

FIRST REGULAR SESSION

JOURNAL

SESSION NO. 51
Wednesday, October 7, 1987

CALL TO ORDER

At 4:14 p.m., the Senate President, Hon. Jovito R. Salonga, called the session to order.

PRAYER

The Body observed a minute of prayer led by Senator Mercado.

ROLL CALL

Upon direction of the Chair, the Secretary of the Senate called the Roll, to which the following Senators responded:

Angara, E. J.	Osmeña, J. H.
Aquino, A. A.	Paterno, V. T.
Enrile, J. P.	Pimentel, Jr., A. Q.
Estrada, J. E.	Rasul, S. T.
Guingona, Jr., T. T.	Romulo, A. G.
Herrera, E. F.	Saguisag, R. A. V.
Laurel, S. H.	Salonga, J. R.
Lina, Jr., J. D.	Shahani, L. R.
Maceda, E. M.	Tañada, W. E.
Manglapus, R. S.	Ziga, V. S.
Mercado, O. S.	

With 21 Senators present, the Chair declared the presence of a quorum.

Senators Alvarez and Gonzales appeared after the Roll Call.

Senator Tamano was on official mission.

RESUMPTION OF SESSION

At 4:55 p.m., the session was resumed.

SUSPENSION OF CONSIDERATION
OF RESOLUTION NO. 34

On motion of Senator Mercado, there being no objection, the Body suspended consideration of Resolution No. 34 on the understanding that it will be with the Committee on Civil Service and Government Reorganization.

APPROVAL OF COMMITTEE REPORT NO. 25, RE:
THE AILING TEXTILE INDUSTRY

On motion of Senator Mercado, there being no objection, the Body approved Committee Report No. 25, submitted by the Ad Hoc Committee, to which was referred the September 17, 1987 Privilege Speech of Senator Gonzales on the Ailing Textile Industry.

Thereupon, Senator Mercado reminded the Committees on Economic Affairs; Labor, Employment and Human Resources Development; Trade and Commerce; and Ways and Means, to take jurisdiction over matters falling under their respective competence, as indicated in the Committee Report.

CONSIDERATION OF COMMITTEE REPORT NO. 21 ON
SENATE BILL NO. 11

On motion of Senator Mercado, there being no objection, the Body considered Committee Report No. 21 on Senate Bill No. 11, entitled:

AN ACT INTRODUCING REFORMS IN THE ELECTORAL SYSTEM
BY AMENDING CERTAIN SECTIONS OF THE OMNIBUS ELECTION
CODE AND FOR OTHER PURPOSES.

With the permission of the Body, only the title of the bill was read without prejudice to the insertion of its text in the Record of the Senate.

Senator Guingona, principal author of the bill, manifested the inclusion of Senators Gonzales, Angara, Estrada, Mercado, Pimentel, Jr., Tañada, Rasul and Ziga as coauthors of the bill.

SPONSORSHIP SPEECH OF SENATOR GUINGONA

Senator Guingona explained that the bill seeks to institute electoral reforms which will be applicable, if approved, to the January 18, 1988 local elections and to subsequent elections.

Thereafter, he elaborated on the merits of the measure with the following remarks:

It has been the historical experience in the Philippine political life that elections are decided by the 3 G's: guns, goons, and gold, capped by the unabated use and abuse of might and money by the Marcoses during the martial law years.

The use of force to influence the results of electoral contests, however, has appreciably diminished since the revolution. The Constitutional Plebiscite and the recent national elections, in the perception of a substantial majority of the citizenry, were the most peaceful in recent memory. It is prevention of the abuse of financial resources that has not succeeded. Elections have been as much a contest of financial resources as a battle of issues, placing the less financially endowed candidates at a marked disadvantage. The last elections do seem to have been an exception.

The proposed bill introduces certain electoral reforms calculated to reduce election expenditures, to prevent

violations of the statutory limits thereon, and to give all candidates, regardless of their financial resources, an equal chance for election.

Primarily, the bill seeks to achieve this objective by vesting the COMELEC with the authority, among others, to regulate and monitor the quantity of election propaganda and the use of mass media, and by imposing on the COMELEC the duty of initiating the holding of public fora accessible to all candidates and of assuring the dissemination to each voter of each candidate's basic election propaganda to common billboards to be installed by the COMELEC.

The bill also seeks to deter massive vote-buying. Under the existing law, the Omnibus Election Code, a candidate who directly buys votes during the campaign and until canvassing can be disqualified by the COMELEC quasi-judicially and after proclamation, he may also be convicted of the election offense by the courts, the effect of which would be to deprive him of his elective position.

Under the present law, the proclamation of the winning candidate cannot be stayed even if he is adjudged guilty of vote-buying by either the COMELEC or the courts because he can appeal and for as long as his conviction is on appeal, he can be proclaimed.

Worse, the conspiracy to buy votes, which under the Code is a separate and distinct election offense from vote-buying, is not one of the grounds for which the COMELEC can disqualify a candidate in the course of the campaign.

Since a candidate does not always buy votes directly, although he may be the moving force behind the conspiracy, there

has hardly been an occasion when such candidate has been disqualified in connection with vote-buying.

The proposed bill expands the quasi-judicial and administrative authority of the COMELEC to disqualify a candidate in the course of the campaign for involvement in the conspiracy to buy votes. But it does not transfer to the COMELEC the authority or jurisdiction to impose sanctions which remains vested in the courts as provided by the Omnibus Election Code.

The bill seeks to make the existing provisions of law on vote-buying and conspiracy more meaningful by introducing the following amendments:

1. On Section 68, by including the candidates' involvement in the campaign to buy votes among the grounds for which the COMELEC may disqualify a candidate quasi-judicially; and
2. On Section 72, by authorizing the COMELEC to suspend the proclamation of a candidate when the evidence of his guilt of direct vote-buying or involvement in the conspiracy to buy votes is strong.

In short, the bill would give the COMELEC the power to suspend the proclamation of a candidate if the evidence of vote-buying or conspiracy to buy votes is strong; it relaxes the requirements for the initiation by the COMELEC of an investigation into vote-buying by authorizing such investigation on the strength of affidavits by persons to whom voters may have admitted that their votes have been bought or an attempt had been made to buy their votes. These affidavits merely serve as bases for investigation and constitute the proof required for the presumption of the existence of a conspiracy to buy votes. What will raise that presumption is the direct proof based on the testimonies that vote-buying or attempts to buy votes took place in at least 20 percent of the precincts in an electoral area.

For purposes of the investigation by the COMELEC and the courts, the bill widens the avenues of evidence by creating a presumption of conspiracy to buy votes which may extend to the candidate and his major leaders; and by providing immunity from prosecution to witnesses who may be compelled or who may voluntarily decide to give testimony or information on vote-buying or the existence of conspiracy.

The bill also seeks to avoid the proliferation of propaganda materials and minimizes vote-buying.

Thereafter, Senator Guingona strongly urged the Body to approve the measure.

INTERPELLATION OF SENATOR ENRILE

Senator Enrile expressed conformity to the desire for electoral reforms in the political system, especially in the matter of election expenses.

He observed that the proposed measure implies that the government imposes certain requirements as a condition for the grant of a permit for newspapers to operate. On whether this is the intended implication or an inadvertent expression of the bill, Senator Guingona replied that there is no intention to require licensing of newspapers because permits or licenses of the media cannot be revoked during the period of campaign.

