before we approve this, may I ask to be allowed to introduce an amendment? We are referring to this resolution?

COMMISSIONER APOSTOL.

Yes.

COMMISSIONER ABUEG.

In the third paragraph, the third whereas, "Whereas, after public consultation with various sectors of the country, the Committee on Structure and so on".

COMMISSIONER APOSTOL.

Mr. Chair, the proposal is there is such a resolution, no problem on that. But we have been discussing this proposed revision of Article X. That's why I was proposing to change the title and then move to approve. Now if we submit this again, Commissioner Garcia will say this is a new Venable! This is what he was talking about.

CHAIRMAN TEVES.

Let's act on the proposal of Commissioner Apostol. Okay?

COMMISSIONER APOSTOL.

Resolution proposing revision of Article X of the 1987 Constitution on the Autonomous Regions and Local Government. That's the title.

COMMISSIONER SENO.

I second the motion.

COMMISSIONER APOSTOL.

I move now that we approve this resolution as amended.

CHAIRMAN TEVES.

Yung kay Commissioner Abueg kasi, he was bringing in into the resolution the consultative assembly, the result of the assembly... Hindi ba dapat yun ang kuwan?

COMMISSIONER TABANDA.

That's why I agreed. We will approve first the proposal - the motion of Commissioner Apostol.. And then after it is approved, we will now have the approval of the Committee Report, which is supposed to be submitted to Plenary, for the shift from unitary to federal. I thought it was that way.

COMMISSIONER ABUEG.

Commissioner Apostol is suggesting that we amend the title. And that refers to the title, "Autonomous Regions and Local Government." Now, what title should substitute this title, "Autonomous Regions and Local Government?" As a matter of procedure in a parliamentary practice, after amending all the provisions of the Body of the proposed measure, the last to be amended is the title.

CHAIRMAN TEVES.

Yes.

COMMISSIONER ABUEG.

So what is the title here? Autonomous Regions and Local Government. What will be the substitute?

COMMISSIONER APOSTOL.

The substitute is Resolution proposing revision of Article X of the 1987 Constitution on the Autonomous Regions and Local Government.

COMMISSIONER ABUEG.

That is separate from this resolution...

CHAIRMAN ABUEVA.

Does that new title cover...

COMMISSIONER ABUEG.

That's a resolution.

CHAIRMAN ABUEVA.

Okay.

COMMISSIONER APOSTOL.

Resolution proposing revision of Article X of the 1987 Constitution on the Autonomous Regions and Local Government.

COMMISSIONER LAMBINO.

Mr. Chairman, before you approve the title, I think it would be important for us to go back to Section 20 to give tip to the establishment of the Federal Republic of the Philippines. Just a very short phrase would be added under Section 20 regarding the passage of Organic Acts for the prospective autonomous regions. If you can only add... If you are willing to add only a sentence to the effect that, "The Organic Act shall embody a provision to effect the conversion of the autonomous governments into state governments." Something like that.

COMMISSIONER APOSTOL.

Whatever you are proposing, I would suggest you do that on plenary where Commissioner Teves will defend. You hit him hard there. He will have to defend this.

CHAIRMAN ABUEVA.

Mr. Chairman I just want to clarify what Commissioner Lambino was saying. You're proposing an amendment to Section 3?

COMMISSIONER LAMBINO.

Section 20, Mr. Chairman. Section 20.

CHAIRMAN ABUEVA.

Okay. And another subsection?

COMMISSIONER LAMBINO.

It could even be the first subsection of this because the Organic Act, which is to create the Autonomous Region, will pave the way for the establishment of the State Government. And so it should be embodied in the Constitution that the Organic Act to be passed by Parliament shall contain a provision that will effect the conversion of the regional autonomous government into a state government.

COMMISSIONER APOSTOL.

May I suggest, Mr. Chairman, that whatever bright ideas he has, put that in the new Article to which he has been proposing? We have already approved.

COMMISSIONER ABUEG.

Mr. Chairman, the very nature of Section 20 properly belongs to the Transitory Provisions. Organic Acts – the first Parliament elected under this Constitution shall... This is more appropriate to be placed under Transitory Provisions. So i-subject to Style na lang natin ito.