On the contention that the use of the word "permit" would imply that the government requires a permit for a newspaper to be established, Senator Guingona clarified that the provision was lifted from Section 86(c) of the Omnibus Election Code and the only amendment thereon was the inclusion of the phrase OR OTHER MASS MEDIA.

Senator Enrile pointed out that the word NEWSPAPER has been inserted as an amendment to the provision of the Omnibus Election Code, which originally covers radio and television as they are covered by special franchises, in reply to which, Senator Guingona explained that Section 92 which requires print media to undergo registration is not a kind of censorship or restraint but is intended to ensure that no newspaper shall be suspended during the election period.

Senator Enrile then manifested his intention to propose amendments at the proper time to clarify that it is not the intent to require permit or license for newspapers but only for radio and television.

INTERPELLATION OF SENATOR SAGUISAG

In reply to Senator Saguisag's observation that the registration requirement for newspapers represented the best thinking of the martial law regime because it amounts to a certain form of censorship which is unconstitutional, Senator Guingona stated that said provision was lifted from the old law under Section 86(b) which states that all contracts for advertising in any newspaper, magazines, periodicals and any form of publication promoting or opposing the candidacy of any person for public office shall, before its implementation, be registered by said newspaper/magazine.

Senator Saguisag explained that the old law is really limited to advertising placements but the registration of a newspaper in order to operate is novel and is something injected for the first time, to which Senator Guingona clarified that the intent of the provision is not to suspend or revoke the registration of a newspaper or magazine even if it is utilized by one political party for election propoganda.

Senator Saguisag stated that he was just disturbed by the registration requirement for newspapers because it chills freedom of expression. In reply, Senator Guingona assured that the provision does not intend to restrain or censor, and a modification of the language of the provision would be considered during the period of amendments.

On the matter of compelling radio and television stations to allocate air time equally and impartially, free of charge, to all candidates which, Senator Saguisag, observed, is impractical, Senator Guingona stated that while there are some impractical aspects, it is the duty of government to balance various interests in order that the candidates, especially those without means, will have equal access to the voters.

In this regard, Senator Saguisag recalled that during the previous regime, even if a candidate had money for the entire cost of political advertising, this was refused and access to advertising was denied as in the case of LABAN during the 1978 elections. However, since this is no longer a problem, because radio and television stations are competing for political advertisement, Senator Saguisag believed that a candidate, who does not have adequate financial resources of his own, should look for supporters instead of compelling media, some of which may not even be making money, to give free air time.

In reply, Senator Guingona opined that media is an activity affected with public interest and that the law should help through this mechanism a candidate who does not have financial supporters. He added, however, that publications that can hardly survive can be the exception.

TERMINATION OF THE PERIOD OF INTERPELLATIONS

On motion of Senator Mercado, there being no objection, the period of interpellations was closed.

PERIOD OF AMENDMENTS

There being no further speeches in favor or speeches en contra, on motion of Senator Mercado, there being no objection, the Body proceeded to the Period of Amendments.

The Chair recognized Senator Guingona for the amendments.

GUINGONA AMENDMENTS

As proposed by Senator Guingona, there being no objection, the Body approved the following amendments:

1. on page 1, line 8, change "(a)" to (A);
2. on page 2, line 18, change "(b)" to (B);
3. on page 3, line 1, change "(a)" to (A).

PROPOSED AMENDMENT OF SENATOR ENRILE

On page 3, line 30, Senator Enrile proposed the deletion of the phrase "OR OTHER MASS MEDIA", the intention being to exclude magazines, periodicals and other forms of publications from registering contracts for political advertisements.

SUSPENSION OF SESSION.

At this juncture, the Chair suspended the session.

It was 5:34 p.m.

RESUMPTION OF SESSION

At 5:43 p.m., the session was resumed.

GUINGONA AMENDMENT

On page 3, line 19, as proposed by Senator Guingona, there being no objection, the Body approved the amendment to add OR after "unduly".

ENRILE AMENDMENTS

On page 3, line 28, Senator Enrile proposed the deletion of "newspaper" and the comma (,), which amendment was accepted by Senator Guingona and approved by the Body.

On page 4, line 6, Senator Enrile proposed to delete "NEWSPAPER" and the comma (,) and on line 7, to delete the phrase "OR OTHER MASS MEDIA".

Senator Guingona expressed willingness to delete "NEWSPAPER", but he stated that he could not accept the deletion of the phrase "OR OTHER MASS MEDIA" because the intent of the section is to prohibit the cancellation or suspension of any form of mass media during the campaign or election period.

In view thereof, Senator Enrile withdrew his proposal to delete the phrase "OR OTHER MASS MEDIA" on the understanding that said phrase shall not include newspapers, magazines and the like.

There being no objection, the Body approved the amendment to delete on page 4, line 6, the word "NEWSPAPER".

GUINGONA AMENDMENTS

As proposed by Senator Guingona, there being no objection, the Body approved the following amendments on page 4:

1. on line 6, change the small letter "c" enclosed in parentheses to capital letter C; and

2. on line 15, change the small letter "b" enclosed in parentheses to capital letter B.

OSMEÑA AMENDMENTS

As proposed by Senator Osmeña, there being no objection, the Body likewise approved the following amendments on page 4:

1. on line 18, insert FREE before the word "AIR"; and
2. on the same line, after "STATIONS" and before the comma (,) insert WHENEVER AVAILABLE.

GUINGONA AMENDMENT

On page 4, line 22, as proposed by Senator Guingona, there being no objection, the Body approved the amendment to insert before the word "IN" the phrase HOWEVER, IN ORDER TO PROVIDE EQUAL ACCESS TO THE VOTERS followed by a comma (,).

PROPOSED AMENDMENTS OF SENATOR ENRILE

Senator Enrile proposed the following amendments on page 5:

1. on line 2, delete "LICENSE AND PERMITS";
2. on line 3, delete "NEWSPAPERS" including the comma (,) following it;
3. on the same line 3 up to line 4, delete the phrase "AND OTHER MASS MEDIA"; and
4. on line 4, delete "PRINT SPACE AND".

Senator Guingona accepted the proposed amendments.

However, the Chair informed that most of the radio stations do not have franchises but only temporary permits.

In view thereof, Senator Enrile proposed to modify his amendment by deleting on line 2, the words "LICENSE AND" and

retaining the word "PERMITS".

The Chair suggested the word OR before "PERMITS" so the phrase would read "franchise OR PERMITS".

Senator Enrile accepted the Chair's suggestion.

Thereupon, there being no objection, the Body approved Senator Enrile's amendments.

COMMENTS OF SENATOR SAGUISAG

Senator Saguisag observed that on lines 1 to 6 of page 5, there is an explicit requirement about providing space or time free of charge while on the other hand, on lines 9 to 14 of page 4, the giving of space free of charge is conditioned on somebody being previously given a space so that there will be the right of rebuttal. He inquired as to the real intent, whether it is a total, absolute requirement to be imposed on media or whether it is the right which is the really important thing. He maintained that lines 9 to 14 of page 4 would be more practical especially when there are too many candidates who would want to make use of the media.

In view thereof, Senator Saguisag proposed to delete lines 1 to 6 of page 5.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 5:56 p.m.

RESUMPTION OF SESSION

At 6:00 p.m., the session was resumed.

Upon resumption, Senator Guingona stated that he had agreed with Senator Saguisag to further study the provision on page 5, lines 1 to 6, and that the latter made a reservation to propose amendments thereon.

The Chair took note of the reservation.

OSMEÑA AMENDMENT

On page 5, line 28, between the word "COMMISSION" and the comma (,), Senator Osmeña proposed to insert the phrase AND/OR NON-PARTISAN PRIVATE OR CIVIC ORGANIZATIONS WHICH THE COMMISSION MAY AUTHORIZE WHENEVER AVAILABLE.

He explained that the proposal would allow nonpartisan private organizations to set up billboards for use by the candidates in view of the fact that the COMELEC has no funds for the purpose.

The Sponsor accepted the amendment, and there being no objection, the same was approved by the Body, subject to refinement and style.

MERCADO AMENDMENT

On the same page, line 29, between the words "PLACES" and "WITH", Senator Mercado proposed to insert the phrase WHERE IT MAY BE READILY SEEN OR READ.

He stressed that billboards should be placed not only in places where traffic is heavy or in populated areas but also in strategic places where they may be easily noticed.

The Sponsor accepted the amendment which, there being no objection, was approved by the Body.

GUINGONA AMENDMENT

On page 6, line 17 to page 9, line 5, Senator Guingona proposed to delete the entire Section 8 for the reason that it is already covered by Senate Bill No. 113 previously approved by the Body.

There being no objection, the amendment was approved by the Body.

OSMEÑA AMENDMENT

On page 6, line 2, between the word "CHARGE" and the comma (,), Senator Osmeña proposed to insert the words IF FEASIBLE.

He explained that, again, there is no assurance that the COMELEC or the private nonpartisan organizations would be able to provide the space. He pointed out that failure to provide for such a contingency would, in effect, prohibit the candidates from putting up posters.

The Sponsor accepted the amendment which, there being no objection, was approved by the Body.

MERCADO AMENDMENT

As proposed by Senator Mercado, accepted by the Sponsor, and there being no objection, the Body approved on page 6, line 12, the deletion of the words "POSTER AND".

GUINGONA AMENDMENTS

As proposed by Senator Guingona, there being no objection, the Body approved the following amendments:

1. on page 6, line 13, delete "AND" before "PROGRAM", and insert after the comma (,) after "GOVERNMENT" the words AND SAMPLE BALLOT;
2. on page 9, line 6, to change "SEC. 9" to SEC. 8; and
3. on the same page, line 13, change the word "VARIOUS" to DIFFERENT,

OBSERVATION OF SENATOR ESTRADA

On the new Section 8, in reply to Senator Estrada's observation that it would be easy even for one voter in a certain precinct to fabricate evidence against a candidate, Senator Guingona explained that the provision, which speaks of conspiracy to buy votes, does not only consider vote-buying in one precinct but in at least 20% of all the precincts in a municipality, which shall constitute a prima facie evidence against persons conspiring to buy votes.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 6:13 p.m.

RESUMPTION OF SESSION

At 6:16 p.m., the session was resumed.

Upon resumption of session, Senator Estrada withdrew his inquiry.

GUINGONA AMENDMENTS

As proposed by Senator Guingona, there being no objection, the Body approved the following amendments, one after the other:

1. on page 9, line 7, change "(b)" to (B);
2. on page 12, delete Section 10, the reason being that it is already covered by Senate Bill No. 113;
3. on page 12, line 29, change "SEC. 11" to "SEC. 9"; and
4. between lines 28 and 29, insert SECTION 52, PARAGRAPH (C) OF THE CODE IS HEREBY AMENDED TO READ AS FOLLOWS:

AMENDMENT UPON SUGGESTION
OF THE CHAIR

Upon suggestion of the Chair, there being no objection, the Body approved the amendment to add an effectivity clause on page 13, after line 13, to read: EFFECTIVITY. THIS ACT SHALL BE EFFECTIVE UPON ITS APPROVAL.

ENRILE AMENDMENT

On page 3, line 5, after the word "shall", Senator Enrile proposed to insert a comma (,) and the words AFTER DUE NOTICE AND HEARING WHERE ALL INTERESTED PARTIES ARE GIVEN EQUAL OPPORTUNITY TO BE HEARD, which was accepted by Senator Guingona and, there being no objection, was approved by the Body.

LAUREL AMENDMENTS

As proposed by Senator Laurel and accepted by Senator Guingona, the Body approved the following amendments:

1. on page 3, lines 8 and 9, delete the word "equal" on line 8 and on line 9, between the word "TIME" and the comma (,), insert the phrase IS ALLOCATED EQUITABLY; and
2. on page 6, line 2, change the word "EQUALLY" to EQUITABLY.

CLEAN DRAFT WITH
AMENDMENTS ENGROSSED

There being no other amendments, upon suggestion of Senator Maceda, the Body agreed that a new draft incorporating the amendments shall be distributed to the Members before approval of the bill on Second Reading.

PARLIAMENTARY STATUS

In reply to Senator Osmeña's inquiry, the Chair stated that the period of amendments has not been closed.

SUSPENSION OF CONSIDERATION
OF THE BILL

On motion of Senator Mercado, there being no objection, the Body suspended consideration of the bill.

QUESTION OF PRIVILEGE OF
SENATOR GONZALES

Senator Gonzales rose to a question of personal privilege relative to the day's issue of several newspapers which reported that he was among the recipients of controversial luxury cars loaned out by the Bureau of Customs. Specifically, he referred to the following newspapers:

1. The Independent which, in its news story captioned "Luxury Cars; Customs Submits MR List", reported that Deputy Customs Commissioner Vicente Feria, in his testimony before the House Committee against Crime, Fraud and Corruption, identified him as one of the Senators who received a 1977 Mercedes Benz and a 1979 Honda Prelude worth P56,345.00 and P47,811.00, respectively;

2. Philippine Daily Inquirer which, in a news item captioned "Tañada, Padilla in Trouble", reported that the two former Customs Commissioners loaned out or sold at bargain prices to favored officials 29 luxury cars seized by the Bureau of Customs.

It was quoted: "Gonzales, as Justice Minister, received on MR basis a 1979 Honda Sedan"; and

3. The Manila Journal which, in its banner story captioned "Seized Customs Car Users Top Government Men", reported that among the vehicles sold to government officials is a 1971 Mercedes Benz 240D to former Justice Minister and now Senator Neptali Gonzales for P56,843.00.

JOURNAL

SESSION NO. 53
Friday, October 9, 1987

CALL TO ORDER

At 10:17 a.m., the Senate President, Hon. Jovito R. Salonga, called the session to order.

PRAYER

The Body observed a minute of prayer led by Senator Alvarez.

ROLL CALL

Upon direction of the Chair, the Secretary of the Senate called the Roll, to which the following Senators responded:

Alvarez, H. T.	Paterno, V. T.
Angara, E. J.	Pimentel, Jr., A. O.
Enrile, J. P.	Rasul, S. T.
Estrada, J. E.	Romulo, A. G.
Guingona, Jr., T. T.	Saguisag, R. A. V.
Laurel, S. H.	Salonga, J. R.
Lina, Jr., J. D.	Tamano, M. A. J.
Maceda, E. M.	Tañada, W. E.
Mercado, O. S.	Ziga, V. S.
Osmeña, J. H.	