COMMISSIONER APOSTOL.

So I move now that we approve this resolution.

COMMISSIONER TABANDA.
Second.

COMMISSIONER APOSTOL.
I move that we approve resolution...

CHAIRMAN TEVES.
Text of a resolution. Ito kasi ang inaaprubahan natin eh. Is this the resolution that we will present?

COMMISSIONER TABANDA.
No.

COMMISSIONER ABUEG.
Mr. Chairman, before we can present these provisions that we have approved, we should first decide whether to adopt any parliamentary, federal system of government.

CHAIRMAN TEVES.
Somebody present that resolution.

COMMISSIONER APOSTOL.
I move that we approve...

COMMISSIONER CALISIN.
...A resolution to propose the amendment of the 1987 Constitution in order to effect the transformation of the structure of the republic from unitary to federal. So moved.

COMMISSIONER ABUEG.
Amendment, Mr. Chairman. In the third paragraph, the third whereas, place comma there and insert the following phrase, "after public consultation with various sectors of the country." So this particular provision now will read, "Whereas, after public consultations with various sectors of the country, the Committee on the Structure of the Republic has determined that a simplified proposal for a shift to a parliamentary structure, namely, the proposed revision, Article so and so, entitled, that one given by Floor Leader Apostol, which was approved by the Committee, now therefore..."

COMMISSIONER ADAMAT.
Accepted.

COMMISSIONER TABANDA.
It should be preliminary consultations because you're in effect already doing away with all further consultations to be conducted.

COMMISSIONER ADAMAT.
I think that is still in order, Mr. Chairman, if we will not submit this to Plenary prior to the conclusion of our consultations.

COMMISSIONER TABANDA.
But it would be a misleading resolution if you will make it a conclusion now and then you will say, "We will submit it later?" It does not speak well if parang you are anticipating what's going to happen in the future.

COMMISSIONER ABUEG.
Instead of 'preliminary,' probably 'substantial.'

COMMISSIONER TABANDA.
That's why I was suggesting preliminary.

COMMISSIONER APOSTOL.
Change the word to 'preliminary.'

COMMISSIONER TABANDA.
Substantial? We have not gone through Metro Manila and others.

COMMISSIONER APOSTOL.
Preliminary na Amor para...

COMMISSIONER ILAGAN-BIAN.
Mr. Chair, are we reading the same resolution? Mr. Chair, why are we saying preliminary consultations in the Visayas and Mindanao?

COMMISSIONER TABANDA.
No, I did not see it was Visayas and Mindanao, it's only now I'm seeing it.

COMMISSIONER ILAGAN-BIAN.
Yeah, because Visayas and Mindanao, it's already over and done with. It's no longer preliminary. Di ba? When you say preliminary, that means to say we'll go back again to Visayas and Mindanao.

COMMISSIONER TABANDA.
No. But Mr. Chair, my point is that why are we making a recommendation only based on the Visayas and Mindanao? If the people from Luzon and Metro Manila see this, they'll say, "O sige, kayo lang." Mr. Chair, may I ask that this resolution be reworded? The first whereas here says, "We have been tasked by E.O. 453. " While it is true we have been tasked by E.O. 453 to propose the shift, I think it may not look well if the reason why we are proposing is because we were tasked to do so. It makes us appear like we are just complying with something which we are supposed ordered to do. So may I suggest that the first whereas be deleted?

COMMISSIONER ABUEG.
In that case, the consideration of this resolution is premature.

COMMISSIONER TABANDA.
No, no, no. It will be "The Committee on Structure as examined and debated on the reasons for and against the retention of the unitary form of government..." That can be. And the third one is I suggest we remove also the third paragraph – "Whereas the Committee on the Structure of the Republic has voted down the motion to retain..." Let's be more positive. In other words, our whereas clause is, we can state that "After a very careful deliberation and based on the preliminary findings of our consultation, we are recommending the shift to federal."

COMMISSIONER APOSTOL.

I move that we approve it subject to the Committee on Style who will be Commissioner Tabanda.