With 19 Senators present, the Chair declared the presence of a quorum.

Senators Aquino, Herrera, Manglapus and Shahani appeared after the Roll Call.

Senator Gonzales was on official mission.

different sectors for the good of the country; pursue all legitimate demands under a constitutional framework; and urge the various government agencies to do their job under the constitutional firmament to uphold the rule of law.

Senator Romulo affirmed Senator Pimentel's observation that perhaps one of the reasons why the United States is free of coup attempts is that its constitutional order is working.

On whether he would agree that perhaps one of the reasons why this is so is because there is no U. S. Embassy in the United States, Senator Romulo stated that the Philippines has friendly relations with many countries, among them, the United States, USSR and China.

RESUMPTION OF CONSIDERATION
OF COMMITTEE REPORT NO. 21
ON SENATE BILL NO. 11

On motion of Senator Mercado, the Body resumed consideration of Committee Report No. 21 on Senate Bill No. 11, entitled:

AN ACT INTRODUCING REFORMS IN THE ELECTORAL SYSTEM
BY AMENDING CERTAIN SECTIONS OF THE OMNIBUS
ELECTION CODE AND FOR OTHER PURPOSES.

Senator Mercado stated that the parliamentary status would still be the period of amendments and that the Body would proceed on the basis of the clean copies distributed earlier.

Thereupon, the Chair recognized Senator Guingona.

GUINGONA AMENDMENT

On page 1, line 5, Senator Guingona proposed to change the date "November 9, 1987" to JANUARY 18, 1988.

Upon inquiry of the Chair, Senator Guingona affirmed that the Committee is assuming that the House of Representatives will finally adopt the January 18, 1988 date agreed upon in the Senate based on reports that the House had already approved the bill on Second Reading.

There being no objection, the Body approved the amendment.

AMENDMENT SUGGESTED BY THE CHAIR

On page 1, line 4, upon suggestion of the Chair, and as accepted by the Sponsor, the Body approved the amendment to substitute the phrase "be applicable" with the phrase APPLY TO.

GUINGONA AMENDMENT

On page 3, line 21, as proposed by Senator Guingona, there being no objection, the Body approved the amendment adding the word AND after the word "quality".

AMENDMENT SUGGESTED BY THE CHAIR

On page 3, line 2, upon suggestion of the Chair and as accepted by the Sponsor, the Body approved the amendment changing the word "have" to HAS.

INQUIRY OF SENATOR MACEDA

On page 4, lines 23 to 26, in reply to Senator Maceda's query whether the provision "(C) No franchise or permit to operate a NEWSPAPER, radio or television station OR OTHER MASS MEDIA shall be granted or issued, suspended or cancelled during the election period", would apply should a national emergency be declared during the election period,

Senator Guingona stated that during a declared national emergency the constitutional principles and pertinent laws shall apply because of the greater interest at stake, however, insofar as elections under normal conditions are concerned, the provision in the bill, once approved into law, will govern.

On whether Act No. 3846 cited by the Secretary of Transportation and Communications will be superseded by the said provision even if there is no national emergency during an election period but a radio station broadcasts libelous, defamatory, obscene and lewd statements against a candidate, Senator Guingona replied that if there is no public peril, the closure of the radio station would be illegal.

Senator Maceda stated that he is unsure whether it would be necessary to make a clarification in the provision or whether it would be enough to place on record the intent that although it is a later provision, the same would not supersede Act No. 3846 or existing statutes, in reply to which, Senator Guingona agreed that the provision can be left as it is since the intention has already been made clear on record.

The Chair observed that the more basic question is whether a franchise or permit is required to operate a newspaper, to which Senator Maceda replied that, technically, there might be permits for newspapers, like a Mayor's permit.

Senator Guingona pointed out that these permits are in no way intended to censor or to act as prior restraint to the freedom of expression. However, the Chair expressed the fear that its incorporation in the provision might give rise to the assumption that a permit or a franchise is needed to publish a newspaper, which requirement may not be constitutional.

At this juncture, Senator Enrile invited attention to the fact that the Body approved the deletion of the word "NEWSPAPER" in the previous session. In view thereof, Senator Guingona agreed to the deletion of the word NEWSPAPER on page 4, line 24, which deletion, there being no objection, was in turn approved by the Body.

AMENDMENTS SUGGESTED BY THE CHAIR

Upon suggestion of the Chair, there being no objection, the Body approved the following amendments on page 4:

1. on line 25, insert the phrase EXCEPT NEWSPAPERS AND PRINT MEDIA between the words "MEDIA" and "shall"; and
2. on line 17, after the word "before", substitute "its" with THEIR.

SAGUISAG AMENDMENTS

As proposed by Senator Saguisag and accepted by Senator Guingona, the Body approved the following amendments on page 4:

1. on line 20, between the words "case" and "shall", change the word "it" to THEY;
2. on line 13, between the words "contracts" and "advertising", change the word "or" to FOR; and
3. on line 22, between the words "the" and "political", insert the words CANDIDATE OR HIS.

REMARKS OF SENATOR LINA

With respect to the deletion of the word "NEWSPAPER" on page 4, line 24, Senator Lina pointed out that the intention of the provision is to prevent any group from having undue advantage by operating a radio or television station or a newspaper just for the election period.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 12:03 p.m.

RESUMPTION OF SESSION

At 12:05 p.m., the session was resumed.

GUINGONA AMENDMENT

Upon resumption of session, as proposed by Senator Guingona, the Body approved the transposition of paragraph (4) on lines 9 to 15 of page 8 as paragraph (2) between lines 20 and 21 of page 7 and, as a consequence, the renumbering of paragraphs (2) and (3), page 7, to paragraphs (3) and (4), respectively.

SUSPENSION OF CONSIDERATION OF THE BILL

On motion of Senator Mercado, there being no objection, the Body suspended the consideration of Senate Bill No. 11.

ADDITIONAL COSPONSORS OF P.S. RES. NO. 34

On motion of Senator Mercado, there being no objection, Senators Shahani, Maceda, Tanada, Lina, Manglapus, Alvarez, Angara, Tamano, Guingona, Enrile and Mercado were included as cosponsors of Proposed Senate Resolution No. 34.

FIRST REGULAR SESSION

JOURNAL

SESSION NO. 54
Monday, October 12, 1987

CALL TO ORDER

At 4:05 p.m., the Senate President, Hon. Jovito R. Salonga, called the session to order.

NATIONAL ANTHEM AND PRAYER

The Body sang the National Anthem and Bayan Ko led by the Central United Methodist Church Chancel Choir.

Thereafter, the Body observed a minute of prayer led by Senator Angara.

ROLL CALL

Upon direction of the Chair, the Secretary of the Senate called the Roll, to which the following Senators responded:

Alvarez, H. T.	Paterno, V. T.
Angara, E. J.	Pimentel, Jr., A. Q.
Enrile, J. P.	Rasul, S. T.
Estrada, J. E.	Romulo, A. G.
Guingona, Jr., T. T.	Saguisag, R. A. V.
Herrera, E. F.	Salonga, J. R.
Laurel, S. H.	Shahani, L. R.
Lina, Jr., J. D.	Tamano, M. A. J.
Maceda, E. M.	Tañada, W. E.
Manglapus, R. S.	Ziga, V. S.
Mercado, O. S.	

With 21 Senators present, the Chair declared the presence of a quorum.

Senators Aquino and Osmeña appeared after the Roll Call.

Senator Gonzales was on official mission.

TERMINATION OF PERIOD OF DEBATE

On motion of Senator Mercado, there being no objection, the Body closed the period of debate.

SUSPENSION OF CONSIDERATION OF THE BILL

Thereafter, on motion of Senator Mercado, there being no objection, the Body suspended the consideration of Senate Bill No. 137.

RESUMPTION OF CONSIDERATION OF
SENATE BILL NO. 11

On motion of Senator Mercado, the Body resumed consideration of Senate Bill No. 11, entitled:

AN ACT INTRODUCING REFORMS IN THE ELECTORAL
SYSTEM BY AMENDING CERTAIN SECTIONS OF THE
OMNIBUS ELECTION CODE AND FOR OTHER PURPOSES

Senator Mercado stated that the Body is in the period of amendments.

Thereupon, the Chair recognized Senator Guingona.

GUINGONA AMENDMENTS

As proposed by Senator Guingona, the Body approved the following amendments, one after the other:

1. on page 2, line 7, change the word "SHALL" to MAY;
2. on page 3, line 7, after the phrase "COMMON COMELEC BILLBOARDS" insert the phrase OR POSTER AREAS; and
3. on the same page, line 14, change the word "shall" to MAY.

LAUREL AMENDMENT

On page 4, line 32, as proposed by Senator Laurel and accepted by Senator Guingona, the Body approved the insertion of the phrase EQUITABLY AND IMPARTIALLY between the words "give" and "free".

GUINGONA AMENDMENT

On page 5, line 20, as proposed by Senator Guingona, there being no objection, the Body approved to change the word "SHALL" to MAY.

INQUIRY OF SENATOR SAGUISAG

Senator Saguisag pointed out that the provisions contained on pages 3 and 5 of the bill on the sale of print space and air time in mass media are somewhat confusing because the limit on the cost of the sale of print space and air time is also the subject of Senate Bill No. 99 filed by Senators Pimentel, Tañada, Romulo and Lina. He then queried whether it is the intention of the bill to authorize media to sell print space and air time to be regulated by the COMELEC as provided for in page 3, line 17 or to compel them to give free print space and air time to candidates who may wish to rebut attacks made against them as provided for on page 5 of the bill thereby compelling the media to become involuntary campaigners, considering that there are at least 100 registered political parties all of which may participate in the coming polls.

Replying thereto, Senator Guingona adverted to Section 4, Article IX-C, Commission on Elections, of the Constitution which states that "The Commission may, during the election period, supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges, or concessions granted by the Government or any subdivision, agency, or instrumentality thereof, including any government-owned or

controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time, and space, and the right to reply, including reasonable, equal rates therefor, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful, and credible elections"; and Section 2(7), of the same Article which empowers the COMELEC to recommend to the Congress effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidacies. These two constitutional provisions, he said, are aimed at regulating the media in times of election, but not to make them as servants of the candidates.

Senator Saguisag stated that although he is amenable to deleting either one of them because they are contradictory, he would prefer the deletion of the provision giving free space for the reasons that 1) it is impractical considering the many partisan candidates; 2) it is much of an unjust confiscation of property without due process and due compensation; and 3) there seems to be some kind of involuntary servitude. In view thereof, he proposed the deletion of lines 27 to 31 of page 5 and line 1 of page 6.

In reply, Senator Guingona explained that the provision was based on Section 92 of the Omnibus Election Code.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 6:46 p.m.

RESUMPTION OF SESSION

At 6:48 p.m., the session was resumed.

Upon resumption of session, Senator Guingona pointed out that he had reached a compromise with Senator Saguisag that the COMELEC should first conduct a hearing before the start of the election campaign to set the rules for the granting of free television time during the election campaign period.

However, upon suggestion of the Chair, Senators Guingona and Saguisag agreed to defer the matter until the amendments are ironed out.

GUINGONA AMENDMENT

On page 6, as proposed by Senator Guingona, there being no objection, the Body approved, subject to refinement and style, the rewording of lines 5 to 10 to read: THE COMMISSION SHALL ENCOURAGE NON-POLITICAL, NON-PARTISAN PRIVATE OR CIVIC ORGANIZATIONS TO INITIATE AND HOLD IN EVERY MUNICIPALITY, CITY OR PROVINCE, PUBLIC FORA AT WHICH ALL REGIS--.

ANGARA AMENDMENTS

1. On page 6, line 22, Senator Angara proposed to delete the words "COMELEC BILLBOARDS" and in lieu thereof, to substitute COMMON POSTER AREAS, for the reason that it would be very costly for the COMELEC to install billboards in practically every barangay but that the proposal would authorize the COMELEC to designate public places as "common poster areas" without excluding the possibility of the COMELEC building common billboards, if feasible.

The Sponsor accepted the amendment.

2. On the same page, line 25, between the words "IN" and "COMMON", Senator Angara proposed to insert the phrase SUCH PUBLIC PLACES AS SCHOOLBUILDINGS, BARANGAY CENTERS AND THE LIKE DESIGNATED BY THE COMELEC AND WHEN FEASIBLE,.

Senator Pimentel objected to the inclusion of schoolbuildings among the public places to be posted with election propaganda because they are usually used as polling places and the Omnibus Election Law prohibits the display of election propaganda within 25 meters of a polling place. He stated that probably, public markets would be more ideal place for the purpose.

Senator Angara agreed and proposed instead the insertion of the phrase SUCH PUBLIC PLACES AS PUBLIC MARKETS, BARANGAY CENTERS AND THE LIKE DESIGNATED BY THE COMELEC AND WHEN FEASIBLE,.

The Sponsor accepted the amendment, as amended, and there being no objection, the same was approved by the Body, subject to refinement and style.

3. On the same page, line 32, between "SUCH" and "BILL-", as proposed by Senator Angara and accepted by the Sponsor, the Body approved to insert the words COMMON POSTER AREAS OR so that line 32 would read MUNICIPALITY OR CITY. THE SPACE IN SUCH COMMON POSTER AREAS OR BILL-.

MACEDA AMENDMENT

On page 7, Section 7, Senator Maceda observed that the proposed amendment to Section 93 of the Code is impractical because the candidates would be required to furnish the

COMELEC with some 15 million copies of their bio-data, qualifications, programs of government and sample ballots which will be disseminated to all registered voters.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 7:00 p.m.

RESUMPTION OF SESSION

At 7:01 p.m., the session was resumed.

Upon resumption, Senator Maceda proposed the deletion of the entire Section 7 on page 7, lines 4 to 18, which, as accepted by the Sponsor and there being no objection, was approved by the Body.

PIMENTEL AMENDMENT

On the same page, line 29, Senator Pimentel observed that the phrase "AN ADMISSION BY VOTERS TO THE AFFIANTS" is not sufficient to start prosecution for conspiracy to bribe voters because an affiant will be executing an affidavit attesting to the admission of other persons, which should rather be based on the personal knowledge of the affiant himself.