COMMISSIONER TABANDA.

Ah no.

COMMISSIONER SENO.

After consultation of Luzon, Visayas, and Mindanao, in-exclude natin ang Luzon eh.

COMMISSIONER TABANDA.

You cannot put Luzon. Wala pa eh. Di pa tapos.

COMMISSIONER ADAMAT.

Precisely, Mr. Chairman. My suggestion early on is that after we have finished our consultations. So that we will not submit this resolution to Plenary pending the completion of our consultations to include the Metro Manila and the Luzon areas.

COMMISSIONER APOSTOL.

This one only.

COMMISSIONER TABANDA.

But Mr. Chair when is the Plenary scheduled?

COMMISSIONER APOSTOL.

Thursday.

COMMISSIONER TABANDA.

Because if you recall this morning on the Structure of Government, we had to stop deliberations because they said, "Why are we talking about federal when there's no federal yet?" So I would suggest that we present this on Thursday.

COMMISSIONER APOSTOL.

No, this one, this one.

COMMISSIONER TABANDA.

Even this. On Thursday.

COMMISSIONER ABUEG.

Mr. Chairman, to avoid any confusion here, I am withdrawing my amendment – the phrase here after public consultation, para walang gulo.

COMMISSIONER ADAMAT.

Just the same, Mr. Chairman. This resolution is not timely if we will submit this in our next Plenary session. Because it states that "Resolution to Propose the Amendment of the 1987 Constitution in Order to Effect the Transformation of the Structure of the Republic from Unitary to Federal." It implies that we have already complied with all our consultations.

COMMISSIONER TABANDA.

Mr. Chair, can we not be like the Form of Government, where it was a preliminary recommendation, so that we can get moving.

COMMISSIONER ADAMAT.

And besides, Mr. Chairman, if we will abide by the recommendation that it has to be only a preparatory agreement, then what will become of...what's the use of having it calendared for Plenary? Mr. Chairman, there is no point in there? Why do we have to discuss a preliminary resolution?

COMMISSIONER TABANDA.

Mr. Chair, but we did that for Form of Government.

CHAIRMAN TEVES.

Just the same, we had workshops and the workshops yielded uniform results in 6 out of 7 regions that we went to despite the fact that we did not have that resolution.

COMMISSIONER ADAMAT.

A query, Mr. Chairman. Are you trying to say that after we have consulted our Luzon group, that we can still amend what we have agreed here?

COMMISSIONER ILAGAN-BIAN.

Yes, why not?

COMMISSIONER ADAMAT.

Okay, if that is the agreement, Mr. Chairman, then I will withdraw... I will go with the motion of Commissioner Tabanda.

COMMISSIONER TABANDA.

But I noticed that the transition period is no longer here. What happened to the transition period?

COMMISSIONER APOSTOL.

It is there, on the dispositive portion – to propose to the commission. So this is merely proposal.

COMMISSIONER TABANDA.

But I think the agreement was that a shift from unitary to federal after a transition period, or within a transition period, or something, but there's supposed to be a transition period.

COMMISSIONER APOSTOL.

No, the transition period is on the other resolution. We submit both resolutions on plenary. Because there is nothing to amend here.

COMMISSIONER TABANDA.

May we suggest that it also be placed here so that we'll not have too much discussion?

COMMISSIONER APOSTOL.

Ah sige.

CHAIRMAN ABUEVA.

Mr. Chairman, after consulting with Commissioner Lambino and Commissioner Lagdameo, there's proposed to be inserted in Section 19, on the Organic Acts, a sentence which says, "The Organic Acts shall provide for the conversion of the Autonomous Regions into State Governments." So already, in the Organic Acts to be passed by the Parliament, it will say that the Autonomous Regions, under certain conditions, will become State Governments.

COMMISSIONER ADAMAT.

Mr. Chairman, meaning, we don't need a new and additional Article to accommodate the proposal of Commissioner Lambino?

CHAIRMAN ABUEVA.

We still need that.

COMMISSIONER APOSTOL.