Thereupon, as proposed by Senator Pimentel, modified by Senator Angara and as accepted by Senator Guingona, the Body approved the following amendments on page 7:

1. on line 28, insert COMPLAINING between "OF" and "WITNESSES"; and
2. on line 29, delete the phrase "AN ADMISSION BY VOTERS TO THE AFFIANTS, OF".

ANGARA AMENDMENTS

As proposed by Senator Angara and accepted by Senator Guingona, there being no objection, the Body approved the following amendments on page 8:

1. on line 9, after the comma (,) following the word "MUNICIPALITY", insert the words CITY OR PROVINCE; and
2. on line 19, after the word "MUNICIPALITY" insert a comma (,) and the word CITY.

INQUIRY OF THE CHAIR

The Chair inquired whether there is any specific proposal with respect to prima facie evidence of conspiracy, it being very difficult to prove conspiracy in the law of evidence.

In reply, Senator Guingona adverted to Section 261 of the Omnibus Election Code on Prohibited Acts, specifically paragraph (b) thereof, referring to conspiracy to bribe voters, which states "Two or more persons, whether candidates or not, who come to an agreement concerning the commission of any violation of paragraph (a) of this section"- this refers to vote-buying and vote-selling- "and decides to commit it". He stated that the provision was prompted by the fact that in many instances, it is not the candidate who buys votes directly but he utilizes others, like his leaders and sympathizers, to buy votes for him. He stated that there is a prima facie case if there is evidence of conspiracy in 20 percent of the different precincts in a certain electoral unit.

SUSPENSION OF SESSION

On motion of Senator Pimentel, the Chair suspended the session.

It was 7:12 p.m.

RESUMPTION OF SESSION

At 7:15 p.m., the session was resumed.

GUINGONA AMENDMENT

On page 8, lines 21 and 22, Senator Guingona proposed to delete the phrase "PRIMA FACIE EVIDENCE" and in lieu thereof, insert the words A PRESUMPTION, which, there being no objection, was approved by the Body.

ANGARA AMENDMENT

On page 9, lines 31 and 32, as proposed by Senator Angara, accepted by Senator Guingona, and there being no objection, the Body approved to change the word "PUNISHABLE" to LIABLE.

INQUIRY OF SENATOR PIMENTEL

Replying to Senator Pimentel's inquiry whether it is his position that the prohibition for any witness from availing his constitutional right to refuse and answer a question on the ground that it may incriminate him could be done legally without infringing upon said constitutional right, Senator Guingona stated that there are three instances, each spelled out clearly, namely, where a witness is forced to testify; where he testifies voluntarily; and where his testimony is solicited, in all of which, the witness is given immunity. In case a witness is forced to testify, he could

invoke his constitutional right so that he is given the immunity except from perjury or falsification.

TAÑADA AMENDMENTS

As proposed by Senator Tañada, amended by Senator Laurel and as accepted by the Sponsor; there being no objection, the Body approved the following amendments on page 11:

1. on line 1, substitute the word "waived" with the phrase RENOUNCED EFFECTIVELY;
2. on line 3, after the word "with", insert the words ITS LAWS AND WITH THE ELECTION LAWS OF THE PHILIPPINES; and
3. on line 4, after the word "laws", change the period (.) to a comma (,) and insert the words FURNISHING THE COMMISSION ON ELECTIONS OR ITS AUTHORIZED REPRESENTATIVE WITH A SIGNED COPY OF SUCH RENUNCIATION UPON FILING OF HIS CERTIFICATE OF CANDIDACY.

There being no further amendments, the Chair directed that clean copies of the bill be furnished the Members in the next session.

SUSPENSION OF CONSIDERATION OF THE BILL

On motion of Senator Mercado, there being no objection, the Body suspended the consideration of Senate Bill No. 11.

CONSIDERATION OF SENATE CONCURRENT
RESOLUTION NO. 8 RE AMENDMENT TO
CONCURRENT RESOLUTION NO. 5

On motion of Senator Mercado, there being no objection, the Body considered Senate Concurrent Resolution No. 8, entitled:

CONCURRENT RESOLUTION AMENDING CONCURRENT
RESOLUTION NO. 5, PROVIDING FOR A LEGISLATIVE
CALENDAR FOR THE CONGRESS OF THE PHILIPPINES
FOR ITS FIRST REGULAR SESSION

SENATE

OFFICE

1987

REGULAR SESSION

CONGRESS OF THE PHILIPPINES

SENATE

RECORDS AND ARCHIVES DIVISION

FIRST REGULAR SESSION

CP-Senate

Journal

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JOURNAL

SESSION NO. 55

Tuesday, October 13, 1987

CALL TO ORDER

At 4:04 p.m., the Senate President, Hon. Jovito R. Salonga, called the session to order.

PRAYER

The Body observed a minute of prayer led by Senator Aquino.

ROLL CALL

Upon direction of the Chair, the Acting Secretary of the Senate called the Roll, to which the following Senators responded:

Alvarez, H. T.	Pimentel, Jr., A. O.
Angara, E. J.	Rasul, S. T.
Aquino, A. A.	Romulo, A. G.
Estrada, J. E.	Saguisag, R. A. V.
Gonzales, N. A.	Salonga, J. R.
Guingona, Jr., T. T.	Shahani, L. R.
Herrera, E. F.	Tamano, M. A. J.
Lina, Jr., J. D.	Tañada, W. E.
Maceda, E. M.	Ziga, V. S.
Mercado, O. S.	

With 19 Senators present, the Chair declared the presence of a quorum.

Senators Enrile, Laurel and Paterno appeared after the Roll Call.

Senators Manglapus and Osmeña were absent.

Senator Mercado informed that printed copies of the bill were distributed to the Members on October 8, 1987.

Upon direction of the Chair, the Acting Secretary of the Senate called the Roll for the nominal voting.

In favor:

Alvarez	Paterno
Angara	Pimentel
Aquino	Rasul
Enrile	Romulo
Estrada	Jaguisag
Gonzales	Salonga
Guingona	Shahani
Herrera	Tamano
Lina	Tañada
Maceda	Ziga
Mercado	

Against:

None

Abstention:

None

With 21 Senators voting in favor, none against and no abstention, the Chair declared Senate Bill No. 113 approved on Third Reading.

RESUMPTION OF CONSIDERATION
OF COMMITTEE REPORT NO. 21
ON SENATE BILL NO. 11

On motion of Senator Mercado, there being no objection,

the Body resumed consideration of Committee Report No. 21 on Senate Bill No. 11, entitled:

AN ACT INTRODUCING REFORMS IN THE ELECTORAL SYSTEM
BY AMENDING CERTAIN SECTIONS OF THE OMNIBUS
ELECTION CODE AND FOR OTHER PURPOSES.

Senator Mercado stated that the parliamentary status would still be the period of amendments to which the Body may proceed on the basis of the clean copies distributed earlier.

Thereupon, the Chair recognized Senator Guingona.

Senator Guingona informed the Body that with the deletion of Section 7, a compromise was agreed upon with Senator Maceda who was the proponent of the deletion.

MACEDA AMENDMENT

Thereupon, Senator Maceda proposed the following amendment to be inserted as Section 7 of the bill:

SEC. 7. REFORMS IN DISSEMINATION OF SAMPLE BALLOTS. - SECTION 93 OF THE CODE IS HEREBY REPEALED AND IN ITS PLACE THE FOLLOWING SECTION IS HEREBY INSERTED:

SEC. 93. REGULATION AND SUPERVISION BY THE COMELEC OF THE DISSEMINATION OF THE CANDIDATE'S SAMPLE BALLOTS AND OTHER BASIC PROPAGANDA. - THE COMELEC, AFTER DUE NOTICE AND HEARING WHERE ALL INTERESTED PARTIES ARE GIVEN EQUAL OPPORTUNITY TO BE HEARD SHALL, WITH THE HELP OF THE CANDIDATES OR THEIR DULY AUTHORIZED REPRESENTATIVES, DEVISE WAYS AND MEANS TO ENABLE IT TO PROPERLY REGULATE AND SUPERVISE THE DISSEMINATION TO THE REGISTERED VOTERS OF THE APPROPRIATE ELECTORAL DISTRICTS WHERE THE CANDIDATES ARE RUNNING FOR PUBLIC OFFICE, THEIR SAMPLE BALLOTS, HANDBILLS, AND OTHER BASIC ELECTION PROPAGANDA.

Senator Maceda explained that in the last election for Members of the House of Representatives, so many of the sample ballots of the candidates were distributed at the

wrong districts. So many were also just thrown away near the precincts by children who were giving the same to voters going to the precincts to vote. So many were also simply thrown away by voters who have already made up their minds on the way to the precincts. This sad spectacle could be avoided by the proposed provision.

The COMELEC can ask the candidates or their duly authorized representatives to help in devising ways and means of disseminating their basic election propaganda. This way, we could avoid unnecessary waste in election spending.

Senator Guingona accepted the amendment which, there being no objection, was approved by the Body.

GONZALES AMENDMENT

On page 1, line 6, as proposed by Senator Gonzales and accepted by Senator Guingona, there being no objection, the Body approved the insertion of the words AND PLEBISCITES between "elections" and "to".

ESTRADA AMENDMENT, AS MODIFIED
BY SENATOR ANGARA

On page 6, line 23, Senator Estrada proposed to insert the words PRIVATE OR between the words "SUCH" and "PUBLIC". Reacting thereto, Senator Guingona stated that he would have no objection. Senator Angara, as the proponent of the original amendment, explained that the purpose of the provision is to authorize the COMELEC to designate buildings of public character because private owners may rightfully

refuse to have their buildings used as a common poster area. However, the Chair pointed out that privately-owned markets are used by the public, in reply to which Senator Angara stated that it is the public market run by a private operator that is still considered as a public building.

SUSPENSION OF SESSION

At this juncture, the Chair suspended the session.

It was 4:26 p.m.

RESUMPTION OF SESSION

At 4:28 p.m., the session was resumed.

Upon resumption, Senator Angara stated that a consensus had been reached to delete on page 6, line 23, the word "PUBLIC" before "MARKET".

Senator Guingona accepted the amendment as modified and, there being no objection, the same was approved by the Body.

RENUMBERING OF SECTION

On page 7, Senator Guingona reminded the Body of the insertion of a new Section 7 between lines 4 and 5, in view of which, upon suggestion of the Chair, the Body approved the renumbering of Section 7 to Section 8.

ANGARA AMENDMENTS

On page 8, lines 2 and 3, as proposed by Senator Angara, modified by the Chair, and accepted by Senator Guingona, the Body approved the deletion of the phrase "PRIMA FACIE EVIDENCE AGAINST SUCH RELATIVES, LEADERS OR SYMPATHIZERS", and its substitution with the phrase A DISPUTABLE PRESUMPTION; and on line 10, insert DISPUTABLE between "A" and "PRESUMPTION".

AMENDMENT SUGGESTED BY THE CHAIR

On page 10, line 26, upon suggestion of the Chair, there being no objection, the Body approved the deletion of the word "ELECTION".

LAUREL AMENDMENT

On page 10, lines 27 and 28, as proposed by Senator Laurel and accepted by Senator Guingona, the Body approved the deletion of the phrase "the residence requirement provided for in the election laws".

RENUMBERING OF SECTIONS

Upon suggestion of the Chair, the Body approved the renumbering of Sections 8, 9 and 10 into Sections 9, 10 and 11, respectively.

APPROVAL ON SECOND READING OF
SENATE BILL NO. 11, AS AMENDED

Thereafter, submitted to a vote and there being no objection, the Body approved on Second Reading, Senate Bill No. 11, as amended.

CONSIDERATION OF COMMITTEE REPORT
NO. 32 ON SENATE BILL NO. 139

On motion of Senator Mercado, the Body considered Committee Report No. 32, submitted by the Committee on Accountability of Public Officers and Investigations, on Senate Bill No. 139 (in substitution of S. Nos. 3 and 104), entitled:

AN ACT ESTABLISHING ETHICAL STANDARDS FOR
ALL PUBLIC OFFICERS AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF,

jointly with Committee Report No. 34 on S. No. 104 in substitution of the original bill and in consolidation with

JOURNAL

SESSION NO. 59
Monday, October 19, 1987

CALL TO ORDER

At 4:00 p.m., the Senate President, Hon. Jovito R. Salonga, called the session to order.

NATIONAL ANTHEM AND PRAYER

The Body sang the National Anthem and Bayan Ko led by the Don Bosco Singing Saints.

Thereafter, the Body observed a minute of prayer led by Senator Guingona.

ROLL CALL

Upon direction of the Chair, the Secretary of the Senate called the Roll, to which the following Senators responded:

Alvarez, H. T.	Pimentel, Jr., A. Q.
Angara, E. J.	Rasul, S. T.
Enrile, J. P.	Romulo, A. G.
Estrada, J. E.	Saguisag, R. A. V.
Gonzales, N. A.	Salonga, J. R.
Guingona, Jr., T. T.	Shahani, L. R.
Herrera, E. F.	Tamano, M. A. J.
Maceda, E. M.	Tañada, W. E.
Mercado, O. S.	Ziga, V. S.
Paterno, V. T.	

With 19 Senators present, the Chair declared the presence of a quorum.

Senator Aquino appeared after the Roll Call.

Senators Laurel, Lina and Osmeña were absent.

Finally, he asked that the incident of October 15, 1987, which he previously endorsed to the Sergeant-at-Arms, be forwarded to the National Bureau of Investigation so that persons responsible therefor may be prosecuted and so that it may serve as a deterrent against any similar incident.

APPROVAL ON THIRD READING OF
S. NO. 11, AS AMENDED

On motion of Senator Mercado, there being no objection, the Body proceeded to voting, on Third Reading, on Senate Bill NO. 11 (Committee Report No. 21), entitled:

AN ACT INTRODUCING REFORMS IN THE ELECTORAL SYSTEM BY
AMENDING CERTAIN SECTIONS OF THE OMNIBUS ELECTION
CODE AND FOR OTHER PURPOSES,

printed copies of which were distributed to the Members on October 15, 1987.

Upon direction of the Chair, the Secretary of the Senate called the Roll for the nominal voting.

The result of the voting was as follows:

In favor:

Alvarez	Pimentel
Angara	Rasul
Enrile	Romulo
Estrada	Saguisag
Gonzales	Salonga
Guingona	Shahani
Herrera	Tamano
Maceda	Tañada
Mercado	Ziga
Paterno	

Against:

None

Abstention:

None

With 19 Senators voting in favor, none against and no abstention, the Chair declared Senate Bill No. 11 approved on Third Reading.