So let's submit the three. I propose, Mr. Chairman, that during the meeting, we submit three resolutions. This resolution, proposing conversion, the other one which we had been working for at least 4 hours already – the Autonomous Region, and then the one which is proposed to be drafted by Commissioner Lambino. So we'll have three.

COMMISSIONER LAMBINO.

It is the Chairman who is going to draft it.

COMMISSIONER TABANDA.

Mr. Chair, but what happened... Will we not state the transition period here?

CHAIRMAN TEVES.

She's referring specifically to this.

COMMISSIONER TABANDA.

We have a commitment to ULAP on transition period.

COMMISSIONER ILAGAN-BIAN.

But isn't it there in the attachments already?

CHAIRMAN TEVES.

Ha?

COMMISSIONER ILAGAN-BIAN.

Nasa attachment. The transition period of 10 years is already incorporated in the attachment.

CHAIRMAN TEVES.

The attachment is this one?

COMMISSIONER ILAGAN-BIAN.

Yes, The one that we have been discussing.

COMMISSIONER TABANDA.

Can we not just put it in a phrase here? It will do away with... I don't think everybody will have time to read that during Plenary.

COMMISSIONER ABUEG.

It should be placed in the main.

COMMISSIONER PEÑA.

Mr. Chair, we're here also to get a consensus of the body for marketing purposes. May I suggest that it be placed here to avoid any kind of problems for your Plenary on the floor? As it is mentioned in the first draft, the tenure period, it is easily sellable rather than having them go into clear details. Because that would push aside those who are still uncertain but the tenure period will probably grant you that breathing space on the Plenary.

CHAIRMAN TEVES.

We started with ten-year period, we went to consultation, and in most areas, they're saying, "Ngayon na."

COMMISSIONER TABANDA.

But I thought it was within 10 years? Some states can go ahead, some states can go later.

CHAIRMAN ABUEVA.

Mr. Chairman, the "within ten years" is a good wording.

COMMISSIONER ILAGAN-BIAN.

So I think we should be very clear – within ten-year period. So you can do it on the first year, on the second year. Maximum of ten. Within ten-year transition period.

COMMISSIONER TIROL.

We have three resolutions. Could we not number our resolutions?

COMMISSIONER APOSTOL.

Dalawa lang. The Secretariat will take care of that.

COMMISSIONER LAMBINO.

Mr. Chairman, may I propose some amendments, because the wording of the title is not correct.

COMMISSIONER APOSTOL.

Chairman, I move to adjourn. Hindi na tayo hinto!

COMMISSIONER ILAGAN-BIAN.

Mr. Chair, let's adjourn. Could we ask Commissioner Lambino to work with a small committee on federalism just to refine this? Commissioner Lambino and Atty. Betty.

COMMISSIONER LAMBINO.

No, it's the Chairman who is doing it now. He has already all the wordings...

COMMISSIONER ADAMAT.

For your amendments, coordinate with the Chairman.

COMMISSIONER LAMBINO.

It's already with the Chairman. I have already given to the Chairman the necessary amendments for the establishment of the federal.

COMMISSIONER ILAGAN-BIAN.

But I'm worried about submitting three resolutions.

COMMISSIONER LAMBINO.

You know Mr. Chairman, if you are going to propose a resolution like this, this is not a proposal of the Committee alone. You are going to propose this to be a resolution of the Commission. So it should be "A Proposed Resolution to Amend the Pertinent Provision of the Constitution..." like that. And then there is a portion here, "Be it resolved by the Committee on Structure of the Republic..."

COMMISSIONER APOSTOL.

We will never stop as long as Commissioner Lambino is speaking.

COMMISSIONER LAMBINO.

I'm just helping the Committee, Mr. Chairman come up with a definite...

CHAIRMAN ABUEVA.

Mr. Chairman, I want it to be on record that we have met for 12 hours – from 10 o'clock this morning to 10 o'clock in the evening. I wish to express my deepest gratitude to all the members of the Committee on the Structure of Government for all of this dedication and fortitude and endurance and all the very positive contributions of everyone, Mr. Chairman.

ADJOURNMENT OF SESSION

Meeting adjourned at 9:38 p.m.