JOURNAL

SESSION NO. 90
Monday, December 28, 1987

CALL TO ORDER

At 4:26 p.m., the Senate President, Hon. Jovito R. Salonga, called the session to order.

NATIONAL ANTHEM AND PRAYER

The Body sang the National Anthem and Pilipinas Kong Mahal led by the Senate Choir.

Thereafter, the Body observed a minute of prayer led by Senator Ziga.

ROLL CALL

Upon direction of the Chair, the Secretary of the Senate called the Roll, to which the following Senators responded:

Alvarez, H. T.	Paterno, V. T.
Angara, E. J.	Pimentel, Jr., A. Q.
Enrile, J. P.	Rasul, S. T.
Estrada, J. E.	Romulo, A. G.
Guingona, Jr., T. T.	Saguisag, R. A. V.
Herrera, E. F.	Salonga, J. R.
Lina, Jr., J. D.	Tamano, M. A. J.
Maceda, E. M.	Tañada, W. E.
Mercado, O. S.	Ziga, V. S.
Osmeña, J. H.	

With 19 Senators present, the Chair declared the presence of a quorum.

Senator Aquino appeared after the Roll Call.

Senators Gonzales, Laurel and Suanani were absent.

RESERVATION OF SENATOR OSMEÑA

Senator Osmeña made of record the reservation he had voiced out during the caucus that when the Body adjourned on December 18, it could only be called to special session by the President of the Philippines in accordance with the Constitution. He stressed that whatever the Members would do would become a precedent for successive Congresses and would be used to justify its actuations. He further stressed that the Body bears a greater responsibility than would otherwise be borne by all succeeding Congresses.

RESULT OF THE VOTING

Submitted to a vote, with a majority voting in favor, the Body approved Senate Resclution No. 80.

CONSIDERATION OF CONFERENCE
COMMITTEE REPORT ON SENATE BILLS
NOS. 11, 112 AND HOUSE BILL
NO. 4046

On motion of Senator Mercado, the Body proceeded to the consideration of the Conference Committee Report on Senate No. 11, entitled:

AN ACT INTRODUCING REFORMS IN THE ELECTORAL
SYSTEM BY AMENDING CERTAIN SECTIONS OF THE
OMNIBUS ELECTION CODE AND FOR OTHER PURPOSES;

Senate No. 112, entitled:

AN ACT PROVIDING FOR ADDITIONAL RULES GOVERNING
THE CONDUCT OF THE FIRST LOCAL ELECTIONS
AFTER THE ADOPTION OF THE CONSTITUTION;

and House Bill No. 4046, entitled:

AN ACT INTRODUCING ADDITIONAL REFORMS IN THE
ELECTORAL SYSTEM AND FOR OTHER PURPOSES.

Thereupon, on motion of Senator Mercado, Senator Pimentel was recognized for the sponsorship.

SPONSORSHIP REMARKS OF SENATOR PIMENTEL

Senator Pimentel stated that the Committees on Electoral Reforms and People's Participation; and on Local Government were submitting the Conference Committee Report on behalf of the conferees on the part of the Senate who met with their counterparts from the House of Representatives. He requested that the Conference Committee Report on Senate Bills Nos. 11 and 113 as consolidated in House Bill No. 4046 be adopted and approved by the Body.

He made of record that before Senator Gonzales left, the latter had indicated that the Body should go along with even the version of the House of Representatives if only to save the bill.

INQUIRY OF THE CHAIR

In reply to the Chair's query on the highlights of the Conference Committee Report, Senator Pimentel informed the Body that one of the controversial points which was embodied in House Bill No. 4046 was the sentence that would have qualified the voters of certain component cities, like Mandaue, Ormoc, Oroquieta, Dagupan and San Carlos City in Pangasinan to vote for provincial officials. However, he stated that the conferees from House of Representatives had agreed that the provision be deleted from the final version, and that the Senate version requiring that the names of all registered candidates using nicknames or stage names be printed in the election returns and the tally sheets be immediately followed and adopted.

He also stated that the House conferees agreed to delete lines 18 up to 24 on page 5 of the approved version, and to insert the phrase IN ADDITION TO THE PRELIMINARY ACTS BEFORE THE VOTING AS ENUMERATED IN SECTION 191 OF BATA3 PAMBANSA BILANG 881 on page 11, line 11 of the Senate version.

He pointed out that the only other amendment involves the capitalization of the letter "t" in the phrase starting with the word "the" before the word "Chairman".

VOTING ON THE CONFERENCE COMMITTEE REPORT

At this juncture, the Chair called for a vote on the Conference Committee Report submitted by Senator Pimentel.

Thereupon, Senators Enrile, Saguisag and Maceda manifested that they are abstaining from voting on the Conference Committee Report.

EXPLANATION OF VOTES

By Senator Osmeña

Senator Osmeña abstained. He recalled that he previously voted in favor of Senate Bills Nos. 11 and 113 which were actually initiated and approved by the Senate in August 1987. Unfortunately, he said, the Speaker of the House is now posturing to make it appear that it is the Senate that has not lived up to its responsibility of enacting electoral reforms. He then manifested that notwithstanding his support for said bills, he would now prefer to abstain because of the holding the session under a cloud of illegality.

By Senator Rasul

Senator Rasul likewise abstained on the ground that it was the first time she had seen the Conference Committee Report and it would be too late to propose amendments.

By Senator Guingona

Explaining his affirmative vote, Senator Guingona affirmed that the two Senate bills embodied in the Conference Committee Report were essentially Senate Bills Nos. 11 and 113. He informed that Senate Bill No. 11 was sent to the House of Representatives on July 23, 1987, approved by the House on Third Reading on October 19, a conference was scheduled on December 16, 1987, and a report thereon submitted to the Senate on December 28, 1987. On the other hand, he stated that Senate Bill No. 113 was sent to the House of Representatives on September 24, 1987 after its approval and was later approved on Third Reading by the House of Representatives on October 13,

for which a conference was scheduled for December 16 but the final Conference Committee Report was submitted to the Senate on December 28, 1987.

He noted that despite its imperfections, the Conference Committee Report essentially contains Senate Bills Nos. 11 and 113.

REMARKS OF THE CHAIR

The Chair took notice of the fact that the Conference Committee Report bears the signatures of Senators Pimentel, Guingona, Tañada and Enrile.

APPROVAL OF THE CONFERENCE COMMITTEE REPORT

Submitted to a vote, with 11 the majority voting in favor and 5 abstentions, the Body approved the Conference Committee Report on Senate Bills Nos. 11 and 113 and House Bill No. 4046.

REFERENCE OF BUSINESS

Upon request by Senator Mercado, the Secretary of the Senate read, and the Chair referred the following matters to the Committees hereunder indicated and assigned the Committee Reports to the Calendar for Ordinary Business:

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Communication from the Secretary of the House of Representatives, informing the Senate that on December 17, 1987 the House of Representatives approved the Conference Committee Report on the disagreeing provisions of Senate Bill No. 137, entitled:

AN ACT PROVIDING FOR THE CONFIRMATION BY THE COMMISSION ON APPOINTMENTS OF ALL APPOINTMENTS MADE BY THE PRESIDENT OF THE PHILIPPINES,